



# WESTMINSTER

## Staff Report

TO: The Mayor and Members of the City Council

DATE: December 2, 2009

SUBJECT: Study Session Agenda for December 7, 2009

PREPARED BY: J. Brent McFall, City Manager

*Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.*

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

*A light dinner will be served in the Council Family Room* 6:00 P.M.

### CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

### PRESENTATIONS

6:30 P.M.

1. Bond Rating Presentation
2. Proposed Revisions to the City Code re: Special Use Permits – Attach 1 – Attach 2 – Attach 3

### EXECUTIVE SESSION

1. Consultation with the City Attorney concerning potential litigation pursuant to WMC 1-11-7(C)(3) and (8) and CRS 24-6-402(4)(b) and (e)

### WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

1. Discuss strategy and progress on potential acquisition of certain real property by the Westminster Economic Development Authority for the Westminster Urban Reinvestment Project pursuant to CRS 24-6-402 (4) (a) and (e)
2. Consideration of the Authority's position relative to future negotiations related to the Westminster Center Urban Reinvestment Project and instructing the Authority's negotiators, as allowed by CRS 24-6-402(4)(e)

### INFORMATION ONLY ITEMS – Does not require action by City Council

1. Benton Park Art Sculpture – Attach A – Attach B – Attach C – Attach D

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall  
City Manager



# WESTMINSTER

## Staff Report

City Council Study Session Meeting  
December 7, 2009



**SUBJECT:** Rating Agency Presentations – November 2009

**PREPARED BY:** Tammy Hitchens, Finance Director  
Robert Smith, Treasury Manager

### **Recommended City Council Action:**

Listen to the rating agency presentation.

### **Summary Statement:**

About every two years the Mayor, City Staff and the City's investment bankers meet with representatives of the rating agencies to present them with a thorough review of the City's strategic plan and the financial condition of the City. The formal presentation covers the finances of the City, the City's Water and Waste Water Utility, and WEDA. These reviews took place with Standard and Poor's on November 16 and with Fitch Ratings on November 17 and included a driving tour of the North Huron Urban Renewal Area (URA), Mandalay Gardens URA, and the Westminster Mall area.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue:**

No issue identified.

**Alternative:**

No issue identified.

**Background Information:**

The City last briefed the rating agencies in October 2007 in San Francisco, CA. For the 2009 biennial briefing, staff requested that the rating agencies come to Colorado so that they could see first hand some of the new developments that have been talked about, but which they had not seen. Representatives of Standard and Poors (S&P) and Fitch Ratings (Fitch) came to Westminster on November 16 and 17 respectively. In attendance for S&P were David Hitchcock, Director from NYC and Brian Moore, Associate from San Francisco. Bryan is a new analyst on the City's account. From Fitch, Amy Doppelt, Managing Director and Jose Acosta, Senior Director attended. Both Amy and Jose have covered Westminster's credit for a number of years. From the City the following persons participated in the presentations: Nancy McNally, Brent McFall, Steve Smithers, Tammy Hitchens and Bob Smith. David Bell attended from Piper Jaffray.

The principal messages that were conveyed to the rating agencies during the presentation were:

- The strategy for replacing Mall revenues with revenues from the urban renewal areas is working.
- The City reacted quickly to declining revenues as the economy deteriorated (City representatives reviewed the specific actions the City took).
- The City implemented reserve policies for both the Utility Fund and the General Fund that will help get through periods of declining revenue.
- The City Council places a very high level of importance on the redevelopment of the Westminster Mall, and Council and staff have taken significant initial steps to begin the process.

The Mayor started off the presentation with a review of the City's form of government and the strategic planning process, emphasizing how the plan set by Council guides the actions of staff. Brent addressed several strategies and policies that we had briefed the agencies on in 2007 including replacing Mall revenue, conservative budgeting practices, enhancing fiscal policies, and planning for sustainable government as the City approaches build out and what actions have been taken to implement them.

This was followed by a summary of the financial aspects of the Sales and Use Tax Fund, the General Fund and the Utility Fund. One key message during this discussion was the voters' support for taxes to support specific purposes – Parks Opens Space and Trails and the Public Safety Tax, and how the latter has taken pressure off the general sales tax to finance an

essential service to our citizens. Another message was how the City has have thus far managed through the impacts of declining sales and use tax and actions that have been taken to address lower revenues if the depressed economy extends into 2011. An important factor in this discussion was the creation of the General Fund Stabilization Reserve.

Regarding the Utility Fund, staff discussed how the wet irrigation season and lower than expected tap fee income, resulting from the lack of new construction, have negatively impacted the revenue outlook for 2009. This will be offset by utilizing the Rate Stabilization Reserve Council approved in 2006. In anticipation of issuing new debt to finance water / wastewater projects in 2010, staff reviewed the capital projects that might be funded with the proceeds of that financing.

Finally the presentation addressed the redevelopment of the Mall. Staff reviewed how the strategic plan of replacing Mall revenues with revenues from the Urban Renewal Areas (URAs) has been implemented for three URAs – Mandalay Gardens, North Huron, and South Sheridan, and the revenues that are projected, which the City will be able to retain from each. This was followed by a summary of the actions the City has taken to date to solicit interest from potential developers, interview and select finalists, and what the next steps are over the next two years.

The formal presentation was followed by a van tour of the North Huron and Mandalay Gardens urban renewal areas to show the rating agency representatives the development that has taken place there and the potential for further development. The tour ended with a drive by of the Mall area and a discussion of the vision the City has for redevelopment.

Feedback from the rating agency attendees was that the briefing was very thorough and that seeing projects within the City was very beneficial. The emphasis on how the City is addressing the financial implications of the economic downturn was important to convey to them but in this credit environment should not impact the AA+ / AA rating for the sales tax bonds or the water / wastewater bonds one way or another.

Staff will present an abbreviated version of the presentation.

Respectfully submitted,

J. Brent McFall  
City Manager



WESTMINSTER

## Staff Report

City Council Study Session Meeting  
December 7, 2009



**SUBJECT:** Potential Revisions to the Westminster Municipal Code Regarding Special Use Permits and Licenses

**PREPARED BY:** Terri Hamilton, Planner III

### **Recommended City Council Action:**

City Council is requested to review the approach for proposed changes and direct City Staff to bring this item back for official adoption at a subsequent City Council meeting.

### **Summary Statement:**

- On May 11, 2009 City Council imposed a 180-day moratorium on the submittal and processing of applications for Special Use Permits (SUP) to allow for the review and development by City staff of possible amendments to the City's special use permit process and criteria.
- Due to the volume of changes considered, and the need to meet with various board and commissions prior to bringing ordinance changes forward, City Council extended the moratorium by 90 days, up to and including February 6, 2010.
- The proposed Westminster Municipal Code (Code) revisions will bring consistency between local, state and federal requirements regarding residential group facilities and will eliminate ambiguity between the special use process and the Planned Unit Development (PUD) zoning process.
- The proposed Code revisions primarily relate to policy and procedures relevant to the SUP process and criteria; however, a number of ancillary Code revisions that are "housekeeping" in nature are also required to ensure the policy changes can be implemented (i.e. definition changes, etc.).

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues:**

1. Should the City amend the Code regarding the type of land use, location, and approval criteria regulated by the Special Use Permit process?
2. Should the City amend the Code to change the approval authority for Special Use Permits to the Planning Commission?

**Alternatives:**

1. Do not amend the Code regarding land use, location and approval criteria pertaining to the Special Use Permit (SUP) process. This alternative is not recommended because the existing SUP regulations require updating as they relate to residential group homes and because the relationship between the SUP process and PUD zoning process needs clarification.
2. Do not amend the Code to change the approval authority for Special Use Permits. This alternative is not recommended because SUPs are a type of land use decision. Land use decisions are a regular function of the Planning Commission and staff believes that the Planning Commission is better equipped to handle special use permits.

**Background Information:**

There has not been a comprehensive review and update of Section 11-4-8 of the Code pertaining to the issuance of SUPs since 1997. In the meantime, there have been numerous changes in the interpretation of state and federal laws that apply to the approval or denial of certain SUPs, particularly in the areas of group homes.

The current Code allows SUPs to be processed in all zoning districts, including the PUD district. PUDs allow for the potential addition of any type of use, as long as the use is approved by the City Council. The SUP category should apply only to straight zoned areas (areas not zoned PUD), since uses in straight zoned areas are specifically allowed or not allowed, unlike the flexibility of considering any type of use in a PUD. The SUP section of the Code requires clarification so that the SUP process supplements, not supplants, the City's PUD zoning system. That is because SUPs are land use in nature and the Planning Commission reviews most land use applications, including annexation, zoning and rezoning requests, proposed Preliminary Development Plans, and reviews and approves Official Development Plans and planning documents such as the Comprehensive Land Use Plan for the City.

Staff is recommending that the review and approval of SUPs are more appropriately considered by the Planning Commission, rather than the Special Permits and License Board. SUPs are relatively limited in number, typically ranging from one to four applications per year.

The Special Permits and License Board is responsible for various licensing duties – liquor licensing, massage parlor licenses, escort service licenses, special use permits, amusement center licenses, dance hall and cabaret licenses, business licenses including contractor registrations under review for denial, revocation or suspension, and suspension or revocation of licenses to operate solid waste or recyclable materials collection. The Special Permits and License Board is also responsible for renewals, appeals, and revocation of a number of licenses, including appeals of licensing decisions by the City Manager. The licensing function of the Special Permits and License Board would continue.

The proposed change in the approval authority of SUPs has been discussed with both the Special Permit and License Board and the Planning Commission. The Special Permits and License Board reaction was mixed – four members confirmed support and one member did not want the variety in functions of the Board reduced. The Planning Commission unanimously expressed support for this concept (7 members present, 1 absent).

### **Proposed Revisions**

Proposed Code revisions are both substantive (policy, procedure) and non-substantive housekeeping in nature (organization, wording, minor revisions). Below is a description of the proposed Code revisions. Substantive changes are discussed, while housekeeping revisions are noted as such.

#### **a. Title II: Commissions and Boards**

- **Chapter 2: Planning and Zoning Commission**

The review and approval of SUPs is proposed to be added to the powers and duties of the Planning Commission.

- **Chapter 5: Special Permit and License Board**

The review and approval of SUPs is proposed to be removed from the powers and duties of the Special Permit and License Board.

#### **b. Title V: Licensing Regulations**

- **Chapter 20: Family Care Homes, Child Care Centers, and Residential Care Facilities**

This chapter would be removed from the licensing process of the City, as such uses are already subject to a more rigorous state licensing process that provides for on-going monitoring and supervision. The land use related criteria and definitions would be moved to Title XI.

#### **c. Title XI: Land Development and Growth Management Procedures**

- **Chapter 1: General Provisions, Administration and Enforcement**

Minor revisions and clarifications are proposed (housekeeping), such as modifying the language in the violations section to be consistent with revisions to occupancy limitations.

- **Chapter 2: Definitions**

A number of definitions are proposed to be added or revised. The majority of changes reflect adding definitions that are currently missing from Code.

The definitions for group homes and residential care facilities are proposed to be revised to reflect current law and simplified in an effort to encompass the wide variety of types of State licensed facilities.

The “Family” and “Household” definitions are proposed to be revised to include a four persons occupancy limit on the number of unrelated individuals living together in a single dwelling unit and to allow a family foster care home having no more than four foster children

to be considered as a family. Current SUP regulations exempt a foster home with four or fewer foster children. Refer to Attachment 1 - Comparison of communities and limits on the number of unrelated persons within the household definition.

Habitable room language and sex offender limitations noted in the existing family definition are proposed to be relocated to §11-4-6, Special Regulations, where they are better suited.

Distinctions are proposed to be made in the definitions of antique store, consignment store, and thrift store to reflect different categories of used merchandise with potentially different impacts on the retail mix and neighborhood compatibility. "Thrift/Used Merchandise" and "Antique Shop" are defined in the current Code. Staff is recommending adding a definition of "Consignment Store" and amending the definitions of "Thrift Store" and "Antique Shop" in order to clarify the differences between three uses. A definition of "Used Merchandise" is also proposed.

- **Chapter 4: Zoning, Special Regulation, Uses by Special Permit, Applications for Special Permit**

§11-4-4: The Permitted Uses section of the Code will be repealed in its entirety and re-enacted so the use chart can be revised to reflect the addition of land uses not currently indicated, reformatted for ease in use and interpretation, and modified to reflect uses that are (P) permitted within a zoning district, (C) conditionally permitted, or (S) permitted only by special use permit. The description of these three approaches to allowable uses will be reflected in the Permitted Use Chart and text. For reference regarding special uses see §11-4-8 below, and for conditional uses see §11-4-9 below.

§11-4-6: Special Regulations will be amended by the addition of occupancy standards including the regulation of number of registered sex offenders.

§11-4-8: Uses by Special Permit will be repealed in its entirety and re-enacted. Proposed revisions to SUPs are summarized as follows:

1. A number of uses currently require SUP approval, including Day Care Facilities, Indoor Entertainment Establishments, and Places of Assembly (which includes churches and private schools). These uses are proposed to be removed from the SUP process and made permitted uses (use by right) within the B1, C1, and C2 zone districts (business and commercial zone districts). The Code also allows these uses to be considered in the Planned Unit Development (PUD) zoning classification through the rezoning process, which is consistent with the vast majority of zoning and development in Westminster.
2. Several uses currently allowed by SUP approval within various zoning classifications are proposed to become Conditional Uses, including certain types of group homes (see §11-4-9 below). A Conditional Use is a use allowed within certain zoning districts as long as certain conditions are met (i.e. buffer requirements). The approval for a conditional use would be administrative, since these types of uses cannot be denied if all conditions of approval are met. Examples include Group Homes with eight or fewer residents for the Aged, Developmentally Disabled, and Mentally Ill, which are protected and allowed under state law. Staff also recommends changing the existing 1,000-foot minimum separation for these types of uses to 750 feet minimum separation, which is the maximum allowable separation for these types of homes pursuant to state law.



3. Special Use Permits will be proposed the regulatory process for land use approval for Ambulance Services, Tattoo Parlors/Body Piercing, Thrift Stores (5,000 sf or greater), Group Residential Care Facilities, and Institutional Care Facilities. Tattoo Parlors/Body Piercing is currently allowed only in the PUD zone. Staff recommends tattoo parlors/body piercing to be regulated as a SUP to address the potential impacts of these uses in straight zoned districts.
  4. Staff is also proposing removing from the SUP process certain large care facility uses that are of a commercial nature, such as Group Residential Care Facilities, Institutional Care Facilities, and large day care homes (5 to 15 children), since these uses are considered too intensive for operation in a residence. Also, for consistency and ease in regulation, the existing 1,000-foot minimum separation between the various types of residential facilities is proposed to be reduced to 750 feet for consistency throughout the Code. Refer to Attachment 2 - Non-Residential Uses, and Attachment 3 - Residential Uses, for further detail in comparing the proposed changes in Section 11-4-8 to current Code.
  5. Both cemeteries and hospitals are proposed to be removed from the SUP process. It is more appropriate for these land uses to be regulated by PUD zoning, as is the case for the vast majority of zoning and development in Westminster.
  6. The criteria used in the review and approval of SUPs are proposed to be modified and updated.
  7. §11-4-9: Applications by Special Permit will be repealed in its entirety and re-enacted as Conditional Uses. This section of the Code will then be used to explain and address the conditional use process. A Conditional Use is a use allowed within specified zoning classifications if certain conditions are met. Conditional Uses are proposed for Thrift Stores with less than 5,000 square feet of gross floor area, statutorily protected Group Homes (eight residents or fewer - see Attachment 3 for residential uses), and Domestic Violence Shelters. The existing 1,000-foot separation between residential facilities and Domestic Violence Shelters is proposed to be eliminated because implementation would negate the intent for confidentiality regarding the location of these shelters.
- **Chapter 5: Procedures and Requirements for the Approval of Annexations, Rezoning, Development Plans, and Plats**

§11-5-13: Public Hearing for Land Development Approvals would be revised to include the requirement of public notification, hearing, and appeal process for SUPs. As noted previously in this staff report, SUPs are proposed to be approved by Planning Commission. The SUP process would be similar to that of the current SUP process, i.e. there would be review by City staff, neighborhood notification, mailed and published notice of public hearing, public hearing and decision by a board or commission (Planning Commission), and the option of an appeal to the City Council of the decision.

Upon review of these proposals and direction by City Council, City staff will bring forward Councillors' Bills reflecting Code amendments, for consideration by City Council, at an upcoming City Council meeting.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Attachment 1 - Comparison of Communities
- Attachment 2 - Non-Residential Uses
- Attachment 3 - Residential Uses

<b>Jurisdiction</b>	<b># Unrelated Persons within Family Definition</b>
<b>Arvada</b>	5 - Also allows a foster home of up to 4 foster children
<b>Aurora</b>	4
<b>Broomfield</b>	3
<b>Longmont</b>	5 - Also allows a foster home
<b>Lakewood</b>	5- Also allows a foster home
<b>Thornton</b>	5
<b>Westminster</b>	4 (proposed) - 1 person per room (current Code) Foster Home up to 4 (current Code)

Non-Residential Uses	Use by Right	Conditional Use	Special Use Permit	Current Code
<b>Ambulance Service</b>	N/A	N/A	<ol style="list-style-type: none"> <li>1) C1, C2, M1; and</li> <li>2) Minimum of 500 ft. distance from a boundary of any residential district or the property line of lot devoted to residential use, regardless of zoning designation (See Title 11-4-13(d) 2d, e and for measurement purposes Title 11-4-13); and</li> <li>3) Primary access to a four or more lane street; and</li> <li>4) No outside storage of ambulances; and</li> <li>5) See (new) criteria for SUP</li> </ol>	1) Any zone district by Special Use Permit (SUP)
<b>Day Care Facility</b>	B1, C1, C2	N/A	N/A	1) Any zone district by SUP Adult daycare not addressed
<b>Indoor Entertainment</b> (amusement centers, bowling, billiards, movie theatres, paint ball, gymnastics and other similar uses)	B1, C1, C2	N/A	N/A	<ol style="list-style-type: none"> <li>1) M1 by SUP; and</li> <li>2) B1, C1, C2 as use by right</li> </ol>
<b>Places of Assembly</b> (including event centers, meeting halls, churches, other places of private assembly)	B1, C1, C2	N/A	N/A	<ol style="list-style-type: none"> <li>1) Any zone district by SUP; and</li> <li>2) C1, C2 as use by right</li> </ol>
<b>Private Schools</b>	B1, C1, C2	N/A	N/A	<ol style="list-style-type: none"> <li>1) Any zone district by SUP; and</li> <li>2) All zone districts as use by right for public schools only</li> </ol>
<b>Tattoo Parlor/Piercing</b>	N/A	N/A	<ol style="list-style-type: none"> <li>1) C1, C2, M1; and</li> <li>2) Minimum of 1,000 ft. from another tattoo parlor/piercing as defined and measured in Title 11-4-13; and</li> <li>3) Minimum of 500 ft from the boundary of a residential district (measured as in Title 11-4-13); and</li> <li>4) See (new) criteria for SUP</li> </ol>	N/A
<b>Thrift Store</b> (will not include antique or consignment)	N/A	<ol style="list-style-type: none"> <li>1) C1, C2, M1; and</li> <li>2) &lt; 5,000 SF GFA</li> </ol>	<ol style="list-style-type: none"> <li>1) C1, C2, M1; and</li> <li>2) 5,000 SF GFA or greater; and</li> <li>3) Minimum of 1,000 ft. from another thrift store (measured as in Title 11-4-13); and</li> <li>4) See (new) criteria for SUP</li> </ol>	<ol style="list-style-type: none"> <li>1) C1, C2, M1, PUD by SUP; and</li> <li>2) 500 foot separation</li> </ol>
<b>Hospital</b>	Must be specified in PUD	N/A	N/A	1) Any zone district by SUP
<b>Cemetery</b>	Must be specified in PUD	N/A	N/A	1) Any zone district by SUP

Residential Uses	Use by Right	Conditional Use	Special Use Permit	Current Code
<p><b>Group Home (8 or fewer residents; 24 hour accommodations; located within a residence)</b>            * Includes protected classes (aged, mentally ill, developmentally disabled)            * Does not include correction home, substance abuse rehab, domestic violence, nursing home, assisted living, rest home, convalescent home, or shelter</p>		<p>1) All residential zones including residential portions of PUD's; and            2) 750-ft. separation from other group homes, group care facilities, institutional care facilities, domestic violence shelter homes; and            3) Adequate off-street parking for employees</p>		<p>1) All zones; and            2) Separation at 1,000 ft. between all residential care facilities</p>
<p><b>Group Residential Care Facility (5 or more unrelated persons; &gt; 8 persons in a group home; 24 hour accommodations)</b>            * Includes group home (over 8 persons), assisted living facility, nursing homes, convalescent homes, foster homes, cradle care homes, group homes for pregnant women and infants            * Does not include correction home, substance abuse rehab, domestic violence, hotel, motel, boarding/rooming house</p>			<p>1) R3, R4, T1, B1, C1, C2; and            2) 750 ft. separation; and            3) SUP Criteria</p>	<p>1) All zones with SUP; and            2) Separation at 1,000 ft.; and            3) &gt; 3 persons (&gt;4 persons if foster care)</p>
<p><b>Institutional Care Facility (any number of persons)</b>            * Includes correction home, substance abuse            * Does not include hotel, motel, boarding/rooming house</p>			<p>1) C1, C2, M1; and            2) 750 ft. separation; and            3) SUP Criteria</p>	<p>1) All zones with SUP (except if a correction home for 7 or more persons including staff - R3, R4, T1, and multi family portions of PUD's with SUP; and            2) Separation at 1,000 ft.; and            3) &gt; 3 persons</p>
<p><b>Domestic Violence Shelter (5 or more unrelated persons)</b></p>		<p>1) R3, R4, T1; and            2) Administrative review with SUP criteria</p>		<p>1) R3, R4, T1, and multi family PUD with administrative approval; and            2) Separation at 1,000 ft.</p>



# WESTMINSTER

## Staff Report

Information Only Staff Report  
December 7, 2009



**SUBJECT:** Benton Park Art Piece

**PREPARED BY:** Brian Potts, Planning Technician

### Summary Statement:

This report is for City Council information only and requires no action by City Council.

### Background Information:

On March 11, 2009, David Wise Architects presented to staff a proposal for the public art piece installation located in an art plaza on the northwest corner of Sheridan and 112<sup>th</sup> Avenue within the Benton Park development. The \$11,000 art piece will be paid for by the developer in fulfillment of the City's public art requirement. This proposed art piece is a 6-foot tall sundial point constructed of "two folded planes separated by a linear aperture." According to the artist, "the sculpture marks the passage of time, evidencing the rotation of the earth through the interplay of light and shadow across its surfaces and the surrounding grade."

On May 8, staff met with the artist and architect on site to evaluate a mock-up demonstrating how the art will fit into the art plaza (see exhibits C & D). The sculpture will have a copper-oxide patina finish that will stain the art a bluish green (an example of this is shown on Exhibit B). All foundation elements of the piece will be below grade. Staff is confident that this art piece constitutes a valuable addition to the project and enhances this intersection.

Respectfully submitted,

J. Brent McFall  
City Manager

### Attachment

- Exhibit A - Benton Park Site Plan
- Exhibit B – Materials example for Benton Park Art Piece
- Exhibit C - Benton Park Plaza Center mock up
- Exhibit D - Benton Park Plaza Center art piece mock up - 2



Example of copper-oxide patina (blue-green) to be used on Benton Park Art Piece









**City of Westminster City Council Study Session Notes  
November 16, 2009**

Mayor Nancy McNally called the Study Session to order at 6:32 PM. All Councillors were in attendance.

City Staff in attendance included: City Manager Brent McFall; City Attorney Marty McCullough; Assistant City Manager Steve Smithers; Deputy City Manager Matt Lutkus; Community Development Director John Carpenter; Parks, Recreation and Libraries Director Bill Walenczak; Chief of Police Lee Birk; Park Services Manager Richard Dahl; Recreation Services Manager Peggy Bocard; Assistant City Attorney Walt Mathews; Landscape Architect II Sarah Washburn; Planning Manager Mac Cummins; Open Space Coordinator Heather Cronenberg; Open Space Technician Lauren Schevets; Senior Management Analyst Phil Jones; Public Information Officer Katie Harberg; and Senior Management Analyst Aric Otzelberger.

The guest in attendance was June Younger with the Westminster Window.

**November 21<sup>st</sup> Legislative Tour**

Deputy City Manager Matt Lutkus and Senior Management Analyst Phil Jones were present to brief City Council on the planned breakfast and tour for Westminster's State legislative delegation on November 21. Staff shared prepared materials on urban renewal activities in Westminster and the City's urban renewal principles. City council concurred with the program schedule for the November 21 event.

**2010-2014 Revisions to the Parks and Recreation Master Plan**

Parks, Recreation and Libraries Director Bill Walenczak and other Staff were present to discuss the format and highlights of the City's proposed 2010-2014 Parks and Recreation Master Plan. City Council requested that Staff revise language for future potential park and recreation amenities to make the language clear that these future planned potential amenities are not certainties and are dependant on future economic realities, competing priorities and other unforeseen factors in the future. City Council also requested that Staff provide information on wildlife management plans in different parks. Staff is working on consolidating all of the City's individual species management plans into one master wildlife management plan and will make this document available with the Parks and Recreation Master Plan once it is completed. City Council also asked Staff to consider community gardens in the Parks and Recreation Master Plan. In addition, City Council asked if Staff could produce a similar document as the Parks and Recreation Master Plan for the City's Open Space properties. City Manager Brent McFall responded that Staff will work on that for the future. Staff will make revisions requested by City Council and will bring the Parks and Recreation Master Plan forward for official action at the December 14 City Council meeting.

**Open Space Parks Adoptions**

Community Development Director John Carpenter and Open Space Coordinator Heather Cronenberg were present to review the proposed Open Space and Parks adoptions list and to receive input from City Council. The proposed adoptions list includes properties proposed to be adopted as both Parks and Open Space. City Council concurred with the proposed list and directed Staff to place adoption of the list on an upcoming City Council agenda for official City Council action.

**Medical Marijuana Dispensaries**

City Attorney Marty McCullough and other Staff were present to discuss medical marijuana dispensaries (MMDs) and to receive City Council direction on how to address this land use within the City of Westminster. Mr. McCullough discussed possible approaches to MMDs and the legal uncertainties that currently exist regarding MMDs. Mr. McCullough discussed the lack of a federal or state regulatory framework for MMDs and the significant Staff resources that would be necessary to administer land use approvals and/or licensing requirements for MMDs. Due to these issues, Staff recommended amending

the Westminster Municipal Code expressly prohibiting any land uses that are unlawful under state or federal law. This action would have the effect of making MMDs unlawful in the City for so long as they remain unlawful under federal law. City Council concurred with this recommendation and directed Staff to prepare such an amendment for official City Council action at an upcoming City Council meeting.

**Discussion of Boards and Commissions Transition**

City Council discussed transition issues related to the upcoming dissolution of the Board of Adjustment and Appeals and the Transportation Commission. City Council will offer the members of this board and this commission an opportunity to apply for open seats on other boards and commissions. City Council also discussed City Council boards and commissions assignments in 2010 and discussed possible additions and changes. Based on City Council's discussion, Staff will clean up the master list and get it back to City Council.

Mayor McNally adjourned the Study Session at 8:43 PM.