



## 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.

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
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. Sewer System Root Foaming Program
  - B. Home Farm Pressure Reducing Valve Project
  - C. Utility Bills Printing and Mailing Services Contract
  - D. Second Reading of Councillor's Bill No. 25 re FY2010 Carryover Appropriation into FY2011
  - E. Second Reading of Councillor's Bill No. 26 re Westminster Reformed Presbyterian Church Open Space Grant
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Councillor's Bill No. 27 re Amend W.M.C. 1-22-24 re Settlement of Traffic Infractions by Mail
  - B. Councillor's Bill No. 28 re Amend W.M.C. Chapter 1, Title X re Adoption of the 2010 Model Traffic Code
  - C. Set a Public Hearing on September 12, 2011, for Consideration of the Adoption of the 2010 Model Traffic Code
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
  - A. City Council
  - B. Executive Session - Consultation with the City Attorney concerning interpretation and enforcement of the City's charitable organization exemption from City sales tax pursuant to WMC 1-11-3(C) (8) and CRS 24-6-402(4)(b).

### 13. Adjournment



**GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JULY 25, 2011, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, staff and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. J. Brent McFall, City Manager, Marty McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Councillor Major, to approve the minutes of the regular meeting of July 11, 2011, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall announced that the Westminster Faire would be held at City Park from 10 a.m. to 4 p.m. on Saturday, July 30, and encouraged everyone to take part in the festivities. Preceding the Faire, the Holy COW Stampede, a 5 and 10K walk/run, would begin at 7 a.m. at Christopher Fields. Proceeds from the Stampede would benefit the Westminster Legacy Foundation.

Saturday, July 23, marked a new beginning and the historic end of the Westminster Mall when a crowd of interested spectators participated in a demolition celebration and witnessed the front entrance to the Macy's building come down. Mr. McFall reported that the City-sponsored event was both nostalgic and promising, and attendees enjoyed the opportunity to watch and participate.

Following this meeting, meetings of the Westminster Economic Development Authority and the Westminster Housing Authority would be conducted.

COUNCIL REPORTS

Mayor Pro Tem Dittman displayed a tray from the Westminster Mall Food Court and reported that trays had been given to all interested participants in the demolition celebration. The *Denver Post* reported that about 200 people had witnessed the start of the mall's demolition, but their count was very low since 1,200 trays were given to attendees. The Mayor Pro Tem extended kudos to the Public Information Office staff for doing a great job organizing and planning the event. Councillor Major extended thanks to many City employees who attended the demolition celebration and worked to ensure that all attendees had plenty of water to enjoy the event on such a hot summer day.

Councillor Winter reported that the evening of August 2 would be National Night Out, where Policemen, Firemen and Council members would move from neighborhood party to neighborhood party throughout the community to answer questions and listen to concerns. She invited participation from each neighborhood and looked forward to the opportunity to meet Westminster's residents in their own environment.

Councillor Major reported that the June 2011 Financial Report to be considered on the Consent Agenda later in the meeting reflected that the City's revenue collections and budget projections were right on track. He recognized budget development staff members whose efforts made it possible for City Council to proudly tell citizens that the City's financial plan was perfectly on target.

Councillor Briggs announced that the City's new Fire Chief, Doug Hall, had received his Chief's badge at a reception earlier in the day. Chief Hall stood to be recognized and congratulated by applause from everyone in the Council Chambers.

Mayor McNally reported that the Metzger Farm annual clean-up would be on Saturday morning, July 30. The activity was jointly sponsored by Westminster and Broomfield. She planned to participate in the clean-up before heading to the Westminster Faire later in the morning and hoped other residents would join in the effort, too.

The Mayor stressed that the demolition celebration was a huge event for the community and a thrill to witness. Children in the crowd had reported it was better than the fireworks to watch. She credited the success of the event to staff and thanked staff in the Public Information Office and Economic Development for preparing her for a television interview. The beginning of demolition concluded years of negotiations and work by the City Manager's and City Attorney's staff, as well as others. She was most appreciative of the leadership and determination of staff in achieving this Strategic Plan goal.

#### EMPLOYEE SERVICE AWARDS

Service awards were presented to City employees in recognition and celebration of their lengthy tenure and contributions to the organization. Councillor Briggs presented John Bazzanella, Karen Elrod, and Kate Skarbek with certificates and service pins for 20 years of service. Mayor McNally presented a check, certificate and service pin to Joel Sherry for 25 years of service. Councillor Major presented Dave DeCarlo, Rick Spahn, and Chrissy Venters with certificates and service pins for 30 years of service. Mayor Pro Tem Dittman presented Tom Settle with a certificate and service pin for 35 years of service.

#### CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the June 2011 Financial Report as presented; accept the 2<sup>nd</sup> Quarter 2011 Insurance Claims Report; authorize the City Manager to execute a contract amendment with Dohn Construction, Inc. establishing the Guaranteed Maximum Price (GMP) of \$1,515,000, which included previously Council-approved preconstruction and construction fees of \$137,115, for the renovations to the Swim and Fitness Center and a project contingency of 15% of \$227,250, bringing the total cost to \$1,742,250; authorize the City Manager to execute a \$71,890 contract with B & M Roofing of Colorado, Inc., the low bidder, for the roof replacement at the Big Dry Creek Wastewater Treatment Facility Water Quality Building, authorize a 10% contingency of \$7,189, and authorize the transfer of \$79,079 from the Critical Sewers Repairs Capital Improvement Account to a new Big Dry Creek Wastewater Treatment Facility Water Quality Building Roof Replacement Capital Improvement Account; authorize the transfer of \$107,785.74 from two existing Capital Improvement Project accounts into the Savery Farm Open Space Rehabilitation account to fund the construction and rehabilitation of the Savery Farms Open Space Master Plan, authorize the City Manager to execute a \$316,938.80 contract with ECI Site Construction Management, Inc., the low bidder, for engineering design and construction of improvements at the 8.1-acre Savery Farm Open Space, authorize a 10% contingency of \$31,693.88., and authorize Staff to purchase a portion of site amenities (signage, trash receptacles) in the amount not to exceed \$7,000 with various vendors for a total project cost of \$355,632.68; final passage on second reading of Councillor's Bill No. 23 authorizing a supplemental appropriation of \$232,000 reflecting the City's receipt of an Adams County Open Space Grant for implementation of the Savery Farm Estates Master Plan; and final passage on second reading of Councillor's Bill No. 24 appropriating funds received from the United States Department of Housing and Urban Development, Community Development Block Grant program, in the amount of \$506,907.

No items were removed from the consent agenda for individual consideration. It was moved by Councillor Kaiser and seconded by Mayor Pro Tem Dittman to approve the consent agenda as presented. The motion carried unanimously.

#### COUNCILLOR'S BILL NO. 25 APPROPRIATING FY2010 CARRYOVER INTO FY2011 BUDGETS

Councillor Briggs moved, seconded by Councillor Major, to pass on first reading Councillor's Bill No. 25 appropriating FY2010 carryover funds into the FY2011 budgets of the General, General Fund Stabilization Reserve, General Capital Reserve, General Capital Improvement, Utility, Utility Reserve, Storm Drainage, General Capital Outlay Replacement and Conservation Trust Funds. The motion passed unanimously on roll call vote.

COUNCILLOR’S BILL NO. 26 APPROPRIATING GRANT FUNDING FOR OPEN SPACE ACQUISITION

It was moved by Mayor Pro Tem Dittman and seconded by Councillor Kaiser to pass on first reading Councillor’s Bill No. 26 appropriating grant funds received from Adams County in the amount of \$81,229 for the Westminster Reformed Presbyterian Church open space acquisition. At roll call, the motion passed unanimously.

RESOLUTION NO. 24 AUTHORIZING ADAMS COUNTY OPEN SPACE GRANT APPLICATION

Upon a motion by Councillor Winter, seconded by Councillor Kaiser, the Council voted unanimously on roll call vote to adopt Resolution No. 24 authorizing the Department of Community Development to pursue a grant from the Adams County Open Space grant program during the 2011 fall cycle for the acquisition of the Westminster Hills Elementary School Site located at 4105 West 80<sup>th</sup> Avenue for open space.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Mayor Pro Tem Dittman and seconded by Councillor Major to adjourn. The motion carried and the meeting adjourned at 7:40 P.M.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk



## Agenda Item 8 A

### Agenda Memorandum

City Council Meeting  
August 8, 2011



**SUBJECT:** Sewer System Root Foaming Program

**Prepared By:** Bob Booze, Distribution and Collection Superintendent  
Phil Jones, Acting Utilities Operations Manager

### Recommended City Council Action

Based on the recommendation of the City Manager, City Council finds that the public interest is best served by authorizing the City Manager to execute a contract with Duke's Sales and Service in an amount not to exceed \$67,954 for sanitary sewer system root foaming.

### Summary Statement

- Tree roots penetrate sanitary sewer lines and damage the integrity of the pipe and can cause blockage of wastewater flows, resulting in backups and overflows.
- The Utilities Operations division has tested various mechanical and chemical methods for root control, and found root foaming to be the most effective method available.
- Utilities Operations has used Duke's Sales and Service successfully in 2003, 2005, and 2008.
- No other companies in the region provide this service.
- Duke's Sales and Services' prices have not increased since 2006, and their outstanding warranty/customer satisfaction program are two major reasons for the recommendation.
- The negotiated sole source contract will provide for the application of a chemical foaming product to approximately 38,930 feet of sanitary sewer lines in order to control roots from the sewer system with a target completion date of September 2011.
- Adequate funds have been approved and allocated in the 2011 Utilities Division Operating budget for wastewater collection system improvements.

**Expenditure Required:** Not to exceed \$ 67,954

**Source of Funds:** Utility Fund 2011 Utilities Division Operating Budget



**Policy Issue**

Should the Public Works and Utilities Department Utilities Division enter into a negotiated sole source contract for approximately 38,930 feet of sewer system root foaming?

**Alternative**

The City could choose to publish request for proposals and accept bids from companies that provide chemical root foaming services. This is not recommended because there are no other companies providing this service in the Rocky Mountain region, the prices from this company have remained the same since 2006, and their warranty program is unrivaled in the industry.

**Background Information**

The impact of tree roots on the City's sanitary sewer system lines are a major operational concern faced by the Utilities Division. Roots penetrate the sewer lines and can damage the integrity of the pipe and cause blockage of wastewater flows. The Utilities Division has addressed the root problem in the past by using two generally accepted methods, mechanical root cutting and root foaming, a chemical treatment. Root cutting has shown to be only a short-term solution, with smaller hair-like roots quickly forming and blocking the sewer line again in a relatively short period of time. The goal of chemical root treatments/foaming is to control new root growth for a longer period of time than cutting.

In 2003, Utilities Division Staff researched the processes used by other cities to recommend a best practice option for a more effective root treatment process. Contacts were made with Lakewood, Longmont, Boulder, and Colorado Springs. These cities had similar experiences to Westminster when using other, less effective root control systems in the past years provided by their low bid contractor. They now use Duke's Sales & Service, a company that provides a proprietary root foaming treatment that they exclusively manufacture and apply. The City of Westminster has been pleased with Duke's Sales & Service in the past few years, and therefore is recommending to again sole source root foaming to this company.

The program initially foams problematic lines twice in a short period of time, then foams the lines once every three years for best results. By following this schedule, their warranty remains in effect. Their warranty states that if the customer is not satisfied with the root foaming results, Duke's will come back and foam the lines again at no cost to the customer. Back in 2006 during follow up inspections, Staff identified lines where the foaming process did not achieve the City's expectations. Duke's reviewed the videos and agreed with the City's findings and retreated all of the lines that were found to be unsatisfactory at no cost to the City. One of the factors that led to the decision to sole source the root foaming program to Duke's was the outstanding warranty program and their attention to customer satisfaction.

The 2011 root control program will focus on lines originally foamed in 2003, 2005 and 2008. Only 12,676 feet of the original 27,332 feet that was foamed in 2003 remain on this list. Some of the pipe has been replaced and some has been taken off of the list due to the effectiveness of the foaming. Staff included an additional 26,254 feet of pipe that have shown an increase in root growth to the list. The area of the City where the project will take place is generally north of West 80<sup>th</sup> Avenue extending to West 96<sup>th</sup> Avenue and from Sheridan Boulevard to Federal Boulevard with a few lines in other areas.

Their proposed prices are:

<u>Cost per Foot</u>	<u># of Feet</u>	<u>Total Costs</u>
6-inch @ \$1.59/foot	3,498 feet	\$5,561.82
8-inch @ \$1.59/foot	23,499 feet	\$37,363.41
10-inch @ \$1.76/foot	6,564 feet	\$11,552.64
12-inch @ \$1.92/foot	1,459 feet	\$2,801.28
15-inch @ \$2.73/foot	3,910 feet	\$10,674.30
<b>TOTAL:</b>		<b><u><u>\$67,953.45</u></u></b>

Duke's unit prices have not increased since 2006.

A total of 38,930 feet of sanitary sewer lines will receive root control treatment by the contractor at a cost of \$67,954. If approved, Duke's Sales and Service should be available to complete their work during the months of August and September 2011.

This project helps achieve the City Council's Strategic Plan Goals of Financially Sustainable City Government; Safe and Secure Community; and Vibrant Neighborhoods and Commercial Areas by meeting the following objectives: well-maintained City infrastructure and facilities, and maintain and improve neighborhood infrastructure and housing.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Sewer System Root Foaming Program Map

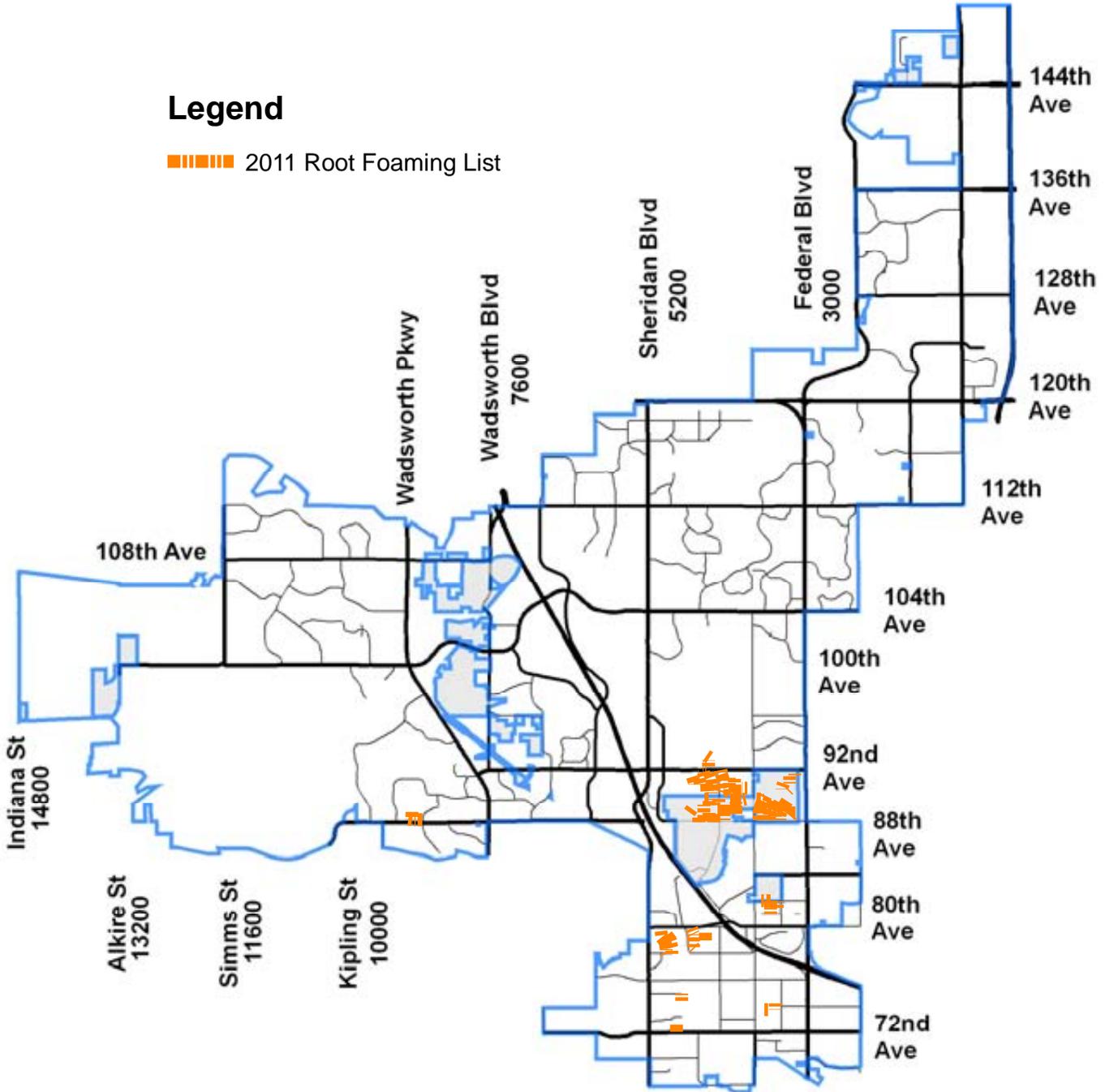


# WESTMINSTER

## Sewer System Root Foaming Program

### Legend

■■■■■ 2011 Root Foaming List



0 4,750 9,500 19,000 Feet





# Agenda Item 8 B

## Agenda Memorandum

City Council Meeting  
August 8, 2011



**SUBJECT:** Home Farm Pressure Reducing Valve Project

**Prepared By:** Dan Strietelmeier, Senior Engineer  
Steve Grooters, Senior Projects Engineer

### Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder, Ricor, Inc., in the amount of \$153,960 for construction of the Home Farm Pressure Reducing Valve and authorize a 10% contingency amount of \$15,396 for a total construction budget of \$169,356.

### Summary Statement

- Pressure reducing valves (PRVs) are used throughout the City’s water distribution system. These valves allow operations staff to adjust system water pressures to levels that help extend the useful life of City pipelines and are safer for customers.
- The existing PRV in the Home Farm area is located in a vault on the 128<sup>th</sup> Avenue waterline west of Pecos Street. Flow through this valve helps to serve water to the neighborhoods between Federal Boulevard and Huron Street, north of 128<sup>th</sup> Avenue. A map is attached for reference.
- The existing PRV has reached the end of its useful life and is now in need of replacement.
- A new PRV will improve water circulation in this area, help maintain high water quality in the distribution system and improve system reliability for future water demands to areas north of 128<sup>th</sup> Avenue.
- Because of the impacts that groundwater has on corrosion and equipment lifespan, the new PRV will be located uphill, farther to the east near the intersection of 128<sup>th</sup> Avenue and Home Farm Lane, out of the influence of the groundwater.
- The City solicited bids for the project from six qualified contractors and received four bids on June 30, 2011. Ricor, Inc. presented the lowest qualified bid in the amount of \$153,960.
- Construction will begin Fall 2011 and is anticipated to be complete this year.
- Adequate funds were included in the 2011 Utility Fund Capital Improvement Budget and are available for this expense.

**Expenditure Required:** \$169,356

**Source of Funds:** Utility Fund Capital Improvements -PRV Rehabilitation



**Policy Issue**

Should City Council award a contract to the low bidder Ricor, Inc. for the construction of the Home Farm PRV?

**Alternatives**

1. City Council could choose to award the contract to another bidder; however, this would increase the project cost since the low bidder is a responsible firm qualified to perform this work.
2. The City could choose to construct the PRV at a later date; however, this is not recommended as it would delay improvements to the water distribution system that are needed now and could impact service to City customers.

Staff does not recommend either of these alternatives.

**Background Information**

The 2006 Utility System Infrastructure Master Plan recommended various improvements to the City's potable water distribution system. One of these improvements was this project, which consists of replacement of the existing Home Farm PRV located on the 128<sup>th</sup> Avenue waterline, west of Pecos Street. Replacement of this PRV is considered a priority due to the age and condition of the existing valve. Constructing a new PRV will improve flows to this area of the distribution system and the reliability of this portion of the distribution system. In addition, the new PRV is designed and sized to accommodate future demand conditions in the area.

J & T Consulting, Inc. provided the engineering design and PRV specifications for this project under an April 12, 2011 contract. J & T Consulting, Inc. will also provide construction management services for this project under that same contract.

The City sent a Request for Bids to six qualified contractors on June 14, 2011 and received four bids on June 30, 2011. The following is a summary of the bids received:

<u>Contractor Name</u>	<u>Bid Amount</u>
Ricor, Inc.	\$ 153,960
Northern Colorado Constructors, Inc.	\$ 173,238
Paramount Construction, Inc.	\$ 229,994
J2 Construction, Inc.	\$ 254,546
Engineer's Opinion of Probable Cost	\$ 161,891

After review of all bids received, Ricor, Inc.'s bid was determined to be responsive and the dollar amount reasonable for the scope of the project. Ricor, Inc. has successfully completed other water and sewer line replacement projects for the City and is qualified to complete this project. For reference, their bid varies from the engineer's estimate by less than 10 percent, which supports the position that the bids were competitive. For these reasons, Staff recommends executing a contract with the low bidder, Ricor, Inc., in the amount of \$153,960 for construction of this project. Authorizing a 10 percent contingency in the amount of \$15,396 brings the budget for construction to \$169,356. Construction will commence following award of the contract with completion anticipated this year.

**SUBJECT:** Home Farm Pressure Reducing Valve Project

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This project helps achieve two of the City Council's Strategic Plan Goals: Achieving a "Financially Sustainable City Government" by contribution to the objective of well-maintained and operated City facilities; and Contributing to a "Beautiful and Environmentally Sensitive City" by enhancing the reliability of the City's water distribution system.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Home Farm PRV Project Area Map

# Home Farm PRV Project



City of Westminster





## Agenda Item 8 C

### Agenda Memorandum

City Council Meeting  
August 8, 2011



**SUBJECT:** Utility Bills Printing and Mailing Services Contract

**Prepared By:** Sandy Christopher, Utility Billing Supervisor  
Bob Smith, Treasury Manager

### Recommended City Council Action

Authorize the City Manager to enter into an agreement with the lowest cost proposer Level One, LLC, to process and mail utility billing statements and late notices at an annual cost not to exceed \$48,300. The initial contract is for one year with the option to renew four additional one-year terms. The first two years are at the same fixed unit price for service. Service fees for years three through five will be based on a negotiated not to exceed 4% price increase. Years two through five will also change based on the actual change of material costs.

### Summary Statement

- The City has outsourced the process of printing and mailing utility bills since 1996. Prior to 1996, the printing and mailing of utility bills was accomplished in-house. The prohibitive cost of purchasing new capital equipment made this program ideal for outsourcing.
- The contract with the current vendor, Output Services, Inc, expired at the end of May 2011. The Utility currently is operating on a month-to-month basis with Output Services.
- In March 30, 2011, City Staff issued a Request for Proposal (RFP) for the printing, mailing and emailing of utility bills. The RFP was posted on Demandstar.com.
- Staff received responses from eleven companies that provide printing and mailing services. Staff reviewed the responses from the perspective of the vendor's ability to provide the desired services, the costs for providing these services and the expected level of customer service that each would provide. Three companies were selected for final review: Divdat; Level One, LLC; and The Data Center.
- Staff recommends contracting with Level One, LLC, the lowest-cost service provider with the best service quality and customer service. Going with Level One is estimated to save the Utility about \$6,000 in the first year of the contract vs. the Utility's current costs.

**Expenditure Required:** First year not to exceed \$48,300 plus actual postage costs

**Source of Funds:** Treasury Division Budget in the Utility Fund as authorized in the adopted 2011 and 2012 Budgets



**Policy Issue**

Should the City continue to outsource the printing and mailing of utility bills?

**Alternatives**

1. Bring the service back in-house and print and mail the bills and the late notices. Although utility service is a core business, this is not recommended, as it is more cost effective to outsource the printing and mailing functions. The City would need to purchase new equipment and add new staff to bring this process back in house, which would be significantly more expensive than the proposed contract.
2. Stay with current service provider. This action is not recommended. Based on their RFP response, staying with our current provider would cost approximately 37% more than the pricing proposed by Level One, LLC.

**Background Information**

The current contract with Output Services expired May 31, 2011. The City currently pays \$55,574 for printing and mailing services for utility bills. Postage of \$148,115 is budgeted as a separate operating cost. The current vendor pays for postage and the City reimburses them for actual cost. The cost is that charged by the U.S. Postal Service with no mark-up.

Staff issued an RFP in March 2011 and received responses from 11 companies. Based on an initial review, three finalists were selected. The charges for printing, folding and inserting the utility bills into the envelopes are priced separately. Based on a cost for an estimated monthly volume of 32,000 utility bills, the annual cost for each of the finalists are as follows:

<b>Vendor</b>	<b>Total Costs</b>
Level One, LLC	\$ 48,215
Divdat	\$ 55,154
Data Center	\$ 59,853

Postage to mail the utility bills is not included in the above costs. Postage is budgeted separately. The rate for mailing the utility bills is currently \$0.38 per bill. (Annual postage costs will be approximately \$142,750). Vendors simply pass the cost actually charged by the U.S. Postal Service on to the City.

The recommended vendor, Level One, LLC (Level One), was founded in 2004 as a technology company providing outsourced billing services for the utility industry. They are headquartered in Malvern, Pennsylvania, with two dedicated production facilities (Malvern, PA and Reno, NV) with several partner facilities throughout the United States. The facility in Reno, Nevada, will be processing the City's utility bills.

The reference checks for Level One included two publicly traded water/sewer utilities and two municipal water/sewer utilities. All references indicated that Level One is knowledgeable of the utility industry, their pricing was very competitive, they promptly take care of issues and answer questions; and they provide excellent support for their system.

The initial contract with the City would be for one year with the option to renew four additional one-year terms. The first two years are at the same fixed unit price for services provided. Service fees for years three through five will be based on a negotiated price increase not to exceed 4.00% in a single year. Supply costs (paper and envelopes) for years two through five will change based on the actual change of material costs of Level One's suppliers. These generally have increased in the range of 1.00% to 2.00% per year.

**SUBJECT:** Utility Bills Printing and Mailing Services Contract

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Based on the quality product, excellent customer service and technology geared for the utility industry, and the lowest cost, Staff recommends contracting with Level One LLC, to prepare and mail the utility billing statements and late notices, as well as provide e-mail utility statements.

This contract for Utility Billing Services supports City Council's strategic Plan Goal of Financially Sustainable City Government Providing Exceptional Services by creating an arrangement for the cost effective preparation and mailing of utility bills and late notices for the water utility.

Respectfully submitted,

Brent McFall  
City Manager



## Agenda Item 8 D

### Agenda Memorandum

City Council Meeting  
August 8, 2011



**SUBJECT:** Second Reading of Councillor's Bill No. 25 re FY2010  
Carryover Appropriation into FY2011

**Prepared By:** Steve Smithers, Assistant City Manager  
Barbara Opie, Budget & Special Projects Manager

### Recommended City Council Action

Pass Councillor's Bill No. 25 on second reading, appropriating FY2010 carryover funds into the FY2011 budgets of the General, General Fund Stabilization Reserve, General Capital Improvement, Utility, Utility Reserve, Storm Drainage, General Capital Outlay Replacement and Conservation Trust Funds.

### Summary Statement

- The City Council annually reviews and appropriates carryover funds from the previous year's budget into the current year budget for the following:
  - those items and services included in the previous year's budget but not received or provided until the current year's budget;
  - new items and services not included in the previous year's budget or funds that were identified as available for these new priorities in late 2010, but the items or services were not received or provided until the current year's budget;
  - existing or new capital projects and key operating priorities for which funds are needed and carryover funds are available.
- Total funding of \$9,426,120 to be appropriated for the items listed in the July 25, 2011 agenda memorandum comes from unrestricted revenues and unexpended 2010 funds in the various amounts identified. The attached ordinance reflects a total increase of \$10,276,804; this amount differs from the \$9,426,120 noted in Expenditure Required due to the accounting of transfers required to properly reflect the transactions on the City's books.
- The carryover appropriation takes place annually once the audit is completed for the prior year and carryover amounts are finalized.
- This Councillor's Bill was passed on first reading on July 25, 2011.



**Expenditure Required:** \$9,426,120

**Source of Funds:** 2010 Carryover from the General, Fleet, Utility, Storm Drainage, Sales & Use Tax, General Capital Outlay Replacement, Community Development Block Grant and Conservation Funds

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO. **3890**

COUNCILLOR'S BILL NO. **25**

SERIES OF 2011

INTRODUCED BY COUNCILLORS  
**Briggs - Major**

**A BILL**

**FOR AN ORDINANCE INCREASING THE 2011 BUDGET OF THE GENERAL, FLEET, WATER, WASTEWATER, STORM DRAINAGE, SALES & USE TAX, GENERAL CAPITAL OUTLAY REPLACEMENT, CONSERVATION TRUST, GENERAL CAPITAL IMPROVEMENT, AND COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2011 ESTIMATED REVENUES IN THESE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2011 appropriation for the General, Fleet, Water, Wastewater, Storm Drainage, Sales & Use Tax, General Capital Outlay Replacement, Conservation Trust, General Capital Improvement, and Community Development Block Grant Fund, initially appropriated by Ordinance No. 3550 is hereby increased by \$10,276,804. This appropriation is due to the appropriation of 2010 carryover.

Section 2. The \$10,276,804 increase in the General, Fleet, Water, Wastewater, Storm Drainage, Sales & Use Tax, General Capital Outlay Replacement, Conservation Trust, General Capital Improvement, and Community Development Block Grant Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item #10 A dated July 25, 2011(a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$2,742,912
Fleet Fund	72,762
Water Fund	3,409,305
Wastewater Fund	580,090
Storm Drainage Fund	25,454
General Capital Outlay Replacement Fund	145,535
Sales & Use Tax Fund	1,841,834
Conservation Trust Fund	117,406
General Capital Improvement	1,247,100
Community Development Block Grant Fund	94,406
Total	<u>\$10,276,804</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 25<sup>th</sup> day of July, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of August, 2011.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



## Agenda Item 8 E

### Agenda Memorandum

City Council Meeting  
August 8, 2011



**SUBJECT:** Second Reading of Councillor's Bill No. 26 re Westminster Reformed Presbyterian Church Open Space Acquisition Grant Supplemental Appropriation

**Prepared By:** Lauren Schevets, Open Space Technician  
Heather Cronenberg, Open Space Coordinator

### Recommended City Council Action

Pass Councillor's Bill No. 26 on second reading appropriating funds received from Adams County in the amount of \$81,229 for the Westminster Reformed Presbyterian Church open space acquisition grant.

### Summary Statement

- This Councillor's Bill was passed on first reading on July 25, 2011.
- City Council action is needed to appropriate these grant funds.
- In order to complete the acquisition and implementation of the master plan, the City is required to contribute a cash match of up to \$81,229 for the Westminster Reformed Presbyterian Church acquisition, which will come from the City's Parks, Open Space and Trails bond funds.

**Expenditure Required:** \$81,229 - these are the grant amounts received from Adams County which are being appropriated.

**Source of Funds:** Adams County Open Space Grants

Respectfully submitted,

J. Brent McFall  
City Manager  
Attachment – Ordinance



BY AUTHORITY

ORDINANCE NO. **3891**

COUNCILLOR'S BILL NO. **26**

SERIES OF 2011

INTRODUCED BY COUNCILLORS  
**Dittman- Kaiser**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2011 BUDGET OF THE PARKS, OPEN SPACE AND TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2011 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2011 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3550 is hereby increased by \$81,229. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$81,229 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10B, dated July 25, 2011 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Parks, Open Space and Trails Fund	<u>\$81,229</u>
Total	<u>\$81,229</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 25<sup>th</sup> day of July, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of August, 2011.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



## Agenda Item 10 A

### Agenda Memorandum

City Council Meeting  
August 8, 2011



**SUBJECT:** Councillor's Bill No. 27 re Amend Westminster Municipal Code 1-22-24  
re Settlement of Traffic Infractions by Mail

**Prepared By:** Carol Barnhardt, Court Administrator  
Alan Wilson, Traffic Commander  
Hilary Graham, Assistant City Attorney

### Recommended City Council Action

Pass Councillor's Bill No. 27 on first reading amending portions of Westminster Municipal Code Section 1-22-24, regarding settlement of traffic infractions by mail.

### Summary Statement

- Westminster Municipal Code Section 1-22-24, subsection (B), provides for the reduction of fines and points for early mail-in payment of ticket fines. Staff is recommending this provision be amended so that only the points associated with traffic infractions are reduced when a plea by mail to a lesser charge is accepted.
- This change will bring the City in line with the current practice in eight surrounding municipalities and will make offering an online ticket payment system more feasible in the near future.
- Currently, accepting a plea by mail to a lesser charge results in reduced points as well as a reduced fine.
- Staff is also recommending a minor house-keeping change to the language of Westminster Municipal Code Section 1-22-24, subsection (D), regarding default judgments, as shown in the attached proposed ordinance.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

Shall the City amend Westminster Municipal Code Section 1-22-24, as recommended?

**Alternative**

Do not amend Westminster Municipal Code Section 1-22-24 as recommended and continue to follow the ordinance as written. This is not recommended. As discussed below, the current ordinance creates difficulties for Police Officers in the field and this change would be more consistent with how other jurisdictions handle plea by mail to a lesser charge.

**Background Information**

The proposed change to Westminster Municipal Code Section 1-22-24 is prompted by Staff's observation that the current ordinance is difficult for Police Officers in the field who are constantly working among three different fine schedules and three different summons systems: the Westminster Municipal Court system, and the Adams and Jefferson County Court systems. Because the City fine schedule is relatively complicated, in order to calculate in the field what the reduced fine for early payment would be, the Officers are forced to complete each summons as a "math problem," and they must also take into account a point reduction. This leaves room for error and confusion.

Ten surrounding cities were surveyed regarding early fine reduction and early point reduction. Eight cities responded and none of those cities offer early fine reductions; yet, all offer some type of point reduction for early disposition. Staff believes that, even with elimination of a fine reduction, citizens will continue to take advantage of the early point reduction and will continue to mail in payments before their court dates. The reduction of points is very important to citizens, as it lessens the impact to their driver's licenses and insurance rates. A system that continues to allow for a point reduction but maintains fines at the original violation level will mean the Court can retain revenues while still encouraging drivers to reach an early disposition of their ticket through a reduction in points. The proposed change would also allow elimination of complicated wording on the summonses, which will make them more "user friendly" for the customers, the Court and the Police Officers.

The elimination of the early fine reduction has the additional benefit of potentially streamlining an online fine payment process, which is a possibility the Municipal Court is researching for the near future. Keeping fine reductions for early disposition in place would necessitate special programs to be created by the software vendor at a substantial cost to the Court.

The proposed ordinance would put the City in line with surrounding cities and eliminate confusion for Police Officers while still providing the benefit to citizens of point reductions for mail-in pleas. In addition, the proposed ordinance will further the Strategic Plan goals of a financially sustainable City government and a safe and secure community by providing a more effective and efficient way to collect fines as part of the enforcement of traffic laws.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **27**

SERIES OF 2011

INTRODUCED BY COUNCILLORS

---

**A BILL  
FOR AN ORDINANCE AMENDING SECTION 1-22-24 OF THE WESTMINSTER MUNICIPAL  
CODE CONCERNING SETTLEMENT OF TRAFFIC INFRACTIONS BY MAIL**

THE CITY OF WESTMINSTER ORDAINS:

Section 1: W.M.C. Section 1-22-24 is hereby AMENDED to read as follows:

**1-22-24: VIOLATIONS BUREAU; PLEAS AND PAYMENT BY MAIL; FINE SCHEDULES;  
DEFAULT JUDGMENT:**

(A) There is hereby created a Violations Bureau within the Court. The Court is authorized to establish by Order the procedures by which a person may answer a charge of violation of a City ordinance by paying a fine, pleading guilty in writing, and waiving a hearing. The Court is authorized to establish by Order such violations as are appropriate to be handled by the Violations Bureau.

(B) The Court is authorized to establish by Order a system for the compromise and settlement of traffic infractions by mail. The Court shall identify those traffic infractions for which a mail-in compromise and settlement is appropriate, and shall establish the terms upon which said compromise and settlement shall be accomplished, including, but not limited to, reductions in assessed points ~~and fines~~ upon a written plea of guilty to an amended charge. Such program shall not disqualify any person from ~~meeting personally with prosecutors appearing on the scheduled court date~~ nor in any way limit a person's right to a hearing.

(C) The Court is authorized to establish by Order a schedule of fines for violations of City ordinances which are eligible for payment at the Violations Bureau or by use of the mail-in system.

(D)

1. The Court shall enter judgment by default against a person charged with a traffic infraction who fails to answer the charge by appearing at the Violations Bureau and paying the fine or by compromising and settling the charges by mail, and who fails to appear in the Municipal Court to answer such charges on the date and time listed on the ~~Notice or~~ Summons. The record of such judgment, including points assessed, shall be forwarded to the Colorado Division of Motor Vehicles.

2. The amount of the judgment shall be the fine, outstanding judgment fee, and costs assessable for such charges upon conviction or plea of guilty.

3. The Court may set aside a judgment entered under this Section on a showing of good cause or excusable neglect by the defendant, or a showing that the Court did not have jurisdiction over the subject matter of the alleged infraction or over the person of the alleged violator. The Court shall have no jurisdiction to set aside a judgment unless a motion has been filed within seven calendar days after entry of judgment.

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 8th day of August, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 22nd day of August, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office



## Agenda Item 10 B & C

### Agenda Memorandum

City Council Meeting  
August 8, 2011



**SUBJECT:** Set a Public Hearing and Councillor's Bill No. 28 re Amend Westminster Municipal Code Chapter 1, Title X re Adoption of the 2010 Model Traffic Code

**Prepared By:** Alan Wilson, Traffic Commander  
Carol Barnhart, Court Administrator  
Hilary Graham, Assistant City Attorney

### Recommended City Council Action

1. Pass Councillor's Bill No. 28 on first reading amending certain sections of Chapter 1 of Title X of the Westminster Municipal Code to adopt by reference the 2010 edition of the Model Traffic Code for Colorado.
2. Direct the City Clerk to set a public hearing for September 12, 2011, for consideration of the 2010 Model Traffic Code and provide notice as required by statute.

### Summary Statement

- The City of Westminster, along with numerous other cities in Colorado, has historically adopted by reference the Model Traffic Code, which is promulgated and published by the Colorado Department of Transportation.
- The Model Traffic Code provides comprehensive traffic control regulations for Colorado municipalities that are consistent with state law. The City, pursuant to its home rule status, may add, delete or modify sections of the Model Traffic Code to meet local needs.
- The City is currently enforcing traffic laws under the 2003 Model Traffic Code. While there was a 2009 edition, many jurisdictions, including the City, decided not to adopt it due to the substantial number of errors it contained. The 2010 edition of the Model Traffic Code corrected most of those errors and incorporates changes to the traffic laws by the Colorado General Assembly since the 2003 edition.
- The attached Councillor's Bill regarding the Model Traffic Code amends select sections of Chapter 1 of Title X of the Westminster Municipal Code to adopt the 2010 Model Traffic Code, amend it as necessary, and to provide further traffic regulations consistent with state law.
- State statute requires the City conduct a public hearing following introduction of the adopting ordinance and before adoption of the Model Traffic Code, and the statute also specifies a notice period. The public hearing is recommended to be conducted on September 12<sup>th</sup>, prior to consideration of the ordinance on second reading, which will occur on the same date.
- The adoption of the attached Councillor's Bill, locally adopting the 2010 Model Traffic Code, will help protect the public's health and safety.

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



## **Policy Issue**

Should the City adopt the 2010 version of the Model Traffic Code for Colorado?

## **Alternative**

Do not adopt the 2010 version of the Model Traffic Code and continue to enforce the 2003 edition previously adopted by reference by the City. This alternative is not recommended because the 2010 version applies seven years of changes made to applicable Colorado traffic laws.

## **Background Information**

The Model Traffic Code was developed to make available a specimen set of motor vehicle and traffic regulations that track state law. The Model Traffic Code for Colorado was originally adopted by the Colorado Department of Transportation in 1952, and was subsequently revised in 1962, 1966, 1970, 1973, 1974, 1977, 1995, 2003, 2009, and 2010. Many jurisdictions, including the City, decided not to adopt the 2009 edition due to its many errors. The 2010 edition of the Model Traffic Code corrected most of those errors and has been adopted by the Colorado Transportation Commission and many jurisdictions. It reflects changes to the traffic laws by the Colorado General Assembly since the 2003 edition, the latest version adopted by the City.

To meet the City's specific needs, it will be necessary to make several deletions, additions, and modifications to the 2010 Model Traffic Code through the proposed adopting ordinance. According to State law, those changes must be specifically set forth in the adopting ordinance, and they appear as W.M.C. Section 10-1-2 and W.M.C. Section 10-1-3.

## **W.M.C. Section 10-1-2: DELETIONS**

In W.M.C. Section 10-1-2, Staff is proposing four new deletions since the 2003 Model Traffic Code:

- Section 117 of the Model Traffic Code, which regulates personal mobility devices such as Segways, will not be adopted because the City separately regulates those devices in W.M.C. Section 10-1-13.
- Section 615 of the Model Traffic Code, which establishes special fines for traffic violations committed in school zones, will not be adopted because the City separately establishes such fines in its own fine schedule.
- Section 1701 of the Model Traffic Code, which classifies and sets penalties for traffic offenses, will not be adopted because the City separately establishes its own penalties in W.M.C. Section 10-1-4.
- Section 1702 of the Model Traffic Code, which establishes traffic offenses for counties, will not be adopted because it is irrelevant to the City.

Two model traffic code sections (Sections 235 and 508 regarding gross vehicle weights and commercial vehicles) that were deleted in 2003 have since been revised in the Model Traffic Code. Staff has determined that they now meet the City's needs, and these sections will be adopted as part of the 2010 Model Traffic Code.

**W.M.C. Section 10-1-3: ADDITIONS OR MODIFICATIONS**

The proposed amendments to the Model Traffic Code in W.M.C. Section 10-1-3 can generally be characterized as house-keeping changes. All but a few proposed amendments of the Model Traffic Code simply strike references to fines or penalties, which the City separately addresses under the City Code in W.M.C. Section 10-1-4, or correct erroneous citations to State law. However, Staff is proposing three new substantive deviations from the Model Traffic Code since the City's adoption of the 2003 Model Traffic Code:

- Section 221 of the Model Traffic Code – the City is deleting references to EPAMDs (personal mobility devices such as Segways) in this section, which establishes requirements for bicycle equipment, because the City generally prohibits EPAMDs in W.M.C. Section 10-1-14.
- Section 710 of the Model Traffic Code – the City is revising this section, which regulates operation of devices on sidewalks, to be consistent with the City's treatment of unlicensed vehicles in W.M.C. Section 10-1-14.
- Section 1204 of the Model Traffic Code – the City is adding exceptions to parking restrictions to allow police cars or emergency vehicles to park in otherwise restricted areas in certain circumstances and to allow City service or utility vehicles similar access to perform work or maintenance.

**W.M.C. Section 10-1-4: PENALTIES**

According to state law, the City's penalties must be separately addressed in the Westminster Municipal Code. The City's penalties appear as W.M.C. Section 10-1-4, which is being amended to recognize the Municipal Court's authority to establish its own fine schedule. Generally, traffic violations are deemed non-criminal traffic infractions under the City Code. Yet, and consistent with the current City Code, violations of the following specific sections are treated as criminal offenses: Section 1101 (speeding, but only when the speed alleged is greater than 24 miles per hour over the speed limit), Section 1105 (speed contests), Section 1401 (reckless driving), Section 1402 (careless driving), Section 1409 (compulsory insurance), Section 1413 (eluding or attempting to elude a police officer), and Section 1903 (failing to stop for or passing a loading school bus). The proposed ordinance simply re-orders these violations so that they appear in numerical sequence.

Other changes to Title X, Chapter 1, contained within this Councillor's Bill are summarized as follows:

**W.M.C. Section 10-1-1.5: DEFINITIONS**

As proposed, this is a new section in which the City Code's current definition of "unlicensed vehicle" will be updated and relocated. The remainder of this new section simply adopts by reference statutory definitions of relevant terms. Doing so will clarify the meaning of terms used within Title X, Chapter 1, and will prevent the City's definitions from becoming obsolete.

**W.M.C. Section 10-1-11: REGULATION OF COMMERCIAL VEHICLES**

Since 2003, State law has evolved on this topic, and the City no longer needs to create its own local regulations on the matter. Accordingly, in the proposed ordinance, W.M.C. Section 10-1-11 simply references and adopts State law.

**W.M.C. Section 10-1-13: OPERATION OF REGISTERED MOTOR VEHICLES**

This section formerly provided local regulation of gross vehicle weight and loads. Both topics are now satisfactorily addressed in Sections 508 and 509 of the Model Traffic Code, which the City will adopt without substantive amendment. As such, this section of the City Code is now being used to clarify local regulations regarding the operation of registered motor vehicles within the City.

**W.M.C. Section 10-1-14: UNLICENSED VEHICLES**

This section is being amended to more clearly define the operation of unlicensed vehicles in the City.

Approval by the Colorado Department of Transportation (CDOT) is required by law for all regulations pertaining to streets that are also state highways. Such approval will be sought following adoption of the ordinance but prior to the date the ordinance will become effective. This review is typically house-keeping in nature and is required to be completed in 60 days; therefore, the ordinance will take effect following passage on second reading and be in force November 15, 2011.

Adoption of this Councillor's Bill and local adoption of the 2010 edition of the Model Traffic Code, as amended to fit the City's specific needs, will further the Strategic Plan goal of a safe and secure community by updating the traffic laws that help protect the public's health and safety.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **28**

SERIES OF 2011

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1 OF TITLE X OF THE  
WESTMINSTER MUNICIPAL CODE CONCERNING THE REGULATION OF TRAFFIC BY  
THE CITY OF WESTMINSTER, COLORADO; ADOPTING BY REFERENCE THE 2010  
EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO"; ADOPTING  
MODIFICATIONS AND ADDITIONS THERETO; AND ADOPTING PENALTIES FOR  
VIOLATIONS THEREOF**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The index for Chapter 1 of Title X, W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 1**

**TRAFFIC CODE**

10-1-1: ADOPTION

10-1-1.5: DEFINITIONS

10-1-2: DELETIONS

10-1-3: ADDITIONS OR MODIFICATIONS

10-1-4: PENALTIES

10-1-5: APPLICATION

10-1-6: VALIDITY

10-1-7: REPEAL

10-1-8: INTERPRETATION

10-1-9: CERTIFICATION

10-1-10: REPRINTING

10-1-11: REGULATION OF COMMERCIAL VEHICLES

10-1-12: PARKING RESTRICTIONS

10-1-13: ~~GROSS WEIGHT OF VEHICLES AND LOADS~~ OPERATION OF REGISTERED MOTOR VEHICLES

10-1-14: OPERATION OF ~~MOTORCYCLES AND OTHER VEHICULAR DEVICES~~ UNLICENSED VEHICLES

10-1-15: DRIVING THROUGH PRIVATE PROPERTY OR DRIVEWAYS

10-1-16: PARKING PERMITS

10-1-17: IMPOUNDMENT OF VEHICLES; AUTHORITY; PROCEDURE

10-1-18: CRUISING

Section 2. Section 10-1-1, W.M.C., is hereby AMENDED as follows:

**10-1-1: ADOPTION:**

(A) Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 20032010 edition of the "Model Traffic Code for Colorado," promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City of Westminster. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. ~~Three (3)~~ At least one copyies of the Model Traffic Code

adopted herein ~~are~~is now filed in the office of the City Clerk ~~of the City of Westminster, Colorado,~~ and may be inspected during regular business hours.

(B) Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference the "Manual on Uniform Traffic Control Devices for Streets and Highways" (the "Uniform Manual"), as adopted by the Colorado General Assembly at C.R.S. § 42-4-104, and as amended from time to time. At least one copy of Uniform Manual adopted herein is now filed in the office of the City Clerk and may be inspected during regular business hours.

(C) Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference the "Colorado Supplement to Manual on Uniform Traffic Control Devices for Streets and Highways" (the "Supplement"), as adopted by the Colorado Department of Transportation, and as amended from time to time. At least one copy of the Supplement adopted herein is now filed in the office of the City Clerk and may be inspected during regular business hours.

Section 3. Chapter 1 of Title X, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SUBSECTION 10-1-1.5 to read as follows:

**10-1-1.5: DEFINITIONS:**

(A) The following terms shall have the meanings when used in this Title.

(1) "UNLICENSED VEHICLE" means any motor vehicle required by state law to be registered pursuant to article 3 of title 42, C.R.S., that is not properly registered, and also includes toy vehicles, go-karts, all terrain vehicles, off-highway vehicles, snowmobiles, electric personal assistive mobility devices ("EPAMDs"), golf cars, low-power scooters, and any other vehicle or device powered by an electric motor or internal combustion engine that is not generally and commonly used to transport persons and property over streets and highways, but the term does not include wheelchairs or electric assisted bicycles.

(2) When used in this Code, terms defined in C.R.S. § 42-1-102 shall have the meaning provided therein, as may be amended from time to time.

Section 4. Section 10-1-2, W.M.C., is hereby AMENDED to read as follows:

**10-1-2: DELETIONS:** (2432 3052) The ~~2010~~2003 edition of the Model Traffic Code is adopted as if set out at length save and except the following ~~articles and/or~~ sections ~~which that~~ are expressly deleted:

~~Section 117. Personal mobility devices.~~

~~Section 235. Minimum standards for commercial vehicles.~~

~~Section 508. Gross weight of vehicles and loads.~~

~~Section 615. School zones – increase in penalties for moving traffic violations.~~

Section 1202. Parking or abandonment of vehicles.

Section 1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.

~~Section 1701. Traffic offenses and infractions classified – penalties – penalty and surcharge schedule – repeal.~~

~~Section 1702. Counties – traffic offenses classified – schedule of fines.~~

Section 5. Section 10-1-3, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

**10-1-3: ADDITIONS OR MODIFICATIONS:** The 2010 edition of the Model Traffic Code is subject to the additions or modifications as set forth in this Chapter 1 of Title X of the Westminster Municipal Code, including the following:

- (A) In Section 110, “Provisions uniform throughout jurisdiction,” subsection (4) is amended to read: “The Westminster Municipal Court shall have jurisdiction over violations of traffic regulations enacted or adopted by the City Council.”
- (B) Section 221, “Bicycle and personal mobility device equipment,” is amended so that the title reads, “Bicycle equipment” and each reference to “EPAMD” in the body of the section is deleted.
- (C) In Section 223, “Brakes,” all references to "section 235(1)(a)" in subsection (1), are modified to read "section 42-4-235(1)(a), C.R.S."
- (D) Section 225, “Mufflers – prevention of noise,” in subsection (1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
- (E) Section 225, “Mufflers – prevention of noise,” in subsection (3), the reference to "section 205(5.5)(a)" is modified to read "section 43-4-205(5.5)(a), C.R.S."
- (F) Section 228, “Restrictions on tire equipment,” in subsection (5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
- (G) Section 229, “Safety glazing material on motor vehicles,” in subsection (4), the reference to "section 219" is modified to read "section 42-3-219, C.R.S."
- (H) Section 236, “Child restraint system required – definitions – exemptions,” in subsection (1)(a), the reference to "Code 6" is modified to read "Article 6."
- (I) Section 237, “Safety belt systems – mandatory use – exemptions – penalty,” in subsection (3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
- (J) In Section 239, “Misuse of a wireless telephone – definitions – penalty – preemption,” subsections (5)(a) and (b) are omitted.
- (K) Section 509, “Vehicles weighed – excess removed,” in subsection (2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."
- (L) In Section 613, “Failure to pay toll established by regional transportation district,” the reference to "Code 4" is modified to read "Article 4."
- (M) In Section 710, “Emerging from or entering ally, driveway, or building,” subsection (3) is modified to read as follows:
- (3) No person shall drive any vehicle other than a bicycle, electric assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway and except as permitted in Sections 10-1-13 and 10-1-14, W.M.C.
- (N) Section 805, “Pedestrians walking or traveling in a wheelchair on highways,” in subsection (5), the reference to "section 110" is modified to read "section 42-4-110, C.R.S." and the reference to "section 111" is modified to read "section 42-4-111, C.R.S."
- (O) In Section 1010, “Driving on a divided or controlled access highway,” subsection (3) is modified to read as follows:
- (3) Local authorities may by ordinance consistent with the provisions of section 43-2-135(1)(g), C.R.S, with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory regulations, local authorities, or their designees, shall install official traffic control devices in conformity with the standards established by sections 601 and 602 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices.
- (P) Section 1012, “High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes,” in subsection (2.5)(c), the reference to September 1, 2003, is deleted.
- (Q) Section 1012, “High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes,” in subsection (3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "section 42-4-1701(4)(a)(I)(K), C.R.S."
- (R) Section 1105, “Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions,” subsection (7)(c) is modified to read as follows:
- (c) The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an 'abandoned vehicle,' as defined in section 1802(1)(d) and section 42-4-2102(1)(d), C.R.S., and subject to the provisions of part 18 of this Code and part 21 of article 4 of

Title 42, C.R.S., whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or section 42-4-2108(2)(a.5), C.R.S.

(S) Section 1105, "Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions," subsection (8)(b) is modified to read as follows:

(b) No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by subsection (7) of this section. Nothing in this subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with the provisions of part 18 of this Code or part 21 of Article 4 of Title 42, C.R.S.

(T) In Section 1204, "Stopping, standing, or parking prohibited in specified places," subsection (2)(a) is amended to read as follows:

(a) within five feet (5') of a public or private driveway; except this subsection shall not apply to Franklin Square Subdivision nor the bulb portion of a cul-de-sac anywhere in the City.

(U) In Section 1204, "Stopping, standing, or parking prohibited in specified places," new subsections (4)(d) and (e) are added and read as follows:

(d) Subsection (1) shall not apply to official law enforcement or emergency vehicles in the course of performing law enforcement duties or providing emergency services.

(e) Paragraph (a) of subsection (1) shall not apply to authorized service vehicles parked by public employees or their agents in the course of providing public service functions.

(V) In Section 1208, "Parking privileges for persons with disabilities – applicability," all references to "section 204(2)" are modified to read "section 42-3-204(2), C.R.S."; all references to "section 204(1)" are modified to read "section 42-3-204(1), C.R.S."; all references to "section 204(1)(b)" are modified to read "section 42-3-204(1)(b), C.R.S."; all references to "section 204" are modified to read "section 42-3-204, C.R.S."; and all references to "section 102(17)" are modified to read "section 42-1-102(17), C.R.S."

(W) In Section 1208, "Parking privileges for persons with disabilities – applicability," subsection (6) is modified to read as follows:

(6) Any person who is not a person with a disability and who exercises the privilege defined in subsection (2) of this section or who violates the provisions of subsection (5) or subsection (10) of this section commits a class B traffic infraction and shall receive the maximum fine thereunder. Any person who violates this subsection (6) by parking a vehicle owned by a commercial carrier, as defined in section 42-1-102(17), C.R.S., shall be subject to an enhanced fine.

(X) In Section 1208, "Parking privileges for persons with disabilities – applicability," subsection (7) is modified to read as follows:

(7) Any person who is not a person with a disability and who uses a license plate or placard issued pursuant to section 42-3-204, C.R.S., to receive the benefits or privileges available to a person with a disability under this section commits a class B traffic infraction and shall be subject to an enhanced fine.

(Y) In Section 1208, "Parking privileges for persons with disabilities – applicability," subsection (11) is modified to read as follows:

(11) Any person who knowingly and fraudulently obtains, possesses, uses, or transfers a placard issued to a person with a disability pursuant to section 42-3-204, C.R.S., is guilty of a misdemeanor. Any person who knowingly and willfully receives remuneration for committing a misdemeanor pursuant to this subsection (11) shall be subject to twice the civil and criminal fine that would otherwise be imposed.

(Z) Section 1401, "Reckless driving – penalty," in subsection (1), the reference to "section 127" is modified to read "section 42-2-127, C.R.S.," and subsection (2) is deleted in its entirety.

(AA) Section 1402, "Careless driving – penalty," in subsection (1), the reference to "section 127" is modified to read "section 42-2-127, C.R.S.," and subsection (2) is deleted in its entirety.

(BB) In Section 1406, "Foreign matter on highway prohibited," subsection (5)(b)(II), specifying a \$500 penalty, is deleted.

(CC) In Section 1409, "Compulsory insurance – penalty – legislative intent," subsection (4)(a) is replaced and shall read in its entirety as follows: "Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a criminal traffic offense." Subsections 4(b) and (c) are deleted.

(DD) In Section 1409, "Compulsory insurance – penalty – legislative intent," subsection (9) is deleted in its entirety.

(EE) In Section 1412, "Operation of bicycles and other human powered vehicles," all references to "section 111" are modified to read "section 42-4-111, C.R.S."; the reference to "Code 10" is modified to read "Article 10"; and all references to "section 127" are modified to read "section 42-2-127, C.R.S."

(FF) In Section 1805, "Appraisal of abandoned motor vehicles – sale," the reference to "part 1 of Code 6 of this title" is modified to read "part 1 of article 6 of title 42, C.R.S."; and the reference to "Code 6 of title 12, C.R.S." is modified to read "article 6 of title 12, C.R.S."

Section 6. Section 10-1-4, subsections (B) and (C), W.M.C., are hereby AMENDED to read as follows:

**10-1-4: PENALTIES:**

(B) Any violation of this Code ~~that~~which is a noncriminal traffic infraction shall be punishable by a fine of not more than five hundred dollars (\$500). As authorized by Section 1-22-24 of the Westminster Municipal Code, the Municipal Court may, by order, establish a schedule of fines for violations eligible for payment through the Violations Bureau.

(C) Any ~~defendant charged with a~~ violation of any of the following provisions of the Model Traffic Code for Colorado Municipalities, as adopted and amended by the City, and any violation of section 10-1-11 of this Code, shall be ~~a criminal traffic offense punished~~punishable by a fine or by imprisonment or by both as specified in section 1-8-1 of this Code.

~~1. Section 1903, School buses – stops – signs – passing;~~

~~(1)2.~~ Section 1101, Speed limits, but only when the speed alleged is greater than 24 miles per hour over the reasonable and prudent speed;

~~(2)3.~~ Section 1105, Speed contests;

~~(3)4.~~ Section 1401, Reckless driving;

~~(4)5.~~ Section 1402, Careless driving;

~~(5)6.~~ Section 1409, Compulsory insurance;

~~(6)~~ Section 1413, Eluding or attempting to elude a police officer; and

~~7. Section 1409, Compulsory Insurance.~~

~~(7) Section 1903, School buses – stops – signs – passing.~~

Section 7. Section 10-1-11, W.M.C., is hereby AMENDED to read as follows:

**10-1-11: REGULATION OF COMMERCIAL VEHICLES:**

(A) No person or motor carrier shall operate a commercial vehicle, ~~as defined in subsection (B) of this section,~~ on any street within the City unless such vehicle is in compliance with C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder, concerning minimum standards for the operation of commercial vehicles promulgated by the Colorado State Patrol, 8 C.C.R. 1507-1, as the same may from time to time be amended, which are hereby adopted by reference pursuant to Section 1-1-4 of this Code, subject to any deletions, amendments and additions contained in this Section. The incorporation by reference of 8 C.C.R. 1507-1, as revised on November 8, 1995, does not include later amendments to or editions of the incorporated materials in this code.

~~(B) DEFINITIONS:~~

~~1. "COMMERCIAL VEHICLE" means any self propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating (GVWR) of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of the State or is used to transport sixteen or more passengers including the driver or is used to transport hazardous materials in a quantity requiring placarding under State or Federal law.~~

~~2. "MOTOR CARRIER" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in this Subsection.~~

~~(CB)~~ This section may be enforced by any City Police Officer or Firefighter who meets the inspector qualifications set forth in C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder, the Federal Regulations referenced by the Colorado State Patrol Regulations adopted in subsection (A) of this Section.

~~(DC)~~ It shall be unlawful for any person to operate a motor vehicle in violation of subsection (A) of this section. ~~Violation of this Section is a noncriminal traffic infraction, punishable as provided in Section 1-8-1 of this Code.~~

~~(E)~~ ~~Copies of the State Regulations adopted by reference in this Section are available for inspection at the office of the City Clerk.~~

Section 8. Section 10-1-13, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

**10-1-13: OPERATION OF REGISTERED MOTOR VEHICLES:**

(A) Motor vehicles properly registered pursuant to Article 3 of Title 42, C.R.S., may be operated within the City only on streets and highways; public ways and alleys; parking lots open to the public; and on private property, but only with the private property owner's consent.

(B) Section (A) shall not apply to motor vehicles operated by public employees in the course of performing official law enforcement duties or providing emergency services. In addition, section (A) shall not prohibit operation of authorized service vehicles on public property by a public employee or agent for the purpose maintaining, repairing, surveying, or patrolling the property.

Section 9. Section 10-1-14, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

**10-1-14: OPERATION OF UNLICENSED VEHICLES: ———**

It shall be unlawful for any person to operate an unlicensed vehicle in the City as follows:

(A) On highways, except that a person operating a toy vehicle or golf cart may go upon a highway when crossing the highway in a designated crosswalk and when so crossing shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

(B) Unless the property is posted by the owner to allow such use, use of unlicensed vehicles is prohibited in the following locations:

1. On City-owned property, including but not limited to City-owned parking lots, City-owned park property, and City bike or pedestrian paths and trails;

2. On publicly held or controlled park or recreational property;

3. On school district owned property or any public school grounds or campus;

4. On private property, including privately owned parking lots open to public use.

5. It shall be an affirmative defense to an alleged violation of this Section (B) if written permission has been granted by the property owner to the specific person operating the unlicensed vehicle.

(C) On sidewalks, except that except that toy vehicles may be operated on a sidewalk adjacent to private property or on a sidewalk adjacent to any public street that is not a state highway.

Section 10. The sections of Chapter 1 of Title X, Westminster Municipal Code, not amended by this Ordinance shall remain unchanged and in full force and effect.

Section 11. 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.

Section 12. This ordinance shall take effect November 15, 2011.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 8th day of August, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 12th day of September, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office