



CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given. Many items have been previously discussed at a Council Study Session.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) is reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Denver Regional Council of Governments Award Presentation
 - B. Small Business Week Proclamation
7. Citizen Communication (5 minutes or less)

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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. Big Dry Creek Wastewater Treatment Facility Solids Dewatering Pilot Testing and Pre-design
 - B. Expenditure of Funds to Acquire Additional Water Supply
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 13 to Disband the Board of Building Code Appeals
11. Old Business and Passage of Ordinances on Second Reading
 - A. Second Reading of Councillor's Bill No. 12 to Add Section 19, Title XI, W.M.C., Voter Registration Information
12. Miscellaneous Business and Executive Session
 - A. City Council
 - B. Executive Session
13. Adjournment

NOTE: Persons needing an accommodation must notify the City Clerk no later than noon on the Thursday prior to the scheduled Council meeting to allow adequate time to make arrangements. You can call 303-658-2161/TTY 711 or State Relay or write to lyeager@cityofwestminster.us to make a reasonable accommodation request.

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.



WESTMINSTER
Strategic Plan
 2013-2018
 Goals and Objectives

STRONG, BALANCED LOCAL ECONOMY

- Maintain/expand healthy retail base, increasing sales tax receipts
- Attract new targeted businesses, focusing on primary employers and higher paying jobs
- Develop business-oriented mixed use development in accordance with Comprehensive Land Use Plan
- Retain and expand current businesses
- Develop multi-modal transportation system that provides access to shopping and employment centers
- Develop a reputation as a great place for small and/or local businesses
- Revitalize Westminster Center Urban Reinvestment Area



SAFE AND HEALTHY COMMUNITY

- Maintain citizens feeling safe anywhere in the City
- Public safety departments: well-equipped and authorized staffing levels staffed with quality personnel
- Timely response to emergency calls
- Citizens taking responsibility for their own safety and well being
- Manage disaster mitigation, preparedness, response and recovery
- Maintain safe buildings and homes
- Protect residents, homes, and buildings from flooding through an effective storm water management program



personnel

FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Prepare for next generation of leaders; managers and employees.
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY

- Develop transit oriented development around commuter rail stations
- Maintain and improve neighborhood infrastructure and housing
- Preserve and restore historic assets
- Have HOAs and residents taking responsibility for neighborhood private infrastructure
- Develop Westminster as a cultural arts community
- Have a range of quality homes for all stages of life (type, price) throughout the City
- Have strong community events and active civic engagement



BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY

- Have energy efficient, environmentally sensitive city operations
- Reduce energy consumption citywide
- Increase and maintain green space (parks, open space, etc.) consistent with defined goals
- Preserve vistas and view corridors
- A convenient recycling program for residents and businesses with a high level of participation



Mission statement: We deliver exceptional value and quality of life through SPIRIT.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 28, 2014, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Herb Atchison, Mayor Pro Tem Faith Winter and Councillors Bruce Baker, Bob Briggs, Alberto Garcia, Emma Pinter, and Anita Seitz were present at roll call. Also present were City Manager J. Brent McFall, City Attorney Martin McCullough, and Deputy City Clerk Carla Koeltzow.

CONSIDERATION OF MINUTES

Councillor Briggs moved, seconded by Councillor Baker, to approve the minutes of the regular meeting of April 14, 2014, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall noted that Saturday, May 10th will be Pride Day in Westminster where up to 1500 volunteers will be picking up trash throughout the City. At the end of the morning there will be a BBQ lunch in the City Hall plaza for all those who participated. There is still time to volunteer. Contact Patti Wright in the Parks, Recreation and Libraries Department for an assigned location.

Mr. McFall reported that Council would conduct a post-meeting briefing following adjournment of this meeting for discussion on two items, a proposed west annex for Adams County and a land use review regarding chickens and bees. The public was welcome to attend.

COUNCIL REPORTS

Councillor Briggs noted that the City Clerk, Linda Yeager, was not present at the meeting due to the recent death of her mother. He asked everyone to keep her and her family in their prayers. He also pointed out that scenes from the new movie, Heaven is for Real, were taken at Westminster's Butterfly Pavilion featuring Rosy the tarantula. He watched the movie on Easter Sunday and thought it was great. In addition, last Saturday at the former Westminster Grade School at 72nd and Lowell Blvd the Historical Society opened the Westminster Historic Center. It is wonderful when old buildings find new uses.

In 1999, Councillor Briggs attended his first meeting with the Regional Transportation District. Three projects were discussed, T-Rex, FasTracks and the remodeling of Denver Union Station. Union Station is set to reopen with a public ceremony on May 8th. This will be a great addition to the transportation district with up to 200,000 people going through the station per day.

Councillor Garcia invited everyone to the open house at Fire Station #5, this Saturday from 12 p.m. to 3 p.m. It is a great community event.

EMPLOYEE SERVICE AWARDS

Mayor Pro Tem Winter presented 20-year length of service awards to Chis Howrey, Anita Seele, and Steve Smithers and gave each employee a pin and a plaque to mark the occasion. Mayor Atchison presented a pin, plaque, and a \$2,500 check to Dannie Moore in celebration of 25 years of service to the City. Councillor Baker presented a pin and plaque to Bob Dowling in recognition of 30 years of service to the City. Councillor Pinter presented a pin and plaque to Bob Booze in recognition of 40 years of service to the City.

PROCLAMATIONS

Councillor Pinter presented a proclamation designating May to be Mental Health Month to Lindy Schultz of Adams County Community Reach and Liz Smith of the Jefferson Center for Mental Health. Both agencies serve Westminster residents.

Councillor Garcia read a proclamation designating May 15 as Peace Officers Memorial Day and May 11 through 17, 2014, as Police Week. He presented the proclamation to Chief Birk, the Police Chaplain and six other Officers that were present.

Councillor Seitz read a proclamation declaring May 4 through 10, 2014, to be National Drinking Water Week in Westminster. She presented the proclamation to Mary Fabisiak, Water Quality Administrator, and other City Staff who work to protect the water supply and system infrastructure to provide safe, clean water for the residents of Westminster.

Councillor Briggs proclaimed May 18 through 24, 2014, to be Public Works Week. This year's theme is "Building for Today, Planning for Tomorrow." In presenting the proclamation to Public Works staff members, he recognized the contributions they and their co-workers made every day to citizens' health, safety, comfort and quality of life.

CITIZEN COMMUNICATION

Twenty-eight people took the opportunity to speak, and five submitted emails to Council in regards to Councillor's Bill No. 12. This Bill was revised just prior to the Council meeting. The Bill would require every holder of a rental property license to provide each new tenant with instructions on how to register to vote in Colorado, rather than an actual Colorado voter registration form, concurrent with the landlord's delivery of possession of the premises to the tenant.

Seventeen residents spoke in favor of the Bill: Howard Arnold, Mike Melio, Karen Hardy, Richard Meisinger Jr., Ronald Booth, Ellen Buckley, Amanda Clinard, Michele Christiansen, Bev Bishop, Maria Camdren, Fred Sargeson, Bill Selznick, Lisa Fiola, Tangi Lancaster, Jacquelynn Ross, Rosanna Reyes, and Alex Villagran. Elena Munoz from Common Cause and Cindy Vigil from Growing Home also spoke in favor of the Bill. Three emails in support of the Bill were entered into the record. They were from Mary Litwiler, Kristen Gruber, and Carolyn Kidd Proctor. Another email in support, from Karen Marquez, was read into the record by Bev Bishop but not provided.

Those who spoke in favor of the Bill made the following comments. They felt it was a common sense Bill that would be easy for the landlords to implement and not an undue burden. The Bill supports the City's Strategic Goals Plan for a vibrant City. It shows that Westminster is innovative and a leader in community involvement. Citizen participation in the voting process creates a successful city and is a community builder. Property owners have the responsibility to make communities better. By providing new renters instructions on how to register to vote it encourages all economic levels to participate in the democratic process. The instructions should be provided in both Spanish and English, both in writing and in electronic format. Voter information should also be included in water bill mailings. When people move there are so many things to deal with that having information in the lease packet about voter registration would be a great reminder and benefit.

Nine people advised Council that they opposed the Bill: Tao Nicolais, a Westminster rental property owner, Kimberly Bolles, employed by Sunset Ridge Apartments and resident of Westminster, Terry Simone, Regional Vice President of the National Apartment Association and President of the Colorado Apartment Association, Stephanie Avery, Chair Elect of the Apartment Association of Metro Denver's Joint Legislative Advisory Council, Erica Freeman Daniels, Toscana Apartments management group, Jim Nevill, Director of Property Operations with the Adams County Housing Authority, Kelly Hanning, property manager at Canon Reserve at the Ranch, and Richard Seymour and Ben Beaty, both residents of Westminster. Councillor Pinter read into the record an email from Joseph Hein strongly urging Council to vote no on the Bill.

Those who spoke in opposition of the Bill made the following comments. Many were in strong support of encouraging voter registration but felt it was the responsibility of government, not landlords. They would support supplying voter information on a voluntary basis but opposed making it mandatory per ordinance. Already, when renters contact the DMV or post office to change their address, they are supplied with information on voter registration. Leasing already involves a lot of paperwork and adding this information would be an extra burden. Some were concerned about the logistics of showing compliance and the possibility of fines being imposed. Any penalty would hurt small rental property investors. Property managers expressed that providing the information may confuse new tenants and they would rely on managers to advise and provide more information about the political process. Complaints were made that stakeholders in the multifamily rental industry were not given the opportunity to express their concern prior to the Bill being proposed.

Mike Melio, Ronald Booth, Amanda Clinard also noted that there were in favor of residents being allowed to have bees hives and chickens on their property. Mike Melio and Rosanna Reyes asked for Council's support in banning petrochemicals that pollute the water supply. Tangi Lancaster thanked the Parks, Recreation and Library Board for opening the Father Daughter Ball to all children and their adult companions.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the Financial Report for March as presented; accept the First Quarter 2014 Insurance Claims Report as presented; based upon the recommendation of the City Manager, determine that the public interest will be best served and approve Fleet Maintenance cumulative purchases in 2014 with TCI Tire Centers for purchases not to exceed \$145,000 through year end; based on the results of the Denver Public Schools bid for the Global Positioning System activation and service contract, authorize the City Manager to approve a contract with Zonar Systems in the amount of \$48,687, bringing the total expenditure with this vendor to \$113,044, to date, in 2014; based on the report and the recommendation of the City Manager, determine that the public interest will be best served and approve the City Clerk's Office cumulative purchases in 2014 with S Corporation, Inc. for Laserfiche software, professional services, and annual maintenance not to exceed the authorized expenditure level of \$98,395; change the date of the second regularly scheduled City Council meeting in May from May 26 to May 19; pass Councillor's Bill No. 9 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement with Surefire Medical Inc.; pass Councillor's Bill No. 10 on second reading vacating the alley within Lots 5-9 and Lots 40-44, Block 120 of the Westminster Subdivision; and pass Councillor's Bill No. 11 on second reading appropriating \$585,000 to the 120th Avenue Underpass Project as an advance of the Adams County share of the project's construction costs.

Councillor Pinter moved, seconded by Councillor Baker, to approve the consent agenda as presented. The motion carried with all Council members voting in favor.

RESOLUTION NO. 7 APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon a motion by Councillor Baker, seconded by Councillor Winter, the Council voted unanimously on roll call vote to adopt Resolution No. 7 making appointments to fill vacancies on the Election Commission, the Environmental Advisory Board, the Human Services Board, the Personnel Board, and the Special Permit and License Board.

RE-APPOINTMENT TO THE METRO WASTEWATER RECLAMATION DISTRICT BOARD OF DIRECTORS

It was moved by Councillor Garcia, seconded by Councillor Baker, to reappoint Curtis Aldstadt to the Metro Wastewater Reclamation District's Board of Directors, with a term of office effective through June 30, 2016. The motion carried unanimously.

COUNCILLOR'S BILL NO. 12 ADDING 11-12-19 TO W.M.C. RE VOTER REGISTRATION INFORMATION

It was moved by Mayor Pro Tem Winter, seconded by Councillor Pinter, to pass Councillor's Bill No. 12 adding Section 19 to Title XI, Section 12 of the Westminster Municipal Code concerning voter registration information. The motion passed. The roll call vote was 5 to 2, with Atchison and Baker voting no.

Clerk's Note of 5/15/14: Councillor's Bill No. 12 was revised on April 28th prior to Council's consideration on first reading. The revised bill is attached hereto and incorporated herein as an official part of the record of these proceedings.

RESOLUTION NO. 8 RE IGA WITH UDFCD - TANGLEWOOD CREEK CHANNEL/POND IMPROVEMENTS

Upon a motion by Councillor Baker, seconded by Councillor Seitz, the Council voted unanimously at roll call to adopt Resolution No. 8 authorizing the City Manager to execute an amendment to an Intergovernmental Agreement with the Urban Drainage and Flood Control District for Tanglewood Creek Channel and Pond Improvements.

RESOLUTION NO. 9 AUTHORIZING CITY MANAGER TO ENTER INTO SHORT-TERM WATER LEASES

Councillor Seitz moved, seconded by Councillor Briggs to adopt Resolution No. 9 authorizing the City Manager, for a period of five years, to enter into annual leases of certain water rights to agricultural users. With a roll call vote, the motion carried unanimously.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Atchison adjourned the meeting at 9:10 p.m.

ATTEST:

Mayor

Deputy City Clerk

REVISED BILL AS PASSED ON FIRST READING 4-28-14

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **12**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ADDING SECTION 19 TO TITLE XI, CHAPTER 12, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING VOTER REGISTRATION INFORMATION

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title XI, Chapter 12, W.M.C., is hereby AMENDED by the addition of the following new subsection:

11-12-19: VOTER REGISTRATION INFORMATION

(A) In order to increase participation in elections by residents in rental property communities, every holder of a rental property license shall provide each new tenant instructions on how to register to vote in Colorado, concurrent with landlord's delivery of possession of the premises to the tenant.

(B) The City Clerk shall maintain a sample form of said instructions, which shall be available to any holder of a rental property license upon request.

(C) It shall be unlawful for any holder of a rental property license to violate subsection (A) of this section on or after January 1, 2015. Any holder of a rental property license who violates this section shall be subject to the fines provided by Section 1-8-1 of this Code.

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 28th day of April, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2014.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
May 12, 2014



SUBJECT: Denver Regional Council of Governments 2014 Local Government Gold Award

Prepared By: John Carpenter, Director of Community Development

Recommended City Council Action

Councillor Seitz to present the Denver Regional Council of Governments Local Government Gold Award for the Westminster Comprehensive Plan to Senior Urban Designer Sarah Nurmela and Planning Manager Mac Cummins.

Summary Statement

On April 23, 2014, the City of Westminster received the Gold Award in the “Action” category of the Local Government Awards from the Denver Regional Council of Governments (DRCOG) at its 2014 Awards Celebration. The award was presented to the City for the Westminster Comprehensive Plan. The Gold Award is the highest award in this category.

City Council will present the award to Sarah Nurmela, Senior Urban Designer who authored the document and Mac Cummins, Planning Manager, Sarah’s supervisor who was also integrally involved in this project.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

DRCOG sponsors an annual competition to honor excellence within its member cities and counties. Local governments are invited to submit projects that meet DRCOG's criteria. To celebrate Metro Vision accomplishments, DRCOG's 2014 Local Government Awards recognize excellence, innovation, collaboration and leadership in creating great places. These accomplishments help the region to achieve its ambitious vision for tomorrow through local action and commitment today.

The City submitted an application for a Local Government Award in the "Action" category in early 2014. A copy of the application materials and maps are attached. The project submitted was the Westminster Comprehensive Plan, which was adopted by City Council in November 2013. The Comprehensive Plan was primarily written by Senior Urban Designer Sarah Nurmela with assistance provided by City Staff from throughout the City. Planning Director Mac Cummins was also very involved in providing overall guidance and support in this incredibly complex project. The preparation of the revised plan took over a year to complete and greatly expanded the scope and contents of the previous plan that was last updated in 2004.

Staff is very honored that DRCOG chose to select the Comprehensive Plan for a Local Government Gold Award.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments: A-Award Nomination Submittal
B-Comp Plan Figures

Summary of Completed Metro Vision plan and how it carries out the goals of Metro Vision (2-5 sentences)

In 2013, the City of Westminster completed a year-long effort to expand the city's land use plan into a Comprehensive Plan that addresses all aspects of physical planning and development in the city. The Plan addresses land use, economic vitality, transportation and circulation, city identity and urban design, parks, open space and recreation, and public services and utilities. The expanded scope of the plan ensures that growth in the city is sustainable, coordinated with infrastructure and utilities, and maintains the city's high quality of life and services. Key aspects of the plan that align with the Metro Vision 2035 goals for sustainability include: almost all growth in the city is focused in urban centers, where high intensity, mixed-use development is encouraged; the highest intensity of development is located around transit centers like Westminster Station and in downtown Westminster adjacent to the Westminster Center Park-and-Ride; and finally, new land use designations for mixed-use development and high intensity employment create the vehicle for facilitating growth in these areas.

Describe the problem or need this project addressed.

Historically, planning for physical development in the City of Westminster has been a function of separate divisions and departments within the city. The original Comprehensive Land Use Plan, adopted in 1997, focused on regulation of land uses in the city, while other plans in the city regulated transportation, parks and open space, and public utilities. These plans were all updated on a separate schedule, and coordination between the plans has been a challenge. Additionally, over the last decade since the city's Comprehensive Plan Land Use Plan was last updated in 2004, the City of Westminster, economy and development trends in the Denver Metro region have evolved significantly. As a result, several key factors further influenced the need for a revised approach to planning for the city, including:

- The city is approaching its physical build-out and little vacant land remains for development. As a result, the majority of new growth in the city will be accommodated in redevelopment and infill areas.
- Much of the future development in the city must rely on existing infrastructure and resources, particularly existing and planned water availability, planning for which needs to be closely tied to land uses and development intensity in order to provide adequate services and maintain the city's high quality of life.
- Many areas in the city that were formerly designated as District Centers in the 2004 Comprehensive Land Use Plan require more detailed direction for land use and development intensity to ensure that new development occurs in urban centers and in concert with the city's vision, growth management efforts and infrastructure capacity.
- Finally, the need to accommodate mixed-use and transit-supportive development, ensure development continuity in commercial and employment centers, and preserve land for services and light industry requires an expanded palette of land use classifications.

All of these factors—both internal and external to the city—required a new approach to planning in the city, where all aspects of physical planning would be aligned and organized into a cohesive document. In particular, planning for the city underwent a significant paradigm shift—from lateral growth with a high degree of flexibility to strategic growth on remaining vacant land and redevelopment areas in urban centers. This shift to strategic growth was further supported and guided by a Citywide Economic Market

Analysis that identified the need and opportunity for employment growth in the city and supportive residential and commercial development.

If the project refines and modifies an idea used elsewhere, describe: origination of idea; who else or where else implemented; research/bibliography search efforts; and how the project creatively uses the original model or idea.

The structure and scope of the City of Westminster's Comprehensive Plan was based on the general plan format required for cities in the State of California. The cohesive and coordinated approach to planning in California allows cities to address key aspects of physical planning, seven elements of which are required by the California Government Code: land use, circulation, housing, conservation, open space, noise and safety. Many cities add additional elements or aspects to their plans, including economic development, livability/urban design, and sustainability. The City of Westminster believes that this cohesive approach to planning is essential for cities as they continue to grow and evolve within a finite land area where infrastructure, resources and open space are all tied to land use and overall quality of life. As a result, the City of Westminster proceeded with a modified approach to the California general plan. Using the same structure, with each chapter representing a specific "element" of planning, the city focused on the aspects of planning that were most relevant to the city's growth over the next 20 years: land use, economic vitality, transportation and circulation, city identity and urban design, parks, recreation, libraries and open space, and public utilities and services. Sustainability, while not a separate chapter, was woven into the goals and policies of the document. The attached graphics illustrate the land use (1), parks and open space (2), circulation (3), public utilities (4) and focus area (5) elements of the Plan.

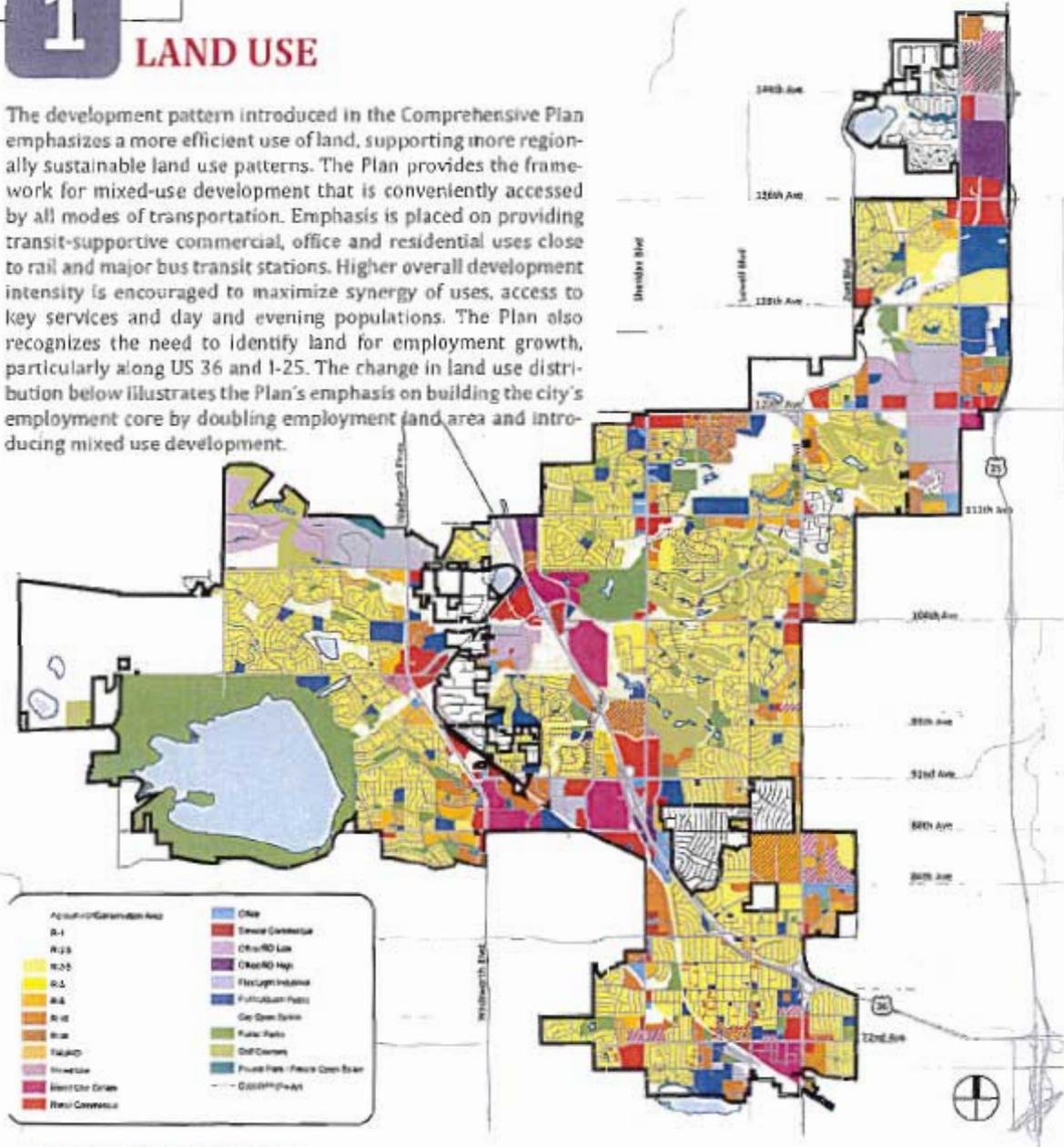
While other cities in Colorado have included multiple aspects of physical planning within their comprehensive planning documents, the detail, focus and coordination among these efforts do not serve as significant models for this cohesive approach. The City of Westminster Comprehensive Plan planning process was an extensive, coordinated process that incorporated all departments and divisions in the city. In particular, multiple planning efforts were conducted to guide, evaluate, refine and coordinate with the land use direction of the Plan, including a Citywide Economic Market Analysis, the city's Roadway Master Plan and Comprehensive Water Supply Plan.

As part of the plan development process, extensive stakeholder outreach was conducted with city decision makers, agencies and associations, regional agencies, neighboring cities, and businesses and residents in the city. This analysis and research identified key issues and opportunities that were addressed by the Plan. Public outreach was also an important focus, and several citywide and neighborhood meetings were held in concert with an online presence and project website to further reach out to the community.

The resulting Comprehensive Plan for the City of Westminster was adopted unanimously by City Council in November of 2013. The Plan serves as a guide for the next 20 years for all departments in the city. As a living and evolving document, the Plan will be updated regularly every five years to ensure that the goals and policies of the plan continue to support the city's growth while maintaining and improving on its physical, environmental and economic foundation.

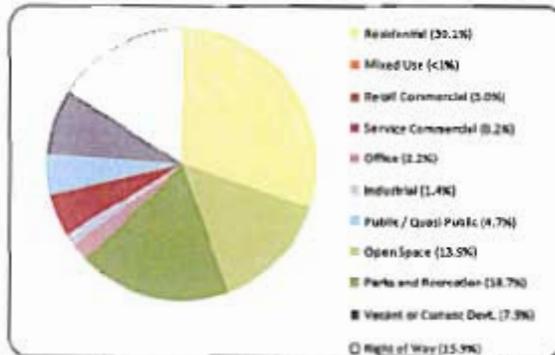
1 LAND USE

The development pattern introduced in the Comprehensive Plan emphasizes a more efficient use of land, supporting more regionally sustainable land use patterns. The Plan provides the framework for mixed-use development that is conveniently accessed by all modes of transportation. Emphasis is placed on providing transit-supportive commercial, office and residential uses close to rail and major bus transit stations. Higher overall development intensity is encouraged to maximize synergy of uses, access to key services and day and evening populations. The Plan also recognizes the need to identify land for employment growth, particularly along US 36 and I-25. The change in land use distribution below illustrates the Plan's emphasis on building the city's employment core by doubling employment land area and introducing mixed use development.

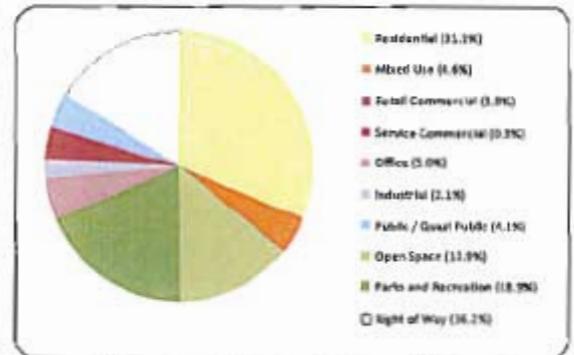


LAND DISTRIBUTION

Existing 2013 Distribution



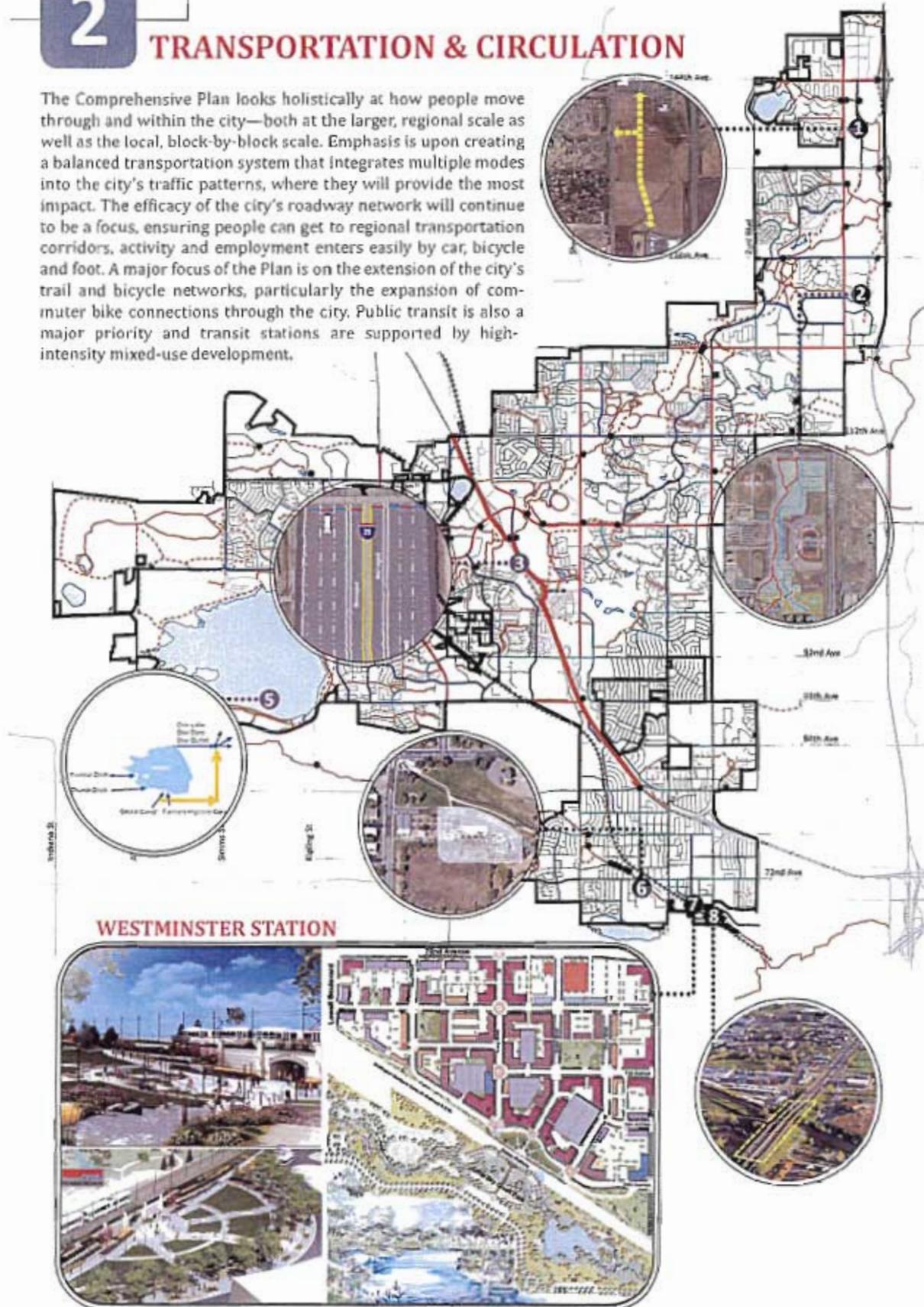
Projected 2035 Distribution



2

TRANSPORTATION & CIRCULATION

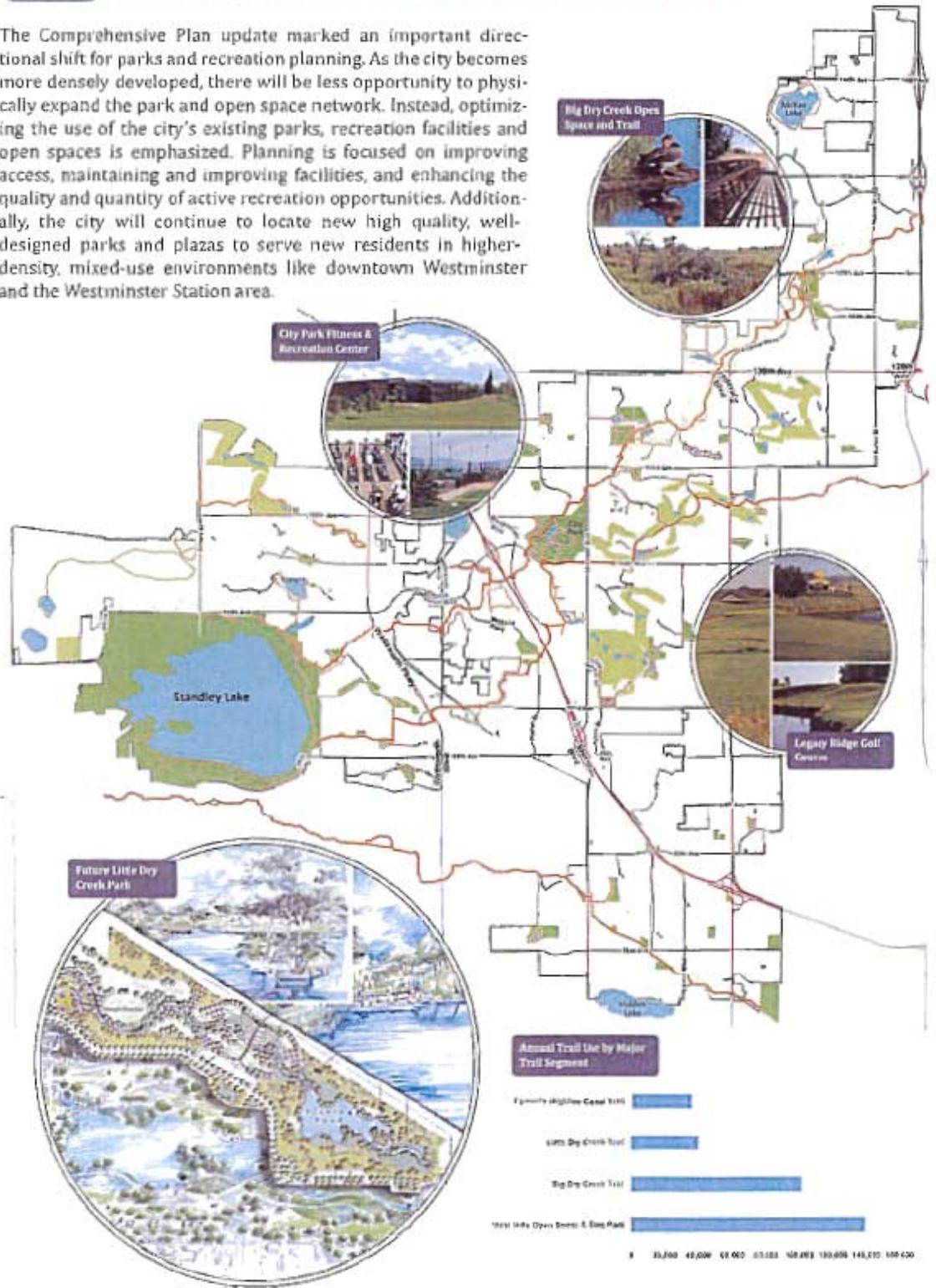
The Comprehensive Plan looks holistically at how people move through and within the city—both at the larger, regional scale as well as the local, block-by-block scale. Emphasis is upon creating a balanced transportation system that integrates multiple modes into the city's traffic patterns, where they will provide the most impact. The efficacy of the city's roadway network will continue to be a focus, ensuring people can get to regional transportation corridors, activity and employment centers easily by car, bicycle and foot. A major focus of the Plan is on the extension of the city's trail and bicycle networks, particularly the expansion of commuter bike connections through the city. Public transit is also a major priority and transit stations are supported by high-intensity mixed-use development.



3

PARKS, RECREATION, & OPEN SPACE

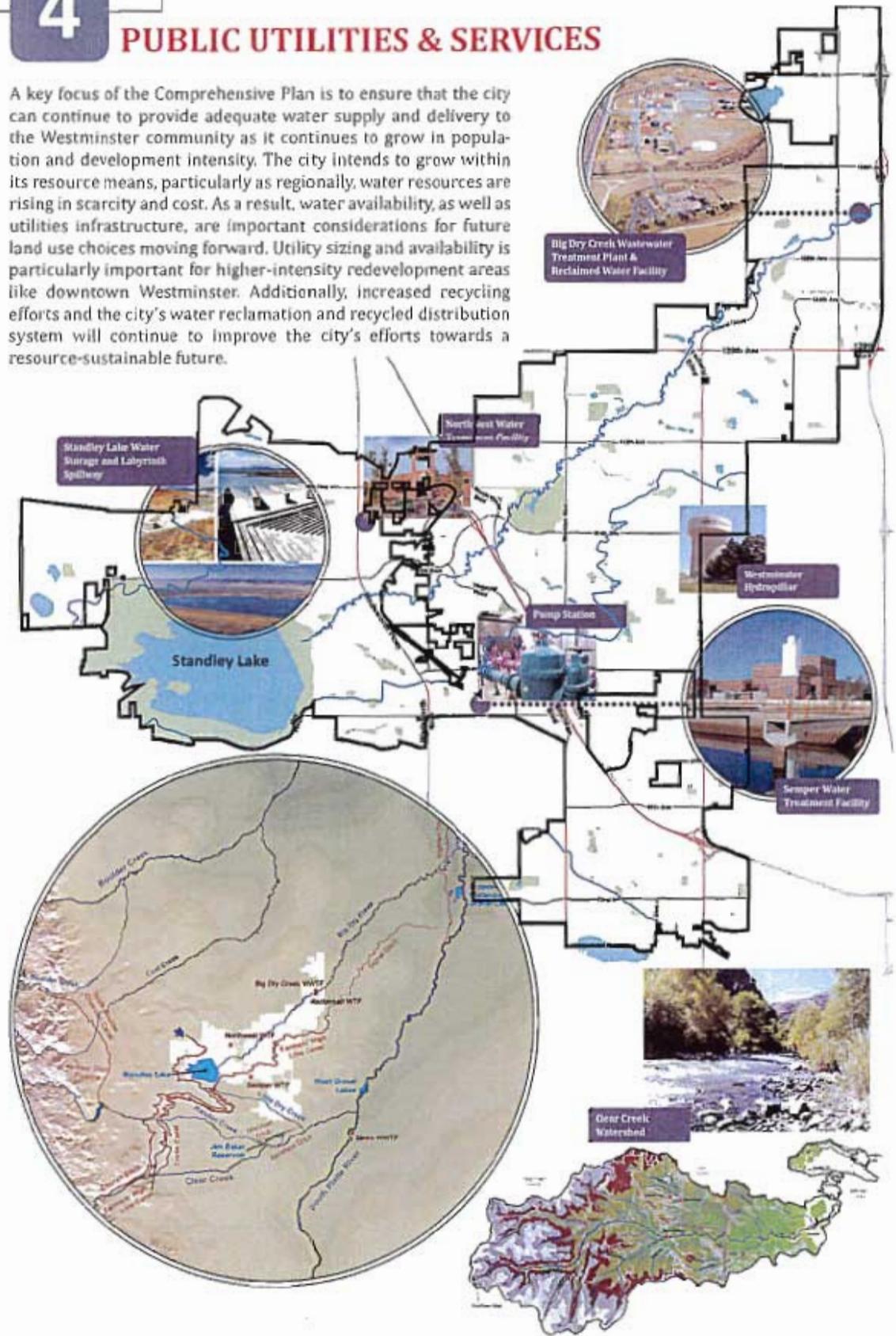
The Comprehensive Plan update marked an important directional shift for parks and recreation planning. As the city becomes more densely developed, there will be less opportunity to physically expand the park and open space network. Instead, optimizing the use of the city's existing parks, recreation facilities and open spaces is emphasized. Planning is focused on improving access, maintaining and improving facilities, and enhancing the quality and quantity of active recreation opportunities. Additionally, the city will continue to locate new high quality, well-designed parks and plazas to serve new residents in higher-density, mixed-use environments like downtown Westminster and the Westminster Station area.



4

PUBLIC UTILITIES & SERVICES

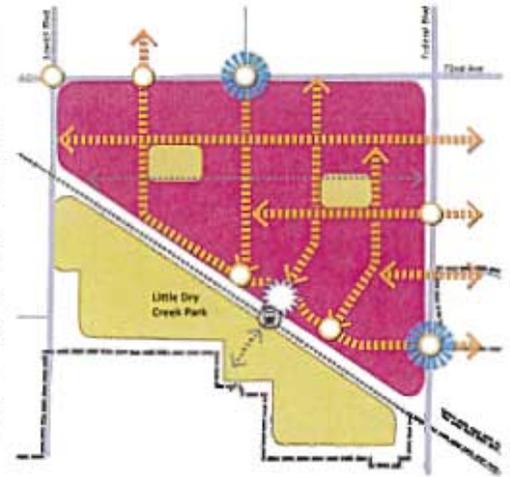
A key focus of the Comprehensive Plan is to ensure that the city can continue to provide adequate water supply and delivery to the Westminster community as it continues to grow in population and development intensity. The city intends to grow within its resource means, particularly as regionally, water resources are rising in scarcity and cost. As a result, water availability, as well as utilities infrastructure, are important considerations for future land use choices moving forward. Utility sizing and availability is particularly important for higher-intensity redevelopment areas like downtown Westminster. Additionally, increased recycling efforts and the city's water reclamation and recycled distribution system will continue to improve the city's efforts towards a resource-sustainable future.



5

LAND USE FOCUS AREAS

Five focus areas are identified in the Comprehensive Plan. These areas have the greatest potential for growth and change over the next 20 years, and are primarily located in existing and future urban centers near major transportation crossroads and transit centers. The Plan describes the city's vision for each focus area through diagrams illustrating land use, circulation and urban design. A more detailed area plan will be developed for each area, such as for the Westminster Station Area shown here. A plan is in the process of being developed for this area, which is envisioned as a vibrant, transit-oriented district around the future Westminster Station. The resulting plan will provide the basis for implementation of higher-intensity development through land use and development regulations.





Agenda Memorandum

City Council Meeting
May 12, 2014



SUBJECT: Small Business Week Proclamation

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action

Councillor Briggs to present a proclamation to Ryan Johnson, Economic Development Specialist, on behalf of the business community proclaiming the week of May 12th as “Small Business Week” in the City of Westminster.

Summary Statement

- For the past several years, the Small Business Administration has hosted its annual Small Business Week to recognize small businesses for their role as essential ingredients to the continued strength, and wellbeing of the national economy. This year, Small Business Week will take place beginning May 12th through May 16th.
- Westminster also fully understands the contributions of its small businesses to the local economy and desires to recognize and thank the small businesses in Westminster.
- The Mayor, on behalf of City Council, is requested to proclaim the week of May 12th as “Small Business Week” in the City of Westminster.
- Ryan Johnson, Economic Development Specialist, will be present at Monday night’s meeting to accept this proclamation on behalf of all Westminster businesses.
- During Small Business Week, City Staff will:
 - Provide information and links on the City website as well as social media encouraging businesses to reach out to resources for small businesses.
 - Invite the Westminster Window to attend the City Council meeting on May 12th to report on the proclamation.
 - Provide information in The Weekly with access to resources for small businesses.
 - Send an email blast to all recipients of the business newsletter with information on how to access resources for small businesses.
 - Display a banner throughout the week out in the front lawn of City Hall acknowledging Small Business Week and indicating the City’s support for small businesses.

Expenditure Required: Less than \$500

Source of Funds: Economic Development Budget

Policy Issue

None identified

Alternative

None identified

Background Information

Beginning on Monday, May 12th and lasting through Friday, May 16th, the Small Business Administration (SBA) will be hosting its annual Small Business Week. This event takes place all across the country and features exciting and informative events targeted at helping small businesses start, grow and thrive.

The City of Westminster offers many services throughout the year to help businesses in Westminster including the Small Business Scholarship Program and the Small Business Capital Project Grant, which have become popular programs among the list of services provided. A complete list of business services offered by the City of Westminster is attached. The City of Westminster also benefits from having the North Metro Small Business Development Center (SBDC) located at Front Range Community College. The SBDC provides economic gardening programs and low or no cost classes or advising sessions for existing businesses or startups with topics ranging from business plans and strategic planning to legal issues and securing financing.

Small Business Week recognizes the vital role that small businesses play in the success of the City. Small businesses provide employment, shopping, entertainment and recreational opportunities for all citizens. Small businesses contribute to the City’s operating funds through revenue generated from sales and use tax, accommodations and admissions tax, as well as property tax collections. Small businesses also enrich the quality of life in Westminster by supporting community organizations with financial and in-kind contributions. The high caliber mix of retail, service, and corporate office establishments found in Westminster is virtually unparalleled in northwest metro Denver.

Currently, there are roughly 3,000 businesses in the City of Westminster, the vast majority of which are considered small businesses (having fewer than 500 employees). It is appropriate that these businesses be publicly recognized for their contributions to the community by proclaiming the week of May 12th as “Small Business Week” and encouraging all citizens to support their local businesses. “Small Business Week” meets the following City’s strategic plan goals: Financially Sustainable City Government Providing Exceptional Services and a Strong, Balanced Local Economy.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Proclamation
Business Services Sheet

WHEREAS, The City of Westminster benefits greatly from having a healthy and diverse business community; and

WHEREAS, Westminster businesses provide employment, shopping, entertainment and recreational opportunities to its citizens; and

WHEREAS, The success of small and local business in Westminster is critical to the City's financial stability; and

WHEREAS, The Small Business Administration will be hosting its annual Small Business Week beginning May 12th and lasting through May 16th; and

WHEREAS, It is fitting that official recognition be given to the importance that Westminster businesses play in the continued strength and well being of our city.

NOW, THEREFORE, I, Herb Atchison, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of May 12, 2014, as

SMALL BUSINESS WEEK

in the City of Westminster, and encourage all citizens to support Westminster businesses.

Signed this 12th day of May, 2014.

Herb Atchison, Mayor

CONNECT TO DENVER AND BOULDER



BUSINESS SERVICES PROGRAM

The City of Westminster is committed to serving the needs of all Westminster businesses. The following services and resources are available to help your business.

BUSINESS LEGACY AWARDS:

This program serves to formally recognize businesses who have made a commitment to operate their business in Westminster and are celebrating a milestone anniversary (i.e. 25, 30, 35 yrs and up).

TECHCONNECT:

TechConnect is primarily a networking opportunity aimed at bringing together the technology business community in Westminster to talk about shared interests and business needs as well as business development opportunities.

ROUNDTABLES:

These roundtables serve to bring together businesses to discuss specific business and industry needs (i.e. procurement, manufacturing issues). For more information concerning upcoming roundtables or suggestions, contact the Economic Development Office at 303-658-2108.

SMALL BUSINESS CAPITAL PROJECT GRANT:

The program provides financial assistance for capital improvements by existing businesses in Westminster with 50 or fewer employees. The program compensates 10% of one-time project related costs up to \$5,000.

SMALL BUSINESS SCHOLARSHIP GRANT:

The program reimburses 50% of the cost of tuition, fees, and required materials, up to \$500 per business, per calendar year, after successful completion of courses. Applicants must be Westminster business owners/employers with 50 employees or less, and courses must be related to their field of business.

REAL ESTATE:

Economic Development staff can provide up-to-date information about availability in commercial land and buildings, as well as average lease rates and common area maintenance (CAM) charge information.

BUSINESS DIRECTORY:

The online listing of all licensed businesses in Westminster is available on the City web site. It is a great place to find businesses nearby to purchase goods and services and provides an opportunity to list your business website to gain exposure. Visit the site at <https://www.ci.westminster.co.us/busdir/default.asp>

BUSINESS QUESTIONS:

Want to know what is being built on a specific corner? Need to know who to call about State regulations? Want to know about City sign regulations or have other questions? The Economic Development staff is a great point of contact for a variety of business related issues. Call, e-mail, or drop by anytime.

DOING BUSINESS WITH THE CITY:

Westminster believes in open, fair competition and strives to ensure that all vendors in the City have equal opportunity to compete for City business. Licensed businesses in the City can be placed on the Bid List by contacting the City of Westminster Purchasing Office or clicking on "Bids & Purchasing" on the City website.

WESTMINSTER Where Colorado Connects for Business

COLLEGE HILL LIBRARY:

Located next to Front Range Community College, the library has myriad of products and services useful to businesses relative to marketing, new products and research. Web access to library services and resources is <http://www.ci.westminster.co.us/Libraries.aspx>. Library hours are: M-Th 9 a.m. - 8 p.m.; Fri 10 a.m. – 5 p.m.; Sat & Sun 1-5 p.m.

- *Business Source Premier* provides full text for over 2170 businesses journals covering management, economics, finance and international business
- *Morningstar Investment Research Center* includes data and analysis on over 41,000 investments, market coverage and industry reports
- *Regional Business News* is a full text newswire database covering worldwide business news
- *Reference USA* contains detailed information on over 12 million businesses
- Thousands of books on business-related topics including accounting, management, creating a business plan, entrepreneurial resources, and computer handbooks
- Free rooms for 6 or fewer people to meet
- Meeting rooms for rent that seat anywhere from 7 to 80 people
- Personal computers and professional quality printers

NORTH METRO SMALL BUSINESS DEVELOPMENT CENTER:

The North Metro Small Business Development Center offers information & counseling related to business plans, leadership skills, sales strategies, web page creation, marketing, staff management, technology, and everything else you need to know to run your business. To contact, or for information on upcoming classes, visit <http://northmetrosbdc.com/>

The North Metro Small Business Development Center also offers a new program called SBDC Advanced. This new program is an economic gardening program, focused on helping small businesses grow by providing customized market research and corporate-level tools allowing businesses to make informed strategic growth decisions. For more information or to apply, visit www.coloradosbdc.org/consulting/sbdc-advanced.

RECREATION FACILITIES:

As a Westminster business your employees are eligible for discounted admissions to the City's recreation facilities. In addition, meeting rooms are available to accommodate small groups as well as groups up to 300 people. For more information, visit <http://www.ci.westminster.co.us/ParksRec/RentalFacilities.aspx>

POLICE & FIRE DEPARTMENTS:

In addition to keeping the City safe, police & fire personnel provide training in the areas of fire extinguisher utilization, first aid/CPR, emergency planning, fire alarm drills, security surveys, robbery prevention, and many more. Most of these trainings are free of charge. For more information visit <http://www.ci.westminster.co.us/Safety/FireDepartment/CommunityServices.aspx>

CONTACT US

Contact the Economic Development Office if you have questions or would like more information about any of the programs listed above. We can put you in contact with the right person/program.

ecodevo@cityofwestminster.us
303-658-2108

Updated April 2014



Agenda Memorandum

City Council Meeting
May 12, 2014



SUBJECT: Big Dry Creek Wastewater Treatment Facility Biosolids Dewatering Pilot Testing and Pre-Design

Prepared By: Kent Brugler, Senior Engineer
Stephen Grooters, Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to execute a contract with Black & Veatch Corporation in the amount of \$128,800 to provide engineering services for the Biosolids Dewatering Pilot Testing and Pre-Design project at the Big Dry Creek Wastewater Treatment Facility, plus a contingency amount of \$12,880 for a total authorized expenditure of \$141,680.

Summary Statement

- Wastewater treatment at the Big Dry Creek Wastewater Treatment Facility results in the generation of a byproduct known as biosolids. Biosolids are treated at the plant to make it suitable for land application and subsequently hauled to the City's Strasburg Natural Resource Farm for ultimate disposals as a farming fertilizer.
- In 2012 the City completed a Biosolids Management Master Plan and a key recommendation was to transition biosolids treatment to a process that dewater biosolids to form a cake.
- Dewatering reduces city costs by having to haul fewer truckloads to the farm and allows higher rates of application.
- The first phase of this change involves the completion of a pilot testing and pre-design process to evaluate various dewatering systems and determine the most cost-effective system to implement on a full scale. The project includes a pre-design of the recommended improvements to determine equipment needs, building requirements and operational impacts.
- A Request for Proposals was prepared and distributed to three engineering firms that have expertise in the area of biosolids dewatering and handling.
- Of the three proposals received, staff believes the Black & Veatch team provides the best value to the City based on their competitive pricing, proposed scope of work, familiarity with the City's infrastructure and the successful experience of their proposed project team. Staff recommends awarding the contract to Black & Veatch in the amount of \$128,800.
- The project is scheduled to start at the end of May and be completed by the end of December 2014.
- Adequate funds are available and were budgeted for this project.

Expenditure Required: \$141,680

Source of Funds: Utility Fund Capital Improvement – Big Dry Creek Wastewater Treatment Facility: BDCWWTF Biosolids Dewatering Pilot Testing and Pre-design

Policy Issue

Should City Council authorize a contract with Black & Veatch Corporation for Biosolids Dewatering Pilot Testing and Pre-Design engineering services?

Alternatives

1. City Council could decline to approve the contract and place the project on hold. This is not recommended because this action would result in delaying these recommended improvements to the facility and could result in increased operating and maintenance expenses and possible service impacts to Westminster wastewater customers.
2. City Council could choose to award the contract to one of the other consultants that submitted a proposal. This is not recommended as staff believes that the Black & Veatch team provides the best value for this project. Their team has familiarity with the city's utility infrastructure and are leaders of the industry in the field of biosolids dewatering and handling.

Background Information

One of the recommendations made in the 2012 Biosolids Management Master Plan was to transition the solids treatment process at the Big Dry Creek Wastewater Treatment Facility from a thickened (6-7% solids) biosolids to a dewatered (18-24% solids) biosolids material for land application utilizing a phased-in approach. By changing to a dewatered biosolids material, less water will be hauled to the Strasburg Natural Resource Farm and other permitted sites resulting in fewer tanker trips and operational savings in transportation costs estimated to be \$200,000 per year. An additional benefit of dewatering is to reduce nitrogen concentrations in the biosolids. This allows more biosolids to be applied to existing farmlands and helps keep costs as low as possible.

The first phase of the process change to dewatering involves the completion of a pilot testing and pre-design process to evaluate various dewatering systems and determine the most cost-effective system. The project includes a pre-design of the recommended improvements to determine equipment needs, building requirements, operational impacts, and refining construction cost estimates for full-scale implementation.

Staff prepared a Request for Proposals and distributed it in February 2014 to three engineering firms that have expertise in the area of biosolids dewatering and handling. The City received proposals from the following three firms: Black & Veatch Corporation, Burns & McDonnell Engineering, Inc., and HDR Engineering, Inc. Staff evaluated each firm based on key criteria including:

1. Response to specific requirements in the RFP, clarity in presentation of proposed scope, tasks and fee.
2. The firm's background and expertise in completing project of similar size, scope and complexity.
3. Firm's references related to the ability to complete the project requirements on schedule and within budget.
4. Consulting firm's reputation with the City and familiarity with city codes, policy, procedures and regulations.
5. Professional background and experience of each key person of the project team.
6. Key team member availability and time commitment to the project.
7. Level of effort, competitive firm fee schedule and competitive hourly rates for staff assigned to the project relative to their experience level.

The City's selection committee reviewed each proposal based on the selection criteria and unanimously recommends the Black & Veatch team for this project. A comparison of each firm's hourly rates follows:

FIRM	Hourly Rates for Core Team (non-clerical)	Combined Hourly Rate for the Team Proposed
Black & Veatch	\$125 to \$200	\$161
Burns & McDonnell	\$139 to \$210	\$180
HDR Engineering	\$107 to \$220	\$158

Overall, it is Staff’s assessment that the Black & Veatch team provides the best value to the City. This team incorporates strong local and national staff with proven biosolids dewatering pilot testing and design experience. Black & Veatch has successfully provided planning, evaluation and design services to the City on many utility system projects over the last 13 years, and their intimate knowledge of City codes and procedures will help facilitate successful completion of this project in a cost-efficient manner. Black & Veatch is a national leader in the industry in biosolids dewatering systems evaluation and design, and this experience will be a valuable asset. At the completion of the pilot testing and pre-design effort, Staff intends to negotiate a scope of work and fee with Black & Veatch for the design of the full-scale improvements and present a contract amendment to City Council at that time.

The Big Dry Creek Wastewater Treatment Facility Biosolids Dewatering Pilot Testing and Pre-design Project helps achieve City Council’s Strategic Plan Goals of “Financially Sustainable City Government Providing Exceptional Services” and “Beautiful and Environmentally Sensitive City” by contributing to the objectives of well-maintained City infrastructure and facilities, and providing more cost-effective and reliable wastewater treatment service.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
May 12, 2014



SUBJECT: Expenditure of Funds to Acquire Additional Water Supply

Prepared by: Sharon I. Williams, Water Resources Engineering Coordinator
John Burke, Senior Projects Engineer

Recommended City Council Action

Authorize the expenditure of \$2,391,700 from various accounts in the Utility Capital Improvement Fund and \$277,500 from the Stormwater Utility Capital Improvement Fund – Little Dry Creek Drainage Project, for a total of \$2,669,200, for the purpose of acquiring additional water supply.

Summary

- Adequate and high quality water supply is an essential element of the City’s high quality of life and services.
- The City’s current water supply portfolio and Comprehensive Water Supply Plan have been designed to provide a dependable and resilient supply of high quality water to Westminster’s water service area.
- Acquiring new water supply represents an important component of the City’s Comprehensive Water Supply Plan.
- The City is in negotiations to make a purchase that will increase water supply yield at a price that fairly represents present market conditions based on similar previous transactions. The requested transfer of funds is needed to make this purchase.
- In order to purchase additional water supply, Council is asked to approve the expenditure from the Water Supply Development account in the amount of \$2,391,700 from other Water Utility Fund Capital Improvement Fund accounts and \$277,500 from the Stormwater Utility Capital Improvement Fund – Little Dry Creek Drainage Project.
- Funds will be used to acquire additional water supply for the City, subject to approval by the City Manager in accordance with Westminster Municipal Code Section 15-1-12.

Expenditure Required: \$2,669,200

Source of Funds: Utility Fund Capital Improvement
– Water Supply Development (\$2,391,700)
Stormwater Utility Capital Improvement Fund
– Little Dry Creek Drainage Project (\$277,500)

Policy Issue

Should the necessary funds be expended to acquire water supply for the City in accordance with the Comprehensive Water Supply Plan?

Alternative

City Council could choose to not expend funds from the Water Supply Development account and the Stormwater Utility Capital Improvement Fund. This is not recommended, because additional water supply is needed for build-out. Purchases are necessary to meet the goal of the Comprehensive Water Supply Plan to develop sufficient water supply to support the future vision of the City.

Background Information

The City's Comprehensive Water Supply Plan adopted by City Council has been designed to provide a dependable supply of high quality water to Westminster, Federal Heights and various unincorporated areas in Adams and Jefferson counties at build-out of the system.

A major component of the Comprehensive Water Supply Plan is water supply acquisition. The market has become increasingly competitive as the City and other water providers continue to grow, while the natural water supply does not.

Staff has analyzed the Utility Capital Improvement Fund's financial position and the timing water supply project priorities. They are currently negotiating a purchase of water rights. The Water Supply Development account and the Stormwater Utility Capital Improvement Fund have funds available for water supply acquisition.

Staff recommends delaying certain water supply projects in order to fund water supply acquisition. The following transfers within the Utility Capital Improvement Fund to the Water Supply Development account, totaling \$2,391,700, are recommended:

- Reclaimed System Improvements (\$456,933): A Master Plan is in development for the City's Reclaimed Water System. Transferring these funds will leave sufficient funding in the account (\$1,042,573) for anticipated needs over the next several years of capital improvements.
- PZ 12 Project Savings (\$150,000): These are funds available from the Pressure Zone 12 project. The project is closed and came in under-budget by \$238,305.
- South Westminster Non-Potable System (\$334,965): This project will be evaluated in 2014-15 as part of the City's raw water master plan. No funds are needed for this work for the next several years.
- Reclaimed Salinity (\$299,802): The Reclaimed Water System Master Plan is prioritizing projects for the next several years. It is not anticipated that these funds will be required in that timeframe.
- Well Abandonment (\$250,000): The project to abandon certain wells owned by the city is a lower priority than purchasing new water supply. This work can be delayed by several years without detrimental impacts.
- Brighton Ditch Enlargement (\$900,000): These funds will be needed after the completion of the Wattenberg Gravel Lakes project, estimated to be after 2017. Purchasing water supply is a higher priority at this time.

Staff also recommends the expenditure of \$277,500 from the Stormwater Utility Fund – Little Dry Creek Drainage account. This contribution toward the acquisition of water supply will provide needed water for the Little Dry Creek Park Pond.

The total funds recommended to be expended are \$2,669,200.

Authorizing the expenditure of these funds for this water acquisition helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services," "Vibrant Neighborhoods in One Livable Community" and "Beautiful and Environmentally Sensitive City" by contributing to the objectives to secure and develop long-term water supply, to develop transit-oriented development around commuter rail stations, and to increase and maintain open space consistent with defined goals.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
May 12, 2014



SUBJECT: Councillor's Bill No. 13 Disbanding the Board of Building Code Appeals

Prepared By: Dave Horras, Chief Building Official

Recommended City Council Action

Pass Councillor's Bill No. 13 on first reading changing the Westminster Municipal Code to disband the Board of Building Code Appeals and replacing the functions of that Board with an Ad Hoc Building and Fire Code Appeals Committee.

Summary Statement

City Council has directed staff to disband the Board of Building Code Appeals. The attached proposed changes to the Westminster Municipal Code eliminate the Board of Building Code Appeals and replace the primary functions of that Board with an Ad Hoc Building and Fire Code Appeals Committee appointed by the City Manager on an as-needed basis.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the Board of Building Code Appeals (BBCA) be disbanded and replaced with a Building and Fire Code Appeals Committee that will serve a similar purpose?

Alternative

Keep the existing BBCA in place. This is not recommended because of the infrequency of appeals and the overall lack of issues that this Board has had to deal with.

Background Information

The Board of Building Code Appeals was established to rule on appeals of orders, decisions or determinations made by the Chief Building Official or Fire Chief regarding the application or interpretation of the Building and Fire Codes. The BBCA also serves as the appeals board for the Rental Property Maintenance Code and has also acted as an advisory group for items such as building code, fire code and Rental Property Maintenance Code adoption.

The BBCA only meets when there has been an appeal filed or if staff has requested the Board's input as an advisory group. The BBCA has met only four times since 2010, all in an advisory capacity. The last appeal of a ruling was during the construction of the Lucent Technologies building in 1999. Even though the BBCA has not met to rule on an appeal in years, the right of an applicant to due process should be retained. The proposed committee will serve the same due process purpose. When an appeal is filed it is important that the hearing on the matter is conducted in a timely manner. Delays in the hearing process will delay the construction project and would be a significant disincentive to filing an appeal.

The committee is proposed to be made up of three members appointed by the City Manager. These appointments will be made on an as-needed basis and will only serve on the committee for the duration of that hearing or matter. Rules of Procedure will be established for the committee modeled after the rules currently established for the BBCA.

This disbanding of the BBCA will allow the current members the opportunity to be appointed to another Board or Commission that meets on a more regular basis, allowing them to more actively serve their community. The proposed change supports the City of Westminster goal of providing a Safe and Healthy Community.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 13

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ADDING CHAPTER 14 SECTIONS 1 THROUGH 10 TO TITLE XI WESTMINSTER MUNICIPAL CODE ESTABLISHING A BUILDING AND FIRE CODE APPEALS COMMITTEE AND REPEALING TITLE II, CHAPTER 10, W.M.C.

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title XI, W.M.C., is hereby AMENDED by the addition of Chapter 14 and the following new subsections 1 through 10:

11-14-1: BUILDING AND FIRE CODE APPEALS COMMITTEE

11-14-2: CREATION: There is hereby created a Building and Fire Code Appeals Committee, hereinafter referred to as "the Committee," consisting of three (3) members appointed by the City Manager to serve at his or her pleasure.

11-14-3: MEMBER QUALIFICATIONS; SECRETARY; AD HOC BODY:

(A) **MEMBER QUALIFICATIONS:** Each member of the Committee shall be either a licensed architect, a registered engineer with building related experience, or a construction company executive or superintendent with at least ten (10) years of construction experience. Committee members shall not be employees of the City. No Committee member may hear or vote upon any appeal in which that member has any personal, professional, or financial interest, pursuant to applicable State statutes and City Charter and ordinance provisions.

(B) **SECRETARY TO THE COMMITTEE:** The City shall provide a secretary to the Committee, who shall be the custodian of the Committee's records, conduct the Committee's correspondence, collect all fees, and be responsible for the clerical work of the Committee. The secretary to the Committee shall have no voting power on any matter coming before the Board.

(C) **AD HOC COMMITTEE:** The City Manager shall appoint, convene and reconstitute the Committee on an ad hoc basis to hear any appeal the City Manager deems to be properly filed pursuant to Section 11-14-4(C) below.

11-14-4: POWERS AND DUTIES:

(A) **APPEALS:** The Committee is authorized to hear the following matters:

(1) The Chief Building Official or Fire Marshal has rejected or refused to approve an alternate method or material of construction that the appellant alleges to be the equivalent of that prescribed in the applicable code in terms of suitability, strength, effectiveness, fire resistance, durability, safety, or sanitation. In order to grant the appellant's request, the Board must find that test results, factual documentation, or other such data or evidence provided by the appellant substantiates the appellant's claim that the method or material of construction is equal to or superior to that prescribed in the applicable code in terms of suitability, effectiveness, fire resistance, durability, safety, or sanitation.

(2) The appellant alleges that the Chief Building Official or Fire Marshal has made an error in the interpretation of a code. In order to grant the appellant's request, the Board must find that the Chief Building Official or Fire Marshal has made an error in the interpretation of a code.

(3) The appellant alleges that the Chief Building Official or Fire Marshal is imposing certain provisions of a code that do not apply to the project being constructed. In order to grant the appellant's request, the Board must find that the provisions of the applicable code do not apply to the project being constructed.

(4) The appellant alleges that the Chief Building Official or Fire Marshal is imposing a wrongful requirement in a building matter that is not specifically addressed in the applicable code. In order to grant the appellant's request, the Board must find that the requirement is not addressed in the applicable code, is not appropriate, and that granting the request would be consistent with the intent of the applicable code.

(5) The appellant alleges that there are practical difficulties or unnecessary hardships caused by conformance to the strict letter of a code, that the literal interpretation of a code will produce undesirable results that are inconsistent with the intent of the applicable code, or that there are special individual reasons that make the strict application of the provisions of a code impractical. In order to grant the appellant's request, the Board must find that all of the following requirements would be satisfied:

- (a) The granting of the request would not endanger public health, safety, or welfare;
- (b) The granting of the request would be in compliance with the spirit and intent of the applicable code;
- (c) The granting of the request is site specific and shall not in any way constitute a modification of the applicable code;
- (d) The granting of the request would result in substantial justice being done; and
- (e) There are practical difficulties or unnecessary hardships involved in conforming to the strict provisions of the applicable code, the literal interpretation of the applicable code will produce undesirable results that are not consistent with the intent of the applicable code, or there are special individual reasons that make strict conformance to the provisions of the applicable code impractical.

(6) The appellant alleges that an omission or error in the plans, specifications, or other data submitted to the City for review was not addressed by City staff and has resulted in a code violation that the Chief Building Official or the Fire Marshal is now requiring to be corrected and brought into compliance with the applicable code. In order to grant the appellant's request, the Board must find that the code violation resulting from the omission or error in the plans, specifications, or other data is not substantial in nature, and that public health, safety, or welfare will not be endangered in the absence of the correction.

(7) The appellant alleges that the Chief Building Official has erred in issuing a notice or order or in taking an action under the Uniform Code for the Abatement of Dangerous Buildings. In order to grant the appellant's request, the Board must find that the Chief Building Official erred in the enforcement of the Uniform Code for the Abatement of Dangerous Buildings. The procedure for appeals brought under this paragraph shall be consistent with this Chapter and with the Uniform Code for the Abatement of Dangerous Buildings. However, if a conflict exists in the provisions, the latter shall control.

(B) **RECOMMENDATIONS OF THE COMMITTEE:** The Committee shall render a written recommendation to the City Manager within fifteen (15) days after a hearing, accompanied by findings of fact and conclusions based thereon. Conclusions based upon any provision of this Chapter, a code, or any City rule or regulation shall contain a reference to such provision, rule, or regulation and shall also contain the reason the conclusion is appropriate in light of the facts found.

(C) **FILING AN APPEAL:** All appeals pursuant to this Chapter must be submitted in writing to the Director of Community Development within thirty (30) days of the decision of the Chief Building

Official or Fire Marshal being appealed. Any appeal not submitted within said thirty (30) day period shall be barred. The appeal must set forth the specific authority for the appeal under subsection (A) above, the decision of the Chief Building Official or Fire Marshal being appealed, a summary of the facts that support the appeal, and a statement of the specific relief being sought.

(D) DECISIONS OF THE CITY MANAGER:

(1) Upon receipt of the recommendation of the Committee, the City Manager may:

- (a) Accept the findings and conclusions of the Committee and order the Chief Building Official or Fire Marshal to carry out the Committee's recommendation according to its terms.
- (b) Accept the findings and conclusions of the Committee in part and issue such order to the Chief Building Official or Fire Marshal as the City Manager determines is supported by the Committee's findings and conclusions that the City Manager determines to accept.
- (c) Accept the findings but reject the conclusions of the Committee and issue such order to the Chief Building Official or Fire Marshal as the City Manager determines is supported by the Committee's findings.

(2) The City Manager shall issue his or her decision within fifteen (15) days of receipt of the Committee's recommendation.

11-14-5: APPLICABLE CODES: The provisions of this Chapter shall apply to all building, fire and rental maintenance codes and amendments thereto as adopted by reference in Chapters 9, 10 and 12 of Title XI of this Code. References in this Chapter refer to the codes specified in this Section.

11-14-6: MEETINGS: The Committee shall meet at such times as may be necessary to hear and decide any matter assigned to it by the City Manager.

11-14-7: RULES OF PROCEDURE: The hearings of the Committee shall be informal, the rules of evidence applicable to judicial proceedings shall not apply, and the Committee may hear and receive such evidence in such form as it may deem appropriate to assist it in making its recommendation to the City Manager.

11-14-8: HEARINGS: The Committee shall conduct hearings and make decisions in accordance with the following requirements:

(A) All hearings shall be open to the public. The secretary to the Committee shall notify all interested parties of the time and place of hearings.

(B) The Committee shall keep a record of the proceedings, either stenographically or by sound recording. At the hearing, the secretary to the Committee shall record the vote of each member on every case or, if a member is absent or fails to vote, shall record such fact. A transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any person upon request and payment in advance of the estimated cost of production.

(C) At the hearing, following the introduction of the case, the Chief Building Official or Fire Marshal, or their designee, may present the City's position and recommendation, after which the appellant or a representative of the appellant may present any pertinent information regarding the request. The burden of proof shall be on the appellant.

(D) All witnesses shall be sworn or shall affirm their testimony in the manner required in the courts of record where the City is located.

11-14-9: APPEALS FROM DECISIONS OF THE BOARD: The City or the appellant may appeal a decision of the City Manager to the district court under the Colorado Rules of Civil Procedure, Rule 106(a)(4).

11-14-10: ACTING CHAIRPERSON; QUORUM; PROCEDURE: A quorum shall consist of all three (3) members, and a decision of a majority of the members present shall control.

Section 2. Title II, Chapter 10, W.M.C., titled “Board of Building Code Appeals,” is hereby repealed.

Section 3. The following subsections of the Westminster Municipal Code are hereby amended by replacing “Board of Building Code Appeals” with Building and Fire Code Appeals Committee” wherever “Board of Building Code Appeals” appears:

TITLE	CHAPTER	SECTION	SUBSECTION
11	9	2	(E)(3)(a)(v)
11	9	2	(E)(4)
11	9	2	(E)(5)
11	9	2	(E)(5)(a)
11	9	2	(G)
11	10	3	(F)108.1
11	12	16	(A)
11	12	16	(B)
11	12	18	(C)

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

Section 5. 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 12th day of May, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of June, 2014.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



WESTMINSTER

Agenda Item 11 A

Agenda Memorandum

City Council Meeting
May 12, 2014



SUBJECT: Second Reading of Councillor's Bill No. 12 Adding Section 19 to Title XI, Chapter 12, of the Westminster Municipal Code Concerning Voter Registration Information

Prepared By: John Carpenter, Director of Community Development

Recommended City Council Action

Table until June 9, 2014, the second reading Councillor's Bill No. 12 adding Section 19 to Title XI, Section 12 of the Westminster Municipal Code Concerning Voter Registration Information.

Summary Statement

This ordinance requires that owners of licensed rental properties provide to each new tenant instructions on how to register to vote in Colorado, concurrent with the landlord's delivery of possession of the premises to the tenant. Any holder of a rental property license who violates this provision would be subject to fines provided by Section 1-8-1 of the City Code. The effective date of the ordinance is January 1, 2015.

The Councillor's Bill was approved on first reading by City Council on April 28, 2014.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Councillor's Bill No. 12

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 12

SERIES OF 2014

INTRODUCED BY COUNCILLORS

Winter - Pinter

A BILL

**FOR AN ORDINANCE ADDING SECTION 19 TO TITLE XI, CHAPTER 12, OF THE
WESTMINSTER MUNICIPAL CODE CONCERNING VOTER REGISTRATION
INFORMATION**

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title XI, Chapter 12, W.M.C., is hereby AMENDED by the addition of the following new subsection:

11-12-19: VOTER REGISTRATION INFORMATION

(A) In order to increase participation in elections by residents in rental property communities, every holder of a rental property license shall provide each new tenant instructions on how to register to vote in Colorado, concurrent with landlord's delivery of possession of the premises to the tenant.

(B) The City Clerk shall maintain a sample form of said instructions, which shall be available to any holder of a rental property license upon request.

(C) It shall be unlawful for any holder of a rental property license to violate subsection (A) of this section on or after January 1, 2015. Any holder of a rental property license who violates this section shall be subject to the fines provided by Section 1-8-1 of this Code.

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 28th day of April, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ___ day of _____, 2014.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office