



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings (Revised April 28, 2014 and May 19, 2014)
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Employee Service Awards
 - B. Proclamation Recognizing Graduating Seniors on the 2013-2014 Youth Advisory Panel
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. Little Dry Creek Regional Detention Pond – 6th Amended IGA with the UDFCD and Adams County
 - B. Amended Engineering Services Contract for the McKay Drainageway Project
 - C. Custodial Services Contracts for City Facilities
 - D. 2014 Expenditures for Existing Custodial Services in Excess of \$75,000
 - E. IGA with Adams County re Performance of Rehabilitation of Certain Streets in 2014
 - F. 2014 Chipseal Project Contract Award
 - G. 2014 Slurry Seal Project Bid Award
 - H. Waterline Replacement – 88th Avenue & Zuni Street Design Contract
 - I. Second Reading of Councillor's Bill No. 13 re Board of Building Code Appeals Disbandment
 - J. Second Reading of Councillor's Bill No. 14 Providing 2014 1st Quarter Budget Supplemental Appropriation
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing Concerning Comprehensive Plan Update
 - B. Councillor's Bill No. 15 Adopting Amendments to the Comprehensive Plan
 - C. Public Meeting on the Proposed 2015 and 2016 City Budget
 - D. Councillor's Bill No. 16 re Title Clearing for the Westminster Center Urban Reinvestment Project
 - E. Councillor's Bill No. 17 Creating the Parks, Recreation, Libraries, and Open Space Advisory Board
 - F. Resolution No. 11 Confirming the City's Intent to Appropriate Water
 - G. Resolution No. 12 Promoting Voter Registration and Voter Participation in the City of Westminster
11. Old Business and Passage of Ordinances on Second Reading
 - A. Remove from the Table Second Reading of Councillor's Bill No. 12 to Add Section 19, Title XI, W.M.C., Voter Registration Information
12. Miscellaneous Business and Executive Session
 - A. City Council
 - B. Executive Session
13. Adjournment

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

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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



2014 CITY OF WESTMINSTER STRATEGIC PLAN



VISIONARY LEADERSHIP & EFFECTIVE GOVERNANCE

The City of Westminster has articulated a clear vision for the future of the community. The vision is implemented through collaborative and transparent decision making.

- Secure a replacement for our retiring City Manager that has the combination of experience, knowledge, style and values that are consistent with City Council vision and organizational values; ensure a smooth transition.



VIBRANT & INCLUSIVE NEIGHBORHOODS

Westminster provides housing options for a diverse demographic citizenry, in unique settings with community identity, ownership and sense of place, with easy access to amenities, shopping and employment.

- Complete St. Anthony North Hospital (84th Avenue) impact analysis
- Create an Arts District



COMPREHENSIVE COMMUNITY ENGAGEMENT

Westminster is represented by inclusive cultural, business, nonprofit and geographic participation. Members of the community are involved in activities; they are empowered to address community needs and important community issues.

- Create an Inclusiveness Commission



BEAUTIFUL, DESIRABLE, ENVIRONMENTALLY RESPONSIBLE CITY

Westminster thoughtfully creates special places and settings. The city is an active steward, protecting and enhancing natural resources and environmental assets. The city promotes and fosters healthy communities.

- Develop and implement Open Space Master Plan
- Identify and implement alternative energy options for city facilities
- Achieve “Solar City” designation to benefit both our environment and economy



PROACTIVE REGIONAL COLLABORATION

Westminster is proactively engaged with our partners to advance the common interests of the region.

- Collaborate with counties, school districts and neighboring cities



DYNAMIC, DIVERSE ECONOMY

Westminster is a local government that fosters social, economic, and environmental vitality and cultivates and strengthens a wide array of economic opportunities.

- Construct Westminster Station and develop TOD area
- Identify and pursue FasTracks next step
- Continue North I-25 development
- Proceed with Phase I of the Westminster Center Reinvestment Project
- Advance business attraction strategy
- Encourage the development of chef-owned and/or operated restaurants
- Grow small businesses through incubation



EXCELLENCE IN CITY SERVICES

Westminster leads the region in a culture of innovation that exceeds expectations in all city services – the city is known for “the Westy Way.”

- Analyze Fire/EMS alternative service delivery
- Provide improved collaboration and communication between City Council and employees at all levels of the organization
- Improve planning and permit process to be business friendly and achieve city goals



EASE OF MOBILITY

Westminster pursues multi-modal transportation options to ensure the community is convenient, accessible and connected by local and regional transportation options through planning, collaboration, advocacy and execution. Transportation objectives include walkability, bike friendly, drivability and mass transit options.

- Enhance trail connectivity

VISION: *Westminster is an enduring community – a unique sense of place and identity; we have a choice of desirable neighborhoods that are beautiful and sustainable by design. Westminster residents enjoy convenient choices for an active, healthy lifestyle, are safe and secure, and have ease of mobility within our City and convenient connection to the metro area. Westminster is a respectful, diverse community in which*

residents are engaged. Westminster City Government provides exceptional city services, and has a strong tax base through a sustainable local economy.

MISSION: *Our job is to deliver exceptional value and quality of life through S-P-I-R-I-T (Service, Pride, Integrity, Responsibility, Innovation, Teamwork)*

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

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

CITY MANAGER'S REPORT

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

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

COUNCIL REPORTS

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

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

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

EMPLOYEE SERVICE AWARDS

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

PROCLAMATIONS

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

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

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

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

CITIZEN COMMUNICATION

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

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

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

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

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

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

CONSENT AGENDA

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

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

RESOLUTION NO. 7 APPOINTMENTS TO BOARDS AND COMMISSIONS

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

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

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

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

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

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

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

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

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

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

ADJOURNMENT

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

ATTEST:

Mayor

Deputy City Clerk

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

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **12**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

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

11-12-19: VOTER REGISTRATION INFORMATION

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

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

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2014.

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

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney’s Office

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MAY 19, 2014, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Pro Tem Faith Winter and Councillors Bruce Baker, Bob Briggs, Alberto Garcia, Emma Pinter, and Anita Seitz were present at roll call. Mayor Herb Atchison was absent and excused. Also present were Assistant City Manager Barbara Opie, Assistant City Attorney Jane Greenfield, and City Clerk Linda Yeager.

CONSIDERATION OF MINUTES

Councillor Briggs moved, seconded by Councillor Pinter, to approve the minutes of the regular meeting of May 12, 2014, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Ms. Opie reported that City Manager J. Brent McFall and Mayor Herb Atchison were attending the International Council of Shopping Centers Conference in Las Vegas, Nevada, to market the Westminster Center Urban Reinvestment Project site.

In observance of Memorial Day, City administrative offices would close and the City Council would be not meet next Monday, May 26.

Following adjournment of this meeting, the Westminster Economic Development Authority Board of Directors would meet. Council would then move to the Council Board Room for an executive session to consult with the City Attorney's office staff concerning Councillor's Bill No. 12 regarding voter registration information as authorized by Section 1-11-3(C)(8), W.M.C., and Section 24-6-402(4)(b), C.R.S.

COUNCIL REPORTS

Councillor Briggs reported that on Saturday, May 17, Council had an opportunity to dedicate a sculpture entitled "Chasing Light" at the Butterfly Pavilion. Adding artwork to the community was a pleasure and worthwhile.

Councillor Garcia recognized the Westminster Police Department and many volunteers who participated in the Shred-a-thon on May 17. Cars and trucks had lined up bumper-to-bumper to drive through the set up in the parking lot and leave their bags of paper records for shredding. Through donations from those seeking to protect their identity from theft and by having their personal records destroyed, more than \$20,000 was raised for Crime Stoppers.

Councillor Baker reported that the ceremonies at the Tribute Garden for Armed Services Day proved to be an excellent means of recognizing and honoring veterans, to whom we are indebted.

Councillor Pinter reported that she and Mayor Pro Tem Winter had traveled to California to visit with officials from OliverMcMillan, the City's partner in developing Downtown Westminster. They had exciting concepts and ideas that matched the Council's vision for the property.

Councillor Seitz reported having attended the grant opening for Adams County Open Space Grant Program and was pleased to announce that the City had been successful in applying for and receiving \$1.2 million for open space acquisitions. The awards were generous and appreciated.

CITIZEN COMMUNICATION

Chuck Wright, 4705 West 105th Drive, and Kevin Massey, 6960 Warren Drive in Denver, spoke in opposition to final passage of Councillor's Bill No. 12 concerning dissemination of voter registration information by landlords. Though Mr. Wright was not a renter or a landlord, he was concerned about the protection of individual rights of others and his own. The proposed legislation was unconstitutional, violating not only the freedom not to speak, but also to control the content of speech. Mr. Wright termed the proposed legislation bullying of landlords and urged Councillor to reject it. Mr. Massey and his wife were licensed real estate agents and property managers and complied with numerous state and federal laws ranging from lead paint disclosures to affordable housing, all pertaining to the real estate market. Councillor's Bill No. 12 had no connection to the real estate industry and Mr. Massey urged that the bill be defeated.

Larry Pace, 9225 Tennyson Street, spoke in opposition to allowing poultry husbandry outside of agriculturally zoned property. Backyard chickens were an attractive nuisance because their eggs attracted raccoons. Raccoons damaged roofs, nested in chimneys, carried diseases, and were a threat to the safety of children and domestic pets. While the eggs produced by backyard chickens tasted better and were healthier to eat, the Council needed to be cognizant of the health and safety issues associated with backyard chickens when considering requests from proponents of urban farming.

Iver Osborn, 10492 Hobbit Lane, thanked the City for sponsoring the Shred-a-thon over the weekend. As resident of the Standley Lake area and a recreational user of the lake, he was disappointed with some decisions that had been made about boating on the lake. Some of those changes were purported supported by responses to a survey, but public access to the surveys had been denied. Most recently an area traditionally used for water skiing had been classified as a no wake zone and skiers were no longer allowed. He asked for public input opportunities before future decision-making processes concluded.

Nathan Mudd, 5716 Yarrow Street in Arvada, was the agent for the Farmer's Market seeking a lease on the Westminster Center Urban Reinvestment Project site. He described the dates and times planned for the weekly farmer's market this summer and was appreciative of the opportunity to be involved in the City.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the Financial Report for April as presented; authorize the Fleet Maintenance Division to source a used, or reconditioned field service body, mounted on a used or new cab/chassis truck for an amount not to exceed \$100,000; authorize the City Manager to raise the contract limit from \$49,000 to \$75,000 for both the A-1 Organics Composting Facility and the Renewable Fiber Composting Facility for the composting of biosolids during inclement weather and wet field conditions in 2014 with options for two additional one-year renewals in 2015 and 2016 for \$75,000 each plus any unit price cost adjustments based on Consumer Price Index for All Urban Consumers, subject to annual appropriation; authorize the City Manager to execute a contract with Burns & McDonnell Engineering Company, Inc. in the amount of \$555,018 to provide preliminary design services for the Pressure Zone 3 Expansion, plus a contingency in the amount of \$55,502, for a total authorized expenditure of \$610,520; authorize the City Manager to execute a contract with the low bidder, T. Lowell Construction Inc. in the amount of \$4,363,440 for construction of the Standley Lake Bypass Project plus a contingency of \$436,344 for a total authorized expenditure of \$4,799,784, and authorize an amendment to the design contract with Hatch Mott MacDonald, LLC to include engineering services during construction in the amount of \$607,155 plus a contingency of \$60,716 for a total of \$667,871, increasing the total authorized expenditure with this contractor from the previously approved amount of \$703,615 to \$1,371,486; and authorize the City Manager to execute a contract with HDR Engineering, Inc. in the amount of \$741,640 for the predesign of the Little Dry Creek Interceptor Sewer Repair and Replacement Project, plus a contingency of \$74,164, for a total authorized expenditure of \$815,804.

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

COUNCILLOR'S BILL NO. 14 AUTHORIZING 1ST QTR 2014 BUDGET SUPPLEMENTAL APPROPRIATION

It was moved by Councillor Garcia and seconded by Councillor Seitz to pass on first reading Councillor's Bill No. 14 providing for a supplemental appropriation of funds to the 2014 budget of the General, Storm Drainage, Sales and Use Tax, and General Capital Improvement (GCIF) Funds. At roll call, the motion carried unanimously.

RESOLUTION NO. 10 DESIGNATING A CREATIVE DISTRICT IN SOUTH WESTMINSTER

It was moved by Councillor Seitz, seconded by Councillor Briggs, to adopt Resolution No. 10 supporting the creation of an arts district in the South Westminster revitalization area. After determining that the boundaries of the proposed district could be modified at a later date and after thanking local artist, Becky Silver, for spearheading this effort, the motion passed unanimously at roll call vote.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Pro Tem Winter adjourned the meeting at 7:40 p.m.

ATTEST:

City Clerk

Mayor Pro Tem



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Presentation of Employee Service Awards

Prepared By: Debbie Mitchell, General Services Director
Dee Martin, Workforce Planning & Compensation Manager

Recommended City Council Action

Present service pins and certificates of appreciation to employees celebrating 20 or more years of service with the City and in five year increments thereafter.

Summary Statement

- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In the fourth grouping of 2014, employees with 20, 25, 30 and 35 years of service will be celebrated tonight.
 - Presentation of 20-year certificate and pin – Councillor Briggs
 - Presentation of 25-year certificates, pins, and checks – Mayor Atchison
 - Presentation of 30-year certificate and pin – Councillor Garcia
 - Presentation of 35-year certificate and pin – Councillor Seitz

Expenditure Required: \$12,500

Source of Funds: \$10,000 – General Fund – Police Department
\$ 2,500 – General Fund – Community Development

Policy Issue

None identified

Alternative

None identified

Background Information

The following 20-year employee will be presented with a certificate and service pin:

Jim McMurdo	Plant Operator IV	Public Works & Utilities
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The following 25-year employees will be presented with checks, certificates, and service pins:

Russ Johnson	Senior Police Officer	Police Department
Lonnie Henderson	Capital Projects Inspector	Community Development
Jim Buckner	Sergeant	Police Department
David Lester	Police Commander	Police Department
Jeri Elliott	Senior Management Analyst	Police Department

The following 30-year employee will be presented with a certificate and service pin:

Carla Koeltzow	Deputy City Clerk	General Services
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The following 35-year employee will be presented with a certificate and service pin:

John Stipech	Municipal Judge	General Services
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On June 11, 2014, the City Manager will host an employee awards luncheon. During this time, sixteen (16) employees will receive their 10-year service pins. Recognition will also be given to those celebrating their 20th, 25th, 30th, and 35th anniversaries. This is the fourth luncheon in 2014 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees for the fourth luncheon is 370 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens. Background information on each individual being recognized is attached.

The recognition of employee’s years of service addresses Council’s Strategic Plan goal of “Excellence in City Services.” Recognition efforts have long been recognized as an important management practice in organizations striving to develop loyalty, ownership and effectiveness in their most valuable resource – employees.

Respectfully submitted,

J. Brent McFall
City Manager

20-Years

Jim McMurdo was hired in July 1994 as a Seasonal Specialist. He promoted to Plant Operator II in December of 1994 and moved through the operator certifications to the highest level of Operator IV in 1996. Jim has worked as a shift operator his entire career. He feels his biggest accomplishment is his total dedication to providing safe and great tasting drinking water to the citizens and customers of Westminster. Jim is proud of the level of professionalism displayed by the Plant team.

Jim and his wife have been married for 41 years. They have lived in Westminster since 1996. For the last seven years, Jim's primary hobbies are fine woodworking and teaching in the Fine Woodworking department at Red Rocks Community College.

25-Years

Dave Lester was hired as a Police Officer on July 17, 1989. Dave has been fortunate to have had the opportunity to work in different assignments during his 25 year career with the city. He has been a Field Training Instructor, a member of the Special Crime Attack Team, an Investigator in the Professional Standards Unit and a Detective Sergeant in Investigations. Dave was promoted to Sergeant in June 1999 and Commander in July 2008. He spent three years as a Patrol Commander and is currently the Commander in the Professional Standards Unit. Dave has also been a member of the S.W.A.T. Team for 18 years and is currently assigned as the team's Assistant Commander. Dave is a Rapid Deployment Techniques and Civil Defense Disorder Techniques Instructor, and also teaches building searches at the Citizens Police Academy. He was selected as the *Optimist Club's Officer of the Year* in 1999, and received the department's Distinguished Service Medal in 2006.

Dave has been married for 22 years. He enjoys working out, running, playing with his dogs, and working on his classic car.

Jim Buckner is a Sergeant assigned to Patrol working swing shift. He is also on the SWAT team as the Entry Team Leader. Jim's career includes working as a Patrol Officer, the Special Crime Attack Team, Public Information Officer, and School Resource Officer. He has also been a supervisor for the Special Crime Attack Team and the Traffic Unit. Jim has been honored as the *Crime Stoppers Officer of the Year*, *Tri City Baptist Officer of the Year*, and the *Elks Officer of the Year*. Jim has been awarded the Meritorious Service award for life saving, and twice awarded the Medal of Valor. Jim has represented the Police Department ten times for teams recognized with the city's Teams in Action Award.

Jim enjoys waterskiing and spending time with his 14 year old twins, Ally and Jimmy.

Russ Johnson is a Detective. During his 25-year career, some of the highlights include, serving 10 years with the SWAT team as a hostage negotiator and serving as a member of the Adams County Critical Incident Team. Russ is the co-founder and current Chairman of the Colorado Organized Retail Crime Alliance (COORCA), a state-wide organization with over 750 members, made up of Retail Loss Prevention Investigators in the private sector and Law Enforcement Officers and Detectives. In his assignment as the Police Department's Retail Liaison, Russ has developed a working relationship with many of the retailers in our City to provide training, develop policy within the department, and facilitate good communication and problem solving strategies between Westminster PD and the retailer community. Russ received the Department's Meritorious Service award for working with other Westminster Police Officers to rescue a victim in a house fire and using CPR to resuscitate him. He also received the Distinguished Service award for his actions in a shooting involving a domestic violence suspect.

Russ says that his most rewarding occupation is being the father of his two great kids. His son Dalton is 12 years old, and his daughter Sydney is 10. Russ enjoys spending time with his family, working on projects at home, and travelling with his kids and his fiancé Lori.

Jeri Elliott started her career with the city in 1989 in Recreation as a part-time Recreation Clerk. In 1991, she was hired with the Police Department as a fulltime Dispatcher, later promoted to a Report Specialist, then to Liquor Investigations Officer, and now she is a Senior Management Analyst. Jeri's current position with the Police Department includes administrative and strategic analysis, performance measures, goals and objectives, as well as legislation and grant administration. She is a member of both the Colorado Crime Analyst Association and International Association of Crime Analysts, which allows the City to share crime data and receive free or low cost training along with the ability to attend conferences. Some of Jeri's accomplishments at the city include numerous Teams in Action Awards including one for the I-Leads Curriculum Development, Performance Measures, Grant Administration Policy and, Ambulance Hydraulic Power Cot Team. In 2008 and 2011, she served on the International Association of Crime Analysts Ethics Committee and in 2013, she served a third term on the committee as the Chair of the committee. Currently, she serves as one of the International Association of Crime Analyst's List-Serve Moderators. She also currently serves as a voting member of the Urban Area Working Group and is the Chair for the North Central Region and Urban Area Security Initiative's Incident Operations Committee.

During Jeri's free time, she enjoys spending quality time with her family and friends. She also enjoys bike riding, escaping to the family cabin, reading, playing softball, watching movies and traveling. She has been married for 26 years. Jeri and her husband have three girls who have kept them very busy. Their oldest will begin her third year in college and their twin girls will start their first year of college this fall.

Lonnie Henderson was hired in 1989 as an Engineering Construction Inspector, promoted to Senior Engineering Construction Inspector in 1995, and reclassified to Capital Projects Inspector in 1996, which is the position he holds today. Lonnie has had a hand in most of the Capital Improvement Projects in the City over the last 25 years. These include development of The Promenade, Interchanges along I-25 at 136th and 144th Avenues, construction of Westminster Blvd, Huron Street improvements, 92nd Ave/Sheridan Blvd and U.S. 36 interchange, and numerous others. Lonnie is currently acting as a City liaison for the US 36 improvements with CDOT and working on the 72ndAve/Raleigh intersection improvements. After years of building things, now over the last few years, Lonnie acquired new skills in "De-constructing" the Westminster Mall site.

Lonnie and his wife Linda recently celebrated the marriage of their daughter Kacie.

30-Years

Carla Koeltzow (kelt-zo) moved to the Westminster area in 1974 and was hired by the city in 1984 as a Deputy Court Clerk. She held that position for twenty years. For fifteen of those years she was the Courtroom Clerk, assisting several different Judges. When she started with the court, it was located at 88th and Sheridan. There was no computer system and only four Deputy Court Clerks. As the court division grew, Carla played a key role in the implementation of the first, stand alone Tandy-Radio Shack computer system and then three more upgraded, IT supported, court programs to follow. In 2002, she was nominated by five co-workers and received the City's External Customer Service Award. Carla was selected as the Deputy City Clerk in November 2004. Her main responsibilities are business and liquor licensing. She is the liaison to the Special Permit and License Board. Carla's many years as an employee and citizen of Westminster have provided her with the knowledge required to answer the daily questions received by the City Clerk's Office. In June 2010, Carla was nominated by the City Clerk and received one of the first SPIRIT awards. This award is presented to employees who demonstrate excellence in their daily activities in all categories as defined by SPIRIT: Service, Pride, Integrity, Responsibility, Innovation and Teamwork.

Carla and her husband have been married for 40 years and love to travel. They are proud of their two children who grew up in Westminster, but have since moved away to pursue their dreams. Tara received her Master's Degree in Accounting from the University of Colorado and then one month later, passed the CPA exam. She currently lives and works in Torrance, California. Abel attended, and played basketball for, Evergreen State College in Olympia, Washington. Upon graduation he moved to Portland, Oregon to work for NIKE. Carla and her husband just returned from Portland where their son was married on Memorial Day.

35-Years

John Stipech (stip-itch) graduated from the University of Utah in 1967 with a Bachelor of Arts Degree and received his Juris Doctorate degree from the University of Denver Law School in 1971. On July 1, 1979 he was appointed as an Associate Judge in Westminster's Municipal Court and has served as Presiding Judge since January 1, 1996. He is a member of the Colorado and Adams County Bar Associations and the Colorado Municipal Judges Association.

Judge Stipech has seen a great deal of growth and change in his 35 years on the bench. He has always sought fair and impartial justice for those appearing in his court. Recently, Judge Stipech has played an active role in managing numbers of incarcerated inmates in the county jails in order to meet the demands of local sheriffs. John is known to his staff and around City Hall as a man with a quick wit and a wry smile.

Judge Stipech's hobbies include fishing, hunting, traveling and golfing.



Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Proclamation re Graduating Seniors on the 2013-2014 Youth Advisory Panel

Prepared By: Cindy McDonald, Staff Liaison
Melissa Collison, Staff Liaison

Recommended City Council Action

Mayor Pro Tem Winter will present a proclamation and certificates acknowledging the service of the graduating seniors from the 2013-2014 Youth Advisory Panel.

Summary Statement

City Council is requested to recognize the four outgoing senior Youth Advisory Panel (YAP) members. All four members did an outstanding job representing their respective schools and the entire community. They also demonstrated true service and leadership during their tenure on the Panel. City Council is requested to honor each outgoing member with a certificate. Mayor Pro Tem Faith Winter will present the proclamation and certificates.

- Hillary Lutkus (Fairview High School) began the panel in her sophomore year and has held positions as PIO, Secretary and is currently the Chairperson. Hillary will be attending Yale in the fall to study Economics and Chinese.
- Lisa Muff (Westminster High School) began serving as a panel member in her senior year. Lisa will be attending UNC in the fall to study nursing.
- Christine Shih (Fairview High School) began the panel in her sophomore year and is currently the Secretary. Christine will be attending college in the Fall to study Engineering.
- Will Schmidt (Jefferson Academy) is the panel's outgoing Public Information Officer and also served since his junior year. He will be attending Mesa University.

Expenditure Required: \$40

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

On September 13, 1999, City Council adopted Resolution No. 68 creating the Westminster Youth Advisory Panel. YAP is made up of two or more representatives from local area high schools as well as "at large" members who are home schooled within the City. Their purpose is to advise City Council and City Staff members of the interests and concerns of youth and teens in the City today. These matters include development of citywide community and/or neighborhood programs that address both the short- and long-term needs of Westminster's youth and teen population. In addition to advising city leaders, they give back to the community by taking part in monthly community service projects that may consist of food and clothing drives, assisting with City events and engaging in other projects.

On October 25, 1999, the City Council appointed the first Youth Advisory Panel. Since 1999, the panel has worked with Staff on a variety of issues. The term of each panelist is one year, with reappointment possible up to four terms.

Since 1999, the Youth Advisory Panel has been very active in the community by assisting at City events such as the Holy C.O.W. Stampede, (a Parks, Recreation and Libraries race) to raise proceeds for youth programs, providing support for the Christmas Lighting Ceremony, assisting at the annual Father Daughter Ball, participating at Westminster Pride Day and most recently participating in the Westminster Strategic Planning in the Community Forum. Through their various activities, the YAP members have fulfilled their goal of reaching out to the Westminster community in order to make a difference in the places where members attend school and live. They have also worked with Broomfield Lutheran Church to make and serve sandwiches to the homeless on the streets of downtown Denver. Additional project endeavors include gathering, sorting, sizing, and hanging clothing donations for Precious Child and volunteering at Have-a-Heart helping to distribute food and clothing to Adams County School District #50 families.

The Panel will continue these very diverse and ambitious community service goals for the 2014/2015 school year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Proclamation

WHEREAS, the City Council of the City of Westminster believes that our youth should share with their community leaders the responsibility in addressing their needs, desires, challenges and issues, in molding their own futures; and

WHEREAS, the City values its youth and desires to advance and promote their special needs and interests and therefore created the Westminster Youth Advisory Panel on September 13, 1999; and

WHEREAS, currently the Panel has had fourteen members appointed for the 2013-2014 school year; and

WHEREAS, these Westminster Youth Advisory Panel members will be graduating from High School and departing from the 2013-2014 Youth Advisory Panel; and

WHEREAS, it is important to acknowledge the contributions made by exiting panel members.

NOW THEREFORE, I, Herb Atchison, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby recognize and extend appreciation to the following graduating seniors who have served on the Youth Advisory Panel, representing their schools and Westminster Youth:

<i>Hillary Lutkus</i>	<i>Fairview High School</i>	<i>Outgoing Chairperson</i>	<i>3 Years Service</i>
<i>Lisa Muff</i>	<i>Westminster High School</i>	<i>Outgoing Panelist</i>	<i>1 Years Service</i>
<i>Will Schmidt</i>	<i>Jefferson Academy</i>	<i>Outgoing PIO</i>	<i>2 Years Service</i>
<i>Christine Shih</i>	<i>Fairview High School</i>	<i>Outgoing Secretary</i>	<i>3 Years Service</i>

Signed this 9th day of June, 2014.

Herb Atchison, Mayor



Agenda Item 8 A

Agenda Memorandum

City Council Meeting
June 9, 2014



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

Prepared By: Andrew Hawthorn, Senior Engineer

Recommended City Council Action

Authorize the City Manager to sign the sixth 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 sixth 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. The Little Dry Creek project is a multi-phased effort to provide regional storm water detention for all of the properties located within the proposed transit-oriented development area to the north of Westminster Station and create a lineal open space and park along the south side of the commuter rail track that serves the Station. This amendment is necessary to accrue and encumber additional funding from the District and Adams County, which will allow the construction of the next phase of the project, located east of Federal Boulevard at the approximate 69th Avenue alignment, to proceed.
- The first phase of the construction of this project began in February 2013 with the boring of three pipes through the Federal Boulevard embankment near Little Dry Creek. The first pipe bored was to convey the City's proposed 36-inch diameter sanitary sewer. The second boring was for the Crestview Water & Sanitation District's 10-inch sanitary sewer line and the third was a 108-inch diameter storm drainage culvert.
- This amended IGA will add \$660,000 from the District and \$500,000 from Adams County into the project budget.
- The IGA contains provisions for amending the document to allocate additional funding in future budget years. Future funding from the City's Storm Water Utility, Adams County and the UDFCD is anticipated that will allow this project to be fully funded within the next two years.

Expenditure Required: \$0

Source of Funds: N/A

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

While Council could choose not to authorize this amended intergovernmental agreement at this time, staff recommends approval since this particular amendment does not represent any additional cost to the City. The sixth amendment to the original agreement merely encumbers additional funds received from the District and Adams County. Furthermore, approval of the amendment will help to facilitate the completion of the drainage improvements necessary to accommodate the construction of the proposed transit-oriented development in the vicinity of Westminster Station in a timely manner.

Background Information

The future construction of the Little Dry Creek regional detention pond, located upstream of Federal Boulevard at the 69th Avenue alignment, will lower the existing 100-year floodplain by four feet and will eliminate its direct impact on the proposed commuter rail track serving Westminster Station. The pond will serve as a regional storm water detention facility that will facilitate the redevelopment of the future transit oriented development area and provide a regional park to serve residents and commuter rail users. The first phase of this project involved the boring of three separate utility tunnels under Federal Boulevard.

The original IGA for this project was authorized by City Council on February 9, 2009. At that time, the UDFCD contributed \$100,000, Adams County contributed \$150,000 and the City contributed \$150,000 to the project budget. The first amendment to the IGA authorized by Council on October 25, 2010, added \$600,000 in funding from UDFCD and \$500,000 from the City. The second amended IGA authorized by Council on December 10, 2012 added \$275,000 from UDFCD and \$275,000 from the City. The third amended IGA authorized by Council on January 28, 2013 added \$300,000 from UDFCD and \$1,700,000 from the City. The fourth amendment to the IGA authorized by Council on April 22, 2013 added \$600,000 from the City increasing the total funding for the project to \$4,650,000. The fifth amendment to the IGA added an additional \$800,000 from the City and \$175,000 from UDFCD. This proposed sixth amendment will add \$660,000 from UDFCD and \$500,000 from Adams County to bring the total project budget to \$6,785,000. It is anticipated that more amendments will be forthcoming over the next couple of years as each of the three partners are able to commit additional funding toward the budget.

The timing of this sixth amendment is time sensitive in order to accrue sufficient funding into the project budget to allow for the construction of certain downstream improvements prior to the commencement of the Colorado Department of Transportation (CDOT) Federal Boulevard Bridge Replacement project, which is anticipated to begin late in the fall of 2014. This phase of the Little Dry Creek project will extend culvert headwalls both east and west of Federal Boulevard, thus allowing CDOT to construct a new bridge of sufficient width to carry six lanes of traffic. City staff is currently working collaboratively with CDOT staff on a cost sharing agreement since both projects will benefit from the culvert extensions.

The current amount of funding that is being administered through the UDFCD for the Little Dry Creek project is as follows:

	Previously Contributed	Additional Contribution	Current Total	Percentage Share
DISTRICT	\$1,450,000	\$660,000	\$2,110,000	31.1%
COUNTY	\$150,000	\$500,000	\$650,000	9.6%
CITY	\$4,025,000	\$0	\$4,025,000	59.3%
TOTAL	\$5,625,000	\$1,160,000	\$6,785,000	100.0%

This project will dramatically change and revitalize this area once the regional open space and active recreational uses as 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 creation of a multi-modal transportation system and a transit oriented development around the Westminster Station site.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Sixth Amendment to IGA
- Project Vicinity Map

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

Agreement No. 08-09.09F

THIS AGREEMENT, made this 10TH day of JUNE, 2014, 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 \$1,160,000; 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 \$6,785,000 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	\$ 1,050,000
2. Right-of-way	200,000	200,000
3. Construction	5,085,000	4,275,000
4. Contingency	100,000	100,000
Grand Total	\$6,785,000	\$5,625,000

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	31.0%	\$1,450,000		\$2,110,000
Capital			\$ 460,000	
Maintenance			\$ 200,000	
COUNTY	10.0%	\$ 150,000	\$ 500,000-	\$ 650,000
CITY	59.0%	\$4,025,000	\$ -0-	\$4,025,000
TOTAL	100.0%	\$5,625,000	\$1,160,000	\$6,785,000

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 - \$4,025,000; COUNTY - \$650,000; DISTRICT - \$2,110,000) 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)

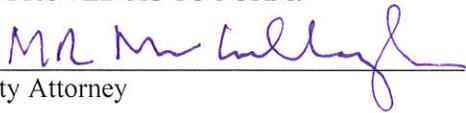
By _____

ATTEST:

Title _____

Date _____

APPROVED AS TO FORM:



City Attorney

Little Dry Creek Regional Drainage Project Vicinity Map



0 250 500 1,000
Feet 1 inch = 500 feet



Agenda Memorandum

City Council Meeting

June 9, 2014



SUBJECT: Amended Engineering Services Contract for the McKay Drainageway Project

Prepared By: David W. Loseman, Assistant City Engineer

Recommended City Council Action

Authorize the City Manager to execute an amended contract with Merrick and Company in the amount of \$76,904 to provide engineering design services for the McKay Drainageway improvements, located south of 144th Avenue between I-25 and Huron Street, and authorize a design contingency of \$15,000 for a total design budget of \$91,904.

Summary Statement

The McKay Drainageway project is a planned system of storm drainage facilities that are located in the general area between 136th Avenue and 144th Avenue, conveying flows east from McKay Lake near Zuni Street to Big Dry Creek near Washington Street in Thornton. The only remaining unimproved portion of the drainageway lies between I-25 and Huron Street (see Project Map) where a wide, shallow floodplain still exists. This floodplain is a significant constraint to the development of one of the largest vacant sites in the City.

On September 23, 2013, Council authorized the execution of a contract with Merrick and Company in the amount of \$193,394 to prepare the design of the channel improvements to this unimproved segment. Since that time, it has become apparent to City staff that a previously proposed permanent detention pond/lake as originally designed would not be feasible for this project due to the cost of the water rights (estimated at \$400,000) that would be needed to maintain a constant level of water in the lake. Therefore, a “dry” pond design is now desired, and the cost to perform this redesign is \$47,962.

Additionally, the City recently received a grant from the Adams County Open Space Board for the design and construction of proposed trail connections along I-25 (see attached map). These connections will complete the trail from 120th Avenue to the McKay Outfall Pond. Due to the economy of scale that would be realized, it would make sense to include the design and construction of these trail connections in the McKay Outfall Drainage Project. The design effort for the trails is \$28,942, which brings the total of the requested contract amendment to \$76,904. The requested contingency of \$15,000 is recommended to account for any unforeseen design issues.

Expenditure Required: \$91,904

Source of Funds: General Capital Improvement Fund—McKay Lake Outfall Drainage account

Policy Issue

Should an amendment to the contract with Merrick and Company for the final design of the McKay Drainageway improvements and Open Space trail connections be approved?

Alternative

Council could elect to not approve this contract amendment. However, staff does not recommend this alternative. This drainage project is vital to the area because, when completed, it will remove all of the developable land along the McKay channel from the 100-year regulatory floodplain. In addition, the completion of the trails needs to be accomplished within two years of the grant award from Adams County Open Space Board.

Background Information

The planning and various phases of the construction of the improvements needed to reduce the floodplain of the McKay Lake Drainageway have been underway for more than fifteen years. The McKay basin contains approximately 1800 acres and extends from its confluence with Big Dry Creek at 140th Avenue and Washington Street in Thornton upstream to the southern portions of Broomfield. Completed projects include the rehabilitation of the dam at the McKay Lake Open Space, a channel through the Huntington Trails Subdivision and, most recently, a culvert under I-25 with channelization from that point to Big Dry Creek. With the completion of that most recent project in 2010, only the portion of the basin located between I-25 and Huron Street (see Project Map) remains unimproved. The properties located within that reach are still covered by a wide, shallow floodplain that constrains development within the North Huron Planned Unit Development (PUD) between 136th Avenue and 144th Avenue.

The preliminary design of the McKay Drainageway was being coordinated with the North Huron PUD developers up until 2009 when economic factors dampened the development interest. Recently, that interest has increased, and development proposals that call for modifications to the preliminary plan for the drainageway have been received by staff. The owners of the PUD properties have already dedicated the necessary rights-of-way for the drainage improvements.

The original design of the project called for a retention/ detention pond located adjacent to I-25 which was to include a permanent pool of water as an amenity for the surrounding properties. As staff pursued this option, it became evident that a permanent source of water was difficult to obtain. If the City could obtain the needed water shares, they would be costly, estimated in the amount of \$400,000. Therefore, staff is recommending a redesign of this pond so it has a “dry” bottom without a permanent water surface. This will allow for the completion of the project in a timely manner and yet not preclude the option of creating a permanent water pool in the future if the water shares become available at a more reasonable cost. The cost of this redesign effort is \$47,962. The remaining amount of the contract amendment is \$28,942, which is the amount needed to design 1,800 feet of missing trail connections along the I-25 trail system south of 136th Avenue. A grant for the design and construction of these trails was recently awarded to the City as part of the Adams County Open Space Program. Including the design and construction of these trails as part of the McKay Outfall Drainage Project is recommended because the proposed trails link to the McKay Project and the City would also realize a cost savings in design and construction by including these trails in the larger construction project. The total of the requested contract amendment with Merrick and Company is \$76,904, which is very reasonable given the scope of work related to this amendment. The requested contingency of \$15,000 is recommended to account for any unforeseen design issues.

This proposed contract amendment is in line with several of City Council's strategic objectives including a Dynamic, Diverse Economy by investing in well-maintained and sustainable City infrastructure. The McKay Drainageway improvement project and the Adams County Trail grant will also contribute to Ease of Mobility by enhancing trail connectivity along the I-25 corridor as well as along the McKay Drainageway.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Project Map for the Adams County Open Space Grant

Attachment D

City of Westminster

I-25 Trail Connections Project



Proposed Opening in 2014

Proposed Orchard Parkway

McKay Creek Gravel Trail Segment Length: 2600 feet

McKay Creek Concrete Trail Segment Length: 4800 feet

Bridge Crossing

Bridge Crossing

I-25 Concrete Trail Connection Segment Length: 1000 feet

I-25 Concrete Trail Connection Segment Length: 800 feet

- Proposed I-25 Concrete Trail Connections
- McKay Drainageway and Trail Project
- - - Proposed City Trails
- - - City Trails
- Trail Underpasses
- Streams
- Big Dry Creek Waste Water Treatment Plant
- City Limits

Tanglewood Creek Trail (Under Construction)





Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Custodial Services Contracts for City Facilities

Prepared By: Rona Lehn, Contract Services Coordinator
Jerry Cinkosky, Facilities Manager

Recommended City Council Action

1. Authorize the City Manager to execute custodial service contracts with KG Clean, Inc. in the amount of \$365,596, DiTirro Building Services for \$90,178, Varsity Contractors, Inc. for \$78,134, American Facility Services Group for \$22,533, and Carnation Building Services, Inc. in the amount of \$15,984 to provide Day Porter and nightly custodial services in 25 City facilities beginning October 1, 2014. In addition, staff is recommending authorization of two additional one-year renewal options based on each contractors' ability to meet the City's performance standards and that price increases, if any, will not exceed the annual Denver/Boulder Consumer Price Index.
2. Approve 2014 expenditures for existing custodial services rendered through September 30, 2014 by KG Clean, Inc. in the amount of \$310,808. Funding for this expense is available in the Parks, Recreation and Libraries and the General Services 2014 operating budgets.

Summary Statement

- In March 2014, request for proposals were sent to nine contract custodial firms to provide day porters and nightly custodial services in 25 City-owned facilities. Six custodial firms attended a pre-bid meeting, mandatory two-day tour and walkthrough of each facility.
- On April 24, 2014, a bid opening was held with five of the nine firms submitting custodial service proposals for the review and evaluation by City Staff.
- Criteria used to evaluate bids were: cost of service contracts based on geographic and campus locations; proposed staffing at each facility; recommendations from present clients; and past performance providing custodial services for the City of Westminster.
- The request for proposals was written to award custodial service contracts based on lowest responsive bids for pre-determined geographic locations or campus type settings.
- As a result of the City's competitive bid process, evaluation of proposals, recommendations of present clients, and past history working with the City of Westminster; Staff is recommending Contracts be awarded to KG Clean Inc. in the amount of \$365,596.00 per year, Carnation Building Services Inc. in the amount of 15,984.00 per year; DiTirro Building Service LLC in the amount of \$90,178.00 per year; American Facilities Service Group in the amount of \$22,533.00 per year; and Varsity Facility Services in the amount of \$78,134.00 per year to provide both daytime and nightly custodial services in City Facilities.

Expenditure Required: \$572,424

Source of Funds: General Fund - General Services Operating Budget \$357,138
General Fund - Park Recreation & Libraries Operating Budget \$189,128
Utility Fund - Public Works & Utilities Operating Budget \$26,158

Policy Issue

Should Council award multiple custodial service contracts for the purpose of providing custodial services in City facilities?

Alternative

Direct Staff to award a single contract to the lowest overall custodial firm. Staff is not recommending this action based on the amount of supervision, drive time and fuel costs associated with providing custodial services in 25 facilities located within 33 square miles of the City's boundaries. Furthermore, Staff believes that utilizing the multiple contractor approach provides an added incentive for each contractor to maintain a good work performance level, and, in addition, allows for Staff to have backup companies readily available in case one or more of the contractors is unable to fulfill their contractual requirements.

Background Information

Since 1986, beginning with Countryside Recreation Center and the Municipal Service Center, the City began contracting with the private sector to provide custodial services in City owned facilities. It is estimated the practice of contracting custodial services has saved the City over \$2.5 million in the past 28 years. Presently, Building Operations & Maintenance contracts for both day porter services and nightly custodial services in 25 City facilities

In March 2014, request for proposals were sent to nine contract custodial firms to provide janitorial services in those 25 City-owned facilities. Six custodial firms attended a pre-bid meeting and two-day tour of each of the facilities requiring custodial services. During the pre-bid meeting and facility tours, contractors were made aware of Staff's intent to recommend awarding custodial service contracts to the lowest responsible bidders based on the four geographic locations of campus setting within the City. The four geographical locations include: South Westminster (72nd Ave. North to 80th Ave.). North Westminster (104th & Sheridan North). West Westminster (Sheridan to Westmoor Business Park) and Central Westminster (City Hall & the Public Safety Center).

The purpose of bidding facilities by geographic locations or campus settings is that it allows each company to concentrate in one area of the City. In addition, it reduces the number of miles driven by the contractors throughout the City and ultimately reduces the cost of providing custodial services. The original bid results from the bidding process are attached to this document.

Negotiated bid results by lowest responsive bid and by geographic location are as follows:

CUSTODIAL SERVICES BIDS BY CAMPUS LOCATIONS

Location	KG	Carnation	Ditirro	American	Varsity	Fund
The MAC (night)	29,400.00					PR&L
The MAC (Day Porter)	41,580.00					PR&L
Irving Street Library			12,732.00			GS
Swim & Fitness (night)			22,068.00			GS
Swim & Fitness (Day Porter)			38,800.20			PR&L
Municipal Court			14,125.56			GS
City Hall (night)	31,800.00					GS
City Hall (Day Porter)	14,556.00					GS
Public Safety (night)	38,400.00					GS
Public Safety (Day Porter)	41,580.00					GS
Westminster Sports Center					8,836.92	PR&L
MSC/Admin					16,895.52	GS
MSC/Annex					3,623.40	GS
MSC/Fleet					5,349.48	GS
Semper Water Treatment		12,972.00				PW&U
City Park Fitness					38,317.44	GS
City Park Rec (night)	61,200.00					GS
City Park Rec (Day Porter)	25,980.00					PR&L
Wellness Center					5,111.04	GS
Park Operations				4,832.40		GS
Northwest Water Treatment		3,012.00				PW&U
Brauch Property	3,000.00					PR&L
Countryside Rec			2,452.00			GS
Westview Rec (night)	33,300.00					GS
Westview Rec (Day Porter)	29,100.00					PR&L
Heritage Club House	7,299.95					PR&L
Legacy Ridge Club House				5,130.96		PR&L
Big Dry Creek Waste Water				8,534.28		PW&U
Big Dry Creek Reclaimed				1,640.40		PW&U
Orchard Police Substation				2,394.60		GS
Additional costs						
Carillon Tower	1,200.00					GS
Bio Hazard Cleaning	7,200.00					GS
Total by Contractor	365,596.00	15,984.00	90,177.76	22,532.64	78,133.80	

Criteria used by Staff to evaluate bids for an award recommendation were:

- Cost of services contracts based on geographic campus locations
- Proposed hours and staffing requirements at each facility
- Recommendations from present clients
- Past performance providing custodial services for the City of Westminster

As a result of the City's competitive bid process, evaluations of proposals, recommendations of present clients and past history working with the City of Westminster, Staff is recommending one-year custodial service contracts, with two one-year renewal options, be awarded to KG Clean, Inc., Carnation Building Services Inc., DiTirro Building Service LLC, American Facilities Service Group, and Varsity Facility Services to provide both daytime and nightly custodial services in City facilities.

Accepting the lowest responsive bids, accepting proposals based on geographic locations, and the benefit of cost savings to the City by contracting with private sector custodial companies to provide clean, healthy and well maintained facilities for Westminster residents and City employees achieves City Council's strategic goal for providing Excellence In City Services.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Original Bid Results

2014 Custodial Service - Original Bid Results

Facility	X's Per Week	American	Carnation	DiTirro	KG Clean	Varsity
Big Dry Creek Reclaimed Water	3	1,640.40	6,840.00	No Bid	3,933.00	9,369.36
Big Dry Creek Waste Water	3	8,534.28	4,212.00	No Bid	8,847.00	2,891.04
Brauch Property	1	2,824.56	4,020.00	No Bid	3,000.00	1,007.88
Christopher Fields Restrooms- March 10 th – November 4 th only	7	16,197.00	6,024.00	No Bid	14,400.00	11,067.84
City Hall	3	40,466.88	41,556.00	No Bid	31,800.00	48,579.12
	4	50,248.92	55,416.00		40,500.00	58,883.52
City Park Fitness Center	7	46,404.72	45,876.00	No Bid	45,900.00	38,317.44
City Park Recreation Center	7	118,225.44	70,548.00	No Bid	61,200.00	91,842.60
Countryside Recreation Center May 15 th – September 4 th only	3	6,249.96	5,124.00	7,356.00	11,700.00	12,186.72
Heritage Club House April - October (7 months) November – March (5 months)	7	5,130.92	7,573.00	No Bid	7,300.00	10,048.20
	3					
Irving Street Library	6	16,797.00	14,196.00	12,732.00	17,112.00	19,600.92
Legacy Ridge Club House April - October (7 months) November – March (5 months)	7	5,130.92	7,902.00	No Bid	7,870.00	9,499.32
	3					
The MAC	5	34,755.24	61,968.00	No Bid	21,300.00	81,260.16
	7	39,260.04	86,760.00		29,400.00	94,540.32
Municipal Court	4	20,977.56	17,484.00	14,125.56	16,944.00	19,983.00
Municipal Service Center – Admin.	4	27,623.28	17,196.00	No Bid	14,400.00	16,895.52
Municipal Service Center – Annex	4	3,814.08	5,316.00	No Bid	6,300.00	3,623.40
Municipal Service Center – Fleet	4	4,203.72	5,316.00	No Bid	8,100.00	5,349.48
Northwest Water Treatment Plant	1	2,305.68	3,012.00	No Bid	3,540.00	944.76
Orchards Police Substation	1	2,394.60	4,464.00	No Bid	1,500.00	1,052.76
Park Operations Center	3	4,832.40	6,132.00	No Bid	7,500.00	6,018.72
Public Safety Center	7	61,216.08	89,112.00	No Bid	48,000.00	99,393.00
	5	47,448.00	63,708.00		38,400.00	97,251.36
Semper Water Treatment Plant	5	22,904.52	12,972.00	No Bid	22,200.00	26,492.76
Swim and Fitness Center	7	39,565.44	68,844.00	22,068.00	30,900.00	76,650.60
Wellness Clinic	4	4,615.80	8,616.00	No Bid	6,234.00	5,111.04
West View Recreation Center	7	46,287.60	64,596.00	No Bid	33,300.00	80,035.92
Westminster Sports Center November - February (4 months) March - October (8 months)	7	16,472.04	19,476.00	No Bid	12,679.92	8,836.92
	4					

Total bid at lower amount of service days		545,802.04	572,971.00	N/A	436,359.92	683,916.84
Total bid at higher amount of service days		573,856.96	637,027.00	N/A	462,759.92	709,643.04

2014 Custodial Service - Original Bid Results

Day Porter		American	Carnation	DiTirro	KG Clean	Varsity
City Hall	16 hours/week	15,540.36	34,896.00	No Bid	No Bid	11,424.00
City Park Recreation Center	21 hours/week	24,719.16	17,160.00	No Bid	25,980.00	18,060.00
The MAC	40 hours/week	40,722.84	34,992.00	No Bid	41,580.00	28,896.00
Public Safety Center	40 hours/week	42,681.36	34,992.00	No Bid	41,580.00	28,896.00
Swim and Fitness Center	40 hours/week	32,748.84	36,528.00	38,800.20	41,580.00	30,572.64
West View Recreation Center	28 hours/week	27,162.12	24,492.00	No Bid	29,100.00	20,381.76
Monthly Total		183,574.68	183,060.00	38,800.20	179,820.00	138,230.40

Additional Alternate Services	Per Occasion	American	Carnation	DiTirro	KG Clean	Varsity
City Hall Carillon Tower Cleaning		150.00	100.00	No Bid	175.00	75.00
Bio-Hazard Clean Up & Disposal		125.00	325.00	No Bid	300.00	125.00



Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Intergovernmental Agreement (IGA) with Adams County re Performance of Rehabilitation of Certain Streets in 2014

Prepared By: Kurt Muehlemeyer, Pavement Management Coordinator
Dave Cantu, Street Operations Manager

Recommended City Council Action

Authorize the City Manager to sign an Intergovernmental Agreement (IGA) with Adams County that provides for reimbursement of funds by Adams County to the City of Westminster for Adams County’s portions of the proposed street rehabilitation of West 92nd Avenue, Grove Street to Lowell Boulevard; Lowell Boulevard, West 80th Avenue to West 92nd Avenue; West 84th Avenue, Irving Street to Lowell Boulevard; Irving Street, West 82nd Avenue to West 84th Avenue; West 82nd Avenue, Irving Street to Lowell Boulevard; Princeton Street, West 88th Avenue to West 89th Way and provides for reimbursement of funds by the City of Westminster to Adams County for Westminster’s portion of Shaw Boulevard, Circle Drive, west to the Westminster City limit.

Summary Statement

- The City of Westminster and Adams County identified West 92nd Avenue, Grove Street to Lowell Boulevard; Lowell Boulevard, West 80th Avenue to West 92nd Avenue; West 84th Avenue, Irving Street to Lowell Boulevard; Irving Street, West 82nd Avenue to West 84th Avenue; West 82nd Avenue, Irving Street to Lowell Boulevard; Princeton Street, West 88th Avenue to West 89th Way and Shaw Boulevard, Circle Drive, west to the Westminster City limit for resurfacing in 2014 to seal the pavement, provide a new riding surface and prolong pavement life.
- The City of Westminster and Adams County share responsibility for maintaining and repaving their respective portions of the above-noted segments of roadway.
- An IGA has been negotiated between the City of Westminster and Adams County regarding cooperation for asphalt resurfacing and concrete replacement.
- The planned street improvements were included in the City of Westminster’s 2014 Concrete Replacement Project and the 2014 Hot-In-Place Recycling and Repaving Project previously approved by City Council and the 2014 Slurry Seal Project and 2014 Chip Seal Project bid awards being concurrently presented with this memorandum.
- The proposed IGA calls for Adams County to reimburse Westminster \$151,878 for its portion of Westminster’s total cost for asphalt resurfacing and concrete replacement on West 92nd Avenue, Grove Street to Lowell Boulevard; Lowell Boulevard, West 80th Avenue to West 92nd Avenue; West 84th Avenue, Irving Street to Lowell Boulevard; Irving Street, West 82nd Avenue to West 84th Avenue; West 82nd Avenue, Irving Street to Lowell Boulevard; Princeton Street, West 88th Avenue to West 89th Way; no later than thirty days after they receive an invoice from the City of Westminster. The IGA also calls for the City of Westminster to reimburse Adams County \$5,834 for the City’s portion of Shaw Boulevard, Circle Drive, west to the Westminster City limit.
- Adequate funds have been budgeted and are available to fund the City’s obligations in this IGA.

Expenditure Required: \$5,834

Source of Funds: General Fund - Street Operations Division Operating Budget

Policy Issue

Should the City enter into an Intergovernmental Agreement (IGA) with Adams County to provide for reimbursement of funds to the City for Adams County’s portions of street rehabilitation on the aforementioned roadways and to provide reimbursement of funds to Adams County for the City’s portion of Shaw Boulevard, Circle Drive, west to the Westminster City limit?

Alternative

Do not enter into an IGA with Adams County and complete only the City’s portion of the proposed roadway work. Staff does not recommend this alternative because the result would be lower quality construction work, possibly different resurfacing strategies on each street, further pavement deterioration increasing patching costs and disrupting the public multiple times at the same location. The cooperative agreement is the most cost effective, sound construction approach and makes the most sense for both entities.

Background Information

Staff planned for and contracted for 100% of the street improvements on West 92nd Avenue, Grove Street to Lowell Boulevard; Lowell Boulevard, West 80th Avenue to West 92nd Avenue; West 84th Avenue, Irving Street to Lowell Boulevard; Irving Street, West 82nd Avenue to West 84th Avenue; West 82nd Avenue, Irving Street to Lowell Boulevard; Princeton Street, West 88th Avenue to West 89th Way, with the understanding that an IGA would be executed committing Adams County funds for its portion.

Adams County staff planned and contracted for 100% of the street improvements on Shaw Boulevard, Circle Drive, west to the Westminster City limit, with the understanding that an IGA would be executed committing City of Westminster funds for the City’s portion of the work.

Staff and Attorneys from the two respective agencies have produced an IGA that allows for compensation in 2014 to Westminster for the portion of the planned street improvements that reside in unincorporated Adams County and compensation in 2014 to Adams County for the portion of Shaw Boulevard, Circle Drive, west to the Westminster City limit, which resides in Westminster. Westminster and Adams County share responsibility for maintaining and repaving their respective portions of the aforementioned roadways and in 2014 both agencies are willing to enter into an IGA that provides for reimbursement for each agency’s portion of the selected roadways.

This IGA helps achieve City Council’s Strategic Plan Goals of “Proactive Regional Collaboration,” “Vibrant & Inclusive Neighborhoods,” “Excellence in City Services,” and “Ease of Mobility” by meeting the following objectives: providing well maintained City infrastructure through timely resurfacing of roadways.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Intergovernmental Agreement

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF WESTMINSTER AND ADAMS COUNTY FOR THE
PERFORMANCE OF REHABILITATION OF CERTAIN STREETS IN 2014**

THIS AGREEMENT, made and entered into as of this May 19, 2014, is entered into by and between the City of Westminster, Colorado (“Westminster”), and the County of Adams, Colorado (“Adams County”).

WITNESSETH

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution, as well as Section 29-1-201, et seq., and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, Westminster desires to contract for certain street improvements on West 92nd Avenue from Grove Street to Lowell Boulevard; Lowell Boulevard from West 80th Avenue to West 92nd Avenue; West 84th Avenue from Irving Street to Lowell Boulevard; Irving Street from West 82nd Avenue to West 84th Avenue; and West 82nd Avenue from Irving Street to Lowell Boulevard; Princeton Street from West 88th Avenue to West 89th Way; Shaw Boulevard from Circle Drive to 183’ West to City Limits and

WHEREAS, Westminster is responsible for rehabilitation of those portions of West 92nd Avenue from Grove Street to Lowell Boulevard; Lowell Boulevard from West 80th Avenue to West 92nd Avenue; West 84th Avenue from Irving Street to Lowell Boulevard; Irving Street from West 82nd Avenue to West 84th Avenue; and West 82nd Avenue from Irving Street to Lowell Boulevard, Princeton Street from West 88th Avenue to West 89th Way; Shaw Boulevard from Circle Drive to 183’ West to City Limits situated within Westminster; and

WHEREAS, Adams County is responsible for rehabilitation of those portions of West 92nd Avenue from Grove Street to Lowell Boulevard; Lowell Boulevard from West 80th Avenue to West 92nd Avenue; West 84th Avenue from Irving Street to Lowell Boulevard; Irving Street from West 82nd Avenue to West 84th Avenue; and West 82nd Avenue from Irving Street to Lowell Boulevard, Princeton Street from West 88th Avenue to West 89th Way; Shaw Boulevard from Circle Drive to 183’ West to City Limits situated within Adams County; and

WHEREAS, Westminster is willing to include Adams County’s portion of West 92nd Avenue from Grove Street to Lowell Boulevard; Lowell Boulevard from West 80th Avenue to West 92nd Avenue; West 84th Avenue from Irving Street to Lowell Boulevard; Irving Street from West 82nd Avenue to 84th Avenue; and West 82nd Avenue from Irving Street to Lowell Boulevard, Princeton Street from West 88th Avenue to West 89th Way in the same contracts as Westminster will be entering into for those street improvements located within Westminster (the “Adams County Work”); and

WHEREAS, Adams County’s is willing to include Westminster’s portion of Shaw Boulevard from Circle Drive to 183’ West to City Limits. In the same contracts as Adams County will be entering into for those street improvements located within Adams County (the “City of Westminster Work”) and

NOW, THEREFORE, in consideration for the making and performance of the mutual promises and covenants contained herein the parties agree as follows:

1.0 SCOPE OF WORK

- 1.1 Westminster shall perform street rehabilitation of West 92nd Avenue from Grove St to King Way. These repairs will be performed on that portion of West 92nd Avenue located in Westminster and on 6,958 square yards of pavement presently located within Adams County, as shown on attached Exhibit "A" and Listed on Exhibit "B" and Exhibit "D". It is agreed that these repairs shall include improvements to the eastbound lanes of the portion of West 92nd Avenue located in Adams County consisting of placement of a 3/8" Chipseal, replacement of deteriorated curb, gutter, sidewalk, and curb ramps, restriping of the roadway, as well as, the replacement of all pavement markings. The work shall be secured by the contractor by payment and performance bonds and warranted by the contractor for a period of one year.
- 1.2 Westminster shall perform street rehabilitation of West 92nd Avenue from King Way to Lowell Boulevard. These repairs will be performed on that portion of West 92nd Avenue located in Westminster and on 670 square yards of pavement presently located within Adams County, as shown on attached Exhibit "A" and listed on Exhibit "C". It is agreed that these repairs shall include improvements to the eastbound lanes of the portion of West 92nd Avenue located in Adams County consisting of construction of Hot in Place Recycling (HIPR), restriping of the roadway, as well as, the replacement of all pavement markings. The work shall be secured by the contractor by payment and performance bonds and warranted by the contractor for a period of one year.
- 1.3 Westminster shall perform street rehabilitation of Lowell Boulevard from West 88th Avenue to West 92nd Avenue. These repairs will be performed on that portion of Lowell Boulevard located in Westminster and on 5,348 square yards of pavement presently located within Adams County, as shown on attached Exhibit "A" and Listed on Exhibit "B" and Exhibit "D". It is agreed that these repairs shall include improvements to the northbound lanes of the portion of Lowell Boulevard located in Adams County consisting of placement of a 3/8" Chipseal, replacement of deteriorated curb, gutter, sidewalk, and curb ramps, restriping of the roadway, as well as, the replacement of all pavement markings. The work shall be secured by the contractor by payment and performance bonds and warranted by the contractor for a period of one year.
- 1.4 Westminster shall perform street rehabilitation of Lowell Boulevard from West 80th Avenue to West 88th Avenue. These repairs will be performed on that portion of Lowell Boulevard located in Westminster and on 1,040 square yards of pavement presently located within Adams County, as shown on attached Exhibit "A" and listed on Exhibit "C". It is agreed that these repairs shall include improvements to the southbound lanes of the portion of Lowell

Bldv located in Adams County consisting of construction of Hot in Place Recycling, restriping of the roadway, as well as, the replacement of all pavement markings. The work shall be secured by the contractor by payment and performance bonds and warranted by the contractor for a period of one year.

- 1.5 Westminster shall perform street rehabilitation of West 84th Avenue from Irving Street to Lowell Boulevard. These repairs will be performed on that portion of West 84th Avenue located in Westminster and on 3,596 square yards of pavement presently located within Adams County, as shown on attached Exhibit "A" and listed on Exhibit "C". It is agreed that these repairs shall include improvements to the eastbound lanes of the portion of West 84th Avenue located in Adams County consisting of construction of Hot in Place Recycling, and restriping of the roadway, as well as, the replacement of all traffic markings. The work shall be secured by the contractor by payment and performance bonds and warranted by the contractor for a period of one year.
- 1.6 Westminster shall perform street rehabilitation of Irving Street from West 82nd Avenue to West 84th Avenue. These repairs will be performed on Irving Street located in Westminster and on 1,736 square yards located in Adams County, as shown on attached Exhibit "A" and listed on Exhibit "B". Consisting of a placement of a Type II Slurry Seal. The work shall be secured by the contractor by payment and performance bonds and warranted by the contractor for a period of one year.
- 1.7 Westminster shall perform street rehabilitation of West 82nd Avenue from Irving Street to Lowell Boulevard. These repairs will be performed on 82nd Avenue located in Westminster and on 2,122 square yards located in Adams County, as shown on attached Exhibit "A" and listed on Exhibit "B". Consisting of a placement of a Type II Slurry Seal. The work shall be secured by the contractor by payment and performance bonds and warranted by the contractor for a period of one year.
- 1.8 Westminster shall perform street rehabilitation of Princeton Street from West 88th Avenue to West 89th Way. These repairs will be performed on Princeton Street located in Westminster and on 2,230 square yards located in Adams County, as shown on attached Exhibit "A" and listed on Exhibit "B". Consisting of a placement of a Type II Slurry Seal. The work shall be secured by the contractor by payment and performance bonds and warranted by the contractor for a period of one year.
- 1.9 Adams County shall perform street rehabilitation of Shaw Boulevard from Circle Drive to 183' West to City Limit. These repairs will be performed on Shaw Boulevard located in Adams County and on 732 square yards located in Westminster, as shown on attached Exhibit "A" and listed on Exhibit "C". Consisting of a placement of a 2" Mill and Overlay. The work shall be secured by the contractor by payment and performance bonds and warranted by the contractor for a period of one year.

2.0 PAYMENT

- 2.1 Adams County shall pay Westminster based on the County's portion of the actual cost incurred by Westminster for the Adams County Work and approved by the County. An estimated cost for the County is approximately \$151,877.83, as set forth in Exhibit A, Exhibit B, Exhibit C and Exhibit D. Westminster shall send an invoice to Adams County, with approved quantities and unit prices, and Adams County shall pay Westminster within 30 days of receipt of the invoice.
- 2.2 Westminster shall pay Adams County based on the City's portion of the actual cost incurred by Adams County for the City of Westminster Work and approved by the City. An estimated cost for the City is approximately \$5,834, as set forth in Exhibit A and Exhibit C. Adams County shall send an invoice to Westminster, with approved quantities and unit prices, and Westminster shall pay Adams County within 30 days of receipt of the invoice.

3.0 PROJECT MANAGER

- 3.1 Westminster's project manager for the project is Rob Dinnel, Street Project Specialist, Department of Public Works and Utilities, Street Operations Division.
- 3.2 Adams County's project manager for the Project is Jennifer W. Shi, PE, Senior Engineer, Adams County Transportation Department/Engineering Division.
- 3.3 The project managers from both Westminster and Adams County shall be the primary points of contact for questions and inquiries about the Project, and shall be responsible for reporting to their respective entities the progress of the Project, as well as any problems which might arise. Westminster and Adams County may change their designated project managers upon written notice to the other party. All notices given pursuant to this Agreement should be sent to the attention of the project manager of the party to whom the notice is being given.

4.0 COOPERATION. Westminster and Adams County hereby agree that, upon execution of this Agreement and commencement of the Project, they will cooperate with each other to the fullest extent in the scheduling of the work, supervision, and review when applicable to ensure the successful completion of the Project. Adams County may inspect the project but shall communicate to the Contractor through Westminster. The Parties agree to use their best efforts to complete all work contemplated by this Agreement by September 30, 2014.

5.0 WARRANTY. The parties agree that any contracts awarded for the construction of the Project shall be warranted by the selected Contractor for a one (1) year period, and that surety be provided for enforcement of this warranty.

6.0 INSURANCE AND INDEMNIFICATION.

- 6.1 During the term of this Agreement, both parties shall maintain property and general liability insurance in commercially reasonable amounts, either or both parties may meet this obligation through their membership in the insurance pool provided by the Colorado Intergovernmental Risk Sharing Agency(CIRSA), to insure them from claims arising from the Project.
- 6.2 Westminster shall require that all contractors, subcontractors, and independent contractors employed by Westminster for the Project maintain property, general liability and statutory worker's compensation insurance in such amounts as to insure Westminster, and Adams County as an additional insured, to the statutory limits of their liability.
- 6.3 Westminster shall require that the selected Contractor for the Project and its subcontractors indemnify, defend and hold harmless Adams County and Westminster, and their respective Mayors and Councils, officials, and employees from and against any and all claims, demands, suits, actions, proceedings, judgments, losses, damages, injuries, penalties, costs, expenses (including attorney's fees) and liabilities of, by or with respect to third parties to the extent they arise, or may be alleged to arise, directly or indirectly, in whole or in part, from the intentional misconduct or negligent acts or omissions of the selected Contractor, the selected Contractor's subcontractors, suppliers, and/or employees in connection with work on the Project.

7.0 ADDITIONAL DOCUMENTS OR ACTION. The parties agree to execute any additional action that is necessary to carry out this Agreement.

8.0 ASSIGNMENT. This Agreement shall not be assigned by either party without the prior written consent of the other party.

9.0 FORCE MAJEURE. Any delays in or failure of performance by any party of his or its obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, regulations or orders of civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control and such party.

10.0 BINDING EFFECT. This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representative, successors, heirs, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.

11.0 EXHIBITS. All exhibits referred to in this Agreement are, by reference, incorporated herein for all purposes.

12.0 NOTICES. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by

certified mail or registered mail, postage and fees prepaid, addressed to the project manager as referenced in paragraph 3.0 above at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited in the United States mail.

13.0 PARAGRAPH CAPTIONS. The captions of the paragraphs are set forth only for the convenience and reference of the parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

14.0 INTEGRATION AND AMENDMENT. This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties. If any other provision of the Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

15.0 DEFAULT. Time is of the essence. If any payment or any other condition, obligation, or duty is not timely made, tendered or performed by either party, then this Agreement, at the option of the party who is not in default, maybe terminated by the nondefaulting party, in which case, the nondefaulting party may recover such damages as may be proper. If the nondefaulting party elects to treat this Agreement as being in full force and effect, the nondefaulting party shall have the right to an action for specific performance or damage or both.

16.0 WAIVER OF BREACH. A waiver by any party to the Agreement of the breach of any term or provision of this Agreement shall not operate, or be construed as, a waiver of any subsequent breach by either party.

17.0 ATTORNEY'S FEES. If any party breaches this Agreement, the breaching party shall pay all of the prevailing party's reasonable attorney's fees and costs in enforcing this Agreement.

18.0 GOVERNING LAW AND VENUE. This Agreement shall be governed by the laws of the State of Colorado. Venue for any action arising under this Agreement or for the enforcement of this Agreement shall be in the appropriate court for Adams County, Colorado.

19.0 GOVERNMENTAL IMMUNITIES.

19.1 The Parties hereto intend that nothing herein shall be deemed or construed as a waiver by either party of any rights or protections afforded to them under the Colorado Governmental Immunity Act (Section 24-10-101, C.R.S., et seq.)

19.2 Adams County and Westminster agree that in the event any claim or suit is brought against either or both parties by any third party as a result of the operation of this Agreement that both parties will cooperate with each other, and with the insuring entities of both parties, in defending such claim or suit.

20.0 Illegal Aliens - Public Contracts for Services. Westminster shall require that the selected Contractor for the Project and its subcontractors are in compliance with CRS §8-17.5-101 *et seq.*

City of Westminster,
A Colorado municipal corporation

By: J. Brent McFall, City Manager
4800 West 92nd Avenue
Westminster, Colorado 80031

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO**

By: Charles "Chaz" Tedesco, Chairman of the
Board

ATTEST:

Deputy Clerk

APPROVED AS TO FORM:

County Attorney

Date of Approval: _____

Exhibit "B"

2014 City of Westminster & Adams County Street Rehabilitation Projects Seal Coats

1.1 Location	From	To	Length	Width	Sq Yards
West 92nd Avenue	Grove Street	King Way	1,912	60	12,747
	Turn Lane Judson St	Grove St	506	10	585
Chip Seal					

Cost Item	Unit Price	Westminster Qty		Adams County Qty	Westminster Cost	Adams County Cost
3/8" Chipseal	\$2.69	6,373	SY	6,958	\$17,144.27	\$18,717.14
Lane Lines (Latex Paint)	\$0.72	2,300	SF	1,341	\$1,656.00	\$965.52
					\$18,800.27	\$19,682.66

1.3 Location	From	To	Length	Width	Sq Yards
Lowell Boulevard	West 88th Avenue	West 92nd Avenue	2,566	41	11,690
Chip Seal					

Cost Item	Unit Price	Westminster Qty		Adams County Qty	Westminster Cost	Adams County Cost
3/8" Chipseal	\$2.69	6,342	SY	5,348	\$17,058.78	\$14,386.12
Lane Lines (Latex Paint)	\$0.72	1,122	SF	1,358	\$807.84	\$977.76
Thermoplastic Crosswalks	\$8.40	80	SF	144	\$672.00	\$1,209.60
Thermoplastic Stop Bar	\$8.40	78	SF	82	\$655.20	\$688.80
Thermoplastic Turn Arrows	\$220.00	5	Each	3	\$1,100.00	\$660.00
Lane Lines (Latex Paint)	\$0.72	2,300	SF	1,341	\$1,656.00	\$965.52
					\$21,949.82	\$18,887.80

1.6 Location	From	To	Length	Width	Sq Yards
Irving Street	West 82nd Avenue	West 84th Avenue	1,272	24.5	3,472
Slurry Seal					

Cost Item	Unit Price	Westminster Qty		Adams County Qty	Westminster Cost	Adams County Cost
Slurry Seal	\$1.64	1,736	SY	1,736	\$2,847.04	\$2,847.04
					\$2,847.04	\$2,847.04

1.7 Location	From	To	Length	Width	Sq Yards
West 82nd Avenue	Irving Street	Lowell Boulevard	1,329	29	4,244
Slurry Seal					

Cost Item	Unit Price	Westminster Qty		Adams County Qty	Westminster Cost	Adams County Cost
Slurry Seal	\$1.64	2,122	SY	2,122	\$3,480.08	\$3,480.08
					\$3,480.08	\$3,480.08

1.8 Location	From	To	Length	Width	Sq Yards
Princeton Street	West 88th Avenue	West 89th Way	1,115	36	4,460
Slurry Seal					

Cost Item	Unit Price	Westminster Qty		Adams County Qty	Westminster Cost	Adams County Cost
Slurry Seal	\$1.64	2,230	SY	2,230	\$3,657.20	\$3,657.20
					\$3,657.20	\$3,657.20

Westminster Seal Coat Total \$50,734.41
 Adams County Seal Coat Total \$48,554.78

Exhibit "C"

2014 City of Westminster & Adams County Street Rehabilitation Projects Asphalt Paving

1.2	Location	From	To	Length	Width	Sq Yards
	West 92nd Avenue	King Way	Lowell Blvd	201	60	1,340
	Hot-In Place Recycle					
	Cost Item	Unit Price	Westminster Qty	Adams County Qty	Westminster Cost	Adams County Cost
	Removal of Asphalt Mat (Planing)	\$2.00	193 SY	193	\$386.00	\$386.00
	HIPR	\$2.60	670 SY	670	\$1,742.00	\$1,742.00
	Rejuvenating Agent	\$3.65	41 Gal	41	\$149.65	\$149.65
	HMA	\$39.00	59 Tons	59	\$2,301.00	\$2,301.00
	Hauling HMA < 10 miles each way	\$10.50	59 Tons	59	\$619.50	\$619.50
	Traffic Control	\$2,000.00	2 LS/Day	0	\$4,000.00	\$0.00
	Message Boards	\$750.00	4 Days	0	\$3,000.00	\$0.00
	Lane Lines (Epoxy Paint)	\$0.80	87 SF	175	\$69.60	\$140.00
	Thermoplastic Crosswalks	\$10.00	80 SF	64	\$800.00	\$640.00
	Thermoplastic Turn Arrows	\$250.00	2 Each	0	\$500.00	\$0.00
					\$13,567.75	\$5,978.15
1.4	Location	From	To	Length	Width	Sq Yards
	Lowell Boulevard	West 80th Avenue	West 88th Avenue	5,134	32	18,254
	Adams County Section	West 82nd Avenue	Bradburn Drive	360	26	1,040
	Hot-In Place Recycle					
	Cost Item	Unit Price	Westminster Qty	Adams County Qty	Westminster Cost	Adams County Cost
	Removal of Asphalt Mat (Planing)	\$2.00	4,100 SY	0	\$8,200.00	\$0.00
	HIPR	\$2.60	17,214 SY	1,040	\$44,756.98	\$2,704.00
	Rejuvenating Agent	\$3.65	888 Gal	62	\$3,241.20	\$226.30
	HMA	\$39.00	1,500 Tons	91	\$58,500.00	\$3,549.00
	Hauling HMA < 10 miles each way	\$10.50	1,500 Tons	91	\$15,750.00	\$955.50
	Traffic Control	\$2,000.00	6 LS/Day	0	\$12,000.00	\$0.00
	Message Boards	\$750.00	12 Days	0	\$9,000.00	\$0.00
	Lane Lines (Epoxy Paint)	\$0.80	4,555 SF	427	\$3,644.00	\$341.60
	Thermoplastic Crosswalks	\$10.00	104 SF	0	\$1,040.00	\$0.00
	Thermoplastic Stop Bar	\$10.00	94 SF	0	\$940.00	\$0.00
	Thermoplastic Turn Arrows	\$250.00	3 Each	0	\$750.00	\$0.00
					\$157,822.18	\$7,776.40
1.5	Location	From	To	Length	Width	Sq Yards
	West 84th Avenue	Irving Street	Lowell Blvd	1,338	34	5,055
	Hot-In Place Recycle					
	Cost Item	Unit Price	Westminster Qty	Adams County Qty	Westminster Cost	Adams County Cost
	Removal of Asphalt Mat (Planing)	\$2.00	0 SY	0	\$0.00	\$0.00
	HIPR	\$2.60	1,459 SY	3,596	\$3,792.53	\$9,349.60
	Rejuvenating Agent	\$3.65	88 Gal	216	\$321.20	\$788.40
	HMA	\$39.00	128 Tons	316	\$4,992.00	\$12,324.00
	Hauling HMA < 10 miles each way	\$10.50	128 Tons	316	\$1,344.00	\$3,318.00
	Traffic Control	\$2,000.00	2 LS/Day	0	\$4,000.00	\$0.00
	Message Boards	\$750.00	4 Days	0	\$3,000.00	\$0.00
	Lane Lines (Epoxy Paint)	\$0.80	309 SF	1,223	\$247.20	\$978.40
	Thermoplastic Crosswalks	\$10.00	0 SF	0	\$0.00	\$0.00
	Thermoplastic Stop Bar	\$10.00	36 SF	0	\$360.00	\$0.00
	Thermoplastic Turn Arrows	\$250.00	0 Each	0	\$0.00	\$0.00
					\$18,056.93	\$26,758.40

1.9 Location	From	To	Length	Width	Sq Yards	
Shaw Boulevard	Circle Drive	183' West to City Limits	183	36	732	
Mill & Overlay			183	36	732	
Cost Item	Unit Price	Westminster Qty		Adams County Qty	Westminster Cost	Adams County Cost
Removal of Asphalt Mat (Planing)	\$1.34	732	SY	0	\$980.88	\$0.00
HMA	\$60.27	80.52	Ton	0	\$4,852.94	\$0.00
					\$5,833.82	\$0.00

Westminster Asphalt Total \$195,280.68
Adams County Asphalt Total \$40,512.95

Exhibit "D"

2014 City of Westminster & Adams County Street Rehabilitation Projects Concrete

1.1 Location	From	To		Length	Width	Sq Yards
West 92nd Avenue	Grove Street	King Way		1,912	60	12,747
Turn Lane	Judson St	Grove St		506	10	585
Sidewalk	\$5.67	0	SF	1,395	\$0.00	\$7,909.65
Curb and Gutter (Type 2)	\$21.33	0	LF	432	\$0.00	\$9,214.56
Curb Gutter & Sidewalk (Type 2)	\$34.02	0	LF	308	\$0.00	\$10,478.16
Curb Ramps	\$972.00	0	Each	9	\$0.00	\$8,748.00
Crossspan	\$7.83	0	SF	1,428	\$0.00	\$11,181.24
HMA Patching	\$77.76	0	Tons	49	\$0.00	\$3,810.24
						\$51,341.85

1.3 Location	From	To		Length	Width	Sq Yards
Lowell Boulevard	West 88th Avenue	West 92nd Avenue		2,566	41	11,690
Sidewalk	\$5.67	0	SF	45	\$0.00	\$255.15
Curb and Gutter (Type 2)	\$21.33	0	LF	45	\$0.00	\$959.85
Curb Gutter & Sidewalk (Type 2)	\$34.02	0	LF	60	\$0.00	\$2,041.20
Crossspan	\$7.83	0	SF	443	\$0.00	\$3,468.69
Curb Ramps	\$972.00	0	Each	4	\$0.00	\$3,888.00
HMA Patching	\$77.76	0	Tons	11	\$0.00	\$855.36
						\$11,468.25

Adams County Concrete Total

\$62,810.10



Agenda Item 8 F

Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: 2014 Chipseal Project Contract Renewal

Prepared By: Rob Dinnel, Street Project Specialist
Dave Cantu, Street Operations Manager

Recommended City Council Action

Authorize the City Manager to execute a renewal of the current Chipseal Project contract with A-1 Chipseal Company for the 2014 calendar year in the amount of \$885,894 and authorize a contingency of \$88,590 for a total project budget of \$974,484.

Summary Statement

- On May 13, 2013, City Council approved the current Chipseal Project contract with A-1 Chipseal Company, with the option of annual contract renewals for 2014 and 2015. Annual unit price adjustments, if any, were to be based on the Consumer Price Index for Urban Consumers (CPIU) which amounted to an increase of 2.8% for 2014.
- Staff met with A-1 Chipseal Company concerning contract renewal, 2014 quantities and unit price increases. The contractor requested a 9.3 % increase and substantiated industry cost increases of aggregate used in the Chipseal process, fuel, labor as well as a current high demand for trucking throughout the Front Range.
- Based on Staff verification of contractor submittals substantiating the proposed cost increase and through investigation finding that the A-1's 2014 Chipseal pricing per square yard is 12% to 20% lower than Denver Metro area prices to date, Staff recommends extension of the current contract for one additional year.
- Adams County will be covering the costs for the work being done under this contract on their streets through the IGA that is presented for City Council consideration elsewhere on Monday night's City Council agenda.
- Adequate funds were budgeted and are available.

Expenditure Required: \$974,484

Source of Funds:

General Fund	
- Street Operations Division Operating Budget	\$783,064
General Capital Improvement Fund	
- Arterial Roadway Rehabilitation and Improvements	\$178,420
- New Bicycle Facilities	\$ 13,000

Policy Issue

Should the City extend the current Chipseal contract with A-1 Chipseal Company for application of chipseal products on city streets for one additional year?

Alternative

The City could choose to prepare bid documents and advertise the 2014 Chipseal contract for competitive bid submittals. This alternative is not recommended because the 2013 Chipseal Project contract was bid competitively and approved with renewal options for 2014 and 2015. A-1 Chipseal provided the only bid in 2013 and substantiated 2014 industry increases associated with the project. Staff has performed comprehensive research in checking other chipseal bids let in 2014 and is confident 2014 pricing represents the best value to the City. Another round of bidding is unlikely to result in any savings to the City and could possibly increase City costs. In addition, going through the bid process would delay the 2014 Chipseal Project.

Background Information

The 2014 Chipseal Project represents a total of 32 lane miles of pavement surface improvements to street segments throughout the City through a combination of two processes: double bonded hot applied chipseal resurfacing and conventional single process chipseal (see attached location list and map).

The double bonded hot applied chipseal resurfacing will be applied on 3 major roadways, totaling 8 lane miles of improvements, extending pavement life 8 to 10 years.

The conventional single process chipseal will be applied to 24 lane miles of residential roadways at 25 locations throughout the City, extending pavement life 8 to 10 years.

The contract documents for the 2013 Chipseal Project included a clause to allow annual contract renewals for 2014 and 2015 if beneficial to both parties. 2014 is the first renewal year for the Chipseal Project.

Annual unit price cost adjustments, if any, were to be based on the Consumer Price Index for Urban Consumers, which amounted to 2.8% for 2014. However, when Staff met with the contractor to discuss contract renewal issues, the contractor requested a 9.3% increase above 2013 unit prices to cover industry specific cost escalations outside of his control. Staff required the contractor to provide specific documentation detailing changes in fixed costs associated with the required work. In determining if continuance of the contract was beneficial to both parties, Staff verified the contractor submittals substantiating cost increases for the aggregate, increased demand for trucking in the Front Range, and increased costs due to healthcare reform. Staff also investigated 2014 pricing of chipseal per square yard in other cities in the Denver Metro area and found prices are 12% to 20% higher than Westminster's 2014 pricing.

In an effort to respond to citizen interest, Staff will send letters to affected residents explaining how chipseal is applied and what to expect during the curing period. Special attention will be given to consistent and timely inspection during the construction process and sweeping will be scheduled the day after the chipseal is applied. Once sweeping is done, a fogseal will be applied over the surface to seal loose rock from the top down. The fogseal finish has upgraded the quality of construction and has been done successfully for the past 22 years.

The Contractor, A-1 Chipseal Company, has successfully completed chipseal projects over the past 17 years in Westminster and the Denver Metro Area.

The Chipseal Project is based on the City's Comprehensive Pavement Management process. Through careful analysis it was determined that the preventative maintenance strategies outlined in this memorandum are the most cost effective solution for the listed streets.

The proposed Council action supports City Council's Strategic Plan Goals of "Vibrant & Inclusive Neighborhoods," "Excellence in City Services," and "Ease of Mobility" by meeting the following objectives: providing well maintained City infrastructure through timely resurfacing of roadways.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Location List
Location Map



2014 Chipseal Project Contract Renewal Location List

Arterial Chipseal Locations

	Location	From:	To:
1	Zuni Street	128th Ave	136th Ave
2	Huron Street	144th Ave	150th Ave
3	92nd Ave	Federal Blvd	Lowell Blvd
4	92nd Avenue	Wadsworth Pkwy	Yarrow St
5	Yarrow Street	92nd Ave	90th Ave
6	Reed Street	Church Ranch Blvd	North End
7	Promenade Drive South	Westminster Blvd	Westminster Blvd
8	Lowell Blvd	88th Ave	92nd Ave

Hot Applied Chipseal Locations

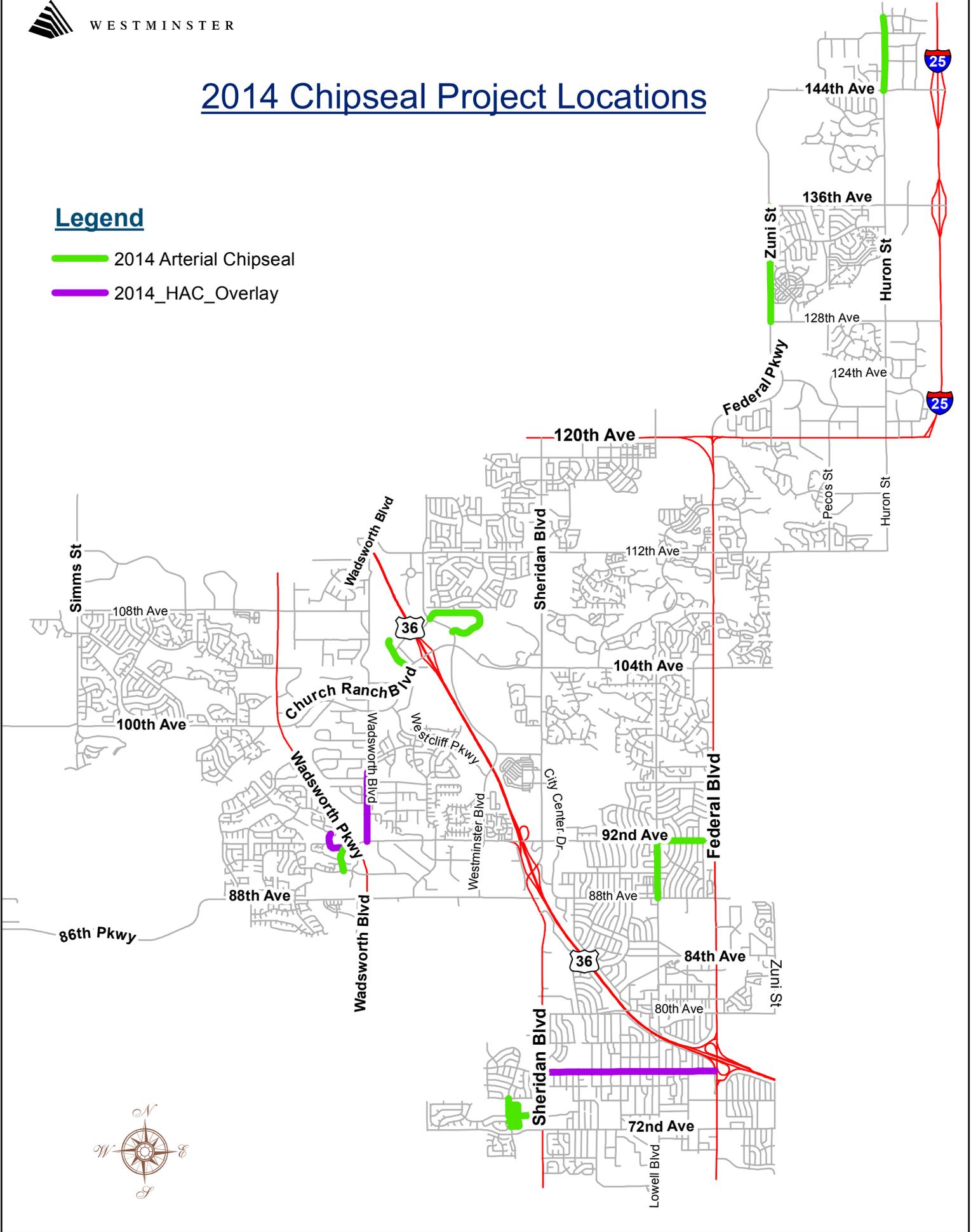
	Location	From:	To:
1	Wadsworth Blvd	92nd Ave	City Limit (N of 96th Ave)
2	Ammons Street	92nd Ave	93rd Way
3	76th Avenue	Turnpike Drive	Sheridan Blvd



2014 Chipseal Project Locations

Legend

-  2014 Arterial Chipseal
-  2014_HAC_Overlay





Agenda Item 8 G

Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: 2014 Slurry Seal Project Bid Award
Prepared By: Rob Dinnel, Street Project Specialist
Dave Cantu, Street Operations Division Manager

Recommended City Council Action

Authorize the City Manager to execute a contract for the 2014 Slurry Seal Project with options for two additional one-year renewals (2015 and 2016) to the low bidder, A-1 Chipseal Company, in the amount of \$465,852 and authorize a contingency of \$96,585 for a total project budget of \$562,437.

Summary Statement

- The 2014 Slurry Seal Project consists of 276,717 square yards of Conventional Slurry Seal on 88 residential streets (see attached location list).
- Sufficient contingency is requested to allow for anticipated slurry seal application on pavements following waterline replacements. This will provide a uniform finished product encompassing the entire pavement section and improved customer service.
- Formal bids were solicited on the City’s website via DemandStar.
- The low bidder, A-1 Chipseal Company, meets all of the City bid requirements and has successfully completed other roadway surface treatment projects in Westminster over the past 17 years.
- Annual contract renewals for 2015 and 2016 will require agreement by both parties and unit price cost adjustments based on the Consumer Price Index for All Urban Consumers.
- Adams County will be covering the costs for the work being done under this contract on their streets through the IGA that is presented for City Council consideration elsewhere on Monday night’s City Council agenda.
- Adequate funds were budgeted and are available for this expense.

Expenditure Required: \$562,437

Source of Funds:	General Fund - Street Operations Division Operating Budget	\$512,437
	Utility Fund – Utilities Field Operations Division Budget	\$50,000

Policy Issue

Should this bid be awarded to the low bidder, A-1 Chipseal Company, for the application of slurry seal on City streets as specified in the contract documents for this project and authorize negotiations for 2015 and 2016 upon agreement by both parties and including unit price cost adjustments based on Consumer Price Index for All Urban Consumers?

Alternatives

The City could choose to use alternative methods of resurfacing streets instead of slurry seal:

- Resurface streets with a 1-inch overlay of hot mix asphalt. With this alternative, the cost would increase by 90%.
- Apply a chipseal surface treatment to the streets earmarked for slurry seal. The cost with this alternative would increase by 61%.

Using the above-noted alternatives to slurry seal would decrease the amount of total citywide street work accomplished in 2014 compared to using the slurry seal process. Staff does not recommend these alternatives because they would not be the most cost effective street improvement strategies.

Background Information

The 2014 Slurry Seal Project represents 39 lane miles of pavement surface improvements to 88 street segments throughout the City. The slurry seal process has been applied successfully to City streets over the past decade. Staff is requesting sufficient contingency to allow for anticipated slurry seal application on pavements following waterline replacements. This will provide a uniform finished product encompassing the entire pavement section and improved customer service.

Formal bids were solicited in accordance with City bidding requirements for the 2014 Slurry Seal Project. Requests for proposals were advertised on the City's website via DemandStar. A-1 Chipseal Company was the low bidder of two companies submitting proposals.

The following sealed bids were received:

- | | |
|-------------------------|-----------|
| 1. A-1 Chipseal Company | \$465,852 |
| 2. Foothills Paving | \$482,668 |

Staff Estimate: \$555,653

Staff's estimated cost of \$555,653 included an increase over 2013 of 10% based on industry forecasts of 2014 price increases. A-1 Chipseal Company's actual bid decreased by 8.4%. The decrease can be attributed to a very competitive slurry seal market on the Front Range. In addition, the slurry seal aggregate is a readily available by-product of the chipseal aggregate crushing operation.

The contract sum for renewal periods 2015 and 2016 will be negotiated and agreed to by both parties. Any adjustment will not exceed the annual percent of change of the Consumer Price Index for All Urban Consumers.

The low bidder, A-1 Chipseal Company, meets all City bid requirements and has an entire crew experienced in the slurry seal process. A-1 Chipseal's crew has successfully completed slurry seal projects throughout the Denver Metro area, including Westminster, over the past 17 years.

The Slurry Seal Project is recommended based on the City's Comprehensive Pavement Management process. Through careful analysis it was determined that the preventative maintenance strategies outlined in this memorandum continue to be the most cost effective solutions.

The proposed Council action supports City Council's Strategic Plan Goals of "Vibrant & Inclusive Neighborhoods," "Excellence in City Services," and "Ease of Mobility" by meeting the following objectives: providing well maintained City infrastructure through timely resurfacing of roadways.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments: Slurry Seal List
Slurry Seal Location Map

2014 Residential Slurry Seal Location List

	Location	From:	To:
	Quail Crossing		
1.	Kalamath Street	136th Avenue	135th Lane
2.	135th Lane	Kalamath Court	Jason Court
3.	Jason Court	135th Court	13490 Jason Court Cul-de-sac
4.	135th Court	Jason Court	1290 135th Court Cul-de-sac
5.	Kalamath Court	134th Avenue	135th Lane
6.	135th Drive	Kalamath Court	West End
7.	Navajo Street	135th Drive	136th Avenue
8.	134th Place	Kalamath Court	Osage Street
9.	135th Place	134th Place	Osage Street
10.	135th Avenue	134th Place	Osage Street
11.	134th Drive	134th Place	Osage Street
12.	Osage Street	134th Avenue	135th Place
13.	133rd Way	134th Avenue	134th Avenue
14.	133rd Circle	133rd Way	133rd Way
15.	132nd Place	133rd Way	Osage Street
16.	133rd Circle	134th Avenue	134th Avenue (Includes 2 cul-de-sacs)
17.	133rd Court	133rd Circle	East End
18.	Mariposa Court	134th Avenue	South End
19.	Mariposa Street	133rd Circle	132nd Place
20.	Osage Street	132nd Avenue	133rd Way
21.	Pecos Street	134th Avenue	130th Drive
	Amherst		
22.	Quivas Street	134th Avenue	Raritan Street
23.	Raritan Street	134th Avenue	131st Court
24.	131st Court	Raritan Street	East End
25.	Raritan Court	131st Court	Shoeshone Street
26.	Shoeshone Street	134th Avenue	131st Place
27.	Tejon Street	132nd Avenue	131st Place
28.	Umatilla Street	132nd Avenue	131st Place
29.	131st Place	Umatilla Street	Shoeshone Street
30.	Umatilla Court	132nd Avenue	Harmony Park Drive
31.	131st Way	Umatilla Court	Wyandot Street
32.	Vallejo Court	132nd Avenue	South End
33.	Wyandot Street	132nd Avenue	131st Way
34.	Wyandot Street	132nd Avenue	Umatilla Street
35.	Umatilla Street	132nd Avenue	Wyandot Street
36.	Vallejo Court	132nd Avenue	North End
37.	Tejon Street	132nd Avenue	136th Avenue

38.	134th Way	Tejon Street	West End
39.	135th Court	Tejon Street	West End
40.	135th Avenue	Wyandot Street	Raritan Street
41.	Wyandot Street	135th Avenue	135th Place
42.	Vallejo Street	Tejon Street	135th Avenue
43.	135th Place	Wyandot Street	Raritan Street
44.	Shoeshone Street	132nd Avenue	135th Place
45.	Raritan Way	132nd Avenue	135th Place
46.	Raritan Street	132nd Avenue	135th Place
47.	Quivas Street	136th Avenue	South End
48.	135th Drive	Quivas Street	Pecos Street
49.	Pecos Street	135th Drive	Quivas Street
50.	Pecos Court	Pecos Street	South East End
51.	135th Way	Quivas Street	East End
	Westcliff		
52.	96th Drive	Pierce Street	Kendall Court
53.	96th Place	Kendall Court	West End
54.	Lamar Place	96th Drive	96th Place
55.	Kendall Court	96th Place	Marshall Way
56.	Marshall Way	Newland Court	98th Court
57.	97th Place	Marshall Way	East End
58.	Newland Court	96th Place	North End
59.	97th Place	Pierce Street	Newland Court
60.	Otis Court	96th Drive	Westcliff Parkway
61.	98th Drive	Otis Court	East End
62.	97th Court	Otis Court	West End
63.	98th Place	Otis Court	West End
64.	96th Court	Pierce Street	North East End
65.	97th Circle	Pierce Street	Pierce Street
66.	98th Circle	Pierce Street	Pierce Street
67.	Jay Street	Westcliff Parkway	North End
68.	Otis Street	Westcliff Parkway	North End
69.	99th Avenue	Jay Street	West End
70.	Pierce Street	Westcliff Parkway	99th Avenue
71.	Otis Court	99th Avenue	South End
72.	98th Drive	99th Avenue	99th Avenue
73.	Kendall Court	99th Avenue	North End
74.	98th Drive	99th Avenue	South End
75.	Quay Way	98th Avenue	Reed Street
76.	Reed Street	98th Avenue	Westcliff Parkway
77.	Teller Court	98th Avenue	North End
78.	Upham Drive	98th Avenue	Teller Court
79.	Upham Court	Upham Drive	South End
80.	98th Place	Upham Drive	West End

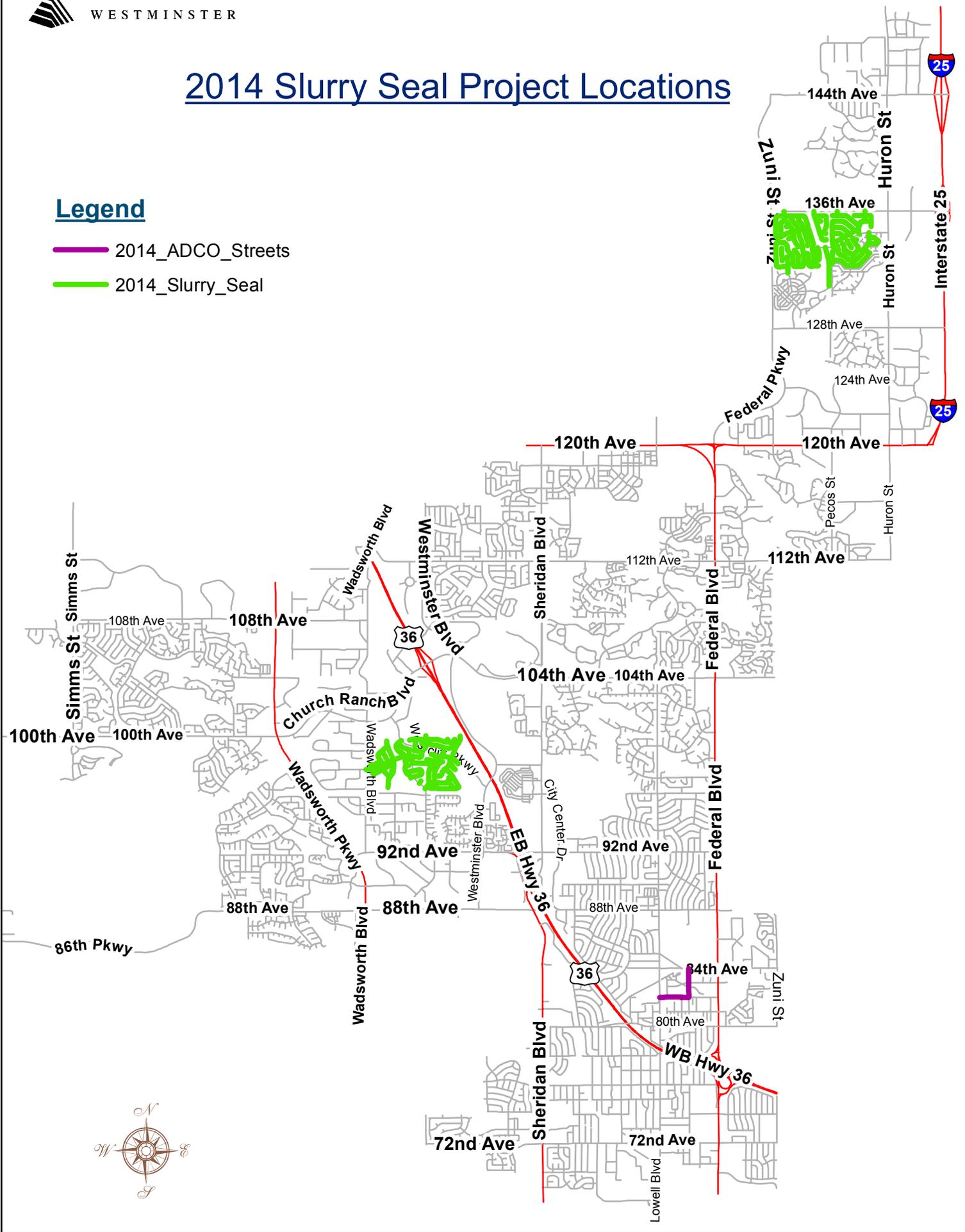
81.	98th Avenue	Wadsworth Blvd	Pierce Street
82.	Teller Court	98th Avenue	South End
83.	Teller Lane	Teller Court	97th Place
84.	97th Place	Teller Court	West End
85.	97th Place	98th Avenue	97th Place
86.	Quay Loop	Pierce Street	Pierce Street (Includes 3 cul-de-sacs)
	ADCO Streets		
87.	Irving Street	82nd Avenue	84th Avenue
88.	82nd Avenue	Irving Street	Lowell Boulevard



2014 Slurry Seal Project Locations

Legend

- 2014_ADCO_Streets
- 2014_Slurry_Seal





Agenda Item 8 H

Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Waterline Replacement: 88th Avenue and Zuni Street Design Contract

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

Recommended City Council Action

Authorize the City Manager to execute a contract with Kennedy Jenks Consultants in the amount of \$163,046 for engineering design of the waterline replacement in 88th Avenue and Zuni Street west of Federal Blvd and north of 84th Avenue, plus a contingency of \$16,304, for a total authorized expenditure of \$179,350.

Summary Statement

- This project involves the design of replacing approximately 2,700 feet of 12-inch diameter waterline in 88th Avenue from Federal Blvd. to Zuni Street and approximately 2,500 feet of 6-inch diameter waterline in Zuni Street from 88th Avenue to 84th Avenue (see attached map).
- The existing 12-inch and 6-inch diameter waterlines are 59 and 42 years old, respectively. Both have been prone to breaks, leaks and corrosion and have reached the end of their useful life.
- Replacing these lines is necessary to ensure the integrity and reliability of the distribution system.
- The project includes replacement of an old master meter vault that provides water to Federal Heights. The new vault will be relocated near 88th Avenue and Elm Court, an area that is away from major traffic and safer for operations and maintenance. The new location is also preferred by Federal Heights to better circulate water through their system.
- The project includes routing new fiber optic cabling along the proposed pipeline route to tie existing City facilities into the fiber network. This connection will improve the reliability of communications, which currently use a radio system that is prone to signal interruptions.
- Of four proposals received for design services, Staff believes Kennedy Jenks Consultants (Kennedy Jenks) provides the best value to the City.
- Kennedy Jenks has a history of successful projects of similar size and scope and proposed the most cost-effective approach to the project. Staff recommends awarding the contract to Kennedy Jenks.
- Adequate funds were budgeted and are available for this expenditure.

Expenditure Required: \$179,350

Source of Funds: Water Fund - 88th Ave. Water Main Replacement

Policy Issue

Should the City execute an engineering design contract with Kennedy Jenks Consultants for the Waterline Replacement: 88th Avenue and Zuni Street Project?

Alternatives

City Council could decline to approve the contract and place the project on hold. However, the existing waterlines are in poor condition and have a history of breaks. Delaying the project is not recommended since it could result in increased maintenance and repair expenses, possible service impacts to the residents and/or damage to streets or other infrastructure.

City Council could choose to award the contract to one of the other consultants that submitted a proposal. This is not recommended as Staff believes that Kennedy Jenks provides the best value for this project.

Background Information

The main element of this project is the replacement of two pipelines that are at the end of their useful lives, have a history of breaks, and are a priority for replacement. The first pipeline is a 12-inch diameter, rolled steel pipeline in 88th Avenue from Federal Blvd. to Zuni St. and is approximately 2,700 feet in length. This pipeline was installed in 1955 and has reached the end of its useful life. In addition, because rolled steel is not a common pipeline material, equipment to repair the pipe is difficult to acquire. This pipeline is part of a major loop within the distribution system making it important for the transmission of water throughout the central and east parts of the City. The second pipeline is a 6-inch diameter pipeline in Zuni Street from 88th Avenue to 84th Avenue and is approximately 2,500 feet in length. The existing line is a 42 year old cast iron pipe that has been prone to breaks, leaks and corrosion.

Replacing both of these pipelines is necessary to reduce the risk of line breaks, service interruptions and the resulting street excavation/repair activities. Because of their proximity to each other, replacement of these two pipelines is being combined into the same project. Aligning the project work in this way minimizes project costs and allows the City to complete the work more quickly to limit impacts to customers. The replacement pipelines will be sized to accommodate future conditions.

The project includes two components in addition to the pipeline replacements. The first component is extending fiber optic cable to add City infrastructure to the existing fiber optic communication system. Currently the 88th and Zuni Lift Station operates using a radio communications system that is prone to service interruptions. Connecting this station to the City's fiber system as part of the pipeline project is a cost effective way to increase communications reliability and enhance the operation, maintenance, and security of the lift station. The second component is replacement of an old master meter vault that provides water to Federal Heights. The new vault will be located near 88th Avenue and Elm Court, an area that is away from major traffic and safer for operations and maintenance. The current location of the vault is in the middle of the intersection of 92nd & Federal that poses a safety risk to City Staff. The new location is also preferred by Federal Heights to better circulate water through their system.

Federal Heights is interested in performing some of their own pipeline work in the same vicinity of this project. City Staff is working with them to coordinate their work and its timing to minimize impacts.

Staff distributed four Request for Proposals (RFP) for design of the project to local engineering firms qualified and specializing in this type of work. All four firms submitted proposals and their hourly fee ranges are presented below:

J&T Engineering	\$ 85 to \$105/hr
Lidstone Engineering	\$ 115 to \$155/hr
Providence Infrastructure Engineering	\$ 120 to \$169/hr
Kennedy/Jenks Consultants	\$ 110 to \$ 200/hr

Staff recommends that Kennedy Jenks be selected for this work. This recommendation is based on their successful response to the criteria outlined in the Request for Proposals including: overall responsiveness to the work items identified in the RFP, the qualifications of the proposed team, and references of similar work performed for other municipalities. In addition, they identified ideas and an approach that demonstrated the best way to achieve the goals of the project. Fees for design ranged from \$163,046 to \$195,913 with Kennedy Jenks presenting the lowest fee of the proposals received. Their proposed fee with contingency is estimated to be approximately 12 to 15% of the construction cost of the project. This is reasonable given the complexity of the design associated with congested below-grade utilities in Federal and Zuni. The design is anticipated to be completed in December 2014 and construction completed by the end of 2015. Following successful completion of the design phase, Staff intends to negotiate with Kennedy Jenks for engineering services during construction and will return to City Council for approval of additional work.

The Waterline Replacement: 88th Avenue and Zuni Street Project helps achieve City Council's Strategic Plan Goals of "Vibrant and Inclusive Neighborhoods," "Excellence in City Services," and "Proactive Regional Collaboration" by contributing to the objectives of well-maintained City infrastructure and facilities and providing water service with reduced risk of system failures.

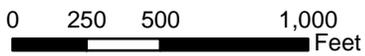
Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Map



Waterline Replacement: 88th Avenue and Zuni Street Project





Agenda Item 8 I

Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Second Reading of Councillor's Bill No. 13 re Board of Building Code Appeals Disbandment

Prepared By: Dave Horras, Chief Building Official

Recommended City Council Action

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

Summary Statement

This Councillor's Bill was passed on first reading on May 12, 2014. City Council has directed staff to disband the Board of Building Code Appeals. The attached proposed changes to the Westminster Municipal Code eliminate the Board of Building Code Appeals and replace the primary functions of that Board with an Ad Hoc Building and Fire Code Appeals Committee appointed by the City Manager on an as-needed basis.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO. **3725**

COUNCILLOR'S BILL NO. **13**

SERIES OF 2014

INTRODUCED BY COUNCILLORS
Briggs - Baker

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

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

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

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

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

11-14-4: POWERS AND DUTIES:

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

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

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

Building Official or Fire Marshal has made an error in the interpretation of a code.

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

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

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

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

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

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

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

(C) **FILING AN APPEAL:** All appeals pursuant to this Chapter must be submitted in writing to the Director of Community Development within thirty (30) days of the decision of the Chief Building Official or Fire Marshal being appealed. Any appeal not submitted within said thirty (30) day period shall

be barred. The appeal must set forth the specific authority for the appeal under subsection (A) above, the decision of the Chief Building Official or Fire Marshal being appealed, a summary of the facts that support the appeal, and a statement of the specific relief being sought.

(D) DECISIONS OF THE CITY MANAGER:

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

(a) Accept the findings and conclusions of the Committee and order the Chief Building Official or Fire Marshal to carry out the Committee's recommendation according to its terms.

(b) Accept the findings and conclusions of the Committee in part and issue such order to the Chief Building Official or Fire Marshal as the City Manager determines is supported by the Committee's findings and conclusions that the City Manager determines to accept.

(c) Accept the findings but reject the conclusions of the Committee and issue such order to the Chief Building Official or Fire Marshal as the City Manager determines is supported by the Committee's findings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of May, 2014.

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

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Second Reading of Councillor’s Bill No. 14 re 2014 1st Quarter Budget Supplemental Appropriation

Prepared By: Karen Barlow, Accountant

Recommended City Council Action

Pass Councillor’s Bill No. 14 on second reading, providing for a supplemental appropriation of funds to the 2014 budget of the General, Storm Drainage, Sales and Use Tax, 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 2014 Budget of the General, Storm Drainage, Sales and Use Tax, and General Capital Improvement Funds.
 - General Fund amendments total: \$ 319,455
 - Storm Drainage Fund amendments total: \$ 88,262
 - Sales and Use Tax Fund amendments total: \$ 287,291
 - General Capital Improvement Fund amendments total: \$ 525,138

- This Councillor’s Bill was approved on first reading on May 19, 2014.

Expenditure Required: \$1,220,146

Source of Funds: The funding sources for these budgetary adjustments include reimbursements, grant proceeds, miscellaneous, and transfers.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO. **3726**

COUNCILLOR'S BILL NO. **14**

SERIES OF 2014

INTRODUCED BY COUNCILLORS
Garcia - Seitz

A BILL

FOR AN ORDINANCE AMENDING THE 2014 BUDGETS OF THE GENERAL, STORM DRAINAGE, SALES AND USE TAX, AND GENERAL CAPITAL IMPROVEMENT FUNDS, AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2014 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2014 appropriation for the General, Storm Drainage, Sales and Use Tax, and General Capital Improvement Funds initially appropriated by Ordinance No. 3655 is hereby increased in aggregate by \$1,220,146. This appropriation is due to the receipt of funds from reimbursements, grants, miscellaneous, and transfers.

Section 2. The \$1,220,146 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10A dated May 19, 2014 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	\$319,455
Storm Drainage Fund	88,262
Sales and Use Tax Fund	287,291
General Capital Improvement Fund	<u>525,138</u>
Total	<u>\$1,220,146</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 19th day of May, 2014.

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

ATTEST:

Mayor

City Clerk



Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Public Hearing and Councillor's Bill No. 15 Adopting Amendments to the 2013 Comprehensive Plan

Prepared By: Sarah Nurmela, AICP, Senior Urban Designer

Recommended City Council Action

1. Conduct a public hearing on the proposed update to the 2013 Comprehensive Plan Update as submitted to the City Council.
2. Pass Councillor's Bill No. 15 on first reading adopting the amendments to the 2013 Comprehensive Plan.

Summary Statement

- The current Comprehensive Plan was adopted in November, 2013. This plan represents a cohesive update to the 2004 Comprehensive Land Use Plan.
- Staff will conduct future annual maintenance updates to the Comprehensive Plan in the first quarter of every year.
- This first maintenance update to the Comprehensive Plan focuses on clarifications to new land use classifications introduced by the 2013 Comprehensive Plan update as well as map updates reflecting recent open space acquisitions and transfers of designation. Additionally, this update will address a change in land use designation for the Brookhill Focus Area. Other minor edits include word, spelling and map legend edits.
- A major component of the proposed Comprehensive Plan changes is the clarification of new land use classifications introduced with the 2013 adoption. Seven new designations were added, many that address new land use typologies within the City. The proposed revisions focus on clarifying the intent and application of these uses through minor text edits and additional notes and information in the associated development standards tables.
- A policy consideration introduced as part of this update is that of the land use designation for the Brookhill Focus Area site. Currently the Brookhill Shopping Center is designated Mixed Use Center, which reflects the City Council's desire to show a vision for revitalization and potential redevelopment on the site. As improvements to the site have been proposed, a conflict with the development standards for the Mixed Use Center classification has surfaced that will impact current and future attempts to improve existing retail commercial development on the site. Staff proposes an alternative land use designation for the site, Mixed Use, to maintain the City's vision for the Focus Area while accommodating retail commercial development and incremental improvements. Property owner input includes both full support of this change as well as a request to return to the 2004 designation of Retail Commercial.
- The proposed changes to the 2013 Comprehensive Plan are outlined in the background section of this report, listed in Attachment A and shown in Attachment B.
- The proposed changes to the 2013 Comprehensive Plan were approved unanimously by the Planning Commission at the May 13, 2014 hearing for the Comprehensive Plan Update.

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

Policy Issue

Should City Council adopt the proposed changes to the 2013 Comprehensive Plan? Updating the Plan will ensure that implementation of the Comprehensive Plan is improved, particularly in relation to development review and application of new land use classifications established by the Plan. Additionally, the proposed land use change for the Brookhill Shopping Center will ensure that improvements to the center can continue to occur both incrementally and through redevelopment.

Alternatives

The Council could choose to not support all or some of the revisions to the Comprehensive Plan. There are several types of changes proposed that include word and spelling edits, map and table edits, clarifications to land use classification descriptions, and a change in land use for a Focus Area. If the proposed changes do not move forward, retaining the Plan as is will have varying impacts, which include the following:

- Text and Spelling Edits: these edits will not significantly impact the document, although a few could impact the clarity of references to specific tables or maps and the resulting understanding of what they illustrate;
- Map and Table Edits: these edits are primarily to update land use information with respect to open space purchases, so the impact of not completing these will mean the document does not reflect existing conditions accurately;
- Clarifications to Land Use Classifications: the edits proposed to the land use classifications are directly related to implementation as new development projects are proposed. The edits are meant to clarify descriptions and standards in order to more smoothly implement these land uses in the future: they are not significant changes in the intent of any adopted classification. In not approving these clarifications, there will likely be continued ambiguity or lack of clarity within these classifications that could result in extended review times, staff input or decision-making, and potential frustration or misunderstanding by developers; and
- Change in Land Use Designation for a Focus Area: this proposed change is meant to address flexibility for how and when the Brookhill Shopping Center transitions into the City's vision for a mixed-use neighborhood and gateway into the City. In not supporting a change, there will be less flexibility for landowners with respect to the extent and type of improvements and redevelopment that could be implemented on the site. In supporting a change to a different land use, such as Retail Commercial, opportunity for redevelopment with a greater range of uses would be removed from properties within the focus area and the City's vision for a mixed-use neighborhood could be significantly delayed or not realized, depending on future changes to the Comprehensive Plan and water availability.

The Council could also propose alternative solutions to other individual suggested changes to the Plan. The impact will likely depend on a few key factors: the significance of the proposed change (whether a word or clarification edit or a major policy change) and consistency with the policies and direction of the adopted Comprehensive Plan.

Background Information

Updates to the Comprehensive Plan

The Comprehensive Plan is the City's primary regulatory document for land use and physical development within the City. The document provides cohesive policy direction for all aspects of physical planning in the City, including parks and open space, community design, economic development, transportation and utility infrastructure, and resource management. The goals and policies of the Plan are aligned with the City's Strategic Plan and outline a direction for development, infrastructure improvements and community building over the next 20 or more years.

Although the Comprehensive Plan is a long range planning document, it is also a living document that must be responsive to the surrounding physical, economic and social environment. As a result, updates to the Comprehensive Plan are an essential aspect of maintaining the document's effectiveness as a regulatory document. Cohesive updates to the plan, such as the update completed in 2013, allow the City to analyze all aspects of physical development and planning in the City with in-depth public outreach, economic market research, and evaluation of existing development, demographics, employment and infrastructure needs. These cohesive updates are intensive processes that involve all departments in the City as well as decision makers and the Westminster community. These cohesive updates are envisioned to occur every five to seven years.

More frequent maintenance updates to the Plan are also an important part of ensuring the document is up-to-date and in alignment with changes to the Westminster Municipal Code, adoptions of new open space, and updates to other planning documents for the City, such as the Roadway Master Plan or Water Supply Master Plan. Instituting a schedule for these maintenance updates will ensure the Comprehensive Plan is up-to-date and reflective of changes to the physical environment. As such, an annual maintenance update is proposed, similar to that already established for the City's Zoning Code annual update process.

2013 Cohesive Update to the Comprehensive Land Use Plan

As mentioned above, cohesive updates to the Comprehensive Plan are essential for a regulatory document that is responsive to the community's needs, quality of life and environment. The last cohesive update to the Comprehensive Land Use Plan prior to 2013 was completed in 2004. Over the nine years since the 2004 update, the City, economy and development trends had evolved significantly. Several key factors contributed to the need for a cohesive update to the Plan. These included:

- The City was nearing its physical build-out and little vacant land for development remains. As a result, the majority of new growth in the City would likely be accommodated in redevelopment and infill areas.
- Much of the future development in the City would rely on existing infrastructure and resources, planning for which would need to be closely tied to land uses and development intensity in order to provide adequate services and maintain the City's high quality of life.
- Many of the City's District Centers would benefit from more detailed direction for land use and development intensity to ensure that new development occurs in desired areas and in concert with the City's vision, growth management efforts and infrastructure capacity.
- New or revised land use classifications were needed to address development trends for vertical mixed-use projects, such as buildings with ground floor retail with office or residential uses above. Likewise, a refined palette of commercial, office and industrial land use classifications will allow the City to better articulate and implement its vision for new development.

Thus, the recently adopted 2013 Comprehensive Plan was a complete revision to the 2004 Comprehensive Land Use Plan with new language, policies, maps and land use classifications. The scope of the Comprehensive Plan was expanded from land use regulation to all aspects of physical planning in the City. The update process was extensive and included several rounds of intensive stakeholder and public outreach as well as economic market and land use analysis.

2014 Maintenance Update to the Comprehensive Plan

As described above, annual updates to the Comprehensive Plan will ensure the document is up-to-date and in line with all other plans in the City. This first annual update provides an opportunity to quickly address the need for clarifying text and descriptions in the Plan, particularly since the document includes new language and planning concepts. In particular, the need for clarification of new land use classifications has been identified as they have begun to be applied to new development proposals. Minor edits and clarifications to these classifications will improve and facilitate the use of these new "tools" in the City's land use toolbox. Other minor edits have also been identified. The edits and proposed changes to the Comprehensive Plan are discussed below, described in **Attachment A**.

Text and Spelling Edits

All minor in scope, these edits are sparsely distributed throughout the document; the pages on which they are located are identified in **Attachment A**. These edits include both text and map legend or label edits.

Map and Table Edits

Map edits have been identified primarily for new open space acquisitions. A few other edits include the correct designation of some park spaces as either private or public. Other map edits include improving legibility of the Street Network Plan by adjusting line widths as well as clarifications within legends and additional map labels. Almost all of the maps will be edited to reflect the changes to the open space layer as this layer is part of the base City information provided in most of the maps.

An additional map edit updates the designation of a property from Public/Quasi Public to Office. The property (located at 7396 Lowell Boulevard) was originally designated Public/Quasi Public in the 2004 Comprehensive Land Use Plan, since a church occupied the property from the early 1990's until approximately 2000. However, the property has been utilized for office uses since 2003. An update of the property's designation to Office will conform to the uses presently allowed by the zoning for the property and coincide with property located immediately to the south, which is also designated Office.

Land Use Classification Edits

A primary focus of the 2013 Comprehensive Plan update was to address the need for land use classifications that would provide greater direction for the City's remaining vacant land as well as address changes in development trends and accommodate higher intensity, transit supportive development. The result of the update was the retirement of several existing land use designations (District Center, Business Park and Office/Residential) and the introduction of seven new designations (R-36 Residential, Mixed Use, Mixed Use Center, Service Commercial, Office/R&D Low Intensity, Office/R&D High Intensity, and Flex/Light Industrial). Below, the intent of each land use classification within the Comprehensive Plan is described along with any proposed changes to better clarify and improve implementation of that classification.

- **R-1 Residential:** Intended for very low density single family residential development. *No change is proposed.*
- **R-2.5 Residential:** Also intended for low density single family residential development. *No change is proposed.*
- **R-3.5 Residential:** Intended for low density single family residential development and potentially duplexes. *No change is proposed.*
- **R-5 Residential:** Intended for low to medium density single family detached and attached residences, duplexes, patio homes and townhomes. *No change is proposed.*
- **R-8 Residential:** Intended for medium density residential development that could include single family attached and detached residences, duplexes, patio homes, townhomes and condominiums. *Staff proposes removing the maximum height of two stories from the Development Standards table, as some townhome typologies with attached or tuck-under garages are greater than two stories and would still be consistent with the intent of the classification.*
- **R-18 Residential:** Intended for medium to high density residential development with a range of multi-family or attached housing product types, from townhomes to apartments. *Staff proposes removing the Site Composition note requiring private recreation facilities in the Development Standards table because the note is redundant to the Multi-family design guidelines.*
- **R-36 Residential:** A new designation as of 2013, intended for higher density residential development near major activity and neighborhood centers, with direct access to shopping,

amenities and transit. *Staff proposes removing the Site Composition note requiring private recreation facilities and common space in the Development Standards table because the note is redundant to the Multi-family design guidelines.*

- **Traditional Mixed Use Neighborhood Development (TMUND):** Intended to accommodate a cohesive neighborhood with a range of uses from residential (both single and multi-family) to commercial and office uses. Mixed use, pedestrian-oriented development in a town center configuration with ample parks and amenities is emphasized. *No change is proposed.*
- **Mixed Use:** A new designation as of 2013, intended to incentivize reinvestment and redevelopment in aging commercial shopping and strip centers with high vacancy. The classification allows retail commercial development by right, consistent with the Retail Commercial classification. The classification also allows mixed use development with a combination of residential and commercial uses. The mixed use development must have some portion of the project that is vertically integrated (i.e. retail or commercial use located on the ground floor), with a minimum floor area ratio of 0.1 commercial use (e.g. a one-acre parcel of approximately 40,000 square feet would be required to provide 4,000 square feet of commercial use). Commercial uses within a mixed use redevelopment project would be more regulated with limitations on auto-oriented and drive through uses. There is no requirement for mixed use development on these sites. Landowners may continue to maintain and/or redevelop as a purely retail commercial use. *Staff proposes making several clarifications: (1) instead of prohibiting drive throughs and auto related uses outright from residential mixed-use projects, clarifying that they are “strongly discouraged”; (2) replacing the limited or potentially prohibited retail commercial uses in the Development Standards table (that limit uses based on surrounding context, sensitive adjacent uses, or other issues as identified by the City) with a standard note that is repeated in several other classifications that refers the reader back to the Retail Commercial designation, in order to reduce redundancy and increase clarity of the document; (3) clarify that minimum and maximum residential densities are applicable only “when provided”; (4) eliminate the minimum 0.25 retail commercial FAR, as the number may be too high to achieve due to site constraints; (5) add a note to the limited or potentially limited uses that it is only applicable to mixed-use projects with both residential and commercial uses.*
- **Mixed Use Center:** A new designation as of 2013, intended to accommodate and encourage higher intensity mixed-use and commercial development adjacent to major transit stations and activity centers in the City. The classification allows a wide range of uses from commercial and office to hotel and residential uses. Development typologies and uses that do not support a walkable pedestrian environment are limited, with auto-oriented uses and drive throughs not permitted. *Staff proposes making several clarifications: (1) adding in the description that “new standalone uses with” drive throughs are not permitted, suggesting there is flexibility for existing, established drive through uses to remain as part of a redevelopment project; (2) a note to further clarify the latter, that “formerly established drive through uses may be permitted as a component of new development, subject to the development review process;” (3) addition to Note 3 that combined floor area ratio includes both residential and commercial building area.*
- **Retail Commercial:** Intended to allow a variety of neighborhood and regional commercial uses with retail, eating establishments, personal and business services and professional offices. Some uses may be limited or potentially prohibited based on location of nearby sensitive residential, public or quasi-public uses. All other designations that permit retail commercial uses reference this classification. *Staff proposes a minor clarifying word edit in the description.*
- **Service Commercial:** This classification is meant to ensure the City continues to offer a range of commercial services to meet the needs of the community. *No change is proposed.*

- **Office:** Intended to accommodate primarily professional and campus style office uses including medical, legal, banking and other similar professional office uses. *Staff proposes several clarifications to the text and Development Standards table: (1) adding that support retail uses are limited to “a portion of the project gross floor area, or GFA”; (2) adding a maximum square footage (10,000 square feet) to the support commercial into the Development Standards table; (3) adding the common note for potentially limited or prohibited retail commercial uses; and (4) adding a note to clarify that the extent of support commercial uses could be further constrained by parking availability.*
- **Office/R&D Low Intensity:** This classification is intended to accommodate the professional and campus style office uses that would typically have located in the previous Business Park land use classification. An example of this use type is the Westmoor business campus. Some manufacturing, warehousing and production space is also allowed although limited in order to ensure an overall office campus environment is maintained within areas designated with this classification. *Staff proposes a few clarifications within the Development Standards table: (1) clarifying that support commercial and manufacturing, warehouse, and production space permitted is a percent of the project’s gross floor area; (2) adding a maximum of 15,000 square feet for support commercial use; (3) adding the common note for potentially limited or prohibited retail commercial uses; (4) moving the manufacturing/warehouse/production distribution note to the table text for greater visibility; and (5) adding a note to clarify that the extent of support commercial uses could be further constrained by parking availability.*
- **Office/R&D High Intensity:** Intended to be a generator for employment, with a high intensity of office uses encouraged with minimum manufacturing, warehouse, and production space. Areas designated as such are strategically located at key intersections along US 36 and I-25. *Staff proposes a few clarifications within the Development Standards table: (1) clarifying that support commercial and manufacturing, warehouse, and production space permitted is a percent of the project’s gross floor area; (2) adding a maximum of 15,000 square feet for support commercial use; (3) adding the common note for potentially limited or prohibited retail commercial uses; (4) moving the manufacturing/warehouse/production distribution note to the table text for greater visibility; and (5) adding a note to clarify that the extent of support commercial uses could be further constrained by parking availability.*
- **Flex/Light Industrial:** Intended to ensure that the City maintains areas for light industrial and flexible office and business incubation space. This classification is applied to many of the formerly designated Business Park areas and ensures that the City maintains spaces for a wide range of light industrial and flex uses. An example of this use type is the Park Centre business area and the southern portion of Avaya. *Staff proposes a few clarifications within the text and Development Standards table: (1) adding within the text that support commercial uses are permitted up to 10% of gross floor area; (2) adding to the Development Standards table that studios are permitted as a support commercial use; (3) clarifying that support commercial use is a percent of the project’s gross floor area and adding a maximum permitted building area to any one project; (4) adding the common note for potentially limited or prohibited retail commercial uses; and (5) adding a note to clarify that the extent of support commercial uses could be further constrained by parking availability.*
- **Parks and Open Space** classifications designate City owned open space, public parks, private parks/private open space, and golf courses. No change is proposed to any of these classifications.
- **Major Creek Corridor on Non-Public Land:** Intended to ensure areas in identified 100-year flood plains that are not City-owned are not developed or impacted by development. *Staff proposes to add this classification description to the Comprehensive Plan, although it is identified currently on the land use map, there is no text description. The text description includes the same intent and similar wording to the 2004 Comprehensive Land Use Plan.*

Brookhill Focus Area

During the planning process for the 2013 Comprehensive Plan, the 80.7-acre Brookhill Shopping Center was identified by City Council as a priority area for revitalization and potential redevelopment. The vision for the area was expressed as a higher intensity mixed-use and walkable district that would act as a key gateway into the City. In order to underline the desire for a significant transformation of the site, City Council supported designation of the area as a Comprehensive Plan Focus Area with the Mixed Use Center land use classification. The Mixed Use Center designation encourages a wide range of development and uses, from vertically mixed residential and commercial uses to standalone, higher intensity office and hotel uses. The minimum floor area ratio (the ratio of building square footage to site area in square feet) required by this classification is a 0.75, which would entail multiple story buildings and some structured parking.

Recently, Trigate Capital, a property owner within the Brookhill Shopping Center, has identified a small portion of the site for redevelopment of existing retail commercial uses. The proposed floor area ratio for this redevelopment is 0.22, which does not meet the minimum 0.75 floor area ratio required by the Mixed Use Center classification. Recent discussions with Trigate Capital, who purchased the site during the Comprehensive Plan update process (but after property owner outreach was initiated and conducted), indicate that the site will be maintained as a retail commercial use into the near future. Staff proposes that a more appropriate designation for the Brookhill Focus Area is Mixed Use. As mentioned above, the intent of the Mixed Use classification is twofold: it allows landowners of retail commercial sites to maintain, improve or redevelop their retail commercial land use consistent with the Retail Commercial designation, while also providing incentive for potential redevelopment to a mixed use project which would allow combined residential and commercial uses. Mixed use development is not required in this designation. Re-designating the Brookhill Focus Area with Mixed Use would still be consistent with the City's vision and the policies set forth in the Comprehensive Plan. The Mixed Use designation would also allow property owners like Trigate Capital to make incremental improvements or redevelop existing retail commercial developments.

While a change to the Mixed Use classification would still meet the landowner's current plans for the site, the landowner has expressed a desire to be designated as Retail Commercial. The Retail Commercial designation would not be consistent with the Comprehensive Plan vision and policies for the focus area. Staff does not recommend that change. However, at the March 17, 2014 City Council Study Session, City Council suggested reaching out to all property owners in the Brookhill Shopping Center to provide input and perspective on the most appropriate land use designation for the site (Mixed Use or Retail Commercial). City Council asked that this feedback be reported to Planning Commission and City Council at hearings for the Comprehensive Plan Update.

All seven property owners were contacted via mail (and by phone if this contact information was available, as it was for two of the larger land area holders) and input was requested by mail, phone or email contact with City staff in the Planning Division. Only two property owners provided feedback: Trigate Capital, mentioned above, which owns 36.8 acres, or 46 percent of the land area of the site; and the Bedrin Organization, which owns 14.3 acres, or 18 percent of the land area of the site. An ownership map is shown on **Attachment B**. Feedback from the property owners is summarized below:

- Trigate Capital reiterated their desire for a Retail Commercial designation. The property owner also expressed concern about potential limitations on specific retail land uses (auto-oriented or drive-throughs) and site planning if mixed use development with a high density residential component should occur adjacent to the property. (Staff would point out that the property in question is already located adjacent to high density residential development to the north and is bounded by existing major arterials to the south and west, so a cohesive approach to site design could address these issues.)

- The Bedrin Organization expressed interest in maintaining a mixed use designation for the site since this would provide them with more opportunity and choice for redevelopment in the future. The property owner was interested in working with adjacent property owners to explore mixed use development possibilities.

Strategic Goals

This update to the Comprehensive Plan supports four of the City Council's Strategic Plan goals, including Visionary Leadership and Effective Governance; Vibrant and Inclusive Neighborhoods; Dynamic, Diverse Economy; and Excellence in City Services.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

- Proposed Councillor's Bill
- Attachment A: Summary of Proposed Changes to 2013 Comprehensive Plan
- Attachment B: Brookhill Property Ownership

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **15**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ENACTING AN UPDATE TO THE 2013 WESTMINSTER
COMPREHENSIVE PLAN

Whereas, City Council finds the City Charter and state statute authorize City Council to adopt a comprehensive plan for the use, division and development of land for the purpose of protecting the public health, safety and welfare and accomplishing the harmonious development of the City; and

Whereas, City Council further finds the proposed changes and updates to the Plan were preceded by appropriate and focused community outreach effort and consultation with the City Council; and

Whereas, City Council further finds the Planning Commission conducted a public hearing on May 13, 2014 and has considered the updates to the Plan and recommended their adoption to the City Council.

Whereas, City Council further finds that the changes and updates to the 2013 Plan are consistent with the overall Plan and the needs and demands created by the increasing urbanization of the City and the Denver Metropolitan area, and it will serve as a guide for the future development of the City, the wise use of limited water supplies and municipal services, establishing a suitable mixture of land uses for the City's remaining undeveloped property, protecting the public health, safety and welfare, and guiding and accomplishing the coordinated, adjusted, and harmonious development of the City, and meets all of the stated objectives of Section 11-4-16, W.M.C., related to the adoption of a comprehensive land use plan for the City.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The amendments to the 2013 Westminster Comprehensive Plan, dated October 16, 2013, as set forth in Exhibit "A" attached, are hereby adopted.

Section 2. Compliance with said Plan, as amended, and as provided in Westminster Municipal Code Chapter 4-16 of Title 11, shall be mandatory upon the effective date of this ordinance.

Section 3. Land use designations shown in the Plan may be affected by pre-existing vested rights or contractual development commitments. The applicability and scope of such vested rights or contractual developments, if any, will be reviewed and determined at the time of development plan approval.

Section 4. If a provision of the Plan conflicts with a provision of any policy, standard, or regulation adopted by the City, the more strict provision shall prevail.

Section 5. Staff is directed to prepare and make available to the public on request copies of the 2013 Comprehensive Plan, as amended hereby.

Section 6. This ordinance shall take effect upon its passage after second reading.

Section 7. 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 9th day of June, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of June, 2014.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



- Many areas in the city that were formerly designated as District Centers in the 2004 CLUP require more detailed direction for land use and development intensity to ensure that new development occurs in desired areas and in concert with the city's vision, growth management efforts and infrastructure capacity.
- Finally, the need to accommodate mixed-use and transit-supportive development, ensure development continuity in commercial and employment centers, and preserve land for services and light industry requires a more refined palette of land use classifications.

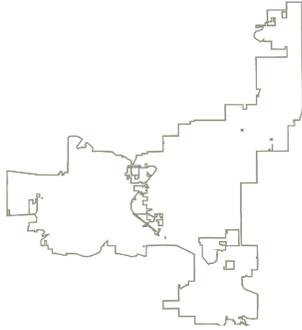
These factors require alignment of all physical planning efforts in the city in order to ensure a high quality of life, as well as fiscal and economic sustainability for the city. As a result, the original scope of the CLUP document has been expanded to provide an equal focus on all planning within the city, including land use, economic development, transportation, community design, parks, recreation, libraries and open space, and public utilities and services. The name of the CLUP has also changed to the Comprehensive Plan since the focus of this document has expanded beyond land use matters.

Plan Process

Input from city officials as well as community stakeholders, city and regional agencies, and the overall Westminster community was a key element of the planning process. The Plan update process was initiated in October of 2012, with introduction of a more inclusive planning approach presented to City Council and Planning Commission. Stakeholder and agency interviews followed, which included Westminster property and business owners, representatives from neighboring jurisdictions, school districts and many others, with the intent of understanding ~~of~~ key issues, opportunities and challenges that would influence policy direction ~~in of~~ the Plan. Upon completion of a citywide concept plan, a community-wide workshop was held in July 2013 at City Park Recreation Center and online via WestyConnect, the city's interactive communication portal for all aspects of city life and planning. ~~Additional neighborhood meetings in South Westminster were held during the public review period of the draft plan.~~

~~In addition to stakeholder and community outreach,~~ direct involvement with city officials was ~~also~~ an essential element of the planning process. At each major milestone of plan development, City Council and Planning Commission provided input and direction. All documents, presentations and analysis produced during the planning process, including presentations to the Council, were posted on the city's ~~website: www.cityofwestminster.us under the "Documents and Presentations" section.~~ Comprehensive Plan project website.





City Boundary

1.2 REGIONAL LOCATION AND CONTEXT

Regional Location and Planning Boundaries

The City of Westminster is centrally located between the cities of Boulder and Denver, in the northwest quadrant of the Denver Metropolitan (Denver Metro) area. The city is bordered by the City and County of Broomfield to the north and west, unincorporated Jefferson County to the west, the cities of Thornton, Northglenn and Federal Heights to the east, unincorporated Adams County to the southeast and the City of Arvada to the southwest. The western portion of the city directly abuts the Rocky Flats National Wildlife Refuge in Jefferson County. Two major highways traverse the city—US Highway 36 (US 36), connecting the city northwest to Boulder and the mountains, and Interstate 25 (I-25), running between Denver and Fort Collins. The city’s regional location is shown in Figure 1-1.

The city’s land area is expansive, encompassing 33.8 square miles. The planning boundary of this Comprehensive Plan coincides with the outer extent of the existing city limits, with the exception of a few areas at the southwest and southeast portions of the city in unincorporated Jefferson and Adams counties, respectively (see Chapter 2: Land Use for additional discussion of unincorporated areas).

Physical Context

City Evolution

Incorporated in 1911, Westminster began as a small community centered on the commercial district in the vicinity of 73rd Avenue and Bradburn Boulevard. The city remained relatively small until the post World War II era. Since 1950, the population has grown from 1,686 to approximately 108,000 persons ~~at the~~ by 2010 (U.S. Census). During that same period the city’s land area increased from 4.5 square miles to almost 34 square miles, resulting from the annexation of large tracts of vacant lands to the north and west. This expansion was facilitated in part by the purchase of water resource rights that provided the city with greater capacity for development. Today, Westminster is an expansive city that is located within two counties, Adams and Jefferson, as well as three separate school districts.

Physical Influences

Natural features of the Front Range landscape have influenced land use patterns and growth of the city. The city’s gently rolling hills are interspersed with several creek corridors including Little Dry Creek, Walnut Creek and Big Dry Creek and its tributaries. Associated floodplains and wetlands areas provide important wildlife habitat. The majority of this sensitive habitat area



73rd Avenue is the historic core of Westminster. Improvements over the years have been focused on streetscape and facade improvements to ensure the area serves as a community destination for years to come.



is a part of the city’s open space network, which comprises over 3,000 acres of land. Additional sensitive habitat area is located within the city’s 2,919 acres of park land and 644 acres of public golf courses.

Additional physical features that have impacted the pattern and extent of development in the city include the city’s topography and major transportation infrastructure. Although the topography of the city is generally level, there are areas with steep slopes that exceed 15 percent grade. These areas include land north of 120th Avenue and south of 84th Avenue near Lowell and Federal boulevards. Although development is limited by the slopes, it is enhanced by the views to the mountains and downtown Denver, respectively. Development is also influenced by the presence of the Rocky Mountain Metropolitan Airport. Noise-related impacts and critical zones can impact development adjacent to the airport. The associated Airport Influence Area and critical zones are indicated on Figure 1-2.

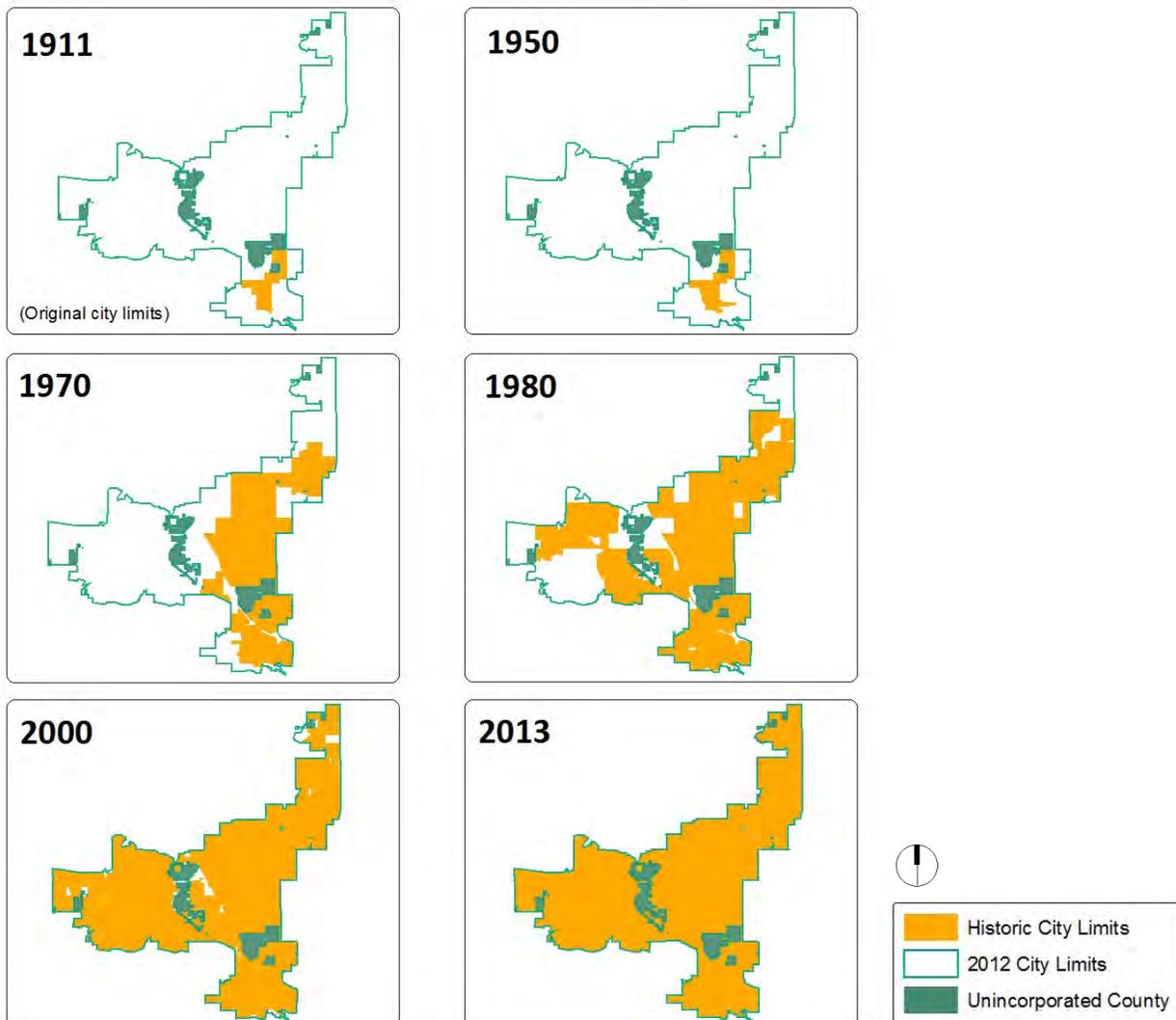
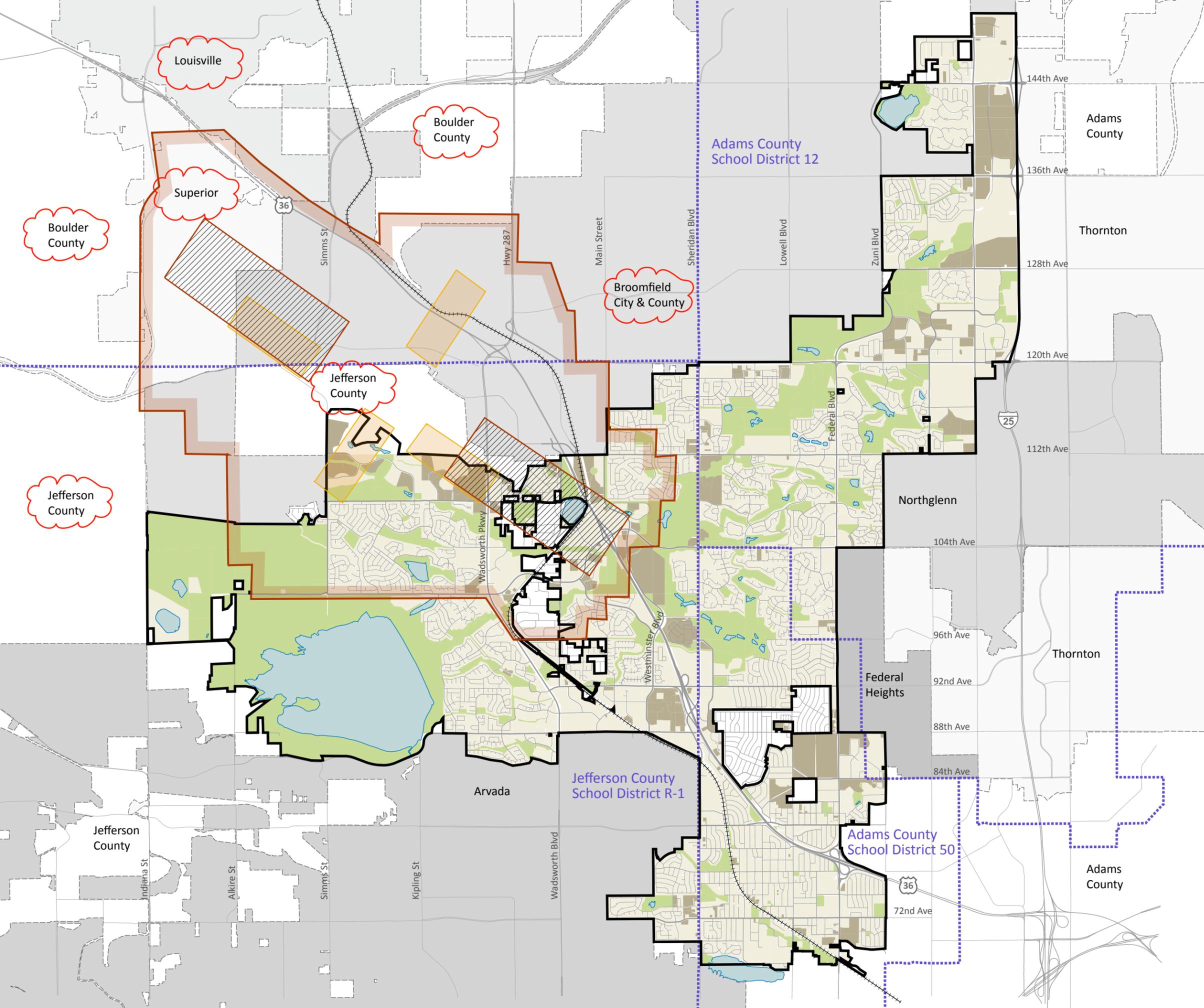


Figure 1-2: Physical Context



Legend

Boundaries

- Neighboring Municipalities
- Unincorporated County
- School District Boundaries

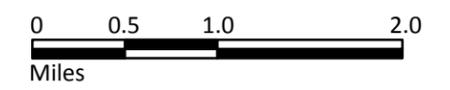
Rocky Mountain Metropolitan Airport

- Airport Influence Area
- Instrument Critical Zone
- Visual Critical Zone

Planning Area

- Parks/Open Space/Golf Courses
- Developed (Non-Vacant) Land
- Vacant Land
- Water
- City Limits
- Rail Corridor

Updates 3/17/14



Updated 3/17/14

Jefferson County Comprehensive Plan

The western portion of Westminster, west of Sheridan Boulevard, is located within Jefferson County. Jefferson County comprises the western edge of the Denver metropolitan region, with Westminster located at its northeastern edge. The County recently completed an update to its Comprehensive Master Plan in late 2012. The Master Plan is comprised of multiple area plans and comprehensive development plans that guide land use and physical planning throughout the county. Westminster is located within the North Plains Area Plan, which provides direction for unincorporated land surrounded by the city, much of which is located in enclaves along the Wadsworth Boulevard corridor. The North Plains Area Plan designates the majority of enclave area south of Church Ranch Boulevard as low density single family (one-acre-plus lot) development. The northern enclaves west of the BNSF rail corridor are primarily low-intensity development that accommodates Airport Critical Zone limitations on population density for the Rocky Mountain Metropolitan Airport Critical Zone. These uses include one-acre-lot plus single family residential uses, open space and recreation, and commercial, industrial and agricultural uses. The enclave to the east of the rail corridor is designated as mixed-use commercial, which could accommodate retail, office and mixed-use retail/residential uses. For further information see Appendix A: North Plains Area Plan.



The Westminster Station, at approximately 70th Avenue and Irving Street, will open in 2016. The station and adjoining plazas parks and development will create a new transit-oriented destination and district in the city.

US 36 Corridor

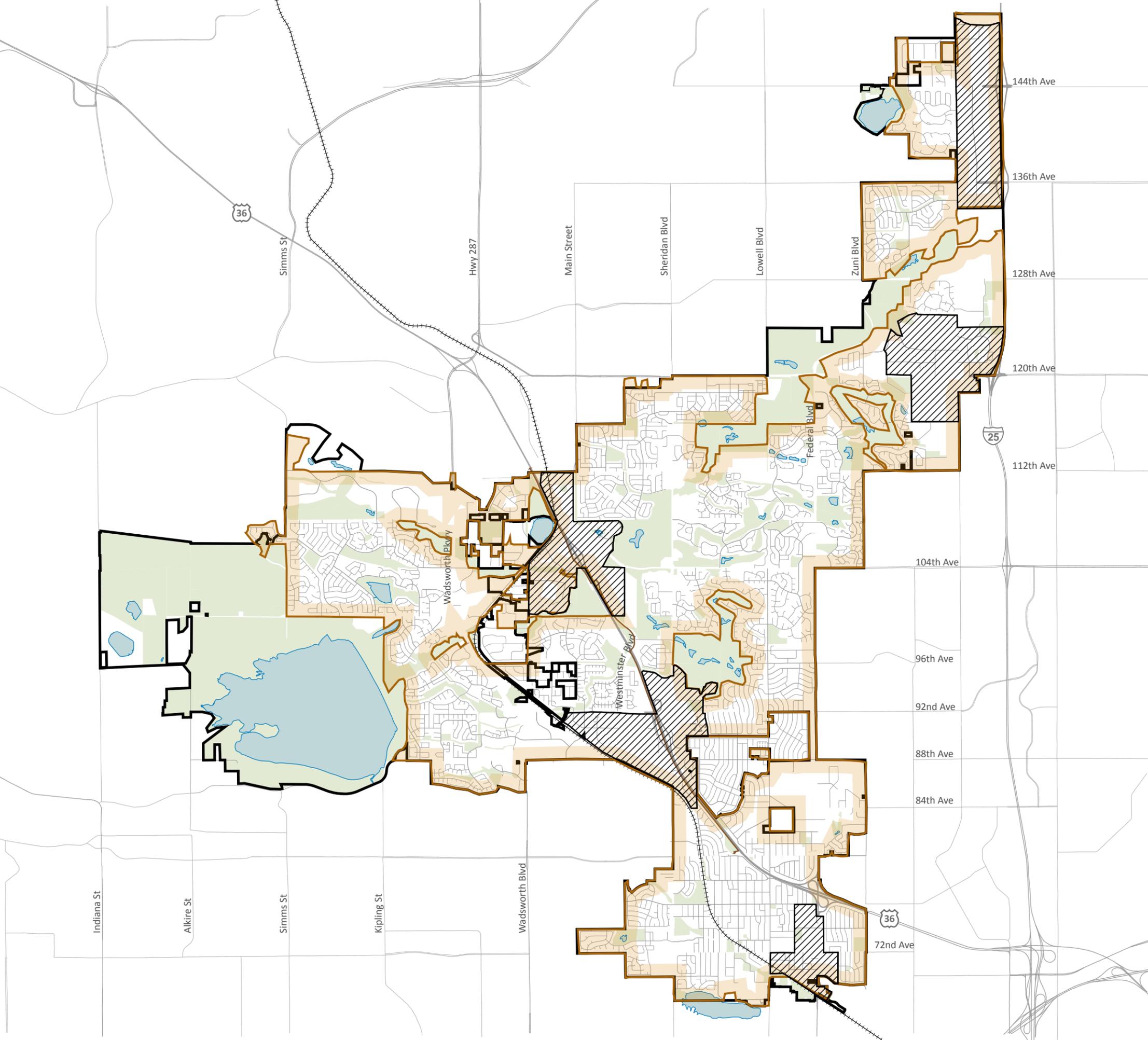
As a component of the voter-approved 2004 FasTracks program, the Northwest Corridor improvements along US 36 include a commuter rail line from Denver's Union Station to Boulder and Longmont; enhanced bus service (Bus Rapid Transit or BRT), which will include local and regional bus service improvements to stations, routes and vehicles; bus ramp by-pass lanes at every interchange west of Federal Boulevard; and a managed toll/high occupancy vehicle/bus lane west of Pecos Street to Table Mesa in Boulder. This will connect with the existing I-25 High Occupancy Vehicle/High Occupancy Toll lanes east of Pecos Street. These improvements will provide improved multimodal transportation options between Boulder and Denver, and will benefit existing development and enhance future development opportunities in Westminster particularly, around the Westminster Center and Church Ranch park-and-rides.

The City of Westminster strongly supports commuter rail transit through the city in the relative near term (phased approach) and eventual completion of the line to at least Boulder as funding/financing becomes available. Three stations along the FasTracks Northwest Corridor commuter rail line are located in the city at Westminster Station near 70th Avenue and Irving Street, downtown Westminster at 88th Avenue and Harlan Street, and

Figure 1-3: Growth Management

Legend

-  DRCOG 2011 Urban Growth Boundary
-  DRCOG Urban Centers
-  Parks/Open Space/Golf Courses
-  Water
-  City Limits
-  Rail Corridor





Church Ranch just north of the Shops at Walnut Creek. Westminster Station is funded as part of RTD's Eagle P3 project and will be an end-of-line station until funding/financing becomes available for the remainder of the Northwest rail corridor. Commuter rail service to this station is anticipated to begin in 2016. The City of Westminster will continue to aggressively pursue efforts to extend the commuter rail line through downtown Westminster and Church Ranch.

The improvements to the US 36 Corridor (commuter rail and BRT) will be refined and prioritized upon completion of the Northwest Area Mobility Study (NAMS). The study's goal is to develop consensus between RTD, CDOT, corridor stakeholders and local jurisdictions on short and long-term transit improvements in the corridor. Specific timing for completion of these improvements will be based on priorities identified by NAMS, which will be finalized in early 2014.

Rocky Mountain Metropolitan Airport and Master Plan

The Rocky Mountain Metropolitan Airport is located in Jefferson County just northwest of Westminster's city limits, between Simms Street and Wadsworth Parkway. Jefferson County owns and operates the airport, and recently completed an update to the airport's master plan in 2011. The master plan is an advisory document for local municipal jurisdictions within the Airport Influence Area. The master plan provides projections for airport operations and development on airport-owned land as well as land use guidance for lands within its Airport Influence Area, and most importantly, within its Instrument Critical Zone. The City of Westminster will continue to work with Jefferson County as land use decisions are made for property within the Instrument Critical Zone (see Figure 1-2).

The airport's master plan projects an annual 1.8 percent increase of airport operations through 2030. The increased activity will be coupled with slightly larger aircraft utilizing the airport. With this increased activity, the master plan proposes approximately 180-220 acres of development of airport-related commercial and industrial uses to the southwest of the existing runways. The master plan also identifies the need for an expanded terminal, airport operation facilities and improved circulation with a redirection of Simms Street and an extension of Jefferson Parkway along the northwest portion of the airport.



1.4 PLAN ORGANIZATION

The Comprehensive Plan is organized into the following chapters:

- *Introduction:* This includes the purpose and overall planning context for the plan as well as the guiding principles that provide the framework for the goals and policies in the following chapters.
- *Land Use:* This chapter provides the physical framework for development in the city through designation and definition of land use **standards classifications** and policies for development and land use.
- *Focus Areas:* This chapter describes the city’s vision for key areas in the city, and includes specific goals and policies that will guide future planning and development in these areas.
- *Economic Vitality:* This chapter establishes policies to promote economic expansion and growth in the city while retaining a stable fiscal base.
- *Transportation and Circulation:* This chapter includes direction for all modes of travel in the city, ensuring that vehicle, bicycle, pedestrian and transit movement is balanced **and coordinated**.
- *City Identity Design:* This chapter provides guidance on all aspects of the built form in the city, from development to streetscapes, public art and historic preservation.
- *Parks, Recreation, Libraries and Open Space:* This chapter outlines the framework for provision, maintenance and creation of parks, recreational facilities and open space in the city.
- *Public Facilities and Utilities:* This chapter outlines policies that will ensure that growth is in step with provision and availability of city utilities, infrastructure systems and public services.
- *Plan Compliance:* This chapter delineates the applicability and implementation of the Comprehensive Plan.



Ensuring the city has a wide range of complementary and supportive uses will provide the community's residents and businesses with a sustainable, high quality living environment.

Overview

This update to the Comprehensive Plan represents a significant shift in planning paradigm from lateral growth with maximized flexibility to strategic growth on remaining vacant land and redevelopment areas. This development pattern will result in a more efficient use of land, supporting more regionally sustainable land use patterns. The Plan provides the framework for mixed-use development within the city that is conveniently accessed by all modes of transportation. Emphasis is placed on providing transit-supportive commercial, office and residential uses close to rail and major bus transit stations. Higher overall development intensity in these areas will be encouraged as well in order to maximize synergy of uses, access to key services and day and evening populations.

The Plan also recognizes the need to identify land for employment growth in the city, particularly along US 36 and I-25, taking advantage of visibility and convenient access from these corridors. This focus on employment will ensure that the city's economic environment continues to be balanced and that businesses in the community continue to meet resident and business demand for services. The Plan designates land area for a range of employment uses, including essential service commercial and light industrial uses.

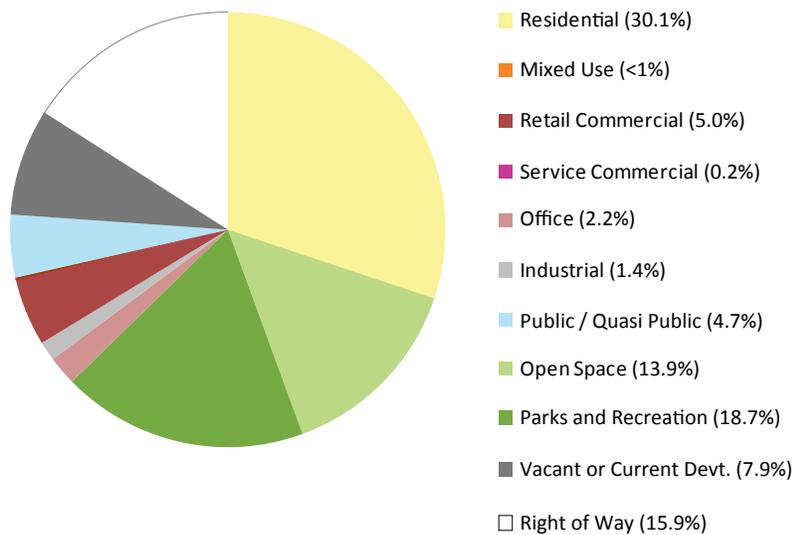
The Plan's land use framework is supported by modification of the city's land use "toolkit", or land use ~~designations~~ **classifications**. Seven new land use ~~designations~~ **classifications** are added or modified (and three existing ~~designations~~ **classifications** are retired from the 2004 CLUP including District Center, Business Park and Office/Residential). The new land use designations provide opportunity for higher density residential development and mixed use development (both standalone and transit-oriented), create greater specificity and direction for employment uses, and help preserve opportunity for service commercial and light industrial uses.

2.1 EXISTING LAND USE CONTEXT

Westminster is a distinctive community along the Front Range, where open space, parks and recreational amenities are a prominent feature of the city’s physical landscape. The city’s land use pattern is generally influenced by major regional transportation corridors. For the most part, retail, hotel and employment uses are clustered along I-25 and US 36 around major interchanges. Outside of these corridors, uses are primarily residential, with parks and open spaces integrated throughout. Smaller- and medium-scale commercial uses are located along arterial streets in the city, like Wadsworth Parkway, 120th Avenue, Sheridan Boulevard, Federal Boulevard and 72nd Avenue. South of 80th Avenue, in the oldest portion of the city, the use pattern is more diverse, particularly south of 72nd Avenue where commercial and light industrial uses are focused. As a whole, however, the city maintains a diverse array of uses, as shown in Figure 2-1. Chart 2-1 provides a breakdown of use by land area.



Chart 2-1: 2013 Existing Distribution of Land Area in the City



Existing development in the city includes almost 19,000,000 square feet of non-residential building space and almost 45,000 dwelling units. Balancing this development is approximately 6,500 acres of parks, open space and golf courses.

Existing Pattern

Of the total land area in the city, open space, parks, golf courses and conservation areas comprise over 31 percent—more than any other land use in the city. Private parks and open space comprise another 1.4 percent. These areas are interspersed throughout the city, creating multiple continuous natural and creek corridors that traverse the entire city. As illustrated in Chart 2-1, a similar proportion of land is residential, accounting for another 30 percent of land area. Commercial retail and service uses occupy 5.2 percent of the land area, with the remaining land area comprised of 4.7 percent of



Trimble brings both new employment and additional energy into the Westmoor Corporate Park.



Arbour Square adds an active residential population to the Orchard Town Center.



Hyland Village is a new TMUND community with development currently underway.



Country Club Village is an example of recent development that includes both retail and office uses.

public/quasi-public uses, 2.2 percent office, and 1.4 percent industrial. In total, almost 16,500 acres of land are in use within the city (including parks, open space and golf course lands), with another 1,700 acres of vacant platted or unplatted land and 3,450 acres occupied by rights-of-way. The majority of vacant land is located along major corridors like US 36, Wadsworth Parkway and I-25.

Current Development

Development that is currently (as of August 2013) under construction, approved or under review comprises approximately 520 acres in the city with 2,477 planned new dwelling units and 1.0 million square feet of non-residential space. The most significant projects underway include a mixed-use redevelopment of the Westminster Promenade West site, reuse of the 1,000,000-square-foot former Avaya industrial space at 120th Avenue and Huron Street, **the 350,000-square-foot St. Anthony's Hospital in the North I-25 area**, and a new 72-acre Hyland Village traditional mixed-use neighborhood at 96th Avenue and Sheridan Boulevard. Other significant projects include several multifamily apartment projects ranging from 12 to over 400 dwelling units per project.

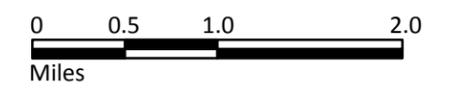
Likewise, recently completed development in the city includes several large projects, ranging from employment uses to multifamily residential developments. The recently-completed Trimble office building at the Westmoor Corporate Park adds almost 400 new employees to the city. The McWhinney Arbour Square project at 148th Avenue and Orchard Parkway was also recently completed, which added 384 new high quality townhome and multifamily units into the Orchard Town Center area. Current development projects in the city are summarized in Appendix B.

Figure 2-1: Existing Land Use 2013

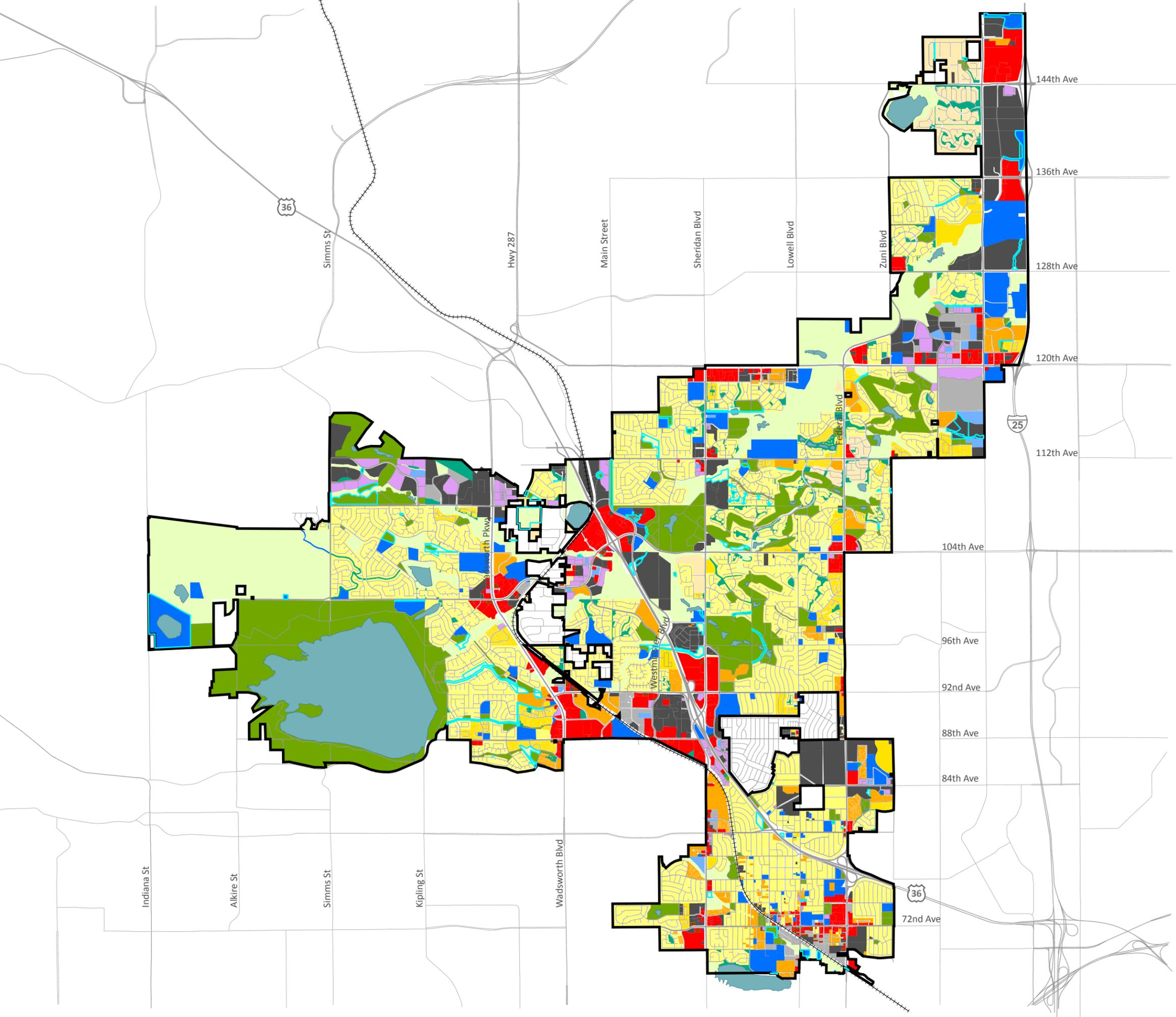
Legend

- Very Low Density Residential (R-1, R-2.5)
- Low Density Residential (R-3.5)
- Medium Density Residential (R-5, R-8)
- High Density Residential (R-18)
- Retail Commercial
- Office
- Light Industrial
- Park and Golf Courses
- Private Park/Private Open Space
- City Owned Open Space
- Public/Quasi Public
- Vacant
- City Limits
- Rail Corridor

Updates 3/17/14



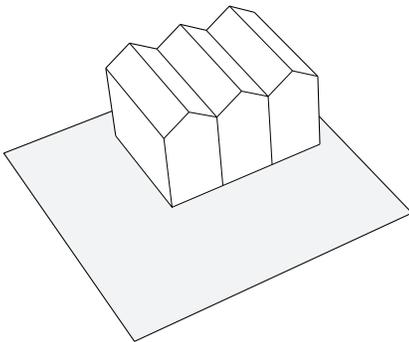
Updated 3/17/14



Density and Intensity

The Comprehensive Plan establishes density and intensity standards for each type of land use. Residential densities are expressed as dwelling units per gross acre, including land for public streets, storm drainage and other rights of way or dedications. This does not include land located within a designated 100-year flood plain (**designated as Major Creek Corridor on Non-Public Land**). It should be noted that maximum density may not be achievable on all sites due to specific site constraints such as topography, drainage patterns, floodplains, wetlands, required rights-of-way, the city's adopted design guidelines, public land dedication, or other public improvements. Thus, the maximum density listed for each category is not "guaranteed." The permitted density will be determined during the development review process taking into consideration the above constraints and enforcing the city's residential design guidelines for each residential type.

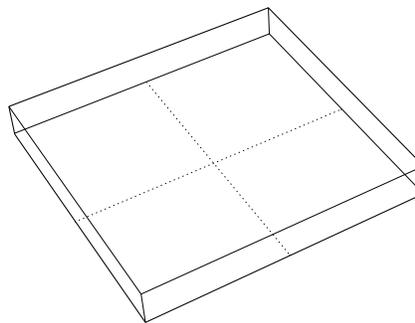
A maximum permitted floor area ratio (FAR) is specified for mixed use and non-residential uses. FAR expresses the ratio of total building square footage to land square footage. For example, an FAR of 2.0 means that for every square foot of land, a developer may build two square feet of building space. Where an FAR is specified for mixed use classifications, the FAR applies to both residential and non-residential building space, excluding structured or surface parking. **Similar to residential densities, maximum FARs may not be achievable due to site constraints.**



Density

Number of dwelling units per one acre.

Densities are calculated over the gross total area of a site, before dedications for streets, open space, drainage or other dedications are made. Shown above, 3.0 units/acre.



Floor Area Ratio (FAR)

Total building area over total site area.

FAR is calculated by dividing the total building area by the total site area. Building area does not include structured parking area. The images both show an FAR of 1.0.

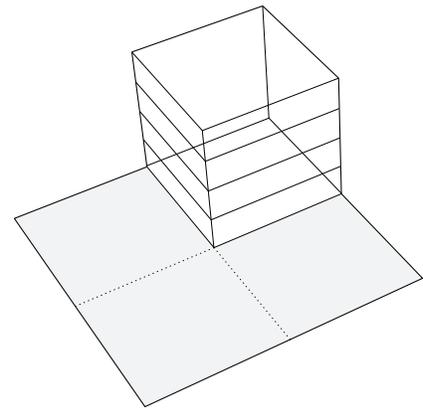
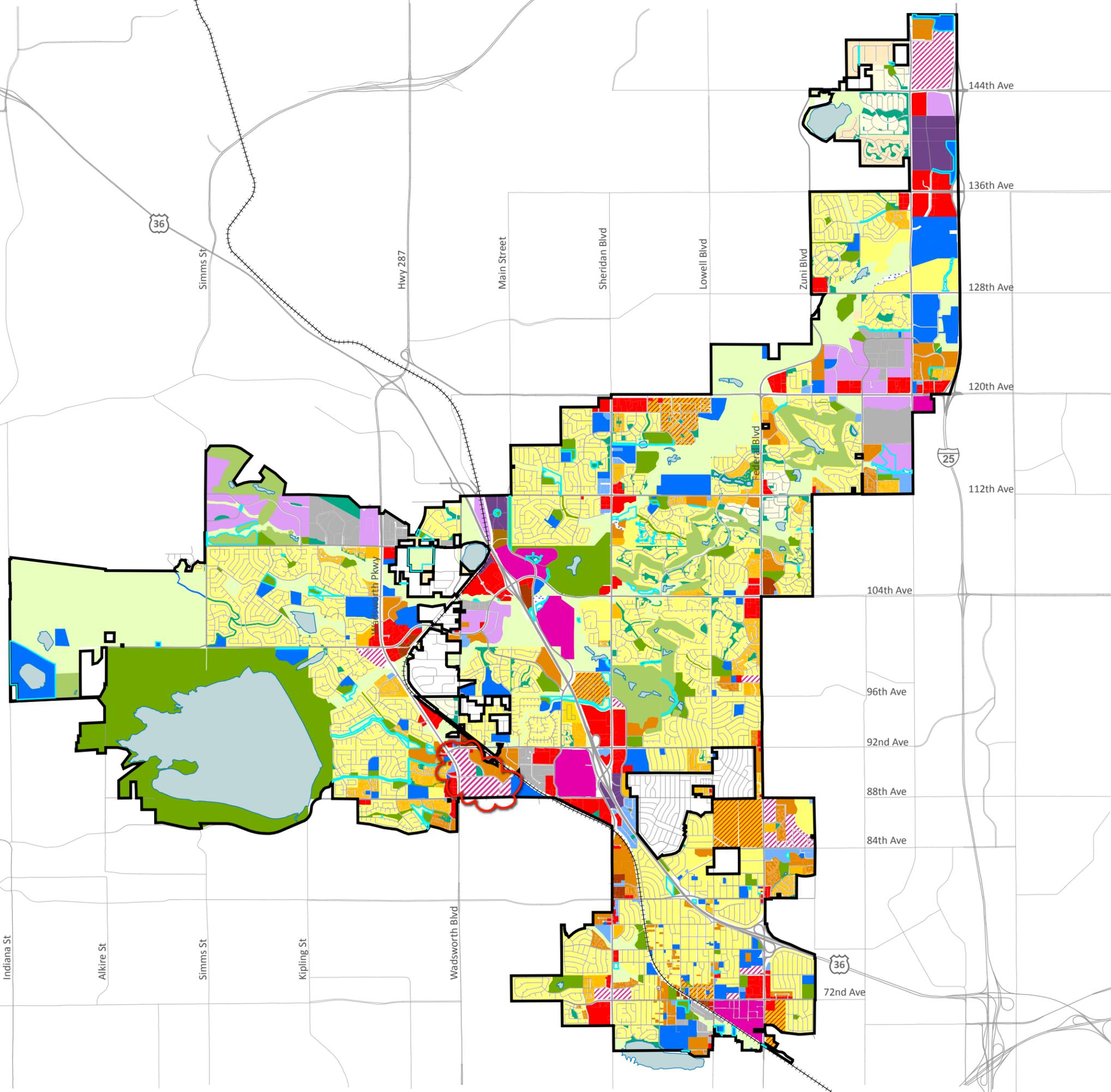


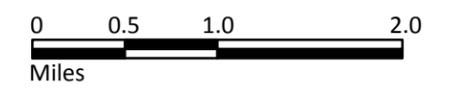
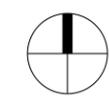
Figure 2-2: Land Use Diagram



Legend

- Residential R-1
- Residential R-2.5
- Residential R-3.5
- Residential R-5
- Residential R-8
- Residential R-18
- Residential R-36
- Traditional Mixed Use Neighborhood Devt.
- Mixed Use
- Mixed Use Center
- Retail Commercial
- Service Commercial
- Office
- Office/R&D Low Intensity
- Office/R&D High Intensity
- Flex/Light Industrial
- Public/Quasi-Public
- Public Parks
- City Owned Open Space
- Golf Courses
- Private Parks/Open Space
- Major Creek Corridor on Non-Public Land
- City Limits
- Water

Updates 3/17/14



Updated 3/17/14



Land Use Classification

Land use designations are the tools used to define the city's vision and intent for development throughout the city. They provide overarching direction for land use on a specific site. For the majority of the city's land area, more specific uses are delineated on a property's approved Planned Unit Development (PUD), which must be consistent with the property's Comprehensive Plan land use designation. For properties that are straight zoned (such as Commercial C-1, Business B-1, etc.), the Municipal Code provides greater detail on specific uses permitted within each zoning district. In order to develop, all properties, whether zoned by PUD or individual zoning district, must be developed in accordance with the Comprehensive Plan.

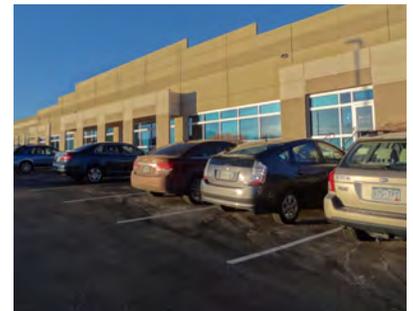
In addition to the uses described in each ~~designation below~~ **classification to follow**, public/quasi public uses—including government offices, police and fire stations, public schools and places of assembly—are permitted in all land use classifications except for park and open space ~~designations~~ **classifications**, subject to conditional use approval.



New high density residential and mixed use categories create opportunity for transit-supportive development and vibrant, mixed-use districts.



New office development categories create opportunity for higher intensities of employment development in key areas in the city.



Service, flex and light industrial uses are designated throughout the city in areas of greatest compatibility and synergy.

R-8 Residential

Up to 8.0 Dwelling Units per Acre



This designation accommodates a mix of housing types from single family residences (attached and detached) and duplexes to townhomes, condominiums and walk-up apartments. This designation is appropriate in close proximity to activity centers and to areas that can be served by transit.

Development Standards

	<i>Requirement</i>
Land Use	
Primary Uses	Single Family Detached Residences Single Family Attached Residences Duplexes Patio Homes Townhomes Condominiums, and similar
Secondary Uses	Non-commercial Recreational Uses Senior Housing Facilities (1)
Development Characteristics	
Density	Maximum 8.0 du/acre
Maximum Height	Two stories
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	



R-18 Residential

Up to 18.0 Dwelling Units per Acre



This designation accommodates a mix of higher density housing types including townhomes, apartments and condominiums. R-18 Residential shall be located along arterial streets, near transit centers or available transit, and within or near activity centers with a mix of supportive uses.

Development Standards

	<i>Requirement</i>
Land Use	
Primary Uses	Apartments Condominiums Townhomes, and similar Single Family Residences
Secondary Uses	Non-commercial Recreational uses Senior Housing Facilities (1)
Development Characteristics	
Density	Maximum 18.0 du/acre
Site Composition	Shall include private recreational facilities
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	

R-36 Residential

18.0 to 36.0 Dwelling Units per Acre



This designation accommodates a range of higher density housing types from townhomes to apartments, condominiums and similar higher density typologies. R-36 Residential shall be located along arterial streets near transit and activity centers, where supportive neighborhood-serving uses and transit are within a 5- to 10-minute, or half-mile, walk.

Development Standards

Requirement

Land Use

Primary Uses	Apartments, Condominiums, Lofts and Townhomes
Secondary Uses	Non-commercial Recreational uses Senior Housing Facilities (1)

Development Characteristics

Density	Minimum 18.0 du/acre Maximum 36.0 du/acre
---------	--

Site Composition	Shall include private recreational facilities and common space
------------------	---

(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.



Traditional Mixed Use Neighborhood Development (TMUND) Up to 18.0 Dwelling Units per Acre and 1.0 Commercial FAR



This designation is intended for inclusive neighborhoods with a mix of residential and supportive non-residential uses in a walkable, pedestrian-oriented, urban village development pattern. Housing types could range from medium and small-lot single family homes to multifamily apartments and lofts. Mixed or non-residential uses could include offices, personal/business services, retail and live/work development. An interconnected grid of streets, pedestrian connections and parks is emphasized. The maximum density and intensity for this designation may be applied to the entire TMUND master planned development as opposed to specific sites.

All new development shall be consistent with the TMUND Design Guidelines, which provide greater detail for site, building and landscape design. (Bradburn Village is an example of a successful TMUND project.)

Development Standards

Requirement

Land Use

Primary Uses	Apartments, Condominiums, Lofts and Townhomes Single Family Residences (attached or detached) Offices, Personal Services, Retail Commercial, Live/Work
Secondary Uses	Senior Housing Facilities (1), Child Care
Limited or Potentially Prohibited Uses (2)	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services

Development Characteristics

Density	Maximum 18.0 du/acre (3)
Floor Area Ratio	Maximum 1.0 for Commercial uses

- (1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.
- (2) Uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city.
- (3) Greater densities may be allowed if approved by the Planning Commission and City Council.

Mixed Use

8.0 to 36.0 Dwelling Units per Acre and Maximum Combined FAR of 1.5



This designation is intended to foster development with a mix of residential and commercial uses. Stand-alone commercial use or a combination of residential and commercial use is permitted. Where residential development is proposed, a vertical mix of uses (such as residential or office use above ground floor retail) is required with a minimum 0.10 FAR of commercial use (retail, offices or personal/business services). Parking should be located behind buildings, below grade or in structures to ensure active uses face onto public streets. Auto-oriented uses and drive-throughs are **strongly discouraged** as part of residential mixed-use projects.

Development Standards

	Requirement
Land Use	
Primary Uses	Townhomes, Apartments, Condominiums and Lofts Offices, Personal Services, Retail Commercial (1), Live/Work (1)
Limited or Potentially Prohibited Uses (2)	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check-cashing offices and day labor services
	Auto-oriented uses Stand-alone uses with vehicle drive-throughs
Development Characteristics	
Density	Minimum 8.0 du/acre, when provided Maximum 36.0 du/acre, when provided
Floor Area Ratio	Minimum 0.25 for Standalone Commercial Minimum 0.10 Commercial when Residential is provided Maximum 1.5 Combined Residential and Commercial

(1) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial designation for a list of Limited or Potentially Prohibited Uses.

(2) Applicable to mixed-use projects with both residential and commercial uses.



Mixed Use Center

Minimum FAR of 0.75 and Maximum Combined FAR of 2.0*



This designation establishes key activity centers in the city, typically to be located with access to transit. Uses may include a mix of residential, retail, office and hotel uses. Along pedestrian-oriented street frontages, ground floor uses should be active, such as retail stores, restaurants and cafes. A vertical mix of uses is encouraged with retail at the ground level and office, hotel and/or residential on upper floors. Parking is strongly encouraged to be structured or below grade, with minimal surface parking—which should be located away from public view. Auto-oriented uses and **new standalone uses with** drive-throughs are not permitted.

Development Standards

Requirement

Land Use

Primary Uses	Townhomes, Apartments, Condominiums and Lofts Offices, Personal Services, Retail Commercial (1), Live/Work (1)
Prohibited Uses	Auto-oriented uses Stand-alone uses with vehicle drive-throughs (2)

Development Characteristics

Density	Minimum 18.0 du/acre, when provided
Floor Area Ratio	Minimum 0.75 Combined Residential and Commercial (3)(4) Maximum 2.0 Combined Residential and Commercial (3)(4)(5)

(1) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial designation for a list of Limited or Potentially Prohibited Uses.

(2) Formerly-established drive through uses may be permitted as a component of new development, subject to the development review process.

(3) The Combined Floor Area Ratio (FAR) is calculated with both residential and commercial building area.

(4) Calculation of FAR for master planned developments excludes rights-of-way.

*(5) * Greater Maximum FAR may be permitted if otherwise determined by PUD, official development plan or other regulatory plan.*

Retail Commercial

Maximum FAR of 0.35



This designation serves a variety of neighborhood and regional **commercial** needs and can be comprised of retail stores, eating establishments, banks, supermarkets and business and professional offices. Auto service stations, convenience stores, drive-through facilities and other similar uses may be limited and may not be allowed in areas that directly abut residential districts, public/quasi-public or institutional uses or public space. When permitted, such facilities shall use enhanced architectural design to be compatible with surrounding uses. Design of all retail commercial development must be consistent with the Retail Commercial Design Guidelines.

Development Standards

	<i>Requirement</i>
Land Use	
Primary Uses	Retail stores, eating establishments, banks, supermarkets, and business and professional offices
Limited or Potentially Prohibited Uses (1)	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
Development Characteristics	
Floor Area Ratio	Maximum 0.35
Site Characteristics	Generally limited to arterial street intersections to one or two corners. Neighborhood commercial development is allowed on collector streets.

(1) Uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city.

Office

Maximum FAR of 0.35



This designation accommodates offices for medical, legal, banking, insurance and similar professional office uses. This designation is intended to be compatible with abutting residential and other sensitive uses. A limited amount of retail uses integrated into the office building is permitted **as a portion of the project gross floor area, or GFA** (see below for requirements).

Development Standards	
	Requirement
Land Use	
Primary Uses	Professional and commercial offices (medical, business, real estate, law and consulting offices)
Secondary Uses	Support Commercial including eating establishments, pharmacies, personal business services, office supply (1)(2)
Development Characteristics	
Floor Area Ratio	Maximum 0.35
Distribution of Uses	Maximum 15% of GFA Support Commercial or 10,000 sqft, whichever is less (3)(4)

(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office buildings.

(2) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial designation for a list of Limited or Potentially Prohibited Uses.

(3) Commercial building area shall not exceed 50 percent of the ground floor of any one building.

(4) Support commercial uses may be further constrained by parking availability.



Office/R&D Low Intensity

Maximum FAR of 1.0



This designation is intended for campus-like development with offices, research and development facilities, medical facilities and supportive uses. Manufacturing and mass production space is limited to less than 30 percent of gross floor area on a lot. Accessory or small-scale supporting retail or personal/business services integrated into office buildings are also permitted up to 10 percent of gross floor area. Strategically located hotel uses that support employment uses may be permitted by PUD.

Development Standards

Requirement

Land Use

Primary Uses	Professional offices, research and development labs, medical facilities
Secondary Uses	Hotel Manufacturing, warehouse, production (±) Support Commercial including eating establishments, pharmacies, personal business services, office supply (1)(2)

Development Characteristics

Floor Area Ratio	Maximum 1.0
Distribution of Uses	Maximum 10% of GFA Support Commercial or 15,000 sqft, whichever is less (3) Maximum 30% of GFA Manufacturing, Warehouse and/or Production use

(1) Manufacturing and production space may not exceed 30% of gross floor area.

(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office/R&D buildings.

(2) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial designation for a list of Limited or Potentially Prohibited Uses.

(3) Support commercial uses may be further constrained by parking availability.

Office/R&D High Intensity

Minimum FAR of 0.30 and Maximum FAR of 2.0



This designation identifies areas where higher-intensity employment uses are appropriate. These areas are located along major transportation corridors with high visibility and accessibility. Employment uses are emphasized, including high-rise or campus-like office developments and supportive research and development uses. Manufacturing and mass production space is limited to less than 10% of gross floor area. Accessory or small-scale supporting retail or personal/business service uses integrated into office buildings are also permitted up to 10% of gross floor area. Strategically located hotel uses are permitted by PUD. The desired type of development is multistory buildings served by a mix of structured and surface parking. Taller buildings should be located closer to major arterials to reinforce visibility and presence.

Development Standards

	<i>Requirement</i>
Land Use	
Primary Uses	Professional offices, research and development labs, medical facilities
Secondary Uses	Hotel Manufacturing, warehouse, production (±) Support Commercial including eating establishments, pharmacies, personal business services, office supply (1)(2)
Development Characteristics	
Floor Area Ratio	Minimum 0.3 Maximum 2.0
Distribution of Uses	Maximum 10% of GFA Support Commercial use, or 15,000 sqft, whichever is less (3) Maximum 10% of GFA Manufacturing, Warehouse and/or Production use

(1) Manufacturing and production space may not exceed 10% of gross floor area.

(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office/R&D buildings.

(2) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial designation for a list of Limited or Potentially Prohibited Uses.

(3) Support commercial uses may be further constrained by parking availability.



Flex/Light Industrial

Maximum FAR of 0.5



This designation is intended to provide and protect land for flexible employment uses, including manufacturing and assembly, research and product development, warehousing and distribution facilities, and supportive office space. Flexible spaces may include storefront space for **offices**, sales and customer service. Auto-related service and self storage uses are also permitted. Uses that create objectionable levels of noise, vibration, odor, glare or hazards are not permitted. Outdoor storage must be screened from public right-of-way and non-industrial uses. **Support commercial uses integrated into flex/light industrial buildings are also permitted up to 10% of gross floor area.** In general, light industrial uses should be located away from residential areas and adequately buffered from other land uses. The city may impose a stricter standard for more intense industrial uses.

Development Standards

	<i>Requirement</i>
Land Use	
Primary Uses	Flex office space including professional office, research and development labs Warehousing, fabrication facilities, repair shops, wholesale distributors and light manufacturing
Secondary Uses	Support Commercial including eating establishments, pharmacies, personal business services, studios , office supply (1)(2)
Development Characteristics	
Floor Area Ratio	Maximum 0.5
Distribution of Uses	Maximum 10% of GFA Support Commercial use, or 15,000 sqft, whichever is less (3)

(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office/R&D buildings.

(2) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial designation for a list of Limited or Potentially Prohibited Uses.

(3) Support commercial uses may be further constrained by parking availability.



Golf Courses



This designation applies to both public and private golf courses, including three public courses and two private courses. Public golf courses provide additional open space, natural habitat and trail connections that connect to the greater parks and open space network in the city.

Public/Quasi Public



This designation is intended for uses related to general community services, such as public safety facilities, schools and institutions of higher learning, places of worship, community centers, hospitals, municipal facilities and cemeteries. Future public and quasi-public uses such as private schools and recreation facilities, although not shown specifically on the Land Use Diagram, are generally allowed in residential areas subject to City review and approval. Places of assembly are also allowed in non-residential use categories subject to City review.

Major Creek Corridor on Non-Public Land

These areas are flood corridors within the 100-year floodplain located on private land. Flood corridor areas should remain undeveloped to protect property from flood damage, and to preserve the riparian habitat and wildlife associated with the area. Filling in of flood plains is generally prohibited except where flooding is caused by sheet flow. Where filling or channelization may be allowed, it must be a natural appearing design.

Development Potential

Projected development potential of the Comprehensive Plan assumes that the majority of vacant lands and sites with opportunity for redevelopment, infill or intensification, will develop over the 22-year Plan horizon ~~at~~ by 2035. However, the Plan is not intended to specify or anticipate when this development potential will actually be realized; nor does the designation of a site for a certain use necessarily mean that the site will be built/redeveloped with that use in the next 22 years.

The projected development potential outlined in Table 2-1 is based on assumptions of average intensities for the different land use classifications. However, it must be noted that the citywide development potential is not a fixed or final number. As time passes, new opportunities for redevelopment and infill will arise, beyond sites currently identified in this update effort. Planning for transportation and public infrastructure, particularly water resources and utilities, will continue to be reevaluated as future development potential is identified in subsequent Comprehensive Plan updates.

Table 2-1 shows:

- A. **Existing Development.** This reflects existing development as of August 2013.
- B. **Current Development.** This includes projects that are currently under construction, approved or proposed as of August 2013. This development includes 2,477 housing units and 1.0 million square feet of non-residential building space.
- C. **Gross New Development by 2035.** This value represents application of average assumed intensities to vacant lands and underutilized sites that will likely be developed over the next 20 years, or the 2035 plan horizon. Approximately 5,616 housing units and 8.9 million square feet of non-residential building space will likely be added.
- D. **Existing Development Lost.** This value reflects existing development that is likely to be lost due to redevelopment of underutilized sites.
- E. **Net New Development by 2035.** This reflects the total of the Existing, Current and Gross New development in the city less Existing Development Lost.
- F. **City at 2035.** Totaling Net New Development and Existing Development results in the Comprehensive Plan development potential at 2035. This will result in an increase of approximately 8,100 housing units and 8.8 million square feet of non-residential space.



The city will continue to build high quality housing and residential neighborhoods to further attract employers and workers to the city.



Employment growth is a focus of the Comprehensive Plan in order to providing a range of employment options for the city's residents as well as to foster business growth and synergy within the city.

Total population by the 2035 Plan horizon is expected to grow by approximately 20 percent to 130,100—an increase of approximately 21,000 new residents, based on a projected 2035 population to household ratio of 2.58 by DRCOG. Employment in the city will also grow substantially, with the potential for 59,250 jobs in the city by 2035—the majority of which would be in retail and office/R&D industries. This would increase the existing job base in the city by approximately 50 percent.

Jobs to Housing Balance

The relationship between jobs and housing is a reflection of whether a city has a deficit or surplus of jobs relative to employed residents. A balance between the two would be a 1:1 ratio, and would indicate that in-commuting and out-commuting are matched, leading to efficient use of the transportation system, particularly during peak hours. The Comprehensive Plan looks to improve the balance between jobs and housing (reflected by the number of employed residents) in the city. As of 2013, the city's ratio is an estimated 0.59 jobs to employed residents (reflecting approximately 39,300 jobs and 66,700 employed residents in the city).¹ In comparison, both Adams and Jefferson counties had ratios of 0.70, with Denver almost double with 1.35 jobs to employed residents (Table 2-2).²

To achieve an improved balance, the Plan focuses on attracting higher intensity employment development into the city, in both mixed-use areas and along the city's major employment corridors like US 36 and I-25. The city's wide range of housing types will continue to attract employers and workers to the city. With nearly 18,000 new jobs expected over the next 20 years alone, the City can expect a jobs/housing ratio of approximately 0.63—an improvement that reflects a conservative projection of job gain into the future.

Table 2-2: Jobs to Housing Comparison

<i>Place of Comparison</i>	<i>Jobs</i>	<i>Employed Residents</i>	<i>Jobs/Emp. Residents</i>
City of Westminster	39,300	66,700	0.59
City of Arvada	27,500	59,600	0.46
City of Broomfield (City & County)	30,000	31,900	0.94
City of Thornton	25,900	66,400	0.39
Denver (City & County)	443,000	328,900	1.35
Adams County	162,300	234,400	0.69
Jefferson County	215,200	305,300	0.70

Sources: American Community Survey 2012 data for employed residents; cities of Westminster, Arvada, Thornton and Broomfield, DRCOG and Colorado Department of Labor for jobs estimates. Estimates rounded to the nearest 100th.

¹ American Community Survey, 2012 Data.

² Colorado Department of Labor, 2012 Annual Labor Market Estimates and Employment by Industry.



2.3 REDEVELOPMENT

Urban Renewal Areas

The city currently has seven active officially designated Urban Renewal Areas. These Urban Renewal Areas are administered by the Westminster Economic Development Authority (WEDA), for which City Council members serve as the Board Members. The Urban Renewal Area designation allows WEDA to finance capital improvements and land assembly to incentivize redevelopment and improve physical conditions in key areas of the city. WEDA generally gains its revenues from increases in property taxes within these areas. Within the redevelopment project areas, WEDA has the power to make capital improvements to the “public realm”; those areas and elements that serve a public purpose, including parks, plazas, utilities and roads, landscaping and parking.

The redevelopment areas are shown in Figure 2-3 and include:

- South Westminster, the second phase of which will expire in 2017.
- Westminster Center (encompassing the proposed downtown Westminster area) adopted in 2009 and will be active for 25 years from the date tax increment collection is established.
- Westminster Center East, adopted in 2002 and active through 2027.
- Mandalay, adopted in 2003 and active through 2027.
- North Huron, adopted in 2004 and active through 2028.
- Holly Park, adopted in 2004 and active through 2028.
- South Sheridan, adopted in 2004 and active through 2028.

Additional Redevelopment Opportunities

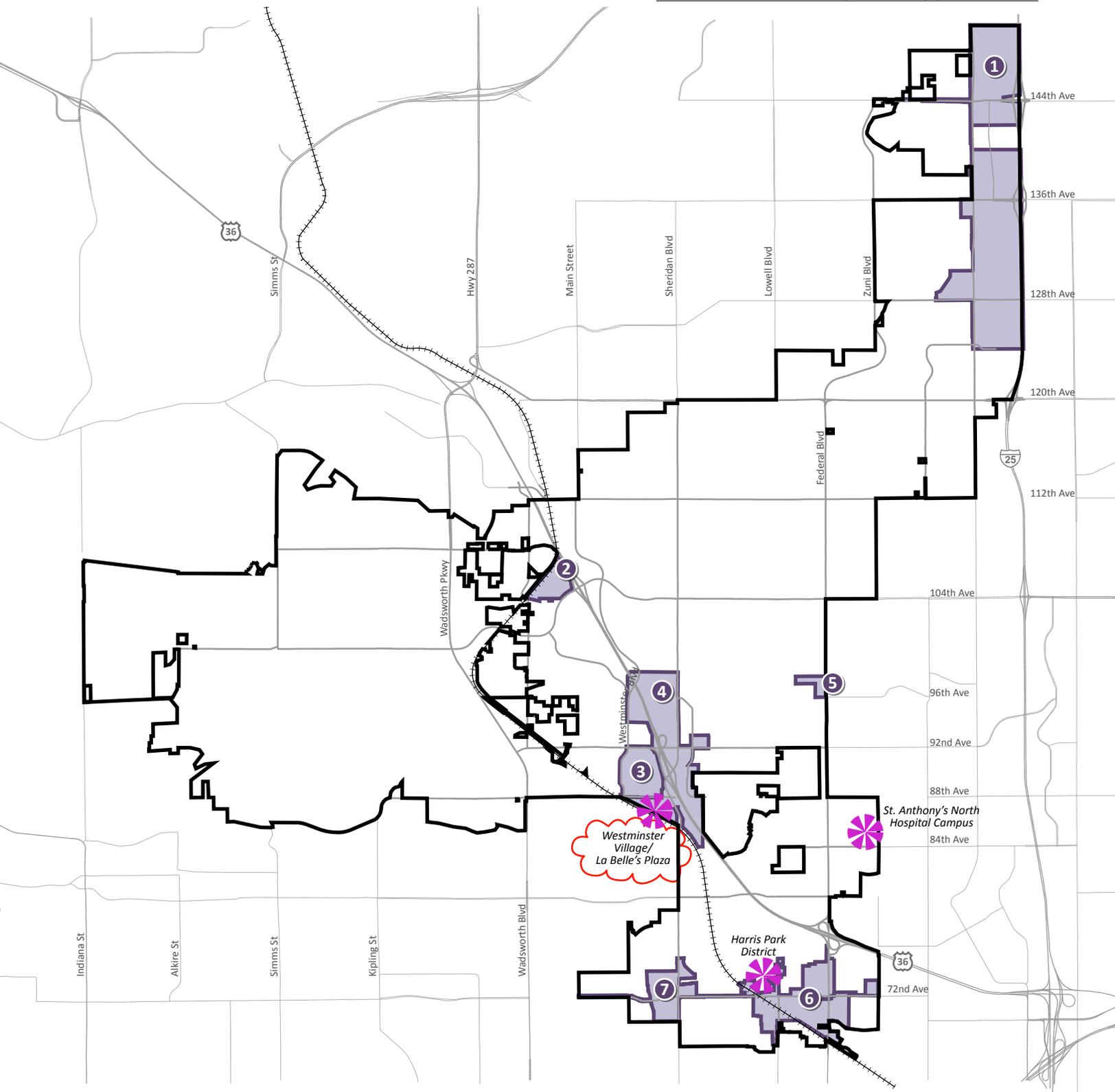
In addition to the city’s Focus Areas identified in the Comprehensive Plan, there are several key redevelopment and infill opportunities in the city. These sites have existing development that may or may not redevelop over the **future Plan horizon**. **Key** ~~These sites that may have potential for redevelopment~~ include:

- *Westminster Village/LaBelle’s Plaza*, located at 88th Avenue and Sheridan Boulevard, consisting of existing older retail strip centers and large format retail stores. Over time, as the downtown Westminster area develops into an active, mixed-use downtown destination, there may be opportunity to take advantage of the synergy created by the new downtown, existing park-and-ride and future commuter rail station at the western end of the site. The area is also directly adjacent to the planned

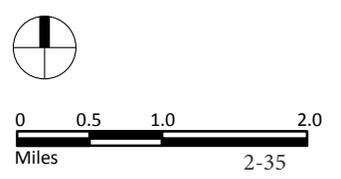


LaBelle’s Plaza, extending south from 88th Avenue on the west side of Sheridan Boulevard, is an older commercial strip center that is nearing the end of its building lifecycle.

Figure 2-3: Urban Renewal Areas & Redevelopment Opportunities



- 1** North Huron Urban Renewal Area
- 2** Mandalay Urban Renewal Area
- 3** Westminister Center Renewal Area
- 4** Westminister Center East Urban Renewal Area
- 5** Holly Park Urban Renewal Area
- 6** South Westminister Phase I & II Urban Renewal Areas
- 7** South Sheridan Urban Renewal Area
-  Potential Redevelopment Opportunity





Outside City Limits

Land in the Sphere of Influence outside of the outer limits of the city is located primarily to the south in Adams County and to the west in Jefferson County. Abutting land area within Jefferson County is envisioned as remaining agricultural and/or sparsely developed to protect water quality of resources like Standley Lake. ~~and~~ Similarly, land adjacent to Hidden Lake is identified for agricultural and/or very low intensity use. ~~To the southeast~~ Further to the east, in Adams County, land abutting the city is primarily developed, with the exception of a portion of the Northgate site directly east of the Westminster Station Area, which is envisioned as a traditional mixed use neighborhood east of Federal Boulevard. This site will likely be annexed as part of the overall Northgate development.



Areas adjacent to major water resources like Standley Lake and Hidden Lake will ideally remain very low density to minimize development impacts on regional and city resources.



POLICIES

Citywide policies focus on strategic growth that will ensure the city continues to develop within its fiscal, economic and infrastructure means. They also place emphasis on regional coordination to ensure Westminster continues to play a significant role as an employment and activity center in the Denver Metropolitan area.

- LU-P-1** Ensure land uses are consistent with the Comprehensive Plan Land Use Diagram in Figure 2-2 and land use classifications in Section 2.3.
- LU-P-2** Update the Municipal Code to support mixed-use development, land use densities and development standards to ensure its compliance with the Comprehensive Plan.
- LU-P-3** Ensure that new development is consistent with minimum and maximum intensities and densities for development. Residential densities are calculated using the gross acreage of the site, excluding land area within 100-year flood plains.
- LU-P-4** Ensure that adequate infrastructure and public services are available for new development. Evaluate the impact of new development to the city's future water supply, considering land use, intensity and proposed conservation measures.
- LU-P-5** Create a new downtown focused on the former Westminster Mall site.
- Establish a street grid and block structure that accommodates all travel modes with a priority for pedestrian circulation;
 - Create an attractive, connected public realm with a range of parks, open space and recreational opportunities;
 - Foster a mix of commercial, office and residential uses, encouraging a vertical mix of uses in buildings; and
 - Establish a distinct area within the downtown that is the center of activity, culture and identity for the city.
- LU-P-6** Encourage the establishment and intensification of activity centers that provide a mix of uses, transit and attractive, walkable environments.
- LU-P-7** Continue to diversify commercial uses in the city to insulate the city's fiscal base from downturns in individual markets.



New land use designations foster vertical mixed use development, where residential or office spaces are located above commercial uses at the ground floor. These higher-intensity development types will foster growth and activity in areas like Westminster Station and downtown Westminster.



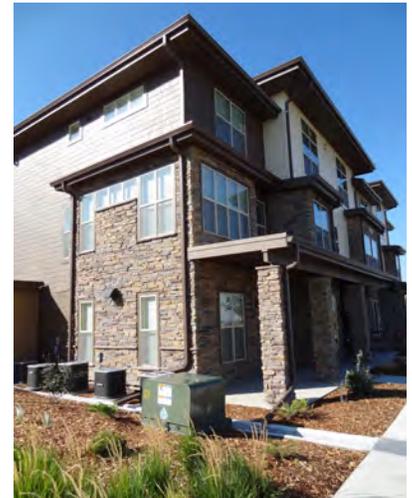
GOALS

- F-G-6** Develop a regional employment center within the North I-25 Focus Area.
- F-G-7** Foster a cohesive, **development** high quality development character and identity for the area.
- F-G-8** Build on existing synergies in the area to attract a range of businesses.



POLICIES

- F-P-20** Establish an employment district with a range of office and research and development uses.
- F-P-21** Facilitate multimodal connectivity between the Orchard Town Center and surrounding commercial development to support the day time population.
- F-P-22** Extend Orchard Parkway through the focus area as the central spine of activity. Ensure development provides an active frontage along this street. Development should also be oriented to I-25 and Huron Street, with parking located away from public view.
- F-P-23** Locate taller buildings closer to the freeway, oriented and spaced to maximize views into the district.
- F-P-24** Provide safe, enhanced pedestrian crossings of Orchard Parkway and 144th Avenue to facilitate connectivity between activity nodes.
- F-P-25** Incorporate open space and landscape features as integral elements of the development.
- F-P-26** Establish a distinctive streetscape and site design throughout the area that creates identity through key elements like street lighting, landscape and public art.
- F-P-27** Provide trail connections to existing trail systems, including the McKay Creek Trail, Quail Creek Trail and Big Dry Creek Trail.



The Orchard Town Center retail and residential uses just north of the focus area will be a key amenity for employment uses.



Figure 3-6: Brookhill Focus Area Illustrative Concept





This analysis focuses on existing and future projected traffic counts and roadway traffic volumes. The CRP also evaluates traffic speeds and driving behavior, accident history and conflicts between circulation modes to identify additional opportunities for improved circulation in the city. Additionally, the CRP emphasizes multimodal integration of pedestrian and bicycle circulation along the roadway network, looking at quantity and quality of the travel experience, continuity, visual interest and supporting amenities.



The city's primary arterial streets include Sheridan Boulevard, Federal Boulevard and 120th Avenue.

Street System

Westminster's street system is comprised of local neighborhood streets and collectors and a citywide arterial system. Local neighborhood streets and collectors are designed to provide access to adjacent properties from the arterial system. The arterial system delivers traffic between the freeways, other arterials and the local neighborhood street system. **The CRP classifies the city's arterial system into three major arterial types: 2-3 lane street, 4-5 lane street, and 6-7 lane street. The number of lanes is primarily related to the capacity of each arterial.** This arterial system is anchored by several north-south corridors—Wadsworth Parkway, Sheridan Boulevard, Federal Boulevard and Huron Street—and east-west corridors—144th Avenue, 136th Avenue, 120th Avenue, 112th Avenue, 104th Avenue/Church Ranch Boulevard, 92nd Avenue and 72nd Avenue. ~~The capacity of the city arterial system is primarily related to the number of lanes provided for through traffic.~~ Table 5-1 shows the general daily traffic capacity for each arterial street type in the city and classification of the city's major arterials. **Figure 5-1 reflects the most recently adopted CRP.**

Type of Street	Capacity (Average Daily Traffic Volume)	Examples within the City
6-7 lane street	53,000	Sheridan Boulevard north of 112th Avenue Huron Street north of 136th Avenue
4-5 lane street	36,000	72nd Avenue 80th Avenue 92nd Avenue Church Ranch Boulevard/104th Avenue 112th Avenue Huron Street south of 136th Avenue Wadsworth Parkway Sheridan Boulevard Federal Boulevard
2-3 lane street	18,000	Lowell Boulevard Old Wadsworth Boulevard Simms Street

Source: Highway Capacity Manual, Transportation Research Board

Figure 5-1: Street Network

Legend

2035 Existing Street Network

-  Limited Access Roadway
-  Arterial and Collector Streets
-  6-Lane
-  5-Lane
-  4-Lane
-  2-Lane

-  ~~Collectors Local Streets~~
-  ~~Local Streets Private Streets~~

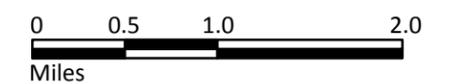
Planned Improvements Future Street Network

-  Planned Street Connection
-  Planned Intersection Improvement
-  Planned Street Improvement
-  Potential Street Connection
-  Potential New Interchange
-  Potential Streetscape Improvements

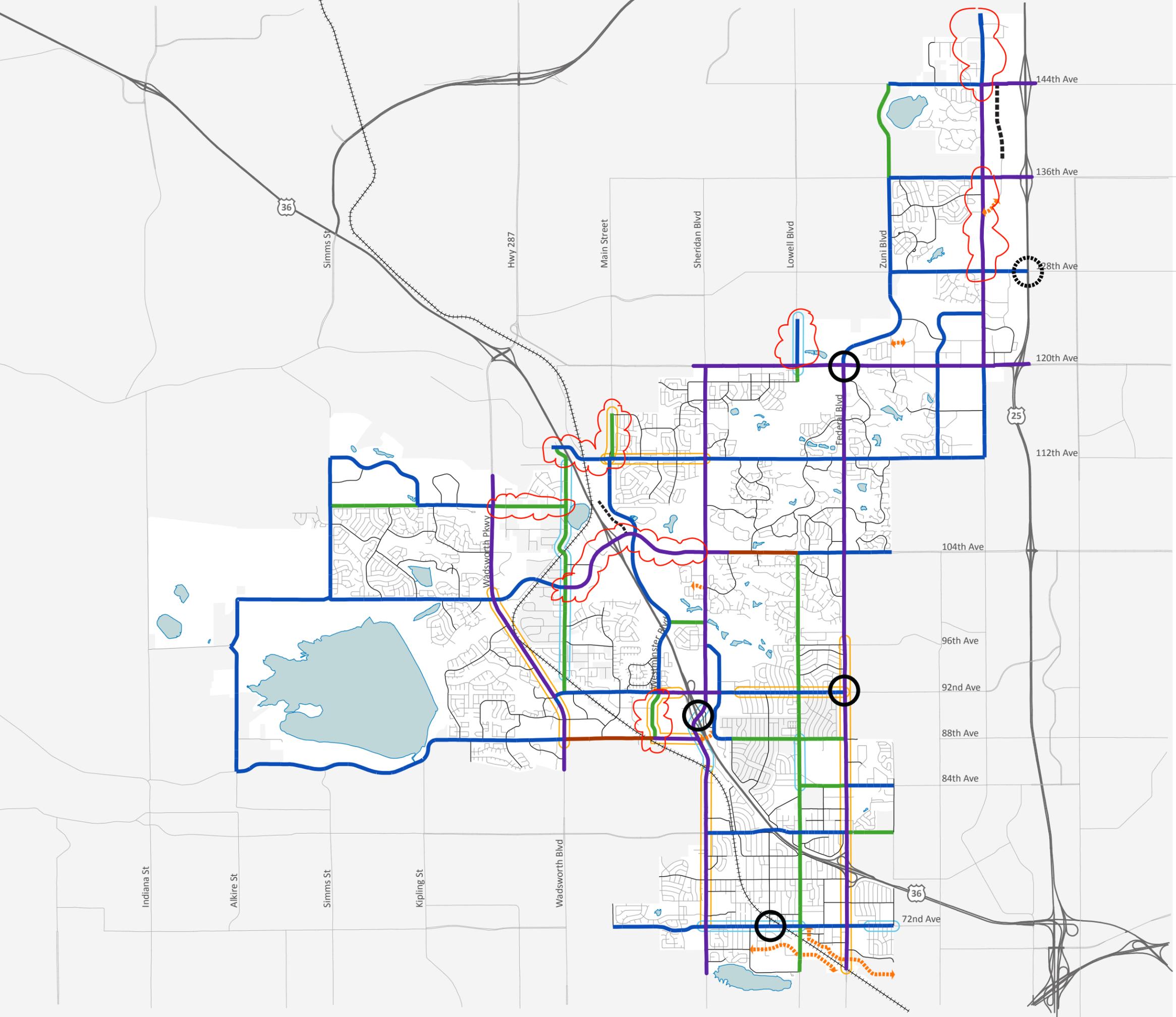
Planning Area

-  Parks/Open Space/Golf Courses
-  Water
-  City Limits

Updates 3/17/14



Updated 3/17/14





The city works to improve pedestrian facilities by providing separated sidewalks, accommodate transit and ensure that traffic flow for vehicles are generally below the threshold of congestion.

The intent of the ~~Roadway Plan~~ CRP is to prioritize through connections for the majority of vehicles traveling on the city's roadway system. Typically, recommendations for improvements are made for intersections operating at an LOS worse than D, where improvements would bring the facility to an LOS of D or better, and for streets that significantly exceed the Threshold of Congestion.

Traffic Conditions

Traffic volumes and levels of service for existing conditions are described in the CRP, which includes an analysis of future traffic conditions. The traffic modeling includes assumptions for future development consistent with the Comprehensive Plan as well as the Denver Regional Council of Governments (DRCOG) traffic model. The ~~Roadway Plan~~ CRP currently projects traffic conditions through 2030 and will be updated to include 2035 DRCOG model and Westminster Comprehensive Plan projected growth. Major roadways that are currently (as of 2013) over capacity are listed in Table 5-4.

All of the roadways that currently fail to operate at acceptable levels of service (i.e. have reached the Threshold of Congestion in terms of average daily traffic volumes) are proposed to have improvements in roadway capacity. Typically, improvements for congested arterial streets include adding additional through lanes or adding turn lanes at intersections. Over the years, the city has widened congested streets to improve traffic flow and reduce frustration by drivers. In many cases, the city has partnered with neighboring cities, developers and CDOT to implement these improvements.

However, there may be instances where goals for pedestrian walkability are emphasized over those for through vehicle traffic. Priorities for ease of travel are evaluated through the planning and urban design process to ensure that goals for overall quality of life, access to transit and services, and accessibility to key destinations by multiple modes are weighed and evaluated. Planning for the Westminster Station and downtown Westminster areas, as well as other higher intensity mixed-use areas that emphasize walkability and transit access, will consider the need for a balanced system that responds to context and the needs of the community as a whole.

Planned Improvements

The Comprehensive Roadway Plan (CRP) recommends intersection and roadway improvements to mitigate existing deficiencies and future traffic impacts projected through 2030. Improvements along the US 36 corridor, I-25, Wadsworth Parkway and other state highways and regional corridors are also outlined in the CRP.



Key planned improvements that will have a significant impact on some of the city’s most severely congested arterial streets include two projects along 120th Avenue and one along Sheridan Boulevard. The 120th Avenue and Lowell Boulevard intersection improvement will include adding a second left turn lane for 120th Avenue and Lowell Boulevard traffic and adding a third eastbound through lane on the southern Westminster side. The 120th Avenue and Federal Boulevard intersection improvement will include a third eastbound and westbound lane on 120th Avenue and two additional lanes north of 120th Avenue on Federal Parkway. Double left turn lanes will be provided for all four quadrants of the intersection. The projects will be completed in early 2014 and early 2015, respectively. Along Sheridan Boulevard, the bridge over US 36 will be replaced with a six lanes (from the existing four-lane configuration) and additional left turn lanes.



Accommodation of projected growth through the 2035 Plan horizon may require additional improvements to the city’s roadway system, outside of those already planned and outlined in the CRP and Capital Improvements Plan. These improvements will be identified in future updates to the CRP. Likewise, all new development will continue to be evaluated in terms of impacts to the city’s roadway system and intersection operations.

Table 5-4: Congested Roadways in Westminster as of 2011

Street	Lanes	Average Daily Traffic (2011)	% Over Threshold of Congestion	% Over General Daily Traffic Capacity
Sheridan Blvd: 88th Ave to US 36	4	55,863	80.2%	55.2%
120th Ave: Lowell Blvd to Federal Blvd	4	45,535	46.9%	26.0%
120th Ave: Federal Blvd to Pecos St	4	42,171	36.0%	17.1%
120th Ave: Huron Street to I-25	6	69,858	32.3%	14.8%
120th Ave: Sheridan Blvd to Lowell Blvd	4	40,678	31.2%	13.0%
104th Ave: US 36 to Westminster Blvd	4	40,006	29.1%	11.1%
Sheridan Blvd: 80th Ave to 76th Ave	4	39,877	28.6%	10.8%
Federal Blvd: 84th Ave to 76th Ave	4	38,714	24.9%	7.5%
Sheridan Blvd: 88th Ave to 80th Ave	4	37,371	20.6%	3.9%
Sheridan Blvd: 73rd Ave to 76th Ave	4	35,222	13.6%	n/a
Federal Blvd: US 36 to 74th Ave	6	50,255	9.6%	n/a
Wadsworth Pkwy: 92nd Ave to 100th Ave	4	33,953	9.5%	n/a
Federal Blvd: 70th Ave to BNSF Railroad	4	33,848	9.2%	n/a
Sheridan Blvd: 104th Ave to 96th Ave	4	32,671	5.3%	n/a
Federal Blvd: 104th Ave to 92nd Ave	4	31,489	1.6%	n/a
Church Ranch Blvd: US 36 to 103rd Ave	4	31,320	1.0%	n/a

* The threshold for congestion is 31,000 Average Daily Traffic (ADT) for a 4-5 lane road and 46,000 ADT for a 6-7 lane road.

**The General Daily Traffic capacity is 36,000 ADT for a 4-5 lane road and 53,000 ADT for a 6-7 lane road.

Figure 5-2: Bicycle & Pedestrian Network

Legend

Bicycle Network

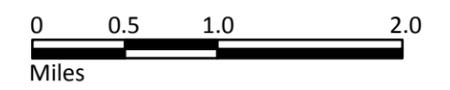
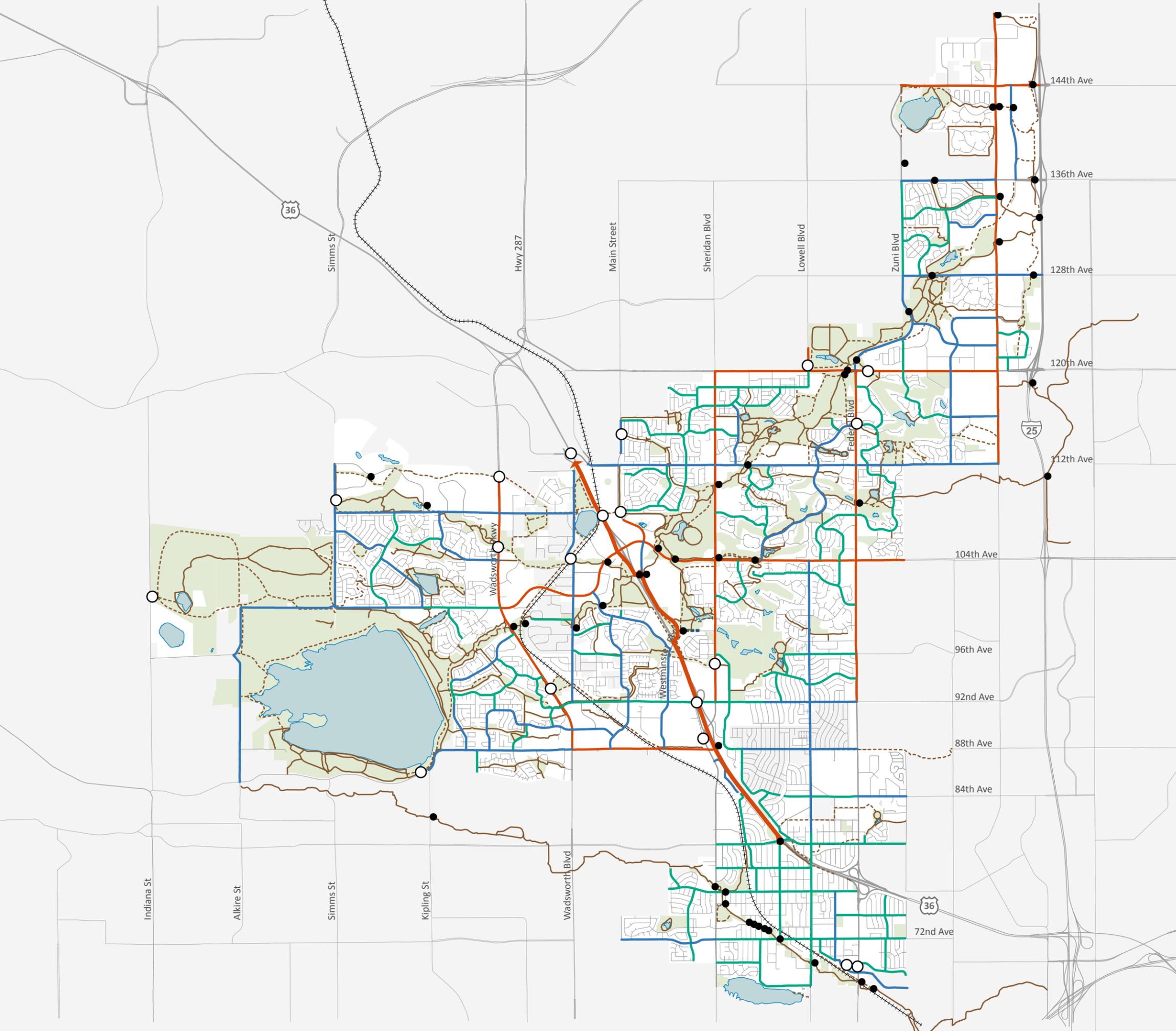
-  US 36 Commuter Bike Trail
-  Class I Side Path
-  Class II Bicycle Lane
-  Class III Sharrow or Signed Bike Route

Future Street Network

-  Trail and Shared Use Bike Path
-  Proposed Trails
-  Existing Pedestrian Underpass
-  Proposed Pedestrian Underpass

Planning Area

-  Parks/Open Space/Golf Courses
-  Water
-  City Limits
-  Rail Corridor



Updated 3/17/14

**Table 5-5: Bikeway Class Definitions**

<i>Bikeway Class</i>	<i>Definition</i>	<i>Total Proposed (miles)</i>
Class I		
Shared Use Path*	Off-street, dual direction path often shared with pedestrians	5
Sidepath	Shared use path located adjacent to but separated from a vehicular street, resembling a wide sidewalk	27
Class II		
Bike Lane	On-street lane reserved for bicyclists, separated by painted lines, symbols and signage	46
Class III		
Signed Bicycle Route	Travel lanes shared fully with motor vehicles, marked as Bike Route with signage	14
Signed Bicycle Route with Shared Use Markings	Travel lanes shared fully with motor vehicles but identified by “sharrow” markings on pavement	40
Total Bikeways		132

*Including shared use trails

Pedestrian Circulation

Fostering a walkable, pedestrian-friendly environment throughout the city is a significant consideration of the Comprehensive Plan land use, urban design and ~~the~~ multimodal circulation policy framework. Westminster has an extensive trail system augmented by connections to and through neighborhoods, shopping centers, parks, schools and employment areas. Connectivity along the city’s pedestrian (and bicycle) network is facilitated by 40 underpasses that circumvent the need to cross major arterial roadways at grade. Additionally, over the past 20 years, the city has required new developments along major arterial streets to provide wide landscaped amenity zones with eight-foot sidewalks separated from the street by 12-foot landscaped area. All of these improvements have been focused on creating a safe, pleasant environment for pedestrians and bicyclists in the city.

Existing pedestrian facilities in the city include sidewalks, paths, trails, pedestrian bridges, pedestrian/trail underpasses and crosswalks. Sidewalks are located on both sides of the street throughout the majority of the city, with a few exceptions as noted on Figure 5-2. As new development occurs, particularly in infill or redevelopment areas, pedestrian connections will be emphasized in areas with access to transit, parks or open space facilities, ~~neighborhood and within and to~~ services and major activity centers. Improvements to existing facilities, including infill of missing portions of sidewalks and construction of detached sidewalks (provision of a lawn or landscaping to move pedestrians further away from on-street vehicle traffic), will continue to be pursued. Likewise, the city will continue to develop strategic pedestrian underpasses as funding is available and development



The city is currently planning for several improvements to transit, most notably the commuter rail station at 70th Avenue and Federal Boulevard, above. The Westminster Center Park-and-Ride, below, is one of the busiest in RTD's service area.

occurs.

5.3 PUBLIC TRANSIT

Facilitating access to transit is a key focus of the Comprehensive Plan. The Plan emphasizes mixed-use, transit-supportive development around existing park-and-ride bus facilities as well as future and planned commuter rail stations. Pedestrian and bicycle connections to these transit facilities are emphasized. Within Westminster, existing and planned transit service is provided by the Denver Regional Transit District (RTD) bus and future commuter rail service. RTD transit service also provides direct access to Denver International Airport from the Wagon Road and Westminster Center park-and-rides. Call-n-ride services for seniors and disabled persons are ~~also~~ provided by RTD and Jefferson and Adams counties. Figure 5-3 illustrates existing bus routes and future planned bus and commuter rail service that will serve the city.

Bus Service and Facilities

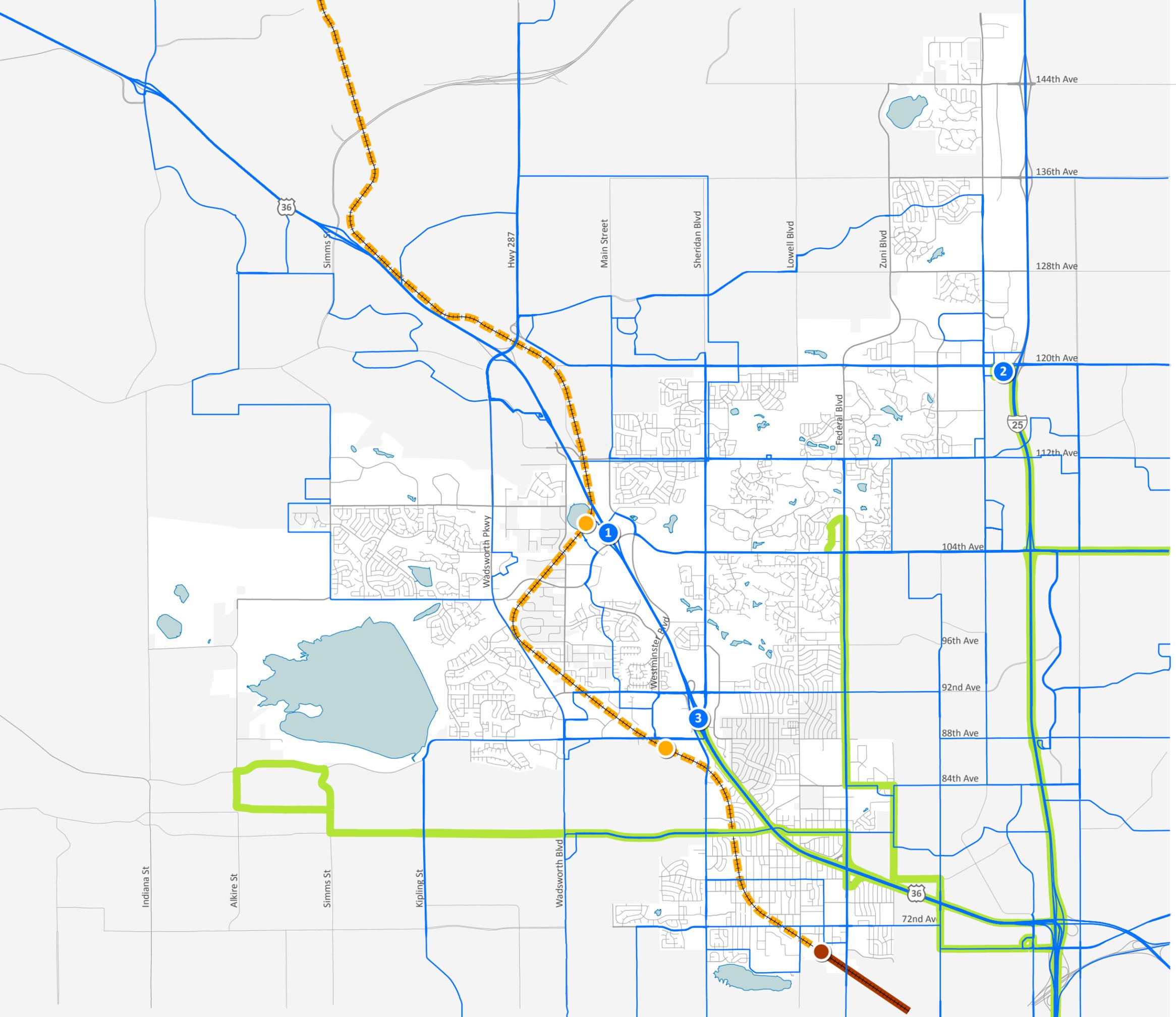
The primary form of transit service in the city is RTD bus service on local streets and major highways. Bus service includes both express bus lines that run along US 36 and I-25 and local routes that run along major arterials through the city. These lines connect Westminster with Denver and Boulder as well as surrounding communities. Three existing park-and-rides are located in the city, including Church Ranch, Westminster Center and Wagon Road. The Westminster Center park-and-ride is one of the most active park-and-ride facilities along the entire RTD corridor with over 2,500 combined boardings and alightings and 850 combined east-and westbound bus trips a day.¹ The city will continue to work collaboratively with RTD to ensure that adequate service, route additions or modifications, and facility improvements are provided in concert with new development and to address existing deficiencies.

Future Commuter Rail and BRT

Several major improvements to the city's transit system are underway. The city will have its first commuter rail station operational in 2016. Westminster Station, planned as part of the FasTracks Northwest Rail Corridor will be an end-of-line facility until future segments of the rail corridor are completed. The station is located at approximately Irving Street and 69th Avenue, in the heart of South Westminster. High intensity, transit supportive development planned around the station as well as potential infill and redevelopment in the surrounding area will help foster ridership for this station. Future FasTrack stations in the city are planned for downtown Westminster at approximately 88th Avenue and Harlan Street and Church Ranch just north of the Shops at Walnut Creek, as shown in Figure 5-3. In addition to commuter rail improvements, bus service along US 36 and I-25 is planned to be augmented to a bus rapid transit (BRT) service via a high occupancy vehicle lane.

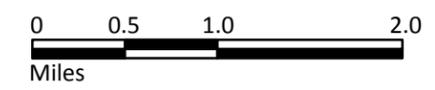
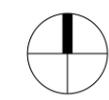
¹ Nataly Erving, Denver Regional Transportation District, September 2013.

Figure 5-3: Transit Network



Legend

-  RTD Bus Route
-  Express RTD Bus Route
-  Planned RTD FasTracks Commuter Rail Line
-  Future RTD FasTracks Commuter Rail Line
-  RTD Park and Ride
 1. Church Ranch Park and Ride
 2. Wagon Road Park and Ride
 3. Westminster Center Park and Ride
-  Water
-  City Limits
-  Rail Corridor



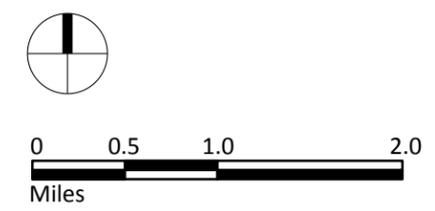
Updated 3/17/14

Figure 6-1: City Structure

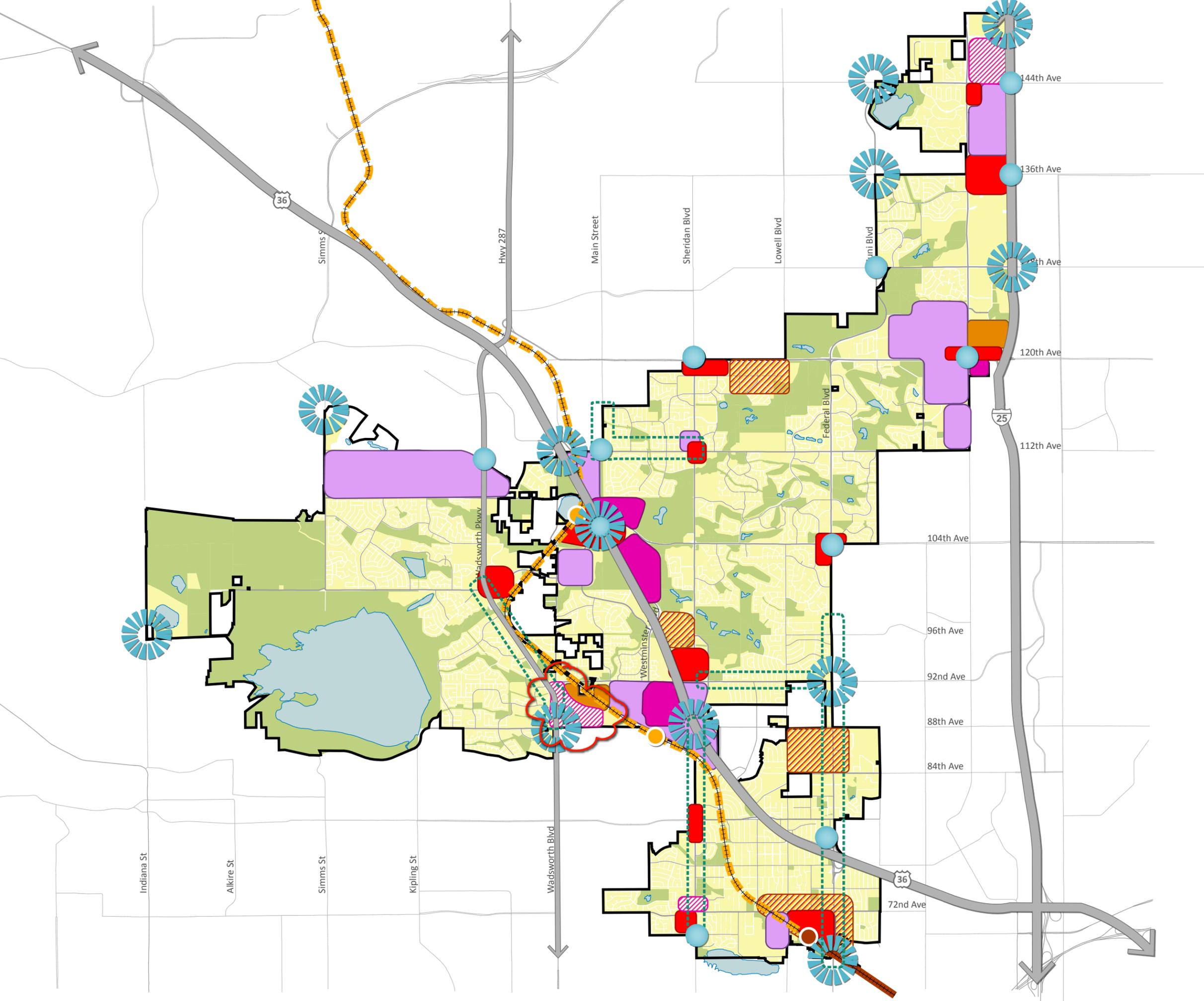
Legend

- Low and Medium Density Residential
- High Density Residential
- Traditional Mixed Use Neighborhood
- Mixed Use
- Mixed Use Center
- Retail Commercial
- Employment
- Parks/Open Space/Golf Courses
- Existing Gateway Signage
- Gateway Opportunity
- Streetscape Improvement Opportunity
- Major Transportation Connection
- Planned FasTracks Commuter Rail Line
- Future FasTracks Commuter Rail Line
- Water
- City Limits
- Rail Corridor

Updates 3/17/14



Updated 3/17/14





6.2 COMMUNITY DESIGN AND BUILT FORM

Streets, landscape and the development beyond comprise the visual and physical fabric of a city. The quality of design and organization of these components directly impacts the perception and experience of a place. From the design of a residential neighborhood to the character and quality of development along commercial corridors, the design of the built realm plays an important role in the way people live in and experience the city. If a neighborhood is designed well and connects people to amenities and services, inhabitants are more likely to walk or bike to a destination than drive. Similarly, the design of employment and commercial areas can impact whether workers and visitors walk or drive to a destination, whether businesses choose to locate in a specific location, and whether people choose to come to Westminster for shopping or services.

This section provides direction for overall design of the city's built realm as well as more specific direction for neighborhoods, employment centers and commercial corridors. The goals and policies provide a framework for community design and are further delineated by the city's existing design guidelines and standards. Design direction for specific mixed-use and activity centers in the city is provided in the Focus Areas chapter.

Neighborhoods

Westminster has a range of neighborhood types and scales that offer a variety of living environments, housing types and levels of affordability. The Comprehensive Plan looks to maintain the quality and variety of existing neighborhoods and create high quality, cohesive new neighborhoods. Connections to and from neighborhoods to nearby parks, schools, shopping and services are emphasized both for existing and new development. For new neighborhoods designed with the Traditional Mixed Use Neighborhood Development (TMUND) designation, these elements should be integrated into the neighborhood, with a mix of housing types, parks and community facilities as well as a neighborhood focal point. New residential neighborhoods should also integrate access and location of amenities into their overall design. Residents should be able to walk or bike to amenities along safe, comfortable connections. For developments with higher density residential components, these connections are essential, particularly in terms of encouraging walking over driving to services, amenities and transit.

Architectural and site design are also important aspects of neighborhood quality. The City has established a framework of design guidelines that encourage high quality neighborhood and architectural design for single family **attached and detached**, multifamily, **senior housing** and TMUND neighborhoods. Street and building orientation, landscaping, pedestrian connectivity and walkability, and high quality architecture and materials are



The quality and variety of residential neighborhoods are a significant factor in attracting employers, workers and new residents to the city. Over the years, Westminster has worked to preserve, improve and create well-designed, attractive neighborhoods throughout the city.



Employment centers like Westmoor Corporate Park and Park Centre are attractive and take advantage of views and access to open space.



Many corridors in the city include older and outdated commercial strip malls. The Comprehensive Plan encourages updating these centers with building and site improvements and infill, or redevelopment to mixed-use activity centers.

all emphasized.

Employment Centers

Key existing employment centers in the city include Westmoor Corporate Center, Church Ranch Business Park and Park Centre. The North I-25 area is an emerging employment center, with expansion of the St. Anthony's North Medical Center providing a key anchor for the area. High-intensity employment is also envisioned along the US 36 corridor within the Church Ranch Focus Area south of Big Dry Creek and in Circle Point.

The quality and character of the city's employment centers play a significant role in whether businesses choose to locate and remain in the city. It is important that these areas establish a strong sense of place through building design and placement, landscaping and wayfinding. They also must provide convenient access from major transportation corridors and transit as well as to everyday services. Internal and external pedestrian and bicycle connections are also important, particularly in campus-like environments where employment areas can often be closed off from surrounding development. Site design should emphasize the building relationship to landscapes, natural settings and views, with views of parking minimized. Finally, architecture, particularly of office and R&D facilities, should be enhanced with ample articulation, changes in height and massing, and high quality materials.

Commercial Corridors

The city has multiple well established commercial corridors that traverse the city. The most significant of these corridors are Federal Boulevard, Sheridan Boulevard and Wadsworth Parkway. Much of the commercial development along these corridors predates the more contemporary freeway orientation of retail in the city along US 36 and I-25. Developments range from single use service commercial uses to significant mid- and large-box retail shopping centers. Many of the larger retail centers are suffering due to a combination of age, competition with centers located closer to freeways, and changes in the retail industry that places less emphasis on mid-box stores.

The Comprehensive Plan emphasizes a greater mix of uses along these corridors, as delineated in Chapter 2: Land Use, and the Land Use Diagram. However, design of development along these corridors will also have an impact on potential for revitalization and new activity. The Plan emphasizes greater continuity of development, through improvements to streetscape, bringing more buildings up to the street edge, building orientation, attention to access for all modes and a mix of uses, where appropriate.

Figure 6-2: Views

Legend

- Vista
- View Corridor
- Parks/Open Space/Golf Courses
- Water
- City Limits
- Rail Corridor

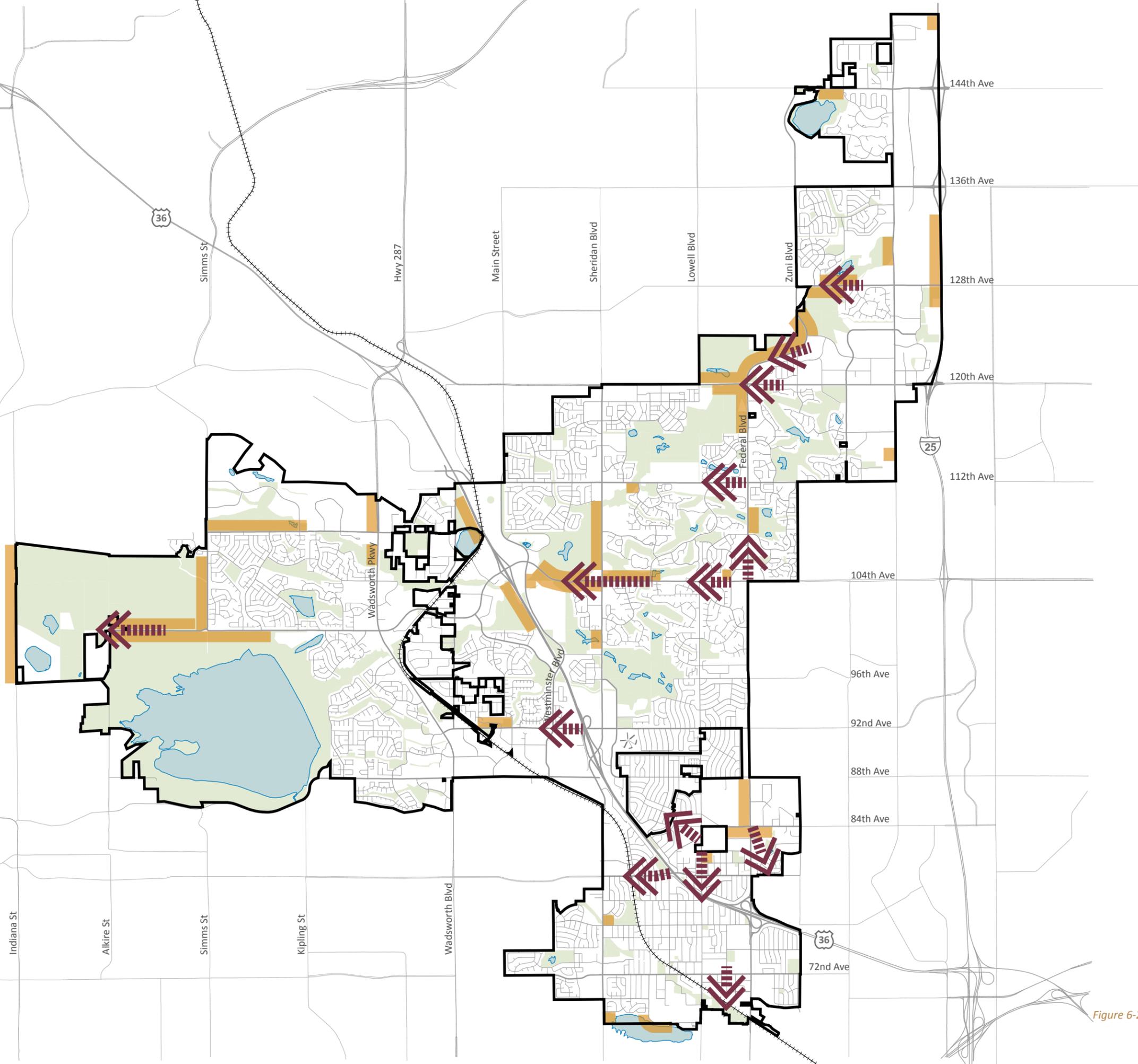
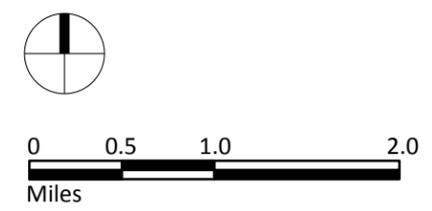
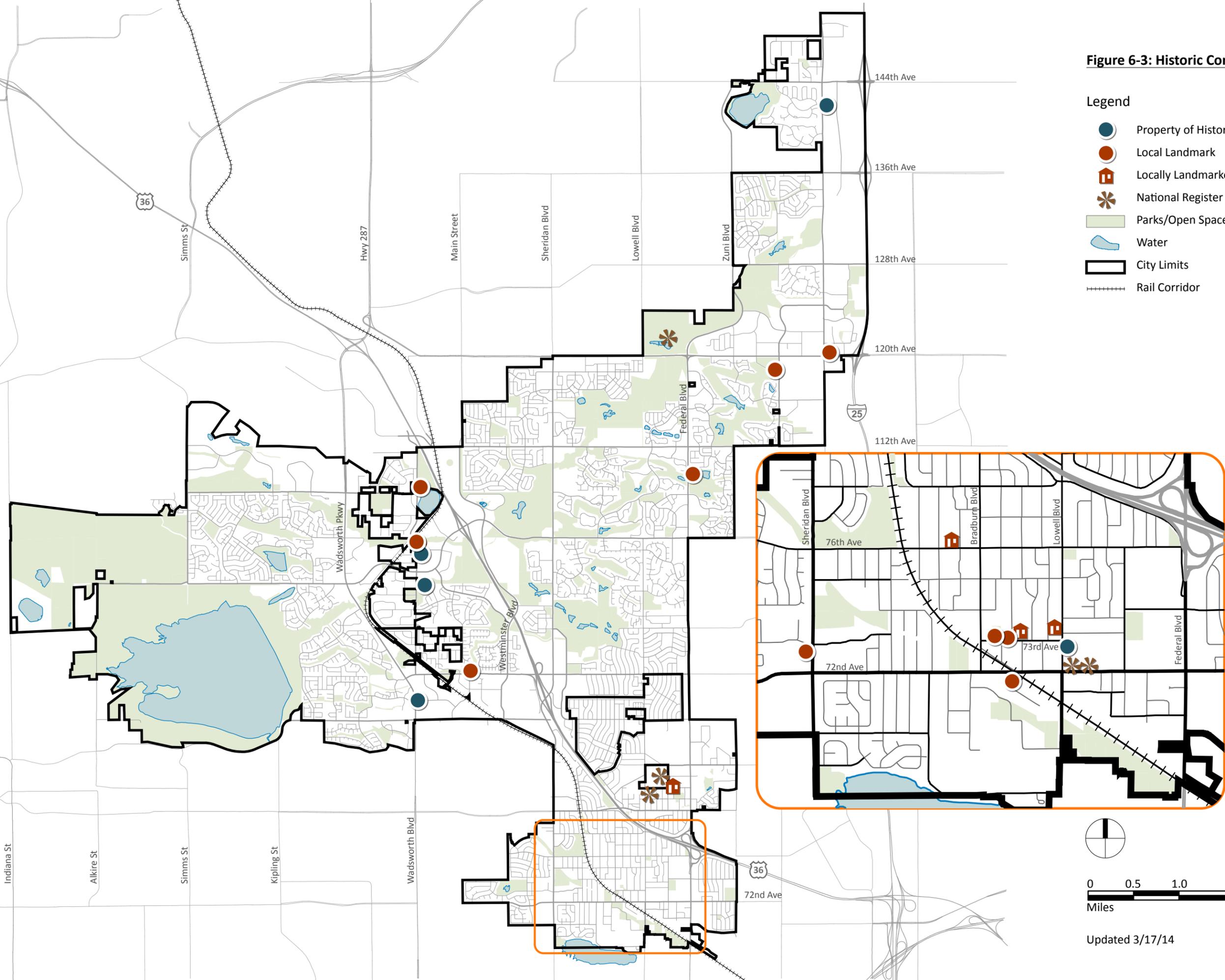


Figure 6-2: Views Updated 3/17/14

Figure 6-3: Historic Context

Legend

- Property of Historic Significance
- Local Landmark
- Locally Landmarked Residence
- National Register of Historic Places
- Parks/Open Space/Golf Courses
- Water
- City Limits
- Rail Corridor



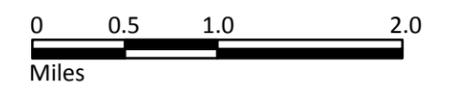
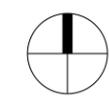
Updated 3/17/14

Figure 7-1: Parks, Libraries, Recreation & Open Space

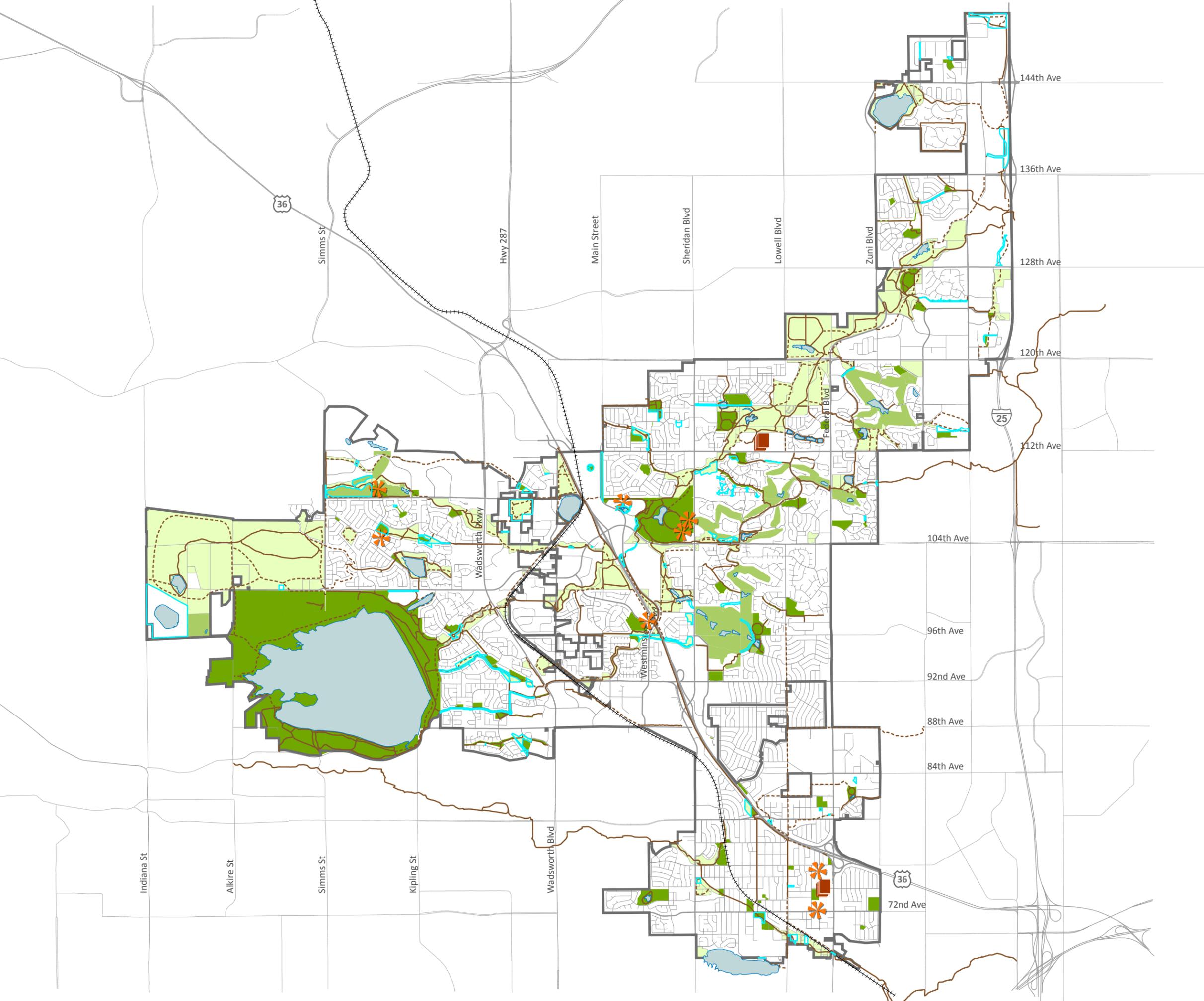
Legend

- Public Parks
- City Owned Open Space
- Golf Courses
- Existing Trails
- Proposed Trails
- City Owned Recreation Facility
- Library
- Water
- City Limits
- Rail Corridor

Updates 3/17/14



Updated 3/17/14





Existing Parks and Recreation

The city currently maintains and operates 53 neighborhood, community and citywide parks, ranging in size from 1.4 to 200 acres and comprising almost 600 acres in total. The city also owns 45 acres of undeveloped parkland. In addition to the city’s neighborhood and community parks, the city operates the 2,327-acre Standley Lake Regional Park and multiple recreation and sports facilities. Westminster’s Parks and Recreation Master Plan provides a complete inventory of the city’s parks and community facilities, which is summarized in Table 7-1. A major element of the city’s parks and recreation system is the programming of sports and activities for youth and adults. These programs include sports leagues, trips for seniors, swimming, arts and crafts, preschool and fitness programs.

Parks and community facilities are classified based on size, function and characteristics, as described in Table 7-2. Aside from the Standley Lake Regional Park, located at the western edge of the city, the majority of park space in the city is classified as neighborhood and community parks. These parks are an integral part of the city’s high quality of life and are utilized by approximately 75 percent of the city’s residents on a daily basis.



Facility Type	Quantity	Total Acreage
Parks	54	2919.4
<i>Neighborhood Parks</i>	45	259.5
<i>Community Parks*</i>	7	160.0
<i>Citywide Park</i>	1	205.0
<i>Regional Park</i>	1	2327.0
Undeveloped Parklands		45.3
Special Use Facilities	15	484.0
<i>Recreation Centers**</i>	5	30.0
<i>Sports Facilities</i>	2	10.0
<i>Golf Courses</i>	2	414.0
<i>Other Special Use***</i>	6	30.0
Conservation & Open Space		3013.672.1
<i>Subtotal Public Parks, Open Space and Golf Course Lands</i>		6,462.3
Non-City Owned Golf Courses	2	291
Total Parks, Open Space and Golf Course Lands		6,753.3811.8

Existing parks include the regional Standley Lake Park, above, and neighborhood parks like Faversham Park, middle, and Bishop Park, bottom.

**Includes the 205-acre City Park facility.
 **City Park recreation and fitness facility acreage is included in the total 205-acre City Park acreage. An additional 11 acres is undeveloped at the Park Centre/Northeast Resource Center.
 *** Refer to the City’s Parks and Recreation Master Plan for more detail.*



7.3 OPEN SPACE AND TRAILS

Westminster's extensive open space system is a key element of its unique setting and identity as a Front Range community. The city has made preservation and protection of natural environments and habitats a priority, integrating their conservation into the physical development of the city. As a result, Westminster's visual landscape is rich with a variety of open spaces, trails, preserved historic sites and scenic vistas.

The city's extensive open space system began with authorization of an open space sales tax in 1985 to purchase land for preservation and natural habitat protection. Westminster was only the second city in Colorado to enact a sales tax for an open space acquisition program (after Boulder). As part of this effort, the city set a goal of preserving 15 percent of the city's overall land area as open space. With ~~almost~~ **over** 14 percent of the city's land area preserved as of 2013, the city has begun to transition efforts from acquisition to the development of an open space management and operations plan that will ensure this vital resource will be preserved and maintained into the future. A more limited open space acquisition program will still continue.

Existing Open Space and Trails

~~Over the past 28 years~~ Since 1985, the city has acquired 3,014~~72~~ acres of open space to be preserved for passive recreational use and protection of natural wildlife habitat. These open space areas can be found throughout the city, as shown in Figure 7-1, but are concentrated in the city's western area near Standley Lake and along drainage ways and irrigation ditches that cross the community, including Walnut Creek, Big Dry Creek, the Farmers' High Line Canal and Little Dry Creek. Preserved open space by creek and natural corridors is summarized in Table 7-3.

Existing open space in the city provides for protection of sensitive habitat areas and wildlife movement corridors, view corridors and preservation of open and rural landscapes. Additionally, the city's open space system provides recreation opportunities such as hiking, biking, fishing, horseback riding and nature study. Many of the city's open spaces are linear connections that follow major creek corridors or serve as buffers between developments. These linear connections allow for an extensive network of trails that play a vital role in the city, linking neighborhoods, parks, schools and employment areas to a citywide and regional trail system. In all, Westminster currently has over 100 miles of trails, as shown on Figure 7-1.

The city's open space and trail systems also connect to the larger regional system, particularly to the west of the city where vast areas of open space are preserved in the City of Boulder, Boulder County, Jefferson County and the Rocky Mountain National Wildlife Refuge.



The city's open spaces are a major asset for the community, providing trails (Big Dry Creek, top), wide open spaces for recreation and passive use (Hyland Ponds) as well as habitat for wildlife (Loon Lake, bottom).



Maintenance and improvements to the city's highly-used trail system will be a key focus of the open space program in the future.

Table 7-3: Preserved Open Space by Corridor

<i>Corridor</i>	<i>Acres</i>
Big Dry Creek	952.0 970.3
Little Dry Creek	76.3
Walnut Creek	187.2
Farmers' High Line and Niver Canals	135.9 147.7
Westminster Hills	1,029.2
McKay Lake	134.6
Hyland Ponds and South Hylands Creek	67.3 69.1
Wadsworth Wetlands	19.3
Vogel Pond	44.7
Natural Areas, Water, Trees & Wildlife	261.3 284.2
Other Areas	105.8 109.5
Total Preserved Open Space	3,013.3 3,672.1

Source: City of Westminster, October 2013.

Planned Improvements

Two master planning efforts serve the open space system—an Open Space Master Plan, which will be developed in 2014, and the city's Trails Master Plan. The Open Space Master Plan will be periodically updated and identify priorities for land acquisition and open space management. Future acquisitions will be limited and focused on protecting view sheds, preserving unique natural areas and purchasing properties that will improve trail access throughout the city. Enhancement of the city's open spaces will also be pursued including trail improvements and addition of educational areas in order to attract greater use of the system. However, maintenance and operations of the city's existing open space system will be the primary focus of future iterations of this plan, particularly as use of open space and trail facilities will only increase with the city's projected residential and employment population growth.

The Trails Master Plan identifies trails and connection points along the main trail corridors of Walnut Creek, Big Dry Creek, the Farmers' High Line Canal and Little Dry Creek. This plan was last updated in 2011 and provides a basis for trail connections in both open space and new development in the city. Almost 59 miles of new trail are proposed as part of this plan, as shown in Figure 7-1. These new trail alignments include completion of the Little Dry Creek Trail and other connections to facilitate the Refuge to Refuge Trail. Improvements to the open space and trails system are outlined in these master plans. This plan will be updated in 2014.

Figure 8-1: Public Facilities

Legend

Public Facilities

 City Hall and Public Safety Center

 Fire Station

Public Schools

 Elementary School

 Middle School

 High School

 Front Range Community College

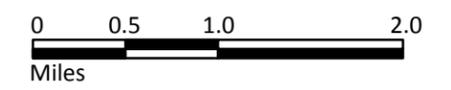
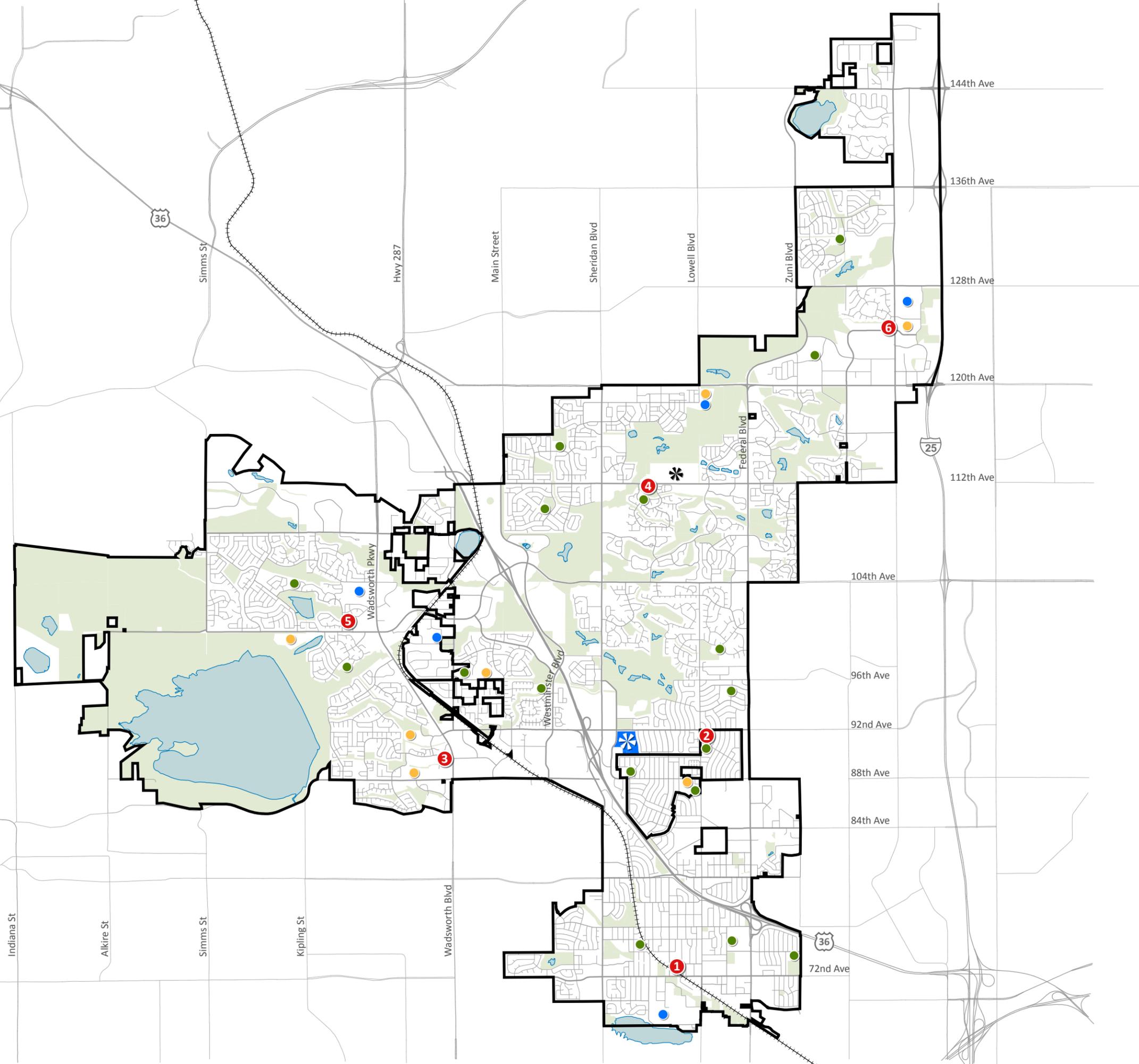
Planning Area

 Parks/Open Space/Golf Courses

 Water

 City Limits

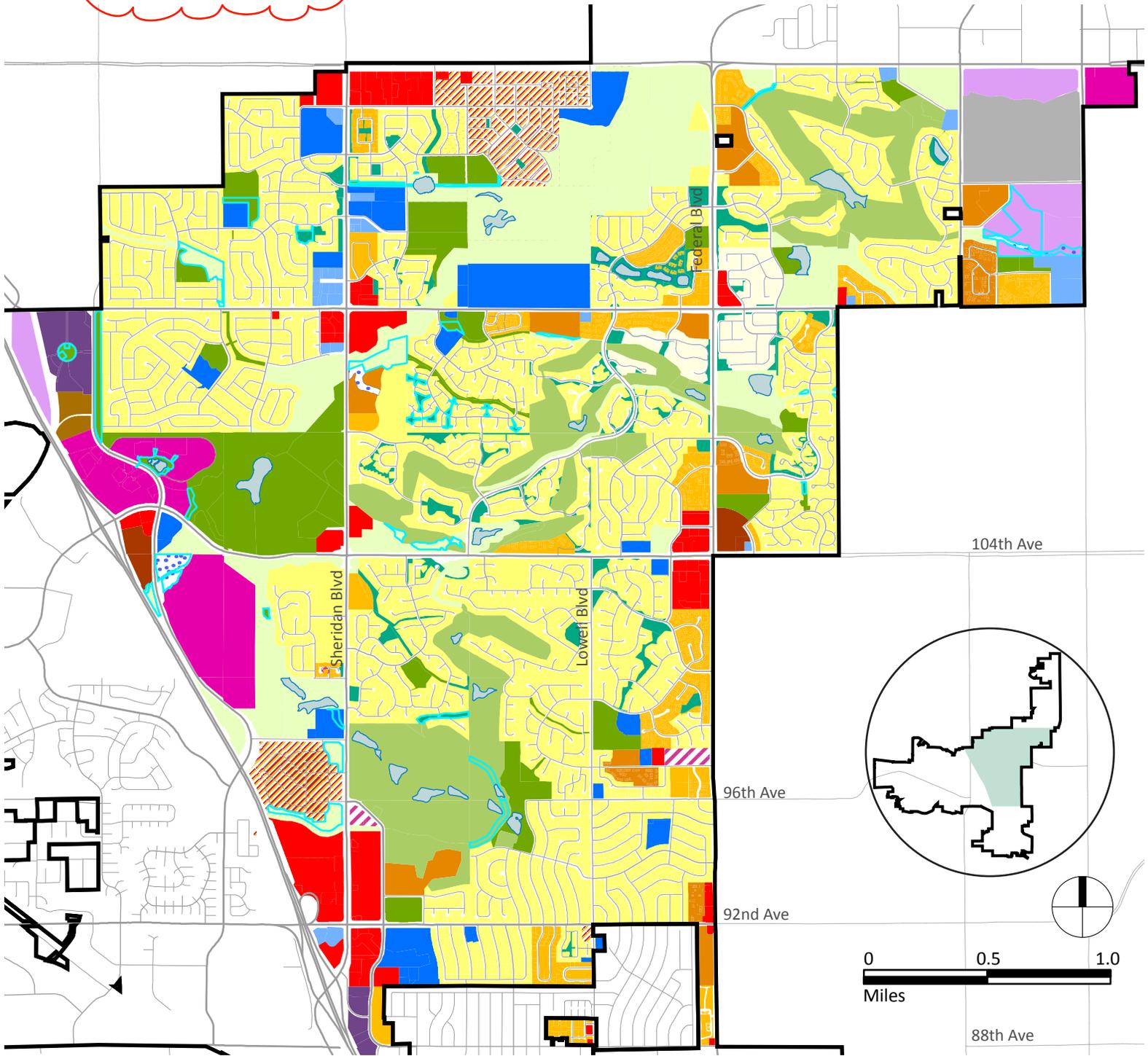
 Rail Corridor



Updated 3/17/14

Updates 3/17/14

Figure C-1: Central Area Land Use Diagram

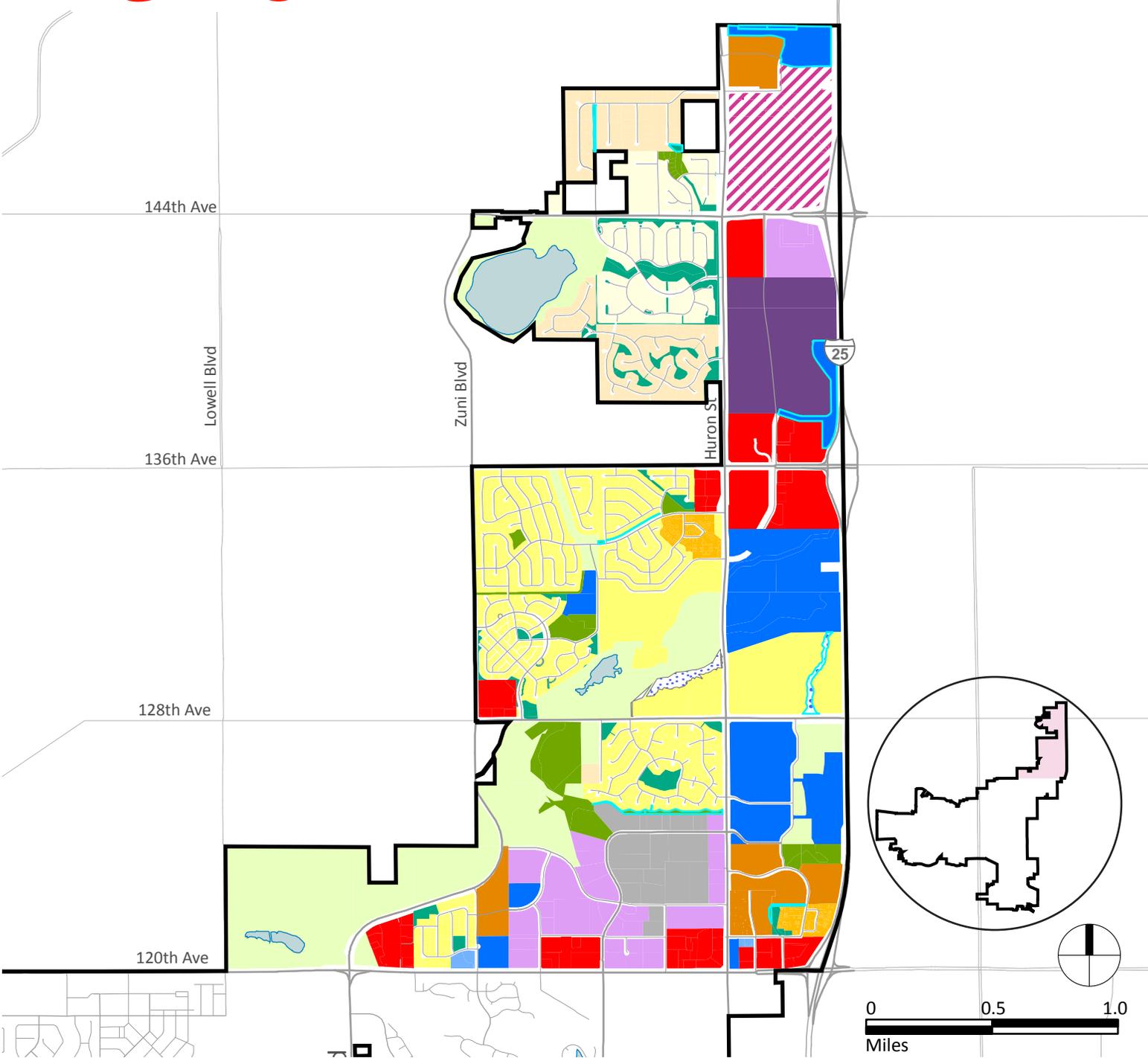


- | | | | | | |
|--|-------------------|--|---------------------------|--|---|
| | Residential R-1 | | Mixed Use | | Public/Quasi-Public |
| | Residential R-2.5 | | Mixed Use Center | | Public Parks |
| | Residential R-3.5 | | Retail Commercial | | City Owned Open Space |
| | Residential R-5 | | Service Commercial | | Golf Courses |
| | Residential R-8 | | Office | | Private Parks/Open Space |
| | Residential R-18 | | Office/R&D Low Intensity | | Major Creek Corridor on Non-Public Land |
| | Residential R-36 | | Office/R&D High Intensity | | City Limits |
| | TMUND | | Flex/Light Industrial | | Water |

Updated 3/17/14

Updates 3/17/14

Figure C-2: Northeast Area Land Use Diagram

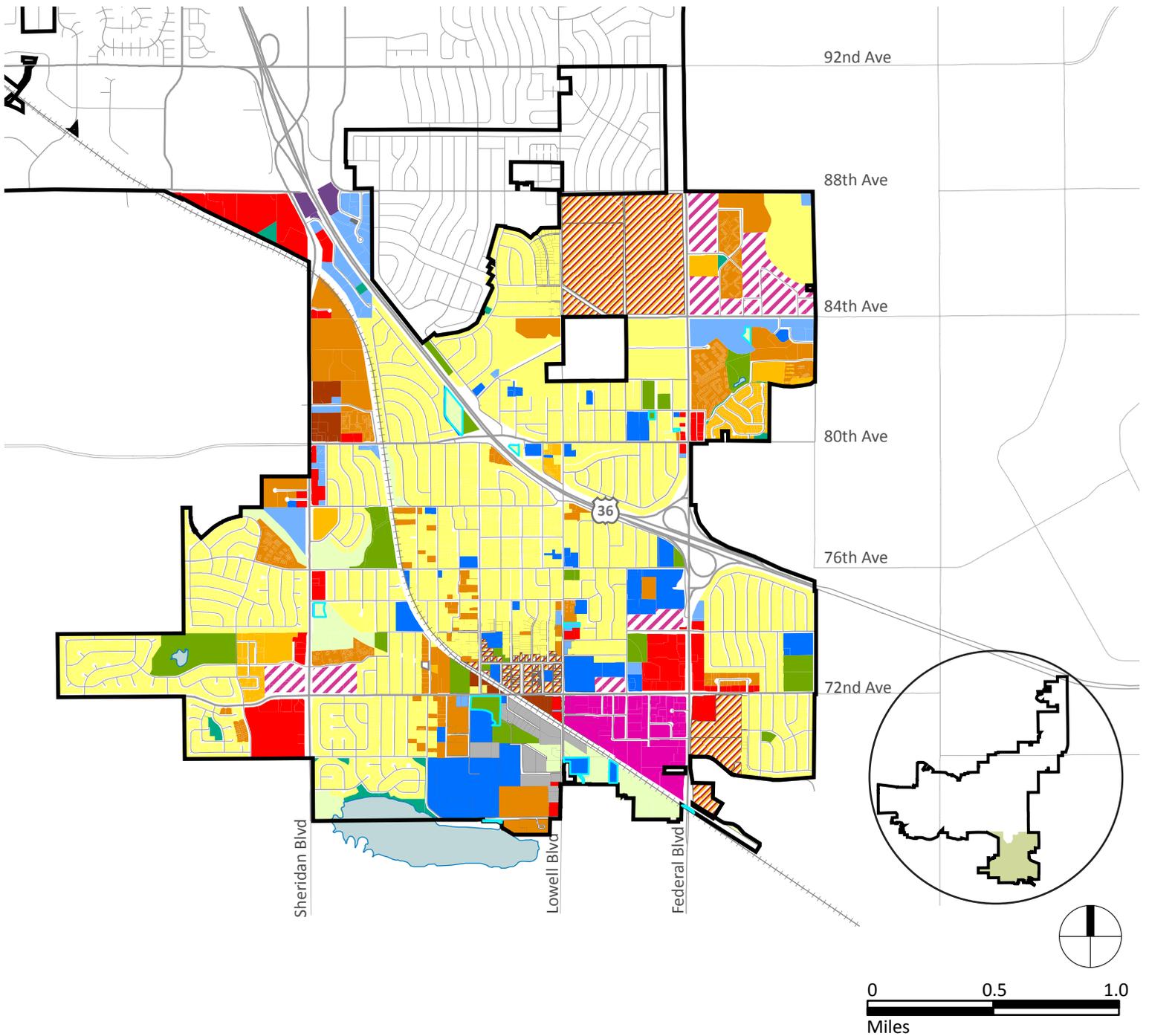


- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Updated 3/17/14

Updates 3/17/14

Figure C-3: Southeast Area Land Use Diagram

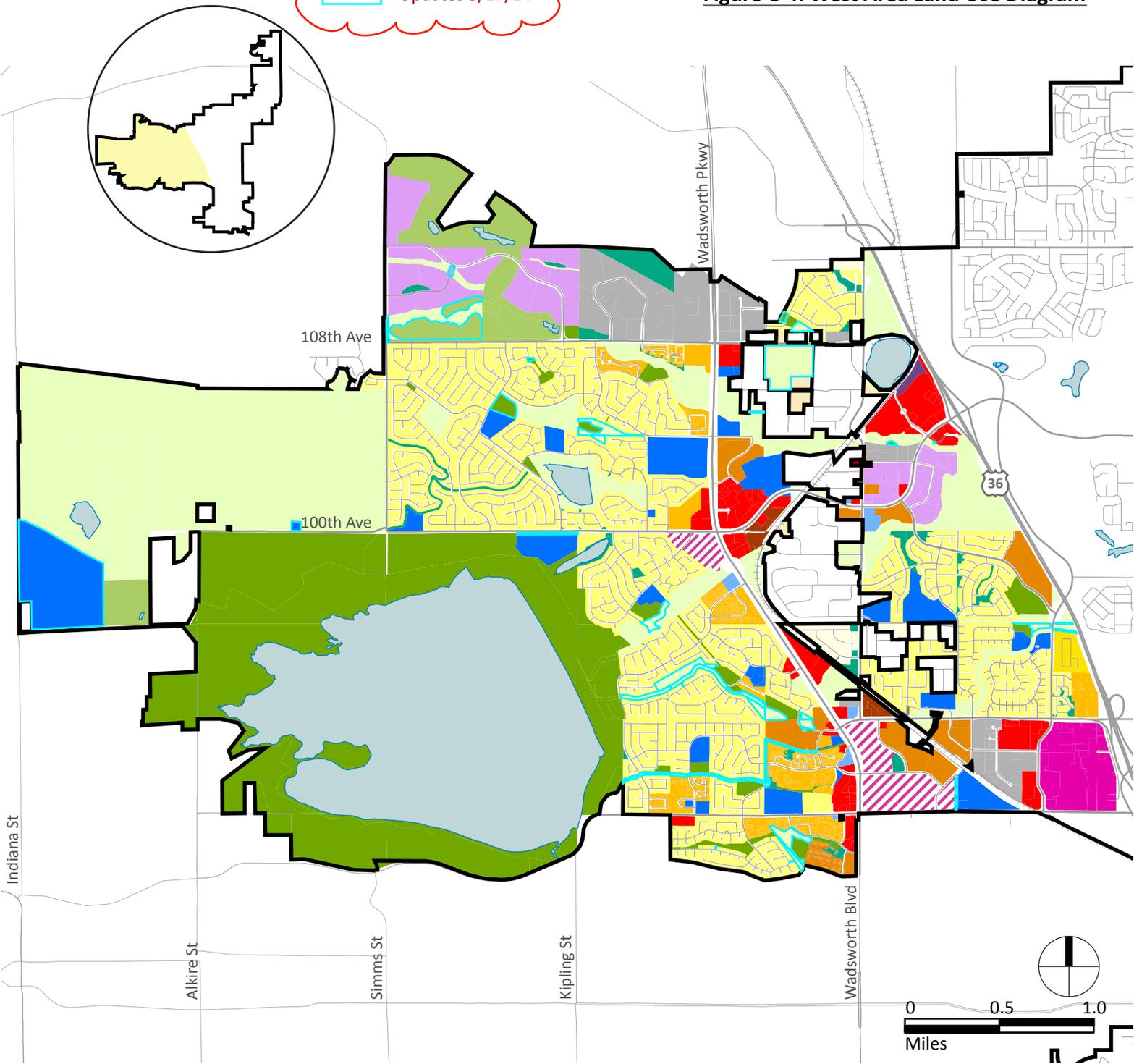


- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Updated 3/17/14

Figure C-4: West Area Land Use Diagram

Updates 3/17/14



- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Updated 3/17/14

Summary of Proposed Changes to 2013 Comprehensive Plan

<i>Type of Change</i>	<i>Description</i>
<i>Policy or Land Use Designation Change</i>	
Brookhill Shopping Center	Recommend changing use from Mixed Use Center to Mixed Use Property owner sent letter requesting Retail Commercial
	Will need to update land use maps and Focus area discussion and references in document in chapters 2 & 6
7396 Lowell Boulevard	Changing from Public/Quasi Public to Office. "Office" has been an allowed use on the property (7396 Lowell Boulevard) since the approval of the Brundage Business Plaza PDP in 1983. The property was utilized as a church (which is also an allowed use identified in the PDP) from the early '90s until approximately 2000. The property was vacant until 2003, when Wescto Systems, an HVAC mechanical contractor, located their main office at the site.
<i>Text Changes/Clarifications</i>	
1-3	Adding a clarification about the website and where background documents can be found. Also adding that a neighborhood meeting was held for the South Westminster area (this was held after the draft was submitted).
2-4	Adding St. Anthony's project to list of current development
2-8	Adding: "Similar to residential densities, maximum FARs may not be achievable due to site constraints."
2-16	Removing max height from R-8
2-17	Removing site composition requirement from R-18
2-18	Removing site composition requirement from R-36
2-20	Adding a note for auto-oriented uses and drive throughs that they are not permitted as part of a mixed-use residential and commercial project.
	Removing 0.25 minimum FAR
	Replacing list of limited/potentially limited retail uses with note: "Specific retail commercial uses may be limited or prohibited depending on their proximity to residential, public or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial designation for a list of Limited or Potentially Prohibited Uses."
2-22	Adding "commercial" after "neighborhood and regional" in description
2-23	Removing site characteristics
2-24	Clarifying limitations are for GFA and added a limit of 10,000 sqft Added retail commercial limitation note
2-25	Clarifying limitations are for GFA and added a limit of 15,000 sqft adding "warehouse" to description of limited use to be consistent with description Added retail commercial limitation note
2-26	Clarifying limitations are for GFA and added a limit of 15,000 sqft Adding "warehouse" to description of limited use to be consistent with description Added retail commercial limitation note

2-27	same as above, also added text re: allowance of supporting retail to description.
2-29	Added Major Creek Corridor on Non Public Land classification
2-39	Clarifying what areas are in Jefferson versus Adams counties
3-10 and 3-11	Update images
5-3	Clarifying that the Comprehensive Roadway Plan is depicted on the map, adjusting text to be more in line with the map, adding a figure reference/explanation.
7-5, 7-11, 7-12	Updating open space numbers in text and tables
<i>Drawing Edits</i>	
1-2	Add Unincorporated JeffCo labels to map
2-1	Updating parks/open space changes and potentially Brookhill; and areas of major creek corridors (reducing and adding)
2-3	Fix labels on map
5-1	Changes to reflect correct Comprehensive Roadway Plan. Fixing legend to provide greater clarity. Making the image more graphically legible.
7-3	Update with corrected parks/private parks and open space acquisitions
Appendix C maps	Updated to match 2-1 Land Use Diagram
<i>Minor Edits/Misspellings</i>	
Table of Contents	
1-3	
1-4	
1-5	Add a caption for City evolution image
1-10	
1-13	
1-21	
2-2	Changing designations to classifications (multiple pages)
2-3	
2-32	
2-33	
2-41	
2-43	
3-15	
5-8	
5-9	
5-13	
5-14	
6-2	
6-5	
6-6	
6-23	Changing out image

Attachment B

**The Bedrin
Organization**

**HD
Development**

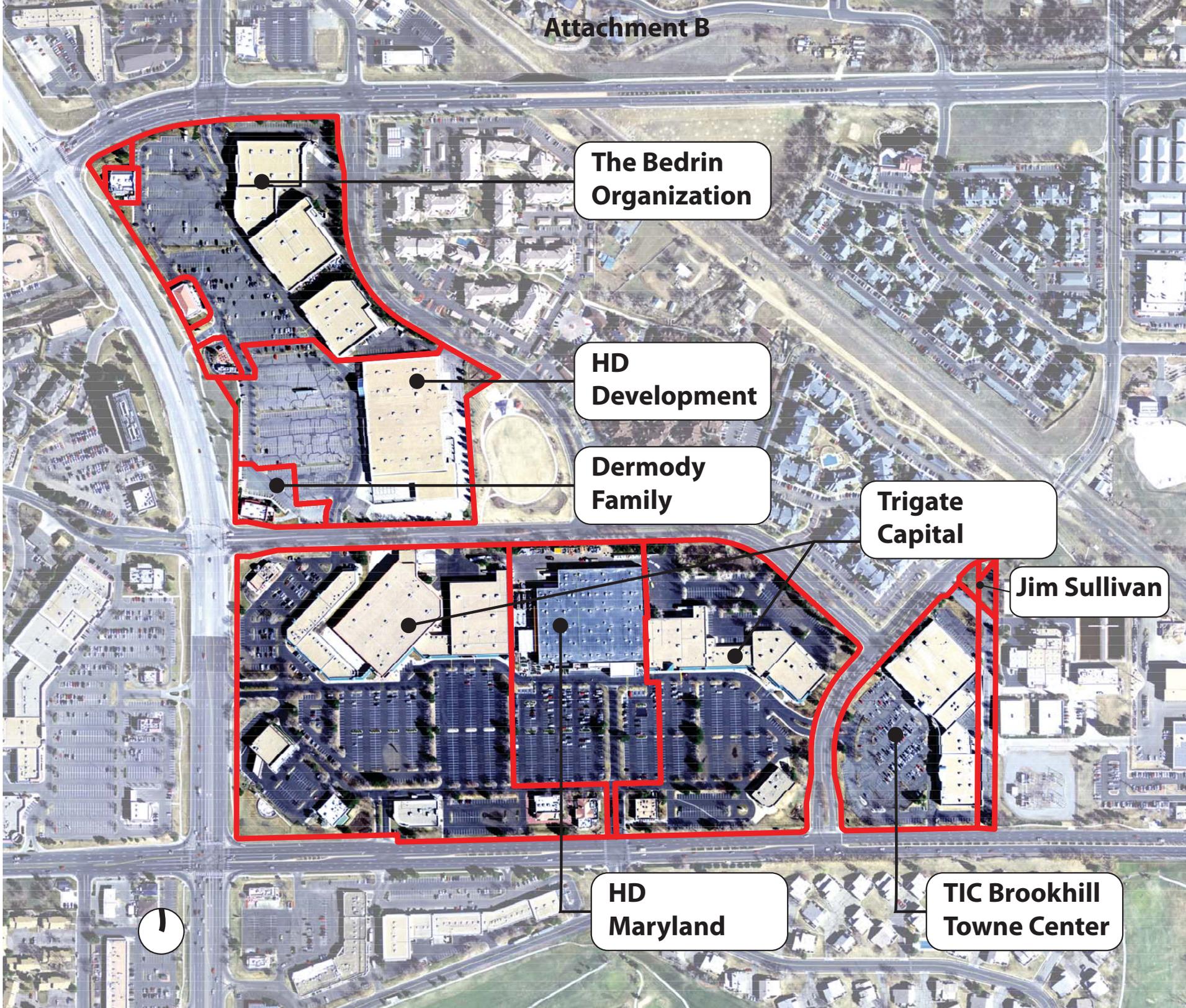
**Dermody
Family**

**Trigate
Capital**

Jim Sullivan

**HD
Maryland**

**TIC Brookhill
Towne Center**





Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Public Meeting on the Proposed 2015 and 2016 City Budget

Prepared By: Barbara Opie, Assistant City Manager

Recommended City Council Action

Hold a public meeting on the Proposed 2015 and 2016 City Budget and receive citizen comments.

Summary Statement

- City Staff is currently preparing budget information for both 2015 and 2016, and this meeting is intended to focus on both 2015 and 2016 citizen requests, comments and suggestions. The public meeting is an informal opportunity for the public to provide input to the City Council on the City Budget. The budget meeting will include a brief presentation with highlights on three programmatic areas where changes are under consideration.
- City Council officially adopted the City's sixth two-year budget with the 2013/2014 Budget in October 2012; a mid-year review and amendment process occurred in October 2013 for the 2014 Budget. Departments prepare their proposed 2015 and 2016 Budgets through the summer, working to reflect the current economic conditions and community needs. The Departments' efforts culminate in the distribution of the Proposed Budget to City Council at the beginning of September.
- A second public meeting is scheduled for July 28 and a public hearing is scheduled for September 8 so that citizens will have two more opportunities to comment and provide feedback on the 2015 and 2016 City Budget. City Council must adopt the budget by the October 27 City Council meeting, in accordance with the City Charter.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Listen to citizen requests, comments and suggestions as they pertain to the 2015 and 2016 budget.

Alternative

City Council could choose to not conduct a public meeting at this time. This is not recommended as providing citizens an opportunity for input early in the budget process plays an important role in assuring that the budget reflects community needs.

Background Information

In May, City Council reviewed Staff's city service analysis related to several services for the City of Westminster. This work was done in concert with the City Council Strategic Plan Goals identified below:

- Visionary Leadership and Effective Governance
- Vibrant and Inclusive Neighborhoods
- Comprehensive Community Engagement
- Beautiful, Desirable, Environmentally Responsible City
- Proactive Regional Collaboration
- Dynamic, Diverse Economy
- Excellence in City Services
- Ease of Mobility

The direction provided by City Council assists City Staff as they develop the 2015 and 2016 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to achieve Council goals identified in the Strategic Plan, maintain existing service levels and citizen or neighborhood input.

In order to balance the 2011 budget, the City had to reduce staffing by 72.833 FTE (or 7.4%) and made some service adjustments. The budget decisions and adjustments made in 2010 for the 2011 budget and beyond were designed to put the City into a sustainable budgetary position. That is exactly what has happened. The revenue outlook for 2014 looks positive and is projected to cover operating and capital costs. Staff will continue to monitor revenues and expenditures throughout the year. The Finance Department will continue to provide City Council monthly financial reports and budget staff will provide an overview at the Budget Review in September.

At Monday's public meeting on the budget, Staff will provide a brief presentation providing an early overview of the City's financial condition and share three programmatic areas where changes are under consideration. No final recommendations have been developed nor has Council provided direction to pursue these items; Monday's presentation is the first of many opportunities for the community to provide feedback to City Council and Staff about these proposals prior to Staff's initial recommendations being made in July and final consideration by Council in October.

City Council reviewed these potential service modifications at the May 5 Study Session. Based on feedback received at that meeting, Staff will conduct further review and analysis, and present this information for City Council's consideration and final direction during the budget review retreat in September. Per Council direction, the three areas under consideration for potential changes are being shared with the public at Monday's meeting to allow time for feedback prior to final action being taken in October.

The following items are service areas with potential modifications for 2015 and/or 2016:

1. Enhanced Mobility and Connectivity Master Plan – While enhanced mobility and connectivity is an important component to ongoing planning and project implementation Citywide, overarching guidance could be enhanced. Staff is evaluating the development of a Master Plan in 2015 for the City to enhance mobility for citizens, businesses and visitors and improve the connectivity in the City. From this Master Plan, Staff could implement pilot projects concurrent with the preparation of the Master Plan to test concepts, illustrate solutions, and provide tangible results for citizens and residents seeking enhanced mobility and connectivity throughout the City. Opportunities exist to enhance access to City services and facilities by looking at how they are connected. The plan could examine and recommend improvements for how the City's street, recreational trails, bicycle routes, pedestrian networks and public spaces connect to each other, and how they connect to City services and facilities, such as open space trail heads, recreation centers, and libraries. Access for all users, regardless of abilities, could be examined, promoting healthy and safe transportation modes and positive experiences. (net estimated change +\$50,000-\$125,000)
2. Animal Management Officer – Due to budget reductions and the associated reduction in force in 2010, the Animal Management Unit was reduced by 1.0 FTE. With this staffing reduction, the City reduced animal management service hours, discontinued public education events, eliminated responses to wildlife calls, and eliminated the collection of deceased wildlife on private property. Calls for animal management services have increased by 5.8% since the 1.0 FTE reduction and calls that require increased investigative time (i.e., animal neglect/cruelty, vicious animals and dog/cat bites) have steadily grown by 28% since 2010. Since the staffing reduction, the percentage of dog licenses sold has declined as well. In 2011, Westminster saw a 23% licensing compliance rate. The current figure is 21% and the current Intergovernmental Agreement (IGA) with Jefferson County requires a 20% licensing ratio. Failure to meet that threshold will result in additional costs to the City. Another observed impact is reduced time for supervisory and administrative duties. The current Animal Management Unit is comprised of 3.5 FTE Animal Management Officers and a 1.0 FTE Supervisor. The Supervisor works 15% of the time on front line functions during a normal week and 80% during a week when an Animal Management Officer is attending court, in training, on vacation, ill, etc. Other effects of the reduced workforce include a decrease of proactive enforcement efforts, reduced support for the Patrol Division, increased overtime expenses, and a reduced ability to staff vaccination clinics. Based on these impacts, Staff is evaluating the possibility of adding the 1.0 FTE Animal Management Officer to the Animal Management Unit in 2015 to improve service levels to the community. (net estimated change +\$40,000 plus benefits; +1.0 FTE)
3. Open Space Maintenance Crew – Staff is evaluating the addition of a new open space maintenance crew in 2016, including 1.0 FTE Trails Coordinator, 1.0 FTE Horticultural Specialist, and 2.0 FTE Parkworkers. This level of service evaluation began in 2013 and continues into 2014 with the development of an Open Space Management Plan. As the City reaches the goal of 15 percent open space lands and begins the transition from open space acquisition to maintenance, the City needs to look at increasing maintenance to care for the numerous properties totaling over 3,073 acres. These properties need high levels of management that relate to accessibility, customer service and safety, recreational trail management, wildlife management, erosion control, and natural resource enhancement. The current open space staffing level is not sufficient to provide a comprehensive, proactive management program. The Open Space Management Plan is being created to assess the needs and identify strategies for management resources. This document will address desired level of service, resource needs, funding options, etc.; however, initial findings have indicated that the four positions under evaluation would help the City address ongoing maintenance needs in a more proactive manner. The crew will require additional vehicles and equipment totaling approximately \$190,000 to be most effective. The biennial Citizen Survey demonstrated that citizens of Westminster regard the City's Open Space program as one of the top reasons they chose Westminster

as their place to reside. This crew is being evaluated for 2016, when part of the Parks, Open Space & Trails (POST) debt is paid off, freeing up funding for maintenance; this crew would be budgeted within the POST Fund. (net estimated change in 2016 +\$340,000 plus benefits (including vehicles); +4.0 FTE)

Final recommendations will be submitted to City Council in early September for consideration. After reviewing the Proposed 2015/2016 Budget for several weeks, City Council is scheduled to conduct a Budget Retreat on the evenings of Monday, September 29, and Tuesday, September 30. City Council will deliberate on final funding decisions on staffing levels, programs, services, and capital projects at this Budget Retreat.

The public is encouraged to provide feedback tonight and through the various means to provide input throughout the year, including the following:

- Conversations with the Mayor and City Council at Mayor and Council outreach events (such as Mayor/Council desserts and/or breakfasts, Westy Fest, etc.);
- Telephone calls with the Mayor, City Council or the City Manager's Office (303-658-2006);
- Traditional mail communications (c/o City Manager's Office, 4800 W. 92nd Avenue, Westminster, CO 80031);
- E-mail communications with the Mayor, City Council or the City Manager's Office (c/o westycmo@cityofwestminster.us); and/or
- On-line through the City's webpage, WestyCConnect, Access Westminster, and Facebook communications.

In November of 2000, Westminster voters approved a City Charter amendment that allows the City Council to adopt a formal two-year budget. City Council officially adopted the City's first two-year budget with the 2003/2004 Budget. The Proposed 2015/2016 Budget will represent the seventh iteration of biennial budgeting in the City of Westminster.

Two public meetings and one formal public hearing will be held on the Proposed 2015 and 2016 City Budget to solicit citizen input. The public meetings are scheduled for June 9 and July 28 and a public hearing is scheduled for September 8.

Monday's public meeting was advertised in the *Westminster Window* and *The Weekly*; on Facebook and on cable Channel 8 and the City's website.

City Council's action on this item addresses all eight Strategic Planning Goals.

Respectfully submitted,

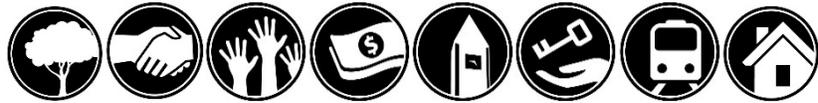
J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting

June 9, 2014



SUBJECT: Councillor's Bill No. 16 re Title Clearing for the Westminster Center Urban Reinvestment Project

Prepared By: Martin McCullough, City Attorney

Recommended City Council Action

Pass Councillor's Bill No. 16 on first reading terminating certain exceptions to title in furtherance of the Westminster Center Urban Reinvestment Project

Summary Statement

- The Westminster Economic Development Authority (the "Authority") has previously approved an urban renewal project for the former site of the Westminster Mall known as the Westminster Center Urban Reinvestment Project (the "Project").
- C.R.S. § 31-25-112 authorizes the City Council to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any of the Authority's urban renewal plans, projects, programs, works, operations or activities.
- The Authority previously acquired the property necessary for the Project, cleared the site, and is now prepared to move forward with the Project.
- The City, the Authority and OliverMcMillan LLC have recently entered into an exclusive negotiation agreement for the redevelopment of the site.
- In order to convey redevelopment parcels as the redevelopment Project unfolds, it is important that the Authority be able to convey as clean a title as possible in order to facilitate the financing and construction of the Project.
- Assisting the Authority in clearing title to the property will enhance its marketability and facilitate its redevelopment.
- There are a number of title exceptions that are within the power of the City to eliminate.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City cooperate with the Authority by removing exceptions to title to the former Westminster Mall site in order to facilitate the financing and construction of the Westminster Urban Center reinvestment project?

Alternative

The Authority could consider condemning any objectionable exceptions to title, or attempt to market the redevelopment parcels subject to the exceptions. Neither of these alternatives are recommended.

Background Information

Staff has been working with Heritage Title Company on title research and title commitment development related to the anticipated conveyance of property in connection with the Westminster Center Urban Reinvestment Project (WURP). Initial title research showed over 100 exceptions to title, the overwhelming majority of which were related to the development and operation of the Westminster Mall. In light of this many old exceptions to title, and their anticipated effect on the future financing and construction of the WURP Project, Staff had been anticipating the need to file a “title clearing” condemnation action. However, Heritage Title has indicated an ability to issue as clean a title commitment as that which could be obtained through a condemnation action if the City removes those exceptions to title within its power to remove, and the Authority does the same. The City Attorney and the City’s Special Eminent Domain Counsel, Malcolm Murray, jointly recommend this approach in lieu of a time-consuming condemnation action that would not achieve any significantly better title to the property.

The City has the power to terminate and remove those exceptions to title in the form of easements, development plans, public improvement agreements and similar “regulatory” created documents that no longer apply following the discontinuance of the use and operation of the property as a shopping mall. The Authority has the power to terminate and remove those exceptions to title in the form of leases, operating covenants, and similar “property owner” created documents as the successor owner of the property that it acquired from the former owners. A companion title clearing action appears on tonight’s WEDA agenda.

Assisting the Authority in its efforts to implement the WURP Project supports the following City Council Strategic Plan goals: Visionary Leadership & Effective Governance; Vibrant & Inclusive Neighborhoods; Comprehensive Community Engagement; Beautiful, Desirable, Environmentally Responsible City; Proactive Regional Collaboration; Dynamic, Diverse Economy; Excellence in City Services; and Ease of Mobility.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Councillor’s Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **16**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING, RELEASING, ABANDONING, DISCLAIMING AND TERMINATING CERTAIN EASEMENTS, SUBDIVISION PLATS, SUBDIVISION AGREEMENTS AND OTHER EXCEPTIONS TO TITLE IN FURTHERANCE OF THE WESTMINSTER CENTER URBAN REINVESTMENT PROJECT

WHEREAS, the Westminster Economic Development Authority (the "Authority") has previously approved an urban renewal project for the former site of the Westminster Mall known as the Westminster Center Urban Reinvestment Project (the "Project"); and

WHEREAS, the Project includes the property described on Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, C.R.S. § 31-25-112 authorizes the City Council to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any of the Authority's urban renewal plans, projects, programs, works, operations or activities; and

WHEREAS, City Council finds that assisting the Authority in clearing title to the property, thereby enhancing its marketability and facilitating its redevelopment, is in the best interest of the City and its citizens; and

WHEREAS, it is the intent of the City Council in enacting this ordinance to vacate, release and terminate as many of the exceptions to title appearing on Schedule B of that certain title commitment issued by the Heritage Title Company identified as Commitment No. 451-H0387863-266-EG2, Amendment No. 2, effective January 3, 2014 at 7:00 A.M.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Each and all of the City's right, title, and interest appearing in the Title Exceptions set forth on Exhibit B, attached hereto and incorporated herein by this reference, is and are hereby vacated, released, abandoned, disclaimed and terminated, each to the fullest extent to which those rights, title and interests may appear.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of June, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of June, 2014.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Attached Legal Description

WESTMINSTER MALL REDEVELOPMENT OVERALL BOUNDARY

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE N44°34'47"W A DISTANCE OF 105.18 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SAID EASTERLY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES;

- 1.) 128.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 73°44'29" AND A CHORD WHICH BEARS N36°09'44"W A DISTANCE OF 120.00 FEET;
- 2.) THENCE N00°42'30"E A DISTANCE OF 252.68 FEET;
- 3.) THENCE 104.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 103.53 FEET;
- 4.) THENCE N29°17'30"W A DISTANCE OF 253.49 FEET;
- 5.) THENCE 52.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 51.76 FEET,
- 6.) THENCE N00°42'30"E A DISTANCE OF 1022.79 FEET;
- 7.) THENCE 241.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 360.00 FEET, A CENTRAL ANGLE OF 38°30'06" AND A CHORD WHICH BEARS N19°57'33"E A DISTANCE OF 237.39 FEET;
- 8.) THENCE N39°12'36"E A DISTANCE OF 216.41 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET AND THE SOUTHERLY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F0832987; THENCE ALONG THE SAID EASTERLY LINE AND SOUTHERLY LINE OF WEST 92nd AVENUE THE FOLLOWING FOURTEEN (14) CONSECUTIVE COURSES;
 - 1.) S50°48'48"E A DISTANCE OF 20.34 FEET;
 - 2.) THENCE N39°11'12"E A DISTANCE OF 55.78 FEET;
 - 3.) THENCE 26.01 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 90°18'15" AND A CHORD WHICH BEARS N05°39'40"W A DISTANCE OF 23.40 FEET TO A POINT OF REVERSE CURVATURE;
 - 4.) THENCE 208.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 393.50 FEET, A CENTRAL ANGLE OF 30°25'28" AND A CHORD WHICH BEARS N24°16'43"E A DISTANCE OF 206.50 FEET;
 - 5.) THENCE N09°03'59"E A DISTANCE OF 16.12 FEET;
 - 6.) THENCE 33.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 03°47'05" AND A CHORD WHICH BEARS N07°10'20"E A DISTANCE OF 33.05 FEET TO A POINT OF REVERSE CURVATURE;

7.) THENCE 38.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 45°13'15" AND A CHORD WHICH BEARS N27°53'25"E A DISTANCE OF 37.29 FEET;

8.) THENCE S89°13'00"E A DISTANCE OF 100.73 FEET;

9.) THENCE S89°12'30"E A DISTANCE OF 16.89 FEET,

10.) THENCE 51.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1036.00 FEET, A CENTRAL ANGLE OF 02°50'33" AND A CHORD WHICH BEARS S87°47'44"E A DISTANCE OF 51.39 FEET;

11.) THENCE S86°22'27"E A DISTANCE OF 303.71 FEET;

12.) THENCE 69.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1260.31 FEET, A CENTRAL ANGLE OF 03°08'13" AND A CHORD WHICH BEARS S87°56'42"E A DISTANCE OF 68.99 FEET TO A POINT OF COMPOUND CURVATURE;

13.) THENCE 8.73 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1259.00 FEET, A CENTRAL ANGLE OF 00°23'51" AND A CHORD WHICH BEARS S89°42'48"E A DISTANCE OF 8.73 FEET;

14.) THENCE S89°54'43"E A DISTANCE OF 162.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92nd AVENUE RECORDED AT RECEPTION NO. F1097396; THENCE ALONG SAID SOUTHERLY LINE S89°55'03"E A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92nd AVENUE RECORDED AT RECEPTION NO. F083987; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S00°45'31"W A DISTANCE OF 9.26 FEET;

2.) THENCE S89°16'45"E A DISTANCE OF 495.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG THE SAID WESTERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S45°07'17"E A DISTANCE OF 143.20 FEET;

2.) THENCE S15°22'31"E A DISTANCE OF 1476.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 901; THENCE ALONG SAID WESTERLY LINE S00°05'03"W A DISTANCE OF 904.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88th AVENUE; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) 23.73 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°37'27" AND A CHORD WHICH BEARS S45°23'47"W A DISTANCE OF 21.33 FEET;

2.) THENCE N89°17'30"W A DISTANCE OF 1682.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88th AVENUE RECORDED AT RECEPTION NO. 89053018; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

1.) N00°39'31"E A DISTANCE OF 2.10 FEET;

2.) THENCE N88°29'13"W A DISTANCE OF 135.26 FEET;

3.) THENCE N89°17'30"W A DISTANCE OF 74.75 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING S89°17'30"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP PLS

#17488 AT THE SOUTH QUARTER CORNER AND A FOUND 3-1/4" ALUMINUM CAP PLS
#13155 AT THE SOUTHEAST CORNER.

PREPARED BY RICHARD A. NOBBE, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN INC.
12499 W. COLFAX AVE.
LAKEWOOD, CO. 80215

EXHIBIT B

12. Terms, conditions, provisions, agreements and obligations contained in the Westminster Mall Subdivision Agreement recorded January 14, 1976 in Book 2809 at Page 337.
17. Terms, conditions, provisions, agreements and obligations contained in the Subdivision Agreement recorded October 15, 1976 in Book 2915 at Page 453.
22. An easement for storm and sanitary sewer lines and water lines and incidental purposes granted to the Public by the instrument recorded September 01, 1977 in Book 3063 at Page 242.

NOTE: Ordinance abandoning and terminating certain utility easements recorded July 16, 1993 at Reception No. 93104577.
25. Terms, conditions, provisions, agreements and obligations contained in the Brunswick Center Subdivision Center recorded August 18, 1978 at Reception No. 78076110.
34. An easement for storm drainage and incidental purposes granted to The City of Westminster by the instrument recorded September 03, 1982 at Reception No. 82061813.

NOTE: Ordinance abandoning and terminating certain utility easements recorded July 16, 1993 at Reception No. 93104577.
38. An easement for utility purposes reserved in Ordinance No. 1488, Series of 1985, vacating a portion of West 91st Avenue recorded May 10, 1985 at Reception No. 85044026.

NOTE: Ordinance abandoning and terminating certain utility easements recorded July 16, 1993 at Reception No. 93104577.
48. Terms, conditions, provisions, agreements and obligations specified under the Agreement and Waiver by and between the City of Westminster and Westminster Mall Company recorded February 12, 1987 at Reception No. 87019125.
49. Any tax, lien, fee or assessment by reason of inclusion of subject property in the Shaw Heights Basin Special Improvement District, as evidenced by instrument recorded August 07, 1987 at Reception No. 87101964.
57. Land Survey Plat recorded January 25, 1993 at Reception No. 93011161.
59. Terms, conditions, provisions, agreements and obligations contained in the City of Westminster Agreement for Possession and Use of Right-of-way recorded August 14, 1997 at Reception No. F0460650.
60. ALTA/ACSM Land Title Survey recorded December 31, 1998 at Reception No. F0769556.
62. Land Survey Plat recorded July 26, 2002 at Reception No. F1531073.
63. Terms, conditions, provisions, agreements and obligations contained in the Subdivision Improvements Agreement recorded May 18, 1978 at Reception No. 78044535.
75. ALTA/ACSM Land Title Survey Broadway Store at Westminster Mall recorded December 14, 1995 at Reception No. F0158602.



Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Councillors Bill No. 17 re Creation of Parks, Recreation, Libraries, and Open Space Advisory Board

Prepared By: Jason Genck, PRL Operations Manager
Heather Cronenberg, CD Open Space Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 17 on first reading creating a City of Westminster Parks, Recreation, Libraries and Open Space Advisory Board by combining the Parks, Recreation and Libraries Advisory Board with the Open Space Advisory Board.

Summary Statement

- The City will soon eclipse the goal of 15% of land area of the City dedicated to open space. With the accomplishment of this goal, a transition from land acquisition to conservation focus is needed to protect and preserve open space while providing greater access.
- The focus of the Open Space Advisory Board has been to prioritize and make recommendations regarding prospective open space acquisitions to City Council. The need for land acquisition of open space is decreasing significantly. Remaining tasks for this Board include property management and targeted acquisitions necessary for trail connections and to preserve the integrity of open space.
- The Parks, Recreation and Libraries Board includes the focus of open space for recreational needs.
- The combination of the two Boards will be a more productive arrangement for both Board members and Staff.
- Staff met with both Boards on April 15, 2014 to discuss the details of the merger. Results of the meeting were very positive.
- The attached amendment to the Municipal Code will combine the responsibilities of both Boards.

Expenditure Required: \$0

Source of Funds: NA

Policy Issue

Should City Council eliminate the Open Space Advisory Board and the Parks, Recreation and Libraries Advisory Board, respectively, and combine the Boards into one Parks, Recreation, Libraries and Open Space Advisory Board?

Alternatives

1. City Council could decide to not combine the Boards and leave things as they are.
2. City Council could decide to eliminate one or both Boards.

Background Information

The Parks, Recreation and Libraries Advisory Board (PRLAB) was created in March 2006 (with a merger of the Libraries Advisory Board (est. 1960) and Parks and Recreation Advisory Board (est. 1994)). The Open Space Advisory Board (OSAB) was created in 1990. The focus of the Open Space Advisory Board is to obtain public input and make recommendations based on such input to City Council regarding prospective open space acquisitions. The board, in consultation with appropriate City Staff, is also responsible for identifying and prioritizing potential open space acquisitions by the City and submitting the Board's recommendations to City Council. The open space program is transitioning from land acquisition to a conservation focus of protecting and preserving open space while providing greater access. With this transition and since the Parks, Recreation, and Libraries Department is responsible for managing and maintaining the City's open space, it makes sense to combine the two boards. The proposed combined board will be responsible for covering the duties of both separate boards.

Staff met with both Boards on April 15, 2014 to discuss the details of the merger. Results of the meeting were very positive. The Boards recommend that the City maintain 13 board members as the target for the current and future board. This provides the opportunity for all current 13 board members (6 OSAB and 7 PRLAB) to continue to serve. Additionally, the Board elected to begin meetings of the merged Board, pending Council approval, on July 10 and continue with the second Thursday of every other month, currently the PRLAB schedule. The Board also decided to elect chairs and fill positions in the final meeting of 2014 to provide time for the group to learn the interests of each member. At this time, staff will continue to provide two liaisons to support the merged Board. These liaisons will continue to be Jason Genck, PRL Operations Manager and Heather Cronenberg, CD Open Space Coordinator.

City Council's action on this item addresses the Comprehensive Community Engagement Strategic Planning Goal by efficiently and effectively engaging and empowering resident advisors on Parks, Recreation, Libraries and Open Space issues.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Proposed Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **17**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

**A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE TO
CREATE THE MERGED PARKS, RECREATION, LIBRARIES AND OPEN SPACE
ADVISORY BOARD; REPEALING TITLE II, CHAPTER 11, W.M.C.;
AND UPDATING TITLE XIII, CHAPTER 6, W.M.C.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-1-1, subsection (E), W.M.C., is hereby AMENDED to read as follows:

2-1-1: APPOINTMENT OF MEMBERS; TERMS:

(E) Terms shall be staggered as follows:

(1) For five (5) member Boards or Commissions, three (3) members shall have terms that expire on even-numbered years and two (2) members shall have terms that expire on odd-numbered years.

(2) For seven (7) member Boards or Commissions, four (4) members shall have terms that expire on even-numbered years and three (3) members shall have terms that expire on odd-numbered years.

(3) For eight (8) member Boards or Commissions, four (4) members shall have terms that expire on even-numbered years and four (4) members shall have terms that expire on odd-numbered years.

(4) For thirteen (13) member Boards or Commissions, seven (7) members shall have terms that expire on even-numbered years and six (6) members shall have terms that expire on odd-numbered years.

(45) Alternates shall have terms that expire on odd-numbered years.

This subsection shall not apply to the Election Commission. ~~For the Parks, Recreation and Libraries Advisory Board, this subsection shall take effect on January 1 of the year following that in which the Board reaches seven (7) members through attrition and, at such time, an alternate member shall be appointed.~~

Section 2. Title II, Chapter 4, W.M.C., is hereby retitled as follows:

CHAPTER 4
PARKS, RECREATION, LIBRARIES AND OPEN SPACE ADVISORY BOARD

Section 3. Section 2-4-1, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

2-4-1: CREATION: There is hereby created a Parks, Recreation, Libraries and Open Space Advisory Board, hereinafter referred to as "the Board," comprised of the seven (7) regular members of the Parks, Recreation and Libraries Board, the six (6) current regular members of the Open Space Advisory Board seated at the time of creation of this Board. At the time of creation, in order to comply with Section 2-1-1,

W.M.C., all members shall start new terms. However, based on length of service, four (4) of the seven (7) members coming from the Parks, Recreation and Libraries Board and three (3) of the six (6) members coming from the Open Space Advisory Board shall serve terms that expire on even-numbered years. The other member's terms shall expire on odd-numbered years.

Section 4. Section 2-4-2, W.M.C., is hereby AMENDED to read as follows:

2-4-2: ADVISORY MEMBERS: ~~The~~An employee appointed by the Director of Parks, Recreation and Libraries; an employee appointed by the Director of Community Development, and one (1) member of the City Council, to be appointed by the Mayor, shall be advisory members of the Parks, Recreation, ~~and Libraries and Open Space Advisory Board,~~ and who shall have the right to participate in all meetings of the Board; ~~except that,~~ they shall not have the right to vote.

Section 5. Section 2-4-3, W.M.C., is hereby AMENDED to read as follows:

2-4-3: POWERS AND DUTIES: The powers of the Parks, Recreation, ~~and Libraries and Open Space Advisory Board~~ shall be advisory only, and the Board shall have the following duties:

(A) To assist staff and Council in the promotion of ~~the~~ Parks, Recreation, and Libraries and Open Space Departments and ~~its~~ their services to the community, ~~and as well as to assist in the evaluation of the Department's related missions,~~ roles and services in response to community needs;

(B) To obtain feedback from the community and make recommendations to the Director of Parks, Recreation and Libraries regarding the City's long-range plan for the development, maintenance and improvements of Parks, Recreation and Libraries' facilities, programs and services;

(C) To obtain feedback from the community and make recommendations based on such input to City Council regarding management of open space and prospective open space acquisitions;

(D) In consultation with appropriate City staff, to identify and prioritize potential open space acquisitions by the City and to submit the Board's recommendations about such acquisitions to City Council;

(E) ~~(C)~~—To advise staff, with Council's approval, on the administration of such gifts of money, property, or endowments as may be granted to and accepted by the Council for parks, recreation, ~~and library or open space~~ purposes, and to take such steps as the Board may deem feasible to encourage gifts in support of the City's parks, recreation, ~~and library and open space~~ programs, and to administer a grant-in-aid program directed at individuals who would be unable, due to financial considerations, to participate in parks, recreation, ~~and libraries and open space~~ programs;

(F) ~~(D)~~—When asked by the Director, to evaluate applications for special need passes to City recreation facilities by the public and to recommend approval or denial;

(G) ~~(E)~~—To review requests by the public for the removal of library materials; materials will be removed from the Library's collections upon unanimous approval of the Board;

(H) ~~(F)~~—To recommend for City Council adoption a schedule of fines and penalties to be imposed for the failure of any person to return materials in a period prescribed by the Director of Parks, Recreation and Libraries or damaging any books, periodicals, other materials or Library facilities;

(I) ~~(G)~~—Upon request by the Director, to review and make recommendations on any Parks, Recreation and Libraries' fee or charge in an amount that exceeds the approval authority of the City Manager;

(J) ~~(H)~~—To administer the City's Neighborhood Enhancement Program in any and all aspects as may be necessary to meet the goals and objectives of the Program;

(K) ~~(I)~~—When asked by the Director, to review complaints, suggestions and other communications by the public regarding ~~pParks, rRecreation and lLibraries~~² or open space programs and facilities, and to make recommendations to the Director regarding said communications;

(L) ~~(J)~~—To conduct a Secret Shopper Program to visit all City ~~pParks, rRecreation and lLibraries~~² and open space facilities for feedback to the Director on customer service issues;

(M) ~~(K)~~—To advise the Director on such policies, rules and regulations and other matters as the Board believes necessary and proper for the management and development of the ~~pParks, rRecreation, llibraries and Libraries~~² open space programs and facilities; and

(N) ~~(L)~~—To perform any other related duties as assigned by Council.

Section 6. Section 2-4-4, W.M.C., is hereby AMENDED to read as follows:

2-4-4: MEETINGS: The ~~Parks, Recreation and Libraries~~ Board shall decide on a meeting day and time. The Board shall meet at least six (6) times per year, as the Chairperson of the Board requests. A record of the minutes of each meeting shall be kept and placed in the office of the City Clerk for public inspection. Except as provided by subsection 2-1-6(A), W.M.C., all meetings of the ~~Parks, Recreation and Libraries~~ Board shall be open to the public.

Section 7. Section 3-3-6, subsection (A), W.M.C., is hereby AMENDED to read as follows:

3-3-6: PROHIBITED ACTS; FINES AND PENALTIES:

(A) Pursuant to Section 2-4-3, W.M.C., the Parks, Recreation, ~~and Libraries~~ and Open Space Advisory Board shall recommend and the City Council shall adopt a schedule of fines and penalties to be imposed for the failure of any person to return materials in a period prescribed by the Director of Parks, Recreation and Libraries, or damaging any books, periodicals, other materials or library facilities.

Section 8. Section 13-5-6, subsection (B), W.M.C., is hereby AMENDED to read as follows:

(B) The Parks, Open Space and Trails (POST) Committee, appointed by the City Manager, will normally review all grant applications, major construction improvements, master plan development, proposed trail projects affecting open space properties and make recommendations thereon to the City Manager or City Council, as appropriate. Although primary responsibility for recommendations on proposed acquisitions lies with the Parks, Recreation, Libraries and Open Space Advisory Board, the POST Committee may also review proposed acquisitions.

Section 9. Title II, Chapter 11, W.M.C., titled "Open Space Advisory Board," is hereby REPEALED IN ITS ENTIRETY.

Section 10. As set forth above, the following subsections of the Westminster Municipal Code are hereby amended by replacing “Parks, Recreation and Libraries Advisory Board” with “Parks, Recreation, Libraries and Open Space Advisory Board” wherever “Parks, Recreation and Libraries Advisory Board” appears and by replacing “Open Space Advisory Board” with “Parks, Recreation, Libraries and Open Space Advisory Board”:

TITLE	CHAPTER	SECTION	SUBSECTION
2	1	1	(E)
2	4	1	
2	4	2	
2	4	3	
2	4	4	
3	3	6	(A)
13	5	6	(B)

Section 11. This ordinance shall take effect upon its passage after second reading.

Section 12. 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 9th day of June, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of June, 2014.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Resolution No. 11 Confirming the City's Intent to Appropriate Water

Prepared By: Sharon I. Williams, Water Resources Engineering Coordinator

Recommended City Council Action

Adopt Resolution No. 11 to confirm the City's intent to appropriate water and confirm Staff's and Special Water Counsel's authority to take certain necessary actions to appropriate water.

Summary Statement

- As part of the City's planning to secure and develop a long-term water supply, the City must be able to appropriate new water supply.
- In 1987, City Council adopted Resolution No. 5 confirming Westminster's intent to appropriate, for all beneficial uses in the City's water supply system, unappropriated water in the river basins in Colorado.
- Over the years since the adoption of Resolution No. 5 and consistent with the intent of the same, Staff has continued to appropriate water rights and perfect conditional water rights for use within the City's water supply system.
- In 2013, Staff initiated appropriations of certain junior water rights and exchanges for use in connection with the City's water supply system. One is for a junior storage right associated with Little Dry Creek Pond and the other is for a junior water right diverted through the Croke Canal along with exchange rights involving water diverted into the City's Jim Baker Reservoir facility.
- The City's Special Water Counsel has recommended to Staff that the City reaffirm its intent to appropriate water.
- Staff is requesting the adoption of a new Resolution to confirm the City's intent to appropriate water and confirm that Staff and the City's Special Water Counsel have the authority to take certain necessary actions to appropriate water.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council adopt a Resolution to confirm the City's intent to appropriate water and confirm Staff's and Special Water Counsel's authority to take certain necessary actions to appropriate water?

Alternative

City Council could decline to adopt a Resolution to confirm the City's intent to appropriate water and confirm Staff's and Special Water Counsel's authority to take certain necessary actions to appropriate water. This alternative is not recommended because water rights case law requires the City, in order to appropriate water, to both demonstrate the intent to do so as well as demonstrate overt acts in furtherance of that intent. Relying on Resolution No. 5, made in 1987, could suffice, but a new Resolution would demonstrate another, more recent, overt act furthering the City's intent to appropriate water.

Background Information

As part of the City's planning to secure and develop a long-term water supply, the City regularly makes minor adjustments to optimize its water rights portfolio. One way is by seeking opportunities for the City to appropriate new water supply in the form of new junior water rights. In 2013, the City identified a few opportunities to appropriate new junior water rights that will help optimize City operations.

In accordance with relevant case law, for the City to appropriate water, it must demonstrate its intent to do so and also take overt acts in furtherance of that intent. One example of an "overt act" is for the City Council to adopt a Resolution stating the City's intent to appropriate water and to direct Staff and Special Water Council to take action accordingly.

City Council has previously adopted Resolution No. 5, Series of 1987, which instructs Staff and Special Water Counsel to perform certain actions and to make the necessary filings to increase water supply with the appropriate Water Court. It also affirms that it is the intent of the City to appropriate water.

Since Resolution No. 5 was adopted, Staff and Special Water Counsel have investigated potential sources of additional water and taken actions to appropriate water rights and perfect conditional water rights for use within the City's water supply system.

Most recently, in 2013, Staff initiated appropriations of certain junior water rights and exchanges. One is for a junior storage right associated with Little Dry Creek Pond and the other is for a junior water right diverted through the Croke Canal along with exchange rights involving water diverted into the City's Jim Baker Reservoir facility.

These new junior water rights will have several benefits related to optimizing the City's water supply system. There will be water available to ensure the new pond being constructed at Little Dry Creek Park is able to operate at a full level year-round. The City will also have a new, junior right to divert water into Standley Lake and Jim Baker Reservoir under certain special hydrologic conditions.

The City's Special Water Council has recommended that the City take the "overt act" to adopt a Resolution that includes the following:

1. Reaffirming the intent of the City of Westminster to appropriate water from Clear Creek and its tributaries and the South Platte River consistent with the previous statements of said intent in Resolution No. 5, Series of 1987.
2. Reaffirming Staff's authority to cause the application to be filed in two 2013 junior water rights cases, to appropriate the water rights identified therein, and to prosecute said applications in Water Court.

3. Reaffirming the City's intent to appropriate water for use in its water supply system and adopting the resolution as a continued demonstration of said intent and as the performance of an additional overt act in furtherance of the appropriation of water for the City's water supply system.

4. Consistent with prior City Council resolutions, reaffirming ongoing instructions to Staff to take all appropriate and necessary steps to continue to appropriate water rights throughout Colorado for use in the City's water supply system.

This supports the Council's Strategic Plan Goal of Excellence in City Services securing and developing a long-term water supply.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment:

- Resolution No. 5, Series of 1987
- Resolution No. 11, Series 2014

RESOLUTION

RESOLUTION NO

5

INTRODUCED BY COUNCILMEMBERS

SERIES OF 1987

Harris + Heil

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTMINSTER CONFIRMING APPROPRIATIONS, EXCHANGES OF WATER BY THE CITY AND INSTRUCTING CITY STAFF AND WATER COUNSEL TO DEVELOP NEW WATER SUPPLY SOURCES AND PROCEED WITH ANY NECESSARY ACTION.

WHEREAS, the waters of the South Platte, North Platte, Colorado, Gunnison and Arkansas River Basins can be diverted and beneficially used by the City of Westminster in its municipal water supply system by appropriation and exchanges; and

WHEREAS, the City Council finds that in light of the City's finite water supply and growing demand, it is prudent for the City to increase its water supply for the present and future needs of the residents of the City and further finds that it may economically and efficiently do so by making new appropriations and implementing water exchanges; and

WHEREAS, employees and consultants of the City of Westminster have, pursuant to the instruction of the City Council, conducted investigations and filed applications with the District Court in and for Water Division 1 for changes of use, alternate points of diversion and exchanges involving waters of the South Platte River basin;

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Westminster that:

- 1) The intent of the City of Westminster to appropriate, for all beneficial uses in its municipal water supply system, unappropriated water in and exchanges of water of the South Platte, North Platte, Colorado, Gunnison and Arkansas River Basins is affirmed.
- 2) The intent of the City of Westminster to change the use of, change the points of diversion of and exchange to various headgates water rights which the City presently owns, as evidenced in the December 31, 1986, Division 1 Water Court applications is reaffirmed.
- 3) The City Staff and agents shall conduct any further investigations and surveys, prepare all such plans and such other documents as may be needed for acquiring necessary rights-of-way and easements for effectuating the appropriations and exchanges contemplated, and make the necessary filings with the appropriate Water Court.

PASSED AND ADOPTED this 12th day of January, 1987.

George Brooks
Mayor

ATTEST:

Michele Salgado
City Clerk

RESOLUTION

RESOLUTION NO. **11**

INTRODUCED BY COUNCILLORS

SERIES OF 2014

**A RESOLUTION CONFIRMING CERTAIN APPROPRIATIONS OF WATER BY THE CITY
AND CONFIRMING CITY STAFF AND SPECIAL WATER COUNSEL'S AUTHORITY TO
TAKE CERTAIN NECESSARY ACTIONS.**

WHEREAS, the City Council finds that in light of the City of Westminster's finite water supply and growing demand, it is prudent for the City to increase its water supply for the present and future needs of the residents of the City of Westminster ("Westminster"); and

WHEREAS, the City Council has previously adopted Resolution No. 5, Series of 1987 which instructs City staff and agents to conduct any further investigations and surveys, to prepare all plans and such other documents as may be needed for acquiring necessary rights-of-way and easements for effectuating appropriations and to make the necessary filings to increase water supply with the appropriate Water Court; and

WHEREAS, since adoption of Resolution No. 5, Series of 1987, City staff has endeavored to investigate potential sources of additional water for use in Westminster's Municipal Water Supply System, as it currently exists or exists in the future, including extraterritorial leases and contracts as those may exist from time to time, (the "Westminster Municipal Water Supply System"); and

WHEREAS, Resolution No. 5, Series of 1987 confirms Westminster's intent to appropriate, for all beneficial uses in the Westminster Municipal Water Supply System, unappropriated water in the river basins in Colorado; and

WHEREAS, over the years since the adoption of Resolution No. 5 and consistent with the intent of the same, City staff, through its special water counsel, has continued to appropriate water rights and perfect conditional water rights for use within the Westminster Municipal Water Supply System; and

WHEREAS, in 2013, consistent with the provisions of said Resolution No. 5, City staff, through its special water counsel, initiated appropriations and made Water Court filings in furtherance of the same, involving certain junior water rights and exchanges for use in connection with the Westminster Municipal Water Supply System; and

WHEREAS, on November 27, 2013, City staff, through its special water counsel, caused the application in Case No. 13CW3145 to be filed in Water Court seeking a junior storage right associated with Little Dry Creek Pond and a plan of augmentation related to the same; and

WHEREAS, on December 30, 2013, City staff, through its special water counsel, caused the application in Case No. 13CW3164 to be filed in Water Court seeking junior water rights diverted through the Croke Canal and exchange rights involving water diverted into the City's Jim Baker Reservoir facility; and

WHEREAS, City Council wishes to ratify and reaffirm the actions taken by City staff and its special water counsel in the filing of the applications in Case Nos. 13CW3145 and 13CW3164 and the appropriation of the water rights related to the same.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Westminster that:

1. The intent of the City of Westminster to appropriate water from Clear Creek and its tributaries and the South Platte River consistent with the previous statements of said intent in Resolution No. 5, is hereby reaffirmed.

2. City staff's and its special water counsel's authority to cause the application to be filed in Case No. 13CW3145, to appropriate the water rights identified therein, and to prosecute said application in Water Court is hereby reaffirmed.

3. City staff's and its special water counsel's authority to cause the application to be filed in Case No. 13CW3164, to appropriate the water rights identified therein, and to prosecute said application in Water Court is hereby reaffirmed.

4. The City of Westminster hereby reaffirms its intent to appropriate water for use in the Westminster Municipal Water Supply System and adopts the present resolution as a continued demonstration of said intent and as the performance of an additional overt act in furtherance of the appropriation of water for the Westminster Municipal Water Supply System. Consistent with prior City Council resolutions, the City of Westminster ongoing instructions to City staff to take all appropriate and necessary steps to continue to appropriate water rights throughout Colorado for use in the Westminster Municipal Water Supply system is hereby reaffirmed.

PASSED AND ADOPTED this 9th day of June, 2014.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney



Agenda Memorandum

City Council Meeting
June 9, 2014



SUBJECT: Resolution No. 12 Promoting Voter Registration and Voter Participation in the City of Westminster

Prepared By: Barbara Opie, Assistant City Manager

Recommended City Council Action

Adopt Resolution No. 12 promoting voter registration and voter participation in the City of Westminster.

Summary Statement

- Councillor's Bill No. 12 Adding Section 19 to Title XI, Chapter 12, of the Westminster Municipal Code Concerning Voter Registration Information ("CB") passed on first reading at the April 28 City Council meeting. A revised CB was approved on first reading and would require rental property owners/managers to provide voter registration information (i.e., how to register) to new tenants with an effective date of January 1, 2015.
- Since that time, City Council has heard from both those in favor and in opposition to this Councillor's Bill. Based on the feedback received, City Council discussed potential alternative options at the Post City Council meeting on May 12.
- City Council directed Staff to identify an alternative that would not require rental property owners/managers to distribute voter registration information but rather would focus on encouraging all residents to register and participate in elections. Per City Council direction, the proposed initiative focuses on City outreach to residents through a multifaceted approach, rather than relying on others to encourage citizen's to vote.
- The proposed initiative supports City Council's Strategic Plan goal of Comprehensive Community Engagement where community members are involved and empowered to address community needs and issues.

Expenditure Required: \$9,000-\$12,000 for direct mailing portion only

Source of Funds: General Fund - Central Charges Operating Budget

Policy Issue

Does City Council support the proposed alternative to encourage voter registration and voter participation through a city-based initiative versus CB No. 12 as currently proposed?

Alternatives

- Make no changes and proceed with the second reading of CB No. 12 scheduled for June 9.
- Amend CB No. 12 on second reading with some modifications to the requirements and/or change the effective date.

Background Information

City Council approved on first reading at the April 28th meeting Councillor's No. Bill 12 Adding Section 19 to Title XI, Chapter 12, of the Westminster Municipal Code Concerning Voter Registration Information. The revised CB requires that rental property owners/managers provide voter registration information to new tenants effective January 1, 2015.

Leading up to the City Council meeting and since the April 28th meeting, City Council has received feedback from supporters of and opponents to the revised Councillor's Bill. City Council considered this feedback and discussed potential alternative options at the Post City Council meeting on May 12. An alternative was presented and discussed by City Council that would not require rental property owners/managers to distribute voter registration information as currently proposed through CB No. 12 but rather would focus on encouraging all residents to register and participate in elections. Based on City Council direction, the proposed initiative should focus on City outreach to residents through a multifaceted approach that may utilize direct mail, utility bills, websites, social media and events and activities where residents connect with the City. The City would also work to reach out to high schools to invite graduating seniors to register to vote. Having a City-based initiative to encourage voter registration and voter participation would address a key objective of the City to connect directly with all residents and not rely on other parties. This effort more closely aligns with City Council's Strategic Plan goal of Comprehensive Community Engagement.

The attached resolution clearly states City Council's desire to include a direct mailing to every household in the City to encourage voter registration and voter participation so everyone's voice may be heard. The direct mailing is one component of an overall communications strategy that will be developed and reviewed with City Council at a later date. The estimated cost for a direct mailing ranges from \$9,000-\$12,000; funds will be included within the Proposed 2015/2016 Budget for this initiative. Per City Council direction at the June 2 Study Session, Staff will plan for the initiative to commence in calendar year 2015, with an emphasis in May to encourage registration and participation.

This proposed alternative voter registration and voter participation initiative supports City Council's Strategic Plan goals of Comprehensive Community Engagement where community members are involved and empowered to address important community issues.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **12**

INTRODUCED BY COUNCILLORS

SERIES OF 2014

**A RESOLUTION PROMOTING VOTER REGISTRATION AND
VOTER PARTICIPATION IN THE CITY OF WESTMINSTER**

WHEREAS, according to the U.S. Census, six million Americans did not vote in 2008 because they did not know how to register or they missed their state's voter registration deadline;

WHEREAS, the City Council has a Strategic Plan goal of Comprehensive Community Engagement whereby Westminster is represented by inclusive cultural, business, nonprofit and geographic participation;

WHEREAS, when members of the community are involved in activities; they are empowered to address community needs and important community issues; and

WHEREAS, the promotion of voter registration and voter participation is a high priority of City Council and supports the Strategic Plan goal of Comprehensive Community Engagement.

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

1. Designates the month of May 2015 as Voter Registration and Voter Participation month in the City of Westminster; and
2. Encourages ALL residents to get registered and participate in elections to have their voices heard; and
3. Establishes a City-based Voter Registration and Participation initiative with a robust communications program, including a direct mailing to every Westminster household, to reach out to the community and our partners, to encourage voter participation.

PASSED AND ADOPTED this 9th day of June, 2014.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney



Agenda Item 11 A

Agenda Memorandum

City Council Meeting

June 9, 2014



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

Prepared By: John Carpenter, Director of Community Development

Recommended City Council Action

Remove from the table the second reading Councillor's Bill No. 12 adding Section 19 to Title XI, Section 12 of the Westminster Municipal Code Concerning Voter Registration Information and postpone indefinitely.

Summary Statement

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

Based on City Council feedback at the May 19 Post City Council Meeting, Staff prepared an alternative resolution for City Council's consideration at the June 9 City Council meeting that eliminates CB 12 and replaces it with a city-based initiative to encourage voter registration and participation. Should City Council approve the resolution, then Staff recommends postponing indefinitely CB 12.

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Councillor's Bill No. 12

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **12**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

Winter - Pinter

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

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

11-12-19: VOTER REGISTRATION INFORMATION

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

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

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2014.

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

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

AGENDA

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
SPECIAL MEETING**

MONDAY, JUNE 9, 2014

AT 7:00 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (May 19, 2014)
- 3. Public Hearings and New Business**
 - A. Resolution No. 153 re Title Clearing for the Westminster Center Urban Reinvestment Project
 - B. Interim Public Relations Program for Westminster Center Urban Reinvestment Project
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, MAY 19, 2014, AT 7:40 P.M.

ROLL CALL

Present at roll call were Vice Chairperson Faith Winter and Board Members Bruce Baker, Bob Briggs, Alberto Garcia, Emma Pinter, and Anita Seitz. Chairperson Herb Atchison was absent and excused. Also present were Barbara Opie, Acting Executive Director, Jane Greenfield, Assistant Attorney, and Linda Yeager, Secretary.

APPROVAL OF MINUTES

Board Member Briggs moved, seconded by Board Member Pinter, to approve the minutes of the meeting of March 10, 2014, as written. The motion carried unanimously.

LICENSE AGREEMENT FOR FARMER'S MARKET ON WURP SITE

Upon a motion by Board Member Briggs, seconded by Board Member Pinter, the Authority voted unanimously to authorize the Executive Director to sign a license agreement with Farmer's Market USA, LLC allowing a weekly farmers' market on the WURP site on Saturdays from 10 am to 2 pm from June through November 2014.

ADJOURNMENT

With no further business for the Authority's consideration, Vice Chairperson Winter adjourned the meeting at 7:43 p.m.

ATTEST:

Vice Chairperson

Secretary

WEDA Agenda Item 3 A

Agenda Memorandum

Westminster Economic Development Authority Board Meeting
June 9, 2014



SUBJECT: Resolution No. 153 re Title Clearing for the Westminster Center Urban Reinvestment Project

Prepared By: Marty McCullough, Authority Attorney

Recommended Board Action

Adopt Resolution No. 153 terminating certain exceptions to title in furtherance of the Westminster Center Urban Reinvestment Project.

Summary Statement

- The Westminster Economic Development Authority (the “Authority”) has previously approved an urban renewal project for the former site of the Westminster Mall known as the Westminster Center Urban Reinvestment Project (the “Project”).
- C.R.S. § 31-25-112 authorizes the City Council to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any of the Authority’s urban renewal plans, projects, programs, works, operations or activities.
- The Authority previously acquired the property necessary for the Project, cleared the site, and is now prepared to move forward with the Project.
- The City, the Authority, and OliverMcMillan LLC have recently entered into an exclusive negotiation agreement for the redevelopment of the site.
- In order to convey redevelopment parcels as the redevelopment Project unfolds, it is important that the Authority be able to convey as clean a title as possible in order to facilitate the financing and construction of the Project.
- Clearing title to the property will enhance its marketability and facilitate its redevelopment.
- There are a number of title exceptions that are within the power of the Authority to eliminate.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the Authority remove certain exceptions to title to the former Westminster Mall site in order to facilitate the financing and construction of the Westminster Urban Center reinvestment project?

Alternative

The Authority could consider condemning any objectionable exceptions to title, or attempt to market the redevelopment parcels subject to the exceptions. Neither of these alternatives are recommended.

Background Information

Staff has been working with Heritage Title Company on title research and title commitment development related to the anticipated conveyance of property in connection with the Westminster Center Urban Reinvestment Project (WURP). Initial title research showed over 100 exceptions to title, the overwhelming majority of which were related to the development and operation of the Westminster Mall. In light of this many old exceptions to title, and their anticipated effect on the future financing and construction of the WURP Project, Staff had been anticipating the need to file a “title clearing” condemnation action. However, Heritage Title has indicated an ability to issue as clean a title commitment as that which could be obtained through a condemnation action if the City removes those exceptions to title within its power to remove, and the Authority does the same. The Authority’s Attorney and the Authority’s Special Eminent Domain Counsel, Malcolm Murray, jointly recommend this approach in lieu of a time-consuming condemnation action that would not achieve any significantly better title to the property.

The Authority has the power to terminate and remove those exceptions to title in the form of leases, operating covenants, and similar “property owner” created documents as the successor owner of the property that it acquired from the former owners. The City has the power to terminate and remove those exceptions to title in the form of easements, development plans, public improvement agreements and similar “regulatory” created documents that no longer apply following the discontinuance of the use and operation of the property as a shopping mall. A companion title clearing action appears on tonight’s City Council agenda.

The Authority’s efforts in implementing the WURP Project supports the following City Council Strategic Plan goals: Visionary Leadership & Effective Governance; Vibrant & Inclusive Neighborhoods; Comprehensive Community Engagement; Beautiful, Desirable, Environmentally Responsible City; Proactive Regional Collaboration; Dynamic, Diverse Economy; Excellence in City Services; and Ease of Mobility.

Respectfully submitted,

J. Brent McFall
Executive Director

Attachment: Resolution

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **153**
SERIES OF 2014

INTRODUCED BY BOARD MEMBERS

A RESOLUTION PROVIDING PUBLIC RECORD NOTIFICATION OF
TERMINATION OF CERTAIN LEASES ASSOCIATED WITH THE
WESTMINSTER URBAN REINVESTMENT PROJECT

WHEREAS, the Westminster Economic Development Authority (the “Authority”) has previously approved an urban renewal project for the former site of the Westminster Mall known as the Westminster Center Urban Reinvestment Project (the “Project”); and

WHEREAS, the Project includes the property described on Exhibit A, attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, the Property was previously acquired by the Authority; and

WHEREAS, in furtherance of the Project, in cooperation with the City of Westminster, all of the tenancies on the Property have been vacated and their associated business operations have terminated, except for JC Penney’s, Olive Garden, and US Bank (the “Continuing Tenancies”); and

WHEREAS, in furtherance of the Project, all of the buildings and improvements on the Property have been demolished on the Property and the site has been cleared for redevelopment, except for those related to the Continuing Tenancies, the Brunswick Bowling facility and the McMurtrey Dental Offices; and

WHEREAS, the Authority finds that the Authority has not granted any leasehold interests during its ownership of the Property; and

WHEREAS, the Authority finds that there are certain leasehold interests appearing on the title to the Property that no longer exist; and

WHEREAS, the Authority finds that title to the Property continues to show as exceptions certain leasehold interests that no longer exist; and

WHEREAS, the Authority finds that clearing title to the Property, prior to offering it for redevelopment, will enhance its marketability and further the Project; and

WHEREAS, it is the intent of the Authority in enacting this Resolution to vacate, release and terminate as many of the exceptions to title appearing on Schedule B of that certain title commitment issued by the Heritage Title Company identified as Commitment No. 451-H0387863-266-EG2, Amendment No. 2, effective January 3, 2014, at 7:00 A.M.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY, COLORADO:

Section 1. Based on the foregoing recited facts and findings by the Authority, public record notice is hereby given of the termination of the leasehold interests set forth on Exhibit B, attached hereto and incorporated herein by this reference.

Section 2. The Secretary shall record this resolution in the public records of Jefferson County, Colorado.

PASSED ADOPTED AND APPROVED this 9th day of June, 2014.

Chairperson

ATTEST:

APPROVED AS TO LEGAL FORM:

Secretary

Attorney for the Authority

Attached Legal Description

WESTMINSTER MALL REDEVELOPMENT OVERALL BOUNDARY

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, THENCE N44°34'47"W A DISTANCE OF 105.18 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SAID EASTERLY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES;

1.) 128.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 73°44'29" AND A CHORD WHICH BEARS N36°09'44"W A DISTANCE OF 120.00 FEET;

2.) THENCE N00°42'30"E A DISTANCE OF 252.68 FEET;

3.) THENCE 104.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 103.53 FEET;

4.) THENCE N29°17'30"W A DISTANCE OF 253.49 FEET;

5.) THENCE 52.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 51.76 FEET,

6.) THENCE N00°42'30"E A DISTANCE OF 1022.79 FEET;

7.) THENCE 241.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 360.00 FEET, A CENTRAL ANGLE OF 38°30'06" AND A CHORD WHICH BEARS N19°57'33"E A DISTANCE OF 237.39 FEET;

8.) THENCE N39°12'36"E A DISTANCE OF 216.41 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET AND THE SOUTHERLY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F0832987; THENCE ALONG THE SAID EASTERLY LINE AND SOUTHERLY LINE OF WEST 92nd AVENUE THE FOLLOWING FOURTEEN (14) CONSECUTIVE COURSES;

1.) S50°48'48"E A DISTANCE OF 20.34 FEET;

2.) THENCE N39°11'12"E A DISTANCE OF 55.78 FEET;

3.) THENCE 26.01 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 90°18'15" AND A CHORD WHICH BEARS N05°39'40"W A DISTANCE OF 23.40 FEET TO A POINT OF REVERSE CURVATURE;

4.) THENCE 208.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 393.50 FEET, A CENTRAL ANGLE OF 30°25'28" AND A CHORD WHICH BEARS N24°16'43"E A DISTANCE OF 206.50 FEET;

5.) THENCE N09°03'59"E A DISTANCE OF 16.12 FEET;

6.) THENCE 33.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 03°47'05" AND A CHORD WHICH BEARS N07°10'20"E A DISTANCE OF 33.05 FEET TO A POINT OF REVERSE CURVATURE;

7.) THENCE 38.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 45°13'15" AND A CHORD WHICH BEARS N27°53'25"E A DISTANCE OF 37.29 FEET;

8.) THENCE S89°13'00"E A DISTANCE OF 100.73 FEET;

9.) THENCE S89°12'30"E A DISTANCE OF 16.89 FEET,

10.) THENCE 51.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1036.00 FEET, A CENTRAL ANGLE OF 02°50'33" AND A CHORD WHICH BEARS S87°47'44"E A DISTANCE OF 51.39 FEET;

11.) THENCE S86°22'27"E A DISTANCE OF 303.71 FEET;

12.) THENCE 69.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1260.31 FEET, A CENTRAL ANGLE OF 03°08'13" AND A CHORD WHICH BEARS S87°56'42"E A DISTANCE OF 68.99 FEET TO A POINT OF COMPOUND CURVATURE;

13.) THENCE 8.73 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1259.00 FEET, A CENTRAL ANGLE OF 00°23'51" AND A CHORD WHICH BEARS S89°42'48"E A DISTANCE OF 8.73 FEET;

14.) THENCE S89°54'43"E A DISTANCE OF 162.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92nd AVENUE RECORDED AT RECEPTION NO. F1097396; THENCE ALONG SAID SOUTHERLY LINE S89°55'03"E A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92nd AVENUE RECORDED AT RECEPTION NO. F083987; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S00°45'31"W A DISTANCE OF 9.26 FEET;

2.) THENCE S89°16'45"E A DISTANCE OF 495.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG THE SAID WESTERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S45°07'17"E A DISTANCE OF 143.20 FEET;

2.) THENCE S15°22'31"E A DISTANCE OF 1476.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 901; THENCE ALONG SAID WESTERLY LINE S00°05'03"W A DISTANCE OF 904.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88th AVENUE; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) 23.73 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°37'27" AND A CHORD WHICH BEARS S45°23'47"W A DISTANCE OF 21.33 FEET;

2.) THENCE N89°17'30"W A DISTANCE OF 1682.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88th AVENUE RECORDED AT RECEPTION NO. 89053018; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

1.) N00°39'31"E A DISTANCE OF 2.10 FEET;

2.) THENCE N88°29'13"W A DISTANCE OF 135.26 FEET;

3.) THENCE N89°17'30"W A DISTANCE OF 74.75 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING S89°17'30"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP PLS

#17488 AT THE SOUTH QUARTER CORNER AND A FOUND 3-1/4" ALUMINUM CAP PLS
#13155 AT THE SOUTHEAST CORNER.

PREPARED BY RICHARD A. NOBBE, PLS
FOR AND ON BEHALF OF
MARTIN/MARTIN INC.
12499 W. COLFAX AVE.
LAKEWOOD, CO. 80215

EXHIBIT B

20. Terms, conditions, provisions, agreements and obligations contained in the Lease and Declaration of Restrictions recorded April 07, 1977 in Book 2985 at Page 672, and First Amendment thereto recorded February 18, 1986 at Reception No. 86016381.
21. Terms, conditions, provisions, agreements and obligations specified under the Agreement by and between Mersco Realto Co., Inc., an Ohio Corporation, David Hahn, trustee, and The Joslin Dry Goods Company a Colorado corporation recorded April 07, 1977 in Book 2985 at Page 685, and Amendment thereto recorded February 18, 1986 at Reception No. 86016380.
41. Lease between Frank S. Morgan, et. al., as lessor, and Westminster Mall Company, a Colorado general partnership, as lessee, as shown by Memorandum of Lease recorded February 18, 1986 at Reception No. 86016387.

NOTE: Term Agreement recorded July 12, 1993 under Reception No. 93101704, and recorded January 10, 1994 at Reception No. 94005874.

NOTE: Assignment and Assumption of Leases (Westminster Mall Company) recorded May 11, 2011 at Reception No. 2011046869.

70. Lease between Westminster Mall Company, as lessor, and American Multi-Cinema, Inc., as lessee, recorded September 15, 1977 in Book 3070 at Page 142.
72. Lease by and between Westminster Mall Company, a Colorado general partnership, as lessor, and K-G Retail, Division of Chromalloy Textile Apparel Co., a Delaware Corporation, as evidenced by Memorandum of Lease recorded December 07, 1992 at Reception No. 92158098.
73. Lease between May Centers Associates Corporation, a Missouri corporation, as lessor, and May Department Stores Company, a New York Corporation, as lessee, as shown by Memorandum of Lease recorded February 08, 1990 at Reception No. 90011511.

Note: Short Form of Severance of Lease recorded January 15, 1991 at Reception No. 91004051.

74. Lease between Westminster Mall Company, a Colorado general partnership, as lessor, and Montgomery Ward & Co., Incorporated, an Illinois Corporation, as lessee, as shown by Memorandum of Lease recorded August 23, 1993 at Reception No. 93128826.

NOTE: Notice of Commencement of Term recorded January 04, 1994 at Reception No. 94002053.

First Developer Leasehold Tract Consent, Attornment and Non-Disturbance Agreement recorded May 05, 1994 at Reception No. 94082750.

Second Developer Leasehold Tract Consent, Attornment and Non-Disturbance Agreement recorded May 05, 1994 at Reception No. 94082751.

Agenda Item 3 B

Agenda Memorandum

Westminster Economic Development Authority Meeting
June 9, 2014



SUBJECT: Interim Public Relations Program for Westminster Center Urban Reinvestment Project (WURP)

Prepared By: Katie Harberg, Communications Coordinator for Economic Development

Recommended City Council Action

Approve a contract with Cohn Marketing for services relating to the creation and execution of an interim public relations program, for the period of June 2014 through November 2014, designed to build momentum and community excitement for the WURP project kickoff later this year.

Summary Statement

In anticipation of a fall 2014 project kick off, including the start of infrastructure construction and adoption of the Official Development Plan, it is recommended that a concerted public relations plan be implemented starting in June of this year. Goals and outcomes of the program include:

- generation of excitement about the city's vision for the project by attracting people back to the site that was once a community focal point
- providing a centerpiece community event called "DIG Westminster" to be held at the site in mid to late summer
- a "road show" for members of City Council and city staff to use in communicating about the new project that would include an infographic on the project and electronic presentation designed to express to general audiences the WURP vision
- a signage program on the construction barricades
- promotion of the "DIG Westminster" event as well as the Farmer's Market
- updating and curation of content on all city websites
- WEDA approval of this expenditure is required because this additional work will result in expenses with Cohn in excess of \$75,000.

Expenditure Required: \$45,000

Source of Funds: WURP City Participation account

Policy Issue

Should the Westminster Economic Development Authority (WEDA), as land developer of the 105 acre site of the former Westminster Mall, implement a public relations program that engages citizens, as well as the larger community, in the vision for the future development?

Alternative

Do not conduct a public relations campaign to engage and excite the community about the future development of WURP. This is not recommended since the general community is already thirsting for information concerning the project; and building project enthusiasm enhances the future project success.

Background Information

Cohn Marketing has concluded an extensive market research endeavor that involved a review of market competitors in both existing and planned mixed use developments. The qualitative research project in the form of focus groups and in-depth one-on-one interviews with key community constituents and target markets was also completed. The result of the research is a recommendation on brand platform concepts that could be developed under a sales and marketing program. The next steps in the marketing program would be to develop the brand with strategy, brand promise, and graphic expression. Due to a possible relationship with OliverMcMillan (OM) identifying a name for the project is recommended to be placed on hold for the next several months.

An interim period exists between now and the time a possible development agreement would be secured with OM. Community interest in the project is very high and the need to fill the desire for information about the project drives the public relations program that has been identified.

WEDA approval of the \$45,000 Interim Public Relations Program is needed because of the City's purchasing policy that limits staff funding authority for an individual vendor to \$75,000.

The proposed Interim Public Relations Program (\$45,000), along with other previous Cohn expenditures (\$74,500), this year will total \$119,500. No other expenditures with Cohn are expected for the WURP at this time.

This item supports the following strategic goals: Beautiful, Desirable, Environmentally Responsible City; Dynamic, Diverse Economy; and Vibrant and Inclusive Neighborhoods.

Respectfully submitted,

J. Brent McFall
Executive Director