

December 23, 1996
7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meeting**
4. **Presentations**
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

The "**Consent Agenda**" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. **Consent Agenda**
 - A. Residential Care Facility Renewal, 4354 Apex Lane
 - B. CB No. 84 re Municipal Court Judges Salaries (Dixion-Merkel)
 - C. CB No. 85 re Comprehensive Land Use Plan (Allen-Merkel)
 - D. CB No. 86 re Extension of Parks/Open Space Tax (Harris-Dixion)
 - E. CB No. 87 re Rights-Of-Way Vacation (Merkel-Allen)
 - F. CB No. 88 re Summit Point Easement Vacation (Allen-Dixion)
9. **Appointments and Resignations**
 - A. Resolution No. 65 re Reappointments to Boards/Commissions
10. **Public Hearings and Other New Business**
 - A. Disclosure Counsel for Sales & Use Tax Revenue Bonds
 - B. Councillor's Bill No. 89 re Golf Course Enterprise Fund
 - C. College Hill Library Front Entrance Improvements
 - D. School District 50 IGA Amendment re Charter School
 - E. Resolution No. 66 re Charter School Funding
 - F. Councillor's Bill No. 90 re Growth Management Program
 - G. Resolution No. 67 re 1997 Service Commitment Allocation
 - H. Councillor's Bill No. 91 re Senior Housing Moratorium
 - I. Councillor's Bill No. 92 re Multi Family Moratorium
 - J. Consolidated Plan Acceptance re CDB Grant 1997 Funds
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Financial Report for November, 1996
 - B. City Council
 - C. Request for Executive Session
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 23, 1996 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Boy Scout Troop #476 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, Scott and Smith. Also present were Matt Lutkus, Acting City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Dixon to accept the minutes of the meeting of December 16, 1996 with no additions or corrections. Councillor Smith requested to abstain as he was not present for the entire meeting. The motion carried with Councillor Smith abstaining.

CITIZEN COMMUNICATION:

Geniva Romero Deal, 6883 Wyman Way, addressed Council concerning snow removal from the sidewalks on 70th Ave from Sheridan Blvd east.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Residential Care Facility Renewal, 4354 Apex Lane; Councillor's Bill No. 84 re Municipal Court Judges Salaries; Councillor's Bill No. 85 re Comprehensive Land Use Plan; Councillor's Bill No. 86 re Extension of Parks/Open Space Tax; Councillor's Bill No. 87 re Rights-of-Way Vacation; and Councillor's Bill No. 88 re Summit Point Easement Vacation. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Harris and seconded by Dixon to adopt the consent agenda items as presented with the recommendation stated on the Council Agenda Memorandums. The motion carried unanimously.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Dixon and seconded by Smith to adopt Resolution No. 65, as amended, making the following reappointments to the City's Boards and Commissions with all terms to expire on December 31, 1998: Open Space Advisory Board: Bob Briggs, Charles Jacoby, Bob Tschudy and Randal Whorton; Parks and Recreation Advisory Board: Ken Morfit, Dan Noreen and John Polston; Personnel Board: Janeen Branvold, Margaret Rivera and Betty Whorton; Planning Commission: Martha Brundage, Jerry English, Hugh Frasier, and Clenton Kayl; Special Permit and License Board: Herb Atchison, Mary Ann Archer moved to Emeritus status, Ben Singer and John Velasquez; Transportation Commission: Rosa Delin, Jody Gourley, James Holt and David Paul. Upon roll call vote, the motion carried unanimously.

BOND DISCLOSURE COUNSEL / COLLEGE HILL LIBRARY / 1997 CDBG FUNDS:

A motion was made by Merkel and seconded by Dixon to combine Agenda Items 10A-Bond Disclosure Counsel, 10C-College Hill Library Front Entrance Improvements, and 10J-Consolidated Plan Acceptance for CDBG 1997 Funds. The motion carried unanimously.

A motion was made by Merkel and seconded by Allen to:

Authorize the Mayor to execute an agreement with Kutak Rock in an amount not to exceed \$14,000 for disclosure counsel services in connection with the proposed issuance by the City of \$15 Million Sales and Use Tax Revenue Bonds, Series 1997A to finance street improvements and \$26 Million Sales and Use Tax Revenue Bonds, Series 1997B to finance parks, open space, trail development and recreation facilities; Authorize the transfer of \$99,286 from the 112th Avenue Sheridan-to-Federal Project account to the College Hill Library Project account in the General Capital Improvement Fund, and authorize the expenditure of \$99,286 to reimburse Front Range Community College for payments made to the Contractor, Swinerton & Walberg, for this project; and To accept the Consolidated Plan and authorize the Mayor to sign the necessary application documents and instruct the City Manager to carry out those necessary administrative functions to accomplish the 1997 Consolidated Plan for use of Community Development Block Grant Program Funds. The motion carried unanimously.

COUNCILLOR'S BILL NO. 89 - GOLF COURSE ENTERPRISE:

A motion was made by Harris and seconded by Allen to pass Councillor's Bill No. 89 on first reading establishing a City of Westminster Golf Course Enterprise, affirming its status as an Amendment One Enterprise and authorizing the Enterprise to have and exercise certain powers in anticipation of an Enterprise bond issue. Upon roll call vote, the motion carried unanimously.

SCHOOL DISTRICT 50 IGA AMENDMENT RE CHARTER SCHOOL:

A motion was made by Scott and seconded by Dixon to approve the amendment to the Intergovernmental Agreement between the City of Westminster and Adams County School District No. 50 pertaining to the City's financial support of up to \$400,000 for the remodeling of the Building Trades facility at the Career Enrichment Park for the Crown Pointe Academy Charter School, based on the outlined enrollment policy. Geniva Romero Deal, 6883 Wyman Wy and Arvidas Jarasius, 4189 W. 97th Ct, were present to address Council. The motion carried unanimously.

RESOLUTION NO. 66 - CHARTER SCHOOL FUNDING:

A motion was made by Scott and seconded by Dixon to adopt Resolution No. 66 which authorizes the transfer of \$400,000 from the General Fund Contingency Account to the Central Charges Contractual Services budget account for the City's financial support in the Crown Pointe Academy School. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 90 - GROWTH MANAGEMENT PROGRAM:

A motion was made by Dixon and seconded by Allen to pass Councillor's Bill No. 90 on first reading revising Chapter 5 of Title XI of the Westminster Municipal Code pertaining to the City's Growth Management Program. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 67 - 1997 SERVICE COMMITMENT ALLOCATION:

A motion was made by Dixon and seconded by Allen to adopt Resolution No. 67 allocating 1997 service commitments into the various categories of the Growth Management Program. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 91 - SENIOR HOUSING MORATORIUM:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 91 on first reading authorizing a temporary moratorium on new senior housing development through December 31, 1997 or until a senior housing study is completed for the City, whichever comes first. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 92 - NEW MULTI-FAMILY MORATORIUM:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 92 on first reading authorizing a temporary moratorium on new Category B-3 (new multiple-family) residential development until adoption and implementation of the Comprehensive Land Use Plan. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for November 1996.

Councillor Allen reported that there was no vote taken on the DRCOG 20/20 Vision Plan and that a public hearing will be held at 7:00 P.M. on January 15 at DRCOG offices, 2620 W. 26th Avenue with the vote to be taken in February.

ADJOURNMENT:

The meeting was adjourned at 7:50 P.M.

ATTEST:

Mayor

City Clerk

Date: December 23, 1996
Subject: Review of Residential Care Facility, 4354 Apex Lane
Prepared by: Michele Kelley, City Clerk

Introduction

In accordance with City Code requirements, Council review and approval of all Special Use Permits on an annual basis is required. City Council action is requested at this time on the Residential Care Facility Special Use Permit for elderly care of 6 people, located at 4354 Apex Lane.

Summary

In October, 1975, City Council initially approved this residential care facility special use permit for 6 elderly persons, to be located at 4354 Apex Lane. Since 1975 the ownership of this residential care facility has changed several times. Since 1975 this license has been reviewed annually and there have been no problems with this residential care facility.

In June of 1993, Council approved the transfer of the Residential Care Facility Special Use Permit, located at 4354 Apex Lane to Dennis and Twila Bonser who are the current operators of this facility.

Staff Recommendation

Approve the renewal of the residential care facility special use permit for Dennis and Twila Bonser, for 6 elderly persons to be located at 4354 Apex Lane for a one year period.

Background Information

This home current has 5 elderly persons residing there. A review of Code Enforcement files reveals no complaints associated with this residential care facility.

Respectfully submitted,

William M. Christopher
City Manager

Date: December 23, 1996

Subject: Resolution No. re Appointments to Boards and Commissions

Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to consider the second set of reappointments to the various Boards and Commissions where terms of office will expire on December 31, 1996.

Summary

In 1993, Council implemented a performance feedback system in conjunction with the consideration of reappointment of individual Board and Commission members when terms of office were to expire.

The Chairperson and Vice Chair of each Board were requested to give performance feedback to Council. This information has previously been submitted to City Council.

Beginning in 1994, Council has considered the various appointments over several Council meeting periods and the second half of the reappointments will be scheduled for December 23rd Council meeting.

At this time, Council is considering reappointments to the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board, Planning Commission, Special Permit and License Board and Transportation Commission. Each individual whose term will expire in 1996 was contacted and asked if they were interested in being reappointed to the Board, if Council so desires. The reappointments are for two years.

Staff Recommendation

Adopt Resolution No. making reappointments to the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board, Planning Commission, Special Permit and License Board and Transportation Commission with all terms to expire on December 31, 1998.

Background Information

The terms of office of four of the Open Space Advisory Board members will expire on December 31, 1996. Bob Briggs, Charles Jacoby, Bob Tschudy and Randal Whorton have all indicated they are interested in being reappointed to the Board.

The terms of office of four of the Parks and Recreation Advisory Board members will expire on December 31, 1996. Ken Morfit, Dan Noreen and John Polston are all interested in being reappointed to the Board. Jack Jewell does not wish to be reappointed.

The terms of office of three of the Personnel Board members will expire on December 31, 1996. Janeen Branvold, Margaret Rivera and Betty Whorton are all interested in being reappointed to the Board.

The terms of office of five of the Planning Commission members will expire on December 31, 1996. Martha Brundage, Jerry English, Hugh Frasier, and Clenton Kayl are all interested in being reappointed to the Board if Council so desires. Jeffrey Seifried does not wish to be reappointed.

The terms of office of four of the existing Special Permit and License Board members will expire on December 31, 1996. Mary Ann Archer, Herb Atchison, Ben Singer and John Velasquez are all interested in being reappointed to the Board.

The terms of office of four of the existing Transportation Commission members will expire on December 31, 1996. Rosa Delin, Jody Gourley, James Holt and David Paul are all interested in being reappointed to the Board.

Currently the City has 48 citizens within the 1996 "pool" to fill vacancies on the various Boards and Commissions. It is recommended that Council only make reappointments at this time. After all reappointments have been made, new appointments can be scheduled using the existing pool of citizens who are seeking appointment.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, The City Council has established a review process for members of the various Boards and Commissions prior to expiration of the current term of office; and

WHEREAS, City Council has reviewed evaluations of the current Board and Commission members for the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board, Planning Commission, Special Permit and License Board and Transportation Commission; and

WHEREAS, City Council has also reviewed attendance records for each of the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board, Planning Commission, Special Permit and License Board and Transportation Commission; and

WHEREAS, Each member whose term is to expire on December 31, 1996 has been contacted and asked if they wish to be reappointed to the Board where they are currently serving; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby reappoint the following individuals to the City of Westminster Board or Commission listed below with the terms of office to expire December 31, 1998.

<u>NAME</u>	<u>BOARD/COMMISSION</u>
Robert Briggs	Open Space Advisory Board
Charles Jacoby	Open Space Advisory Board
Robert Tschudy	Open Space Advisory Board
Randal Whorton	Open Space Advisory Board
Ken Morfit	Parks and Recreation Advisory Board
Dan Noreen	Parks and Recreation Advisory Board
John Polston	Parks and Recreation Advisory Board
Janeen Branvold	Personnel Board
Margaret Rivera	Personnel Board
Betty Whorton	Personnel Board
Martha Brundage	Planning Commission
Jerry English	Planning Commission
Hugh Frasier	Planning Commission
Clenton Kayl	Planning Commission
Herb Atchison	Special Permit & License Board
Ben Singer	Special Permit & License Board
John Velasquez	Special Permit & License Board
Rosa Delin	Transportation Commission
Jody Gourley	Transportation Commission
James Holt	Transportation Commission
David Paul	Transportation Commission

Passed and adopted this 23rd day of December, 1996.

ATTEST:

Mayor

City Clerk

Date: December 23, 1996

Subject: Disclosure Counsel for Sales and Use Tax Revenue Bonds

Prepared by: Marty McCullough, City Attorney

Introduction

City Council is requested to approve an agreement with Kutak Rock as disclosure counsel in connection with the proposed issuance by the City of \$15 Million Sales and Use Tax Revenue Bonds, Series 1997A to finance street improvements and \$26 Million Sales and Use Tax Revenue Bonds, Series 1997B to finance parks, open space and trail development.

Summary

The City of Westminster is intending to issue \$15,000,000 in Sales and Use Tax Revenue Bonds for the purpose of funding street improvements and \$20,000,000-\$26,000,000 in Sales and Use Tax Revenue Bonds for the purchase of parks, open space, trail development and recreation facility needs of the City. The latter bond issue is presently being sized with a recommendation forthcoming to City Council. It is likely that Staff will recommend dividing the \$26.0 million.

Prior to issuing the bonds as requested, it is necessary for the City to retain disclosure counsel to assist in preparing the Official Statements required in conjunction with the sale of municipal bonds. Disclosure counsel is required to issue its opinion regarding compliance of the Official Statements with federal securities laws.

City Charter section 4.14 requires City Council approval of all agreements with outside legal counsel.

Staff Recommendation

Authorize the Mayor to execute an agreement with Kutak Rock in an amount not to exceed \$14,000 for disclosure counsel services in connection with the proposed issuance by the City of \$15 Million Sales and Use Tax Revenue Bonds, Series 1997A to finance street improvements and \$26 Million Sales and Use Tax Revenue Bonds, Series 1997B to finance parks, open space, trail development and recreation facilities.

Background Information

Kutak Rock is willing to perform disclosure counsel services and issue two separate official statements for \$14,000. This fee covers both bond issues. The proposed fee is substantially less than the amount the City has paid for similar services in the past. Kutak Rock is nationally rated in the area of disclosure counsel work, and has prior experience in the issuance of sales and use tax revenue bonds.

In addition, Mr. Tom Peltz has previously served as disclosure counsel for the City and his prior experience and knowledge of the City's sales and use tax revenue structure will significantly minimize the effort required for the preparation of the Official Statements.

Respectfully submitted,

William M. Christopher
City Manager

Date: December 23, 1996

Subject: Councillor's Bill No. re Golf Course Enterprise

Prepared by: Marty McCullough, City Attorney

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill establishing a City of Westminster Golf Course Enterprise.

Summary

Under Amendment One, an enterprise is defined to mean a "government-owned business authorized to issue its own revenue bonds and receiving less than ten percent of annual revenue and grants from all Colorado state and local governments combined." The City has been operating the Legacy Ridge Golf Course as an enterprise.

In preparation for an anticipated enterprise bond issue, bond counsel is recommending the adoption of the attached ordinance which establishes the City's Golf Course Enterprise, affirms the Enterprise as an Amendment One Enterprise and which authorizes the Enterprise to take appropriate actions for the issuance of any anticipated Golf Course Enterprise bonds.

The proposed Enterprise would cover both the existing Legacy Ridge Golf Course, as well as the proposed Countrydale Golf Course and any golf course the City may ultimately choose to operate in the future as an enterprise. In January of 1997, the City will be receiving its first installment of the \$3.3 million loan from Jefferson County that was previously authorized by the Jefferson County Board of County Commissioners. It is important that the City begin to separate the revenues and expenses associated with the Countrydale Golf Course in order to preserve the status of that operation as an Amendment One Enterprise.

Staff Recommendation

Pass Councillor's Bill No. on first reading establishing a City of Westminster Golf Course Enterprise, affirming its status as an Amendment One Enterprise and authorizing the Enterprise to have and exercise certain powers in anticipation of an Enterprise bond issue.

Background Information

In preparation for this bond issue, bond counsel is recommending the adoption of the attached ordinance so that the status of the City's Golf Course Enterprise as an Amendment One Enterprise can be expressly confirmed by the City Council.

Pursuant to this ordinance, the City Council would serve as the governing body of the Enterprise, and the officers of the City Council and the City would serve as the officers of the governing body and the Enterprise. This would be similar to the City's Housing Authority, Urban Renewal Authority, the Sheridan Park General Improvement District, and the Water and Wastewater Utility Enterprise.

Under Amendment One, an Enterprise must be "authorized to issue its own revenue bonds." This ordinance provides such authorization to the extent such bonds are issued in the same manner in which City revenue bonds may be issued. The intent of the ordinance is to confirm the status of the City's Golf Course Enterprise as an Enterprise operation within the meaning of Amendment One, and to explicitly authorize the issuance of "Golf Course Activity Enterprise Revenue Bonds," without an election, as authorized by Amendment One.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: December 23, 1996

Subject: Improvements to Front Entrance at College Hill Library

Prepared by: Kathy Sullivan, Library Services Manager

Introduction

City Council action is requested to authorize the City Manager to transfer \$99,286 from the 112th Avenue Sheridan-to-Federal Capital Improvement Fund to the New Library Fund. The funds will be used to pay for changes to the Library and college campus parking lots that will improve traffic flow and safety for users of the library and for vehicles and pedestrians using 112th Avenue.

Summary

During the design phase of planning the new College Hill Library, Staff from the City's Community Development Department suggested several changes to the parking lot entrances and bus dropoffs which would greatly improve traffic flow in the area in several ways. The changes provide room for car stacking in conjunction with a future traffic signal, lessen possible congestion on 112th Avenue, increase safety and convenience for RTD passengers travelling to the new library, and provide more visually significant entrances to the library.

Because the proposed front entrance changes will help to streamline traffic and pave the way for future improvements on 112th Avenue, Staff suggests that funds from the 112th Avenue project account in the Capital Improvement Fund be used for this purpose.

In order to facilitate payment to the Contractor for this portion of the project, it is appropriate to transfer funds for this project to the New Library account. The College will receive all invoices for the library project from the General Contractor, and the City will reimburse the College for the proposed front entrance improvements out of funds transferred to the New Library account.

Staff Recommendation

Authorize the transfer of \$99,286 from the 112th Avenue Sheridan-to-Federal Project account to the College Hill Library Project account in the General Capital Improvement Fund, and authorize the expenditure of \$99,286 to reimburse Front Range Community College for payments made to the Contractor, Swinerton & Walberg, for this project.

Background Information

In negotiating this project with officials at Front Range Community College, Staff pursued the possibility of a contribution by the College towards the improvements. Improvements to the parking lots were not included as part of the construction project funded by the State, and in fact the State does not allocate funds for parking lot improvements at its institutions of higher education.

Because parking lot improvements are paid from student fees, the College would need to do a referendum to raise student fees in order to contribute funds. The College passed a referendum in 1996 to build a new student center; therefore it is unlikely that another referendum to raise fees for parking lot improvements would pass. Since most of the benefit from this project will be to people travelling on 112th Avenue, and to public (non-student) users of RTD travelling to the library, the College gave their approval for the project on the condition that the City would provide funding.

City Staff set a budget of \$125,000 for this project, and worked closely with the project architects to produce a cost-effective design to accomplish the City's objectives. Plans for the Front Entrance improvements were incorporated into the construction documents sent to the general contractors who were prequalified to bid on the total library project. The front entrance improvements were listed as a separate bid item.

The State of Colorado selected Swinerton & Walberg Co., the low bidder, as the general contractor for the College Hill Library Project. Their bid for the front entrance portion of the project was \$99,286, well within the project budget.

The College is planning to sign the contract with Swinerton & Walberg Co. on December 23, 1996, and would like to give the contractor approval to begin work on the front entrance improvements as soon as possible.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: December 23, 1996

Subject: School District No. 50 IGA Amendment and Resolution No. re Charter School

Prepared by: Bill Christopher, City Manager

Introduction

City Council is requested to approve the Intergovernmental Agreement (IGA) amendment with School District No. 50 pertaining to the City's financial support of the Crown Pointe Academy Charter School. Funds will need to be transferred from the General Fund Contingency Account to provide the financial support outlined in the IGA.

Summary

The City of Westminster has previously been approached by School District No. 50 to be a financial partner in the Crown Pointe Academy Charter School, which is to be located in the Career Enrichment Park. The attached amendment to the existing Intergovernmental Agreement with School District No. 50 sets forth the terms and conditions of the City's financial participation and the Charter School enrollment policy.

Establishing the Charter School at the Building Trades facility in the Career Enrichment Park adds another key component to the South Westminster Revitalization Program.

The attached Resolution accomplishes the transfer of \$400,000 from the General Fund Contingency Account to the Central Charges Contractual Services budget account for the City's financial assistance in this endeavor.

Staff Recommendation

1. Approve the amendment to the Intergovernmental Agreement between the City of Westminster and Adams County School District No. 50 pertaining to the City's financial support of up to \$400,000 for the remodeling of the Building Trades facility at the Career Enrichment Park for the Crown Pointe Academy Charter School, based on the outlined enrollment policy.
2. Adopt Resolution No. which authorizes the transfer of \$400,000 from the General Fund Contingency Account to the Central Charges Contractual Services budget account for the City's financial support in the Crown Pointe Academy School.

Background Information

Adams County School District No. 50 Officials and a group of interested parents have been pursuing a proposed Charter School, with classes initially to be provided for Kindergarten through fifth grade. The facility that has been selected to house the students is the existing Building Trades facility located at the Career Enrichment Park. Funds are needed to accomplish the remodeling of the building to achieve a viable elementary school setting along with the development of a playground area adjacent to the building.

School District No. 50 Officials previously approached the City of Westminster to be a financial partner, recognizing that a Charter School would be an asset to the City as well.

The attached amendment to the Intergovernmental Agreement between the City of Westminster and Adams County School District No. 50 reflects the outcome of the negotiations involving the City, School District, and Crown Pointe Academy Charter School group. The amendment calls for the City to provide up to a maximum of \$400,000 with these funds to be strictly used for architectural fees, remodeling of the Building Trades facility, and to create a playground area on adjacent School District No. 50 property. As part of the negotiations, an enrollment policy has been agreed to which achieves the objectives of City Council which provides a definitive opportunity for families in south Westminster to enroll their children in the Charter School. In conjunction with this enrollment policy, the City views the Charter School as another opportunity toward the overall goal of revitalizing south Westminster by attracting young families with school-age children to locate in south Westminster via enrollment in the Charter School. This will assist in a new "life cycle" for south Westminster neighborhoods.

The School District plans to use the services of Chuc Duff as project architect and R.N. Fenton Construction Company will be the contractor. The contractual relationship will be between the School District and these vendors. City Council's review of the floor plan and playground will be scheduled when the architect has completed preliminary work. Enrollment is scheduled for late February, with the Charter School being open for fall, 1997.

Funds are available in the 1997 General Fund Contingency Account, which presently has a balance of \$1,110,256. Formal action to transfer the money is required and is set forth in the attached Resolution.

The School approved the IGA amendment at their December 17 meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

TRANSFER OF FUNDS FOR SCHOOL DISTRICT NO. 50 CHARTER SCHOOL

WHEREAS, City Council has determined the merits of financially participating with Adams County School District No. 50 and the Crown Pointe Academy Charter School group to establish a Charter School, utilizing the Building Trades facility at the Career Enrichment Park, and

WHEREAS, City Council believes this Charter School will provide additional support to the revitalization of south Westminster using the agreed upon enrollment policy, and

WHEREAS, the School District has requested funding of up to \$400,000 from the City to accomplish the architectural work, remodeling of the Building Trades facility, and establish a playground adjacent to the building, and

WHEREAS, the facility will be named Crown Pointe Academy Charter School at Westminster, and

WHEREAS, the balance of the 1997 General Fund Contingency Account is \$1,110,256.

NOW, THEREFORE, be it resolved that the Westminster City Council authorizes the transfer of \$400,000 from the General Fund Contingency Account to the appropriate Central Charges Contractual Services Budget Account to provide funding for the building facility and playground for the Crown Pointe Academy Charter School at Westminster.

Passed and adopted this 23rd day of December, 1996.

ATTEST:

Mayor

City Clerk

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF WESTMINSTER AND
ADAMS COUNTY SCHOOL DISTRICT NO. 50**

This amendment to the Intergovernmental Agreement is made and entered into this ____ day of December, 1996, by and between THE CITY OF WESTMINSTER, a Home Rule City and Political Subdivision of the State of Colorado, hereafter referred to as "WESTMINSTER" and ADAMS COUNTY SCHOOL DISTRICT NO. 50, a public educational entity which provides educational services to students from kindergarten through twelfth grade, hereafter referred to as the "SCHOOL DISTRICT."

WHEREAS, Westminster and the School District are parties to a certain Intergovernmental Agreement dated April 16, 1990 regarding among other provisions, the sharing of each other's facilities in a cooperative manner; and

WHEREAS, Westminster and the School District have had a long standing practice of working cooperatively on joint ventures that assist their mutual constituency and extend use of taxpayers' funds; and

WHEREAS, the School District and the Crown Pointe Academy Charter School group have approached Westminster to assist financially in achieving a viable, cost effective physical plant for the proposed Charter School in south Westminster; and

WHEREAS, Westminster is willing to expend up to \$400,000 in 1997 to provide for architectural services, remodeling of the existing Building Trades building at the Career Enrichment Park, and create a playground area located east of the subject building on School District property; and

WHEREAS, the School District, the Charter group, and Westminster have agreed to a certain enrollment policy pertaining to students from kindergarten through the fifth grade that would attend the Charter School as reflected in the attached Exhibit A; and

WHEREAS, this enrollment policy would facilitate the opportunity for more young families to be encouraged to locate in south Westminster and have their children attend the Charter School which embraces Westminster's South Westminster Revitalization goals.

NOW THEREFORE, in consideration of the above premises, the mutual agreements, set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged by both parties, Westminster and the School District agree as follows:

The Intergovernmental Agreement between the City of Westminster and Adams County School District No. 50, dated April 16, 1990 is hereby amended to provide as follows:

1. Westminster agrees to provide funds up to a maximum of \$400,000 in 1997 to provide for architectural services, remodeling and construction to achieve a finished physical plant for the Charter School which will also include a playground area.

2. Westminster shall be involved in the development of the floor plans for the Crown Pointe Academy Charter School and playground and concurs in the School District utilizing the services of Architect Chuc Duff, and construction services by R. N. Fenton Construction Company to accomplish the desired renovations.

3. The School District agrees that it will approve the enrollment policy attached as Exhibit A as part of the Application from Crown Pointe Academy Charter School and will, to the extent practicable, consistent with the provisions of the Colorado Charter Schools Act, attempt to ensure that the Crown Pointe Academy Charter School implements that enrollment policy."

4. Nothing in this Agreement shall be deemed or construed as creating any multiple fiscal year obligations on the part of either party within the meaning of Colorado Constitution, Article X, Sec. 20. The City's payment obligation under this Agreement is subject to annual appropriation by City Council in conjunction with its adoption of the City's 1997 Budget.

5. It is mutually agreed that the name of the Charter School shall be "Crown Pointe Academy at Westminster."

CITY OF WESTMINSTER

ADAMS COUNTY SCHOOL DISTRICT NO. 50

Mayor President

ATTEST:

Date: December 23, 1996

Subject: Growth Management Program Revisions

Prepared by: Shannon Sweeney, Planner II

Introduction

City Council action is requested to approve a series of actions concerning the City's Growth Management Program: Pass the attached Councillor's Bill on first reading amending the current Growth Management Program which includes new definitions for Active Senior Housing Development and "build-out" Development; adopt the attached Resolution allocating 1997 service commitments to various categories within the Growth Management Program; pass the attached Councillor's Bill on first reading authorizing a temporary moratorium on new senior housing development until completion of a senior housing study for the City; and pass the attached Councillor's Bill on first reading authorizing a temporary moratorium on new Category B-3 (new multiple-family) residential development until adoption and implementation of the City's Comprehensive Land Use Plan.

Summary

At the November 18 City Council study session, City Staff outlined some recommended changes to the current Growth Management Program. After discussion of each of these items, City Council directed Staff to prepare the necessary Growth Management Program ordinances and resolutions for City Council consideration. The changes, as proposed, include the following elements:

- >Allow the current moratorium on new residential projects to expire on December 31, 1996 and authorize new residential competitions in 1997 for one to two new single-family detached (Category B-1) projects and one (Category B-2) new single-family attached (townhome) project. Staff recommends allocating 60 service commitments for Category B-1 which would serve one development with building activity comparable to the Home Farm or Green Acres projects or two smaller developments (which do not require more than 30 service commitments per year) such as the Lexington or Countryside Filings currently under construction. The recommended allocation for B-2 is 25 service commitments (approximately 30 units) which matches the average annual demand for the Autumn Chase townhome development and is similar to the demand of the Horizon Pointe and Gallery at The Ranch townhome projects. Projects which receive service commitment awards through a 1997 competition would be transferred to the Active Residential category in 1998 with specific "per project" allocations as determined by Council when the Category B service commitments are awarded.
- >Revise the Growth Management Program to include a "build-out" definition which would allow previously-platted, residential developments which meet specific criteria (given below) to be considered for Active Residential (Category A) status. In order to be considered, a project must have a City-approved Official Development Plan (ODP) and Plat, conform with the Comprehensive Land Use Map, be located on a site three (3) acres or less, in a planned unit development which is at least 75% developed.

Any proposed project which meets the above criteria is subject to Staff review for compliance with the approved design standards. If a project does not meet the standards, an ODP amendment (bringing the project into compliance) will be required; otherwise, the project shall be subject to Planning Commission review and approval or denial. Allowing these projects to complete development would follow City Council's previous policy direction to allow those with significant infrastructure (investment) in place to take precedence over new residential projects while also requiring conformance with the adopted design standards.

>Adopt a moratorium on Category B-3 projects, new multiple-family residential developments having a density greater than ten dwelling units per acre (du/a), until adoption and implementation of the Comprehensive Land Use Plan. Even with the moratorium in place, a new Legacy Ridge Apartment project (which is exempt from any moratorium) is planned which would add 232 new multi-family units next year. Also with the "build-out" provision detailed above, Staff is aware of two multi-family developments (Wood Creek and Mountain Vista Village) which may attempt to meet the new requirements as Category A projects. This would add another 160 (for a total of 392) new multi-family units in 1997.

>Because of the recent dramatic increase in the number of new senior housing projects in the City, adopt a moratorium on new senior housing development until a study is completed on the appropriate quantity of various types of senior housing units for the community in future years. As Figure 1 (attached) illustrates, as a percentage of the total new residential development so far in 1996, senior housing constitutes nearly 25% of the total new housing units. This is up from 8% of the total residential units built in 1995, 7% in 1994, and no senior housing units were built in 1992 or 1993. Additionally, 1996 Category E demand has been higher than projected which necessitated Council adoption of a service commitment transfer in November of this year to cover the additional need. The moratorium would continue through December 31, 1997 or until completion of the senior housing study, whichever comes first.

>Include an "Active Senior Housing Development" definition in the Growth Management Program and allow those senior housing developments which are existing and actively developing (that meet the new definition) to continue their projects and not be subject to the moratorium. This provision would allow Covenant Retirement Village, Crystal Lakes (San Marino), East Bay Senior Housing, and Panorama Pointe to continue developing. Another project currently in the Technical Review process, Juniper Assisted Care in Church Ranch, would also qualify as "active" only if ultimately approved by City Council.

>Allocate 60 Service Commitments (SC's) to Category B-1 (New Single-Family Detached Residential), 25 SC's to B-2 (New Single-Family Attached Residential with 10 du/a or less), 785 SC's to C (Non Residential), 210 SC's to D (Outside City Contracts), 115 SC's to E (Active Senior Housing), and 245 SC's to F (Public Usage). Because Council allocated 2,000 service commitments for a two-year period (1996 and 1997) for Categories A (Active Residential) and L (Legacy Ridge Projects), the remainder of this amount as of December 31, 1996, will be carried over to cover demand in these categories in 1997. Staff anticipates that this amount (1152.5 as of 12/1/96) will be sufficient to accommodate the 1997 demand in these categories.

No new 1997 allocation for these categories, therefore, is necessary. Any remaining service commitments in any of the other categories will be returned to the water supply figures to, in effect, be "reallocated" to meet part of the 1997 demand.

At the Council study session, Staff also recommended some minor revisions to the residential design standards and guidelines in preparation for new residential competitions. In order to give adequate time to discuss these proposed changes with the local home builders and the Home Builders Association, Staff will bring the proposed changes to Council in January.

Staff Recommendation

1. Pass Councillor's Bill No. on first reading revising Chapter 5 of Title XI of the Westminster Municipal Code pertaining to the City's Growth Management Program.
2. Adopt Resolution No. allocating 1997 service commitments into the various categories of the Growth Management Program.
3. Pass Councillor's Bill No. on first reading authorizing a temporary moratorium on new senior housing development through December 31, 1997 or until a senior housing study is completed for the City, whichever comes first.
4. Pass Councillor's Bill No. on first reading authorizing a temporary moratorium on new Category B-3 residential development until adoption and implementation of the Comprehensive Land Use Plan.

Background Information

Each year, in preparation for recommending service commitment allocations to City Council, Staff reviews development activity in the current year and projects future demand for services. In analyzing this information, City Staff identified issues for Council consideration which were discussed with Council at the November 18 Study Session. The background research given below has been updated (as of 12/1/96) and is attached for Council information.

Table I below illustrates the 1996 service commitment allocations approved by Council in February this year. It also updates the number of service commitments awarded to new development this year (as of 12/1/96), the number available year-to-date, as well as the 1997 recommended allocations for each category. 1997 projections for Categories C, D, E, and F shown on Table II (attached to this agenda memo) were used to determine the recommended service commitment allocations for next year.

Table I
SERVICE COMMITMENT SUMMARY

<u>Category</u>	<u>Description</u>	<u>NUMBER OF SERVICE COMMITMENTS</u>			
		<u>1996</u> <u>Allocation</u>	<u>1996</u> <u>Awards</u>	<u>Avail YTD</u> <u>from 96</u> <u>Alloc***</u>	<u>1997</u> <u>Allocation</u>
A-1	Active SFD	2000.0	651.00	1152.50	1152.50
A-2	Active SFA	**	131.10		(carryover
A-3	Active MF	**	16.70		into 1997)
L	Legacy Ridge	**	48.70		
B-1	New SFD	0.0	0.00	0.00	60.0
B-2	New SFA	0.0	0.00	0.00	25.0
B-3	New MF	0.0	0.00	0.00	0.0
C	Non Residential	*440.0	180.10	259.90	785.0
D	Outside City Contracts	15.0	6.00	9.00	210.0
E	Active Senior Housing	*135.0	91.35	43.65	115.0
F	Public Usage	<u>385.0</u>	<u>15.00</u>	<u>370.00</u>	<u>245.0</u>
TOTAL		2975.0	1139.95	1835.05	2592.5

*The 1996 allocation figures shown are adjusted to reflect the transfer of 60 service commitments from Category C to Category E which was adopted by Council in November 1996.

**2,000 service commitments were allocated for all Category A and L projects for a two-year period (1996 and 1997)

***Number of service commitments available as of 12/1/96

Year-to-date in 1996, 1,139.95 service commitments have been awarded for new development projects leaving a total of 1,835.05 available for the remainder of 1996. Please keep in mind, however, that 1,152.5 of this total is part of a two-year allocation (1996 and 1997) for active residential developments which will be carried over into 1997. The actual year-to-date amount available, therefore, is 682.55 to accommodate the other categories through December 1996. With the exception of Categories A and L, service commitments remaining in any of the other categories at the end of 1996 will not be carried over in 1996 and will be transferred back into the water supply figures.

For active residential developments (including Category L, all Legacy Ridge residential projects), Council allocated 2,000 service commitments for a two-year period (1996 and 1997). As of 12/1/96, active residential development activity totals 847.5 service commitments which leaves 1152.5 service commitments for the remainder of 1996 and through the end of 1997. Staff estimates this amount (which will be carried over into 1997) will be sufficient to accommodate the 1997 demand in this Category.

Without including this amount to be carried over into 1997, new 1997 service commitment allocations for all of the other categories total 1,440 service commitments. The 1997 estimate for Category C (Non Residential) is higher than average due in part to the Westminster Promenade development. In addition, while Category D (Outside City Contracts) typically averages about 10 service commitments per year, by contract the City is obligated to provide commitments for a Federal Heights apartment project which adds another 192 to this total.

The Public Works and Utilities Department and Parks, Recreation & Libraries Department Staff are currently discussing possible options to serve several of the 1997 public (Category F) projects as part of the first phase of the reclaimed water system. If this can be accomplished, the 1997 demand in Category F would be lower than estimated.

No service commitment allocation is shown for Category B-3 (new multi-family) development in 1997, as Staff is recommending that Council give precedence to the Wood Creek and Mountain Vista Village condominium projects. These two previously-platted projects combined have a total of up to 160 units remaining to be built. Because service commitment needs for most multi-family units are calculated at .5 per unit, a total of 80 service commitments would be needed as part of Category A-3 (Active Multi-Family Residential) if these projects are able to meet the requirements of the "build-out" definition proposed.

Water supply figures provided by Water Resources staff show a total of approximately 5,700 service commitments currently available for future development (which includes the 1,835 available for the remainder of 1996). After deducting the 2,600 service commitments projected for 1997 from the supply figure (as of 12/1/96), a total of approximately 3,100 service commitments would be available for new development in 1998 and future years. This figure would assume that no additional water is acquired in the interim.

The City is continually pursuing new sources of water. However, currently none of the new sources can be relied on as an additional source of supply. Also, the City is continuing to examine water demands as part of the HBA (Home Builders Association) Study and is updating the water supply models which could change the number of available service commitments. On the demand side, the City will explore opportunities to serve new development with reclaimed water for irrigation purposes which will help reduce the demand for potable water and service commitments.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 5 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM FOR THE PERIOD JANUARY 1, 1990, THROUGH DECEMBER 31, 2000

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-5-2, Westminster Municipal Code, is hereby AMENDED as follows:

11-5-2: DEFINITIONS: (1180 1932 2253 2396 2410) For the purpose of this article, certain terms and words are hereby defined as follows:

(A) ACTIVE RESIDENTIAL DEVELOPMENTS:

1. Active Residential Development means:

(a) A residential project with an approved Official Development Plan and Plat which was issued building permits on or after January 1, 1994; or

(b) Any newly approved residential project which received Official Development Plan approval in the 24-month period following January 1, 1994, if at least one building permit for the project was or is issued on or before December 31, 1996; or

(c) any residential project formally submitted for technical review which meets all of the following criteria:

1. The project has an approved Official Development Plan.
2. The plat and construction drawings were formally submitted to the City for development review within the 12 month period prior to February 12, 1996.
3. No public hearings are required for the project.
4. The project meets all residential design guidelines.

2. Notwithstanding the foregoing, a residential development will not be deemed on active residential development if a building permit for at least one new dwelling unit is not issued during any two successive calendar years.

(B) ACTIVE SENIOR HOUSING DEVELOPMENT: A SENIOR HOUSING PROJECT WHICH MEETS THE FOLLOWING SPECIFICATIONS:

1. ALL OF THE CRITERIA AND REQUIREMENTS ESTABLISHED IN 11-5-4(E) CATEGORY E, ACTIVE SENIOR HOUSING DEVELOPMENTS, ARE MET; AND

2. THE PROJECT RECEIVED OFFICIAL DEVELOPMENT PLAN (ODP) APPROVAL ON OR AFTER JANUARY 1, 1994; OR, A PRELIMINARY DEVELOPMENT PLAN (PDP) AMENDMENT REQUESTING SENIOR HOUSING LAND USE WAS FORMALLY SUBMITTED FOR THE TECHNICAL REVIEW PROCESS PRIOR TO NOVEMBER 18, 1996 AND THE PDP AND ODP ARE ULTIMATELY APPROVED BY THE CITY COUNCIL.

NOTWITHSTANDING THE FOREGOING, A SENIOR HOUSING DEVELOPMENT WILL NOT BE DEEMED AN ACTIVE SENIOR HOUSING DEVELOPMENT IF A BUILDING PERMIT FOR AT LEAST ONE NEW DWELLING UNIT IS NOT ISSUED DURING ANY TWO SUCCESSIVE CALENDAR YEARS BEGINNING JANUARY 1, 1997.

~~(B)~~ (C) ATTACHED SENIOR HOUSING UNIT: An attached residential dwelling unit within a housing project restricted to persons 60 years of age or over, or as may otherwise be determined by Council.

(D) BUILD-OUT DEVELOPMENT: A PROPOSED RESIDENTIAL DEVELOPMENT WHICH DOES NOT MEET THE ACTIVE RESIDENTIAL DEFINITION BUT DOES MEET ALL OF THE FOLLOWING:

1. THERE IS AN EXISTING, CITY-APPROVED OFFICIAL DEVELOPMENT PLAN AND PLAT FOR THE SITE; AND
2. THE PROPOSED LAND USE COMPLIES WITH THE COMPREHENSIVE LAND USE PLAN MAP; AND
3. THE PROJECT IS LOCATED ON LAND WITHIN A PLANNED UNIT DEVELOPMENT WHICH IS AT LEAST 75% DEVELOPED; AND
4. THE UNDEVELOPED SITE FOR THE PROPOSED DEVELOPMENT DOES NOT EXCEED THREE (3) ACRES.

EACH BUILD-OUT DEVELOPMENT SHALL BE SUBJECT TO STAFF REVIEW FOR COMPLIANCE WITH THE ADOPTED RESIDENTIAL DESIGN STANDARDS AND GUIDELINES. IF THE EXISTING OFFICIAL DEVELOPMENT PLAN DOES NOT MEET THE DESIGN REQUIREMENTS, AN OFFICIAL DEVELOPMENT PLAN AMENDMENT (BRINGING THE PROJECT INTO COMPLIANCE) AND PLAT MUST BE SUBMITTED FOR REVIEW AND ARE SUBJECT TO CITY MANAGER APPROVAL. IF THE PROJECT IS UNABLE TO MEET ALL OF THE DESIGN REQUIREMENTS, THE PROJECT WILL BE SUBJECT TO PLANNING COMMISSION REVIEW AND APPROVAL OR DENIAL.

~~(C)~~(E) CUSTOM RESIDENCE: A single-family detached residence which has interior plans and exterior elevations which are unique as compared to the other single-family residences within the same subdivision as determined by the Chief Building Official.

~~(D)~~(F) CUSTOM RESIDENTIAL DEVELOPMENT: A single-family detached residential development consisting exclusively of custom residences.

~~(E)~~(G) INFILL RESIDENCE: A custom residence which is not part of an active residential development and which is constructed on a vacant site in an area where less than 10% of the residential land is vacant.

~~(F)~~(H) SERVICE COMMITMENT: The measure of City service required is determined by the average service provided to one single family detached dwelling unit. Adequacy of a Service Commitment for a structure shall be determined in accordance with the following schedule:

Single Family Detached Dwelling Unit or Mobile Home Unit	1.0 Service Commitment
Single Family Attached Dwelling Unit	0.8 Service Commitment
Apartment Dwelling Unit	0.5 Service Commitment
Attached Senior Housing Unit	0.35 Service Commitment
Non Residential -	To be determined on a case by case basis, based upon the specific plan presented.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of December, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of January, 1997.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

ALLOCATING 1997 SERVICE COMMITMENTS PURSUANT TO THE CITY'S
GROWTH MANAGEMENT PROGRAM AS SET FORTH IN CHAPTER 5, TITLE 11 OF THE
WESTMINSTER MUNICIPAL CODE

WHEREAS, the City of Westminster has adopted by Ordinance a Growth Management Program for the period 1990-2000; and

WHEREAS, The City's Growth Management Program as set forth in Chapter 5, Title 11 of the Westminster City Code calls for the periodic determination of the availability of Service Commitments and allocation of such Service Commitments among various categories of potential users; and

WHEREAS, the City Council of the City of Westminster has, with the aid of detailed factual reports and expert opinions from its Staff and consultants, examined the raw water supply, the sewage treatment capacity, the water treatment capacity, and other factors affecting the availability of Service Commitments; and

WHEREAS, the City Council of the City of Westminster has previously determined, in connection with its adoption of Chapter 5 of Title 11 of the Westminster Municipal Code, that the City's ability to award Service Commitments is restricted; and

WHEREAS, the demand of different land uses on the City's ability to provide utilities and other services vary due to density and intensity of the particular use; and

WHEREAS, City Council has previously determined that a Comprehensive Land Use Plan shall be adopted in 1997 for the City to assist it in making future decisions concerning the desired mix of land uses at build-out of the City; and

WHEREAS, it is the intent of City Council to recognize the many factors influencing demand for new water and sewer service, while remaining cognizant of the large capital investments in land and public improvements made by developers with projects that are already started, and recognizing the efficiencies inherent in encouraging the completion of existing development projects which can use existing public capital facilities before approving new ones.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that in accordance with Sections 11-5-4, and 11-5-5 of the Official Code of the City of Westminster, the City Council hereby determines that:

1. Based on all of the information available to the City Council on this date, the City can make available to Categories A and L from December 1, 1996 through December 31, 1997, 1152.5 service commitments ("SC's") which remain from the original 1996/1997 allocation of 2,000 SC's for Categories A and L, and from January 1, 1997 through December 31, 1997, to Category B-1 60 SC's, to Category B-2 25 SC's, to Category C 785 SC's, to Category D 210 SC's, to Category E 115 SC's, and to Category F 245 SC's without adverse effect on existing water users and without in any way endangering the health, safety, and welfare of the citizens of Westminster and of other persons dependent upon the operation of a safe and efficient public water and sanitation system by the City.

2. This Resolution supersedes and replaces all previous allocation Resolutions by City Council.
3. No service commitments will be awarded to Category B-3 for new multi-family residential projects at this time.

Passed and adopted this 23rd day of December, 1996.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM UPON THE
REVIEW OF, APPROVAL OF, OR ISSUANCE OF BUILDING PERMITS FOR ANY
NEW SENIOR HOUSING DEVELOPMENT PENDING COMPLETION OF A SENIOR
HOUSING STUDY FOR THE CITY

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds as follows:

- a. The City of Westminster is a home-rule municipality organized and existing under the provisions of Colorado Constitution Article XX.
- b. As set forth in Section 4.16 of the City Charter, the City Council by ordinance may establish procedures and requirements for the use, division and development of land, the pattern location and rate of growth of the community, for the protection of the public health, safety and welfare, including, but not limited to: (1) The preservation of sound fiscal balance for the City in providing municipal services within the City limits; (2) The maintenance of a sound balance between available public resources, facilities and services and the demands for such services; and (3) The preservation of a safe, healthy, and sound natural environment within the City.
- c. City Council has previously directed Staff to develop a senior housing study for the City to help determine the appropriate balance of various types of government-sponsored, non-profit, and for-profit senior housing in the City to guide future senior housing development within the City.
- d. City Council has previously enacted a Growth Management Program in Chapter 5, Title 11, of the Westminster Municipal Code (the "Growth Management Program.")
- e. Less than thirty (30) percent of the City's current land area is undeveloped and the City is concerned about the ultimate land use mix of the City at build-out.
- f. The senior housing study will help determine the appropriate mix and quantity of different types of existing and future senior housing development within the City in light of the City's goal of providing a balanced community in terms of demand on public services created by such land uses, the City's ability to meet such demand through acquisition and possible expansion of basic municipal resources as raw water supply, water and sewer treatment facilities, and other utilities and services; achieving a more stable tax and revenue base; aesthetics; open space and park areas; and similar public interests.
- g. The Growth Management Program establishes a system of service commitment allocations based on land use, density, and prior development activity.
- h. A moratorium on new senior housing development is necessary in order to allow time for completion of a senior housing study for the City.

i. In order to prevent a rush for approval of new senior housing developments within the City until completion of a senior housing study, the City wishes to preserve the status quo to allow the study and planning of future senior housing development.

j. The additional new senior housing development that could likely occur between now and the completion of the senior housing study threatens the City's ability to enact future growth control measures and guide future senior housing development based on the recommendations following the study results.

k. The City's pre-existing contractual obligations with the landowners who donated approximately 150 acres of land to the City for the Legacy Ridge Golf Course Community, and the financing approved for this public-private joint venture based on building impact fees, require the exemption of the Legacy Ridge Project from the provisions of this ordinance.

Section 2. On and after the effective date of this ordinance, no preliminary development plan, official development plan, plat, or construction drawings for new senior housing shall be processed by City Staff nor shall any application for approval of service commitments as a new senior housing development be reviewed or approved, nor shall any building permits be issued therefor.

Section 3. For the purposes of this ordinance, the term "new senior housing development" means any senior housing development which is not an "active senior housing development" as defined in W.M.C. section 11-5-2(B). The provisions of this ordinance shall not apply to the submission, review, or approval of any Preliminary Development Plan, Amended Preliminary Development Plan, Official Development Plan, or Amended Official Development Plan for the construction of active senior housing developments as defined in W.M.C. 11-5-2(B).

Section 4. The provisions of this ordinance shall not apply to the Legacy Ridge Golf Course Community pursuant to the pre-existing Golf Course Community Development Agreements between the City and the Bruchez Family and Hawn-Hewit Interests, and the City's debt service obligations attendant to the previously issued revenue bonds for this project.

Section 5. The provisions of this ordinance are temporary in nature and are intended to be replaced by subsequent legislative enactment. Unless subsequently extended by City Council, the temporary moratorium upon new senior housing development as specified in this ordinance shall terminate on December 31, 1997, or such earlier date as City Council may determine in conjunction with the completion of the senior housing study for the City as specified in Section 1 of this Ordinance.

Section 6. During the moratorium time period established by Section 5 of this ordinance, City Staff is directed to develop appropriate recommendations to City Council concerning future senior housing development in the City as well as potential modifications of the City's Growth Management Program consistent with the recommendations resulting from completion of the senior housing study.

Section 7. This ordinance shall take effect upon its passage after second reading.

Section 8. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of December, 1996.

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

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1996

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM UPON THE REVIEW OF, APPROVAL OF, OR ISSUANCE OF BUILDING PERMITS FOR ANY NEW CATEGORY B-3 RESIDENTIAL DEVELOPMENT PENDING COMPLETION OF CITY'S COMPREHENSIVE PLANNING PROCESS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds as follows:

a. The City of Westminster is a home-rule municipality organized and existing under the provisions of Colorado Constitution Article XX.

b. As set forth in Section 4.16 of the City Charter, the City Council by ordinance may establish procedures and requirements for the use, division and development of land, the pattern location and rate of growth of the community, for the protection of the public health, safety and welfare, including, but not limited to: (1) The preservation of sound fiscal balance for the City in providing municipal services within the City limits; (2) The maintenance of a sound balance between available public resources, facilities and services and the demands for such services; and (3) The preservation of a safe, healthy, and sound natural environment within the City.

c. City Council has previously commissioned the creation of a new Comprehensive Land Use Plan for the City to guide the ultimate build-out of the City in a way that promotes coordinated, innovative and high-quality planning to produce a well-balanced community.

d. The comprehensive planning effort has included a collection of data and analysis of the current land use patterns within the City.

e. Opportunities for public involvement have been provided as part of the comprehensive planning effort.

f. The Comprehensive Land Use Plan is a high priority of the City Council as reflected in their goals and objectives for 1996.

g. City Council has previously enacted a Growth Management Program in Chapter 5, Title 11, of the Westminster Municipal Code (the "Growth Management Program.")

h. Approximately 30 percent of the City's current land area is undeveloped and the City is concerned about the ultimate land use mix of the City at build-out.

i. The Comprehensive Land Use Plan will help determine the ultimate desired land use mix within the City in light of the City's goal of providing a balanced community in terms of demand on public services created by such land uses, the City's ability to meet such demand through acquisition and possible expansion of basic municipal resources as raw water supply, water and sewer treatment facilities, and other utilities and services; achieving a more stable tax and revenue base; aesthetics; open space and park areas; and similar public interests.

j. The Growth Management Program establishes a system of service commitment allocations based on land use, density, and prior development activity.

k. For the purpose of this ordinance, the term "Category B-3" shall have the same meaning as defined in section 11-5-4 of the Growth Management Program.

l. A moratorium on Category B-3 residential housing development is necessary in order to allow time for the City Council, the Planning Commission, and the citizens of the City to review and enact the new Comprehensive Land Use Plan so that development of high-density residential projects will not thwart the objectives of the proposed plan before it can be enacted.

m. In order to prevent a rush for approval of new Category B-3 residential projects within the City, the City wishes to preserve the status quo to allow the study and planning of the community through the completion of the comprehensive planning effort.

n. The additional high-density residential development that could likely occur between now and the completion of the Comprehensive Land Use Plan process threatens the City's ability to enact future growth control measures based on the recommendations of the Comprehensive Land Use Plan.

o. The enactment of this moratorium is necessary to preserve the City Council's future options in the area of growth management, comprehensive planning, and land use regulation.

p. The City's pre-existing contractual obligations with the landowners who donated approximately 150 acres of land to the City for the Legacy Ridge Golf Course Community, and the financing approved for this public-private joint venture based on building impact fees, require the exemption of the Legacy Ridge Project from the provisions of this ordinance.

Section 2. On and after the effective date of this ordinance, no application for approval of service commitments as a Category B-3 development shall be reviewed or approved, nor shall any building permits be issued therefor.

Section 3. The provisions of this ordinance shall not apply to the Legacy Ridge Golf Course Community pursuant to the pre-existing Golf Course Community Development Agreements between the City and the Bruchez Family and Hawn-Hewit Interests, and the City's debt service obligations attendant to the previously issued revenue bonds for this project.

Section 4. The provisions of this ordinance are temporary in nature and are intended to be replaced by subsequent legislative enactment. Unless subsequently extended by City Council, the temporary moratorium upon Category B-3 residential development as specified in this ordinance shall terminate in conjunction with City Council adoption and implementation of the new Comprehensive Land Use Plan for the City as contemplated in Section 1 of this Ordinance.

Section 5. This ordinance shall take effect upon its passage after second reading.

Section 6. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of December, 1996.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of January, 1997.

ATTEST:

Mayor

City Clerk

Date: December 23, 1996
Subject: Consolidated Plan Acceptance for 1997 CDBG Funds
Prepared By: Ed Powers, Community Development Programs Manager

Introduction

City Council is requested to accept the 1997 Consolidated Plan for the 1997 Community Development Block Grant (CDBG) Program in the amount of \$670,000.

Summary

The City of Westminster expects to receive \$670,000 in Community Development Block Grant (CDBG) funds from this federal program. The federal grant requires the City of Westminster to prepare a Consolidated Plan using a community participation process to guide the use of these funds for federal fiscal year 1997 (i.e., October, 1996 to September, 1997). At community meetings/hearings, a number of citizens participated in the development of the Consolidated Plan. Projects proposed and recommended by Staff to be funded include:

- \$500,000 Panorama Pointe Senior Services Center
> Design and construct a senior services center at the Panorama Pointe senior housing development, located near West 84th Avenue and Zuni. The center will provide services for the residents and other seniors in the community.

- \$80,000 Shaw Heights Tributary Floodplain Improvements
> Complete a design construction bid package for floodplain improvements of the Shaw Heights Tributary north of West 80th Avenue and Wolff Street. Any remaining funds will be used for the construction of the floodplain improvements.

- \$ 20,000 Westminster Senior Center Landscape
> Design and construct landscape improvements at the Westminster Senior Center. The Center is located at West 72nd Avenue and Irving Street.

- \$ 70,000 Administration
> General Administration

- \$670,000 TOTAL

Following Council acceptance of the Consolidated Plan, it will be submitted to the Department of Housing and Urban Development for review and approval. Funds should be available March 1997.

Staff Recommendation

Accept the Consolidated Plan and authorize the Mayor to sign the necessary application documents and instruct the City Manager to carry out those necessary administrative functions to accomplish the 1997 Consolidated Plan for use of Community Development Block Grant Program Funds.

Background Information

The 5 year Consolidated Plan was prepared by Staff and approved by Council on April 24, 1995. The Consolidated Plan is a creative approach to community development that encourages communities to work in collaboration to develop a comprehensive vision for action and to achieve community objectives. The Plan consolidates the planning, application, and reporting requirements for four major HUD formula programs: the Community Development Block Grant Program (CDBG), HOME Program, Emergency Shelter Grant (ESG) program, and the Housing Opportunity for persons with AIDS (HOPWA) program. The Plan replaces twelve other documents previously required for the four programs. It seeks to promote a comprehensive approach to address urban problems, reduce paperwork, improve accountability to achieve results, and includes strong elements of citizen participation. The community initiated Consolidated Plan is intended to bring about a community assessment of priority needs and the development of a community based strategic plan to serve the needs of lower and moderate income Westminster residents.

ACTION PLAN

In this section of the Plan are listed the activities that will be undertaken in the coming year to address the priority needs and local objectives of the Strategic Plan described in the preceding section using funds available from the Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant (ESG), Housing Opportunities for Persons With AIDS (HOPWA), Public Housing Opportunity Grant and other HUD programs for meeting housing and community development needs. While the Action Plan describes the specific activities to be undertaken during 1997 to achieve the priorities of the Strategic Plan, not all of the priorities of the Strategic Plan have been included in the Action Plan.

Table 3 specifically describes the Action Plan and has been developed with the cooperation of local, State, and Federal agencies together with private citizens and non-profit organizations. The Action Plan defines the activities to be carried out with the Community Development Block Grant (CDBG) funds. Activities are also identified that would use funds for which the City does not directly receive, but must apply for or work with others to obtain to address the community priority needs. It is estimated that the City would have available \$670,000 in CDBG funds for 1997. No Public Housing Comprehensive Grant funds are expected to be available. These funding resources can become even more effective through leveraging with other resources. Many of the proposed activities include anticipated additional funding resources to implement. For example the use of the Private Activity Bond Allocation and the Tax Credit programs are anticipated to be used extensively to implement many of the affordable housing activities included in the Action Plan.

The principal Federal funding resource included in the Action Plan is the CDBG Program, which the City receives as an entitlement City under that program. The City does not have a large enough population to directly receive HOME Program funds. Rather, the City applies for HOME funds to the State of Colorado.

The State is the recipient of the ESG program and the City has joined with other jurisdictions in the metropolitan area in designating Denver as the administrating entity to qualify the region for the HOPWA program. Opportunities for additional funding will continually be explored and project managers will be encouraged to seek additional funding resources to carry out their projects.

Where other funding resources are sought that will implement the priorities identified in the Strategic Plan or the Action Plan a certificate of consistency will be issued for those projects. The Table of Support of Applications by Other Entities Report indicates that a certificate of consistency will be provided to other entities applying for those funding resources, unless there is a compelling reason to withhold certification.

Each application will be evaluated on a project by project basis for consistency to the priorities of the Strategic Plan for enhancement of the activities of the Action Plan, and evaluated on the basis of the project size, capacity of the applicant, geographic location to achieve the objectives of the Fair Housing Assessment, and category of household served.

Activities Proposed to be Undertaken

The following activities are proposed and recommended to be undertaken using 1997 CDBG funds available to the City:

\$500,000	Panorama Pointe Senior Services Center
\$ 80,000	Shaw Heights Floodplain Improvements
\$ 20,000	Westminster Senior Center Landscape
<u>\$ 70,000</u>	Administration
\$670,000	TOTAL

Proposed Project Summary

Panorama Pointe Senior Services Center

- > Design and construct a senior services center at the Panorama Pointe senior housing development, located near West 84th Avenue and Zuni. The center will provide services for the Panorama Pointe residents and other seniors in the community. The senior services center to be built by the Westminster Housing Authority has a gap in the financing between the cost to construct and the proceeds from land sales of \$500,000 that the CDBG funds would fill. The center will make rents more affordable for the seniors living at Panorama Pointe.

Shaw Heights Tributary Floodplain Improvements

- > Complete a design construction bid package for floodplain improvements of the Shaw Heights Tributary north of West 80th Avenue and Wolff Street. Any remaining funds will be used for the construction of the floodplain improvements.

Frequent flooding occurs in the parking lot of the Westminster Square Apartments causing damage to the cars of those low and moderate income residents. The floodplain improvements will eliminate this costly problem for the residents.

Westminster Senior Center Landscape

- > Design and construct landscape improvements at the Westminster Senior Center. The Center is located at West 72nd Avenue and Irving Street. The former grocery store site had very little landscaping and most of the improvements were made to the interior of the building. Landscape improvements will allow seniors to use the out of doors areas on the site.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: December 23, 1996
Subject: Financial Report for November 1996
Prepared by: Barb Dolan, Interim Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1996 transactions through November, 1996.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs Appropriations
3. Sales Tax Detail

General Fund revenues represent 94% of the total budget estimate while General Fund expenditures and encumbrances represent 90% of the 1996 appropriation.

Utility Fund revenues represent 140% of the total budget estimate. Most of this excess is due to the one-time reimbursement from DOE in the amount of \$8,147,000 for the creation of the Standley Lake Authority. Utility Fund expenditures and encumbrances represent 81% of the 1996 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 103% of the total budget estimate, while expenditures and encumbrances in that fund represent 92% of the 1996 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 13% from the same period last year and increased 13% year-to-date.

The Open Space Fund revenues represent 106% of the total budget estimate while expenditures and encumbrances in that fund represent 89% of the 1996 appropriation.

The Golf Course Fund revenues represent 93% of the total budget estimate while expenditures and encumbrances in that fund represent 91% of the 1996 appropriation. Expenditures are fairly low because the annual principal and interest payments on the bonds which were used to build the course will not be paid until December. The encumbrances are for the golf cart lease and other foreseeable expenditures.

The General Reserve Fund revenues consist of interest earnings of \$114,694 while expenditures and encumbrances in that fund consist of \$240,650. These expenses are for architectural design relating to the Country Dale Golf Course. These expenses are being transferred to the Golf Course Fund after a second reading for an item that was presented to Council on November 25, 1996.

The appropriated balance of \$2,550,000 includes \$100,000 for Mall Revitalization and \$1,639,000 for Emergency Reserve as required by the Colorado Constitution.

Theoretically, 92% of revenues and expenditures should be realized after eleven months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments