



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 a maximum of 5 minutes.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings (May 18, 2015)
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Jazz Day 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. Eighth Amendment to IGA with UDFCD and Adams County for Little Dry Creek Drainage Improvements
 - B. Fleet Maintenance Cumulative Purchases Over \$75,000 for Advanced Wireless Communication
 - C. Fleet Maintenance Cumulative Purchases Over \$75,000 for TCI Tires
 - D. Building Automation System Hardware Replacement
 - E. Purchase of Mobile Computer Hardware for Public Works Utilities Department
 - F. 2015 Pump Station Improvements Project Design/Build Contract Amendment
 - G. Transfer of Funds for 2015 Pump Station Improvements Project
 - H. Second Reading of Councillor's Bill No. 22 Rezoning for the Mercedes Benz Expansion
 - I. Second Reading of Councillor's Bill No. 23 Appropriating 2014 POST Carryover for LDC Property Acquisition
 - J. Second Reading of Councillor's Bill No. 25 Authorizing 1st Quarter 2015 Supplemental Appropriation
 - K. Second Reading of Councillor's Bill No. 26 Approving an Exception to Section 8-8-2(C), W.M.C.
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing re 3rd Amended PDP for Huron Park and ODP for Huron Park Filing No. 1
 - B. 3rd Amended PDP for Huron Park
 - C. ODP for Huron Park Filing No. 1
 - D. Resolution No. 20 Authorizing Execution of IGA with Adams County for HOME Program Consortium
 - E. Resolution No. 21 Awarding B-4 Category Service Commitments to Legacy at Westminster Promenade East
 - F. Resolution No. 22 Amending the 2015 Pay Plan for Mid-year Staffing Increases
 - G. Councillor's Bill No. 27 Authorizing 2014 Carryover Supplemental Appropriation for Mid-year Staffing
 - H. Councillor's Bill No. 28 Modifying Title I, Chapter 24, W.M.C., Personnel Management
11. Old Business and Passage of Ordinances on Second Reading
 - A. Special Legal Counsel Services for Drafting of Collective Bargaining Ordinance (Tabled 10-27-14)
 - B. Councillor's Bill No. 18 Updating the Comprehensive Plan (Tabled 04-13-15)
12. Miscellaneous Business and Executive Session
 - A. City Council

- B. Executive Session - Discuss strategy and progress on negotiations related to economic development matters for the Westminster Downtown, disclosure of which would seriously jeopardize the City's ability to secure the development; discuss strategy and progress on the possible sale, acquisition, trade or exchange of property rights, including future leases; and provide instruction to the City's negotiators on the same as authorized by Sections 1-11-3(C)(2), (4), and (7), W.M.C., and Sections 24-6-402 (4)(a) and (e), C.R.S. (*verbal*)

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.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MAY 18, 2015, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Briggs led the Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Pro Tem Bob Briggs, and Councillors Bruce Baker, Maria De Cambra, Alberto Garcia, and Anita Seitz were present at roll call. Mayor Herb Atchison and Councillor Emma Pinter were absent. Also present were City Manager Donald M. Tripp, City Attorney David R. Frankel, and Deputy City Clerk Carla Koeltzow.

CONSIDERATION OF MINUTES

Councillor Baker moved, seconded by Councillor De Cambra, to approve the minutes of the regular meeting of May 11, 2015, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. Tripp stated there was no post meeting agenda and he had nothing additional to report.

COUNCIL REPORTS

Mayor Pro Tem Briggs reported that Mayor Atchison and Councillor Pinter were in Las Vegas on the City's behalf for the International Council of Shopping Centers Convention.

Councillors De Cambra and Garcia thanked the Parks, Recreation and Libraries Department for a fantastic Armed Forces Tribute Garden Ceremony last Saturday to honor the men and women who have served in the military. Staff did a great job on this well attended event.

Councillor Baker thanked Council for having the courage to say no Oliver McMillian and to now reassess the path towards a successful development of the former Westminster Mall site. Mr. Baker expressed that he believes the City is on the wrong path and that three master developers have stated that the current cherished plan will not work. Even though there is a sense of urgency, Council needs to take the time now to come up with a plan that will be successful and that will not be regretted later.

Councillor Sietz was happy to report that over 3000 citizens took part in last Wednesday's Telephone Town Hall. She invited everyone to the Historic Westminster Jazz & Art Fest on Saturday June 13th, at Hidden Lake High School, 73rd Avenue and Lowell Blvd. Ms. Sietz also responded to Mr. Baker comments stating that she is willing to retain the block by block downtown development decision and to see how the market responds before abandoning this vision.

CONSENT AGENDA

The following items were submitted on the consent agenda for Council's consideration: accept the Financial Report for April as presented; based upon the recommendation of the City Manager, find that the public interest would best be served by authorizing the City Manager to enter into a sole source contract with DTJ Design, Inc. in the amount of \$57,827 and authorize a contingency in the amount of \$5,782 for the preparation of concept design drawings of enhancements and construction inspections of previously approved architectural enhancements on the Federal Boulevard Bridge over the Burlington Northern/Santa Fe Railroad Project; authorize the City Manager to execute a contract with T2 Construction Inc. in the amount of \$81,562 for Skyline Vista Playground renovation with a 10% contingency of \$8,157 for a total project cost of \$89,719; based on the recommendation of the City Manager, find that the public interest would be best served by awarding this work to Landscape Structures, Inc. as the sole source of the work in the amount of \$103,817 for purchase and installation of playground equipment; authorize the City Manager to extend and amend an existing contract with Top One, Inc., d/b/a as Benders Bar and Grill II, to provide

concessions at Christopher Fields through December 31, 2018; authorize an amendment to the design contract with HDR Engineering, Inc. to provide final design services for the Little Dry Creek Interceptor Sewer Repair and Replacement Project in the amount of \$1,880,497 plus a contingency of \$188,050 for a total of \$2,068,547 increasing the total authorized expenditure with this contractor from the previously approved amount of \$815,804 to \$2,884,351; authorize the City Manager to execute a contract with Hatch Mott MacDonald, LLC in the amount of \$459,090 to provide engineering services for the Water Resource Assets Master Plan and Supply Pipeline Inspection Project and authorize a contingency in the amount of \$45,910 for a total authorized expenditure with this firm of \$505,000; authorize combining the Raw Water Infrastructure Planning, Raw Water System Improvements, and Raw Water System Improvements Study capital project accounts into a new 2015 Water Resource Assets Master Plan and Supply Pipeline Inspection capital project account to provide a total amount of \$505,000 to complete the project.

No one asked that an item be removed from the consent agenda for individual consideration. Councillor Garcia moved, seconded by Councillor Seitz, to approve the consent agenda, as presented. The motion carried by unanimous vote.

COUNCILLOR'S BILL NO. 24 RE SUPPLEMENTAL APPROPRIATION OF LEASE PROCEEDS

It was moved by Councillor De Cambra and seconded by Councillor Garcia to pass as an emergency ordinance Councillor's Bill No. 24 appropriating lease proceeds of \$577,947 in the General Fund for the lease/purchase of Park Services maintenance equipment package. At roll call, the motion passed by a 4:1 margin with Councillor Baker voting no.

AGREEMENT TO ADD TO EXISTING MASTER LEASE WITH CHASE/JP MORGAN BANK

Councillor De Cambra moved to authorize the City Manager to sign an agreement to add \$577,947 to the existing master lease with Chase/JP Morgan Bank. Councillor Seitz seconded the motion, and it carried with all Councillor's voting affirmatively.

AWARD CONTRACTS FOR PARK SERVICES MAINTENANCE EQUIPMENT

It was moved by Councillor De Cambra, seconded by Councillor Garcia, to award contracts for the purchase of Park Services maintenance equipment to LL Johnson Distributing in the amount of \$457,975 based on a price agreement reached through Multiple Assembly of Procurement Officials (MAPO), Potestio Brothers Equipment in the amount of \$57,761 based on a price agreement reached through National Purchasing Partners (NPP) and Horizon Distributors in the amount of \$62,211 based on sole source vendor manufacturers discount of 27% off list price. The motion passed by a 4:1 margin with Councillor Baker voting no.

COUNCILLOR'S BILL NO. 25 RE 1ST QUARTER 2015 BUDGET SUPPLEMENTAL APPROPRIATION

Councillor De Cambra moved, seconded by Councillor Seitz, to pass on first reading Councillor's Bill No. 25 providing for a supplemental appropriation of funds to the 2015 budget of the General, Storm Drainage, General Capital Outlay Replacement (GCORF), Parks Open Space and Trails (POST), and General Capital Improvement (GCIF) Funds. On roll call vote, the motion passed by a 4:1 margin with Councillor Baker voting no.

COUNCILLOR'S BILL NO. 26 APPROVING EXCEPTION TO W.M.C. RE SANITARY SEWER

Councillor Garcia moved, seconded by Councillor Seitz, to pass on first reading Councillor's Bill No. 26 approving an exception to Section 8-8-2(C) of the Westminster Municipal Code, regarding use of sanitary sewers required, for a property located on 144th Avenue. At roll call, the motion carried unanimously.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Pro Tem Briggs adjourned the meeting at 7:20 p.m.

ATTEST:

Deputy City Clerk

Mayor Pro Tem



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Proclamation Regarding Westminster Jazz Day

Prepared By: Justin Cutler, Recreation Service Manager

Recommended City Council Action

Councillor Briggs to present the “Westminster Jazz Day” Proclamation to Becky Silver and Eric Trujillo of the Historic Westminster Arts District.

Summary Statement

- The mission of the Historic Westminster Arts District is to create an active, vibrant art district that brings this historic community together by providing activities that will make it a destination point for the citizens of Westminster and the Denver Metro area. A primary goal is to brand the area by giving it an identity of its own and creating activity to increase business.
- The 4th Annual Jazz & Art Festival is Saturday, June 13, 2015 on the athletic field at Hidden Lake High School located at 72nd and Lowell Boulevard from 12:00 to 8:00 p.m.
- Staff recognizes the great work of volunteers and local business in the Historic Westminster Arts District to produce this wonderful, free, cultural event, and encourages community attendance.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The Historic Westminster Arts District has been producing the Jazz & Art Festival for four years. Last year the event had over 2,000 attendees throughout the day. The Historic Westminster Jazz and Art Festival brings world-class jazz musicians to Westminster for a daylong free concert. Jazz lovers from throughout the metro area have begun to look forward to this annual event. The event also provides an opportunity for local artists to display their work, connect with Westminster's residents and visitors, and contribute their talents to the fabric of our community. Our hope is that the City of Westminster will become known as the location of one of the Colorado's great Jazz Festivals.

The Historic Westminster Jazz and Art Festival was conceived by business owner and local jazz musician, Eric Trujillo. When Trujillo opened his store, Mi Vida Strings, he joined the Historic Westminster Art District and talked to other member business about putting on a jazz festival. The group thought it would be a great event to sponsor and the first festival was held in June 2012. The North Metro Arts Alliance agreed to sponsor the music for the event and Eric was able to use his contacts in the music community to bring in a great line up. Each year a contest is held to provide artwork for the jazz fest poster. The posters are sold at the event and the original artwork is auctioned off. The annual posters are becoming collector items. Beginning in 2014, t-shirts were also created and sold. Other local businesses and organizations have come on board as sponsors. The City of Westminster is also a major sponsor with the donated use of their stage. The Historic Westminster Art District looks forward to a continuing partnership with the City of Westminster on this great event.

This proclamation supports City Council's Strategic Plan goal of "Beautiful, Desirable, Environmentally Responsible City," and "Excellence in City Services" by supporting local artists, creating a vibrant community in historic Westminster, and contributing to the desirability of our community.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment

WHEREAS, community festivals and events bring together businesses, artist, volunteers, and neighbors to celebrate each other and increase social cohesion; and

WHEREAS, Jazz and art festivals expose people to new ideas, art, and music; and

WHEREAS, a study performed on heart patients found that the participants had reduced blood pressure following listening to jazz music; and

WHEREAS, the music starts at noon and will culminate with Nelson Rangell from 6 to 8 p.m. Other groups performing include the CCJA, Jeff Jenkins and The Organization, Eric Trujillo and The Mambotet, and Tom Gershwin.

NOW, THEREFORE I, HERB ATCHISON, Mayor of the City of Westminster, on behalf of the entire Council and Staff do hereby proclaim June 13, 2015, to be

WESTMINSTER JAZZ DAY

and encourage all residents and visitors to attend the Historic Westminster Jazz and Art Festival on June 13th at Hidden Lake High school.

Dated this 8th day of June, 2015.

Herb Atchison, Mayor



Agenda Item 8 A

Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Little Dry Creek Regional Detention Pond – Eighth Amended Intergovernmental Agreement with the Urban Drainage and Flood Control District and Adams County

Prepared By: Andrew Hawthorn, P.E. Senior Engineer

Recommended City Council Action

Authorize the City Manager to sign the eighth amended intergovernmental agreement with the Urban Drainage and Flood Control District and Adams County for the Little Dry Creek Regional Detention Pond and related channel improvements.

Summary Statement

- This is the eighth amendment to the intergovernmental agreement (IGA) with the Urban Drainage and Flood Control District (UDFCD) for the Little Dry Creek Drainage Project, which was originally approved by City Council on February 9, 2009. This amendment is necessary to encumber additional District funds and add City Storm Water Utility funds to the budget in order to allow staff to complete the final design, perform construction engineering inspections, provide construction materials testing and perform geo-technical investigation work for the pedestrian bridge structural design.
- This amended IGA will add \$150,000 from the District into the project account and add \$600,000 from the City's Storm Water Utility fund in order to complete the design and construction inspection work necessary for the construction of the flood storage improvement project.
- The IGA contains provisions for amending the document to allocate additional funding in future budget years.

Expenditure Required: \$750,000

Source of Funds: Little Dry Creek Regional Detention Project (\$600,000)
Urban Drainage and Flood Control District (\$150,000)

Policy Issue

Should the City amend the Intergovernmental Agreement with the Urban Drainage and Flood Control District and Adams County for the design and construction of drainage and flood control improvements for Little Dry Creek from Lowell Boulevard to Federal Boulevard?

Alternative

Council could choose to not authorize this amended Intergovernmental Agreement at this time. However, staff recommends approval of the amendment to provide additional funding that will help staff complete this project in a timely manner. The completion of this project is necessary to lower the floodplain in this area for the adjacent Adams County residents and the Westminster Station commuter rail project.

Background Information

The construction of the Little Dry Creek regional detention pond upstream of Federal Boulevard will lower the floodplain by approximately four feet, eliminating its direct impact on the proposed commuter rail track serving Westminster Station. It will also formalize regional storm water detention to facilitate the redevelopment of the future Transit Oriented Development area and provide a regional park and open space to serve residents and commuter rail users. Various phases of the project have been completed to date. The current phase of work involves the construction and installation of flood control and drainage improvements including the relocation of Little Dry Creek 200 feet to the north of its current alignment, the export of 300,000-cubic yards of soil to create flood water storage including a 2.3-acre lake, and the design of a 160-foot long pedestrian bridge for access to the commuter rail platform.

The original IGA for this project was authorized by City Council on February 9, 2009. Since that time, the Agreement has been amended seven times as the various partners accrued additional funds to contribute toward the project. With Council’s approval of this requested eighth amendment, the total contributions to the project budget will be as outlined below:

| | DISTRICT | COUNTY | CITY |
|---------------------------|--------------------|------------------|--------------------|
| Original | \$100,000 | \$150,000 | \$150,000 |
| 1 st Amendment | \$600,000 | \$0 | \$500,000 |
| 2 nd Amendment | \$275,000 | \$0 | \$275,000 |
| 3 rd Amendment | \$300,000 | \$0 | \$1,700,000 |
| 4 th Amendment | \$0 | \$0 | \$600,000 |
| 5 th Amendment | \$175,000 | \$0 | \$800,000 |
| 6 th Amendment | \$660,000 | \$0 | \$0 |
| 7 th Amendment | \$615,000 | \$0 | \$0 |
| 8 th Amendment | \$150,000 | \$0 | \$600,000 |
| TOTALS | \$2,875,000 | \$150,000 | \$4,625,000 |
| % share | 37.6% | 1.9% | 60.5% |

This IGA amendment is only for the design and construction related services as outlined in the prior paragraphs. It is important to note that the construction for this current phase of work is contracted directly with the City of Westminster and funded by both the City and Adams County through a separate IGA that was authorized by City Council on January 26, 2015.

This project will dramatically change and revitalize this area once the regional open space and active recreational uses identified in the Little Dry Creek Park Master Plan are implemented. It is a multi-faceted project that will help advance the City of Westminster's Strategic Plan Goals of *Beautiful, Desirable, Environmentally Responsible City; Proactive Regional Collaboration; and Ease of Mobility*. Additionally, this project will assist in the development of a multi-modal transportation system and transit oriented development around the Westminster Station.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments

- Eighth Amendment to IGA
- Project Vicinity Map

EIGHTH AMENDMENT TO
AGREEMENT REGARDING
FINAL DESIGN, RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
LITTLE DRY CREEK FROM LOWELL BOULEVARD TO FEDERAL BOULEVARD

Agreement No. 08-09.09H

THIS AGREEMENT, made this _____ day of _____, 2015, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT"), CITY OF WESTMINSTER (hereinafter called "CITY") and ADAMS COUNTY (hereinafter called "COUNTY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Little Dry Creek from Lowell Boulevard to Federal Boulevard" (Agreement No. 08-09.09) dated August 19, 2009, as amended, and

WHEREAS, PARTIES now desire to proceed with construction; and

WHEREAS, PARTIES desire to increase the level of funding by \$750,000; and

WHEREAS, the City Council of CITY, the County Commissioners of COUNTY and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:
 4. PROJECT COSTS AND ALLOCATION OF COSTS
 - A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:
 1. Final design services;
 2. Delineation, description and acquisition of required rights-of-way/ easements;
 3. Construction of improvements;
 4. Contingencies mutually agreeable to PARTIES.
 - B. It is understood that PROJECT costs as defined above are not to exceed \$7,650,000 without amendment to this Agreement.
PROJECT costs for the various elements of the effort are estimated as follows:

| <u>ITEM</u> | <u>AS AMENDED</u> | <u>PREVIOUSLY AMENDED</u> |
|-----------------|-------------------|---------------------------|
| 1. Final Design | \$ 1,400,000 | \$ 1,400,000 |
| 2. Right-of-way | 200,000 | 200,000 |
| 3. Construction | 5,950,000 | 5,200,000 |
| 4. Contingency | 100,000 | 100,000 |
| Grand Total | \$7,650,000 | \$6,900,000 |

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

| | <u>Percentage Share</u> | <u>Previously Contributed</u> | <u>Additional Contribution</u> | <u>Maximum Contribution</u> |
|-------------|-------------------------|-------------------------------|--------------------------------|-----------------------------|
| DISTRICT | 37.6% | \$2,725,000 | | \$2,875,000 |
| Capital | | | \$150,000 | |
| Maintenance | | | | |
| COUNTY | 2.0% | \$ 150,000 | \$ -0- | \$ 150,000 |
| CITY | 60.4% | \$4,025,000 | \$600,000 | \$4,625,000 |
| TOTAL | 100.0% | \$6,900,000 | \$750,000 | \$7,650,000 |

3. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior Board approval.

Payment of each party's full share (CITY - \$4,625,000; COUNTY - \$150,000; DISTRICT - \$2,875,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special interest bearing account to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to CITY and COUNTY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares.

5. All other terms and conditions of Agreement No. 08-09.09 shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

(SEAL)

By _____

ATTEST:

Title Executive Director

Date _____

ADAMS COUNTY

(SEAL)

By _____

ATTEST:

Title _____

Date _____

APPROVED AS TO FORM:

County Attorney

CITY OF WESTMINSTER

(SEAL)

By _____

ATTEST:

Title _____

Date _____

APPROVED AS TO FORM:

City Attorney



71st Ave

Pomponio Branch

LITTLE DRY CREEK GRADING PROJECT

69th Pl

Lowell Blvd

Federal Blvd

68th Ave



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Fleet Maintenance Cumulative Purchases of Over \$75,000
For Wireless Advanced Communications

Prepared By: Jeffery Bowman, Fleet Manager

Recommended City Council Action

Based upon the recommendation of the City Manager, determine that the public interest will be best served by approving Fleet Maintenance cumulative purchases in 2015 with Wireless Advanced Communications for purchases not to exceed \$135,000 through year end.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000.
- The Fleet Maintenance Division uses two primary vendors to provide and install emergency lighting and equipment on City of Westminster Police vehicles. Total aggregate purchases from one of those vendors; Wireless Advanced Communications, will exceed \$75,000 during 2015. Staff is asking for approval of purchases not to exceed \$135,000 for purchase of emergency equipment such as emergency lighting, prisoner seats and restraints and prisoner dividers on City of Westminster Police vehicles through 2015.
- Adequate funds are budgeted and available in the 2015 Public Safety Tax General Capital Outlay Replacement Fund budget for the needed purchases.

Expenditure Required: Not to exceed \$135,000

Source of Funds: Public Safety Tax General Capital Outlay Replacement Fund

Policy Issue

Should Council approve the cumulative purchase and installation of emergency lighting and equipment on City of Westminster Police vehicles from Wireless Advanced Communications that total over \$75,000, but do not exceed \$135,000 in 2015?

Alternative

Do not approve the expenditures as recommended. While it could be argued that each transaction represents a separate purchase, City Staff believes that a more prudent approach is to treat the smaller transactions as cumulative larger purchases with the vendors that are subject to Council approval.

Background Information

The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000. Fleet Maintenance has identified one vendor where the total cumulative purchases or expenses will exceed \$75,000 for the year 2015 and thus require Council authorization. Staff is seeking approval for this expenditure for the calendar year 2015. Adequate funds are available in the 2015 Public Safety Tax General Capital Outlay Replacement Fund account.

Fleet Maintenance uses two primary lighting and emergency equipment vendors; Av-Tech Electronics and Wireless Advanced Communications. On May 12, 2015, both vendors provided pricing to upfit patrol cars with emergency equipment including: lighting, prisoner seating, console for emergency controls, siren, prisoner dividers, shotgun mount with locks and vehicle wiring system specifically for the City of Westminster Police Department. Av-Tech provided a per-car upfit price of \$12,973.60. Wireless Advanced Communications provided a per-car upfit price of \$10,587.63, which amounts to \$2,385.97 less per car. Two patrol car upfits are scheduled in 2015, along with the three Harley-Davidson upfits at a per motorcycle price of \$5,149.43 each, three K-9 SUV upfits quoted at \$13,836.59 each, three Sergeant SUV upfits at \$10,162.80, and one unmarked Traffic car upfit at \$7,991.78. All quoted upfits will total \$116,613.50.

Staff anticipates that it will be purchasing additional emergency lighting services from Wireless Advanced Communications for the remainder of the year that will not exceed \$135,000. The City's approach to these types of collective purchases from a single vendor is to assure that purchases in excess of \$75,000 are identified in advance and brought to City Council for approval.

This approach helps achieve City Council's Strategic Plan Goal of "Excellence in City Services" by meeting the following objectives: maintaining well equipped Police Department vehicles and spending tax dollars in a responsible manner.

Respectfully submitted,

Donald M. Tripp
City Manager



Agenda Item 8 C

Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Fleet Maintenance Cumulative Purchases of Over \$75,000
For TCI Tire Centers

Prepared By: Jeffery Bowman, Fleet Manager

Recommended City Council Action

Based upon the recommendation of the City Manager, determine that the public interest will be best served by approving Fleet Maintenance cumulative purchases in 2015 with TCI Tire Centers for purchases not to exceed \$150,000 through year end.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000.
- The Fleet Maintenance Division uses a number of vendors to provide tires and tire services required to maintain City of Westminster vehicles. Total aggregate purchases from TCI Tire Centers will likely exceed \$75,000 during 2015, as purchases have already totaled \$41,420. Staff is asking for approval of purchases not to exceed \$150,000 for tires and tire services from TCI Tire Centers through 2015.
- Adequate funds are budgeted and available in the 2015 Fleet Maintenance Commodities Fund for the needed purchases.

Expenditure Required: Not to exceed \$150,000

Source of Funds: Fleet Maintenance Fund

Policy Issue

Should Council approve the cumulative purchase of tires and tire services from TCI Tire Centers that total over \$75,000, but not to exceed \$150,000 in 2015?

Alternative

Do not approve the expenditures as recommended. While it could be argued that each transaction represents a separate purchase, City Staff believes that a more prudent approach is to treat the smaller transactions as cumulative larger purchases with the vendors that are subject to Council approval.

Background Information

The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000. Fleet Maintenance has identified one vendor where the total cumulative purchases or expenses will likely exceed \$75,000 for the year 2015 and thus require Council authorization. Staff is seeking approval for these expenditures for the calendar year 2015. Adequate funds are available in the 2015 Fleet Maintenance Commodities account.

Fleet Maintenance uses a variety of tire vendors to provide tires and tire services. These on-going purchases include routine, competitively bid tires and services. To date, Fleet Maintenance has identified TCI Tire Centers as a vendor that will likely accumulate over \$75,000 in orders during 2015, as purchases have already totaled \$41,420. TCI Tire Centers has the State Bid on the Michelin tires used for the City's Fire apparatus and is the most frequently used vendor for recap tires for heavy duty tandem trucks.

Staff anticipates that it will be purchasing additional tires and services from TCI Tire Centers for the remainder of the year that will not exceed \$150,000. The City's approach to these types of collective purchases from a single vendor is to assure that purchases in excess of \$75,000 are identified in advance and brought to City Council for approval.

This approach helps achieve City Council's Strategic Plan Goal of "Excellence in City Services" by meeting the following objectives: maintaining well equipped City of Westminster vehicles and spending tax dollars in a responsible manner.

Respectfully submitted,

Donald M. Tripp
City Manager



Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Building Automation System Hardware Replacement

Prepared By: Mark Ruse, Facilities CIP and Operations Manager
Brian Grucelski, Facilities Supervisor

Recommended City Council Action

Based on the recommendation of the City Manager, find that the public interest will best be served by executing a sole source contract in the amount of \$87,538 with Siemens Industry, Inc. for installation and commissioning of replacement hardware for the building automation system (BAS) and authorize a contingency of 10% or \$8,754 for a total contract amount of \$96,292.

Summary Statement

- The old Police Department (PD), City Park Recreation Center and City Hall facilities were originally built with a Siemens building automation system. These systems control the heating and cooling equipment in each facility.
- In 2006, the City updated the heating, ventilating and air conditioning (HVAC) control systems in three City facilities, City Park Recreation Center, Department of Corrections (old PD), and City Hall.
- In June 2014, BO&M staff was notified that certain existing control panels would no longer be supported by Siemens Industry, Inc. after December 2016.
- The proprietary nature of the existing system requires Staff to use Siemens Industry, Inc. for all replacement parts and services. Based on the proprietary nature of the equipment, using the competitive bid process is not possible.
- Siemens Industry, Inc. has been a trusted partner with the City for the past 25 years. Staff reviewed the pricing information provided by Siemens Industry, Inc. and compared this pricing to projects with similar scopes of work that have been completed by other vendors. Staff believes it is in the best interest of the City to move forward with the hardware replacement in 2015 in order to secure reasonable pricing and insure reliability of operations.
- Adequate funds have been budgeted and are available for this expense.

Expenditure Required: \$96,292

Source of Funds: 2015 General Capital Improvement Fund - B O & M Major Maintenance Fund - \$42,485
2015 General Capital Improvement Fund - Recreation Facilities Major Maintenance Fund - \$53,807

Policy Issue

Should the City replace building automation system (BAS) hardware control panels to ensure reliable and consistent operation of the heating and cooling equipment in the identified City facilities?

Alternative

City Council could choose not to authorize the replacement of BAS hardware control panels. This alternative is not recommended based on the critical need that exists for reliable operation of heating and cooling systems in the identified facilities.

Background Information

Standard practice in large commercial building construction includes some type of HVAC control system. These systems control the many different components required to effectively manage energy and control the temperature in all areas of the building. The Department of Corrections building (old PD), City Park Recreation Center and City Hall were all constructed with a building automation system manufactured and designed by Siemens Industry, Inc.

As a part of the regular life cycle of these systems, certain hardware components need to be replaced on a regular basis. In 2006, all three facilities received upgraded hardware and software. Additional hardware upgrades are now needed as part of the life cycle of this equipment. Existing equipment has lasted the expected useful life. The proposed replacement equipment has an expected useful life of ten years or more.

Building automation systems (BAS) allow for efficient control of HVAC and equipment and therefore, better comfort and energy efficiency. This includes remote operation, diagnostics and adjustments in order to keep building occupants comfortable and keep essential controls such as server room equipment within specified temperature ranges.

In March 2014, Building Operations and Maintenance staff were notified that the existing hardware control panels would not be supported after December 2016. The building automation system is the nerve center of the entire heating and cooling system. Each building has over one-hundred items that are controlled and coordinated by the BAS. Adjustable start/stop schedules allow equipment to be turned on only when needed for energy efficiency.

Once a system is installed, it is standard industry practice to continue a long-term relationship with the original equipment manufacturer to avoid expensive system replacements in future years. The City and Siemens Industry, Inc. have had a long-term relationship lasting over 25 years. Because of the sole source nature of this project, Staff compared pricing to other building automation systems in other City facilities in order to ensure reasonable pricing was given by Siemens Industry, Inc. Staff determined the pricing received was reasonable based on previous projects and systems installed in other City facilities. Eight panels are proposed to be changed with an average panel cost of \$12,037. Staff compared this price to equipment costs in City Park Fitness Center at \$16,000 per panel and Heritage Club House at \$14,000 per panel and found Siemens Industry, Inc. pricing to be in line with other vendors.

The proprietary nature of the existing system requires staff to use Siemens Industry, Inc. for all replacement parts and services. Based on the proprietary nature of the equipment, using the competitive bid process is not possible.

SUBJECT: Building Automation System Hardware Replacement

Page 3

Approving this recommended action will allow Staff to continue to provide comfortable facilities for Westminster residents and City employees and achieves City Council's Strategic Goal of "Excellence In City Services."

Respectfully submitted,

Donald M. Tripp
City Manager



Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Purchase of Mobile Computer Hardware for Public Works Utilities Department

Prepared By: Stephen Gay, Utilities Operations Manager
Robert Booze, Distribution and Collection Superintendent
Roger Harshman, Wastewater & Infrastructure Support Services Supervisor

Recommended City Council Action

Based on the recommendation of the City Manager, find that the public interest would best be served by authorizing the negotiated purchase of mobile computer hardware from Sierra Wireless America Inc. for a total authorized expenditure not to exceed \$97,396.

Summary Statement

- The Public Works and Utilities Department is responsible for maintaining the City's street network, providing high quality drinking water, and reliably treating the City's wastewater.
- To provide these services, Staff spends the majority of their time in the field addressing system infrastructure issues, part of which involves the daily documentation of information into a variety of programs. Currently Staff hand writes this information in the field and data entry is performed once Staff returns to the office.
- In addition, Staff has limited access to real-time information in GIS and other reference programs and must sometimes return to the office to gather information to complete proactive and reactive repairs to the Utility's system.
- To maximize Staff's time, the Department is implementing the use of mobile technology in the field. This will allow a more efficient entry of data at the time it is gathered and will provide real time access of information for use during system repairs.
- As a part of this mobile initiative, Staff is recommending a sole source purchase of wireless devices from Sierra Wireless America Inc. (Sierra Wireless) for installation in the Department's vehicles. These specific devices have the flexibility to use multiple wireless service providers within the area, are currently in use with Police and Fire Departments, and the City's IT Department is familiar with them.
- The total amount requested includes a three-year warranty for each device, including hardware, software and support.
- These wireless devices will be used throughout the entire Department in concert with other hardware that Staff is purchasing as part of the IT Department's Western States Contracting Alliance (WSCA) bid.
- Funds are available from cost savings in a capital improvement project.

Expenditure Required: Not to exceed \$97,396

Source of Funds: Utility Fund - SCADA/PLC Ongoing Capital Improvement Project

Policy Issue

Should City Council authorize the sole source purchase of Wi-Fi devices from Sierra Wireless in an amount not to exceed \$97,396?

Alternatives

- City Council could choose not to authorize the sole source purchase of devices from Sierra Wireless and request that Staff go to bid for these items. Staff does not recommend this alternative because other companies that offer these devices are limited to one wireless service provider, while Sierra Wireless offers the flexibility of utilizing multiple wireless carriers. Due to the nature of the work, Staff requires reliable wireless service for the effective use of technology in the field.
- City Council could choose to delay the purchase. Staff does not recommend this alternative as these devices will help Staff to maximize their field data entry efforts and will also allow access to real-time information for use during system repairs.

Background Information

The Public Works and Utilities Department is responsible for maintaining the City's street network, providing high quality drinking water, and reliably treating the City's wastewater. To provide these services, Staff spends time in the field both proactively and reactively addressing system infrastructure issues, part of which involves the daily documentation of information into a variety of programs, including GIS, the Accela work order system, the 811 locate program and others. Many of these platforms can only be accessed through physical workstations connected to the City's computer networks. The data entry into these programs is currently performed once Staff returns to the office, essentially duplicating their work.

In addition, there are times when Staff has to return to the office to gather appropriate reference material, including during reactive system repairs, severe weather events and while monitoring contractor work in the field. This can be time consuming and can delay important repairs.

To maximize Staff's time, the Department is implementing the use of mobile technology in the field. This will allow increased access to real-time information in the field, and will also allow Staff to enter data into the necessary programs at the time it is gathered. As a part of this mobile initiative, Staff recommends the sole source purchase of Wi-Fi devices from Sierra Wireless. Sierra Wireless offers devices that have the flexibility to use multiple wireless service providers within the area, are currently in use with the City's Police and Fire Departments. Once installed in PW&U Department's vehicles, Staff will be able to directly access the appropriate platforms in the field. This will streamline the Department's workflow and optimize Staff time, ultimately resulting in a reduction of hours that field employees spend in the office. These hours can now be spent in the field with direct access to critical information, performing beneficial tasks for our customers.

Sole source is recommended as the vendor meets the following conditions pursuant to the Westminster Municipal Code:

- The bidder's skill, ability and capacity to furnish the equipment required;
- The bidder can furnish the equipment promptly without delay;
- The quality of the bidder's performance based on previous experience with the bidder and technology; and
- The bidder's ability to provide future maintenance and service.

Included in this purchase is a three-year warranty for each device, which covers hardware, software, and support. These wireless devices will be used throughout the entire Department in concert with other

Surface Pro tablets and iPads that Staff is purchasing as part of the IT Department's WSCA bid authorized by City Council on February 9, 2015.

Adequate funds are available for this expense. Savings in the SCADA/PLC Ongoing Capital Improvement Project in the Utility Fund are available and Staff does not anticipate that the expenditure will exceed \$97,396.

This expense supports the City Council's Strategic Plan goal of Excellence in City Services by efficiently utilizing Staff time in the field.

Respectfully submitted,

Donald M. Tripp
City Manager



Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: 2015 Pump Station Improvements Project Design/Build Contract Amendment

Prepared By: Julie Koehler, Senior Engineer
Stephen Grooters, Senior Projects Engineer

Recommended City Council Action

1. Authorize the City Manager to execute an amendment to the design/build contract with The Garney Water Partnership in the amount of \$3,467,800 for construction of the 2015 Pump Station Improvements Project plus a contingency of \$346,780, increasing the total authorized expenditure with this company from the previously approved amount of \$297,673 to \$4,112,253.
2. Authorize the transfer of \$652,733 from the Wandering View Tank Repairs project and \$92,000 from the Water Stewardship Fund for a total of \$744,733 into the 2015 Pump Station Improvements Project.

Summary Statement

- The City owns and operates 13 pumping stations that deliver water to facilities and customers.
- The 2015 Pump Station Improvement Project involves priority repairs and improvements to five facilities including the Wandering View, North Park, Silo, Standley Lake Raw Water, and Jim Baker Reservoir Pump Stations.
- The project employs an alternative project delivery method called design/build whereby the engineer and contractor work together to streamline project implementation and pre-resolve challenging constructability issues. This approach is preferred to address schedule constraints associated with seasonal water demands.
- On February 9, 2015, City Council authorized Phase I of the project (60% design) and requested Staff return with a contract amendment for Phase II (final design with construction).
- Phase I was successfully completed in May 2015 and The Garney Water Partnership (GWP) provided the City a price for Phase II, which will complete the project. At the City’s request, the pricing includes some project items identified during Phase I that are beyond the original scope and budget of the project. It is Staff’s assessment that incorporating these items is in the best interest of the City and will provide energy and cost savings over the life-cycle of the infrastructure.
- Staff believes that this pricing is competitive for the scope of work and schedule required. Staff is requesting City Council’s authorization to proceed with the amendment to Phase II.
- Construction is scheduled to begin in the fall of 2015 and be completed in the spring of 2016 in time for the 2016 irrigation season.
- To accommodate the recommended scope of work, an additional \$744,733 of funding is requested. Additional funds are available through the Water Stewardship Fund capital account and savings from the recently completed Wandering View Tank Repairs capital project. Staff believes this is the highest priority use of the funds.

Expenditure Required: \$4,112,253

Source of Funds: Utility Capital Improvement Fund - 2015 Pump Station Improvements Project; Wandering View Tank Repairs; Water Stewardship Fund

Policy Issues

1. Should the City authorize an amendment to the design/build contract with GWP for Phase II of the 2015 Pump Station Improvements Project, which includes some project items identified during Phase I that are beyond the original scope and budget of the project?
2. Should City Council authorize the reallocation of \$92,000 from the Water Stewardship Fund and \$652,733 from the Wandering View Tank Repairs project for a total of \$744,733 to fund these project items?

Alternatives

1. City Council could decline to approve the contract amendment and place the project on hold. This is not recommended because this action would result in delaying priority improvements to the pump stations. Improvements will keep the facilities in proper working order and avoid possible service impacts to customers.
2. City Council could choose to reject the current scope/pricing of the project and direct Staff to reduce the scope and budget of the project to within previous budget estimates. Staff does not recommend this alternative as some new scope items were identified during Phase I of the project that offer significant benefit to the City's utility system. It is Staff's assessment that incorporating these items is in the best interest of the City, as they will improve operations and provide energy and cost savings over the life-cycle of the infrastructure. Project savings are available to pay for these additional expenses, and this is the highest priority use of the funds.
3. City Council could direct Staff to reject the current pricing from GWP and bid the project. GWP was originally selected through a competitive process that anticipated a subsequent contract amendment for construction. In addition, it is Staff's assessment that GWP provides the best value for this project based on its familiarity with the project requirements and the City infrastructure involved and its ability to meet the City's required timing for project completion. Staff believes the GWP pricing is competitive for the required work and schedule and recommends they be retained to complete the project.
4. City Council could choose to not authorize the transfer of funds from the Water Stewardship Fund and from the Wandering View Tank Repairs project to finance the completion of this project. However, without moving capital budget into this project account, there are insufficient funds in the project account to complete the recommended scope of this project.

Background Information

The City of Westminster owns and operates 13 water booster pump stations that facilitate water rights exchange, convey water to water treatment plants, convey pressurized potable water to City customers and allow Staff to respond to emergency events. This project involves priority repairs and/or improvements to various station components at the five pump stations listed below and shown on the attached map:

1. Wandering View Pump Station
2. North Park Pump Station
3. Silo Pump Station
4. Standley Lake Raw Water Pump Station
5. Jim Baker Reservoir Pump Station

In February of this year, City Council authorized a contract with GWP for Phase I (60% design) of a design/build effort. Phase I was completed in May 2015 and included a detailed alternatives analysis, life cycle cost comparisons, and recommendations for Phase II (final design with project construction). The City received construction costs and negotiated pricing to complete the project.

At the request of the City, pricing included four project items identified during Phase I that are beyond the original scope and budget of the project. These items were identified during the alternatives analysis and demonstrated a significant benefit to the City's utility system. It is Staff's assessment that incorporating these items is in the best interest of the City and will provide energy and cost savings over the life-cycle of the infrastructure. Items include the following:

1. Improvements to the North Park Pump Station feed piping. During the preliminary design phase, City Staff and the GWP developed a way to modify the station piping. Re-piping the station in this way reduces energy costs for pumping and improves operations and maintenance. Based on the life-cycle analysis, the capital cost of these piping improvements will be offset by savings in energy and maintenance costs of approximately \$12,000 annually. The energy savings make this portion of the project an ideal candidate for use of the Water Stewardship Funds. Staff is requesting use of these funds as further described below.
2. Improvements to the pumping equipment at the Wandering View Pump Station. Currently the station is operated with pumps that are "on-off" style pumps. It was discovered during Phase I that some of the pumps can cost-effectively be modified to allow their speeds to be modulated and that the new equipment can successfully fit within the station. It was also confirmed through system modeling that the new equipment will reduce the likelihood of pressure surges (and water breaks) in the distribution system, and enhance the ability to control pressures and flows to customers downstream of the station.
3. Improvements to equipment access and piping inside of the Wandering View Pump Station. This item includes installing an overhead door and re-routing of the piping within the station to improve safety and accessibility to equipment for maintenance. The original scope of the project contemplated repairing only the interior piping. The alternatives analysis performed during Phase I showed that replacing the piping will better meet the City's goals for infrastructure longevity. Of the options available for piping replacement, the preferred option is more costly, but significantly improves access for maintenance.
4. Silo Pump Station electrical improvements to meet current code requirements. Improvements to the existing electrical system were identified that can concurrently improve safety and enhance operations of the station during times of maintenance and repairs.

Based on the benefits that the City will receive, Staff recommends that City Council authorize an amendment to the design/build contract to include these four items. It is Staff's assessment that the project costs provided by GWP are competitive for several reasons: 1) the hourly rates for GWP's key staff match the range of rates that competitors proposed previously for Phase I; 2) the hourly rates for GWP's key staff during phase II are the same as those used for Phase I; 3) the scope and price demonstrates a clear understanding of the project and the City's goals, objectives, and schedule; 4) the pricing for the project is consistent with other projects recently completed within the Utility; and 5) GWP identified and agreed to implement several ways of reducing equipment costs and expenses during construction, with an estimated savings of roughly 10% of overall project costs.

The costs for the original scope of work, without items 1-4, are within the original project cost estimates. To accommodate the full scope of recommended project work (with 10% contingency), an additional \$744,733 is requested. Additional funds are available in part through the Water Stewardship Fund. The Water Stewardship Fund was established to provide a source of funding for innovative energy saving capital projects such as Item 1 above. Remaining funds for this project are available through savings from the recently completed Wandering View Tank Repairs project. These savings are available as a result of the favorable bidding climate at the time that the project was bid and this is the highest priority use of the funds within the Water Utility Fund. Staff is requesting that City Council approve the reallocation of these funds to provide the necessary funding to complete this critical project.

| Project Expenses | Amount |
|-------------------------------|--------------------|
| Phase I with contingency | \$297,673 |
| Phase II | \$3,467,800 |
| Phase II contingency | \$346,780 |
| Total Project Expenses | \$4,112,253 |

| Funding | Amount |
|---|--------------------|
| Utility Capital Improvement Fund - 2015 Pump Stations Improvements Project | \$3,367,520 |
| Utility Capital Improvement Fund - Water Stewardship Fund | \$92,000 |
| Utility Capital Improvement Fund - Wandering View Tank Repairs Savings | \$652,733 |
| Total Project Funding | \$4,112,253 |

Construction is scheduled to begin in the fall of 2015 with completion in the spring of 2016 in time for the irrigation season.

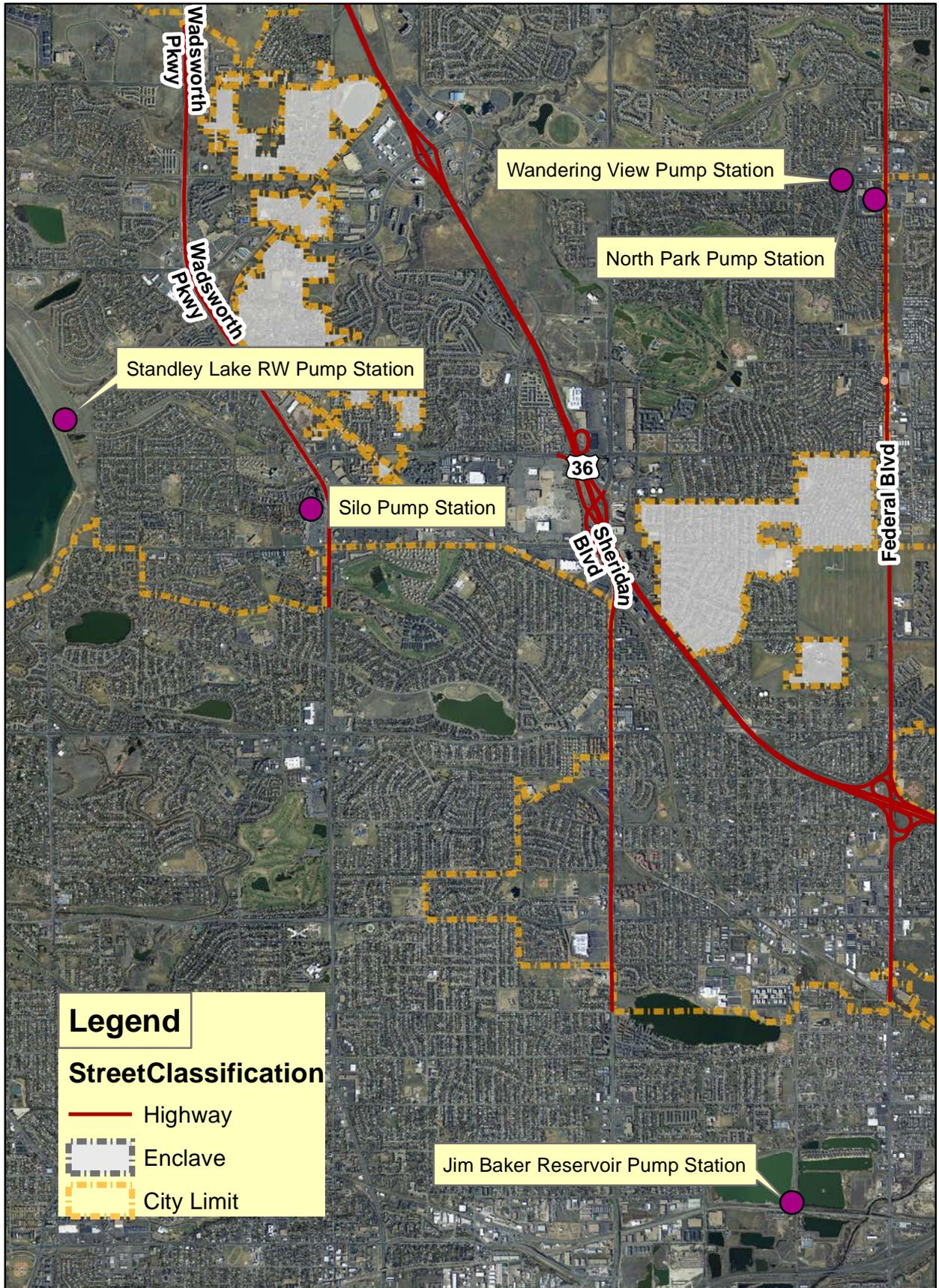
The 2015 Pump Station Improvements Project helps achieve City Council’s Strategic Plan Goals of “Beautiful, Desirable, Environmentally Responsible City,” “Vibrant and Inclusive Neighborhoods,” and “Excellence in City Services” by contributing to the objectives of well-maintained City infrastructure and facilities and providing water service with reduced risk of system failures.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Map – 2015 Pump Station Improvements Project

2015 Pump Station Improvements Project





Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Second Reading of Councillor's Bill 22 re the Rezoning for Mercedes Benz Expansion

Prepared By: Michele McLoughlin, Senior Planner

Recommended City Council Action

Pass Councilor's Bill No. 22 on second reading, approving the rezoning for the Mercedes Benz expansion property from City of Westminster Open District to City of Westminster Planned Unit Development.

Summary Statement

- The Mercedes Benz expansion property contains approximately 3.945 acres and is located on the west side of Westminster Boulevard and directly south of the existing Mercedes Benz dealership.
- A service center with additional parking and vehicle storage is intended for the site once the Official Development Plan (ODP) is approved.
- The rezoning from Open (O-1) to Planned Unit Development (PUD) and the amended PDP will bring the Mercedes Benz expansion parcel into conformance with the Comprehensive Plan designation (Service Commercial), which was part of the 2013 Comprehensive Plan update, and include the parcel as part of the Northpoint Planned Unit Development (PUD).
- Councilor's Bill No. 22 was approved on first reading by City Council on May 11, 2015.

Expenditure Required: \$ 0
Source of Funds: N/A

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments

- Rezoning Ordinance (Exhibits A and Exhibit B)

BY AUTHORITY

ORDINANCE NO. **3779**

COUNCILLOR'S BILL NO. **22**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

Seitz - Briggs

A BILL

FOR AN ORDINANCE AMENDING THE ZONING OF THE
MERCEDES BENZ EXPANSION PROPERTY, A 3.945 ACRE
PARCEL GENERALLY LOCATED IN THE NW ¼ OF SEC.13, T2S,
R69W OF THE 6TH P.M., JEFFERSON COUNTY, COLORADO
FROM O-1 (Open) TO PUD (Planned Unit Development)

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located south of 104th Avenue, east of U.S. 36, north of Big Dry Creek, and west of Westminster Boulevard, as described in attached Exhibit A, from the City of Westminster O-1 (Open) zone to the PUD zone has been submitted to the City for its approval pursuant to Section 11-5-2, W.M.C.

b. That the notice requirements of Section 11-5-1, W.M.C., have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on April 14, 2015 and has recommended approval of the requested amendment.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in Section 11-5-14, W.M.C.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning district complies with all requirements of City Code, including, but not limited to, the provisions of Section 11-5-14, W.M.C., regarding standards for approval of planned unit development zoning and Section 11-4-3, W.M.C., requiring compliance with the Comprehensive Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described in Exhibit A, attached hereto, and incorporated herein as reference, from the O-1 (Open) zoning district to the PUD zoning district, as depicted on the map marked Exhibit B, attached hereto.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. 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 11th day of May, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 8th day of June, 2015.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

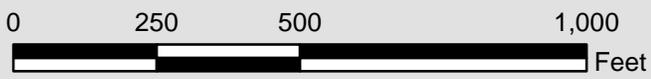
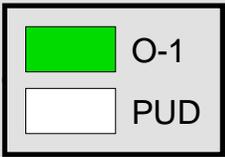
**EXHIBIT A
MERCEDES BENZ EXPANSION
REZONING
LEGAL DESCRIPTION**

A PARCEL OF LAND, LOCATED IN THE NW1/4 OF SECTION 13, T2S, R69W OF THE 6TH P.M., CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE S 89°38'45" E, ALONG THE NORTH LINE OF SAID SECTION 13, A DISTANCE OF 584.06 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING S 89°38'45" E, ALONG SAID NORTH LINE, A DISTANCE OF 499.52 FEET; THENCE S 00°12'44" E, A DISTANCE OF 108.54 FEET; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 03°07'41", A RADIUS OF 3502.06 FEET, FOR AN ARC DISTANCE OF 191.20 FEET; THENCE S 03°15'08" W, A DISTANCE OF 91.35 FEET; THENCE S 02°28'43" E, A DISTANCE OF 206.67 FEET; THENCE S 26°54'14" W, A DISTANCE OF 43.45 FEET; THENCE S 70°48'32" W, A DISTANCE OF 46.14 FEET; THENCE N 19°11'29" W, A DISTANCE OF 367.70 FEET; THENCE N 89°38'45" W, A DISTANCE OF 194.00 FEET; THENCE N 21°34'51" W, A DISTANCE OF 274.31 FEET; THENCE N 31°04'51" W, A DISTANCE OF 59.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 171,853 SQUARE FEET, OR 3.945 ACRES, MORE OR LESS.



Zoning Map Change: Mercedes Benz Expansion



Agenda Item 8 I

Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Second Reading of Councillor's Bill No. 23 re Early Supplemental Appropriation of 2014 Parks, Open Space and Trails (POST) Fund Carryover.

Prepared By: Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 23 on second reading appropriating \$254,900 of 2014 Parks, Open Space & Trails Fund Carryover into the POST Land Purchases Account.

Summary Statement

- This Councillor's Bill was passed on first reading on May 11, 2015.
- The property located at 6950 Lowell Boulevard is next to three other properties that the City has purchased on the east side of Lowell Boulevard adjacent to the future Little Dry Creek Park and Open Space. Acquiring these properties will allow the City to construct the future park and main access drive into the Little Dry Creek Park, Creekside Drive. The City is under contract to purchase the property at 6950 Lowell Boulevard for \$249,900.
- After reviewing the revenues and expenses associated with the POST Fund in 2014, Staff is confident that the amount requested for early carryover is available to purchase this property. The City plans to acquire this parcel by June 10, 2015, which is prior to carryover returning to Council for review (typically in July).
- City Council action is needed to appropriate the early supplemental and to authorize the acquisition of this property.

Expenditure Required: \$254,900 (Early POST Carryover Appropriation and City's cost to purchase the property)

Source of Funds: 2014 POST Carryover Funds

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments

- Councillor's Bill
- Vicinity Map

BY AUTHORITY

ORDINANCE NO. **3780**

COUNCILLOR'S BILL NO. **23**

SERIES OF 2015

INTRODUCED BY COUNCILLORS
Briggs - Seitz

**A BILL
FOR AN ORDINANCE AMENDING THE 2015 BUDGET OF THE PARKS, OPEN SPACE AND
TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE
2015 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2015 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3737 is hereby increased by \$254,900. This appropriation is due an early appropriation of 2014 POST Carryover Funds to acquire the property at 6950 Lowell Boulevard along Little Dry Creek Park.

Section 2. The \$254,900 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10 D-E, dated May 11, 2015 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

| | |
|-----------------------------------|------------------|
| Parks, Open Space and Trails Fund | <u>\$254,900</u> |
| Total | <u>\$254,900</u> |

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

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 11th day of May, 2015.

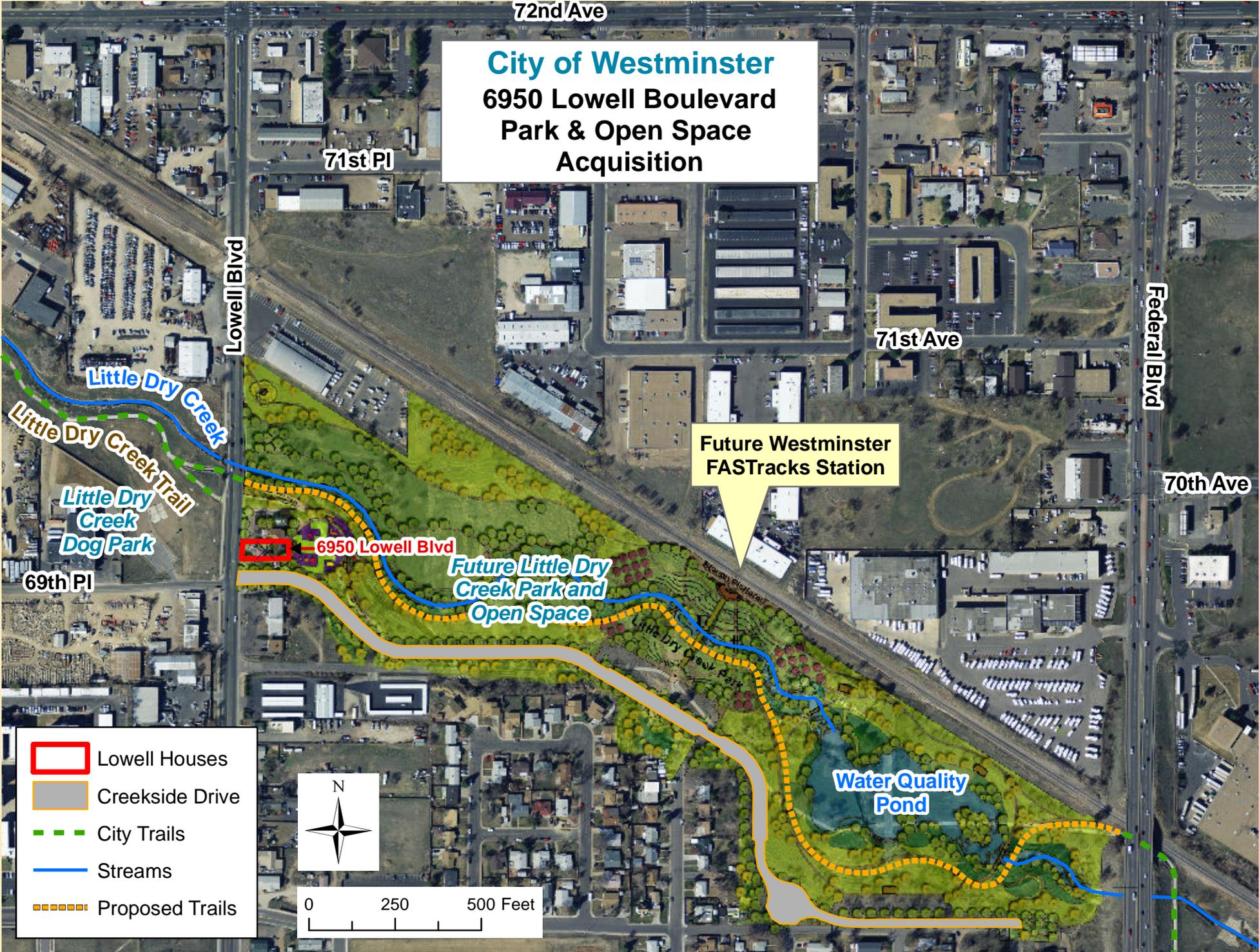
PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 8th day of June, 2015.

ATTEST:

Mayor

City Clerk

City of Westminster
6950 Lowell Boulevard
Park & Open Space
Acquisition



72nd Ave

71st Pl

71st Ave

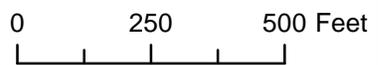
Federal Blvd

70th Ave

Lowell Blvd

69th Pl

-  Lowell Houses
-  Creekside Drive
-  City Trails
-  Streams
-  Proposed Trails



Little Dry Creek

Little Dry Creek Trail

Little Dry Creek Dog Park

6950 Lowell Blvd

Future Little Dry Creek Park and Open Space

Future Westminister FASTracks Station

Water Quality Pond



Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Second Reading of Councillor’s Bill No. 25 re 2015 1st Quarter Budget Supplemental Appropriation

Prepared By: Karen Barlow, Accountant

Recommended City Council Action

Pass Councillor’s Bill No. 25 on second reading, providing for a supplemental appropriation of funds to the 2015 budget of the General, Storm Drainage, General Capital Outlay Replacement (GCORF), Parks Open Space and Trails (POST), and General Capital Improvement (GCIF) Funds.

Summary Statement

- City Council action is requested to adopt the attached Councillor’s Bill on second reading, authorizing a supplemental appropriation to the 2015 Budget of the General, Storm Drainage, General Capital Outlay Replacement, Parks Open Space and Trails, and General Capital Improvement Funds
 - General Fund amendments total: (\$ 312,675)
 - Storm Drainage Fund amendments total: (\$ 40,000)
 - General Capital Outlay Replacement Fund amendments total: \$ 8,260
 - Parks, Open Space and Trails Fund amendments total: \$ 23,717
 - General Capital Improvement Fund amendments total: \$ 4,619,931

- This Councillor’s Bill was approved on first reading on May 18, 2015.

Expenditure Required: \$4,299,233

Source of Funds: The funding sources for these budgetary adjustments include grants, contributions, reimbursements, bonds, miscellaneous, and sale of assets.

Respectfully submitted,

Donald M. Tripp
City Manager
Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO. . **3781**

COUNCILLOR'S BILL NO. **25**

SERIES OF 2015

INTRODUCED BY COUNCILLORS
De Cambra - Seitz

A BILL

FOR AN ORDINANCE AMENDING THE 2015 BUDGETS OF THE GENERAL, STORM DRAINAGE, GENERAL CAPITAL OUTLAY REPLACEMENT, PARKS OPEN SPACE AND TRAILS, AND GENERAL CAPITAL IMPROVEMENT FUNDS, AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2015 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2015 appropriation for the General, Storm Drainage, General Capital Outlay Replacement, Parks Open Space and Trails, and General Capital Improvement Funds, initially appropriated by Ordinance No. 3737 is hereby increased in aggregate by \$4,299,233. This appropriation is due to the receipt of funds from grants, contributions, reimbursements, bonds, miscellaneous, and sale of assets.

Section 2. The \$4,299,233 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10D dated May 18, 2015 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

| | |
|---|--------------------|
| General Fund | (\$312,675) |
| Storm Drainage Fund | (40,000) |
| General Capital Outlay Replacement Fund | 8,260 |
| Parks, Open Space and Trails Fund | 23,717 |
| General Capital Improvement Fund | <u>4,619,931</u> |
| Total | <u>\$4,299,233</u> |

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

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 18th day of May, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of June, 2015.

ATTEST:

Mayor

City Clerk



Agenda Item 8 K

Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Second Reading of Councillor's Bill No. 26 Approving an Exception to Section 8-8-2(C) of the Westminster Municipal Code for the 2.86 Acre Property Located on 144th Avenue

Prepared By: Sharon I. Williams, Water Resources Engineering Coordinator
Mike Happe, Utilities Planning and Engineering Manager

Recommended City Council Action

Pass Councillor's Bill No. 26 on second reading approving an exception to Section 8-8-2(C) of the Westminster Municipal Code, regarding use of sanitary sewers required, for a property located on 144th Avenue.

Summary Statement

- The Westminster Municipal Code, Section 8-8-2(C), regarding Use of Sanitary Sewers Required, states "It shall be unlawful to construct, or reconstruct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater when the site is within four hundred feet (400') of an existing sanitary sewer with sufficient capacity."
- Staff received a request from the property owners of a vacant property located on 144th Avenue, approximately 165-feet west of Lipan Street (the 144th Avenue property) for a waiver from the sanitary sewer requirement, to allow the installation of a septic system. The property has not yet been assigned an address.
- The proposed ordinance would approve an exception from sanitary sewer requirements for this specific property to allow for the construction of a septic tank to serve one single family home.
- The septic tank design and installation would be in the purview of Tri-County Health Department.
- Approving this exception will not preclude the City from requiring the property to connect to the sanitary sewer infrastructure at the owner's expense in the future.
- This bill was approved on first reading by City Council on May 18, 2015.

Expenditure Required: \$0
Source of Funds: N/A

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Ordinance

BY AUTHORITY

ORDINANCE NO. **3782**

COUNCILLOR'S BILL NO. **26**

SERIES OF 2015

INTRODUCED BY COUNCILLORS
Garcia - Seitz

A BILL

FOR AN ORDINANCE APPROVING AN EXEMPTION FROM SECTION 8-8-2(C) OF THE WESTMINSTER MUNICIPAL CODE FOR THE RUCK PROPERTY LOCATED ON W. 144TH AVE, 165 FEET WEST OF LIPAN STREET, WESTMINSTER, CO, 80023

WHEREAS, Section 8-8-2(C), W.M.C., states that it “shall be unlawful to construct, or reconstruct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater when the site is within four hundred feet (400') of an existing sanitary sewer with sufficient capacity”; and

WHEREAS, Brad and Lisa Ruck, owners of a 2.86 acre parcel of property, generally located on W. 144th Ave., 165 feet west of Lipan Street, Westminster, CO, 80023, have requested that they be allowed to construct a septic tank to serve a single family home; and

WHEREAS, connecting to the City’s sanitary sewers would be an extreme burden to the property owners due to the technical infeasibility and associated high cost of connecting to existing city sewers located within four hundred feet (400') of the property, and the City has no current plans to extend sewer service in this area; and

WHEREAS, the property owners will not develop the property without the ability to construct a septic tank for a single family home, and it is in the City’s best interest for this property to be able to be developed; and

WHEREAS, the property is one of nine parcels annexed into the City in 2001 and the other eight parcels have existing septic tanks that have been allowed to remain; and

WHEREAS, public health and the environment will not be harmed by allowing the installation of a septic tank for a single family home on this property; and

WHEREAS, allowing a septic tank on this property for a single family home does not preclude future enforcement of Section 8-8-2 (D), W.M.C., which states that the “owner(s) all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is not located or may in the future be located a sanitary sewer of the City, is hereby required, at the owner(s) expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this Ordinance, within thirty (30) days after date of official notice to do so, provided that said sanitary sewer is within four hundred feet (400') of the site.”

THE CITY OF WESTMINSTER ORDAINS:

Section 1. An exemption from Section 8-8-2(C), W.M.C., is approved for the construction of one single-family home on the Ruck property, a 2.86 acre parcel of land generally located on W. 144th Ave, 165 feet west of Lipan Street, Westminster, CO, 80023, so that the property owners may construct a septic tank to serve said single family home.

Section 2. This ordinance shall take effect upon its passage after second reading. 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 18th day of May, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 8th day of June, 2015.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Public Hearing on the Third Amended Preliminary Development for Plan Huron Park and Official Development Plan for Huron Park Filing No. 1

Prepared By: Patrick Caldwell, Senior Planner

Recommended City Council Action

1. Hold a public hearing.
2. Approve the Third Amended Preliminary Development Plan for Huron Park. This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.
3. Approve the Official Development Plan for Huron Park Filing No. 1. This recommendation is based on a finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code have been met.

Summary Statement

- The Comprehensive Plan designation allows a maximum of 3.5 dwellings per acre. The proposed Preliminary Development Plan (PDP) and Official Development Plan (ODP) propose development at 2.4 dwellings per acre.
- The site is zoned Planned Unit Development (PUD) and the existing PDP allows multi-family residential uses. The proposed PDP amendment changes the residential use to a single-family residential use.
- The Huron Park PDP and ODP (also known as the Tanglewood Creek site) are located on an 86-acre parcel at the northeast corner of Huron Street and 128th Avenue.
- There are 210 single-family residential lots with a minimum lot size of 7,000-square feet proposed for this site. Eleven different models are proposed with a variety of elevation styles for each model. One-floor ranch, two-story, and walkout options are proposed.
- A clubhouse, pool and private parks are proposed. One of the private park areas preserves a view corridor from the clubhouse/pool site towards the mountains to the west. Other private park areas are located at the main entry at Huron Street and at the east edge of the residential lots along the Tanglewood Creek corridor. The private park areas total is 10.9 acres.
- A 15.85-acre parcel, Outlot H, will be dedicated to the City for public open space. This is north of 128th Avenue, and south of the City’s wastewater facility property. Outlot H is inclusive of, and generally east of Tanglewood Creek. This open space provides a visual and sound buffer to I-25 for residences east of the public open space. An adjacent 6.7-acre parcel, called Outlot K, will be dedicated to the City for a potential future interchange for I-25 at 128th Avenue. In the interim, this future interchange area will be available as public open space and will provide additional buffer to I-25.
- The Tanglewood Creek stream bed will be stabilized and adjusted to reduce erosion. This will be completed in the first phase of the development.
- In the first phase of development a 10-foot wide concrete part of the I-25 Trail will be constructed adjacent to the creek. This trail segment will complete a missing link of the I-25 Trail that has already been constructed to the north and south of the site. Two points of access will be provided from the subdivision to the I-25 Trail.
- Additional right of way for 128th Avenue will be dedicated and improved.

Expenditure Required: \$ 0
Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on May 12, 2015, and voted unanimously (7-0) to recommend the City Council approve the Third Amended Preliminary Development for Huron Park based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code had been met. The Planning Commission also reviewed the Official Development Plan for Huron Park Filing No. 1 and recommended approval based on a finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code had been met. This proposal passed unanimously (7-0).

No one spoke in favor of or in opposition to this proposal.

Policy Issues

1. Should the City approve an amendment to the Third Amended Preliminary Development Plan for Huron Park to remove multi-family as an allowed use, and add single-family detached residential uses?
2. Should the City approve the Official Development Plan for Huron Park Filing No. 1 that would allow private and public open space and recreational uses and single-family detached residential uses?

Alternatives

1. Deny the Third Amended Preliminary Development Plan for Huron Park. This is not recommended because staff believes the single-family detached residential use is compatible with nearby and adjacent land uses. Additionally, the use is consistent with the Comprehensive Plan designation which is Residential R-3.5.
2. Deny the amendment to the Official Development Plan for Huron Park Filing No. 1. This is not recommended because staff believes the ODP is in compliance with the criteria set forth in Section 11-5-15 of the Westminster Municipal Code (WMC).
3. Approve the amendment to the Third Amended Preliminary Development Plan for Huron Park and approve the amendment to the Official Development Plan for Huron Park Filing No. 1 subject to conditions. Elements of the ODP can be amended if City Council deems modifications are required. This is not recommended because staff believes the ODP is in compliance with the criteria set forth in Sections 11-5-15 of the Westminster Municipal Code (WMC).

Background Information

Nature of Request

The applicant, Century Communities, Inc., wishes to develop 210 single-family detached residential dwellings, a clubhouse/pool, private parks and trails including the I-25 Trail. Erosion and flood control improvements will be made to the stream bed of Tanglewood Creek. An amendment to the PDP is needed to show revised circulation, setbacks, open space areas, residential areas, and revised uses. The ODP shows the lots, the streets, open spaces, detention, facilities, utilities, landscaping, the elevations and other details for the development.

Location

The 86-acre site is located west of and adjacent to I-25, north of 128th Avenue, east of Huron Street and south of the City's wastewater treatment facilities (please see attached vicinity map).

Public Notification

Westminster Municipal Code 11-5-13 requires the following public notification procedures for amendments to Preliminary Development Plans, and Official Development Plans that are over 10 acres in size:

- **Published Notice:** Notice of public hearings scheduled before Planning Commission shall be published and posted at least 10 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on May 28, 2015.

- **Property Posting:** Notice of public hearings before the City Council shall be posted at least 4 days prior to the hearing on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Two signs were posted on the property on May 28, 2015.
- **Written Notice:** At least 10 days prior to the date of the City Council public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner's associations registered with the City within 300 feet of the subject property. The notices were mailed on April 28, 2015.

Applicant/Property Owner

CCC Holdings, LLC
8390 East Crescent Parkway
Suite 650
Greenwood Village, Colorado

Surrounding Land Use and Comprehensive Plan Designation

| | Development Name | Zoning | Comprehensive Plan Designation | Use |
|-------|---|---------------|---------------------------------------|------------------------|
| North | City of Westminster Wastewater Treatment Facilities | PUD | Public/Quasi-Public | Wastewater Treatment |
| West | Huron Plaza | PUD | R-3.5 | Vacant |
| East | N/A | NA | NA | I-25; City of Thornton |
| South | Mountain Range High School | T-1 | Public/Quasi-Public | School |

Site Plan Information

The ODP consists of three major components.

- A large open space area is shown at the eastern one third of the site, and generally parallels I-25 as the eastern edge. The majority of this area will be undisturbed public open space. The Tanglewood Creek stream bed generally delineates the western edge of this major site component. The creek bed will be stabilized in Phase 1.
- Single-family detached residential lots compose the western two thirds of the site. A loop collector street generally forms the edge of this major site component.
- The private open space area in the midst of the residential lots contains a parcel with a clubhouse and a swimming pool. Two linear parks oriented in an east to west direction will provide a view corridor from the clubhouse to the northern Front Range. Perimeter private open space near the linear parks continues the green space to Huron Street.

Circulation and Parking

Vehicular access to the ODP will be available from both of the adjacent arterial roads. At the south along 128th Avenue the access will be aligned with the signalized intersection for Mountain Range High School. This minor collector street, labeled as Delaware Street on the ODP, will run north to south generally along the alignment of Tanglewood Creek. Delaware Street will have homes on only the west side. Parking will be available on both sides of the street. Near the north edge of the site Delaware Street curves to the west and becomes 130th Avenue. 130th Avenue runs east to west and intersects with Huron Street. 130th Avenue will have homes fronting on both sides of the street, and parking will be allowed between driveways.

A semi-grid street network provides access to the lots west of Delaware Street, and to the south of 130th Avenue. Parking will be allowed on both sides of these internal local streets.

In the vicinity of the clubhouse small bump-outs from the curb will be installed both as a safety feature to slow traffic, and to designate on-street parking areas for the clubhouse and pool.

The developer will fully widen and improve 128th Avenue to have 4 through lanes and a left turn lane between I-25 and Huron Street.

Site & Landscape Design

As noted earlier, the eastern part of the site will become City owned open space. The 10-foot wide I-25 Trail is planned for this area. Internal to the subdivision detached 5-ft. sidewalks will have a 6-ft. tree lawn. Street trees will be installed in the tree lawn by the developer.

Along both Huron Street, and 128th Avenue a 75-ft. wide landscaped area will be installed. An 8-ft. wide detached sidewalk exists along Huron Street. An 8-ft. wide detached sidewalk will be constructed along 128th Avenue.

Detention ponds or water quality ponds are proposed at all corners of the residential area. The existing curb cut for 130th Avenue at Huron Street is the main driveway access for the reclaimed water treatment facility that is north of this Huron Park ODP. This driveway will be expanded to become 130th Avenue, and will continue to provide the main access to the reclaimed water facility.

Public Land Dedication/Open Space

Public Land Dedication is required for residential developments in the City. The total Public Land Dedication is 15.85 acres in Outlot H. Outlot H will be dedicated to the City on the final plat for the Huron Park Filing No. 1 final plat.

School Land Dedication

The City Code (§11-6-8(F)) requires a dedication of school land or cash-in-lieu of land. For this site, the City has determined that a land dedication for schools would not serve the public interest. Therefore, a fee in lieu of the land dedication is required. The cash-in-lieu fee is a fixed amount based on the type of unit and is due at the time of final plat. The current fee is \$876 (2014 fee) for a single family dwelling.

Parks

The City has reviewed the property and a public park will not be required here at this site.

The City Code (11-6-8(C)) requires a park development fee to be paid prior to issuance of a Certificate of Occupancy for the first residential dwelling unit. The current fee is \$1,755 per unit which is subject to annual adjustment in accordance with the Denver Area Consumer Price Index.

Architecture/Building Materials

A total of eleven different models will be available for this ODP. The exterior designs themes are craftsman, mountain prairie, urban prairie, and grassland. Window styles and materials for each theme will be consistent for each model. The variety of styles and models should allow the development to easily meet the City's anti-monotony criteria where identical homes are not allowed adjacent to or directly across the street from one another; and, no more than 30% of the same model may be constructed on a streetscape. A minimum of 30% masonry is required on all front facades, sides facing a street and open space, and rear walls facing public rights of way. All columns supporting decks and covered patios will be masonry wrapped and be similar in design to the style of the model. The front porches will be a minimum of 6-ft. deep with a functional area of 80 square feet. One-floor ranch, two-story, and walkout floor plan options are available. Several models have a first-floor master suite. Masonry, lap siding, board and batten siding, and shingle siding will be used as the primary exterior sheathing materials.

Signage

Signage is proposed for this development. Subdivision identification signs will be placed on the curved retaining walls at the entrances to the subdivision. One wall is located at the northwest corner of 128th and Delaware Street. The other wall is located at the southeast corner of 130th Avenue and Huron Street.

The City's public open space site, Outlot K, may have a sign consistent with the City's Open Space sign criteria.

Lighting

Street lights per the City Code will be added with the development of the site. The locations are shown on the Huron Park Filing No. 1 ODP.

Service Commitment Category

In February, 2014, the City Council awarded 210 service commitments for this site. These are in the Category B-1 allocation. The application committed to 4,270 points, and the ODP indicates the items associated with these points.

Referral Agency Responses

A copy of the proposed plans was sent to the following non-Westminster agencies: City of Thornton, Xcel Energy; Adams County School District 12; Adams County Planning, and; Urban Drainage & Flood Control. At this time there was no opposition expressed by these agencies. No opposition was expressed by any of the City's departments that review proposed development.

Neighborhood Meeting(s) and Public Comments

A neighborhood meeting was held at the nearby Mountain Range High School on September 17, 2014. There were 6 neighbors in attendance. Traffic concerns and improvements to the intersection of 128th and Huron Street, and improvements to 128th Avenue west of Huron Street were noted as major concerns. Improvements to 128th Avenue along the south frontage of this site are shown on the ODP. Additional laneage, acceleration and deceleration lanes are proposed to be constructed on the north side of 128th Avenue. West of Huron Street no improvements to 128th Avenue are proposed. These improvements will occur at the time that the property on the northwest corner of Huron Street and 128th Avenue develop.

Westminster Municipal Code Requirements

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) *In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:*

1. *The Planned Unit Development (PUD) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.* Staff Comment: Staff believes that the residential and open space land uses proposed by this amendment are in conformance with the City's Comprehensive Plan and all City Codes, ordinances and policies. The City's Comprehensive Plan designates this site for residential land use with a maximum density of 3.5 dwellings per acre. The proposed ODP density at 2.4 dwellings per acre is less than the maximum allowed. The Comprehensive Plan considers amenities in residential subdivisions as important. This subdivision has public and private trails; public and private open space; private parks; a clubhouse and pool; and, detached sidewalks for pedestrian access throughout the subdivision. The road network internal to the subdivision, and at the perimeter meets goals set forth in the Comprehensive Plan for a clear hierarchy of roads with design adequate to handle the future capacity needs of the roads. The utility layout meets the goals to have utilities underground and adequately sized for the residential use. Water quality ponds, detention ponds and stabilization of the Tanglewood Creek channel achieve goals for reducing pollution and erosion in the City's watersheds. Other City codes and ordinances support quality residential structures, enhanced landscaping at collector and arterial streets, adequate rights of way widths, and other quality of life issues. The proposed ODP meets these standards.

2. *The PUD exhibits the application of sound, creative, innovative, and efficient planning principles.*
Staff Comment: The PUD proposes to dedicate a significant amount of public open space, is minimally invasive to the Tanglewood Creek drainage way, and proposes a functional spine/collector road that will provide good access within the development. The placement of the collector road near the perimeter produces an efficient and easy to comprehend road network internal to the subdivision. A modified grid street system with a wide range of models will create unique streetscapes. Many of the lots will have good view opportunities to the northern Front Range. The private park and pool area creates an internal focus for the site plan. Trails at the perimeter connect to a larger regional network of trails and greenways. The large green space at the east will buffer the residences from the impacts of the adjacent I-25. All of these items are based on sound, creative, innovative, and sound planning principles.
3. *Any exceptions from standard Code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.*
Staff Comment: Exceptions to the City's Residential Design Guidelines are noted on the Huron Park Filing No. 1 ODP. The exceptions allow reduced side and front setbacks. A minimum side setback of 14 ft. between foundations will be maintained. This will allow all of the models to fit on all of the lots, a front setback of 12 ft. will be allowed for models with a side loaded garage. This will allow some models with side loaded garages to be built on the 108 ft. deep lots, and still have a 25 ft. rear setback. These exceptions present an opportunity for a more varied streetscape.
4. *The PUD is compatible and harmonious with existing public and private development in the surrounding area.*
Staff Comment: The public open space will be compatible with the Tanglewood Creek Open Space located at the south side of 128th Avenue that also contains an upstream segment of Tanglewood Creek, and has a 10 ft. concrete regional trail segment. Access to the open space will be limited, and the Huron Park public open space will remain in a natural state. The proposed residential development is consistent with other nearby residential development such as Home Farm subdivision located at the southwest corner of 128th and Huron Street.
5. *The PUD provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.*
Staff Comment: Staff believes that this criterion has been met. The plan provides adequate open space for noise and visual buffer from I-25 at the east side of the development. Along the south and the west sides adjacent to the arterial street of Huron Street and 128th Avenue all homes will be set back at least 100 ft. from the edge of the right of way. The edge of pavement extends another 14-ft. in many locations. A 6-ft. masonry wall will be constructed along these arterials where the grade is level or above the finish floor of the first floor of the adjacent homes. A note on the ODP puts future lot owners on notice that there may be occasional odors from the City's wastewater facility to the north.
6. *The PUD has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.*
Staff Comment: No adverse impacts are anticipated to existing or future development.
7. *Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions, and in a manner that creates minimum hazards for vehicles and pedestrian traffic.*
Staff Comment: The Huron Park Filing No. 1 ODP internal vehicular circulation system is designed to allow safe and convenient traffic flow. A non-signalized full turn will remain at the intersection of 130th Avenue and Huron Street. A full turn 4-way, signalized intersection will be constructed at Delaware and 128th Avenue. A half turn with signals currently exists there. Full mast arm poles will replace the wire signals.
8. *The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a*

condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

Staff Comment: Additional right of way for 128th Avenue is shown on the Huron Park Filing No. 1 ODP. These improvements will be constructed per the phasing plan shown in the ODP. Utility easements are also shown in the ODP. The public land dedication is detailed in the ODP.

9. *Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in Section 11-5-15, W.M.C.*

Staff Comment: The Huron Park Filing No. 1 ODP includes clear performance standards for residential and open space uses.

10. *The applicant is not in default or does not have any outstanding obligations to the City.*

Staff Comment: The applicant is in compliance with this criterion.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. *The plan is in conformance with all City Codes, ordinances, and policies.*

Staff Comment: The plan complies with this criterion.

2. *The plan is in conformance with an approved Preliminary Development Plan (PDP) or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).*

Staff Comment: The existing PDP is being amended to restrict development to single-family detached dwellings, and the ODP will match those provisions.

3. *The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.*

Staff Comment: Staff believes that the proposed residential buildings, landscaping, pedestrian access, and design of the public and private open spaces proposed in this ODP are consistent with best planning practices.

4. *For Planned Unit Developments, any exceptions from standard Code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.*

Staff Comment: These exceptions to the City's Single-Family Design Guidelines are noted in the ODP. The exceptions allow reduced side and front setbacks. A minimum side setback of 14 ft. between foundations will be maintained. This will allow all of the models to fit on all of the lots. A front setback of 12 ft. will be allowed for models with a side loaded garage. This will allow some models with side loaded garages to be built on the 108 ft. deep lots, and still have a 25 ft. rear setback. These exceptions present an opportunity for a more varied streetscape.

5. *The plan is compatible and harmonious with existing public and private development in the surrounding area.*

Staff Comment: Staff believes that the proposed ODP is compatible and harmonious with existing development and future development in the surrounding area. The public open space will be compatible with the other City open space at the south side of 128th Avenue that also contains an upstream segment of Tanglewood Creek, and has a 10 ft. concrete regional trail segment. Access to the open space will be limited, and the Huron Park public open space will remain in a natural state. The proposed residential development is consistent with other nearby residential development such as Home Farm subdivision located at the southwest corner of 128th Avenue and Huron Street. At the west side of Huron Street the

vacant Huron Plaza PUD is designated in the PUD and in the City's Comprehensive Plan for single-family residential use at the same 3.5 dwelling units per acre.

6. *The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.*

Staff Comment: The plan is compatible and harmonious with the existing development and future development in the surrounding area. Staff believes that this criterion has been met. The plan provides adequate open space for noise and a visual buffer from I-25 at the east side of the development. All homes will be set back at least 100 feet from the edge of the right-of-way along the south and the west sides adjacent to the arterial street of Huron Street and 128th Avenue. The edge of pavement extends another 14-feet from the right-of-way boundary in many locations. A 6 ft. high masonry wall will be constructed along these arterials where the grade is level or above the finish floor of the first floor of the adjacent homes. A note on the ODP puts future lot owners on notice that there may be occasional odors from the City's wastewater facility to the north.

7. *The plan has no significant adverse impacts on future land uses and future development of the immediate area.*

Staff Comment: No adverse impacts are foreseen upon future land uses or other development in the immediate area.

8. *The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.*

Staff Comment: This proposed development is designed to be compatible and harmonious with the adjacent developments in terms of uses and structures. The plan provides managed entries from the adjacent collector streets with dedicated turn lanes on both Huron Street and 128th Avenue. The dwellings are accessed from an internal perimeter collector street with a modified grid. All internal streets will have detached sidewalks that connect to the internal private parks, and to the regional trail at the eastern edge of the residential lots. The public open space at the east will buffer the residential areas from the negative aspects of I-25. The internal private park contains a clubhouse and pool and the two private park parcels that are west of the clubhouse and will allow good views to the Front Range to the west. These private park parcels, the perimeter buffer along Huron Street, and the large detention pond at the Huron at 130th Avenue corner combine to form a large green corridor.

9. *Building height, bulk, setbacks, lot size, and lot coverage are in accordance with sound design principles and practice.*

Staff Comment: This criterion has been met by being in conformance with Title XI of the Westminster Municipal Code and meeting the intent of the design guidelines.

10. *The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.*

Staff Comment: The architectural design of all structures is internally and externally compatible. The architectural standards are consistent with the requirements for the development of detached single-family dwellings.

11. *Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.*

Staff Comment: A perimeter 6-foot high masonry wall will be constructed along 128th Avenue. At the east, more than 24 acres of public and private open space separate the residential units from the negative impacts of I-25.

12. *Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.*

Staff Comment: The landscaping design is well designed and diverse, and provides adequate screening and buffering from 128th Avenue, Huron Street, and I-25 for the single-family dwellings. Outlots H and K will remain in their natural condition, and this is in conformance with all City requirements for public and private open space parcels.

13. *Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.*

Staff Comment: The design of the existing Huron Street contemplated development on this parcel and provided access with the existing access at 130th Avenue. Additional right of way will be dedicated and improvements will be made to 128th Avenue for improved vehicular capacity.

14. *Streets, parking areas, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.*

Staff Comment: This standard is met in the design of the subdivision. The Huron Park Filing No. 1 ODP internal vehicular circulation system is designed to allow safe and convenient traffic flow. On-street parking is allowed. In several locations near the clubhouse bump-outs from the curb are shown. These function to designate on-street parking, and as a traffic calming device. A non-signalized full turn will remain at the intersection of 130th Avenue and Huron Street. A full turn 4-way, signalized intersection will be constructed at Delaware and 128th Avenue. A half turn with signals currently exists there. Full mast arm poles will replace the wire signals.

15. *Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.*

Staff Comment: Sidewalks are proposed externally, internally and in the open spaces to connect is safe locations. At the eastern side of the residential part of the site and adjacent to Delaware Street the sidewalks connect to the 10-foot wide concrete I-25 Trail. Internal sidewalks will provide good access to the private parks and to the clubhouse and pool.

16. *Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.*

Staff Comment: The Drainage Report and Utility Study indicate that the existing and proposed utility systems and storm drainage facilities need upgrades to serve the development. Improvements needed are indicated on the ODP, and will be made per the timing noted in the reports and studies. A Public Improvements Agreement will assure that the required improvements will be made in a timely manner that meets City codes and standards.

17. *The applicant is not in default or does not have any outstanding obligations to the City.*

Staff Comment: The applicant is in compliance with this criterion.

(B) *Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.*

City Council Goals

The Huron Park PDP amendment and the Huron Park Filing No. 1 ODP meet the City Council goals of *Beautiful, Desirable, and Environmentally Responsible City* and *Vibrant and Inclusive Neighborhoods*. This development will allow the construction of 210 new dwellings that promote quality neighborhoods, and that are beautifully designed, and are respectful of the Tanglewood Creek drainage way and open space in the City.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments

- Vicinity Map (Attachment A)



City of Westminster Planning/Engineering (GIS) - 05-04-15

VICINITY MAP - HURON PARK FILING NO. 1





Agenda Item 10 D

Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Resolution No. 20 re: Intergovernmental Agreement Renewal for HOME Investment Partnerships Program Consortium with Adams County

Prepared By: Heather Ruddy, Community Development Program Planner

Recommended City Council Action

Adopt Resolution No. 20 authorizing the Mayor to sign an Intergovernmental Agreement, in substantially the same form as attached, with Adams County, renewing the City's participation in the HOME Investment Partnerships Program Consortium with Adams County for three years.

Summary Statement

- The City has been a participating member in the HOME Investment Partnerships Program (HOME) Consortium with Adams County since June 25, 2001.
- As a participating member in the consortium, the City of Westminster has received approximately \$200,000 annually in HOME funding from the United States Department of Housing and Urban Development (HUD), which provides funding for eligible affordable housing projects for low- to moderate-income Westminster residents.
- Per HUD regulations, the City is not eligible to receive a direct allocation of federal HOME Program funds because the City's housing stock does not meet the required thresholds for funding. The Intergovernmental Agreement (IGA) between the City and Adams County will allow the City to continue to access approximately \$200,000 annually in federal HOME program funds from HUD for eligible affordable housing related programs and projects.
- The IGA will be in effect for a period of three years from March 1, 2016, through February 28, 2019.

Expenditure Required: \$200,000 annually (estimated)

Source of Funds: HOME Funds

Policy Issue

Should the City Council continue to access approximately \$200,000 annually in HOME program funding by entering into an IGA with Adams County?

Alternative

The City Council could choose to not enter into the IGA with Adams County. Staff does not recommend this alternative because this would result in the City not receiving a direct appropriation of HOME funds on an annual basis. HOME funds have provided benefits to low- and moderate-income Westminster residents including the acquisition and rehabilitation of the Westminster Commons Senior Apartments and construction of affordable senior apartments at Panorama Pointe.

Background Information

The City of Westminster is eligible to receive an allocation of federal HOME funds through a consortium partnership with Adams County. The City is not eligible to receive a direct allocation of federal HOME funds per HUD regulation, as the City's housing stock does not meet the required thresholds for funding. The HUD formula for determining allocations uses the following factors:

- Number of vacancy-adjusted rental units where the household head is at or below poverty level;
- Number of occupied rental units with overcrowding, incomplete kitchen facilities, incomplete plumbing facilities, or high rent costs;
- Number of rental units built before 1950 occupied by poverty level families;
- Number of families at or below the poverty level; and
- Population of the jurisdiction.

The renewal of the IGA between the City and Adams County will allow the City to continue to directly access approximately \$200,000 annually in federal HOME program funds from HUD to fund eligible affordable housing projects and programs. The City originally entered into an IGA with Adams County on June 25, 2001. Over the past three years, the City Council has directed the City's balance of HOME funds to a future affordable housing development fund. Prior to 2013, the City had allocated HOME funds towards home repair and homebuyer assistance. The renewed IGA will be in effect for a period of three years beginning on March 1, 2016 and ending on February 28, 2019.

HUD has designated Adams County as a Participating Jurisdiction for the allocation of HOME program funding. A Participating Jurisdiction is a unit or units of local government that develop a geographic consortium for the purpose of receiving federal HOME program funds. The HOME Program was enacted through the HOME Investment Partnership Act at Title II of the Cranston-Gonzales National Affordable Housing Act of 1992. In general, under the HOME Program, HUD allocates funds by formula among eligible state and local governments to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing for low- to moderate-income families, as defined by HUD. HOME funds may be used to carry out community housing strategies through acquisition, rehabilitation, new construction, and other eligible HOME housing activities.

Under the proposed agreement, the City would receive an annual allocation of HOME funds administered through Adams County. The County would retain ten percent of the City's annual allocation to cover program administration expenses. The Adams County Office of Community Development would continue to administer the HOME funds as authorized by the City.

SUBJECT: Resolution Renewing IGA with Adams County HOME Program Consortium Page 3

Approval of the IGA meets the following City Strategic Plan goals: *Dynamic, Diverse Economy* and *Vibrant and Inclusive Neighborhoods*.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments: Attachment 1 – Resolution
Attachment 2 – IGA for HOME Consortium with Adams County

RESOLUTION

RESOLUTION NO. **20**

INTRODUCED BY COUNCILLORS

SERIES OF 2015

A RESOLUTION AUTHORIZING THE RENEWAL OF THE INTERGOVERNMENTAL AGREEMENT REGARDING THE HOME INVESTMENT PARTNERSHIPS PROGRAM CONSORTIUM WITH ADAMS COUNTY

WHEREAS, the City of Westminster (City) and Adams County (County) entered into an Intergovernmental Agreement (IGA) regarding the HOME Investment Partnerships Program (HOME) Consortium dated June 25, 2001; and,

WHEREAS, the City and the County desire to renew the amended Intergovernmental Agreement (IGA) for a three year period from March 1, 2016 through February 28, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. To authorize the Mayor to sign the renewal of the Intergovernmental Agreement (IGA) for the HOME Investment Partnerships Program (HOME) Consortium with Adams County for a three year period from March 1, 2016 through February 28, 2019.

PASSED AND ADOPTED this 8th day of June, 2015.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

**INTERGOVERNMENTAL AGREEMENT
HOME INVESTMENT PARTNERSHIPS PROGRAM
CONSORTIUM - CITY OF WESTMINSTER**

THIS INTERGOVERNMENTAL AGREEMENT (HEREAFTER, "Agreement") is made and entered into this ____ day of _____, 2015, between the BOARD OF COUNTY COMMISSIONERS, COUNTY OF ADAMS (HEREAFTER "COUNTY"), a political subdivision of the STATE of COLORADO, located at 4430 South Adams County Parkway, Brighton, Colorado, 80601-8205, and the CITY of WESTMINSTER (HEREAFTER "CITY"), a home-rule municipality, located at 4800 West 92nd Avenue, Westminster, Colorado 80031. The COUNTY and the CITY may be referred to collectively as "Parties," and individually as "Party."

RECITALS

WHEREAS, the United States Government, through the National Affordable Housing Act of 1990 (the "ACT"), has established the HOME Investment Partnerships Act Program ("HOME"), administered through the U.S. Department of Housing and Urban Development ("HUD") and has designated Adams County as a Participating Jurisdiction ("PJ") to administer such Federal funds, subject to certain conditions, for the purpose of expansion and rehabilitation of the supply of decent, safe, sanitary, and affordable housing and to strengthen partnerships among all levels of government and the private sector; and

WHEREAS, 24 Code of Federal Regulations (CFR), 92.101 Consortia of the ACT provides that a consortium of geographically contiguous units of general local government can be considered to be a unit of general local government for the purposes of receiving an allocation and participation in the HOME program, and a determination has been made by HUD that the CITY and COUNTY are geographically contiguous and are eligible to participate in a HOME Consortium; and

WHEREAS, HUD rules and regulations governing HOME funds, as published in 24 CFR, Part 92 ("HOME Regulations"), provide that a county is eligible to receive HOME funds as a "Participating Jurisdiction," as defined therein, and must submit to HUD an annual request for funding in the form of an Annual Action Plan ("AAP"). The cities and units of local government within a county may be included in the Participating Jurisdiction by intergovernmental or cooperative agreement and may thereby be included in the Participating Jurisdiction's HOME; and

WHEREAS, the CITY and COUNTY recognize the need to address the community issues of homelessness, deteriorating housing stock, increase the supply of permanent affordable housing for lower-income households, and affordable and supportive housing for persons and families residing or wishing to reside in the CITY and have determined that it will be mutually beneficial and in the public interest to enter into an Intergovernmental Agreement regarding participation in HOME; and

WHEREAS, the CITY desires to enter into an Intergovernmental Agreement with the COUNTY to participate in a consortium for the purpose of using HOME funds in the city, as authorized by Title II of the ACT to enhance cooperation between jurisdictions and to maximize the use of resources available by local governments to affect the housing-related problems of lower-income persons; and

WHEREAS, the COUNTY has elected to administer such Federal funds for its HOME Consortium through the Adams County Community Development Division; and

WHEREAS, the CITY and COUNTY are authorized to enter into cooperative agreements pursuant to the Colorado Constitution, Article XIV, § 18, and § 29-1-203, CRS; and

WHEREAS, the CITY will remain its own Entitlement for the direct receipt and administration of Community Development Block Grant ("CDBG") funds from HUD.

NOW THEREFORE, in consideration of the premises and the cooperative actions contemplated hereunder, the CITY and COUNTY agree as follows:

I. GENERAL PROVISIONS

A. CITY and COUNTY Cooperation. The CITY and COUNTY will cooperate on the HOME projects and activities conducted with the CITY's HOME funding allocation during the Federal Program Years identified in this Agreement.

B. Representative Appointment. The COUNTY is designated as the "Lead Entity" of the Adams County HOME Consortium ("Consortium") and will act in the representative capacity for all member units of general local government for the purposes of HOME per 24 CFR Part 92. As the Lead Entity, the COUNTY may add new members to the Consortium at qualification periods.

C. Program Year/Term of Agreement. The Parties agree that beginning with Program Year ("PY") 2016, the HOME Consortium PY start date shall be March 01, 2016, and the PY end date will be February 28, 2017. Both the CITY and COUNTY agree that the duration of this Agreement shall cover funding for HOME PYs 2016, 2017, 2018, beginning on March 01, 2016 and ending on February 28, 2019. No Consortium member may withdraw from the Consortium while the Agreement is in effect. The Agreement remains in effect until the expenditures of HOME PYs 2016, 2017 and 2018 funds for eligible activities and all HOME funds are closed out in HUD's Integrated Disbursement and Information System ("IDIS"), pursuant to 24 CFR 92.507.

D. IGA Renewal and Amendments. The COUNTY and the CITY can renew this agreement for any successive qualification periods. Each such period will last for three federal fiscal years. The County shall notify the CITY in writing by the date specified in HUD's most current Consortia Designation Notice or HOME Consortia web page of the CITY's right to decide whether to continue to participate in the Consortium for the next qualification period. The COUNTY shall send a copy of the written notification provided to the CITY to the HUD field office. The CITY will respond with its decision whether to renew its participation in the Consortium for the next qualification period through a signed City Council resolution; this will be provided to the COUNTY at least 15 days prior to the COUNTY's deadline to notify HUD of the Consortium participants for the new qualification period.

Any programmatic, administrative, or operational changes to this Agreement shall be made by written amendment to this Agreement, which shall be mutually agreed upon and executed by both the CITY and COUNTY. Amendments shall be made pursuant to HUD's most current Consortia Designation Notice.

E. Distribution of Funds. The allocation of HOME funds earmarked for the CITY shall be determined by HUD through the HOME Consortia Participating Members Percentage Report (also called the Consortia Share Report) that is posted on HUD's website. The CITY shall determine how the CITY's HOME allocation will be used on an annual basis and this will be authorized through the passing of a City

Council Resolution.

The COUNTY will retain up to ten percent (10%) of the total HOME annual allocation of the Consortium for program administration and other expenses related to program operations, in accordance with HUD regulations. The COUNTY will notify the CITY of its Total Gross HOME allocation, which will identify the breakdown of Administration set-aside for the COUNTY and the CITY's net allocation of HOME funds. Such allocations shall not be modified or withdrawn unless mutually agreed upon in writing by both parties.

F. Program Income. Should any CITY HOME-funded projects generate Program Income ("PI"), the Parties agree that the income shall go towards CITY HOME-funded projects and/or be used specifically for CITY residents through other approved HOME-funded projects, unless such projects are unavailable and HUD commitment and/or expenditure deadlines are threatened. The CITY agrees and understands that ten percent (10%) of all PI received from CITY HOME-funded projects shall be retained by the COUNTY for program administration costs. The PI will be calculated in accordance with 24 CFR, including 92.207, 92.503, and 92.504.

G. Designated Project Representatives. Parties agree that the designated representatives for the purposes of administering this Agreement are:

CITY of Westminster
Community Development Department
Division Manager of Record
4800 W. 92nd Avenue
Westminster, Colorado 80031
303.658.2111
hruddy@cityofwestminster.us

And

Adams COUNTY
Community Development Division
Division Administrator of Record
4430 South Adams County Parkway
Suite C1900
Brighton, Colorado 80601-8205
720.523.6054
JGreenland@adcogov.org

Either Party may change its Designated Representative through written notice to the other Party, as provided in Paragraph H. Notices, below.

H. Notices. The Parties agree that any notices permitted or required by this Agreement shall be deemed delivered when personally delivered or upon deposit in the United States Postal Service, fully pre-paid, certified, return receipt requested, and addressed to the Designated Representative identified in Paragraph I or via electronic mail (email) when delivery verification is provided through email delivery notification methods. Either Party may change its address by notice issued in accordance with this paragraph.

I. Conflict of Interest. In accordance with 24 CFR Part 92.356, no employee official, agent, or consultant of the CITY or COUNTY shall exercise any function or responsibility in which a conflict of interest, real or apparent, would arise.

II. RESPONSIBILITIES OF THE COUNTY

A. Administrative Oversight. The COUNTY, as a designated Urban County and Participating Jurisdiction, is ultimately responsible for the administrative oversight and supervision of all HOME funds allocated to the Consortium and its members, per 24 CFR Part 92. As such, the COUNTY is responsible for ensuring that all HOME funds allocated to the CITY are expended in accordance with the Consolidated Plan/AAP, sub-recipient agreements, resolutions and all Federal, State, and local regulations and notices pertaining to HOME. Per HUD's Consortia Designation Notice, the COUNTY shall be responsible for renewing the IGA and submitting amendments to the IGA to the HUD field office. The COUNTY is responsible to provide no less than forty-five (45) days notice to the CITY of any deadlines that would require CITY Council action.

B. Legal Liability and Responsibilities. Parties recognize and understand that the COUNTY is the lead governmental entity for the Consortium and, therefore, shall be held by HUD to be legally liable and responsible for the execution of the HOME Program. The COUNTY assumes overall responsibility for ensuring the Consortium's HOME Program is carried out in compliance with the requirements of HOME, including requirements concerning a joint Consolidated Plan, as set forth in HUD regulations 24 CFR Parts 91 and 92, circulars promulgated by the Federal departments, agencies, and commissions related to the HOME Program.

C. Sub-Recipient Agreements. The COUNTY shall create and enter into sub-recipient agreements for all the HOME-funded projects and activities of the Consortium. Sub-recipient agreements for CITY HOME-funded projects will be executed on an annual basis, providing that HOME-eligible projects are developed and authorized through a Westminster City Council Resolution. The COUNTY will provide the CITY with a copy of all fully executed sub-recipient agreements and amendments for Westminster HOME-funded projects within 30 days of their execution. The COUNTY shall take all actions reasonably required to comply with the applicable provisions of the sub-recipient agreements.

D. Eligibility Review and Compliance Monitoring. The COUNTY shall be responsible for confirming eligibility and compliance of the CITY's HOME projects and activities with all applicable Federal, State and local regulations. Also, the COUNTY shall be responsible to provide monitoring of all HOME-funded projects to ensure compliance with applicable regulations associated with the HOME Program, including, but not limited to, Davis-Bacon Act, Contract Work Hours and Safety Standards Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Uniform Federal Accessibility Standards (UFAS), Americans with Disabilities Act, and the Residential Lead-Based Paint Hazard Reduction Act of 1992, and Uniform Relocation Act (URA).

E. Reporting Requirements. The COUNTY shall report on HOME funds and activities through IDIS and close out projects within a timely manner. The COUNTY shall provide the CITY with quarterly HOME activity reports and close out reports for any HOME-funded CITY projects and activities and separate reports for CITY Program Income funded activities. Also, the COUNTY will file all standard and required HOME reports with HUD as necessary to comply with applicable Federal regulations. The COUNTY shall further be responsible for maintaining proper documentation of the COUNTY's administrative expenses.

F. Public Participation. The COUNTY shall adhere to HUD requirements regarding public notification and public hearing processes necessary to receive HOME funds.

III. RESPONSIBILITIES OF THE CITY

A. Eligibility Review. The CITY will work with agencies eligible to use HOME to evaluate needs in the low-income community and identify potential projects that could be funded through the HOME Program. The CITY will provide guidance to agencies on applying for HOME funds and evaluate the potential projects for initial eligibility.

B. Action Plan/CAPER Submissions. The CITY, as an Entitlement Community, prepares its own AAP and CAPER each year for the CDBG program. The CITY will refer to the COUNTY's AAP and CAPER for information related to Westminster HOME-funded projects. The CITY shall provide the COUNTY with a CITY Council Resolution on these documents so the COUNTY can incorporate the project description into the COUNTY'S AAP.

IV. MUTUAL RESPONSIBILITIES

A. Consolidated Plan. During the years that the entitlement communities in Adams County prepare and submit a joint Consolidated Plan, the CITY and COUNTY will collaborate on the development of the Plan. As the lead entity of the HOME Consortium, the COUNTY is responsible for the completion and submission of the Plan. The CITY is responsible for completing the sections required for the CITY's CDBG program and funding allocations. The COUNTY is responsible for the sections related the funding received directly by the COUNTY, which includes HOME funds.

B. Fair Housing. Each Party shall be responsible for compliance with HUD Fair Housing regulations. Both the CITY and the COUNTY shall prepare and submit their own Analysis of Impediments to Fair Housing and be responsible for performance measures established in their respective Analysis of Impediments report.

C. Indemnification. The Parties agree that, to the extent possible, the COUNTY and the CITY shall indemnify and hold the other, its officers, agents, and employees harmless from and against any and all claims, actions, liabilities, costs, including attorney fees, and other costs of defense, arising out of or in way related to any act or failure to act by each other and each other's officers, agents, and employees, and contractors, in connection with this Agreement.

D. Venue. The laws of the State of Colorado shall govern as to the interpretation, validity and effect of this Agreement. The Parties agree that jurisdiction and venue for any disputes arising under this Agreement shall be with the District Court of Adams County, Colorado.

E. Modification. This Agreement contains the entire understanding of the Parties and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived, except by instrument in writing signed by all Parties.

IN WITNESS WHEREOF, the Parties have caused their names to be affixed hereto and in agreement thereof, this ____ day of _____, 2015.

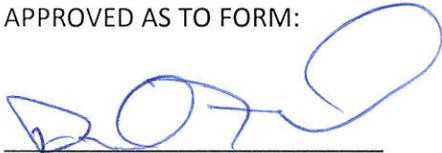
CITY OF WESTMINSTER,
A Colorado Municipal Corporation

Herb Atchison, Mayor
4800 W. 92nd Avenue
Westminster, Colorado 80031

ATTEST:

Linda Yeager
City Clerk

APPROVED AS TO FORM:



David Frankel
City Attorney

COUNTY OF ADAMS, STATE OF COLORADO
BOARD OF COUNTY COMMISSIONERS

Charles "Chaz" Tedesco, Chairman
Board of County Commissioners
4430 S. Adams County Parkway
5th Floor, Suite C5000A
Brighton, CO 80601-8204

ATTEST:

Stan Martin, CLERK & RECORDER

Deputy Clerk

APPROVED AS TO FORM:

Adams County Attorney's Office



Agenda Item 10 E

Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Resolution No. 21 Awarding Category B-4 Residential Competition Service Commitment for Legacy at Westminster Promenade East

Prepared By: Grant Penland, Principal Planner

Recommended City Council Action

Adopt Resolution No. 21 awarding Category B-4 (Traditional Mixed Use Neighborhood Development) Service Commitments to the Legacy at Westminster Promenade East project.

Summary Statement

- The City received 8 Category B (new residential) and 2 Category E (new senior housing) applications for the 2015 Growth Management Program competition.
- In February of 2015, City Council awarded a total of 446 Service Commitments (SC) for the year 2015 for use in servicing new residential developments in Category B.
- The Legacy at Westminster Promenade East application was awarded 138 Traditional Mixed Use Neighborhood Development (TMUND) SCs for the project, excluding any SCs for the proposed townhomes. As outlined in staff's memorandum to City Council in February regarding the award of SCs, staff did not support the townhomes proposed to be located adjacent to the lake and believes that a mixed use building or a structure consisting of uses such as office, retail, or restaurants will be better suited for this location and further support a TMUND project. The applicant revised their application to address issues raised by staff.
- The attached resolution will award a total of 154.8 SCs for the Legacy at Westminster Promenade East new residential development (TMUND) project, bringing the total SCs awarded in 2014 to 462.8. Any required Comprehensive Plan amendments and Preliminary and Official Development Plans will need to be approved by December 31, 2016, or the SCs will expire unless extended by Council. The resolution relates to the City's Growth Management Program and are based on the findings established in §11-3-1 of the Westminster Municipal Code.
- The attached resolution is contingent upon ultimate City approval of any necessary documents including an Official Development Plan and does not commit the City to approve any document or project as a result of these awards.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

As a result of the 2015 Service Commitments competition, should the City award additional Service Commitments as outlined below?

Alternative

Council has the option of not awarding Service Commitments to the project. In this event, the property owners/developer can make a request during next year's residential competition. The most significant outcome of this alternative will be that the project would be delayed until the next competition cycle in one year, which can result in discontinued interest in the site by the developer.

Background Information

The City's Growth Management Program was established in 1978 to aid the City in balancing growth with the City's ability to provide and expand services including water, water treatment, sewer, police, fire, parks and recreation, etc. Within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked by the degree to which it meets and exceeds the said criteria. The intent of these Service Commitments (SCs) competitions is for a limited number of new residential projects to proceed to the City's development review process. Although each applicant must submit a sketch plan for this competition, the City does not formally review each site plan at this stage and does not require engineering studies and plans for the projects. Any project awarded SCs must process any required documents, including Comprehensive Plan amendments, if necessary. It is not necessary for applicants to process their Comprehensive Plan amendments prior to the awards. The SC awards do not obligate the City to approve any required plan or document as a result of the award. If a project does not receive approval of any required documents, the SCs are returned to the water supply figures.

Council authorized the 2015 competition for all new residential and senior housing projects in October 2014. As indicated in the table below, the following projects were previously awarded SCs for the year 2015.

| Project Type | Project Name/ Location | Developer | Acres | Gross DU/ Acre | # of SCs Awarded | Units Based on Award |
|----------------------|---|--|----------------|-------------------|-----------------------|-------------------------|
| SENIOR E | Affinity at Westminster/ SEC of 128th & Zuni | Inland Group | 10.07 | 16.09 | 0 | 0 |
| MULTI B-3 | Alpine Vista/NEC of Lowell & 88th | Alpine Vista Construction | 10.147 | 14.60 | 60 | 120 |
| SFD B-1 | Connections at Westminster/NEC of Yates & 88th | Berkeley Homes/ Harvard Communities | 8.93 | 7.28 | 65 | 65 |
| SFD B-1 | Huron Plaza/NWC of Huron & 128th | Tri Pointe Homes, Inc. | 31.86 | 2.42 | 77 | 77 |
| TMUND | Legacy at Westminster Promenade East/NEC of Westminster Blvd & Promenade South Drive | Legacy Partners | 6.2 | 48.39 | 138 (No Townhomes) | 276 |
| TMUND | The Plaza at Country Club Village/NEC of Federal & 120th | Bosch Land Group | 1.76 | 10.23 | 9 | 18 |
| SFD B-1 & SFA B-2 | Ryland Homes at City Park/SWC of Sheridan & 104th | Ryland Homes | 25.6 | 3.20 | 65 (SFD only) | 65 |
| SFD B-1 | Winters Subdivision/NWC of Wadsworth & 110th | TBD/Semi- Custom | 13.72 | 2.33 | 32 | 32 |
| TOTALS | | | 125.477 | | 446 | 653 |

The Legacy at Westminster Promenade East application was awarded 138 TMUND SCs for the project, excluding any SCs for the proposed townhomes. Staff did not support the townhomes proposed to be located adjacent to the lake and believed that a mixed use building or a structure consisting of uses such as office, retail, or restaurants will be better suited for this location and further support a TMUND project. The intent of the Westminster Promenade is to provide uses that will activate the space, encourage pedestrian activity and reduce the perception of Westminster Boulevard as a barrier between the east and west portions of the Promenade district.

The applicant has worked with staff to revise the application for reconsideration. The applicant modified the application submittal to propose 12 “live-work” units adjacent to the main pedestrian way within the Promenade, along with 12 traditional townhomes behind the live-work units. No changes are proposed to the 276 multi-family units (4-story) located in the northern portion of the site, adjacent to Promenade East Drive. The live-work units will provide the opportunity for professional or studio space at the ground floor of the residential units, thereby activating the pedestrian realm along the grand pedestrian way of the Promenade. The Comprehensive Plan designates the property Mixed Use Center and the proposed project density is 48.4 dwelling units per acre. Staff supports the award of an additional 16.8 SCs, bringing the total SC award to 154.8, since the proposal will conform to the Comprehensive Plan and the revised submittal addresses the aforementioned issues previously raised by staff.

A notification letter was emailed on May 26, 2015, to the applicant indicating staff’s recommendation for the City Council meeting. Because detailed site development plans are not reviewed as part of this competition process, and significant changes typically occur during the development review process, the sketch plans submitted for these competitions are not reviewed with City Council as part of these competitions. The developer has been informed that presentations will not be scheduled for the City Council meeting on June 8, since the developer would tend to focus on site plans not yet reviewed with

the City. The developer was also notified that, while it is not required for them to attend the City Council meeting, they are welcome to do so.

The Service Commitment competition meets Council's Strategic Plan Goals of "*Vibrant and Inclusive Neighborhoods*" and "*Beautiful, Desirable, Environmentally Responsible City*" by balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment

- Resolution (Category B-4) - Legacy at Westminster Promenade East

RESOLUTION

RESOLUTION NO. **21**

INTRODUCED BY COUNCILLORS

SERIES OF 2015

**A RESOLUTION CONCERNING
CATEGORY B-4 (NEW TRADITIONAL MIXED USE NEIGHBORHOOD DEVELOPMENT)
COMPETITION AND SERVICE COMMITMENT AWARDS**

WHEREAS, the City of Westminster has adopted, by Ordinance No. 3561, a Growth Management Program for the period 2011 through 2020; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded in Category B-4 (new Traditional Mixed Use Neighborhood Development) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked by the degree to which it meets the goals and development principles of the said criteria; and

WHEREAS, the City's ability to absorb and serve new multi-family development is limited, and the City of Westminster has previously adopted Resolution No. 30, Series of 2006, specifying the various standards for new Traditional Mixed-Use Neighborhood Development projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has previously allocated 450 Service Commitments for the year 2015 for use in servicing new residential developments in Category B and 100 Service Commitments for the year 2015 for use in servicing new senior housing developments in Category E; and

WHEREAS, the City Council of the City of Westminster, on February 9, 2015, awarded 138 Service Commitments for the year 2015 for use in servicing new residential development for the project know as Legacy at Westminster Promenade East in Category B-4.

WHEREAS, the City Council of the City of Westminster desires to allocate a total of 150 Service Commitments for the year 2015 for use in servicing the new residential development in Category B-4 listed below, thereby superseding the prior award of 138 Service Commitments, based on the criteria set forth in Section 11-3-5, of the Westminster Municipal Code.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, that:

(1) Category B-4 Service Commitment awards are hereby made to the specific project listed below as follows:

| Service Commitment Category | Project Name (Location) | Award |
|------------------------------------|--|--------------|
| TMUND, Category B-4 | Legacy at Westminster Promenade East (NEC of Westminster Blvd & Promenade Drive North) | 154.8 |
| | TOTAL | 154.8 |

(2) These Service Commitment awards to the project listed above are conditional and subject to the following:

- (a) If applicable, the applicant must successfully amend the Comprehensive Plan.
- (b) The applicant must complete and submit an amended Preliminary Development Plan for the required development review processes.
- (c) The applicant must complete and submit proposed development plans in the form of an amended Official Development Plan to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
- (d) Service Commitment awards for the projects listed above may only be used within the projects specified above.
- (e) These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Title XI, Chapter 3, of the Westminster Municipal Code.
- (f) Each Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of any project, proposed density or proposed number of units.
- (g) The City of Westminster shall not be required to approve any Annexation, Establishment of Zoning, Preliminary Development Plan or amendment, Official Development Plan or amendment necessary for development of property involved in any Category B award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B award.
- (h) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
- (i) The Growth Management Program does not permit City staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
- (j) Awards shown for the year 2015 are effective as of the date of this Resolution (June 8, 2015) and a project must demonstrate continued progress or the service commitment award will expire unless extended by City Council.
- (k) In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
 - i. The project must proceed with the development review process and receive approval for a Comprehensive Plan amendment, if required, by December 31, 2016.
 - ii. The project must proceed with the development review process and receive Preliminary Development Plan and Official Development Plan approval by December 31, 2016, or the entire Service Commitment award for the project shall expire.
 - iii. The project must be issued at least one building permit for vertical improvements within three years of Official Development Plan approval (no later than December 31, 2019), or the entire Service Commitment award for the project shall expire.
 - iv. Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no new building permit is issued for vertical improvements for the project during any consecutive 12-month period and the project is not deemed an "Active" development.
- (l) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service

Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.

(m) This award resolution shall supersede all previous Service Commitment award resolutions for the specified project locations.

PASSED AND ADOPTED this 8th day of June, 2015.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

By: _____
City Attorney's Office



Agenda Item 10 F-G

Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Proposed 2015 Amended Pay Plan Pertaining to the Development Review Audit in Community Development and Proposed Staffing Changes in the City Manager's Office Related to the Downtown Westminster Project and Appropriation of 2014 Carryover Funds

Prepared By: John Carpenter, Director of Community Development
Debbie Mitchell, Director of General Services
Dee Martin, Human Resources Manager, Workforce

Recommended City Council Action

1. Adopt Resolution 22 amending the 2015 Pay Plan previously approved by City Council, adding 6.4 full time equivalent (FTE) positions in Community Development and 2.0 FTE in the City Manager's Office as well as reclassifying 2.0 FTE positions in Community Development.
2. Pass Councillor's Bill No. 27 on first reading authorizing a supplemental appropriation of 2014 General Fund Carryover money to fund the mid-year staffing adjustment.

Summary Statement

- The 2015/2016 Budget was developed with sustainability and service prioritization as critical areas of focus. Based on the biennial budget process, City Council approved a resolution adopting the 2015/2016 Pay Plan in 2014.
- During 2014, an audit review of work processes and systems in Community Development was conducted resulting in recommended process and structural changes within the Department. Staffing increases were also included in the recommendations to address concerns brought up in the department work review. Staff met with City Council on April 13, 2015, to discuss the City's response to the audit recommendations.
- Recommended staffing increases in Community Development, a total of 6.4 new full time equivalents (FTE), are being proposed in the amended 2015 Pay Plan for Community Development. A 1.0 Business Operations Coordinator is proposed in the Administration Division of Community Development to support budget, operations and processes department-wide. A new 1.0 Senior Urban Designer is proposed in the Long Range Planning Section of the Planning Division to fill the role of the current Senior Urban Designer, which is proposed to be upgraded to Principal Planner and to lead the long range planning section. In addition, the currently authorized 1.5 temporary Planners/Senior Planners are recommended to be classified as regular FTE in the Development Review Section of the Planning Division. Within the Building Division of Community Development, 1.9 new FTE are proposed to assist with processing of building permits and customer service. The request includes a 0.4 FTE General Building Inspector, a 0.5 FTE Secretary and a 1.0 FTE Building Permit Technician. Lastly, a 1.0 FTE Senior Engineer is proposed in the Engineering Division to enhance development review services within the Division.
- Additional classification and organizational structure changes recommended for the 2015 Amended Pay Plan include a proposed department re-organization in Community Development with changes in supervisory and responsibility oversight, with primary changes proposed for the Planning Division.

Recommendations include classifications, title and grade adjustments in the department impacting 3.0 existing FTE with the intention of creating efficiencies, more effective utilization of the leadership and staff, and better allocation of resources.

- Included with this proposed mid-year adjustment to the Adopted 2015 Pay Plan is the recommendation to add 2.0 FTE's to the City Manager's Office to support the Downtown Westminster project.
- In 2015, costs for these recommended new positions are proposed to be funded through an early appropriation of 2014 carryover funds. Adequate funding is available for this expense.
- Changes to staffing levels and/or classifications require an amendment to the Adopted 2015 Pay Plan. Staff is proposing a resolution that will formally adopt the proposed changes and an ordinance to appropriate 2014 General Fund carryover money.

Expenditure Required: \$229,949

Source of Funds: 2014 General Fund carryover

Policy Issue

Does City Council concur with the proposed additional of 6.4 FTE and classification and organizational structure changes in the Community Development Department and 2.0 FTE in the City Manager’s Office as outlined?

Alternatives

- 1) Do nothing, keep staffing at the current level. Based on numerous discussions with the City Council relating to strategic planning priorities including the implementation of the audit and other strategic ideas, this is not recommended. Without the additional staff, it would be very difficult to finish the workload priorities contained in the implementation of the audit.
- 2) Re-evaluate which staff are added in each Division of the Community Development Department. This alternative could involve reallocating funds relative to which services can be achieved and “re-prioritizing” various services. This is effectively an opportunity cost discussion about priorities for the Department. This alternative is not recommended because Staff believes what is being proposed is the most efficient (and least costly in terms of new FTE) to accomplish the implementation of the audit, and add an additional long range planning position, which will accomplish some of the Council Strategic Plan goals. If Council were to choose this alternative, additional research would likely be necessary and brought back to the Council.
- 3) Add additional staff to the Community Development Department beyond what is being proposed. This alternative is not recommended as the City is balancing the needs of additional staff in CD and the remainder of the City services that need to be accomplished; and Staff believes that the additional staff recommended will allow for the implementation of the audit and add some ability to do some more long-range planning.
- 4) Do not approve the addition of staff to the City Manager’s Office as proposed. Staff does not recommend this since the City is taking on a much greater role for the Downtown Westminster site. The amount of work involved exceeds current staff levels and is in critical need of additional support on this key redevelopment initiative.

Background Information

In March 2014, the Department of Community Development conducted a study session with the City Council on the subject of how the City provides service relative to the processing and approval of new development in the City. This included a recap of the two primary services relative to this function: 1) Rezoning and new development on vacant land and 2) Permitting and improvements to already constructed buildings that had correct zoning in place. At this study session, Councillors expressed concern that the City was not viewed favorably by the development community and expressed desire to make changes to the development review process.

In follow-up to the concerns expressed, Council and Staff concurred in hiring an independent consulting firm (Matrix Consulting) to do a review of the City’s development review process and report back to Council on their findings and propose recommendations for improvement.

In summer 2014, Matrix began setting up and interviewing up to 40 stakeholders in the development review process, the names of whom were primarily provided by the City Council. In September 2014, Council directed Staff to have Matrix perform a second round of interviews with additional stakeholders. The final report was published on January 29, 2015.

Staff has taken all the consultant's recommendations and is recommending that all of the recommendations be implemented. However, due to staffing resources and implementation time, some of these recommendations are proposed to be instituted in 2016.

Staff from Community Development, General Services and the City Manager's Office met several times to discuss the staffing impacts of the audit recommendations as well as the general work load issues in Community Development, especially pertaining to several long-range planning efforts and special projects such as Downtown Westminster, the proposed Westminster Station Specific Plan and the proposed Harris Park Specific Plan. As a result of these discussions, the following staffing recommendations are forwarded to City Council for consideration:

Community Development Re-organization: A recommendation for changes in the Adopted 2015 Pay Plan that includes a proposed department re-organization making changes in supervisory and responsibility oversight within the department, primarily in the Planning Division. Recommendations include classifications, title and grade adjustments in the department impacting 3.0 existing Full-Time Equivalents (FTE) with the intention to create efficiencies, more effective utilization of the leadership and staff, and better allocation of resources.

Administration Division – Community Development would continue to have an Administration Division led by John Carpenter as the Department Director. A 1.0 FTE Business Operation Coordinator (E10) would be added to the team to help coordinate projects, processes and department-wide budgeting. A similar position existed in Community Development for several years but was eliminated in 2010 as a part of the city-wide reduction in force following the Great Recession. This position already exists in the Department of General Services.

Building Division – Recommended changes in the Building Division include adding a total of 1.9 FTE. A 0.5 FTE Secretary (N11) and a 1.0 FTE Building Permit Technician (N12) are proposed to assist with the administrative functions of the group and the front counter coverage of the review group. These changes will consolidate work to bring more efficiencies to the review operation. In addition, a 0.4 FTE General Building Inspector (N16) is proposed to be added to an existing 0.6 FTE General Building Inspector (N16) to assist with the field review work of the Building Division. The recommendations for the Building Division require no upgrades to current positions and includes the addition of a total of 1.9 new FTE.

The following provides more details regarding these positions:

- 1) 0.5 FTE Secretary (N11). This request is for the addition of 0.5 FTE to the existing 0.5 FTE Secretary position. The Building Division secretary position was essentially eliminated in 2013 when position audit results determined that the previous Permit Technician was primarily doing Application Specialist job duties and consequently, the Secretary was doing Permit Technician duties. Both positions were reclassified, leaving the Division without a Secretary position. To provide some type of secretarial support for the division, 0.4 FTE was reassigned from a General Building Inspector position to the Secretary position and City Council approved an additional 0.1 FTE Secretary in the 2014 budget to establish the current 0.5 FTE Secretary position. This Division, until recently, has always been staffed with a full time secretary and there is a real need to reestablish this as a full time position.
- 2) 1.0 FTE Building Permit Technician (N12). This is a request for an additional Building Permit Technician. The Division is currently staffed with a single Building Permit Technician. This position is the first, and often only, point of contact with the public providing information and assistance with permit and inspection requests. The Division issued about 5,000 permits in 2014 and most were assisted in some way by this position. The current staffing of this position is less than jurisdictions such as Arvada, Broomfield, Erie, Louisville, Northglenn, Wheat Ridge and

Thornton although Westminster has significantly more activity. The continual back-up support for this position is provided by the Building Plans Analyst position resulting in them not getting their plans reviewed in a timely manner.

- 3) 0.4 FTE General Building Instructor (N16). This request is for a 0.4 FTE General Building Inspector position to be combined with an existing 0.6 FTE inspector position. As referenced previously, because of the need for secretarial support within the division, 0.4 FTE was reassigned to a division Secretary position. This reduced the number of inspectors to below the minimum staffing level determined in an analysis of the staffing levels within the Building Division completed in 2009. The addition of this 0.4 General Building Inspector position will bring the Division back to the suggested minimum staffing level.

Engineering Division – The recommended change to the Engineering Division under this mid-budget proposal is the 1.0 FTE addition of a Senior Engineer to help with plans review and better meet the needs of development review customers.

Planning Division – Recommendations for changes in the Planning Division include creating four sub-sections of the Division to include: long-range planning, current planning, administration/inspections, and South Westminster Revitalization. In anticipation of these changes, three reclassifications would be required. In the Long-Range Planning section, a 1.0 FTE Senior Urban Designer (E10) is proposed to be upgraded to Principal Planner (E11) who would oversee the long-range planning work of the division. This includes items such as the drafting of specific plans, neighborhood outreach, zoning code amendments, administration of the comprehensive plan, drafting design guidelines, etc. In addition, Staff recommends adding a new 1.0 FTE Senior Urban Planner (E10) to take on the work currently being done by the current 1.0 FTE Senior Urban Designer. The job classification will stay the same as what has been done in this position in the past.

Within the Current Planning section, it is proposed that the 1.5 temporary Planners/Senior Planners be reclassified to 1.5 FTE Senior Planners (E9) and continue the work of the current planning team. This will add 2 new plan reviewers, as the newly converted 1.5 FTE will be “coupled” with an existing 0.5 FTE (already authorized in the budget) and allow recruitment of 2 new full time employees. Part time positions have been difficult to recruit for in the past, particularly when they are temporary. Conversion of these positions to full time permanent positions will allow the best possible recruitment.

It is also recommended that a 1.0 FTE Landscape Planner (E6) be upgraded to Program Planner (E7) and lead the administrative functions in the Division, including Zoning Code Enforcement, Inspections, and Records Management.

Lastly, the proposed Planning Division restructure includes moving the 1.0 FTE Senior Projects Coordinator (E10) from CD Administration to Planning. The position will lead South Westminster Revitalization efforts, including overseeing the work completed by CDBG staff consisting of a CDBG Program Planner (E7), a CDBG Technician (N12) and a part time CDBG Secretary (N10).

The 3.0 reclassified FTE’s and the 2.5 proposed new FTE in the Planning Division are intended to assist with the workload of the unit and, in combining their efforts, to streamline processes and procedures as outlined in Division Goals from the audit, creating an effective working team that will meet the expectations of the community and planning goals of the City. This will also reduce the administrative burden currently placed on the Planning Manager position by allowing for a supervisory level to handle supervision and administration of line staff performing various tasks and workload for the Division.

Electronic Development Review – Another component of implementation of the audit recommendations is to transition to electronic development review submittals and tracking that would allow developers to

monitor the status of the review of their submittals. Community Development Staff, in cooperation with the Department of Information Technology, is evaluating the cost and staff impacts of such a system. This analysis will take several months, culminating in a request for proposal (RFP) from vendors. Once the RFP process is concluded, Staff will bring its findings/recommendations back to City Council. Based upon the experience with implementation of the Accela building permit tracking system, there may be an additional staffing need in 2016 to provide the ongoing administration/trouble shooting of the software.

City Manager’s Office Staffing: Additional staffing support in City Manager’s Office to support the Downtown Westminster project is needed. A new 1.0 FTE Administrative Secretary (E3) is proposed to support the new Deputy City Manager and a new 1.0 FTE Senior Projects Engineer (E14) is proposed to assist with project management details associated with the Downtown Westminster project. These proposed 2.0 FTE are recommended to the complexity and significant reinvestment efforts of this high profile, priority project.

The appropriation will amend the General Fund revenue and expense accounts as follows:

REVENUES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|---------------------------------|-----------------|----------------|------------------|----------------|
| Carryover | 1000.40020.0000 | \$0 | \$229,949 | \$229,949 |
| Total Change to Revenues | | | <u>\$229,949</u> | |

EXPENSES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|---------------------------------|---------------------|----------------|------------------|----------------|
| Regular Salaries-CMO Admin | 10005050.60200.0000 | \$727,761 | \$85,301 | \$813,062 |
| Regular Salaries-CD Admin | 10030050.60200.0000 | 384,177 | 33,427 | 417,604 |
| Regular Salaries-CD Planning | 10030360.60200.0000 | 1,079,226 | 37,178 | 1,116,404 |
| Regular Salaries-CD Building | 10030370.60200.0000 | 1,042,578 | 38,109 | 1,080,687 |
| Regular Salaries-CD Engineering | 10030380.60200.0000 | 1,113,783 | 35,934 | 1,149,717 |
| Total Change to Expenses | | | <u>\$229,949</u> | |

In summary, the proposed changes to the Adopted 2015 Pay Plan include the proposed reclassification of 2.0 current staff, moves 1.0 current staff from CD Administration to the Planning Division, and adds 6.4 new FTE to the Community Development Department. In addition, the proposed amendment to the 2015 staffing summary increases City Manager’s Office by 2.0 FTE to support the Downtown Westminster project. These recommendations increase the 2015 amended FTE Staffing allocation from 933.241 FTE to 941.641. Based on City Council’s preliminary agreement with this proposal at the June 1, 2015, Study Session, Staff has prepared a resolution to amend the Adopted 2015 Pay Plan to add the new staff and reflect the reclassifications as outlined and an ordinance to amend the Adopted 2015 General Fund Budget as outlined.

These pay plan recommendations impact Council's Strategic Plan goal of "Excellence in City Services" as an important facet of providing quality service by having an appropriate Department structure and the right number of quality staff working in appropriate positions to meet City goals and objectives, achieving its high standards of City service delivery.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments:

Resolution Amending the 2015 Pay Plan
Councillor's Bill Authorizing a Supplemental Appropriation

RESOLUTION

RESOLUTION NO. **22**

INTRODUCED BY COUNCILLORS

SERIES OF 2015

A RESOLUTION AMENDING THE 2015 PAY PLAN

WHEREAS, Section 1-24-2 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the staffing allocation of the City through the Full Time Equivalent (FTE) Staffing Summary in the Pay Plan which provides an outline of all allocated FTE in the municipal service; and

WHEREAS, City Council previously approved the 2015 Pay Plan as part of the 2015/2016 City Budget approval process; and

WHEREAS, a number of reclassifications and new Full-Time Equivalents (FTE) are recommended as a result of organizational changes in Community Development and the City Manager's Office;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that the attached Exhibit A representing only the portion of the FTE staffing summary of the pay plan recommended for revision described above are hereby adopted and approved and shall be put into effect on June 8, 2015.

PASSED AND ADOPTED this 8th day of June, 2015.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

City of Westminster
2015 Proposed Amended Full-time Equivalent Staffing Summary

| Business Unit | Position Title | 2015 Authorized | 2015 Proposed Amended |
|---|--|--------------------|--------------------------|
| General Fund | | | |
| City Manager's Office | | | |
| 10005050 | Administrative Secretary | 2.000 | 3.000 |
| | City Manager | 1.000 | 1.000 |
| | Deputy City Manager | 2.000 | 2.000 |
| | Executive Secretary to City Manager | 1.000 | 1.000 |
| | Senior Projects Engineer | 0.000 | 1.000 |
| | City Manager's Office Section Total | 6.000 | 8.000 |
| City Manager's Office Total | | 17.000 | 19.000 |
| Community Development Department | | | |
| Administration Division | | | |
| 10030050 | Administrative Coordinator | 1.000 | 1.000 |
| | Business Operations Coordinator | 0.000 | 1.000 |
| | Community Development Director | 1.000 | 1.000 |
| | Secretary | 1.600 | 1.600 |
| | Senior Projects Coordinator | 1.000 | 1.000 |
| Administration Division Total | | 4.600 | 5.600 |
| Building Division | | | |
| 10030370 | Applications Specialist | 1.000 | 1.000 |
| | Assistant Building Plans Analyst | 1.500 | 1.500 |
| | Building Inspection Supervisor | 1.000 | 1.000 |
| | Building Permit Technician | 1.000 | 2.000 |
| | Building Plans Analyst | 1.000 | 1.000 |
| | Chief Building Official | 1.000 | 1.000 |
| | Electrical Inspector | 2.000 | 2.000 |
| | General Building Inspector | 3.600 | 4.000 |
| | Housing Inspector | 1.000 | 1.000 |
| | Lead Housing Inspector | 1.000 | 1.000 |
| | Secretary | 1.000 | 1.500 |
| | Building Division Section Sum | 15.100 | 17.000 |
| 100303700911 | Building Division Public Safety | | |
| | Assistant Building Plans Analyst | 1.000 | 1.000 |
| | Building Division Public Safety Sum | 1.000 | 1.000 |
| Building Division Total | | 16.100 | 18.000 |

City of Westminster
2015 Proposed Amended Full-time Equivalent Staffing Summary

| Business Unit | Position Title | 2015 Authorized | 2015 Proposed Amended |
|---|------------------------------------|----------------------------|----------------------------------|
| Engineering Division 10030380 | Assistant City Engineer | 1.000 | 1.000 |
| | Capital Projects Inspector | 1.000 | 1.000 |
| | City Engineer | 1.000 | 1.000 |
| | Construction Inspector | 1.000 | 1.000 |
| | Engineer/Senior Engineer | 2.500 | 3.500 |
| | Engineering Projects Specialist | 1.000 | 1.000 |
| | GIS Coordinator | 1.000 | 1.000 |
| | GIS Specialist | 1.000 | 1.000 |
| | Secretary | 0.500 | 0.500 |
| | Senior Projects Engineer | 1.000 | 1.000 |
| | Traffic Technician | 1.000 | 1.000 |
| | Transportation Systems Coordinator | 1.000 | 1.000 |
| Engineering Division Total | | 13.000 | 14.000 |
| Planning Division 10030360 | Associate Planner | 2.000 | 2.000 |
| | Code Enforcement Officer | 0.500 | 0.500 |
| | Construction Inspector | 1.000 | 1.000 |
| | Landscape Planner | 1.000 | 0.000 |
| | Planner / Senior Planner | 4.500 | 6.000 |
| | Planning Aide | 1.000 | 1.000 |
| | Planning Manager | 1.000 | 1.000 |
| | Principal Planner | 1.000 | 2.000 |
| | Program Planner | 0.000 | 1.000 |
| | Records Management Technician | 1.000 | 1.000 |
| | Secretary | 0.500 | 0.500 |
| | Senior Urban Designer | 1.000 | 1.000 |
| Planning Division Total | | 14.500 | 17.000 |
| Community Development Department Sum | | 48.200 | 54.600 |
| General Fund Total | | 730.941 | 739.341 |
| Grand Total | | 933.241 | 941.641 |

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **27**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE 2015 BUDGET OF THE GENERAL FUND AND
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2015 ESTIMATED
REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2015 appropriation for the General Fund initially appropriated by Ordinance No. 3737 is hereby increased by \$229,949. This appropriation is due to the early appropriation of 2014 General Fund carryover.

Section 2. The \$229,949 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 F-G dated June 8, 2015 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

| | |
|--------------|------------------|
| General Fund | <u>\$229,949</u> |
| Total | <u>\$229,949</u> |

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

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of June, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of June, 2015.

ATTEST:

Mayor

City Clerk



Agenda Memorandum

City Council Meeting
June 8, 2015



SUBJECT: Councillor's Bill No. 28 re Municipal Code Modifications to Chapter 24 of Title I Personnel Management

Prepared By: Dee Martin, Human Resources Manager - Workforce
Debbie Mitchell, General Services Director

Recommended City Council Action

Pass Councillor's Bill No. 28 on first reading amending the Westminster Municipal Code, Chapter 24 of Title 1, concerning Personnel Management.

Summary Statement

- Staff is proposing a change to the Personnel Management chapter in the Westminster Municipal Code. This change gives the City Manager authority to offer general leave benefits for leave accrual, balances and annual usage to exceed the regular schedules outlined in the City Personnel Policies and Rules. This change will allow the City to remain competitive in attracting, hiring and retaining quality management level talent in the organization.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City initiate revisions to the Westminster Municipal Code, Chapter 24 of Title 1, concerning Personnel Management as proposed by Staff?

Alternatives

1. Consider modifications to this Chapter of the Code that will give the City Manager the ability to negotiate employment packages in other areas of compensation and benefits beyond the recommended general leave provisions.
2. Continue the current authority levels that require all benefit and compensation packages outside the current guidelines be approved by City Council.

Background Information

Typically the City's benefit package is sufficient to enable recruitment and retention of experienced individuals who are advancing in their field. However, in certain cases, the benefits that are allowed within the parameters of the Personnel Policies and Rules are insufficient in attracting long-term managers with significant municipal leadership and industry specific expertise. Their present employment situations provide robust leave benefits. Starting over in a new leave, pension and compensation system can be a deterrent if the prospective employer is unwilling or unable to make adjustments to the total compensation package.

It has and continues to be a priority for the City to attract and retain top management talent. In order to do so, historically the City Manager has asked City Council for an exception to the Personnel Policies and Rules on a case by case basis. Staff recommends that the Westminster Municipal Code, Chapter 24 of Title 1, concerning Personnel Management be modified granting the City Manager authority to negotiate general leave accrual rates, balances and annual maximum usage beyond the normal schedules established in the Personnel Policies and Rules. This change will create efficiency as well as to secure the ability to effectively negotiate competitive benefit packages in a timely manner. If adopted the Personnel Policies and Rules will be revised to include this language.

The Personnel Management Ordinance change addresses Council's Strategic Plan goal of "Excellence in City Services" by providing another tool to City management to attract, hire and retain quality employees in the organization. This change provides a flexible mechanism for the City to remain competitive in an ever changing employment market.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO. **28**

COUNCILLOR'S BILL NO.

SERIES OF 2015

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING CHAPTER 24 OF TITLE I,
WESTMINSTER MUNICIPAL CODE,
CONCERNING PERSONNEL MANAGEMENT**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-24-2, W.M.C., is hereby AMENDED to read as follows:

1-24-2: GENERAL-PRINCIPLES AND IMPLEMENTATION: (2248 2922 3390)

(A) INTENT OF CHAPTER: In enacting this Chapter, it is the intent of the City Council to provide for a professional and impartial personnel management system in accordance with the provisions of the City Charter. This Chapter supersedes any previously distributed ordinances, resolutions, rules, policies and employee handbooks. The language of this Chapter is not intended to create, nor is it to be construed to constitute, a contract between the City of Westminster and any one (1) or all of its employees.

(B) PERSONS COVERED BY CHAPTER: This Chapter applies to all positions and employees in the City. In addition, unless specifically noted otherwise, it shall also apply to Administrative Officers and other categories of municipal employment where not inconsistent with provisions of the Charter or other ordinances.

(C) ADMINISTRATIVE REGULATIONS: The City Manager shall have the authority to establish such policies and rules deemed necessary for the efficient and orderly administration of the personnel management system. Such authority may be delegated to Department Heads, Division Managers and supervisors as deemed appropriate by the City Manager. The City Manager shall have the authority to negotiate general leave accrual rates, balances and annual leave limits for current or prospective management staff in an effort to attract or retain employees. The City Manager will provide City Council with a quarterly report if any substantive changes are made to administrative personnel policies in the previous quarter. All such policies and rules must be in writing and be consistent and compatible with this Chapter and the Charter, and, at a minimum, include the following:

~~1.~~ (1) Classification Plan. A Classification Plan resulting from an analysis and evaluation of all positions in the municipal service shall be developed by the City Manager, or his/her designee, and maintained by the Human Resources Manager. It shall consist of a listing that groups all positions in classes, based on the skill, effort, responsibility, and qualifications that are necessary or desirable for the satisfactory performance of the duties of the class. The Classification Plan shall include titles and written job descriptions for all the various classes of positions. Each class shall include all positions in the municipal service that are sufficiently similar with respect to duties, responsibilities, and authority that the same descriptive title may be used to designate each position allocated to the class. Council approval of the job titles and pay ranges in the Pay Plan shall constitute approval of the Classification Plan.

~~2.~~ (2) Preparation, adoption and amendment of Pay Plan. A City-wide compensation plan, which shall consist of minimum and maximum rates of pay for each class or position, shall be developed and maintained by the Human Resources Manager, as the representative of the City Manager. Salary ranges shall be related directly to the position Classification Plan, and shall be determined with due regard to range of pay for other classes, requisite qualifications, prevailing rate of pay for like work in other public and private organizations, recruiting experience, working conditions, suggestions of Department Heads, maintenance of other benefits received by employees, the financial policy of the City, and other economic considerations. In addition, the Human Resources Manager shall develop, maintain and update a set of salary complements, which shall be designed to assist in attracting and retaining qualified employees. The

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Pay Plan shall be submitted to Council by the City Manager for adoption on an annual basis, in order to maintain the competitive nature of the City's personnel program.

~~(2)~~(3) Employee political activity. Active participation by employees in the municipal politics of the City of Westminster shall be restricted. It shall be the policy of the City, however, not to deny to employees and officials the rights to engage in their normal rights and responsibilities as citizens.

(4) Nondiscrimination. No action affecting the employment status of any employee or applicant for a position in the municipal service, including examination, appointment, promotion, demotion, suspension, or removal shall be taken or withheld by reason of race, color, sex, national origin, political, or religious affiliation, age, disability or military veteran status.

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

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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 8th day of June, 2015.

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PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of June, 2015.

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Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office