

SPECIAL CITY COUNCIL MEETING

MONDAY, JUNE 30, 1997 AT 6:30 P.M.

1. Pledge of Allegiance
2. Roll Call
3. Purpose of Special Meeting:
 - A. Comprehensive Land Use Plan Amendment
 - B. Agreement for Federal Boulevard Access for Shopping Centers
4. Adjournment

Date: June 30, 1007

Subject: Councillor's Bill No. 42 re Comprehensive Land Use Plan

Prepared by: Max Ruppeck, Planner II

Introduction:

City Council is requested to adopt Councillor's Bill No. 42 as an emergency ordinance which designates the Docheff property on the Comprehensive Land Use Plan as Commercial for approximately 13 acres north of 188th Place and as Business Park for the approximately 23 acre site between 118th Place and 117th Avenue.

Summary:

At the regular City Council meeting held on June 23, City Council adopted Ordinance No. 2518, the Westminster Comprehensive Land Use Plan, except for the Docheff property, located at the southwest corner of 120th Avenue and Sheridan Boulevard.

The attorney for the Docheffs has indicated that the range of uses they desire include light manufacturing, R&D, office, warehousing and "moderate" density residential. The Business Park land use designation would accommodate all of these uses except for the residential. The attorney for the owner will follow-up with a letter indicating their understanding of Staff's recommendation.

Staff Recommendation:

Adopt Councillor's Bill No. 42 as an emergency ordinance which incorporates into the Comprehensive Land Use Plan the following land uses on the Docheff property:

1. All of the land north of 118th Place to be designated Commercial (approximately 13 acres);
2. The land between 118th Place and 117th Avenue to be designated Business Park (approximately 23 acres)

Background Information

The concerns of the Docheffs were not addressed during the planning process because notices were mailed to an alternate addressee who was not the property owner. Staff originally recommended Single Family Detached on the portions of the property south of 118th Place. When Staff became aware of their concerns, Staff revised the Plan to indicate "Business Park" on this property.

The adoption of Councillor's Bill No. 42 concludes all required action to adopt the Comprehensive Land Use Plan. Any further map or text changes will require a plan amendment as indicated in the implementation section of the Comprehensive Land Use Plan.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL
FOR AN EMERGENCY ORDINANCE ADOPTING THE
WESTMINSTER COMPREHENSIVE LAND USE PLAN

Whereas, the City Charter and state statute authorize City Council adoption of a comprehensive land use plan for the use, division and development of land for the purpose of protecting the public health, safety and welfare and accomplishing the harmonious development of the City; and

Whereas, City Council adopted by Ordinance No. 2518, the Comprehensive Land Use Plan at their regular meeting on June 23, 1997; and

Whereas, In order to allow certain property owners time to review the draft Comprehensive Lane Use Plan and make comments, the City did not adopt a plan for an area generally located at the southwest corner of Sheridan Boulevard and north of 117th Avenue and west of Sheridan Boulevard; and

Whereas, The City wishes to complete the adoption process.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. A plan for the property which was excepted from the adoption on June 23, 1997, is hereby adopted and added to the Comprehensive Land Use Plan as shown on Exhibit A.

Section 2. An emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Therefore, this ordinance shall be in full force and effect upon adoption of this ordinance on June 30, 1997, by an affirmative vote of six members, if six or seven members are present, or by an affirmative vote of four members, if four or five members of the Council are present.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 30th day of June, 1997.

ATTEST:

Mayor

City Clerk

Date: June 30, 1997

Subject: Councillor's Bill No. 43 authorizing a loan to the Westminster Economic Development Authority to establish the Westminster Plaza Loan Enhancement Program

Prepared by: Susan Grafton, Economic Development Manager

Introduction:

City Council is requested to pass the attached Councillor's Bill authorizing a loan between the City of Westminster and the Westminster Economic Development Authority (WEDA) for the establishment of the Westminster Plaza Loan Enhancement Program. WEDA will repay the City of Westminster the funds provided for the Loan Enhancement Program. The Loan Enhancement Program is designed to aid Westminster Plaza Tenants by providing loan assistance to help the business obtain conventional financing for relocation.

Summary:

- > The City of Westminster is providing \$50,000 to WEDA to establish the Westminster Plaza Loan Enhancement Program (WPLEP).
- > WPLEP will provide grants up to \$5,000 to aid tenants by providing loan assistance if necessary, for the relocation of the tenant's business.
- > WEDA will need to repay the City of Westminster for the \$50,000 being provided to fund the WPLEP.
- > The attached Councillor's Bill provides for a loan of \$50,000 to the WEDA. Funds are to be taken from the Economic Development Business Assistance account in the General Fund.

Staff Recommendation:

Pass Councillor's Bill No. 43 on first reading, authorizing a \$50,000 loan to the Westminster Economic Development Authority for the establishment of the Westminster Plaza Loan Enhancement Program; and provide for the Westminster Economic Development Authority to repay the \$50,000 to the City of Westminster.

Background Information:

Staff has developed the Westminster Plaza Loan Enhancement Program to be funded through WEDA. The program will give Westminster Plaza tenants the opportunity to obtain a small grant from the City of Westminster to assist them in acquiring a conventional business loan.

As proposed, WEDA would provide a conditional grant of 10% of the approved total loan value. This grant would not exceed \$5,000. Funding would be provided when the business shows written proof that they have qualified for conventional lending by a Westminster bank. Upon approval by the City, the funds would be paid directly to the bank to be applied to the tenant's loan.

To qualify for the Westminster Plaza Loan Enhancement Program, the business loan must be used for:

Acquisition of business related equipment that must be replaced due to the relocation;

Improvements to a new site, or assisting with tenant finish at a new location;

Other direct business related matter, that are not addressed by the City's relocation package, but relate to the relocation.

The business loan may not be used to pay off existing debt; or directly fund other business related activities not associated with relocation.

The grant from the Westminster Plaza Loan Enhancement Program must be applied to the loan in the form of payment toward some or all of the equity, but not more than 10% of the total loan value, buydown on applicable points; buydown on applicable interest rate; or other related expenses as approved by the City.

The approval process is as follows:

Tenant applies for the loan at a local bank;

Loan approval is contingent upon the City funding the WPLEP grant;

Letter from applicant's bank requesting and justifying the loan is submitted to the City;

City reviews request and approves/denies;

The WPLEP grant is paid directly to the bank by the City.

City Council is being asked to transfer \$50,000 to WEDA for the funding of WPLEP. The funds will be transferred from the Exonomic Development Business Assistance account in the General Fund to the Loan Proceeds account in the WEDA Fund.

WEDA is required to repay the City of Westminster, subject to annual appropriation, the funds received from the City for the WPLEP. Repayment of the \$50,000 will be in a manner consistent with the terms of the May 19, 1997 cooperative agreement existing between the City and WEDA.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE REVISING THE 1997 BUDGET OF THE GENERAL FUND AND AUTHORIZING THE TRANSFER OF FUNDS FROM THE 1997 ESTIMATED GENERAL FUND TO WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (WEDA)

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Fund, initially appropriated by Ordinance No. 2473 in the amount of \$45,234,000 is hereby not changed. However, the information below is included for informational purposes. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This action is to decrease the business assistance account to allow funds which will be loaned to WEDA.

Section 2. The \$50,000 shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

| <u>Description</u> <u>Final Budget</u> | <u>Current Budget</u> | <u>\$ Increase</u> | |
|---|-----------------------|--------------------|-----------|
| <u>EXPENSES:</u> | | | |
| Business assistance 10-30-34-297-000 | \$205,000 | (\$50,000) | \$155,000 |
| WEDA Loan 10-10-90-591-000 | -0- | <u>\$50,000</u> | \$50,000 |
| Total Change to Expenses | | -0- | |

Section 3. Severability: The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause or provision shall not affect the construction or enforceability of any remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after second reading.

Section 5. This ordinance shall be published within ten (10) days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 30th day of June, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of July, 1997.

ATTEST:

Mayor

City Clerk

Date: June 30, 1997

Subject: Agreement for Federal Boulevard for Access to Shopping Centers

Prepared by: Bill Christopher, City Manager

Introduction

City Council action to approve an agreement pertaining to new access points on Federal Boulevard, between the NorthPark Plaza in Westminster and the Federal Heights Plaza in Federal Heights, is requested at this time. This agreement is necessary as a prerequisite to obtaining Colorado Department of Transportation approval on the access points since Federal Boulevard is a State Highway.

Summary

As part of the commitment on the part of King Soopers to be an anchor tenant at the North Park Plaza Shopping Center on the southwest corner of 104th Avenue and Federal Boulevard, they set forth various requirements including a signalized full movement from Federal Boulevard into the shopping center. City Staff, the shopping center developers, Southwestern Production Corp. and King Soopers representatives have pursued this matter with the City of Federal Heights and the Federal Heights Plaza owners. With Federal Boulevard being a State Highway, the Colorado Department of Transportation's involvement in this access designation has been required. Given the differences regarding the access point between the two municipalities, CDOT required written support from the City of Federal Heights for the final access location. After protracted negotiations, the attached agreement has been realized and is satisfactory to all parties concerned. The City Attorney's Office has previously reviewed the agreement.

The agreement sets forth acceptance of the access point on Federal Boulevard, between the two shopping centers, with a full movement and signalized. The NorthPark Plaza developer, Southwestern Production Corp. commits to various actions and costs to satisfy the City of Federal Heights. Once the agreement is signed, it will be submitted to the Colorado Department of Transportation as evidence that the parties are all in agreement to the subject access point and CDOT should approve the access points.

This agreement does not place any financial responsibility upon the City of Westminster.

Staff Recommendation

Approve the agreement involving the new access points on Federal Boulevard pertaining to the NorthPark Plaza and Federal Heights Plaza Shopping Centers, and authorize the City Manager and City Clerk to execute said agreement.

Background Information

As part of the Development Plan for the North Park Plaza located at the southwest corner of 104th Avenue and Federal Boulevard in Westminster, a full turning movement from Federal Boulevard into this shopping center, as well as the existing Federal Heights Plaza Shopping Center, has been required. Given the differences between Westminster and Federal Heights, the Colorado Department of Transportation required a letter from Federal Heights supporting the new access configuration. The attached agreement, which involves all interested parties, spells out the various actions and commitments which includes Federal Heights supporting the new access point.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachment

CITY OF WESTMINSTER, COLORADO
SPECIAL CITY COUNCIL MEETING
MONDAY, JUNE 30, 1997 AT 6:30 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Heil led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Harris, Merkel, and Scott. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Smith.

PURPOSE OF SPECIAL MEETING:

The Mayor stated that the purpose of the special City Council meeting is to consider Councillor's Bill No. 42 re the Comprehensive Land Use Plan, Councillor's Bill No. 43 re Transfer to WEDA re Westminster Plaza Loan Enhancement Program and Agreement for Federal Boulevard Access to Shopping Centers.

ORDINANCE NO. 2519 RE COMPREHENSIVE LAND USE PLAN:

A motion was made by Allen and seconded by Dixon to adopt Councillor's Bill No 42 as an emergency ordinance which incorporates into the Comprehensive Land Use Plan the following land uses on the Docheff property: All of the land north of 118th Place to be designed Commercial (approximately 13 acres); the land between 118th Place and 117th Avenue to be designated Business Park (approximately 23 acres). Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 43 RE TRANSFER OF FUNDS:

A motion was made by Merkel and seconded by Allen to pass Councillor's Bill No 43 on first reading authorizing a \$50,000 loan to the Westminster Economic Development Authority for the establishment of the Westminster Plaza Loan Enhancement Program; and provide for the Westminster Economic Development Authority to repay the \$50,000 to the City of Westminster. Upon roll call vote, the motion carried unanimously.

AGREEMENT RE FEDERAL BOULEVARD ACCESS FOR SHOPPING CENTERS:

A motion was made by Dixon and seconded by Merkel to approve the agreement involving the new access points on Federal Boulevard pertaining to the NorthPark Plaza and Federal Heights Plaza Shopping Centers, and authorize the City Manager and City Clerk to execute said agreement. The motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 6:45 P.M.

ATTEST:

Mayor

City Clerk