

**City of Westminster City Council Study Session
August 7, 2006**

Mayor McNally called the Study Session to order at 6:33 PM. All Council was in attendance.

City Staff in attendance included: Acting City Manager/Assistant City Manager Steve Smithers; Assistant City Attorney Jane Greenfield; Community Development Director John Carpenter; Deputy City Manager for Administration Matt Lutkus; Planner III Dave Falconieri; Assistant to the City Manager Barbara Opie; Treasury Manager Bob Smith; Water Resources and Treatment Manager Mike Happe; Water Resources Analyst Stu Feinglas; Utilities Operations Manager Richard Clark; Open Space Coordinator Ruth Becker; Public Information Officer Katie Harberg; City Clerk Linda Yeager; Parks, Recreation, and Libraries Director Bill Walenczak; Management Intern Aric Otzelberger.

The guests in attendance were Evie Hemphill with the Westminster Window; Janet Bell with Jefferson County, and Larry Dean Valente.

Senior Housing Service Commitments

After no projects were submitted during a senior housing competition held in the beginning of the year, Staff organized a mid-year senior housing competition to provide a second opportunity for developers to compete in this category. One application, from Erickson Retirement Communities for the northeast corner of 128th Avenue and Huron Street, was submitted for the competition. The Erickson application proposes 1,553 senior housing units on the 86-acre site.

Per consent agenda, Council directed Staff to proceed with a City Council resolution awarding Service Commitments to the Erickson Retirement Communities project (proposed for the northeast corner of 128th Avenue and Huron Street) as part of the City's residential competition process.

Northeast Comprehensive Development Plan and Intergovernmental Agreement Renewal with Jefferson County

Dave Falconieri and John Carpenter were present to discuss the Northeast Comprehensive Development Plan (NECDP) IGA that was approved jointly by the City of Westminster and Jefferson County in 1996. The NECDP governs the uses and densities of new developments within the Jefferson County enclave area located generally in between Wadsworth Boulevard and Wadsworth Parkway and north of 92nd Avenue. The Intergovernmental Agreement (IGA) was written so that after ten years either jurisdiction could terminate the agreement or, if no action is taken, the agreement would automatically renew for an additional ten years. The first ten years for the NECDP will end this September. Staff recommended that the plan be renewed for another ten years, conditionally upon a number of proposed amendments.

Council directed staff to proceed with negotiations with Jefferson County to renew the Intergovernmental Agreement (IGA) conditional upon the adoption of an amended Northeast Comprehensive Development Plan. Staff will schedule two neighborhood meetings to gather comments from affected residents during the month of August and will then present a final draft to the County and to the City Council during the month of September.

Water and Sewer Code Revisions

Stu Feinglas, Mike Happe, and Richard Clark were present to discuss proposed modifications to the Municipal Code that clarify existing regulations or modify existing regulations and, in some cases, establish new regulations to improve public safety, water conservation, utility operations, and update provisions on cost recovery land use and finance.

Council directed staff to prepare an ordinance, for Council action, to implement the proposed modifications to the water and sewer portions of the Municipal Code.

Charter Amendments for Initiative, Referendum, and Recall

At its May 1st study session, City Council concurred in the City Manager's recommendation to bring forward a Charter amendment to conform Section 3.18 Recall and Sections 8.10-8.13 Initiative and Referendum with various provisions of the Colorado Constitution and relevant state statutes. Jane Greenfield and Linda Yeager were present to discuss Staff's recommendation to remove unclear or conflicting provisions, especially those related to time limits, in the recall, initiative and referendum sections of the Charter. Additionally, in order to avoid the need for future Charter amendment elections, Staff recommended that the more detailed procedural requirements for initiative, referendum and recall be addressed in the Code, rather than the Charter.

Council concurred with Staff's recommendations for the proposed language and manner of exercising the Charter amendments dealing with initiative, referendum, and recall. Council directed the City Attorney's Office to prepare an ordinance placing a ballot measure on the 2006 November election to amend the Charter. Six out of seven Councillors agreed with requiring a valid recall petition to be signed by registered electors equal in number to at least 25% of all ballots cast for all the candidates for that particular office at the last preceding regular election. Council was unanimous in their agreement that any petitions dealing with initiatives or referendums, in order to be valid, must be signed by no less than 10% of the number of persons who were registered electors of the City at that time of the last regular City election. Council unanimously agreed that a recall election must occur within 90 days from the date when the City Clerk's certificate is filed, and that all valid initiative and referendum issues should be brought to voters at the next general election. All Council was in support of addressing future procedural changes for initiative, referendum, and recall in the City Code rather than the City Charter.

Open Space, Parks and Recreation Ballot Language

In 2005, City Council directed Staff to poll Westminster residents to determine their support for a ballot issue to extend and/or increase the .25% open space, parks and recreation sales and use tax. A telephone poll was conducted of 300 Westminster residents on May 12 – 14, 2005. The poll indicated clear support for extending the existing tax and issuing additional bonds. Eighty-four percent (84%) of respondents indicated they would vote in favor of a sales tax extension at the existing rate for 25 years and approve the sale of bonds to advance the purchase of open space property and park development.

At the May 1, 2006 Study Session, Council directed staff to prepare ballot language for the open space and parks sales tax extension and bond issue if the Citizen Survey showed continuing support for the measure.

Council directed Staff to move forward with the ballot issue and bring back the suggested ballot language in substantially the same form to be adopted by Council Resolution at the August 28, 2006 City Council Meeting. Five out of seven Councillors supported a 25-year sunset for the sales tax extension versus a perpetual extension; however, the Councillors in favor of the perpetual tax were clear in their support of the ballot issue moving forward with a 25-year sunset. The Council was unanimous in their support of allowing the City to bond for the tax proceeds if the extension is approved by voters. Council directed Staff to ensure that bonds would be structured to allow enough resources for maintenance of open space.

Mayor McNally adjourned the Study Session at 8:46 PM.