



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 Meeting
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Fire Prevention Month Proclamation
 - B. Business Appreciation Week Proclamation – Week of October 3rd
 - C. Northwest Metro Business Women's Week Proclamation – Week of October 17-22
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. Financial Report for August 2011
 - B. 2012 Property and Liability Insurance Renewal
 - C. Fleet Maintenance On-Site Parts Store Contract
 - D. 2011 Wastewater Collection System – Point Repairs Contract
 - E. Design Contract for Repairs to Wandering View Water Tanks
 - F. Sheridan Boulevard Fiber Optics Upgrade – Funding Grant Application
 - G. Kings Mill Park Expansion Skatespot Construction Contract
 - H. Second Reading of Councillor's Bill No. 30 re Kings Mill Park Expansion Supplemental Appropriation

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. Resolution No. 28 re Service Commitment Allocations for 2012
- B. Resolution No. 29 re Public Art Additions to the Multiple-Family Residential Design Guidelines
- C. Resolution No. 30 re Public Art Additions to the Retail Commercial Design Guidelines
- D. Resolution No. 31 re Revision of the City of Westminster's Investment Policy

11. Old Business and Passage of Ordinances on Second Reading

12. Miscellaneous Business and Executive Session

- A. City Council
- B. Executive Session - Discussion of personnel matter (City Manager's performance evaluation) pursuant to WMC Section 1-11-3(C)(1) and CRS 24-6-402(4)(f)

13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)



GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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



WESTMINSTER

Strategic Plan

2011-2016
Goals and Objectives

FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Institutionalize the core services process in budgeting and decision making
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



STRONG, BALANCED LOCAL ECONOMY

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



SAFE AND SECURE COMMUNITY

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



VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY

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



BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY

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



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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 12, 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 August 22, 2011, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall thanked Council members for participating in Employee Appreciation Week activities. The traditional breakfast on Wednesday had served over 500 employees, and the barbecue lunch at Wolff Run Park on Thursday had constant streams of employees coming and leaving between 11:30 a.m. and 1:30 p.m. Like City Council, Mr. McFall appreciated the work that employees performed everyday; but it was good to call attention to that appreciation each year during the week following Labor Day. In addition to Employee Appreciation Week, the 9th Annual Public Safety Recognition Banquet had been held on Thursday. The efforts of the Public Safety Recognition Foundation in organizing this event every year were greatly appreciated. Saturday brought the dedication of the Little Dry Creek Dog Park, which was well attended. Sunday, September 11, marked the 10th anniversary of terrorist attacks. Tri-City Baptist Church had done a great job honoring those who were killed that day 10 years ago and of recognizing the contributions of local public safety officers.

In conclusion, Mr. McFall reported there was a public meeting on the 2012 Adopted Budget and a public hearing concerning final adoption by reference of the 2010 Model Traffic Code. Citizen comment on both topics would be welcome when the Mayor called those items. A post-meeting to discuss annual amendments to the Westminster Municipal Code would be held after adjournment of the City Council meeting. The public was welcome to attend.

COUNCIL REPORTS

Councillor Briggs reported there had been a memorial service on Saturday for Dan Gossert, a member of Historic Landmark Board. His contributions to the City were appreciated.

Mayor McNally was appreciative of Tri-City Baptist Church's service in memory of those who died in the 9-11 terrorist attacks. This annual event at the church was always impressive, emotional, and mindful of the families of those who died, as well as of the families of local public safety officers.

EMPLOYEE LENGTH OF 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 Susan Grafton and Timothy Reisbeck with certificates and service pins for 20 years of service. Mayor McNally presented a check, certificate and service pin to Karen Creager for 25 years of service. Councillor Major presented Paul Newton, Johnny Pinkston, and Steve Ramer with certificates and service pins for 30 years of service.

CITIZEN COMMUNICATION

Teri Whitmore, 1290 Broadway, introduced herself to Council. She was in attendance on behalf of DRCOG (Denver Regional Council of Governments) to answer any questions Council might have about the Sustainable Communities Regional Planning Grant application that was an action item on tonight's agenda.

Patrick Tennyson addressed Council on behalf of the Butterfly Pavilion, 6252 West 104th Avenue, and provided a status report on activities and visitor numbers. He outlined upcoming events and invited Council, staff, and the public.

Steve Caulk, 3552 West 100th Place, thanked the City for recently completed improvement and/or replacement of curbs and handicap access sidewalk cuts in North Park.

CONSENT AGENDA

The following actions were submitted for Council's consideration on the consent agenda: ratify the Fire Department pursuing the 2011 Assistance to Firefighter Grant in the amount of \$379,600, in partnership with Police Department for the purpose of replacing, enhancing and modernizing Fire personnel portable radios; authorize the City Manager to execute a contract with KONE, Inc., at the City Park Recreation Center for the upgrade and modernization of the existing elevator in the amount of \$59,200; based on the recommendation of the City Manager, determine that the public interest would be best served by approving expenditures with American Safety Associates of Colorado in an amount not to exceed \$75,000; determine that the public interest would be best served by approving Fleet Maintenance cumulative purchases in 2011 with Front Range Fire Apparatus, Tire Centers Inc. and Wireless Advanced Communications for purchases not to exceed \$95,000 for each of the three vendors; based on the recommendation of the City Manager, find that the public interest would best be served by authorizing the City Manager to execute a contract with URS Corporation in the amount of \$289,387 to provide final design engineering services for the Little Dry Creek Interceptor Sewer Relocation Project and authorize a 10% contingency in the amount of \$28,939 for a total budget of \$318,326; and final passage on second reading of Councillor's Bill No. 29 providing for a supplemental appropriation of funds to the 2011 budget of the General and General Capital Improvement Funds.

There were no items removed from the consent agenda and Mayor Pro Tem Dittman moved to approve the consent agenda as presented. Councillor Major seconded the motion, and it carried.

PUBLIC MEETING ON THE ADOPTED 2012 CITY BUDGET

At 7:26 p.m., Mayor McNally opened a public meeting to receive citizen comment on the Adopted 2012 City Budget. Mr. McFall highlighted revenues and expenditures of the adopted budget, noting that the City was financially sound. City operations were funded on a cash flow basis without resorting to short-term borrowing, and current revenues were sufficient to run all operations. On occasion the City, and its business subdivisions such as the water and wastewater utilities, the Westminster Housing Authority, and the Westminster Economic Development Authority used credit instruments, such as bonds on Certificates of Participation at very favorable interest rates to construct long-term capital improvements, such as the water and wastewater treatment plants, the Public Safety Center, freeway interchanges or, as approved by the electorate, to acquire open space. This practice was no different than most businesses that prudently used credit instruments to finance capital investment. City operations did not run at a deficit and there was no comparison between the City's borrowing for capital investments and the federal government's borrowing to meet operational expenses. The City currently had a \$57 million reserve in its various funds. To ensure fiscal soundness, staff and the Council had committed to ongoing evaluation and were committed to pro-active measures to maintain the City's strong financial condition.

At the conclusion of his summary, the Mayor opened the meeting to public input. Steve Caulk, 3552 West 100th Place, questioned the high reserve, and Mr. McFall identified the sources of reserves. No others wished to speak, and the Mayor closed the public meeting at 7:46 p.m.

COUNCILLOR’S BILL NO. 30 AUTHORIZING SUPPLEMENTAL APPROPRIATION

It was moved by Mayor Pro Tem Dittman and seconded by Councillor Major to pass on first reading Councillor’s Bill No. 30 authorizing a supplemental appropriation of \$150,000 reflecting receipt of a Jefferson County Joint Venture Grant for Kings Mill Park. On roll call vote, the motion passed unanimously.

RESOLUTION NO. 26 ACCEPTING ANNEXATION PETITION FOR WESTMINSTER HIGH SCHOOL

Upon a motion by Councillor Briggs, seconded by Councillor Major, the Council voted unanimously at roll call to adopt Resolution No. 26 accepting the annexation petition submitted by Adams County School District No. 50, make the findings required by State Statute on the sufficiency of the petition, and set the date of October 24, 2011, for the annexation hearing.

RESOLUTION NO. 27 SUPPORTING DRCOG GRANT APPLICATION

Councillor Major moved to adopt Resolution No. 27 supporting the submittal of a comprehensive joint application for the Sustainable Communities Regional Planning Grants Program by the Denver Regional Council of Governments. The motion was seconded by Councillor Winter and passed unanimously on roll call vote.

PUBLIC HEARING TO ADOPT 2010 MODEL TRAFFIC CODE AND ASSOCIATED WMC AMENDMENTS

At 7:50 p.m. the Mayor opened a public hearing to consider amendments to the Westminster Municipal Code, Chapter 1, Title X, concerning adoption of the 2010 Model Traffic Code. Mr. McFall noted that following public hearings, Council generally was asked to consider adoption of an enacting ordinance on first reading. In adopting the Model Traffic Code by reference, state statute dictated that the first reading of the adopting ordinance be considered and passed in advance of the public hearing and final passage of the adopting ordinance. Staff was present to answer any questions of Council. There were none.

Mayor McNally opened the hearing for public comment. There was none and she closed the hearing at 7:51 p.m.

FINAL PASSAGE OF COUNCILLOR’S BILL NO. 28 ADOPTING THE 2010 MODEL TRAFFIC CODE

Councillor Briggs moved, seconded by Councillor Lindsey, to pass on second reading Councillor’s Bill No. 28 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. On roll call vote, the motion carried unanimously.

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 7:52 P.M.

ATTEST:

Mayor

City Clerk



Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Proclamation re Fire Prevention Month

Prepared By: Sherrie L. Leeka, Public Education Officer
Gary Pedigo, Fire Marshal

Recommended City Council Action

Councillor Scott Major to present the proclamation designating October as Fire Prevention Month.

Summary Statement

- Annually, the President of the United States proclaims a week in October as Fire Prevention Week. This designation always occurs during the week that includes October 9th, the anniversary of the Great Chicago Fire.
- The National Fire Protection Association (NFPA) designates the theme for National Fire Prevention Week every year. The theme for 2011 is "Protect Your Family From Fire."
- In order to provide a safe and secure community, the City of Westminster extends the celebration of Fire Prevention Week for the entire month of October. The Westminster Fire Department promotes the campaign with fire safety presentations at schools throughout the community, a fire safety coloring contest for third grade children in the City, and a number of community events with local businesses regarding public safety.
- Tours and programs will also be held at the City's fire stations. Throughout the month, several thousand citizens are expected to take advantage of these special programs. Westminster citizens will be encouraged to participate in the NFPA Fire Prevention theme, "Protect Your Family From Fire."
- Public Education Officer Sherrie Leeka and Fire Marshal Gary Pedigo will be present to accept the Proclamation on behalf of the Fire Department.

Expenditure Required: \$ 0

Source of Funds: N/A



Policy Issue

Does City Council wish to designate the month of October as Fire Prevention Month and use the theme of “Protect Your Family From Fire?”

Alternative

City Council could decide not to proclaim October 2011 as Fire Prevention Month in Westminster nor use the national theme as proposed. Staff does not recommend this as designating the entire month as Fire Prevention Month allows for greater emphasis on the importance of fire prevention and planning. Additionally, tying into the national theme provides greater visibility and continuity in educating the public.

Background Information

Fire Service professionals throughout the United States will celebrate Fire Prevention Week October 9-15, 2011. Fire Prevention Week was established to commemorate the Great Chicago Fire, the tragic 1871 conflagration that killed more than 250 people. In 1920, President Woodrow Wilson issued the first National Fire Prevention Day proclamation, and since 1922, Fire Prevention Week has been observed on the Sunday through Saturday period in which October 9th falls.

During Fire Prevention Month, the Westminster Fire Department will promote the theme “Protect Your Family From Fire” throughout the community. This theme focuses on preventing and planning ahead and integrating fire safety behaviors into your daily activities. We can each do more by:

- Having working smoke alarms in our homes and to change the batteries twice a year when we change our clocks to accommodate daylight savings time, “spring forward and fall back.”
- Make a home escape plan and practice it twice a year with your family.
- Stay in the kitchen when frying, grilling or broiling food.
- Make sure the heating system is cleaned once a year.
- Never leave candles unattended.
- Make sure to have a carbon monoxide alarm near each sleeping area.

The Westminster Fire Department wants to bring a sense of safety and empowerment to our community and the best way to start is to have people ask themselves a simple question: Is your family protected from fire?

This information will be shared with the community through:

- Educational programs in local schools
- A 3rd grade coloring contest
- Safety demonstrations at Lowe’s on September 24th and Home Depot on October 1st
- Orchard Festival on October 8th
- Fire Station 4’s Open House on October 15th
- Shake Rattle & Roll event on October 22nd
- A booth at the City Halloween event at City Park Recreation Center on October 29th
- Fire station tours

SUBJECT: Proclamation re Fire Prevention Month

Page 3

This proclamation and the public education efforts of the Westminster Fire Department support the City of Westminster strategic plan under the guiding principle of a safe and secure community. The means to achieve this principle is having citizens perceive that they are safe and taking personal responsibility for community safety.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachment - Proclamation

WHEREAS, in 2010 the United States had 3,010 fire fatalities, 17,050 injuries, and over 12.5 billion dollars in property loss due to structure fires; and,

WHEREAS, in 2010 the City of Westminster Fire Department responded to 8,288 emergency alarms, including 79 fire calls, and the City had \$1,408,646 in building and content loss due to structure fires; and,

WHEREAS, Fire Prevention should be of concern to every Westminster citizen; and,

WHEREAS, the City of Westminster believes that a "Safe and Secure Community" depends on joint commitment and effort involving all citizens as well as firefighters; and,

WHEREAS, the Westminster Fire Department has established a public education program that works to educate citizens on the hazards of fire and life safety; and,

WHEREAS, the 2011 Fire Prevention Week theme, "Protect Your Family From Fire," effectively serves to remind us all of the simple actions we can take to stay safe from fire during Fire Prevention Week and year-round,

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the month of October as

FIRE PREVENTION MONTH

in the City of Westminster, and urge all citizens to heed the important safety messages of Fire Prevention Month 2011 and to support the many public safety activities and efforts of the City of Westminster's Fire Department.

Signed this 26th day of September, 2011.

Nancy McNally, Mayor



Agenda Item 6 B

Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Proclamation re Business Appreciation Week – Week of October 3rd

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action

Mayor McNally to present a proclamation to Business Advisory Group members proclaiming the week of October 3rd as “Business Appreciation Week” in the City of Westminster.

Summary Statement

- Each year, the City hosts the Business Appreciation Event for local businesses to recognize their role as essential ingredients to the continued strength, well being, and high quality of life of Westminster. This year the event will be held on Friday, October 7th, at the Westin Westminster Hotel.
- The Mayor, on behalf of City Council, is requested to proclaim the week of October 3rd as “Business Appreciation Week” in the City of Westminster.
- Susan Grafton, Economic Development Manager, will be present at Monday night’s meeting to accept this proclamation on behalf of all Westminster businesses.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

None identified

Alternative

None identified

Background Information

On Friday, October 7, 2011, the City of Westminster will host the 20th annual Business Appreciation Event. This event recognizes the vital role that local businesses play in the success of the City. Local businesses provide employment, shopping, entertainment and recreational opportunities for all citizens. Businesses contribute to the City’s operating funds through revenue generated from sales and use tax, accommodations and admissions tax, as well as property tax collections. Businesses also enrich the quality of life in Westminster by supporting community organizations with financial and in-kind contributions. The high caliber mix of retail, service, and corporate office establishments found in Westminster is virtually unparalleled in northwest metro Denver.

Currently, roughly 3,000 businesses exist in the City of Westminster. It is appropriate that they be publicly recognized for their contributions to the community by proclaiming the week of October 3rd as “Business Appreciation Week” and encouraging all citizens to support their local businesses. “Business Appreciation Week” meets three of the City’s strategic plan goals: Financially Sustainable City Government Providing Exceptional Services, building a Strong Balanced Local Economy, and maintaining Vibrant Neighborhoods and Commercial Areas.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachment - Proclamation

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

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

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

WHEREAS, The City of Westminster will be hosting the annual Business Appreciation Event on Friday, October 7, 2011, to honor the 3,000 businesses within the City; and

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

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of October 3, 2011, as

BUSINESS APPRECIATION WEEK

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

Signed this 26th day of September, 2011.

Nancy McNally, Mayor



Agenda Item 6 C

Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Proclamation re Northwest Metro Business Women's Week –
Week of October 17-22

Prepared By: Melissa Salazar, Administrative Secretary

Recommended City Council Action

Councillor's Briggs to present a proclamation to Northwest Metro Business Women proclaiming the week of October 17th as "Northwest Metro Business Women's Week" in the City of Westminster.

Summary Statement

- Each year, during the month of October, the Northwest Metro Chapter of the Colorado Business and Professional Women's Organization celebrates the accomplishments of working women.
- The Mayor, on behalf of City Council, is requested to proclaim the week of October 17th as "Northwest Metro Business Women's Week" in the City of Westminster.
- Several members of this organization will be present at Monday night's meeting to accept this proclamation on behalf of Northwest Metro Business and Professional Women.

Expenditure Required: \$0

Source of Funds: N/A



SUBJECT: Proclamation re Northwest Metro Business Women's Week – Week of Oct 17th Page 2

Policy Issue

None identified

Alternative

None identified

Background Information

The National Business Women's Week focuses on contributions that women are making within their community and within the State of Colorado.

The Northwest Metro Business and Professional Women's Organization (BPW) has been active in passing child labor laws, assisting government relief agencies and helping to create employment opportunities. Today, BPW continues to work to better the lives of working women through action on issues such as women's health, family and medical leave rights, pay equity, dependent care, and insurance reform. In addition to these political activities, BPW serves to elevate the standards for women and to promote the interest of business and professional women in all areas of their lives.

This year BPW/USA celebrates it's 83rd Anniversary of National Business Women's Week.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachment - Proclamation

WHEREAS, over 500,000 women are in the greater Denver metropolitan work force and working women comprise over 61 million of the nation's work force; and

WHEREAS, the National Business Women's Week focuses on contributions that women are making within their community and within the State of Colorado; and

WHEREAS, the Business and Professional Women's Organization (BPW) has been active in passing child labor laws, assisting government relief agencies and helping to create employment opportunities; and

WHEREAS, today, BPW continues to work to better the lives of working women through action on issues such as women's health, family and medical leave rights, pay equity, dependent care, and insurance reform. In addition to these political activities, BPW serves to elevate the standards for women and to promote the interest of business and professional women in all areas of their lives; and

WHEREAS, each year during the month of October, the Northwest Metro Chapter of the Colorado Business and Professional Women's Organization celebrates the accomplishments of working women; and

WHEREAS, this year BPW/USA celebrates it's 83rd Anniversary of National Business Women's Week.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council do hereby proclaim October 17-22, 2011 as

Northwest Metro Business Women's Week

Signed this 26th of September, 2011.

Nancy McNally, Mayor



Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Financial Report for August 2011
Prepared By: Tammy Hitchens, Finance Director

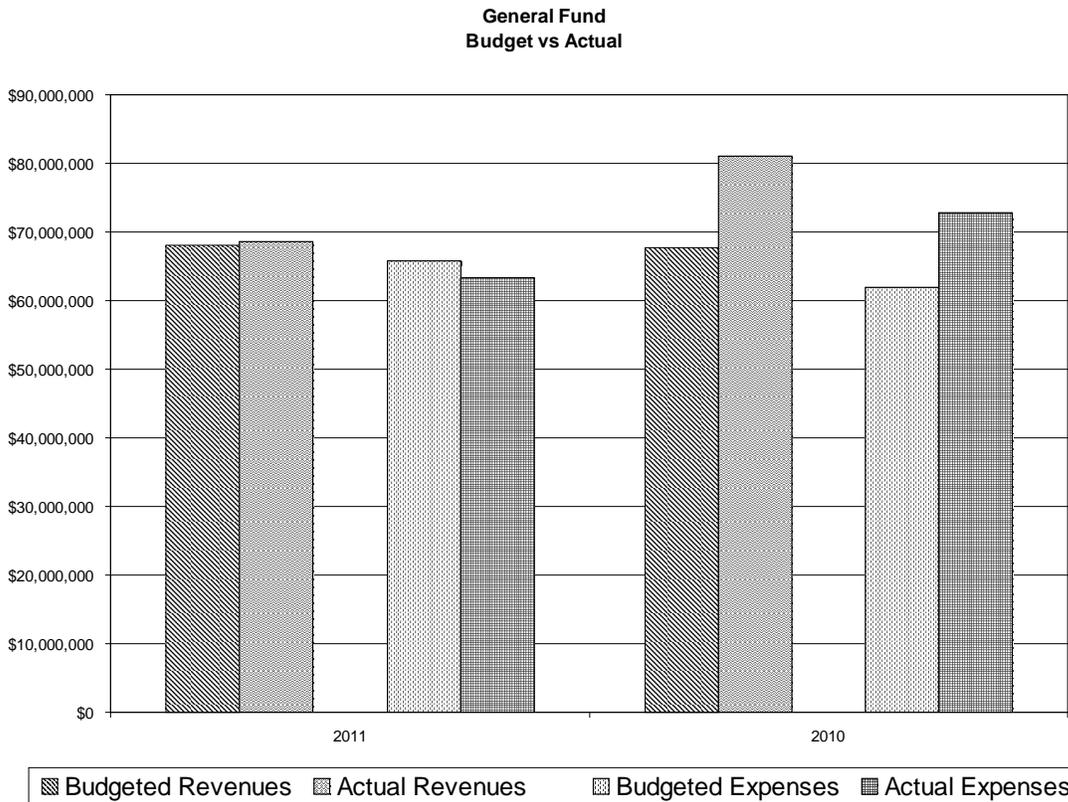
Recommended City Council Action

Accept the Financial Report for August as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, "budget" refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 9-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$5,231,539. The following graph represents Budget vs. Actual for 2010-2011.



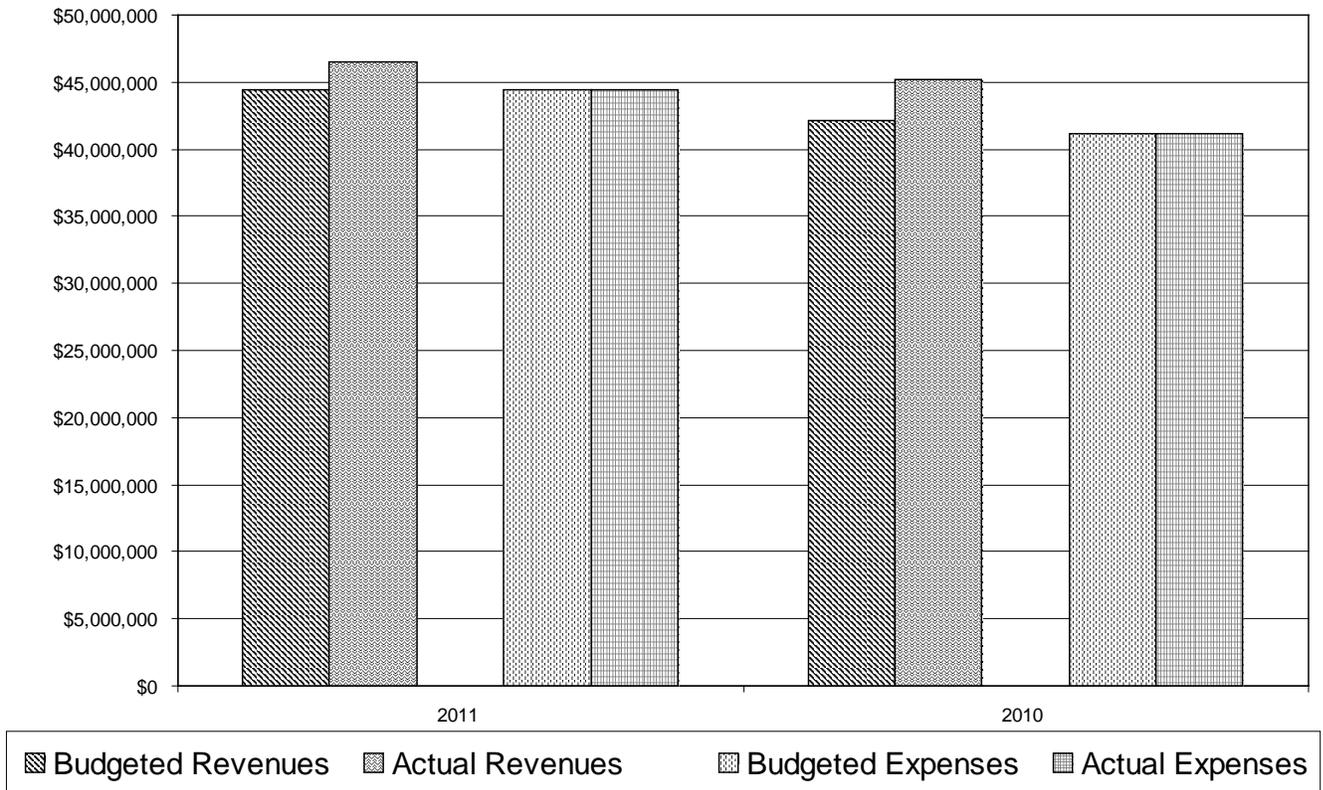
The variance between the 2010 General Fund budgeted and actual revenues and expenditures reflects debt refunding activity budgeted later that year.



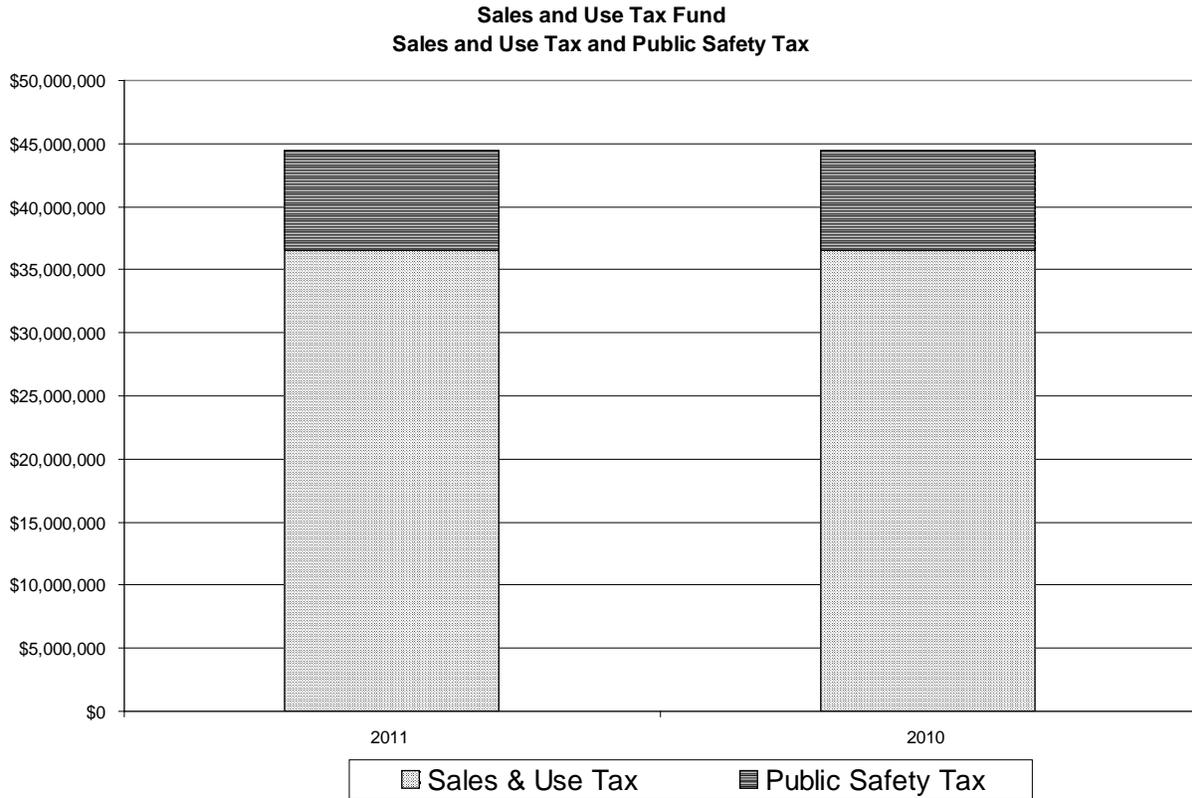
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$2,109,740. On a year-to-date cash basis, total sales and use tax is up 0.1% from 2010. Key components are listed below:

- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are up 1.0% from the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 60.0% of all collections, are down 3.3% for the month.
- Urban renewal areas make up 41.1% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 81.0% of this money is being retained for General Fund use.

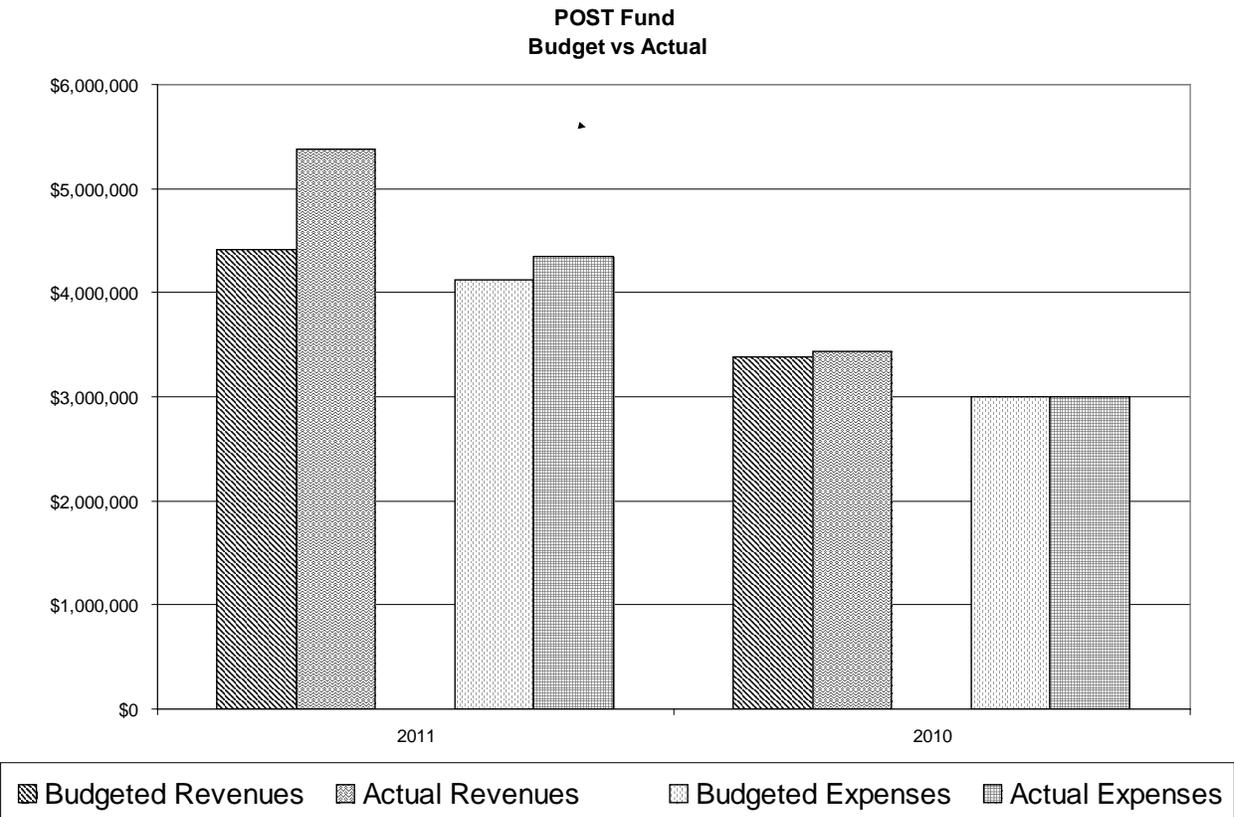
**Sales & Use Tax Fund
Budget vs Actual**



The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



The Parks, Open Space and Trails Fund expenditures exceed revenues by \$1,024,039.

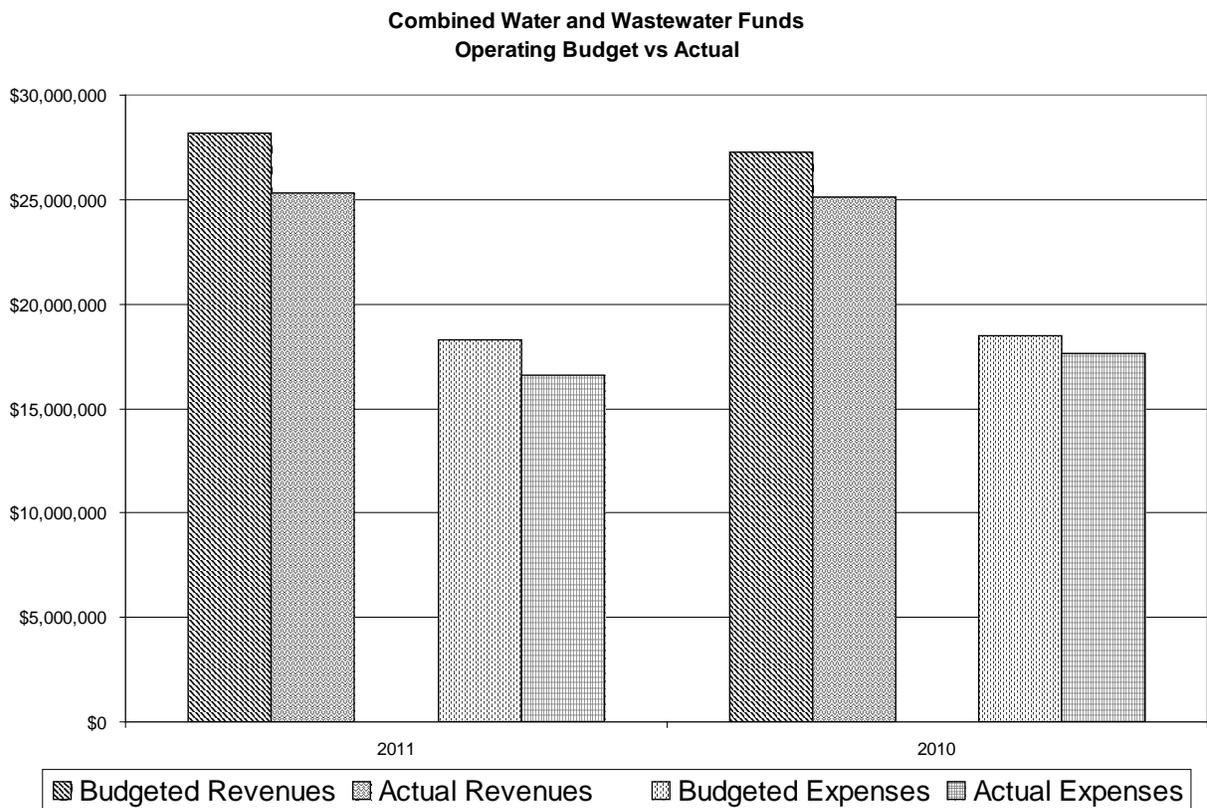


Revenues increased in 2011 compared to 2010 due to intergovernmental receipts and the timing of a transfer payment from the General Capital Improvement Fund for reimbursement of prior year right of way purchases, which in 2010 was not made until December.

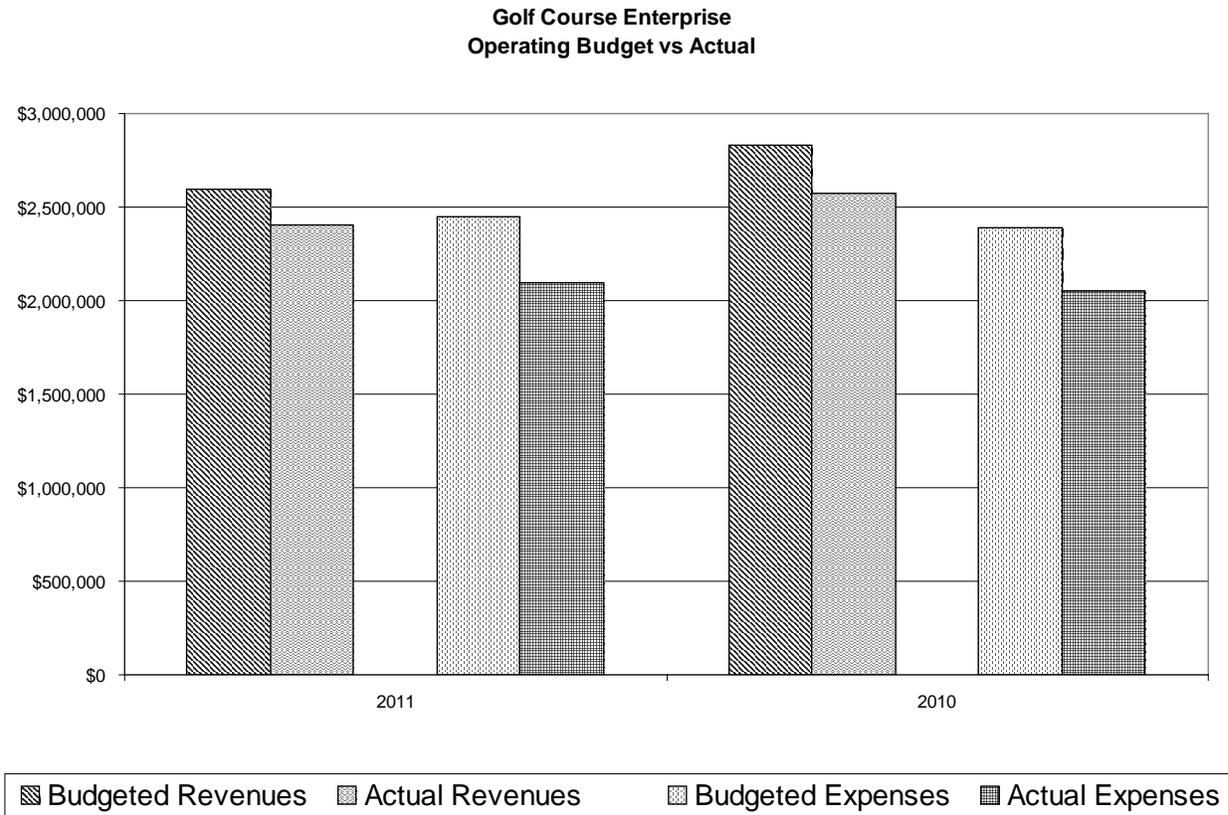
2011 revenues significantly exceeded the budget due to receipt of grant reimbursements that were budgeted in the prior year.

Expenditures exceeded budget primarily due to the spend down of anticipated grant funding not yet appropriated. The grant award is expected within the next few months and will be presented to Council for appropriation at that time.

The combined Water & Wastewater Fund revenues and carryover exceed expenses by \$11,711,097. Operating revenues exceed operating expenses by \$8,740,072. \$11,952,000 is budgeted for capital projects and reserves.



The combined Golf Course Fund revenues exceed expenses by \$312,133.



Policy Issue

A monthly review of the City’s financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternative

Conduct a quarterly review. This is not recommended, as the City’s budget and financial position are large and complex, warranting a monthly review by the City Council.

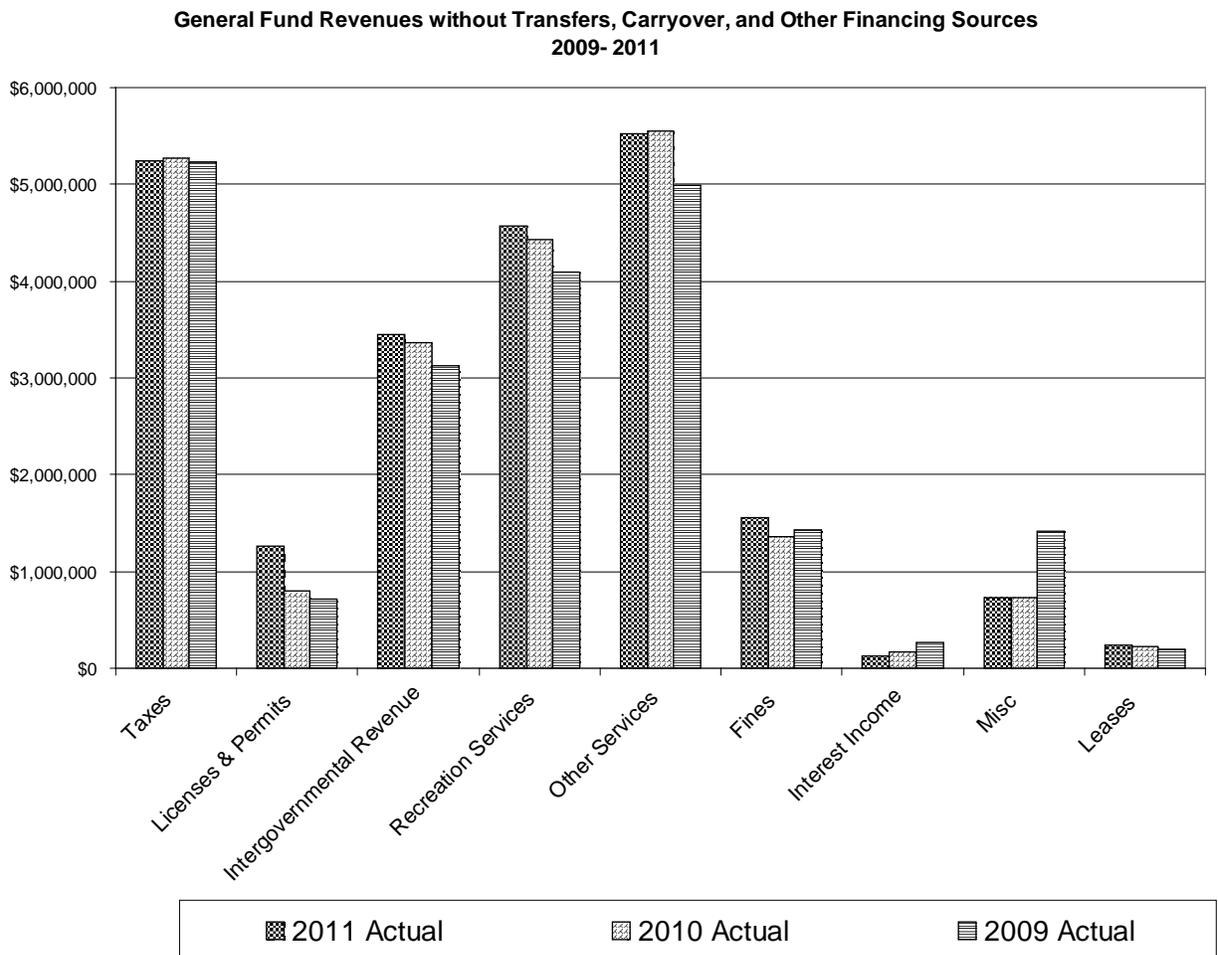
Background Information

This section includes a discussion of highlights of each fund presented.

General Fund

This fund reflects the result of the City’s operating departments: Police, Fire, Public Works (Street Division), Parks Recreation and Libraries, Community Development, and the internal service functions: City Manager, City Attorney, Finance, and General Services.

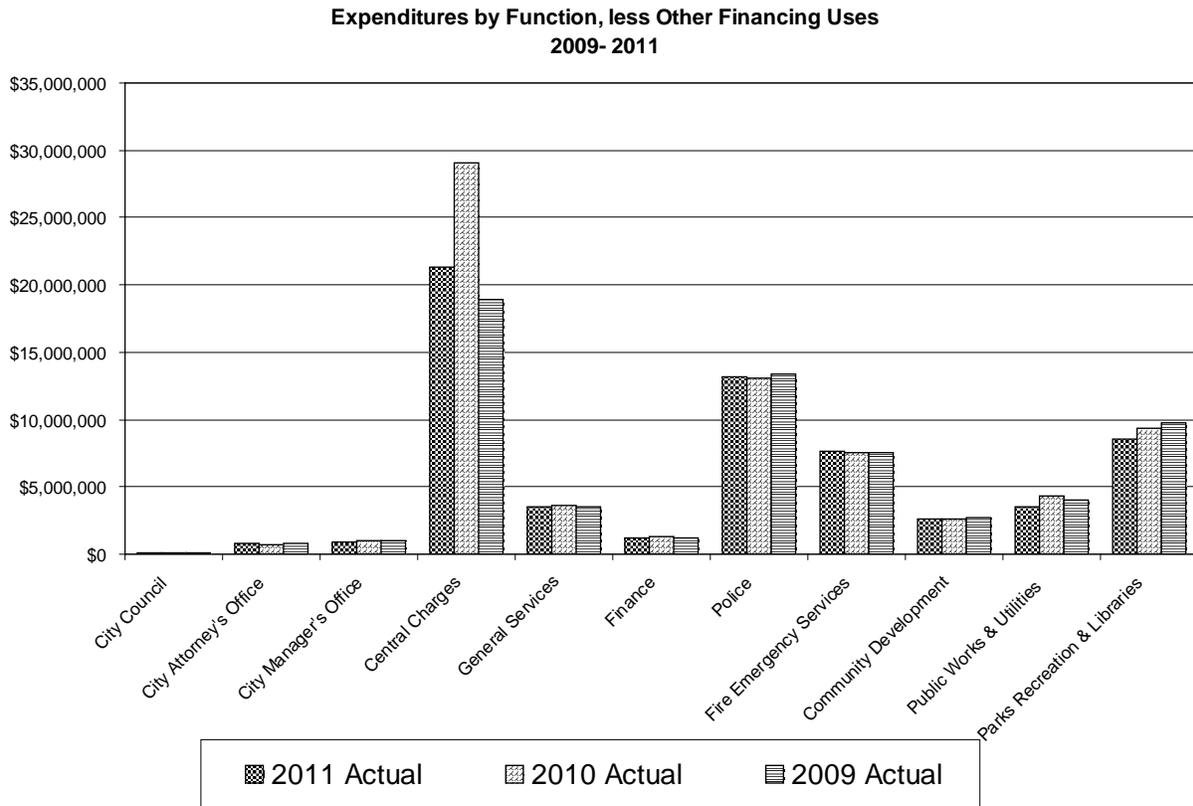
The following chart represents the trend in actual revenues from 2009-2011 year-to-date.



Significant differences between years in General Fund revenue categories are explained as follows:

- License and Permits is up primarily due to commercial and Adams County residential building permit revenue.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2009–2011.



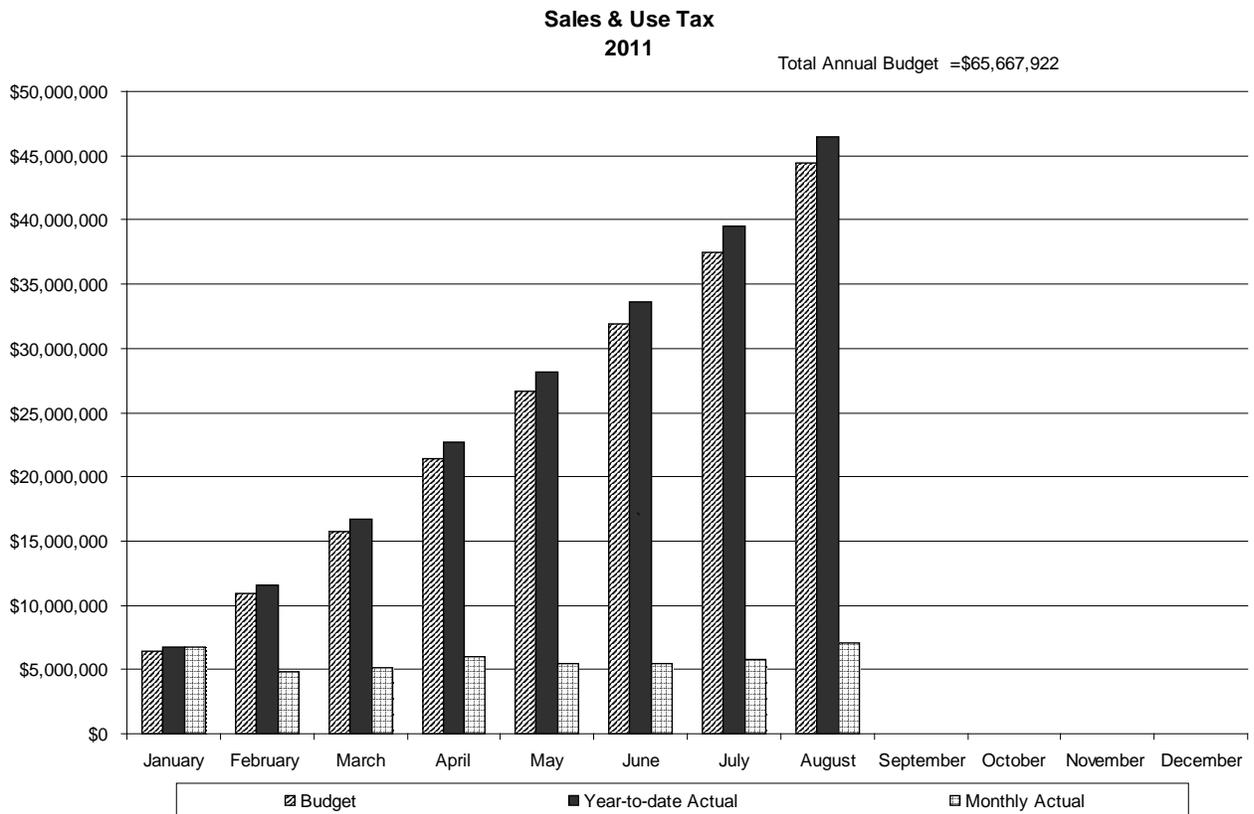
Significant differences between years in General Fund expenditure categories are explained as follows:

- 2010 Central Charges reflects a \$4 million transfer of carryover to WEDA for the purchase of the Westminster Mall.

Sales and Use Tax Funds (Sales & Use Tax Fund and Parks, Open Space and Trails Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, and the Debt Service Fund. The Parks, Open Space and Trails (POST) Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, pay bonds related to the Heritage Golf Course, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Parks, Open Space and Trails Sales & Use Tax.

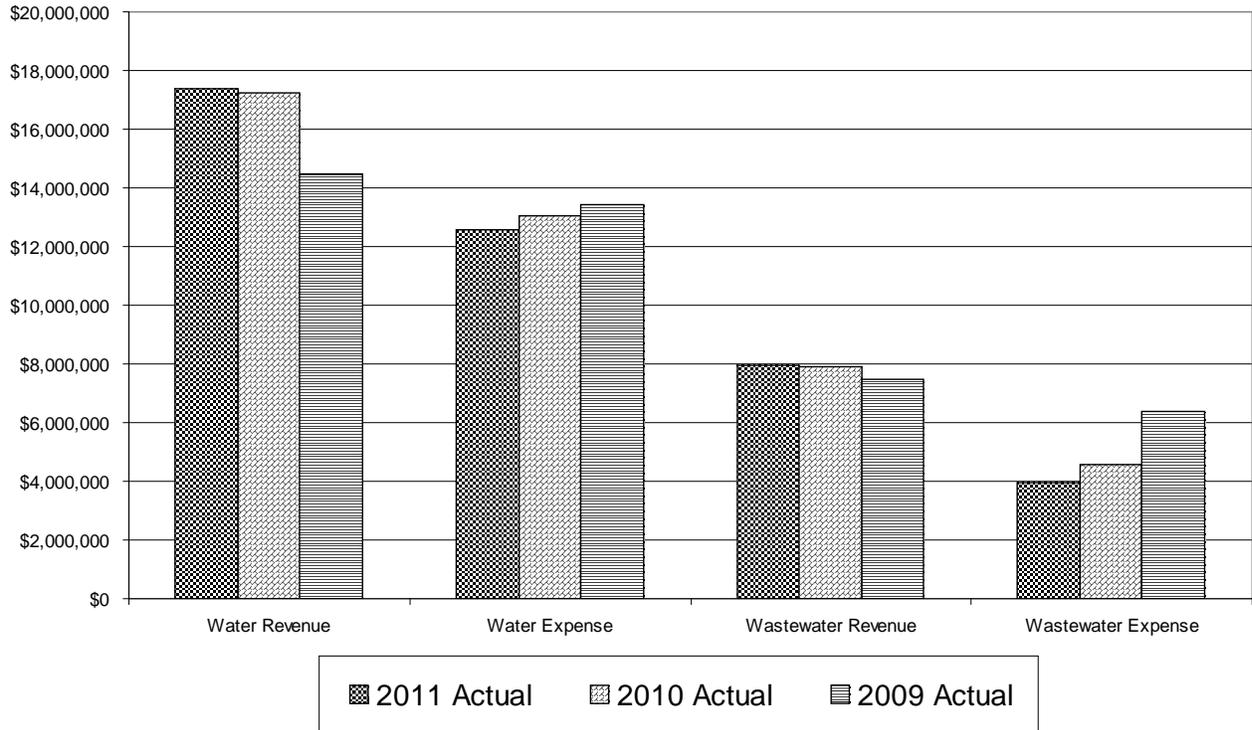


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects and reserves.

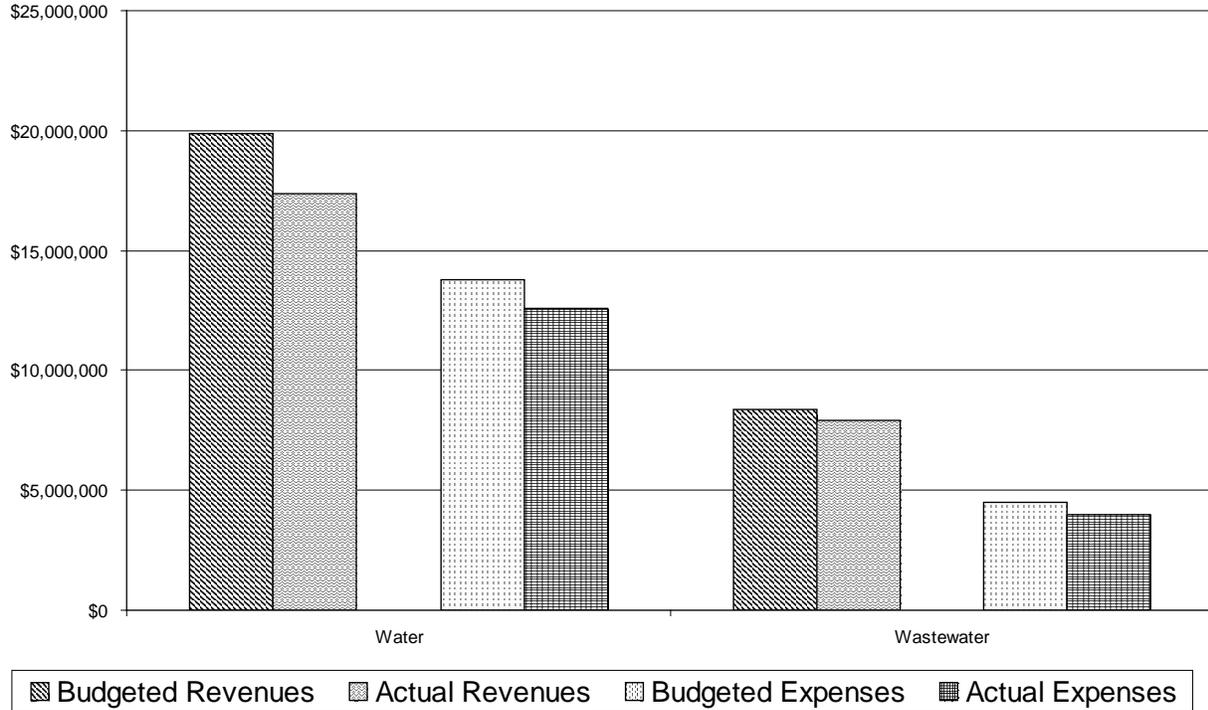
These graphs represent segment information for the Water and Wastewater funds.

**Water and Wastewater Funds
Operating Revenue and Expenses 2009-2011**



The Water Fund revenue variance between years is due to the effect of climatic variations on water consumption as well as changes in billing rates. A one-time vendor payment to decommission the 94th and Quitman lift station is reflected in the 2009 Wastewater Fund expense.

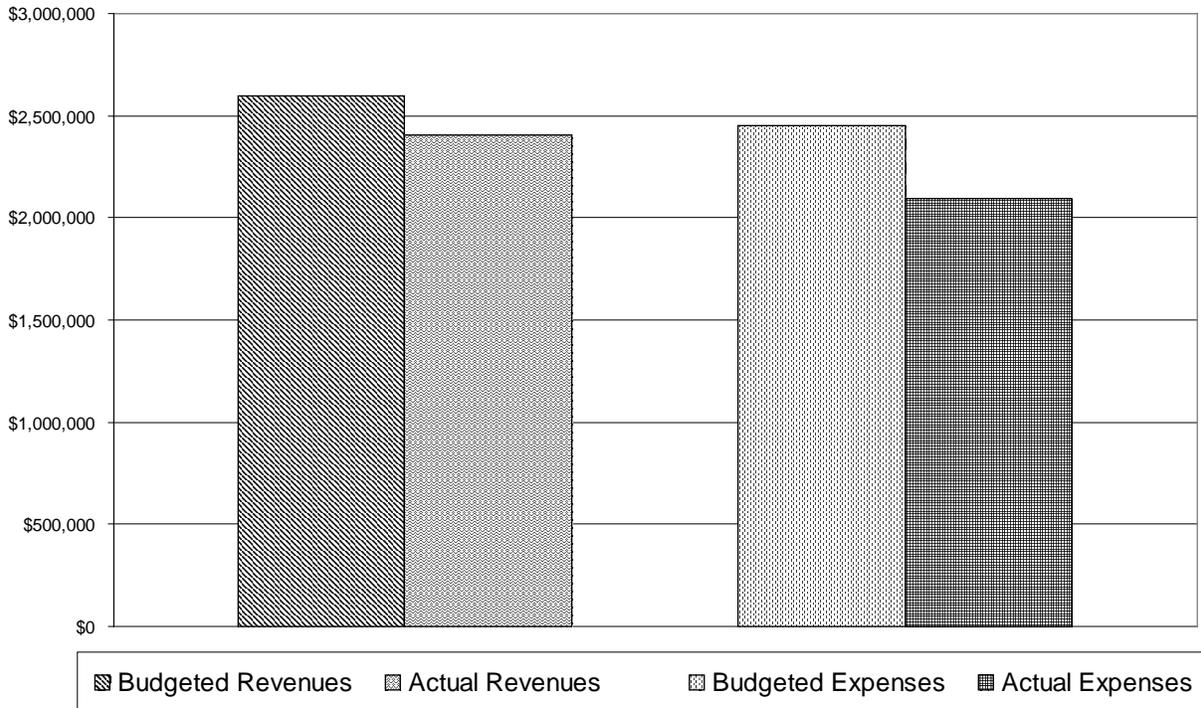
**Water and Wastewater Funds
2011 Operating Budget vs Actual**



Golf Course Enterprise (Legacy and Heritage Golf Courses)

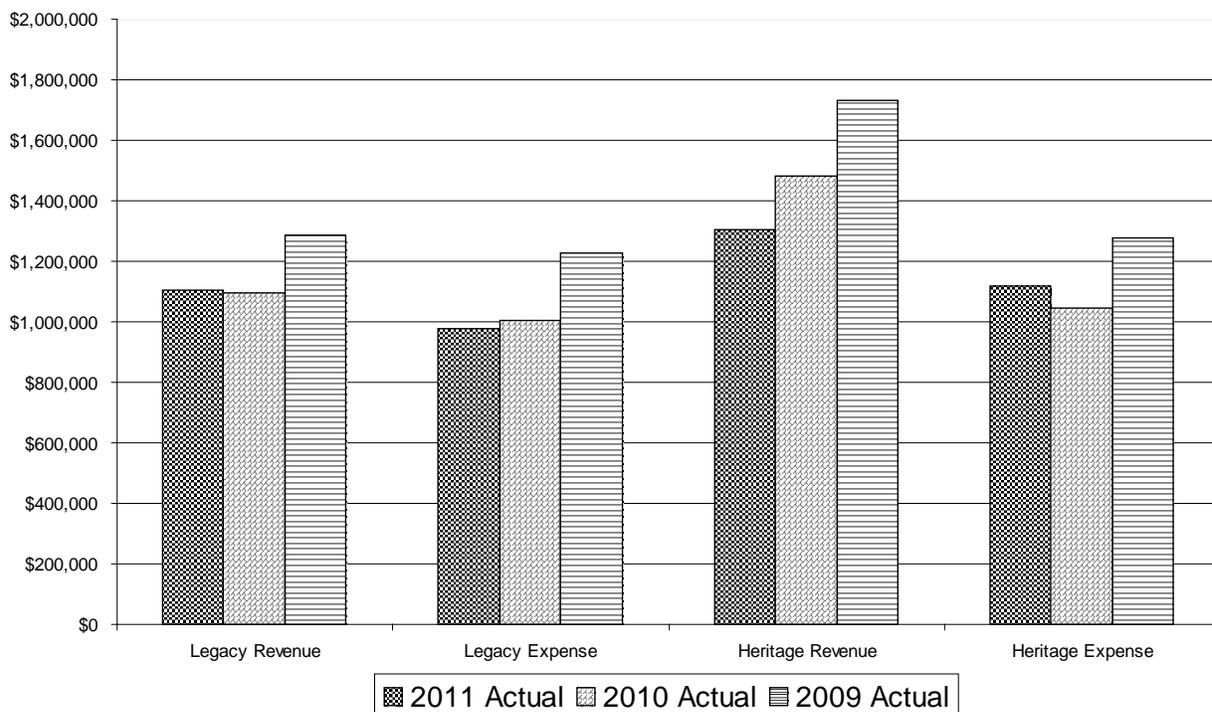
This enterprise reflects the operations of the City's two municipal golf courses.

**Combined Golf Courses
2011 Operating Budget vs Actual**



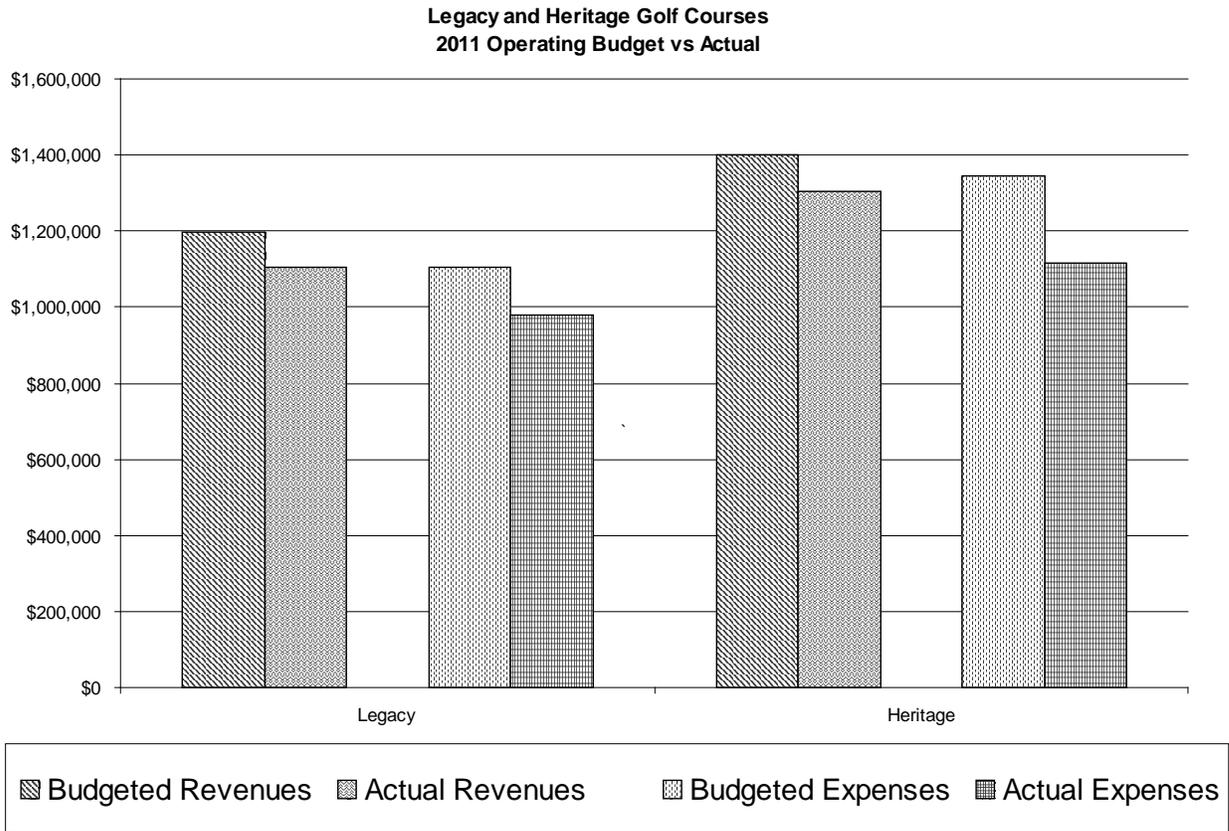
The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses
Operating Revenue and Expenses 2009-2011**



Capital lease financing in 2009 accounts for the variances between years in revenues and expenditures for both courses.

Heritage revenue is down from prior years due to a decrease in budgeted transfers.



This financial report supports City Council’s Strategic Plan Goal of Financially Sustainable City Government Providing Exceptional Services by communicating timely information on the results of City operations and to assist with critical decision making.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachments

- Statements
- Shopping Center Report

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover						
Taxes	5,631,761	5,267,416		5,248,811	(18,605)	99.6%
Licenses & Permits	1,336,000	874,043	(1)	1,267,941	393,898	145.1%
Intergovernmental Revenue	4,900,378	3,090,148		3,450,951	360,803	111.7%
Charges for Services						
Recreation Services	6,232,983	4,279,564		4,571,153	291,589	106.8%
Other Services	9,458,827	5,586,458		5,526,855	(59,603)	98.9%
Fines	2,334,000	1,578,435		1,562,854	(15,581)	99.0%
Interest Income	292,900	163,346		129,080	(34,266)	79.0%
Miscellaneous	1,724,144	1,021,592		732,700	(288,892)	71.7%
Leases	369,181	238,821		238,821	0	100.0%
Interfund Transfers	62,335,994	41,890,663		41,890,663	0	100.0%
Sub-total Revenues	<u>94,616,168</u>	<u>63,990,486</u>		<u>64,619,829</u>	<u>629,343</u>	<u>101.0%</u>
Carryover	6,742,912	4,000,000		4,000,000	0	100.0%
Total Revenues and Carryover	<u>101,359,080</u>	<u>67,990,486</u>		<u>68,619,829</u>	<u>629,343</u>	<u>100.9%</u>
Expenditures						
City Council	240,119	170,287		122,571	(47,716)	72.0%
City Attorney's Office	1,166,119	756,802		787,633	30,831	104.1%
City Manager's Office	1,444,705	940,813		893,664	(47,149)	95.0%
Central Charges	33,597,838	21,572,085		21,360,487	(211,598)	99.0%
General Services	5,691,531	3,654,034		3,547,561	(106,473)	97.1%
Finance	1,957,482	1,290,563		1,252,640	(37,923)	97.1%
Police	19,939,651	13,313,433		13,156,555	(156,878)	98.8%
Fire Emergency Services	11,542,732	7,520,902		7,616,429	95,527	101.3%
Community Development	4,033,000	2,653,451		2,596,567	(56,884)	97.9%
Public Works & Utilities	7,560,378	4,667,996		3,515,871	(1,152,125)	75.3%
Parks, Recreation & Libraries	14,185,525	9,268,256		8,538,312	(729,944)	92.1%
Total Expenditures	<u>101,359,080</u>	<u>65,808,622</u>		<u>63,388,290</u>	<u>(2,420,332)</u>	<u>96.3%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>2,181,864</u>		<u>5,231,539</u>	<u>3,049,675</u>	

(1) Reflects building development activity in the north area of the City

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues and Carryover						
Sales Tax						
Sales Tax Returns	43,674,740	29,349,800		30,391,771	1,041,971	103.6%
Sales Tx Audit Revenues	714,000	476,238		457,479	(18,759)	96.1%
S-T Rev. STX	<u>44,388,740</u>	<u>29,826,038</u>		<u>30,849,250</u>	<u>1,023,212</u>	103.4%
Use Tax						
Use Tax Returns	6,647,234	4,143,837		5,285,987	1,142,150	127.6%
Use Tax Audit Revenues	785,000	523,595		414,342	(109,253)	79.1%
S-T Rev. UTX	<u>7,432,234</u>	<u>4,667,432</u>		<u>5,700,329</u>	<u>1,032,897</u>	122.1%
Total STX and UTX	<u><u>51,820,974</u></u>	<u><u>34,493,470</u></u>		<u><u>36,549,579</u></u>	<u><u>2,056,109</u></u>	106.0%
Public Safety Tax						
PST Tax Returns	11,374,614	7,633,308		7,739,228	105,920	101.4%
PST Audit Revenues	305,500	203,769		174,297	(29,472)	85.5%
Total Rev. PST	<u>11,680,114</u>	<u>7,837,077</u>		<u>7,913,525</u>	<u>76,448</u>	101.0%
Interest Income	122,000	81,333		62,028	(19,305)	76.3%
Interfund Transfers	203,000	135,333		135,333	0	100.0%
Carryover	1,841,834	1,841,834		1,841,834	0	100.0%
Total Revenues and Carryover	<u><u>65,667,922</u></u>	<u><u>44,389,047</u></u>		<u><u>46,502,299</u></u>	<u><u>2,113,252</u></u>	104.8%
Expenditures						
Central Charges	<u>65,667,922</u>	<u>44,392,559</u>		<u>44,392,559</u>	0	100.0%
Revenues Over(Under) Expenditures	<u><u>0</u></u>	<u><u>(3,512)</u></u>		<u><u>2,109,740</u></u>	<u><u>2,113,252</u></u>	

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Sales & Use Tax	4,929,147	3,326,126		3,296,455	(29,671)	99.1%
Intergovernmental Revenue	852,229	771,000		1,827,378	1,056,378	237.0%
Interest Income	45,000	30,000		1,167	(28,833)	3.9%
Miscellaneous	92,337	61,558		28,086	(33,472)	45.6%
Interfund Transfers	230,000	225,000		225,000	0	100.0%
Total Revenues	<u>6,148,713</u>	<u>4,413,684</u>		<u>5,378,086</u>	<u>964,402</u>	<u>121.9%</u>
Expenditures						
Central Charges	5,820,477	3,922,499		4,216,432	293,933	107.5%
Park Services	328,236	203,753		137,615	(66,138)	67.5%
	<u>6,148,713</u>	<u>4,126,252</u>		<u>4,354,047</u>	<u>227,795</u>	<u>105.5%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>287,432</u>		<u>1,024,039</u>	<u>736,607</u>	

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Funds - Combined						
Operating Revenues						
License & Permits	75,000	50,000		67,680	17,680	135.4%
Intergovernmental Revenue	0	0	(1)	258,630	258,630	
Rates and Charges	43,593,344	27,869,864		24,876,054	(2,993,810)	89.3%
Miscellaneous	425,000	283,334		104,852	(178,482)	37.0%
Total Operating Revenues	<u>44,093,344</u>	<u>28,203,198</u>		<u>25,307,216</u>	<u>(2,895,982)</u>	89.7%
Operating Expenses						
Central Charges	5,947,788	3,965,192		3,981,158	15,966	100.4%
Finance	658,269	421,292		387,537	(33,755)	92.0%
Public Works & Utilities	19,854,701	12,064,712		10,539,649	(1,525,063)	87.4%
Parks, Recreation & Libraries	132,272	101,849		61,010	(40,839)	59.9%
Information Technology	2,704,158	1,754,999		1,597,790	(157,209)	91.0%
Total Operating Expenses	<u>29,297,188</u>	<u>18,308,044</u>		<u>16,567,144</u>	<u>(1,740,900)</u>	90.5%
Operating Income (Loss)	<u>14,796,156</u>	<u>9,895,154</u>		<u>8,740,072</u>	<u>(1,155,082)</u>	
Other Revenue and Expenses						
Tap Fees	3,700,000	2,585,800	(2)	5,923,685	3,337,885	229.1%
Interest Income	1,015,000	676,667		272,441	(404,226)	40.3%
Carryover	3,989,395	3,989,395		3,989,395	0	100.0%
Debt Service	(7,222,079)	(3,089,689)		(3,089,689)	0	100.0%
Reserve Transfer	(4,326,472)	(4,124,807)		(4,124,807)	0	100.0%
Total Other Revenue (Expenses)	<u>(2,844,156)</u>	<u>37,366</u>		<u>2,971,025</u>	<u>2,933,659</u>	
Increase (Decrease) in Net Assets	<u>11,952,000</u>	<u>9,932,520</u>		<u>11,711,097</u>	<u>1,778,577</u>	

(1) Reflects Build America Bond interest rate subsidy

(2) Reflects building development activity in the north area of the City

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	50,000		67,680	17,680	135.4%
Intergovernmental Revenue	0	0	(1)	258,630	258,630	
Rates and Charges	31,044,728	19,531,228		16,946,399	(2,584,829)	86.8%
Miscellaneous	415,000	276,667		95,502	(181,165)	34.5%
Total Operating Revenues	<u>31,534,728</u>	<u>19,857,895</u>		<u>17,368,211</u>	<u>(2,489,684)</u>	87.5%
Operating Expenses						
Central Charges	4,204,923	2,803,282		2,826,934	23,652	100.8%
Finance	658,269	421,292		387,537	(33,755)	92.0%
Public Works & Utilities	13,973,108	8,700,618		7,718,872	(981,746)	88.7%
PR&L Standley Lake	132,272	101,849		61,010	(40,839)	59.9%
Information Technology	2,704,158	1,754,999		1,597,790	(157,209)	91.0%
Total Operating Expenses	<u>21,672,730</u>	<u>13,782,040</u>		<u>12,592,143</u>	<u>(1,189,897)</u>	91.4%
Operating Income (Loss)	<u>9,861,998</u>	<u>6,075,855</u>		<u>4,776,068</u>	<u>(1,299,787)</u>	78.6%
Other Revenue and Expenses						
Tap Fees	3,000,000	2,087,400	(2)	4,551,049	2,463,649	218.0%
Interest Income	870,000	580,000		189,213	(390,787)	32.6%
Carryover	3,409,305	3,409,305		3,409,305	0	100.0%
Debt Service	(5,717,453)	(2,497,635)		(2,497,635)	0	100.0%
Reserve Transfer	(3,459,850)	(3,387,029)		(3,387,029)	0	100.0%
Total Other Revenues (Expenses)	<u>(1,897,998)</u>	<u>192,041</u>		<u>2,264,903</u>	<u>2,072,862</u>	
Increase (Decrease) in Net Assets	<u>7,964,000</u>	<u>6,267,896</u>		<u>7,040,971</u>	<u>773,075</u>	

(1) Reflects Build America Bond interest rate subsidy

(2) Reflects building development activity in the north area of the City

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	12,548,616	8,338,636		7,929,655	(408,981)	95.1%
Miscellaneous	10,000	6,667		9,350	2,683	140.2%
Total Operating Revenues	<u>12,558,616</u>	<u>8,345,303</u>		<u>7,939,005</u>	<u>(406,298)</u>	95.1%
Operating Expenses						
Central Charges	1,742,865	1,161,910		1,154,224	(7,686)	99.3%
Public Works & Utilities	5,881,593	3,364,094		2,820,777	(543,317)	83.8%
Total Operating Expenses	<u>7,624,458</u>	<u>4,526,004</u>		<u>3,975,001</u>	<u>(551,003)</u>	87.8%
Operating Income (Loss)	<u>4,934,158</u>	<u>3,819,299</u>		<u>3,964,004</u>	<u>144,705</u>	103.8%
Other Revenue and Expenses						
Tap Fees	700,000	498,400	(1)	1,372,636	874,236	275.4%
Interest Income	145,000	96,667		83,228	(13,439)	86.1%
Carryover	580,090	580,090		580,090	0	100.0%
Debt Service	(1,504,626)	(592,054)		(592,054)	0	100.0%
Reserve Transfer	(866,622)	(737,778)		(737,778)	0	100.0%
Total Other Revenues (Expenses)	<u>(946,158)</u>	<u>(154,675)</u>		<u>706,122</u>	<u>860,797</u>	
Increase (Decrease) in Net Assets	<u>3,988,000</u>	<u>3,664,624</u>		<u>4,670,126</u>	<u>1,005,502</u>	

(1) Reflects building development activity in the north area of the City

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues						
Charges for Services	2,047,000	1,364,667		1,320,449	(44,218)	96.8%
Interest Income	81,000	54,000		35,448	(18,552)	65.6%
Miscellaneous	0	0		423	423	
Carryover	25,454	25,454		25,454	0	100.0%
Total Revenues	<u>2,153,454</u>	<u>1,444,121</u>		<u>1,381,774</u>	<u>(62,347)</u>	95.7%
Expenses						
General Services	92,000	56,948		54,618	(2,330)	95.9%
Community Development	161,000	106,421		105,321	(1,100)	99.0%
PR&L Park Services	200,000	55,800		57,547	1,747	103.1%
Public Works & Utilities	323,000	183,141		129,911	(53,230)	70.9%
Total Expenses	<u>776,000</u>	<u>402,310</u>		<u>347,397</u>	<u>(54,913)</u>	86.4%
Increase (Decrease) in Net Assets	<u>1,377,454</u>	<u>1,041,811</u>		<u>1,034,377</u>	<u>(7,434)</u>	

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Course Funds - Combined						
Revenues						
Charges for Services	2,949,625	2,272,763		2,083,691	(189,072)	91.7%
Interfund Transfers	485,794	323,863		323,863	0	100.0%
Total Revenues	<u>3,435,419</u>	<u>2,596,626</u>		<u>2,407,554</u>	<u>(189,072)</u>	92.7%
Expenses						
Central Charges	239,008	160,723		135,469	(25,254)	84.3%
Recreation Facilities	3,196,411	2,288,276		1,959,952	(328,324)	85.7%
Total Expenses	<u>3,435,419</u>	<u>2,448,999</u>		<u>2,095,421</u>	<u>(353,578)</u>	85.6%
Increase (Decrease) in Net Assets	<u>0</u>	<u>147,627</u>		<u>312,133</u>	<u>164,506</u>	

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Revenues						
Charges for Services	1,551,299	1,196,052		1,103,399	(92,653)	92.3%
Total Revenues	<u>1,551,299</u>	<u>1,196,052</u>		<u>1,103,399</u>	<u>(92,653)</u>	92.3%
Expenses						
Central Charges	130,269	86,889		76,824	(10,065)	88.4%
Recreation Facilities	1,421,030	1,018,879		901,011	(117,868)	88.4%
Total Expenses	<u>1,551,299</u>	<u>1,105,768</u>		<u>977,835</u>	<u>(127,933)</u>	88.4%
Increase (Decrease) in Net Assets	<u>0</u>	<u>90,284</u>		<u>125,564</u>	<u>35,280</u>	

**City of Westminster
Financial Report
For Eight Months Ending August 31, 2011**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Revenues						
Charges for Services	1,398,326	1,076,711		980,292	(96,419)	91.0%
Interfund Transfers	485,794	323,863		323,863	0	100.0%
Total Revenues	<u>1,884,120</u>	<u>1,400,574</u>		<u>1,304,155</u>	<u>(96,419)</u>	93.1%
Expenses						
Central Charges	108,739	73,834		58,645	(15,189)	79.4%
Recreation Facilities	1,775,381	1,269,397		1,058,941	(210,456)	83.4%
Total Expenses	<u>1,884,120</u>	<u>1,343,231</u>		<u>1,117,586</u>	<u>(225,645)</u>	83.2%
Increase (Decrease) in Net Assets	<u>0</u>	<u>57,343</u>		<u>186,569</u>	<u>129,226</u>	

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF AUGUST 2011

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	338,395	13,990	352,385	303,188	29,890	333,078	12	-53	6
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	325,979	1,133	327,112	324,773	1,762	326,534	0	-36	0
SHOPS AT WALNUT CREEK 104TH & REED TARGET	199,005	11,287	210,293	198,131	1,724	199,855	0	555	5
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	197,761	354	198,116	194,467	383	194,849	2	-7	2
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	188,951	1,015	189,966	180,997	2,693	183,690	4	-62	3
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	184,701	425	185,127	178,644	1,551	180,195	3	-73	3
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	164,622	5,231	169,854	192,735	370	193,105	-15	1314	-12
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	132,475	24,457	156,933	125,431	51,665	177,095	6	-53	-11
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	143,674	263	143,937	145,303	223	145,525	-1	18	-1
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	104,841	840	105,682	98,119	245	98,365	7	242	7
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	102,049	454	102,502	93,869	601	94,470	9	-25	9
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	83,040	812	83,852	92,390	891	93,281	-10	-9	-10
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	78,286	282	78,568	70,877	1,416	72,293	10	-80	9
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	71,204	308	71,511	92,645	188	92,834	-23	63	-23
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	61,960	94	62,054	70,558	48	70,606	-12	95	-12

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH OF AUGUST 2011

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	61,098	169	61,267	63,867	235	64,102	-4	-28	-4
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	51,853	184	52,037	46,094	343	46,437	12	-46	12
COUNTRYDALE BUSINESS PARK S SIDE 108TH & WADSWORTH BALL CORPORATION	346	47,192	47,537	373	6,607	6,980	-7	614	581
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	11,134	30,679	41,813	3,825	36,055	39,880	191	-15	5
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	41,129	498	41,628	41,050	497	41,547	0	0	0
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	39,484	123	39,608	40,211	187	40,398	-2	-34	-2
WILLOW RUN 128TH & ZUNI SAFEWAY	31,259	169	31,428	34,931	304	35,235	-11	-45	-11
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	30,615	40	30,655	19,670	425	20,095	56	-91	53
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	24,913	4,450	29,363	10,025	1,633	11,658	149	173	152
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	28,500	283	28,783	26,882	171	27,053	6	65	6
	2,697,277	144,733	2,842,010	2,649,055	140,106	2,789,162	2	3	2

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
AUGUST 2011 YEAR-TO-DATE

Center Location Major Tenant	YTD 2011			YTD 2010			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	2,945,446	137,454	3,082,900	2,624,275	186,024	2,810,299	12	-26	10
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	2,696,466	18,577	2,715,043	2,812,367	48,965	2,861,332	-4	-62	-5
SHOPS AT WALNUT CREEK 104TH & REED TARGET	1,820,761	38,490	1,859,251	1,813,820	62,397	1,876,218	0	-38	-1
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,768,589	10,261	1,778,850	1,708,247	6,282	1,714,529	4	63	4
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	1,540,760	4,267	1,545,028	1,513,470	3,409	1,516,879	2	25	2
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,439,036	9,408	1,448,444	1,368,710	13,412	1,382,122	5	-30	5
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	1,289,515	9,131	1,298,646	1,761,681	3,440	1,765,121	-27	165	-26
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	1,279,423	9,266	1,288,689	1,262,759	4,984	1,267,743	1	86	2
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	992,427	20,606	1,013,033	1,124,520	9,666	1,134,186	-12	113	-11
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	986,459	220,199	1,206,658	943,397	273,248	1,216,645	5	-19	-1
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	984,424	6,176	990,600	943,082	5,785	948,868	4	7	4
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	891,984	37,617	929,601	862,942	3,366	866,308	3	1017	7
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	679,710	7,124	686,834	606,516	2,391	608,907	12	198	13
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	653,082	2,751	655,834	696,072	2,017	698,089	-6	36	-6
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	522,018	2,223	524,241	543,296	751	544,047	-4	196	-4

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
AUGUST 2011 YEAR-TO-DATE

Center Location Major Tenant	YTD 2011 General Sales	YTD 2011 General Use	Total	YTD 2010 General Sales	YTD 2010 General Use	Total	Sales	%Change	Use	Total
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	507,453	1,675	509,127	538,509	3,836	542,345	-6	-56	-6	
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	415,710	2,469	418,179	368,844	12,934	381,777	13	-81	10	
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	334,012	1,357	335,369	331,018	1,861	332,879	1	-27	1	
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	320,752	6,496	327,248	324,327	3,181	327,508	-1	104	0	
WILLOW RUN 128TH & ZUNI SAFEWAY	255,221	2,260	257,481	276,256	3,684	279,940	-8	-39	-8	
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	219,312	40,138	259,449	89,713	23,923	113,636	144	68	128	
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	217,465	12,685	230,151	154,850	34,661	189,511	40	-63	21	
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	210,765	2,972	213,737	190,018	1,685	191,703	11	76	11	
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	210,153	3,728	213,882	184,540	3,400	187,940	14	10	14	
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	204,235	1,632	205,867	197,854	1,613	199,467	3	1	3	
	23,385,182	608,961	23,994,142	23,241,083	716,916	23,957,999	1	-15	0	



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: 2012 Property and Liability Insurance Renewal

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Authorize the City Manager to enter into an agreement with the Colorado Intergovernmental Risk Sharing Agency for the purchase of high deductible stop loss insurance, and for claims management and other administrative services in the amount of \$429,499 along with a 10% contingency amount (\$43,000) in the event the final quote comes in higher.

Summary Statement

- City Council action is requested to authorize the annual expenditure for the 2012 contribution to the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for property and liability insurance coverage and related services.
- The City annually purchases insurance to cover assets (buildings, vehicles, equipment, and parks) and to protect itself from liability exposure resulting from claims brought against the City and its employees. This insurance is purchased through CIRSA. The preliminary quote from CIRSA for 2012 for property and liability coverage is \$429,499, which represents a contribution of \$461,753 minus a Loss Control Standards Audit credit of \$10,835 and a Member Equity Account Adjustment of \$21,419.
- The final cost of coverage in 2011, before credits, was \$463,122. The preliminary quote for next year of \$461,753 represents a decrease in contribution of \$1,369. The decrease is due to a decrease in the City's losses resulting in an improved Loss Experience factor.
- As has been past practice, City Council is being asked to authorize this preliminary quote from CIRSA and continuation in the pool so that CIRSA can determine final contributions based on membership response in time for the start of the 2012 policy period.
- Adequate funds were budgeted and are available in the Property and Liability Self Insurance Fund in the Adopted 2011-2012 Budget for this expense.

Expenditure Required: Not to exceed \$472,499

Source of Funds: Property and Liability Self Insurance Fund



Policy Issue

Should the City continue to use a municipal insurance pool for placement of its property and liability coverage?

Alternative

City Council could reject Staff's recommendations to utilize CIRSA for this insurance coverage and direct Staff to seek proposals on the open insurance market. Staff does not recommend this action at this time based on the results of the study of the City's current insurance program conducted by a risk management consultant in late 2008 and the fact there have not been any significant changes to the municipal insurance market since that time.

Background Information

The City of Westminster has been a member of the Colorado Intergovernmental Risk Sharing Agency (CIRSA) since its inception in 1982. Since that time, this governmental risk sharing pool has grown from its original 18 cities to 245 members in 2011. CIRSA provides property and liability coverage that is tailored to meet municipal exposures. On January 1, 1988, the City implemented a high deductible program, electing to pay the first \$100,000 of each property claim and the first \$150,000 of each liability claim. This self insured retention was increased to \$200,000 per line of coverage in 2004 and to \$250,000 in 2007 to save on contribution costs. A reserve fund insures that funds are available to cover expenses under the deductible level in the event of a catastrophic year or a year in which multiple, large claims occur that fall within the deductible. The City's audited Property and Liability Fund balance at the end of 2010 was \$3,316,073.

The City has continued to purchase its excess property and liability coverage from CIRSA for several reasons:

- CIRSA has provided competitive quotes for its insurance;
- CIRSA was established by municipalities specifically to provide insurance that meets the unique needs of Colorado cities and towns; and
- Unlike all brokers or private insurance companies, CIRSA does not charge commissions.

The services provided by CIRSA include all claims handling, loss control, administrative services and the following excess coverage:

- Property coverage in excess of \$250,000 to \$500,500,000 (limits shared with all pool members)
- \$1,000,000 per occurrence/aggregate business interruption coverage
- Public Officials Liability coverage from \$250,000 to \$5,000,000 per occurrence and \$10,000,000 aggregate
- Police Professional Liability insurance from \$250,000 to \$5,000,000 per occurrence/aggregate
- Motor vehicle physical damage from \$250,000 to \$1,000,000 per occurrence
- Motor vehicle liability coverage from \$250,000 to \$1,500,000 per claim/occurrence
- General Liability Insurance coverage from \$250,000 to \$5,000,000 per claim/occurrence

Currently, through on-going employee safety training and other loss control practices initiated by the individual departments and the Risk Management Staff, the efforts of the Citywide Safety Committee and the City's effective working relationship with CIRSA claims adjusting staff, Staff continues to improve on the success of the loss control program. As noted earlier, these efforts have been recognized by the improved loss experience factor as well as the loss control credit the City received on the 2012 quote.

The City's loss control activities include:

- Safety inspections of facilities
- Annual Defensive Driving, Risk Management 101, Risk Management for Supervisors and Safety 101 training classes
- Citywide Safety Committee review and analysis of all Workers' Compensation Injury Report forms and automobile accidents involving City vehicles.
- Quarterly review of loss reports with the Department Head team
- The annual snowplow rodeo and training sponsored by the Public Works and Utilities Department
- Safety SPIRIT Awards incentive program

In addition, CIRSA recognizes the financial hardships many of its members are going through and has therefore, once again approved the use of a portion of each member's Equity Account to buy down the contribution for 2012. CIRSA Member Equity Accounts consist of what remains of a member's annual contribution to CIRSA after payment of claims and expenses each year and include interest earned. These funds are held by CIRSA to cover catastrophic claims and/or increases in each member's insured exposures that each member may not be able to fund in any given year. Acceptable Equity Account levels for each member are determined through an actuarial study. Westminster has been approved to use \$21,419 of the City's Member Equity Account toward the 2012 contribution to CIRSA.

The quote for the 2012 property and liability insurance contribution is preliminary at this time. CIRSA members are being asked to approve the contribution and continuation of membership at this time so that CIRSA can calculate final contribution quotes based on all members responses. It is anticipated that final contribution quotes will be distributed in December. To avoid having to return to City Council in the event the final contributions come in higher than this preliminary quote, Staff's recommended action includes a 10% contingency factor of approximately \$43,000 with the total final contribution not to exceed \$472,499. Funds for the requested increase are available in the City's Property and Liability Fund.

The Risk Management program addresses Council's Strategic Plan goals of Financially Sustainable City Government by working to minimize the cost of insurance to the City by maintaining a comprehensive loss control program and monitoring the insurance marketplace to ensure the most cost effective placement of insurance coverage.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager



Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Fleet Maintenance Onsite Parts Store Contract

Prepared By: Jeffery Bowman, Fleet Manager

Recommended City Council Action

Authorize the City Manager to execute a contract with Factory Motor Parts in substantially the same form as the attached draft agreement for a total contract amount of \$235,422 for the operation of an onsite vehicle and equipment parts store at the City's Fleet Maintenance facility.

Summary Statement

- During the preparation of the 2011-2012 Budget it was decided that the City's Fleet Maintenance Division should transition from an in-house parts operation, to a third party onsite parts store.
- Outsourcing the parts function has the potential for reducing staff and vehicle down-time, while increasing staff efficiency through improved parts availability and fewer parts acquisition duties.
- In late 2010, Fleet Maintenance Division staff was reduced by one Senior Maintenance Worker, one Mechanic II and one half-time Secretary. Savings from the Senior Maintenance Worker salary was moved into the parts budget in anticipation of offsetting operating costs for an onsite parts store.
- In early 2011, Staff prepared a Request for Proposals for the operation of an onsite parts store and distributed it to four parts firms qualified to perform this specialized work. Of the two proposals received, Staff believes Factory Motor Parts presented the best proposal and provides the best value to the City.
- Staff recommends awarding the contract to Factory Motor Parts based on their competitive pricing, proposed scope of work, familiarity with the City's vehicle needs and the successful experience of their proposed project team.
- A Factory Motor Parts onsite parts store would eliminate the need to manage parts inventory and would reduce the Staff time required for parts management to a level that matches the Staff reductions already in place.

Expenditure Required: \$235,422

Source of Funds: 2011 and 2012 Fleet Maintenance Fund



Policy Issue

Should the City proceed with the contract with a private vendor to operate an onsite parts store for the Fleet Maintenance Division?

Alternatives

1. The City could choose to award the contract to the other parts firm that submitted a proposal to complete this project. However, Staff reviewed both proposals submitted and determined that Factory Motor Parts provided the most comprehensive and competitive proposal. Additionally, Factory Motor Parts is the provider of original equipment (OE) brands to most dealerships.
2. The City could choose to implement this project at a later date. This option is not recommended as the Fleet Maintenance Staff has been reduced by one Senior Maintenance Worker in anticipation of the transition.

Background Information

As the 2011-2012 Budget was developed in 2010, Staff looked for innovative ways to trim costs and improve customer service. The Fleet Maintenance Mission is to provide safe, reliable transportation, shop and customer services in efficient and cost effective manner. The mission statement and the Core Services review established the backdrop from which Staff reviewed operations. It appeared that Fleet could be better served by bringing a contracted parts operation onsite, essentially running a branch of an outside parts store at the Fleet Maintenance facility. Delivery, inventory, part consistency and cost could all be managed for the Fleet Maintenance Division, by an experienced third party.

The Onsite Parts Store Parts Request for Proposals (RFP) was sent to four parts supply firms on May 18, 2011. All four parts firms were interested and attended the pre-bid conference. Ultimately, only two proposals were received on June 29, 2011. Further presentations were made to Staff allowing for in-depth question and answers. Based on the recommendation by the Staff review panel, Factory Motor Parts was unanimously selected as the parts firm, ranked using the criteria outlined in the Request for Proposals, and listed below:

Evaluation Criteria	Max points per Criteria	Factory Motor Parts (FMP)	Integrated Business Solution (NAPA)	All Truck & Trailer Parts (ATTP)	General Parts INC. CARQUEST	Notes:
Response to specific requirements in RFP, scope, tasks, fee & presentation clarity	100	83	53	No Proposal	No Proposal	8% markup FMP, vs. 10% markup NAPA. NAPA exclusions not clear.
Background & expertise in project scope & complexity	60	34	46	No Proposal	No Proposal	NAPA clearly has more history & experience in this area.
Proposer's reference	40	25	25	No Proposal	No Proposal	Tie
Background experience of each key person on team.	40	31	29	No Proposal	No Proposal	Key personnel were about tied in experience; FMP clearly listened to & responded to questions.
Proposer's ability to purchase stock	40	28	28	No Proposal	No Proposal	Tie

Proposer's billing & Faster interface	40	26	17	No Proposal	No Proposal	No cost to Interface w/FMP. Billing cleaner with FMP.
Proposer's purchasing ability with third party vendors	40	28	22	No Proposal	No Proposal	Few nationwide contracts, but FMP showed on-going efforts. FMP would pickup & Non-stock NO-CHARGE.
	Total Possible: 400 Points	255	220	N/A	N/A	

Actual costs for the two vendors that submitted proposals are as follows:

1. **Factory Motor Parts:** 8% (final price) mark-up on parts, plus \$5,322 monthly fee for staff and operating costs. No cost to pick up or deliver for non-stock parts. No fee for Faster database integration.
2. **Integrated Business Solutions (NAPA):** 10% (11.1% final price) mark-up on parts, plus \$5,820 (estimated) monthly fee, but will be billed at actual monthly cost. Additional fees to pick up or deliver non-stock parts. Additional fee for Faster integration, or would use manual entry of information.

Based on a thorough review of these proposals, Staff is recommending that the City contract with Factory Motor Parts for onsite parts services. Factory Motor Parts is the largest after-market parts distributor of General Motors and Ford parts, original equipment branded; AC Delco; and Motorcraft. The City of Westminster's light duty Fleet is primarily General Motors and to a lesser extent, Ford.

Factory Motor Parts is a nationwide company that "channels" original equipment parts to dealerships and government agencies. Rather than maintaining retail stores, Factory Motor Parts is focused on fleets similar to that operated by the City. In business since 1945, Factory Motor Parts began working directly with governments and commercial customers 10 years ago, after developing relationships with Chrysler, Ford and General Motors. With over 80 distribution centers throughout the United States, with an excess of \$190 million in inventory, Factory Motor Parts is positioned to supply original equipment parts at competitive costs.

The service to the City of Westminster Fleet Maintenance Division would be coordinated from offices and warehouse located in Denver at 12330 E. 46th Avenue. The 45,000 square foot location contains \$7.5 million in on-hand inventory. This location moves \$32 million of inventory annually, while Factory Motor Parts sales are in excess of \$700 million annually.

At the time the Request for Proposal was submitted, Fleet Maintenance had \$173,411.68 of on-hand inventory. Because this dollar value changes daily, Fleet Maintenance intends to transition from City of Westminster ownership of parts to Factory Motor Parts ownership of parts with the assistance of the City Auditor. The actual transition period is expected to take eight weeks to establish a third party presence on site. Once established, Factory Motor Parts and Fleet Maintenance plan a managed transition of current inventory rather than a cash buy-out of existing inventory. This managed transition will include issuing current inventory parts at no-charge over a two year period. At the end of two years, Factory Motor Parts proposes to work with the Fleet Maintenance Division to move remaining and possible obsolete parts back to original vendors for credit.

Because all vehicle part costs are accounted for through Fleet Maintenance Division's Faster software database, Factory Motor Parts is working directly with Faster Asset Solutions to write a program that downloads parts transactions into the City's system. The City's Information Technology Department was involved in the selection of Factory Motor Parts and has approved the electronic parts tracking process being proposed. Ultimately, Factory Motor Parts will issue a part through their tracking system, and the part will automatically will be received into Fleet Maintenance Division's Faster database. Monthly reconciliation will allow scrutiny of costs, with additional oversight occurring daily. Fleet Maintenance Division will track on-hand parts, 1-hour delivery parts and 1-day delivery parts for vendor reliability and will help establish minimum stocking levels. Fleet Maintenance will be billed for the onsite parts person, provided by Factory Motor Parts and will pay mark-up above cost.

The recommended Council action will approve the execution of an agreement that is materially the same as the attached draft contract. City Staff is currently working with Factory Motor Parts to finalize the contract details including the exhibit related to the job duties of the person who will staff the onsite parts store.

Executing this contract helps achieve two of the City Council's Strategic Plan goals: achieving a "Financially Sustainable City Government" by allowing Staff of the Fleet Maintenance Division to focus on the Core Service of vehicle maintenance and repair, and by achieving a "Safe and Secure Community" by providing the highest quality parts to emergency and all vehicles, in a timely manner.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachment – Draft Contract

ONSITE PARTS STORE AGREEMENT

This AGREEMENT made this _____ day of _____, 2011, by and between the **CITY OF WESTMINSTER**, a municipal corporation of the State of Colorado (“City”) and **ELLIOT AUTO SUPPLY COMPANY, INC., d/b/a FACTORY MOTOR PARTS OF COLORADO CORPORATION**, a Minnesota corporation (the “Onsite Parts Store”).

WHEREAS, the City desires to adopt an integrated solution to obtaining all necessary parts and services to manage and operate an onsite parts store, which store will be fully responsible for providing parts and maintenance to City vehicles; and

WHEREAS, the Onsite Parts Store is willing and able to provide such services pursuant to the terms and conditions of this Agreement, including any attachments, appendices, exhibits and addendums that may be incorporated into and make a part thereof.

NOW, THEREFORE, the City and Onsite Parts Store agree as follows:

In consideration of the payments hereinafter provided for, the keeping and performance of the covenants and agreements by the Onsite Parts Store hereinafter set forth, the City hereby grants to said Onsite Parts Store the right to operate a parts store at 6405 W. 88th Street, Westminster, CO 80031 located in the County of Jefferson, City of Westminster, State of Colorado (the “Onsite Parts Store Location”). The Onsite Parts Store has reviewed the inventory and other materials relating to the Onsite Parts Store, has had access to and has negotiated with various City officials, has visited and inspected the Onsite Parts Store Location and the supplies contained therein, and accepts the terms and conditions of this Agreement.

1. Definitions.

The following terms, as used in this Agreement, are defined as follows:

- (a) “City” means the City of Westminster, Colorado.
- (b) “Director” means the Deputy City Manager of the City of Westminster.
- (c) “Fleet Maintenance Division” means the City’s vehicle and equipment maintenance division.
- (d) “Fleet Manager” means the Fleet Manager of the City of Westminster, Colorado, or designee.
- (e) “Onsite Parts Store” means the entity shown above to which the City has granted the right to occupy and operate Onsite Parts Store Location, subject to the terms and conditions herein. This term also includes the agents, employees, or assignees of said Onsite Parts Store.
- (f) “Lowest Landed On-Site Cost” means Onsite Parts Store actual cost, including internal administrative and operational costs, procurement cost, inventory cost, storage cost, management cost, and transportation cost, incurred in providing required merchandise from Onsite Parts Store’s internal distribution system to the City.

2. PURPOSE.

(a) It is the intent of this Agreement to provide for a complete vehicle supply and parts store operation covered by this Agreement, with only such exceptions and limitations as may be specifically noted herein.

(b) In interpreting this Agreement, words describing materials or work that have a well-known technical or trade meaning, unless otherwise specifically defined, shall be construed in accordance with such well-known meaning recognized by the trade.

3. TERM OF AGREEMENT: RENEWAL.

(a) Subject to annual appropriations by the City, the term of this Agreement shall be from October 1, 2011, through September 30, 2013. The Agreement may be renewed for a subsequent three (3) year term, each year of which term would be subject to annual appropriations by the City.

(b) The City shall give written notice to Onsite Parts Store on or before September 1, 2012, of its intent to renew this Agreement for a subsequent three (3) year term (the "Renewal Period") or of its intent to allow this Agreement to terminate. On or before September 20, 2012, the Onsite Parts Store shall give written notice to the City of its desire to accept the Renewal Period or to allow this Agreement to terminate. Termination of the initial term will occur on September 30, 2013, and the Renewal Period will begin on October 1, 2013, provided that the parties reach agreement as provided below.

(c) The Renewal Period shall be subject to the discretion of the City and the City's determination of satisfactory performance by the Onsite Parts Store of the terms and conditions of this Agreement, as well as mutual agreement between the parties regarding the compensation to be paid during the Renewal Period.

(i) Final negotiations on the Renewal Period, resulting in a final written agreement for the Renewal Period, shall occur on or before September 30, 2012. If the parties are unable to mutually agree upon the compensation to be paid under Paragraph 16 of this Agreement during the Renewal Period on or before September 30, 2012, then the City shall have the right to immediately request proposals for a new Onsite Parts Store for service beginning on October 1, 2013, unless this Agreement is terminated earlier.

(ii) Onsite Parts Store agrees to cap increases in compensation for the Renewal Period pursuant to Paragraph 16 of this Agreement.

4. SCOPE OF WORK.

(a) The scope of work to be performed under this Agreement is as described in **Exhibit A**, attached hereto and incorporated herein (the "Scope of Work"), under such standards of operation as will assure prompt, effective and efficient service of the City fleet vehicles. In addition, the Onsite Parts Store shall comply with all guidelines and standards that are contained in **Exhibit B**, attached hereto and incorporated herein (the "Guidelines/Standards of Work").

(b) The privilege granted by this Agreement shall be an exclusive right to provide personnel, management, supervision of personnel and all parts and supplies necessary to run an efficient and effective onsite parts operation that covers all hours of operation provided by the City's fleet maintenance facility. However, the City reserves the right to conduct or operate other vehicle or maintenance repair activities that do not compete with the Onsite Parts Store. Any rights not specifically granted to the Onsite Parts Store herein are retained by the City.

5. USE OF PARTS STORE.

(a) Onsite Parts Store shall have the right to possession of the Onsite Parts Store only for the purposes set forth in the Scope of Work (Exhibit A) and subject to the Guidelines/Standards of Work (Exhibit B). Onsite Parts Store shall not use or permit the use of the Onsite Parts Store for any purpose that is prohibited by any law or regulation of the State of Colorado or the City of Westminster.

(b) City hereby grants Onsite Parts Store a non-exclusive and limited license to use of the City's logos, copyrights, trademarks for use on t-shirts and uniforms worn by employees of the Onsite Parts Store and for any other reasonable use in connection with operation of the Onsite Parts Store. The use of such logos, copyrights, trademarks and trade names will be in proper manner including use of any design or symbol as may be required by the City. The City retains the right to review and approve any and all uses of City logos, copyrights, trademarks, and trade names used by Onsite Parts Store in connection with the operation of the Onsite Parts Store. Onsite Parts Store warrants that any use of logos, copyrights and trademarks, and used in connection with operation of the Onsite Parts Store will be done without violation of any rights therein.

6. RESTRICTIONS ON USE OF ONSITE PARTS STORE.

Onsite Parts Store shall not:

(a) Permit any unlawful practice to be carried on or committed in the Onsite Parts Store;

(b) Make any use or allow the Onsite Parts Store to be used in any manner or for any purpose that might invalidate or increase the rate of insurance on any policy maintained by the City; including storage or use or permitting to be kept or used in the Onsite Parts Store any flammable fluids, toxic materials, or substances of any nature reasonably deemed dangerous by the City or the City's insurance carriers without obtaining prior written consent of the City, except for small quantities of cleaning products incidental to their permitted uses described in this Agreement and except for the materials and quantities identified in **Exhibit C**, which is attached hereto and incorporated herein by this reference;

(c) Permit any odors to emanate from the Onsite Parts Store in violation of any local, state, or federal law;

(d) Use any portion of the Onsite Parts Store for purposes other than as is necessary and required for the use specified in this Agreement;

(e) Permit tobacco products to be used by any person in, on, or at the Onsite Parts Store, which location has been designated in whole as "smoke free" by the City; or

7. IMPROVEMENTS.

The City retains the right to modify or alter the Onsite Parts Store at any time and in any manner with forty-five (45) days written notice to the Onsite Parts Store. Onsite Parts Store shall make no improvements or alterations to the Onsite Parts Store without prior written approval by the City; provided however, that Onsite Parts Store may make corrections necessary to prevent imminent injury to persons or property.

8. MAINTENANCE.

All maintenance and repairs to the Onsite Parts Store including plumbing, water lines, sewer lines

and City-owned equipment shall be the responsibility of the City; provided, however, that any maintenance and repairs, regardless of cost, necessitated by the gross negligence or intentional acts of the Onsite Parts Store shall be the sole responsibility of the Onsite Parts Store. Onsite Parts Store and the City shall together conduct a thorough examination of the Onsite Parts Store location to identify and agree upon any maintenance or repairs that need to be conducted prior to Onsite Parts Store taking possession of the Onsite Parts Store Location. Therefore, during the term of this Agreement, and any Renewal Period, the Onsite Parts Store agrees that, if requested in writing by the City forty-five (45) days in advance of the scheduled closing, the Onsite Parts Store may be closed for a reasonable period of time for the City to conduct all necessary work. In the event of the Onsite Parts Store being closed by the City to conduct necessary work, the City shall make reasonable considerations for the care and security of Onsite Parts Store assets contained within.

9. EQUIPMENT.

(a) The Onsite Parts Store shall furnish a computer with software, monitor and printer. The system shall interact, at Onsite Parts Store's sole expense, with FFMS database to issue parts. Onsite Parts Store shall also furnish to the Onsite Parts Store Location the items listed in the attached **Exhibit D**.

(b) The City will furnish equipment, furniture, fixtures, and personal property, as set out in **Exhibit E** attached hereto and incorporated herein by this reference, which items shall remain the property of the City. Onsite Parts Store shall be responsible for proper cleaning of all City-owned equipment, furniture, fixtures, and personal property set out in Exhibit E during the term of this Agreement, which items shall be kept in proper repair and working order, and be in good and serviceable condition at the termination of this Agreement, except for normal wear and tear. The City shall be responsible for maintenance and replacement of its equipment, furniture, fixtures, and personal property when the City deems such replacement is necessary; provided however, if replacement is necessary due to negligence of Onsite Parts Store, Onsite Parts Store shall bear the cost of replacement. Any and all requests for repairs or contract maintenance of City-owned equipment shall require approval of the Fleet Manager prior to any service contractors being notified.

(c) Computers and software provided by the Onsite Parts Store and all items listed in Exhibit D shall remain the sole property of the Onsite Parts Store during the term of this Agreement and upon termination or completion of the Agreement.

10. INVENTORY OF PARTS.

(a) Onsite Parts Store shall assume responsibility for and control of the City's existing parts inventory, as shown on attached **Exhibit F**, and shall issue said parts, as needed, at no cost to the City until such time as the City's existing inventory is depleted. Onsite Parts Store shall sell no item to the City when, in the Fleet Manager's determination, an equal item is available as part of the City's existing inventory.

(b) Onsite Parts Store shall make a good faith effort to obtain some value to the City for any item within the City's existing inventory that is determined, by agreement of the parties, to be obsolete.

(c) At any time upon City's request, Onsite Parts Store shall cooperate with the City's Auditor to provide access to and records of the City's parts inventory.

(d) Upon termination or completion of this Agreement, Onsite Parts Store shall provide to the City at no charge and in the electronic format specified by the City all requested inventory data, and Onsite Parts Store shall provide at no charge and in the electronic format specified by the City a current inventory data and a history of inventory transactions over the life of the Agreement.

(e) Upon termination or completion of this Agreement, Onsite Parts Store shall provide an inventory of items on hand at either the Onsite Pparts Store Location or other locations that have been purchased or acquired from suppliers and are, upon agreement of the parties, considered to be items not within the normal product offerings of Onsite Parts Store of aftermarket automotive parts. The City shall purchase these items from Onsite Parts Store at an agreed upon sale price.

(f) Upon termination or completion of this Agreement, the City shall allow Onsite Parts Store reasonable accommodation to remove inventory and assets contained in the Onsite Parts Store location.

11. UTILITIES AND SUPPLIES.

(a) The City shall provide for the delivery of water, sewer, , electricity, and gas to the Onsite Parts Store.

(b) Onsite Parts Store shall provide for an internet and telephone connection to the Onsite Parts Store at its expense.

12. OTHER OPERATIONS AND ACTIVITIES.

The Onsite Parts Store shall operate the Onsite Parts Store pursuant to this Agreement and without infringement upon the rights of others, or any interference in the operation of the Municipal Service Center, in general, or any facilities adjacent thereto. The Onsite Parts Store shall not engage in any business to sell any commodity upon, in, or around the Onsite Parts Store other than as expressly permitted by this Agreement.

13. HOURS OF OPERATION.

(a) The Onsite Parts Store will be open for business 7:00 a.m. to 4:00 p.m., Monday through Friday. The Onsite Parts Store shall provide parts and service during all hours that the Fleet Division is in operation. Overtime operation of the Onsite parts Store shall be authorized by the City and shall be billed to the City as incurred at the pay rates mandated by federal law in addition to the agreed upon monthly budget and billing schedule for services provided.

(b) During snow emergencies or other emergency operations, the Onsite Parts Store may need to be opened and operating for an indefinite period, until determination by the Fleet Manager that operations return to the normal business hours, in which case overtime operation authorized by the City shall be billed to the City as incurred at the pay rates mandated by federal law in addition to the agreed upon monthly billing schedule for services provided

(c) Ongoing problems with late openings may result in the termination of this Agreement.

(d) Onsite Parts Store's hours of operation and level of service may be adjusted by the mutual agreement of the Onsite Parts Store and the Fleet Manager. Changes to the hours of operation or scope of work may be subject to revisions in the monthly budget and billing schedule for services provided

14. PERMITS AND LICENSES.

The Onsite Parts Store shall procure, supply, and post, at its own expense, in places to be designated by the City, all permits and licenses necessary for the operation of the Onsite Parts Store and shall pay, at its own expense, all taxes assessed or levied against its business and merchandise.

15. AUTHORITY OF FLEET MANAGER

(a) The Fleet Manager shall interpret and apply the Guidelines/Standards of Work (Exhibit B). The Fleet Manager shall decide all questions that may arise as to the Onsite Parts Store's fulfillment of such Guidelines/Standards of Work. The Fleet Manager may revise such Guidelines/Standards of Work from time to time with thirty (30) days written notice to the Onsite Parts Store. In the event the Onsite Parts Store disagrees with a decision of the Fleet Manager, Onsite Parts Store shall have the right to appeal the decision to the Director, provided such appeal is in writing and filed with the Director within ten (10) days after the Onsite Parts Store's receipt of the Fleet Manager's written decision. The Director shall make a determination within twenty (20) days after his receipt of the appeal. The decision of the Director shall be in writing and shall be sent to each party at the addresses set out in Section 30(a) of this Agreement. The decision of the Director shall be final.

(b) The Onsite Parts Store standards of operation must be approved by the Fleet Manager in accordance with the Guidelines/Standards of Work set forth in Exhibit B.

(c) If the service being performed by the Onsite Parts Store does not meet the Guidelines/Standards of Work or the requirements of this Agreement the Fleet Manager shall immediately notify the Onsite Parts Store, and the failure shall be deemed a default.

16. ACCESS FOR INSPECTION AND EMERGENCIES.

Onsite Parts Store shall provide limited access to the Fleet Manager or his designee at reasonable times for the purpose of inspecting the same and for the purpose of issuing parts as needed in emergency situations. Any entry onto or inspection of the Onsite Parts Store by the City pursuant to this section shall not constitute interference with the operations of the Onsite Parts Store and no abatement of any payments due under this Agreement shall be allowed so long as the scope and length of the entry is reasonable and so long as the Fleet Manager or his designee properly accounts for items issued out of Onsite Parts Store's stock.

17. COMPENSATION.

(a) Product Costs. Parts found within the typical inventory of Onsite Parts Store shall be invoiced to the City at the Lowest Landed On-Site Cost plus eight percent (8%). Onsite Parts Store's list of typical inventory shall be available to the City upon request. Outside buy items (items not found within Onsite Parts Store's typical inventory) shall be invoiced to the City at Onsite Parts Store's actual cost to obtain the item and deliver it to the City plus eight percent (8%). Documentation of Onsite Parts Store's actual cost to obtain and deliver to the City outside buy items shall be available to the City upon request.

(b) Onsite Operational Costs. Operational Costs invoiced to the City shall include, on an annual basis, the cost of staffing and operating the Onsite Parts Store. For the first year of this Agreement, from October 1, 2011, until September 30, 2012, said cost shall be **Sixty Three Thousand Eight Hundred Fifty Five Dollars (\$63,855.00)**, allocated as follows to the payroll and benefit costs for one full-time employee and to related general and administrative expenses. Annual Onsite Operation Costs for the first year of this Agreement shall be payable at a rate of Five Thousand Three Hundred Twenty Two Dollars (\$5,322.00) per month:

- (i) Payroll - \$37,440.00
- (ii) Benefits - \$10,858.00
- (iii) General & Administrative Expenses - \$13,958.00

(c) *Insert method for determining compensation for 2nd year under this Agreement (October 1, 2012 through September 30, 2013).*

(d) *Insert cap on compensation for each year within the Renewal Period.*

(e) Compensation under this Agreement is due and payable in full within thirty (30) days of City's receipt of invoice from Onsite Parts Store unless the City has contested an invoice according to the process defined below.

(f) *Define mechanism for resolution of invoicing disputes.*

(g) Books and Records. Onsite Parts Store and each licensee or employee of Onsite Parts Store shall keep a permanent, accurate set of records of all transactions occurring in the Onsite Parts Store, including all point-of-sale records, tapes, and printouts; sales reports and ledgers; files; computer records and disks; cash register tapes, sales slips, order records, and invoices; copies of all tax returns filed with any governmental authority that reflect in any manner sales, income, or revenue generated in connection with the Onsite Parts Store, as may be reasonably required in order to ascertain, document, or substantiate gross sales. All such records shall be retained for at least three (3) years after the end of the calendar year to which they relate.

(h) Accounting Controls and Procedures. The City shall have the right at any time, and from time to time, to review and approve the internal accounting controls and procedures utilized in connection with, or that are designed for, the operation of the Onsite Parts Store.

18. OTHER PAYMENT OBLIGATIONS.

The Onsite Parts Store shall promptly pay all taxes and fees of whatever nature, applicable to the operation of the Onsite Parts Store, and shall maintain all licenses, municipal, state or federal, required for the conduct of business, and shall not permit any of said taxes or fees to become delinquent. The Onsite Parts Store shall furnish to the City, upon request, duplicate receipts or other satisfactory evidence showing the prompt payment of the social security, unemployment compensation and all taxes and fees referenced above. The Onsite Parts Store shall pay promptly when due all bills, debts, and obligations, included, but not limited to, its portion of charges for water, sewer, gas, and electricity as set out herein, as well as all charges for telephone service, refuse collection, and all other costs and expenses related to the operation of the Onsite Parts Store, and shall not permit the same to become delinquent or suffer any lien, mortgage, judgment, execution, or adjudication in bankruptcy which will in any way impair the rights of the City under this Agreement. All such costs and expenses of the Onsite Parts Store are to be borne by the Onsite Parts Store.

19. INDEMNIFICATION.

The Onsite Parts Store agrees to indemnify and hold harmless the City of Westminster, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of Onsite Parts Store's operation of the Onsite Parts Store, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the act, omission, error, professional error, mistake, gross negligence, or other fault of the Onsite Parts Store, any subcontractor of the Onsite Parts Store, any subcontractor of the Onsite Parts Store for whom Onsite Parts Store is liable, or any officer, director, shareholder, member, employee, representative, or agent of the Onsite Parts Store, or which arise out of any workers' compensation claim of any employee of the Onsite

Parts Store or of any employee of any subcontractor of the Onsite Parts Store. The Onsite Parts Store agrees to investigate, respond to, and to provide defense for and defend against any such liability, claims or demands at the sole expense of the Onsite Parts Store, and agrees to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims, or demands alleged are groundless, false, or fraudulent.

20. ATTORNEYS FEES.

If any action is brought for breach of this Agreement, or for the recovery of the possession of the Onsite Parts Store, or otherwise, the prevailing party shall be entitled to recover from the other party, as part of prevailing party's costs, reasonable attorneys' fees, the amount of which shall be fixed by the court and shall be made a part of any judgment.

21. INSURANCE.

(a) Onsite Parts Store shall procure and continuously maintain at its own expense the minimum insurance coverages listed below, with forms and insurers acceptable to the City. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

(i) Commercial General Liability Insurance with combined single limit of \$3,000,000 per occurrence. This policy must include Contractor Liability; Products Liability; Broad Form Property Damage including, but not limited to, coverage for any damage to any City personal or real property due to fire or water related to Onsite Parts Store's operations pursuant to this Agreement; and Personal Injury;

(ii) Owned, hired, and non-owned automobile liability coverage with \$600,000 limit;

(iii) Statutory workers' compensation on all employees;

(iv) All risk insurance for full insurable replacement value of City-owned equipment and personal property.

(b) The required insurance policies shall be endorsed to include the City of Westminster as an additional insured as its interests may appear under this Agreement. Every policy required above shall be primary insurance, and any insurance carried by the City, its elected officials, officers, employees, or others working on behalf of the City, or carried by or provided through any self-insurance pool of the City, shall be excess and not contributory insurance to that provided by Onsite Parts Store. Each party to this Agreement agrees to waive subrogation on respective property insurance.

(c) The Certificate of Insurance provided to the City shall be completed by Onsite Parts Store's insurance agent as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be reviewed and approved by the City prior to the commencement of the Agreement. The certificate shall identify this Agreement and shall provide the coverages afforded under the policies shall not be canceled, terminated or materially changed until at least thirty (30) days prior written notice has been given to the City. Certificates of insurance shall be marked to identify this Agreement and shall be sent to:

Jeff Bowman
Fleet Maintenance Division
City of Westminster

6405 W. 88th Avenue
Westminster, Colorado 80031

A certified copy of any policy required herein shall be provided to the City upon its request.

(d) It shall be an affirmative obligation of the Onsite Parts Store to provide written notice to the City within two days of the cancellation of or substantive change to any of the insurance policies required herein and failure to do so shall constitute a breach of this Agreement.

(e) The parties hereto understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this Agreement, the monetary limitation (presently \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101, *et. seq.*, C.R.S., as from time to time amended, or otherwise available to the City of Westminster, its elected officials, officers, or employees.

22. NON-DISCRIMINATION.

(a) The Onsite Parts Store will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, disability, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Onsite Parts Store agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government setting forth the provisions of the Equal Opportunity Laws.

(b) Onsite Parts Store shall not discriminate against any customer, guest, golf patron, employee or visitor because of race, color, religion, age, sex, disability, or national origin and shall treat all persons with dignity and respect. Failure to comply with this paragraph shall be an event of default.

23. TERMINATION.

(a) This Agreement may be terminated, the Onsite Parts Store may be entitled to payment hereunder, and the Onsite Parts Store may be entitled to quit all or any part of the Onsite Parts Store or be released from any obligations hereunder upon thirty (30) days prior written notice for the following reasons:

(i) Damage to all or a substantial part of the Onsite Parts Store Location not caused by Onsite Parts Store;

(ii) Non-payment within the agreed upon payment terms by the City to Onsite Parts Store for products provided and services rendered;

(ii) Condemnation or other taking of all or a substantial part of the Onsite Parts Store Location;

(iii) Any limitation or prevention of, or any interference with, any use or possession of all or a substantial part of the Onsite Parts Store by the City;

(iv) Force majeure causing an inability to perform, due to factors beyond Onsite Parts Store's control such as acts of God, flood, war, riot, fire, explosion, strikes, or acts of government which last for a period greater than ninety (90) days;

(v) Any final order or judgment by any court, administrative agency or other governmental authority requiring such, or

(vi) Any material breach by the City as provided herein.

(b) This Agreement may be terminated by the City upon thirty days notice if any of the following occurs:

(i) ANY MATERIAL BREACH OF THE TERMS AND CONDITIONS OF THIS AGREEMENT, INCLUDING – BUT NOT LIMITED TO – A BREACH OF THE GUIDELINES/STANDARDS OF WORK ATTACHED HERETO AS EXHIBIT B.

(ii) Onsite Parts Store, while in possession of the Onsite Parts Store Location, files a petition for bankruptcy or insolvency or for reorganization under the Bankruptcy Act, or voluntarily takes advantage of such Act by answer or otherwise, or makes an assignment for the benefit of creditors;

(iii) If proceedings are instituted against Onsite Parts Store under any bankruptcy or insolvency law or if a receiver or trustee is appointed for all or substantially all of Onsite Parts Store's property, and such proceedings or receivership or trusteeship are not vacated or dismissed within thirty days after such institution or appointment.

(iv) The City may, as the non-breaching party, enter the Onsite Parts Store, remove any personal property, and store such property in a public warehouse or elsewhere at the cost of Onsite Parts Store.

24. DELIVERY AFTER TERMINATION.

Onsite Parts Store will deliver the Onsite Parts Store Location and all City-owned equipment thereon to the City at the termination of this Agreement in as good condition and state of repair as when received, except for ordinary wear and tear, or loss and damage not otherwise caused by Onsite Parts Store.

25. CUMULATIVE RIGHTS.

No right or remedy is intended to be exclusive of any other right or remedy and each and every right and remedy shall be cumulative and in addition to any other right or remedy given hereunder or now or hereafter existing at law or in equity. The failure of either party to insist at any time upon the strict performance of any covenant or to exercise any right contained in this Agreement shall not be construed as a future waiver. Neither party shall be deemed to have made any waiver of this or any provision of this Agreement unless expressed in writing and signed by such party.

26. VENUE AND GOVERNING LAW.

Venue for any and all legal action regarding this Agreement shall lie in the District Court of Jefferson County, Colorado, and this Agreement shall be governed by the laws of the State of Colorado, and the Charter and Municipal Code of the City of Westminster. Onsite Parts Store agrees that if personal service on Onsite Parts Store cannot be reasonably accomplished, any and all notices, pleadings, and process may be made by serving two (2) copies of the same upon the Colorado Secretary of State, State Capitol, Denver, Colorado, and by mailing by return mail an additional copy of the same to Onsite Parts Store at the address shown in Section 30 herein; that said service shall be considered as valid personal

service and judgment may be taken if, within the time prescribed by Colorado law or Rules of Civil Procedure, appearance, pleading, or answer is not made.

27. INDEPENDENT CONTRACTOR.

For the purposes of defining Onsite Parts Store's relationship with City, it is understood and agreed that the Onsite Parts Store is an independent contractor and nothing herein contained shall constitute or designate the Onsite Parts Store or any of its employees or agents as agents or employees of the City, nor shall Onsite Parts Store be deemed to be engaged in a partnership or joint venture with the City. The Onsite Parts Store understands and agrees that Onsite Parts Store is not entitled to nor shall receive any City benefits, including vacation, worker's compensation, sick pay or any other benefits from City. In addition, the parties agree that the Onsite Parts Store is an independent contractor and not the agent, employee or servant of the City, and that:

(a) ONSITE PARTS STORE SHALL SATISFY ALL TAX AND OTHER GOVERNMENTALLY IMPOSED RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, PAYMENT OF STATE, FEDERAL AND SOCIAL SECURITY TAXES, UNEMPLOYMENT TAXES, WORKERS' COMPENSATION AND SELF-EMPLOYMENT TAXES. NO FEDERAL, STATE OR LOCAL TAXES OF ANY KIND SHALL BE WITHHELD OR PAID BY THE CITY.

(b) ONSITE PARTS STORE IS NOT ENTITLED TO UNEMPLOYMENT INSURANCE BENEFITS OR WORKERS' COMPENSATION BENEFITS UNLESS SUCH COVERAGES ARE PROVIDED BY THE ONSITE PARTS STORE.

(c) Onsite Parts Store does not have the authority to act for the City, or to bind the City in any respect whatsoever, or to incur any debts or liabilities in the name of or on behalf of the City;

(d) Onsite Parts Store has and hereby retains control of and supervision over the performance of Onsite Parts Store's obligations hereunder and control over any persons employed by Onsite Parts Store for performing the services under this Agreement;

(e) The City will not provide training or instruction to Onsite Parts Store or any of its employees regarding the performance of services under this Agreement;

(f) Neither Onsite Parts Store, nor its employees, will receive benefits of any type from the City;

(g) Onsite Parts Store represents that it is engaged in providing similar services to the general public and is not required to work exclusively for the City;

(h) All services required by this Agreement are to be performed solely at the risk of Onsite Parts Store and Onsite Parts Store shall take all precautions necessary for the proper and sole performance thereof; and

(i) Onsite Parts Store will not combine its business operations in any way with the City's business operations and each party shall maintain its business operations as separate and distinct.

28. ASSIGNMENT.

Neither Onsite Parts Store, nor Onsite Parts Store's successors or assigns, shall assign this Agreement, in whole or in part, nor shall this Agreement be assigned or transferred by operation of law,

or otherwise, without the prior consent in writing of the City in each instance. The sale or transfer of a controlling interest, or any interest in excess of fifty percent (50%) of the capital shares of Onsite Parts Store or its assigns, or any merger which affects a similar transfer of a controlling interest in Onsite Parts Store or its assigns, shall be deemed to be an assignment of this Agreement. If this Agreement is assigned or transferred, or the Onsite Parts Store is occupied by anyone other than the Onsite Parts Store without the City's prior written consent the party originally constituting the Onsite Parts Store under this Agreement shall continue liable under this Agreement in accordance with all the agreements, terms, covenants, and conditions of this Agreement. The consent by the City to an assignment or transfer shall not in any way be construed to relieve Onsite Parts Store from obtaining the express consent in writing of the City to any further assignment or transfer.

29. NOTICES.

(a) All notices, demands and communications hereunder shall be personally served or given by certified or registered mail or via trackable overnight courier, and

(i) If intended for City, shall be addressed to City at:

City of Westminster
Attn: Jeff Bowman
General Services
6405 W. 88th Avenue
Westminster, Colorado 80031

With a copy to:

City Attorney
City of Westminster
4800 W. 92nd Avenue
Westminster, Colorado 80031

(ii) If intended for Onsite Parts Store, shall be addressed to:

Factory Motor Parts
Attention: Jeff Hansen, Director, Fleet Channel
1380 Corporate Center Curve, Suite 200
Eagan, MN 55121
(651) 405-7816

(b) Any notice given by mail shall be deemed delivered when sent by certified mail or via trackable overnight courier, addressed as above, with postage prepaid, or when served personally at the applicable address.

30. ENTIRE AGREEMENT.

This is the entire agreement between the parties and there are no other terms, obligations, covenants, representations, statements, or conditions, oral or written, of any kind whatsoever. Any agreement hereafter made shall be ineffective to change, modify, discharge or effect an abandonment of this writing.

31. SEVERABILITY.

If any clause or provision of this Agreement is illegal, invalid or unenforceable under present or future laws effective during the term of this Agreement, then and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby. It is also the intention of the parties to this Agreement that in lieu of each clause or provision of this Agreement that is illegal, invalid or unenforceable, there be added as part of this Agreement a clause or provision as similar in terms to such illegal, invalid, or unenforceable clause or provision as may be possible and be legal, valid, and enforceable.

32. NATURE OF CITY'S OBLIGATIONS.

Nothing in this Agreement shall be construed or deemed as creating a multiple-year fiscal obligation of the City. All obligations of the City pursuant to this Agreement are subject to prior annual appropriation by the City Council.

33. CONTINGENCY

This Agreement is expressly contingent upon the approval of the City of Westminster's City Council of all of the terms set forth herein. In the event this Agreement is not approved in its entirety by City Council, neither Party shall be bound to the terms of this Agreement.

REMAINDER OF PAGE INTENTIONALLY BLANK.
SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

**ELLIOT AUTO SUPPLY COMPANY, INC.,
d/b/a FACTORY MOTOR PARTS COLORADO
CORPORATION**

CITY OF WESTMINSTER

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Attest: _____
Secretary

Attest: _____
City Clerk

(Corporate Seal,
if applicable)

(Seal)

Approved as to legal form:

City Attorney

I certify that either an appropriation has been made by the City Council or that sufficient funds have otherwise been made available for the payment of this Construction Contract.

City Manager

Account No. _____

**EXHIBITS A – F
TO ONSITE PARTS STORE AGREEMENT**

- A. Scope of Work
- B. Guidelines / Standards of Work
- C. List of Permitted Materials for Storage
- D. Equipment that Onsite Parts Store will Provide
- E. Equipment that the City will Provide
- F. City's Existing Parts Inventory



Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: 2011 Wastewater Collection System - Point Repairs Contract

Prepared By: Phil Jones, Utilities Operation Manager
Robert L. Booze, Distribution and Collection Superintendent

Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder, Levi Contractors, Inc., in the amount of \$90,600 to complete wastewater collection system repairs, and authorize a 10% contingency budget of \$9,060.

Summary Statement

- This project includes the open cut excavation of eight sanitary sewer mains that have been found to have significant holes, bellies, or cracks/fractures in the pipe and five manhole installations and five manhole repairs. The contractor will be responsible to remove asphalt, excavate, repair, backfill and replace asphalt on each excavation.
- Formal bids were issued and a bid opening took place on September 7, 2011. Three contractors bid on this project. The lowest responsible bid was submitted by Levi Contractors, Inc. This contractor has been utilized by the City in the past and has provided a satisfactory work product.
- Adequate funds are budgeted for this expenditure in the 2011 Utility Operations Budget.
- In addition to the contract and contingency amounts, there will also be Street Cut Impact Fees that will cost approximately \$11,724. This expense is paid by any person or entity that cuts City streets, including utilities operating to compensate the City due to the impact of long term damage caused by street cuts. These fees are not part of the construction contract and are a separate expense associated with this project.

Expenditure Required: \$99,660

Source of Funds: Utility Fund – Utilities Operations Division Operating Budget



Policy Issue

Should the City accept the bid submitted by Levi Contractors, Inc., to complete the needed sewer line rehabilitation project for point repairs as specified in the contract documents?

Alternative

Council could choose to delay this sanitary sewer line rehabilitation project. This is not recommended as this may lead to additional sewer line failures and damages that may occur due to line collapse.

Background Information

The 2011 Wastewater Collection System Improvement Project includes the open cut excavation of eight sanitary sewer mains that have been found to have either significant holes, bellies, or cracks/fractures in the pipe, along with five new manhole installations and repairs to five manholes. The contractor will be responsible to remove asphalt, excavate, repair, backfill and replace asphalt on each excavation. These point repairs were identified as priorities through the annual wastewater collection system maintenance program that includes the televised inspection and condition rating of sanitary sewer lines throughout the City. The defects in these lines are so severe that trenchless lining alone will not provide a suitable repair. Most of the sewer lines involved in this work will be scheduled for trenchless lining after the repairs have been made.

These “point repairs” include the total length of the sewer pipe up to ten feet in length and up to thirteen feet in depth. The pipe sizes include six and eight inch diameter pipe. Defects in the sewer line can eventually cause the sewer’s structural support to fail and can cause a total line collapse. The selected sewer lines related to this project were identified as a priority for repair due to the severity of the defect found in relation to the specific section of sewer line. The contractor will commence work in early October, 2011, and will complete this project by November 18, 2011.

The project work will take place in a variety of locations throughout the City. Attached is a listing of addresses/locations of the areas to be completed, along with a map that illustrates these locations.

The 2011 Wastewater Collection System Project was advertised for notice and bids were accepted until Wednesday, September 7, 2011 at 2:30, when the project bid opening took place. The City has utilized the services of Levi Contractors, Inc. in the past and has been satisfied with the quality of their work.

The results of the submitted bids are as follows:

Levi Contractors Inc.	\$90,600
Northern Colorado Construction	\$144,772
Angler Industries LLC	\$186,500

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 objectives of well-maintained City infrastructure and facilities, citizens safe anywhere in the City, and maintaining and improving neighborhood infrastructure and housing.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachments:

- 2011 Wastewater Collection System Point Repair Work Site Listing
- 2011 Wastewater Collection System Improvements – Location Listing Map

2011 WASTEWATER COLLECTION SYSTEM POINT REPAIR WORK SITE LISTING

1. 12744 Kalamath Court
2. 8140 Bradburn Drive
3. 7998 Stuart Place
4. 4451 W 89th Way
5. 8620 Cherry Lane
6. 8610 Cherry Lane
7. 82nd Drive and Clay Street
8. 2564 82nd Lane
9. 6281 110th Place
10. 4187 72nd Avenue
11. 8886 Vrain Street
12. 9390 Lowell Boulevard
13. 8198 Raleigh Place
14. 9409 Sheridan Boulevard
15. 9500 Sheridan Boulevard
16. 128th Avenue and Home Farm Lane
17. 9148 Knox Court
18. Westcliff Parkway and Reed Street

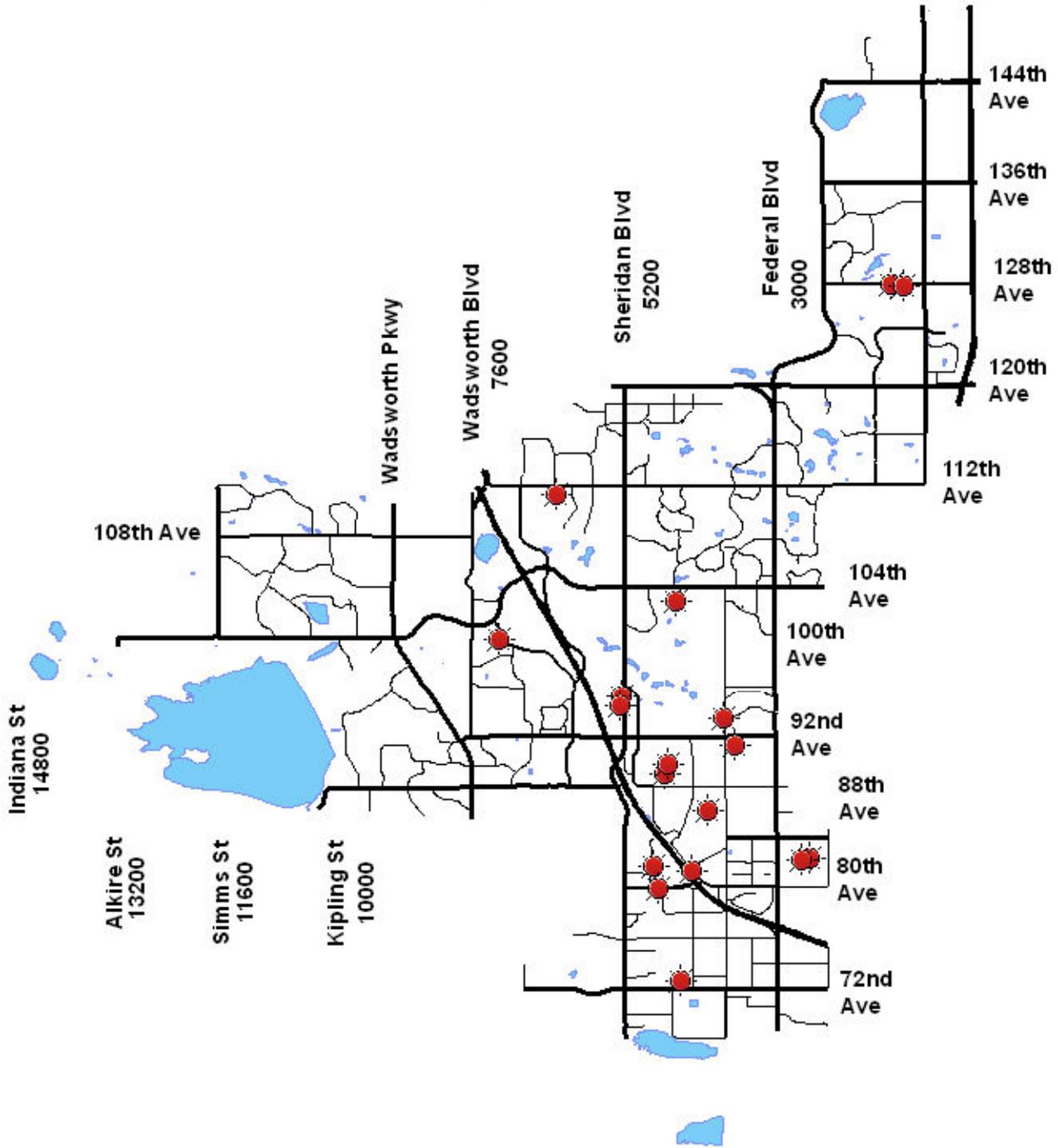


WESTMINSTER

2011 WASTEWATER COLLECTION SYSTEM IMPROVEMENTS

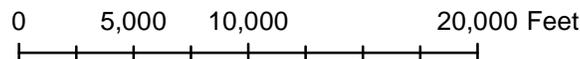
Point Repair

PROJECT NO. WW-11-5



Legend

 Point Repairs





Agenda Item 8 E

Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Design Contract for Repairs to Wandering View Water Tanks

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

Recommended City Council Action

Based on the recommendation of the City Manager, find that the public interest would best be served by authorizing the City Manager to execute a contract with Carollo Engineers, Inc. in the amount of \$357,109 to provide design services for the repairs to Wandering View water tanks and repair and inspection services at three other locations, and authorize a 10% contingency in the amount of \$35,711 for a total project cost of \$392,820.

Summary Statement

- Necessary improvements to the City's water storage tanks include structural rehabilitation, adding access manholes and modifications to the overflow piping at several tanks.
- The Water Tanks Major Repair and Replacement Project was initiated in 2010 to address these items and began with initial tank inspections and prioritizing tank repairs.
- Results of these efforts along with scenarios for funding and phasing of tank projects were presented to City Council at the August 1, 2011 Study Session. City Council supported making repairs to the Wandering View tanks as the next step.
- Staff recommends approving a contract with Carollo Engineers, Inc. for the design work since the Carollo team has been successful thus far on the project and offers competitive pricing for the proposed scope of work.
- Staff negotiated a competitive scope of work and fee with Carollo in the amount of \$357,109. Included in this effort are design of repairs to the Wandering View tanks; near-term improvements to the Hydropillar tank overflow piping to address State regulations; and detailed interior inspections of the Sunset Ridge, Hydropillar, and Countryside tanks in order to further refine repair recommendations and costs.
- Adequate funds are available for this contract in the Water Tanks Major Repair and Replacement account and no new funds are required.

Expenditure Required: \$392,820

Source of Funds: Utility Fund Capital Improvements
- Water Tanks Major Repair and Replacement



Policy Issue

Should City Council approve a contract for final design engineering with Carollo Engineers, Inc.?

Alternatives

Council could choose to not proceed with the design phase for Wandering View Tank Repairs. This is not recommended due to the near-term improvements recommended to maintain the reliability of the water tanks and the City's water distribution system.

Council could choose to request proposals for the design task. This is not recommended as Staff believes that the Carollo Engineers, Inc. team provides the best value for this project. In addition, they were selected through a competitive process for this project that anticipated final design and construction services. Their project team is intimately familiar with the improvements needed, having successfully completed the inspection and predesign phases of the project. Their knowledge will streamline key project tasks and provide the best value to the City.

Background Information

The City currently owns and operates several treated water storage tanks. These tanks are a necessary part of the water distribution system and provide water required to meet short-term periods of high consumer demand, emergency storage for potential times of interrupted water supply and water to meet fire flow demands. The Water Tanks Major Repair and Replacement Project began in 2010 with initial inspections to develop and prioritize recommendations for necessary tank improvements. Carollo Engineers, Inc. (Carollo) completed the inspection work that included review of previous inspection reports, initial inspections of the tank interior, tank site evaluations and preparation of a report with recommendations for tank repair and replacement. The primary focus of the evaluations was to:

- Identify conditions that might potentially impact water quality
- Identify issues related to tank access, safety and security
- Evaluate the adequacy of the overflow at each tank and confirm overflow piping conforms to Colorado Department of Public Health and Environment (CDPHE) regulations
- Summarize the current condition of each tank structure and state of their protective coatings
- Provide a program for maintenance at each tank in checklist form
- Identify and prioritize a list of necessary tank upgrades and improvements

It became apparent during initial inspections of the tank interiors that the condition of the roof and supports is the driving factor in prioritizing tanks for repair and improvements. The degree of corrosion in the roof framing has increased since the last tank inspections and is now necessitating the need for repairs/improvements. While all of the items identified in the evaluations are important, addressing the roof framing corrosion is the most critical in order to prevent possible roof damage. Therefore, this issue was the key driver in prioritizing repairs for the City's tanks.

Due to the size and scope of recommended construction activities anticipated for this project, improvements to the tanks will require a multi-year effort to spread out project costs and limit the number of tanks that are offline at any given time. Staff developed an implementation scenario for the timing of the tank repairs and potential new tank construction that was previously presented to and supported by City Council. The scenario includes completing repairs at the Wandering View tanks in 2012 first to prevent further corrosion of their roof structure. The repairs to the three million gallon and five million gallon Wandering View tanks will include point repairs to ten to fifteen roof supports in each tank, modifications to overflow piping, improvements to safety and access issues, plus full recoating of the exterior and interior of each tank. Additional project work as part of this contract involves a modification

to the Hydropillar overflow pipe that is a time sensitive request from CDPHE and detailed tank inspections for the Sunset Ridge, Hydropillar and Countryside tanks. These detailed inspections are warranted at this time to confirm the extent of existing structural components that can be rehabilitated rather than replaced and to provide a more refined estimate of repair costs to facilitate future budgeting.

As reported to City Council previously, the intent of this overall project is to negotiate subsequent contracts with Carollo as the project progresses and to present those contracts to City Council for approval. Because Carollo's performance has been successful and because their cost of services is competitive, Staff recommends continuing work with the Carollo team for the project design. Staff negotiated a scope of work and competitive fee with Carollo for this next step of the project and recommends that City Council approve the contract. Construction management services will be negotiated with Carollo and presented to City Council at a later date once the scope and schedule for construction is established. The design work is anticipated to commence immediately with construction of the repairs during the 2011-2012 and 2012-2013 winter seasons when water demands are relatively low.

The Water Tanks Major Repair and Replacement Project helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" and "Vibrant Neighborhoods In One Livable Community" by contributing to the objectives of well-maintained City infrastructure and facilities and maintaining neighborhood infrastructure.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager



Agenda Item 8 F

Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Sheridan Boulevard Fiber Optics Upgrade - Funding Grant Application

Prepared By: Greg Olson, Transportation Systems Coordinator

Recommended City Council Action

Authorize the submittal of a grant application to the Denver Regional Council of Governments for the Traffic Signal System Improvement Program to fund a communications upgrade to the existing fiber optics system on Sheridan Boulevard.

Summary Statement

- The Denver Regional Council of Governments (DRCOG) recently solicited applications for the use of federal funds for the 2012 Traffic Signal System Improvement Program (TSSIP). The program is intended to implement cost-effective traffic signal timing and coordination improvements that reduce travel time and auto emissions within the Denver metropolitan area.
- City Staff is proposing a project to upgrade the existing fiber optic system on Sheridan Boulevard and crossing arterials to broadband Ethernet communications. Staff is estimating a cost of \$110,000 for new equipment and fiber optic splicing that would be funded entirely by the TSSIP program. No local matching funds are necessary.
- Applications are due to DRCOG by October 3, 2011. Applicants will be notified of project application rankings in December 2011.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

Should the City of Westminster pursue federal funding for an upgrade to the City's traffic signal fiber optic system?

Alternative

Do not submit a project application to DRCOG for TSSIP funding. Staff does not recommend this alternative as the TSSIP program is 100% federally funded for projects that improve traffic signal systems in the Denver area. Staff believes that the proposed project would provide enhanced communications capability that is 100% compatible with adjacent traffic signal systems.

Background Information

The Denver Regional Council of Governments (DRCOG) administers the federally-funded project titled the Traffic Signal System Improvement Program (TSSIP) that was originally adopted in 1994. The purpose of the TSSIP is to implement cost-effective traffic signal timing and coordination improvements that reduce travel time and harmful auto emissions within the DRCOG Transportation Management Area. Because the TSSIP is funded with federal Congestion Mitigation/Air Quality funds, the benefits of every project must be measured and reported by the retiming of major arterials that typically yields a 5 to 15 percent reduction in travel times and air pollution on individual corridors.

DRCOG recently solicited applications for advancement of existing projects into the federal fiscal year 2012 (FY2012) funding cycle of the TSSIP. The TSSIP is 100% federally-funded and managed through DRCOG and the Colorado Department of Transportation (CDOT). CDOT recently informed DRCOG that the amount of federal funds available has increased, and CDOT will add these funds to DRCOG's FY2012 allocation. DRCOG staff is asking whether project sponsors would like to advance FY2013 and FY2014 projects into FY2012.

Staff is proposing the following project application:

Sheridan Boulevard Fiber Optics Upgrade - Staff submitted a project to DRCOG in late 2009 for the Sheridan Boulevard fiber optics upgrade in the amount of \$49,617 that DRCOG earmarked for FY2014 funding. Staff proposes to increase the scope of that project to include additional new equipment for a project total of \$110,000 for advancement into FY2012.

The proposed project would upgrade the existing fiber optics communications from serial data to Ethernet communications for traffic signals on Sheridan Boulevard from 80th Avenue north to 118th Place and to portions of the crossing arterials on 88th, 92nd and 104th Avenues. This upgrade would complete the City's migration of all interconnected traffic signals to Ethernet communications. Ethernet is more reliable than the existing serial data protocol and will increase the bandwidth and speed of data transfers that will allow for connection of additional devices to the traffic network such as remote cameras and roadway sensors for snow and other surface conditions. The Ethernet protocol requires the installation of new interface switches, some fiber optic splicing and either modifications to existing traffic signal controllers or new controllers at 25 traffic signal locations. The proposed project now includes new traffic signal controllers at every location. The new devices are certainly needed as the average age of the existing traffic signal controllers in the project area is now about 12 years. The new traffic signal controllers have advanced functionality and data capabilities that complement the Ethernet protocol. The funding will include all equipment, fiber optic cable splicing and labor to fully complete the proposed project.

Project advancement applications are due no later than October 3, 2011, with the applicants notified of project awards by December of this year. The grants are awarded on a competitive process based upon priority levels that have been established in the TSSIP program. Design and bid package preparation would occur during the first quarter of 2012, with bid solicitation and construction during the spring and summer of 2012. If the proposed project is not advanced into FY2012, it will remain in FY2014 with the new proposed project funding of \$110,000.

This authorization for grant submittals meets Council's Strategic Plan goals of a Safe and Secure Community and Financially Sustainable City Government by providing an improved transportation system provided by outside funding sources.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager



Agenda Item 8 G

Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Kings Mill Park Expansion Skatespot Construction Contract

Prepared By: Becky Eades, Landscape Architect II

Recommended City Council Action

Authorize the City Manager to execute a contract with California Skateparks, Inc., in the amount of \$130,000 for the design and construction of the Kings Mill Skatespot Project and authorize a construction contingency in the amount of \$13,000 for a total expenditure of \$143,000.

Summary Statement

- In November 2010, Staff received City Council's approval to apply for a Jefferson County Joint Venture Grant for renovation work at Kings Mill Park, located at 9018 Field Street. In March 2011, the Jefferson County Board of County Commissioners awarded the City \$150,000 toward the Kings Mill Park Renovation.
- Matching funds are available within the 2009 carryover appropriation of \$250,000, which was designated for the demolition of the Kings Mill building and pool and expansion of the existing park at this location, per City Council direction on August 16, 2010.
- A public meeting was held on November 8, 2010. Neighbors attending that meeting requested multi-generational park amenities be added to the park, including a small skatepark (known as a skatespot).
- An RFP for design/build services for the skatespot was distributed on June 28, 2011, with proposals received by the City on July 26, 2011.
- Demolition of the pool and building was completed in the spring of 2011; construction of the park expansion, including the skatespot, is expected to be completed in early 2012.

Expenditure Required: \$143,000

Source of Funds: Jefferson County Joint Venture Grant and City of Westminster
General Capital Improvement Fund



Policy Issue

Should the City proceed with the design and construction of a skatespot as part of the Kings Mill Park expansion?

Alternative

The City could choose to not move ahead with the design build contract with California Skateparks, Inc. and choose to fund another type of amenity at Kings Mill. Staff does not recommend this as the grant received for this project included partial funding for the proposed skatespot and neighbors in attendance at the public meeting requested the skatespot.

Background Information

During the 2011-2012 budget development process, it was determined to be necessary to close and subsequently demolish the former Head Start facility and neighborhood pool located at Kings Mill Park, 9018 Field Street. Despite ongoing maintenance, the more than 30-year-old facilities required over \$500,000 in capital repairs to remain open. These repairs included structural work, roof replacement, boiler and sand filter replacement for the pool, and overall drainage and storm sewer repairs for the site. In 2010, an average of 24 guests per day used the 1,250-square-foot pool, requiring significant subsidies for staffing and operational costs. This, coupled with no foreseeable operational need for the building, led to City Council direction on August 16, 2010, to demolish the pool and building and to expand the existing park amenities.

A neighborhood meeting to discuss the future park expansion was held on November 8, 2010. Those in attendance requested kid-friendly activities that would appeal to a range of user groups and ages that would make the park a multi-generational gathering place. Further, the consensus at this meeting was to include a small skatepark, or skatespot, oriented toward beginners; climbing boulders; a picnic shelter; and free standing swings and spinning features that would complement the existing tot play feature and tennis courts. A copy of the conceptual layout for the Kings Mill Park expansion is attached.

In early 2011, Staff was notified that the City had received a \$150,000 Jefferson County Joint Venture Grant to help fund the expansion of the park and include the amenities listed above. The grant, coupled with a 2009 carryover appropriation of \$250,000 brings the total project budget to \$400,000, including demolition costs of \$27,000. Proposals for design build services for the skatespot were formally solicited following the City’s procurement process. Included in the bid specifications was a maximum budget of \$135,000. On June 28, 2011, the request for proposals was posted and made available to the general public on the City's bid platform, DemandStar. On July 26, 2011, six proposals were received. California Skateparks, Inc. submitted the lowest bid as well as received the highest number of points through the formal proposal evaluation process. Proposals were received from the following:

Company:	Bid Amount:	Points Received Thru Evaluation Process:
California Skateparks, Inc.	\$130,000	577
Grindline Skateparks, Inc.	\$135,000	554
Hardcore Concrete Skateparks, Inc.	\$135,000	554
Pillar Action Sports Development	\$135,000	548
Spohn Ranch Skateparks	\$135,000	557
Team Pain Skate Parks	\$135,000	464

The skatespot as well as the other park additions are expected to be completed in early 2012. This project supports the City’s Strategic Plan Goals of “Financially Sustainable City Government Providing Exceptional Services” and “Beautiful and Environmentally Sensitive City.”

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Kings Mill Park Expansion Conceptual Layout





Agenda Item 8 H

Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Second Reading of Councillor's Bill No. 30 re Kings Mill Park Expansion Supplemental Appropriation

Prepared By: Becky Eades, Landscape Architect II

Recommended City Council Action

Pass Councillor's Bill No. 30 on second reading authorizing a supplemental appropriation in the amount of \$150,000 reflecting the City's receipt of Jefferson County Joint Venture Open Space Grant for expansion of Kings Mill Park.

Summary Statement

- In November 2010, Staff received City Council's approval to apply for a Jefferson County Joint Venture Grant for renovation work at Kings Mill Park, located at 9018 Field Street. In March 2011, the Jefferson County Board of County Commissioners awarded the City \$150,000 toward the Kings Mill Park Renovation.
- Matching funds are available within the 2009 carryover appropriation of \$250,000, which was designated for the demolition of the Kings Mill building and pool and expansion of the existing park at this location, per City Council direction received by Staff on August 16, 2010.
- A public meeting was held on November 8, 2010. Neighbors attending that meeting requested multi-generational park amenities be added to the park, including a small skatepark (known as a skatespot), picnic shelter, and climbing boulders.
- This Councillor's Bill was passed on first reading September 12, 2011.

Expenditure Required: \$150,000
Source of Funds: Jefferson County Joint Venture Grant

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager
Attachment



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **30**

SERIES OF 2011

INTRODUCED BY COUNCILLORS
Dittman - Major

**A BILL
FOR AN ORDINANCE INCREASING THE 2011 BUDGET OF THE GENERAL CAPITAL
IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM
THE 2011 ESTIMATED REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2011 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 3550 is hereby increased by \$150,000. This appropriation is due to the receipt of an Jefferson County Joint Venture Open Space Grant.

Section 2. The \$150,000 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10B dated September 12, 2011, (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$150,000</u>
Total	<u>\$150,000</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 12th day of September, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of September, 2011.

ATTEST:

Mayor

City Clerk



Agenda Item 10 A

Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Resolution No. 28 re Service Commitment Allocations for 2012

Prepared By: Jana Easley, Principal Planner

Recommended City Council Action

Adopt Resolution No. 28 allocating Service Commitments for the year 2012 to the various categories of the Growth Management Program including Service Commitments for residential competitions for new Single-Family Detached, Single-Family Attached, Multi-Family, Senior Housing, and Traditional Mixed Use Neighborhood Developments.

Summary Statement

- Each year, the City Council allocates Service Commitments (hereafter “SC”) to the various Growth Management Program categories to serve the new development for the year. (One SC is the unit of measure for required City services for one single-family detached unit.)
- The SC Allocation table in the Background section details the recommended allocations in each category.
- The total SC allocation for 2012 from the potable water supply is 1,673. The allocation includes 300 SCs to be awarded on a competitive basis in 2012 to new residential projects, plus 50 for new senior housing projects. Staff is recommending competitions in all five categories [Single-Family Detached (SFD), Single-Family Attached (SFA), Multi-Family (MF), Senior Housing, and Traditional Mixed Use Neighborhood Developments (TMUND)]. If there are no applications submitted in one or more of the competition categories, or if fewer SCs are needed as a result of the competitions, those remaining SCs are returned to the City’s water supply figures.
- Because the City promotes the use of the reclaimed water system whenever possible to reduce use of potable water for irrigation purposes, the City’s allocation for the non-potable (reclaimed) water supply each year is equivalent to the total supply figure for the system (3,180 SCs).
- The City currently has approximately 12,400 SCs available for new development purposes in the water supply. City water supplies and treatment capacity are more than adequate to meet the recommended SC allocations for 2012. Any remaining, unused SCs at the end of each year are returned to the water supply figures.

Expenditure Required: \$ 0

Source of Funds: N/A



Policy Issues

1. Should the City allocate Service Commitments to the various Growth Management Program categories as detailed in this report?
2. Should the City conduct competitions this year in each of the new residential categories as outlined in this report?

Alternatives

1. Do not adopt the attached resolution allocating Service Commitments to the various Growth Management Program categories for use in 2012. These allocations are necessary on an annual basis to serve the needs of new development during the year. Because these allocations must be in place for any new development to proceed in 2012, this option would cause delays for new development (including City projects).
2. Do not authorize new residential competitions this year. This option is not recommended, as the residential competition process is the mechanism the City uses to allow residential projects to proceed to the City's development review process. Westminster Municipal Code also requires Service Commitments to be allocated on a yearly basis. The Service Commitments set aside for the 2012 competition process constitutes approximately 13% percent of the total allocation for 2012.

Background InformationAnnual Allocations

The City's Growth Management Program was established in 1978 to aid the City in balancing growth with the City's ability to provide and expand services including water, water treatment, sewer, police, fire, parks and recreation, etc. At the end of each year, City staff complete projections of new development in the upcoming year and develop recommendations for City Council regarding Service Commitment allocations (the units of measure for required City services) as required by the Growth Management Program. These Service Commitment (SC) allocations are set aside on an annual basis from the overall SC supply figures to serve the demand in the following year for all of the various residential and non-residential categories designated within the Growth Management Program. City Council formally establishes these annual allocations by adoption of a resolution. Service Commitments that are allocated but are not issued to new development during the year are returned to the water supply figures for use in future years.

With the exception of the reclaimed water category (Category R), these SC allocation recommendations have been based on historical allocations by the City and the ability of the City to provide the necessary services. "Active" residential (Categories A and L) refers to projects that are under construction, have previous binding agreements for SCs with the City (such as Legacy Ridge), meet build-out and infill development criteria, are approved projects awarded in previous competitions, or are new South Westminster residential projects (see Background section "Residential Competitions" below for additional information). Category C (Non-Residential) sets aside SCs for new commercial, office and industrial projects. The City has water agreements in place for Federal Heights, the Standley Lake Water and Sanitation District, and Shaw Heights, and a small number of SCs are allocated in Category D (Outside City Contracts) to accommodate contract requirements in those areas. Category F (Public and Contingency) reserves SCs for new City projects and facilities such as park development, libraries, fire stations, etc.

The total allocation from the potable water supply as detailed below is 1,673 SCs and is based on the projected development activity of active projects under construction, those in the City’s development review process, and submittals expected in the near future. *This allocation is an increase over the 2011 allocation, as new development has been stalled in the past 2 years due to the economy but seems to be picking up rapidly.* According to figures provided by the City’s Water Resources staff in the Department of Public Works and Utilities, there are approximately 12,400 SCs available for build-out, which is more than adequate to accommodate the recommended allocations for 2012.

2012 SERVICE COMMITMENT ALLOCATIONS

CATEGORY	DESCRIPTION	PROPOSED ALLOCATIONS
<u>Potable</u>		
A and L	All Active Residential and Legacy Ridge	698
B	New Residential (for competition process)	300
C	Non-Residential	500
D	Outside City Contracts	25
E	Senior Housing (for competition process)	50
F	Public and Contingency	<u>100</u>
	Total – Potable	1,673
 <u>Non-Potable</u>		
R	Reclaimed (the reclaimed allocation each year is equal to the reclaimed SC supply)	3,180
	Total – Potable and Reclaimed	4,853

Residential Competitions

The number of new residential subdivisions is managed through the competition process. “Active” residential projects are awarded on a first-come, first served basis (up to any limits placed on the original competitive awards). New residential projects must compete for available SCs through a competition process. The City’s Growth Management Program does allow some exceptions to the competitive process. These include new residential projects in South Westminster (south of 80th Avenue) in order to promote development and redevelopment in this older area of the City, Legacy Ridge (due to a previous binding agreement with the City), and those projects that meet “build-out” and “infill” definitions in the Westminster Municipal Code. Successful projects in the competition process are then allowed to proceed to the City’s development review process. Service Commitments for single-family detached projects are calculated at one SC per unit, 0.7/unit for single-family attached, 0.5/unit for multi-family, and 0.35/unit for senior housing. This equates to the relative amounts of water used annually by each of these types of dwelling units.

The intent of the SC competitions is for a limited number of new residential projects to proceed to the City’s development review process. Each of the five competitions (Single-Family Detached, Single-Family Attached, Multi-Family, Senior Housing, and Traditional Mixed Use Neighborhood Developments) is based on the City’s adopted residential design guidelines for that category. With the exception of the Traditional Mixed Use Neighborhood Developments (TMUND) competition (judged by a jury), projects receive points by providing “incentive” items the applicants choose. These incentive items are listed and detailed in the residential design guidelines.

The total potable water allocation includes a pool of 300 SCs to be awarded on a competitive basis in 2012 to new residential projects, plus 50 for new senior housing projects. In past years, a specific number of SCs were set aside for each competition with a limit of one new project in each category. However,

beginning in 2008, with the slower housing market and uncertainty of which types of projects will be submitted, Staff established a pool of SCs for all of the competitions. This allows the City maximum flexibility to award to more than one project in any category, if so desired, as a result of the competitions.

SUBJECT: Resolution re Service Commitment Allocations for 2012

Page 4

The competitions typically begin in January each year, and SCs are awarded to individual projects by City Council resolution in March or April. For this and future years, Staff proposes moving the allocation/competition/award process to the end of the year preceding the award year so that it may be possible to begin building during the prime building season (early spring through early fall) if approval has been granted through the development review process. The awards to individual projects through the competition process include SCs needed in subsequent years to build out each of the winning projects. As a result, it is not necessary for the winning projects to re-compete in multiple years in order to complete the same project. If there are no applications submitted in any of the competition categories, or fewer SCs are needed as a result of the competitions, those remaining SCs are returned to the City's water supply figures.

Because SCs are awarded to new residential projects on a competitive basis and many developers do not want their possible competitors to know their plans in advance, Staff has not included a specific list of the potential sites for competition submittals; however, the estimated new residential allocations are based on recent conversations with developers about potential projects.

The Growth Management program contributes to all five of Councils goals: Financially Sustainable City Government Providing Exceptional Services; Strong, Balanced Local Economy; Safe & Secure Community; Vibrant Neighborhoods in One Livable Community; and Beautiful and Environmentally Sensitive City.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachment
- Resolution

RESOLUTION

RESOLUTION NO. **28**

INTRODUCED BY COUNCILLORS

SERIES OF 2011

**A RESOLUTION
ALLOCATING SERVICE COMMITMENTS FOR THE YEAR 2012 PURSUANT TO THE
CITY'S GROWTH MANAGEMENT PROGRAM AS SET FORTH IN CHAPTER 3, TITLE XI
OF THE WESTMINSTER MUNICIPAL CODE**

WHEREAS, the City of Westminster has adopted by Ordinance a Growth Management Program through 2020; and

WHEREAS, the City's Growth Management Program as set forth in Chapter 3, Title XI of the Westminster Municipal Code calls for the periodic determination of the availability of Service Commitments and allocation of such Service Commitments among various categories of potential users; and

WHEREAS, the City Council of the City of Westminster has, with the aid of detailed factual reports and expert opinions from its Staff and consultants, examined the raw water supply, the sewage treatment capacity, the water treatment capacity, and other factors affecting the availability of Service Commitments; and

WHEREAS, the City Council of the City of Westminster has previously determined, in connection with its adoption of Chapter 3 of Title XI of the Westminster Municipal Code, that the City's ability to award Service Commitments is restricted; and

WHEREAS, the demand of different land uses on the City's ability to provide utilities and other services vary due to density and intensity of the particular use; and

WHEREAS, City Council has previously determined that the Comprehensive Land Use Plan shall assist the City in making future decisions concerning the desired mix of land uses at build-out of the City; and

WHEREAS, it is the intent of City Council to recognize the many factors influencing demand for new water and sewer service, while remaining cognizant of the large capital investments in land and public improvements made by developers with projects that are already started, and recognizing the efficiencies inherent in encouraging the completion of existing development projects that can use existing public capital facilities before approving new ones.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, in accordance with Sections 11-3-4 and 11-3-5 of the Westminster Municipal Code, that:

1. Based on all of the information available to the City Council on this date, for the period beginning January 1, 2012, through December 31, 2012, the City can make available 698 Service Commitments ("SCs") to Categories A (A-1, A-2, and A-3) and L (L-1, L-2, and L-3), 300 SCs to Category B (B-1, B-2, B-3, and B-4), 500 SCs to Category C, 25 SCs to Category D, 50 SCs to Category E, 100 SCs to Category F, and 3,180 SCs to Category R without adverse effect on existing water users and without in any way endangering the health, safety, and welfare of the citizens of Westminster and of other persons dependent upon the operation of a safe and efficient public water and sanitation system by the City.

2. This Resolution supersedes and replaces all previous allocation resolutions by City Council.

PASSED AND ADOPTED this 26th day of September, 2011.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Item 10 B&C

Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Resolution Nos. 29 and 30 re Public Art Additions to the Multiple-Family and Retail Commercial Design Guidelines

Prepared By: Mac Cummins, AICP, Planning Manager

Recommended City Council Action

1. Adopt Resolution No. 29 amending the Multiple-Family Design Guidelines to add a public art incentive.
2. Adopt Resolution No. 30 amending the Retail Commercial Design Guidelines to revise the public art incentive criteria.

Summary Statement

- The existing Retail Commercial Design Guidelines provide minimum design requirements to aid in the development of high quality non-residential projects. These design requirements range from architectural to site planning, and include requirements for public art installation. The art is currently required to be one of the following: 1) provided on site and valued at \$1,000 per acre being developed; 2) site improvements for the art may be constructed and cash-in-lieu collected for public art at \$1,000 per acre; or 3) cash-in-lieu only at \$2,000 per acre.
- Staff is proposing to supplement the current public art program with a requirement that the art be provided by an artist and not “catalogue” art, and that the piece of art be “unique.” Staff is also proposing that this requirement be added to the Multi-Family Design Guidelines as a requirement of multi-family residential projects built within the City. Although Staff can not project the exact number of applications, the City has been approached by several multi-family developers looking to compete in this year’s residential Growth Management Competition. There are also some clarifications and minor “housekeeping” items as well, all of which are described below in this agenda memorandum.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

Should the City Council approve the revised Design Guidelines for Multi-Family and Retail Commercial Design Guidelines as proposed?

Alternatives

1. Delay approval of the revised design guidelines for Multi-Family Residential and Retail Commercial to provide an opportunity for further revisions; or
2. Approve the revised design guidelines for Retail Commercial as noted, and do not approve the revised changes for Multi-Family Residential; or
3. Do not revise the design guidelines for Multi-Family Residential and Retail Commercial.

These alternatives are not supported by Staff as the additions to the design guidelines being proposed will aid in the future beautification of the City by clarifying what public art is and how the program should be implemented. Additionally, as noted below, Staff believes that multi-family residential projects are more closely analogous to a business use than to a single family subdivision. These alternatives would allow for the status quo to remain in place, multi-family residential developers may view this proposed change as a “new” fee and/or requirement.

Background Information

Staff is proposing some relatively minor modifications to the public art requirements for retail commercial projects (and multi-family residential, as discussed below) in the City to reflect a qualitative approach to public art. The public art program was instituted in 1993 with the first piece being placed next the City Hall bell tower. Due to interest at that time, requirements were put in place in 2001 to require all non-residential projects (retail, office, etc.) to provide public art. Since the inception of the program, the City has benefitted from the placement of pieces of art at key intersections, outside signature retail and office projects, etc. In total, over 100 pieces have been installed in the City. Generally, the reaction from the public has been positive, and the City has created a brochure to show where the art has been installed with descriptions of the art pieces (attached for Council’s reference).

The City’s requirements for public art are essentially that a developer of a new non residential project greater than one acre must: 1) provide public art valued at at least \$1,000 per acre being developed (i.e. a 10 acre site must provide art on the site valued at \$10,000 or more); OR 2) improve a location on the site plus pay cash-in- lieu equaling \$1,000 per acre being developed; OR 3) pay cash-in-lieu only, at a rate of \$2,000 per acre being developed. Overall, most projects tend to provide the art as it is an amenity for their project.

Currently, no residential developments in the City have a public art requirement. Staff is proposing that multi-family projects be required to participate in the public art program with the same requirements that exist in the non-residential sections of the City’s design guidelines. This is based primarily on the belief that these types of projects and ownership structures are more closely analogous to a business operation than a single family house or subdivision. Staff believes that the City is likely to see multiple competition submittals this year for the annual Residential Growth Management Competition, and public art can enhance these projects as they are developed in the coming years. Staff is proposing that the minimum requirements be exactly the same as outlined above, and additionally that points be awarded in the competition for Multi-Family if a developer chooses to commit art valued at a higher amount than the minimum requirement elsewhere in the City. Generally, the points associated with each incentive in the competition are based on the difficulty of implementation and cost to the developer.

This change, if Council approves it, will be added to this year's competition. Specifically, the change to the point system would be to award 300 points (10,800 total points available) for a commitment of public art valued at at least \$2,000/acre being developed. This would represent roughly 3% of the total points available in that category.

Summary of Proposed Revisions

The changes listed below summarize the major points of revisions to the existing guidelines and include both minimums and incentives.

Originality of Public Art

Staff is proposing to add a provision that the piece of art be original from an artist and not from a catalogue. The thinking behind this is to continue the program of having interesting art pieces and try to avoid art that shows up in other communities.

Timing of Cash-In-Lieu Payment

Staff proposes to clarify that any cash-in-lieu payment would be due at the time of final plat. If no plat is recorded, Staff proposes that this money will be due at the time of recordation of the Official Development Plan.

Art Location Improvement Requirements

The City's current requirement is that the valuation and purchase be solely for the art itself, not any landscaping and sidewalk improvements, etc. Staff is proposing clarifying that the "base" or area where the art is located is NOT part of the valuation calculation. This has led to confusion in the past.

Ownership of Art

The current requirement is for the public art piece to be owned by the City of Westminster and an easement must be provided for any art such as a wall mounted mural or similar type of art that precludes dedication to the City. Staff is proposing clarification language that this easement be dedicated prior to the issuance of a certificate of occupancy, at no cost to the City.

Removal and/or Relocation of Public Art

Staff proposes that clarification language be added that if the City chooses to relocate public art for some reason, the City would be responsible for any new easements, site work, utility connections etc. for the relocated art.

If adopted by City Council, these changes will be implemented in the 2012 Residential Growth Management Competition. The competition will be scheduled to open on September 27 and close in late November. Staff is recommending allocating Service Commitments to the various competition categories in a separate agenda memorandum under consideration this evening for award in January 2012.

This proposed action meets Council's strategic goals of "Vibrant Neighborhoods and Commercial Areas" and "Beautiful and Environmentally Sensitive City" through the implementation of a program which enhances the visual character of the area. Placing public art in front of commercial projects and large residential buildings allows visual interest and place-making opportunities that differentiate our community from others in the area.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager

Attachments:

- Resolution, Exhibit A - Redlined Multiple-Family Residential Design Guidelines and Exhibit B - Category B-3 Competition Score Sheet, Multiple-Family Residential
- Resolution and Exhibit A - Redlined Retail Commercial Design Guidelines
- Brochure – Art in Public (copy can be obtained at City Hall or viewed via the City's website at <http://www.ci.westminster.co.us/Portals/0/Repository/Documents/ExploreWestminster/publicartbrochure.pdf>)

RESOLUTION

RESOLUTION NO. 29

INTRODUCED BY COUNCILLORS

SERIES OF 2011

**PUBLIC ART ADDITION TO THE CITY OF WESTMINSTER
MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES**

WHEREAS, in Chapter 3 of Title XI, of the City of Westminster Municipal Code (W.M.C.) the City of Westminster has adopted a Growth Management Program through 2020; and

WHEREAS, §11-3-5(F), W.M.C. provides that Service Commitments for new Multi-Family projects (Category B-3) shall be awarded on a competitive basis; and

WHEREAS, Public Art is required for all new non-residential projects on a per acre basis as outlined in the Retail Commercial Design Guidelines; and

WHEREAS, the installation of Public Art enhances the City's quality of life and visual interest along public roadways where the art is located; and

WHEREAS, the addition of a Public Art requirement to the Multi-Family Residential Design Guidelines will create an additional incentive category for multi-family projects; and

WHEREAS, the Public Art requirement should be extended to all new multi-family projects; and

WHEREAS, incentive points should be granted for multi-family projects that compete for service commitments for art valued over the minimum required; and

WHEREAS, compliance with the City's Design Guidelines is required by §11-3-5(E), W.M.C. for new Multi-Family projects; and

WHEREAS, the City Council hereby determines that an amendment to the Multi-Family Residential Design Guidelines is necessary to require Public Art for multi-family projects.

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

1. The City of Westminster Multi-Family Residential Design Guidelines are hereby amended as described in Exhibits A and B, attached hereto and incorporated herein by reference.

2. All other existing pages of the Multi-Family Residential Design Guidelines remain in effect and shall govern the award of Service Commitments within Category B-3 projects as defined in §11-3-5, W.M.C.; however, paragraph numbering has been corrected where needed.

3. The Multi-Family Residential Design Guidelines shall continue to apply to all future Preliminary Development Plans (PDP's) and amendments and Official Development Plans (ODP's) and amendments for new Multi-Family developments.

4. The Public Art revisions to the existing guidelines are in the best interests of the citizens in light of the City's desire for managed growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community.

PASSED AND ADOPTED this 26th day of September, 2011.

ATTEST:

Mayor

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Attachments: EXHIBIT A – Multiple-Family Residential Design Guidelines
EXHIBIT B – Category B-3 Competition Score Sheet – Multiple-Family Residential



WESTMINSTER
COLORADO

Multiple-Family Residential Design Guidelines

Revised Sept. 2011

**CITY OF WESTMINSTER
MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES**

Table of Contents

I.	PURPOSE AND INTENT OF MULTI-FAMILY DESIGN GUIDELINES.....	1
II.	SITE DESIGN.....	2
A.	<i>Land Use Compatibility, Proximity to Other Land Uses, and Buffering.....</i>	<i>2</i>
B.	<i>Conformance with the Westminster Comprehensive Land Use Plan</i>	<i>2</i>
C.	<i>View Preservation.....</i>	<i>2</i>
D.	<i>Drainageways</i>	<i>3</i>
E.	<i>Access, Circulation, and Parking</i>	<i>3</i>
1.	<i>Access</i>	<i>3</i>
2.	<i>Right-of-Way</i>	<i>3</i>
3.	<i>Pedestrian / Bicycle Paths.....</i>	<i>4</i>
4.	<i>Parking.....</i>	<i>4</i>
5.	<i>Bus Benches and Shelters</i>	<i>5</i>
F.	<i>Site Orientation.....</i>	<i>5</i>
G.	<i>Site Amenities</i>	<i>5</i>
1.	<i>Entrance Features</i>	<i>5</i>
2.	<i>Lighting.....</i>	<i>5</i>
3.	<i>Recreation.....</i>	<i>6</i>
4.	<i>Public Art.....</i>	<i>6</i>
H.	<i>Public Land Dedication.....</i>	<i>8</i>
I.	<i>Private Open Space and Private Parks</i>	<i>8</i>
J.	<i>Setbacks.....</i>	<i>9</i>
K.	<i>Fencing and Walls.....</i>	<i>10</i>
L.	<i>Trash Enclosures.....</i>	<i>10</i>
M.	<i>Mechanical Equipment</i>	<i>10</i>
N.	<i>Mitigation of Environmental Effects.....</i>	<i>11</i>
O.	<i>Neighborhood Notification</i>	<i>11</i>
III.	ARCHITECTURAL DESIGN	11
A.	<i>Exterior Design Elements</i>	<i>11</i>
1.	<i>Building Design.....</i>	<i>11</i>
2.	<i>Building Height</i>	<i>12</i>
3.	<i>Building Entrance</i>	<i>12</i>
4.	<i>Windows.....</i>	<i>13</i>
5.	<i>Roof Design.....</i>	<i>13</i>
B.	<i>Garages</i>	<i>13</i>
C.	<i>Patios/Balconies</i>	<i>13</i>
D.	<i>Site Considerations Related to Architecture.....</i>	<i>14</i>
E.	<i>Exterior Building Materials and Colors.....</i>	<i>14</i>
IV.	LANDSCAPING DESIGN	14
A.	<i>Private Landscaping.....</i>	<i>15</i>
1.	<i>Common Areas.....</i>	<i>15</i>
2.	<i>Detention Pond Area.....</i>	<i>15</i>
3.	<i>Landscaped Islands / Medians</i>	<i>16</i>
4.	<i>Parking Lots</i>	<i>16</i>
B.	<i>Right-of-Way Landscaping</i>	<i>16</i>
C.	<i>Plant Materials for All Landscaped Areas</i>	<i>17</i>
V.	SUSTAINABLE DESIGN	17
A.	<i>Landscaping and Water Conservation</i>	<i>17</i>
1.	<i>Tree Lawns</i>	<i>17</i>

2.	Landscaped Strips / Medians	17
3.	Water Conservation	17
4.	Site Design/Stormwater	18
5.	Paving Materials	18
6.	Pedestrian Circulation	18
B.	<i>Building Construction</i>	18
1.	Pro-active Solar Construction.....	18
2.	Dwelling Unit Energy Efficiency	19
3.	Community Facilities	19

MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES City of Westminster, Colorado

I. PURPOSE AND INTENT OF MULTI-FAMILY DESIGN GUIDELINES

The following Design Guidelines have been prepared to provide minimum criteria for new multi-family residential developments in the City of Westminster. These minimum standards are intended to establish quality appearance, compatibility of character, variety of design, and enhanced community values. In addition to minimum criteria, optional (incentive) criteria are also listed which further enhance sound residential planning, architectural quality, and landscape design.

The minimum and optional criteria are the basis for awarding service commitments to developers in accordance with the City of Westminster Growth Management Program. The Program establishes various service commitment categories for all types of new development, and each year City Council allocates service commitments to the different categories. Category B-3 is the designation for new multi-family residential projects. City Council allocates a specific number of service commitments for new multi-family projects that must be awarded through a competitive system based on criteria adopted periodically through City Council resolution. These Design Guidelines are the basis for the competitions to be held periodically for multi-family residential projects. In addition, these guidelines apply to all new multi-family development that does not meet the active residential definition within the City's Growth Management Program and build-out development projects (as defined in the Growth Management Program).

All minimum requirements in these Design Guidelines must be met in order to be eligible to compete for service commitments, and no points are given in the competition for these items. Competition applicants receive points by agreeing, in advance, to provide certain incentive items listed in the design guidelines. The applicant determines which incentive items will be offered as part of a proposed project, and the total of these items is the score designated to that project. The Growth Management Program does not permit City Staff to review and process development plans, plats, construction drawings, etc. unless City Council has awarded service commitments to the project through the competition process.

Once a project is awarded Service Commitments and begins the development review process, the City Staff may consider incentive item substitutions if requested by the applicant. City Staff does not have the authority to waive any incentive items agreed to through the competition process. A written request detailing the substitution(s) must be submitted with plans during the development review process for the project, and there is no guarantee a request will receive City Staff support. Total revised incentive points must meet or exceed the project point total received in the competition process.

In order to compete, all projects must also comply with the requirements of the City of Westminster Comprehensive Land Use Plan. This Plan designates 18 dwelling units per acre (du/a) as the maximum residential density allowable. Due to specific site constraints and requirements within these guidelines, it is possible that 18 du/a may not be obtainable with certain projects.

The Design Guidelines are divided into four categories: Site Design, Architectural Design, Landscaping Design, and Sustainable Design. The Site Design section addresses overall site planning considerations, vehicular and pedestrian circulation, setbacks, public and private open space, and other site amenities. The Architectural Design section addresses general design principles, exterior design, and exterior building materials and colors. The Landscaping Design section addresses general landscape design principles, landscape treatment of development edges and entrances, project landscaping, plant materials, and irrigation. The Sustainable Design section incorporates sustainable design principles for landscaping, water conservation, and building construction.

II. SITE DESIGN

Sound planning and site design are necessary to ensure the City of Westminster's quality of life. The following minimum and incentive items will help to minimize land use and circulation conflicts and maintain a sense of variety, aesthetic quality, function, and openness.

A. Land Use Compatibility, Proximity to Other Land Uses, and Buffering

Compatibility is achieved when adjacent land uses differing in function, scale, and intensity are mutually supporting and do not create adverse effects upon one another. In areas where different uses abut, including various residential uses and densities, a variety of measures may be employed for mitigation including: the use of adequate setbacks, landscaping, barriers or transition zones, and building heights.

Minimums:

1. Primary building setbacks shall be a minimum of 1.5 times the building height as defined by the Uniform Building Code (UBC) or 50 feet from the common property line (whichever is greater) when adjacent to a non-residential, public, or single-family detached residential use.
2. Primary building setbacks shall be a minimum of 1.5 times the building height as defined by the UBC or 40 feet from the common property line when adjacent to a single-family attached, senior housing, or multi-family residential use.
3. Within the required setback areas from the property lines, a permanent 35-foot landscaped area shall be provided along each property line. No drives, detention areas, or off-street parking is permitted in this area.
4. Earth berming (3'-6" min. height) with a maximum slope of 4:1 with evergreen and deciduous trees and shrubs shall be required in the setback areas along public streets and between differing land uses including other types of residential use.
5. No intensive recreation area(s), such as swimming pools, playgrounds, hard-surface courts, etc., shall be permitted within 100 feet of any adjacent single-family detached or attached residential land use designation.

B. Conformance with the Westminster Comprehensive Land Use Plan

Minimum:

The proposed project shall conform with the Westminster Comprehensive Land Use Plan. This includes the appropriate land use designation for multi-family projects. The net proposed density of the project shall not exceed 18 du/a as specified in the Comprehensive Land Use Plan and 18 du/a is not guaranteed. *(To estimate the net residential density for a project, deduct 20% from the total acreage after public land dedication requirement is subtracted. This percentage figure is based upon the requirements for collector and arterial street rights-of-way, unless already provided, that tends to be 15 to 30 percent or more of a development).*

C. View Preservation

The City has many panoramic views from public streets and facilities that should be preserved and enhanced. Site planning must consider the relationship of building to natural grades. Buildings should be sited to preserve views from arterial streets. Landscaping and building placement should be used to frame and enhance view corridors. This can be accomplished by increasing setbacks, reducing heights of buildings near the street(s), lowering the grade of the site, building a recreation facility near the street, etc.

Minimum:

View corridors as identified in the Westminster Comprehensive Land Use Plan shall be preserved. The main intent is to preserve the views that can be seen from public streets.

D. Drainageways

In most cases, drainageways should be left in as natural a state as possible without channelization or engineered structures unless required to prevent erosion or other special circumstances, or as required by other agencies. The City requires landscaping, and irrigation in these areas. In addition, the City will likely require a concrete path (eight-foot min. width) be constructed along significant drainageways adjacent to or within the site.

Minimum:

Significant drainageways shall be incorporated in site development as aesthetic amenities, open space/trail corridors, and wildlife areas.

E. Access, Circulation, and Parking

The City's circulation system is a hierarchy network of arterial, collector, and local streets which provide access to residential developments, but which minimize higher traffic volumes from residential developments. (See City Street Cross-Sections for right-of-way requirements). For collector streets, developers may be required to provide a 100-foot right-of-way to provide a park-like boulevard (parkway) setting with ample landscape area and detached sidewalks, avoid a "tunnel" effect with fencing, create a "t rail" rather than a "sidewalk" atmosphere; and enhance the aesthetics of the main street into the subdivision. One example of this design in the City is Legacy Ridge Parkway in the Legacy Ridge subdivision. Street and pedestrian connections between neighborhoods and subdivisions shall be required. Where applicable, concrete path connections from cul-de-sacs to trails will be required.

To as great an extent as possible, alignments of collector streets, local streets, and private drives in sloping areas shall conform to the natural contours of the land. This increases developable ground by reducing the amount of cut and fill, as well as construction costs.

City Council has adopted a "traffic-calming" policy designed to objectively prioritize and evaluate neighborhood traffic problems and resolve existing and potential problems. New projects shall be designed to mitigate potential problems (speeding, "cut-through" traffic, etc.).

1. Access

Minimum:

Access point(s) to the site from the adjacent street(s) shall provide safe, convenient access for both pedestrians and vehicles.

2. Right-of-Way

Minimum:

All streets shall be designed according to the City's specifications for street rights-of-way.

Incentive:

Additional arterial or collector street right-of-way (beyond amt. req.) will be provided for berming and additional landscape area: 100 points per additional three feet added to right-of-way section along the entire street frontage (500 max. points)

3. Pedestrian / Bicycle Paths

Minimums:

- a) Pedestrian and bicycle trails shall be built within each multi-family development and shall connect to the City's regional trail system. These trails occur in conjunction with streets and within the development's open space network (along public or private open space and drainageways).
- b) All internal site sidewalks shall be a minimum width of five feet unless adjacent to parking spaces (min. 7-foot width).
- c) Concrete walks (8-foot min. width) setback a minimum of 8 feet from the ultimate back of curb shall be constructed along arterial streets within or abutting the project.
- d) Concrete walks (5-foot min. width on one side and 8-foot min. width on the other side) shall be constructed along collector streets within or abutting the project.
- e) Concrete sidewalks (7-foot min. width) shall be constructed adjacent to parking spaces (includes carport spaces but not necessarily garages) that are adjacent to residential buildings.
- f) All sidewalks along public streets must be detached from the curb the distance specified in the City of Westminster Standards and Specifications for the Design and Construction of Public Improvements.

Incentives:

- a) All internal site paths will be a minimum width of six feet: 150 points
- b) Lighting along both sides of off-street paths will be provided: 25 points
- c) Benches will be provided along pedestrian pathways throughout the project: 25 points

4. Parking

Minimums:

- a) All regular parking spaces (including carport spaces) shall be a minimum 9' x 19'. No compact parking spaces are permitted.
- b) All handicapped parking spaces shall be a minimum 9' x 19' with an adjacent 5' x 19' access aisle.
- c) Handicapped parking spaces shall be provided at a rate of one per 25 (or fraction thereof) regular parking spaces.
- d) Concrete curb (6" vertical) and gutters shall be required abutting all drive and parking areas. Drive aisles shall be a minimum width of 24 feet between parking spaces.
- e) At least one-third of the required parking shall be within carports or garages.
- f) 1.5 parking spaces shall be provided for every one-bedroom or efficiency unit.
- g) Two parking spaces shall be provided for every two-bedroom or larger unit.
- h) Guest parking shall be provided at one space per three units.
- i) Bicycle parking shall be provided at one space per four dwelling units.

Incentive:

Choose only one from below (if applicable):

- a) At least 50%, but less than 75% of the required parking shall be within carports: 75 points; within garages: 150 points
- b) At least 75%, but less than 100% of the required parking will be within carports: 125 points; within garages: 250 points
- c) 100% of the required parking will be within carports: 175 points; within garages: 350 points
- d) All parking garages will be designed within the primary buildings: 500 points

5. Bus Benches and Shelters

Close proximity to public transit access is an important amenity for multi-family residential. Bus benches and shelters may be required for all existing and proposed bus stops adjacent to and within the site boundaries of all proposed residential developments. City Staff will review this on a case-by-case basis. Any required benches and shelters shall be coordinated with the Regional Transportation District and installed in the right-of-way by the developer/owner.

F. Site Orientation

Minimum:

Buildings shall be oriented on the site to create visual interest and variety. Whenever possible, buildings shall be set at angles from one another in order to avoid the “barracks” type appearance. This is particularly important along public streets.

G. Site Amenities

1. Entrance Features

The entrance to multi-family developments should be designed to provide maximum safety for visibility and turning movements. Landscaped street medians/islands are required at entranceways. Maintenance of the median/island shall be the responsibility of the developer/homeowner’s group. Evergreen trees planted behind the entry signage are encouraged to enhance the community character established with the City’s monument signage.

Minimums:

- a) One monument sign shall be provided and constructed of permanent materials (masonry etched or metal letters/logo) with a solid masonry (brick or stone) base located in a landscaped median or on either side of the entrance drive. The size of the sign shall not exceed the City of Westminster Municipal Code requirements (Title XI, Chapter 11).
- b) A landscaped median/island (10-foot min. width, 50-foot min. length) shall be required at the major entrance to the project and shall be the responsibility of the developer/homeowners group.

Incentive:

Evergreen trees (a minimum of three Austrian Pine, Blue Spruce, or similar) will be planted behind the entry monument signage: 75 points

2. Lighting

Minimums:

- a) Site lighting shall be provided throughout the project and shall include lighting on buildings, garages, carports, drive aisles, parking lots, pathways, stairs, ramps, and landscaping to ensure visibility and safety for residents within the project.
- b) Adequate street lighting shall be provided in all residential projects, and lighting along all public streets shall be in conformance with Xcel Energy standards and installed at developer expense.
- c) Ground-level site lighting shall be added along all pathways, stairs, and ramps to increase visibility at night.

Incentive:

Decorative lighting with ornamental bases, armatures, fixtures, etc. relating to the architectural theme of the development will be installed along collector, local, and/or private streets with a maximum 50-foot distance between fixtures: 75 points

3. Recreation

The City requires private recreation facilities for multi-family residential developments for their residents in proportion to the number of residential units served. Such recreational facilities shall be included on private open space. Facilities are to be owned and maintained by a homeowner's association or similar organization.

Minimums:

- a) An indoor clubhouse/meeting facility (1,000 S.F. min.) shall be provided for all projects with more than 100 units.
- b) A pool (25' x 50' min.) and restroom facilities shall be provided for all projects with more than 100 units. For projects with more than 300 units, two pools and restrooms shall be required or one larger (25-yard minimum length) pool and restroom. All pools shall have a minimum deck width of 12 feet around the perimeter of each pool.

Incentives:

- a) Hard-surface courts such as tennis courts (including fencing, striping, net, lighting, etc.) and/or basketball full courts (min. 50' x 84' including equipment, striping, lighting, etc.) will be provided: 150 points per court (300 points maximum)
- b) Sand volleyball courts (30' X 60' min.) will be provided: 50 points per court (100 points maximum)
- c) Play equipment area with swings, slide, climbing equipment, etc. (8,000 S.F. minimum) will be provided: 150 points for each area provided (300 max. points)

4. Public Art

For all non-residential and mixed-use developments of one (1) acre (gross) or more, outdoor public art shall be a design, planning and budget consideration for the subject site. The relevant information and timing of installations per this requirement shall be defined in the approved Official Development Plan for the subject site.

Public Art Definition

Public art or works of public art are defined as, but not limited to, the following kinds of original works:

- Sculptures
- Engravings
- Mobiles
- Mosaics
- Site-specific installations
- Carvings
- Murals
- Statues
- Frescos
- Bas-reliefs

Public art shall not include catalog or commercially mass-produced pieces. The art piece shall include an original stamp, seal, signature, or similar identification by the artist. Numbered art pieces may be acceptable, at the City's discretion.

Outdoor public art or outdoor public works of art also include the creative application of skill, interpretation and taste by artists to the architectural embellishment of a building or structure. Corporate logos and sales marks are not considered public art under this definition.

a) Owner Requirements – Installed Art and Improved Art Locations

Three scenarios for the provision of installed art and improved art locations exist as follows:

i) *Art Location Provided on ODP with Art Installed* – in cases where the property owner provides a fully improved art location and installed artwork on an approved ODP. Under this scenario the value of the public art piece shall, at a minimum, equal \$1,000 per gross acre of the subject property. Required site improvements are outlined below.

ii) *On-Site Improved Location Plus Cash-in-Lieu of Installed Art* – in cases where the property owner provides a fully improved art location plus cash-in-lieu installed public art. Under this scenario, a cash-in-lieu payment equivalent at a minimum to \$1,000 per gross acre of the subject property shall be payable to the City of Westminster at the time of final plat, and be utilized for the purchase of the art piece, which would be installed on the improved location. If no plat is needed then cash-in-lieu shall be provided at the time of Official Development Plan recording.

iii) *Cash-in-Lieu of Art and In-Lieu of an Improved Site* – in cases where the City deems a site inappropriate or infeasible for the installation of public art, cash-in-lieu for both the art piece and an improved site shall be payable by the property owner to the City in the amount of \$2,000 per gross acre of the subject property at the time of final plat. If no plat is needed then cash-in-lieu shall be provided at the time of Official Development Plan recording.

b) Art Location Improvement Requirements

The property owner shall be responsible for the improvement of the art location. These improvements may include, but are not limited to, the base to support the public art, sidewalks, landscaping, hardscape, irrigation and lighting. Designs and locations for such improvements shall be determined by the City in consultation with the property owner as part of the Official Development Plan (ODP) or ODP amendment process.

Irrigation sources, electrical supply connections and other site utility requirements shall also be identified during the ODP process. Such requirements may, at the discretion of the City, include separate water taps and electric service.

Public Art locations shall have either direct public access or permanent access via a cross-access easement which shall be documented on the ODP and on the plat.

c) Art Location Ownership

Improved art locations shall be dedicated to the City of Westminster or such other entity designated by the City of Westminster, either through the filing of the final plat or a deed transfer satisfactory to the City, at no cost to the City.

d) Ownership of Public Art

Public art installed under the requirements described herein shall be owned by the City of Westminster. In locations where the type of art, such as a wall-mounted mural, precludes separate ownership, façade or other easements shall be granted to the City, at no cost to the City, for their protection. The easements shall be recorded by the property owner, at no cost to the City, prior to the issuance of a Certificate of Occupancy by the City of Westminster.

e) Maintenance

Perpetual maintenance responsibilities of installed public art and improved art locations shall remain with a developed lot so defined in the approved ODP. Installed public art and improved art locations shall be maintained in a condition consistent with what exists at the time of installation. Said maintenance will be a requirement of ongoing site compliance with approved ODP's, and shall be subject to the same enforcement mechanisms associated therewith.

f) **Removal and/or Relocation of Public Art**

It is the intention of the City of Westminster to retain art at its original location. Where cause necessitates the relocation of public art, such as infrastructure expansion that could not reasonably accommodate the original location, then the City shall be free to remove or relocate any installed public art it deems necessary and appropriate. Costs of any such removal or relocation would be borne by the City of Westminster. The City shall also be responsible for any new easements, site work for the relocated art, and utility connections if necessary.

H. Public Land Dedication

Public Land Dedication shall be made to the City in conjunction with all residential developments and is based on residential density of the proposed project. (See Westminster Municipal Code Section 11-6-8(A), attached to this document, for amount of land due). Acceptance of public lands shall be subject to review by the City. If the City determines a land dedication would not serve the public interest, the City will require payment in lieu of dedication. Developers are encouraged to dedicate public open space beyond the minimum acreage required in order to enhance the overall appearance of the community by providing open, green areas.

All new residential developments shall provide public school sites or fees in lieu thereof to reasonably serve the proposed subdivision or residential development. (See Westminster Municipal Code Section 11-6-8 (E) for more information).

Incentives:

- 1) Public Land Dedication will exceed the minimum requirement for:
- 2) Non-floodplain land: 50 points per each percentage point over minimum required (500 max. points)
- 3) Floodplain land: 10 points per each percentage point over minimum required (100 max. points)

(If this incentive is chosen, keep in mind the City has discretion whether land designated for dedication is acceptable and, during the development review process, may require an alternate location on the site or cash-in-lieu for the amount agreed to with this incentive).

I. Private Open Space and Private Parks

In addition to the minimum public land dedication required of residential development, private open space and recreational facilities are encouraged in all residential projects. Private open space does not include right-of-way or other public areas. Private open space areas can provide focal points for the residents and desirable green space to accommodate local recreation needs and pedestrian circulation for the residents and the general public. Private open space can also be enjoyed by all City residents if such open space abuts or is visually related to the public right-of-way or public open space.

Minimums:

- 1) Private open space shall be landscaped and an irrigation system shall be required. Maintenance of private open space areas shall be the responsibility of the project owner.
- 2) Environmentally-sensitive areas (such as wetlands) shall be maintained as private open space.
- 3) A minimum of 4% of the total acreage shall be set aside for a private park that must include an open play area for active recreation and must be centrally located in the subdivision to provide a focal point. The open

play area shall be a minimum of 75' x 150' or 1% of the total 4% in size (whichever is larger). For projects of 50 acres or more, this area may be divided between two or more open play areas. The private park and open play area shall not include areas designated for public land dedication, right-of-way, required setback areas, and detention pond areas.

Incentive:

- 1) Private park area will be increased above the minimum 4% requirement (choose only one from below if applicable):
 - a) Greater than 4% to 5%: 250 points
 - b) Greater than 5% to 6%: 350 points
 - c) Greater than 6%: 500 points

J. Setbacks

The way in which buildings are placed on the site in relation to the property lines, neighboring developments, and one another, contributes to the overall atmosphere and efficiency of the development. In an effort to ensure efficient pedestrian and vehicle circulation as well as provide ample open areas within a multi-family development, below are minimum setbacks required. Primary buildings refer to all residential buildings and clubhouses. Accessory structures include garages, carports, maintenance buildings, etc.

Minimums:

- 1) Primary building setbacks from:
 - a) Major highway (U.S. 36, I-25) and arterial streets: 100' from proposed right-of-way line
 - b) Collector streets: 1.5 times the building height as defined by the UBC or 50' from the proposed right-of-way, whichever is greater.
 - c) Local streets: 1.5 times the building height as defined by the UBC or 40' from the proposed right-of-way, whichever is greater.
 - d) Private streets: 25' from the back of curb (increase an additional 10 feet for every story beyond two stories).
 - e) Interior property lines when adjacent to a non-residential, public, or single-family detached residential use: 1.5 times the building height as defined by the UBC or 50 feet from the common property line (whichever is greater)
 - f) Interior property lines when adjacent to a single-family attached, senior housing, or multi-family residential use: 1.5 times the building height as defined by the UBC or 40 feet from the common property line (whichever is greater)
 - g) Interior parking lots: 15' from all sides of primary buildings with minimum 7-foot wide attached sidewalk (to accommodate two-foot overhang for vehicles and five-foot clearance for sidewalks) when walks are adjacent to parking spaces.
 - h) Interior drives: 25' from all sides of primary buildings
- 2) Distance between one- and two-story primary buildings (for buildings greater than two stories, add 10 feet per additional story to each of the following setbacks):
 - a) 40' minimum between parallel buildings
 - b) Where the corner of a building is adjacent to a non-parallel building, the minimum setback distance between the corner and the adjacent building is 35'
- 3) Distance between primary buildings and accessory buildings:
 - a) Minimum distance between primary buildings and carports or garages: 15'
 - b) Minimum distance between primary buildings and all other accessory structures: 25'Minimum distance between accessory structures: 20'
- 4) Parking lot setbacks from other interior property lines: 15'
- 5) Garage/carport and other accessory structure setbacks:
 - a) From interior property lines: 15'
 - b) From adjacent single-family detached or attached residential: 35'

- c) From U.S. 36, I-25, and major (principal) arterial streets: 50' (should include tall berms and landscaping)
- d) From all minor arterial and collector streets: 35' (should include tall berms and landscaping)
- e) From all local streets: 25' (should include berms and landscaping)

Incentives:

- 1) Along public streets, primary building setbacks will be increased above the minimum requirement (choose only one from below if applicable):
 - a) Five (5) feet or greater, but less than ten (10) feet: 250 points
 - b) Ten (10) feet or greater, but less than 15 feet: 300 points
 - c) Fifteen (15) feet or greater, but less than 20 feet: 350 points
 - d) Twenty (20) feet or greater: 400 points
- 2) Garages will not be placed along public street frontages: 150 points

K. *Fencing and Walls*

All fencing within multi-family residential development shall be a uniform design for each type of fence provided. (See Westminster Municipal Code regarding privacy fencing and fencing abutting public or private open space). Although perimeter fencing or walls is not always required, it is recognized that fencing or walls is often proposed around the perimeter of multi-family residential projects. Landscape materials, earth berming, and walls are the preferred (and many times required) methods of providing a buffer, but well-designed fences are acceptable in certain circumstances.

Minimums:

- 1) When used or required, perimeter fencing or walls shall be constructed in accordance with City standards and shall include brick or stone columns (two-foot minimum width and depth) spaced a maximum of 65' apart. In some cases, such as adjacent to parks or in special streetscape situations, fencing may be modified to include low profile, split rail, or wrought iron fencing. Chain link and barbed wire fencing is not permitted.
- 2) All horizontal-supporting structures of all solid wood and vinyl fencing shall be constructed toward the interior of the project or lot to reduce visibility of the support structures from streets and other public areas.
- 3) Off-sets (min. 5-foot depth and 10-foot length) for landscaping (trees and shrubs required) in perimeter fencing or walls shall be provided every 200 feet or less for at least a distance of 400 feet.

L. *Trash Enclosures*

Every effort should be made to locate trash enclosures internally on the site to avoid visibility of these enclosures from adjacent streets and residential developments.

Minimums:

- 1) All trash containers shall be contained within permanent, opaque, masonry trash enclosures that match the building materials and colors of the residential buildings and shall have opaque gates.
- 2) All trash enclosures shall be a minimum height of six (6) feet and maximum height of eight (8) feet. The height of all contents within an enclosure shall not exceed the height of the enclosure wall. Enclosures must be roofed if contents are visible from adjacent streets or residential land uses.
- 3) Any trash enclosure visible from adjacent streets or residential developments shall be screened with landscaping.

M. *Mechanical Equipment*

Locations of all exterior mechanical and utility equipment such as compressors, air conditioners, antennas, heating and ventilating equipment, satellite dishes, utility boxes etc. must be shown on the Official Development Plan for the project. All equipment should be clustered whenever possible.

Minimums:

- 1) No mechanical equipment shall be placed on sloped roofs.
- 2) Ground-level mechanical and utility equipment and lines shall be screened with year-round landscaping, or walls that match the materials and color of the buildings.
- 3) All electric and communication utility lines and services and all street lighting circuits shall be installed or relocated underground both within and adjacent to the subdivision or development.

N. *Mitigation of Environmental Effects*

Developer/owner-installed screening and/or buffering will be required for all proposed residential developments along U.S. 36, I-25, and all arterial streets. Consult the City's Arterial Streets and Highways Buffering Standards for minimum requirements.

Minimum:

Developer/owner-installed walls, earth berming (4:1 max. slope), and landscaping shall be required to reduce adverse environmental effects on the residential development adjacent to U.S. 36, I-25, and all arterial streets, and in certain circumstances, further mitigation measures may be required.

O. *Neighborhood Notification*

The City of Westminster places high priority and importance on contact with adjacent property owners and existing neighborhoods that could be effected by a new development proposal. Project developers/owners are required to contact the surrounding neighborhoods regarding their proposed developments and are responsible for all public notifications, researching and providing property ownership information, and if applicable, organizing and conducting neighborhood meeting(s). (See Neighborhood Contact Requirements handout for more information). The extent of the neighborhood notification must be discussed and approved with City Staff.

III. ARCHITECTURAL DESIGN

The architectural design of multi-family projects should create visual variety and, at the same time, promote an integrated character for the project. Multi-family projects should be designed with a residential, rather than institutional style.

Buildings should provide interest through the use of varying forms, architectural detail, and positioning on the site while still maintaining continuity as one project.

A. *Exterior Design Elements*

1. Building Design

Minimums:

- a) Architectural detailing, horizontal off-sets, architectural window details and other features shall be provided on all sides of the building to avoid blank walls. All sides of all buildings shall be designed with quality materials (360 degree architecture).
- b) Vertical and horizontal elements shall be used in contrast to one another. Contrast and depth are preserved by offering exterior selections that emphasize a dominant building material but include contrasting complementary materials and colors.
- c) Buildings shall incorporate visually heavier and more massive elements at their bases, and lighter elements above these components. Upper stories shall not appear heavier or demonstrate greater mass than lower stories of the buildings.
- d) For projects with multiple buildings, variety shall be used in site orientation and among buildings to avoid a “barracks” appearance.
- e) The architectural style of the building shall exhibit a residential rather than institutional character.
- f) Two or more distinct building models shall be designed for projects with more than four primary buildings.
- g) For projects with more than 10 primary buildings, a minimum of three distinct building models shall be required.
- h) Fireplace “box-outs” shall extend vertically from ground level to meet the roofline and avoid the “tacked-on” look.

Incentives:

- a) Buildings will have a variety in horizontal off-sets (staggering or change in plane surface) of at least eight feet on both the front and rear of the buildings: 50 points
- b) A covered and lighted structure will be provided over external mailbox units for the project or internal mailbox units will be provided. If an external structure is provided, the materials, colors, and style will match the primary buildings: 150 points
- c) Choose one from below (if applicable):
 - i) 25% or more ranch units or two-story units with a first-floor master bedroom and bath with a shower or tub will be built: 25 points
 - ii) 50% or more ranch units or two-story units with a first-floor master bedroom and bath with a shower or tub will be built: 50 points

2. Building Height

Minimum:

Building heights of two-story (or taller) buildings shall be stepped down at the edges of the structure(s) by one story at a minimum to aid transition between buildings and reduce the mass of the buildings. Vertical planes greater than two stories on taller buildings shall be avoided.

Incentive:

Building heights will not exceed (choose only one from below if applicable):

- a) Two stories in height: 200 points
- b) Two stories in height for all buildings adjacent to public streets: 150 points
- c) 35 feet in height: 75 points

3. Building Entrance

Minimum:

A covered entry area shall be designed at the main entry area of each building.

4. Windows

Incentive:

Bay or box windows will be provided on the front facade of at least 50% of the units: 75 points

5. Roof Design

Minimums:

- a) A roof pitch of 5 in 12 or greater shall be provided on all buildings. All roofs shall have one-foot minimum overhanging eaves. Exceptions may be made, at the City's discretion, for unique architectural designs.
- b) Quality roof materials shall be used on all buildings (includes tile, concrete tile, slate, architectural metal, dimensional asphalt or fiberglass shingles (which provide shadow effect)).
- c) Building roofs will be broken into smaller planes or roof elements. A minimum of two roof breaks (roofs that turn a corner or change elevation) will be provided on all buildings. Large expanses of roof surfaces or long, uninterrupted ridge and eave lines shall be avoided. Dormers, roof breaks, cupolas or other roof features shall be employed as mitigation measures.

Incentive:

Tile (terra cotta, concrete, or slate) roofs will be used on all buildings: 400 points

B. Garages

Adequate interior garage space is essential to ensuring future residents have sufficient space to park vehicles and store recreational items within the garage area if garages are proposed as part of a project. Minimums are specified below to help reduce the future need for outdoor storage of these items.

Minimums:

- 1) Garage Interior – minimum dimensions:

Depth – Single- and double-car garages:	22 feet
Width:	
Single-car garage:	12 feet
Width – Double-car garage:	20 feet
- 2) Garage Door – minimum dimensions:

Height:	7 feet
Width:	
Single-car garage door:	8 feet
Double-car garage door:	16 feet

C. Patios/Balconies

Patio and balcony areas must include the minimum open area and depth as defined below, unobstructed by columns, rails, box or bay windows, fireplaces, steps, etc.

Minimums:

- 1) When included in the design, balconies shall be opaque and architecturally integrated with walls on at least two sides. Cantilevered balconies are generally not permitted but will be reviewed on a case-by-case basis.
- 2) Private patios (unobstructed 120 S.F. minimum) and/or balconies (unobstructed 80 S.F. with six-foot min. depth) shall be provided on at least 50% of the units.

Incentive:

- 1) Private patios (unobstructed 120 S.F. minimum) and balconies, (unobstructed 80 S.F. in area with six-foot minimum depth) will be provided on: (Choose only one from below if applicable):
 - a) At least 75%, but less than 100% of all units will have a private patio and/or balcony area: 100 points
 - b) 100% of all units will have a private patio and/or balcony area: 200 points

D. *Site Considerations Related to Architecture*

When multiple buildings are proposed, developers are encouraged to vary the building in order to provide a variety of views, provide opportunities for landscaping and open areas, and provide interest in the relationship of the buildings to one another. Although the buildings can be varied in their orientation, street scenes may be unified and articulated through the use of style, similar forms, roof systems, details, and architectural materials.

Minimums:

- 1) Garages, carports, attached parking structures, and other accessory buildings shall all relate to the building architecture and demonstrate similar compatible forms, scale, materials, colors, and detail.
- 2) Garages and carports shall not exceed six (6) side-by-side parking spaces unless parking spaces are designed back-to-back allowing a maximum of 12 parking spaces per carport or garage structure.

E. *Exterior Building Materials and Colors*

Building materials for multi-family developments should be of a high quality as approved by the City. Suggested exterior wall materials include natural wood, stucco, brick, and stone. In general, due to the imposing nature of many multi-dwelling unit buildings, the exterior materials should reflect subdued colors and muted tones. In general, roof material colors should be darker and warm, earth-toned hues that accent and complement other building colors.

Minimum:

Thirty percent (30%) or more of all non-window/door surfaces on all sides of all primary and accessory buildings shall be finished with masonry (brick or stone).

Incentive:

Choose only one from below (if applicable):

- 1) At least fifty percent (50%), but less than 75% of all non-window/door surfaces on all sides of all primary buildings will be finished with masonry (brick or stone): 250 points
- 2) At least seventy-five percent (75%), but less than 100% of all non-window/door surfaces on all sides of all primary buildings will be finished with masonry (brick or stone): 500 points
- 3) 100% of all non-window/door surfaces on all sides of all primary buildings will be finished with masonry (brick or stone): 750 points

IV. LANDSCAPING DESIGN

Landscaped areas within multi-family developments are crucial to help counteract the potential dominance of the hardscape elements such as driveways, parking areas, buildings, concrete pathways, etc. Water-conserving landscaping designs are highly encouraged. (Consult the City's Landscape Regulations for information regarding water-conserving plant materials and irrigation methods).

Landscaping can add to the overall visual appearance and function of the development by providing shade, complementing both passive and active recreation areas, providing visual interest and relief both apart from and

next to the buildings, and presenting an aesthetically pleasing streetscape. (See the City's Landscape Regulations for further information).

A. Private Landscaping

1. Common Areas

Minimums:

- a) A minimum of 40% of the overall site area (excluding right-of-way landscape area) shall be landscaped. This includes detention pond areas and parking lot landscaping but excludes all hardscape areas.
- b) A minimum of 75% of the landscaping shall be covered by living plant materials such as groundcover, shrubs, and grass within three (3) years following installation and thereafter.
- c) Within the required landscape area, one tree (2 1/2" min. caliper deciduous and six-foot min. evergreen height) and three shrubs (5 gallon min.) per 550 square feet of landscaped area shall be required.
- d) At least 20% of the required trees shall be a min. of 3-inch caliper deciduous and 8-foot min. evergreen height.
- e) All landscaping shall be installed, irrigated, and maintained by the project developer and/or owner.
- f) A wide variety of plant materials shall be used in landscaped areas to add interest.

Incentives:

- a) Private landscaped area will be increased above the minimum 40% requirement (choose only one from below if applicable):
 - i) Greater than 40% to 45%: 200 points
 - ii) 45% to 50%: 250 points
 - iii) 50% or more: 300 points
- b) Choose only one from below (if applicable):
 - i) A minimum of one tree and three shrubs per 500 square feet of landscaped area will be provided in the private landscaped areas: 50 points
 - ii) A minimum of one tree and three shrubs per 450 square feet of landscaped area will be provided in the private landscaped areas: 100 points
 - iii) A minimum of one tree and three shrubs per 400 square feet of landscaped area will be provided in the private landscaped areas: 150 points
- c) Choose only one from below (if applicable):
 - i) At least 50%, but less than 75% of all trees will be a minimum of 3-inch caliper for deciduous trees and 8-foot min. height for all evergreen trees in the private landscaped area: 50 points
 - ii) At least 75%, but less than 100% of all trees will be a minimum of 3-inch caliper for deciduous trees and 8-foot min. height for all evergreen trees in the private landscaped area: 75 points
 - iii) 100% of all trees will be a minimum of 3-inch caliper for deciduous trees and 8-foot min. height for all evergreen trees in the private landscaped area: 100 points

2. Detention Pond Area

Minimum:

The developer/owner shall be responsible for landscaping the detention pond area and other common areas at a rate of one tree and three shrubs per 550 square feet of landscaped area. Plant materials should be concentrated around the perimeter of the detention pond and distributed elsewhere throughout the site. The property owner shall be responsible for the maintenance of these areas.

Incentive:

Detention area will be designed as a permanent water feature (e.g. water retention area with fountain): 100 points

3. Landscaped Islands / Medians

Landscaped islands and/or peripheral landscaping are encouraged along drive entries and are required at major entrances. Additionally, medians and landscaped islands are encouraged on local and collector streets.

Minimum:

Installation and maintenance of all medians/islands shall be the responsibility of the developer/property owner.

Incentive:

A minimum of one tree and three shrubs per 500 square feet of landscaped area will be provided in the project entry area: 50 points

4. Parking Lots

Minimums:

- a) Parking lots shall not be located within the required landscape setback.
- b) Parking lots of 50 or more spaces shall be required to be landscaped with internal landscaped parking lot islands.
- c) Landscaped islands in parking lots shall be no smaller than two standard parking spaces and shall alternate periodically with larger islands for variety and interest.
- d) Landscaped islands shall occur approximately every 30 spaces within parking lots.
- e) A minimum of two (2) shade trees and 12 shrubs shall be required per island. If the island is larger than 400 square feet, the landscape shall include one (1) additional shade tree and six (6) additional shrubs for every additional 200 square feet or fraction thereof.
- f) Continuous landscape strips (min. twelve-foot width) separating every three rows of parking shall be required for parking lots with 300 or more parking spaces.
- g) Landscaped berms shall be required to screen parking (including covered parking structures) from adjacent developments and streets.

B. Right-of-Way Landscaping

Developers are responsible for the installation of landscaping in the right-of-way areas of all streets within and abutting their developments, and the developer/owner or homeowners group is responsible for maintenance and irrigation of the right-of-way landscaping along streets within and abutting multi-family projects. See City street cross-sections for typical landscaping area location for the applicable street classification(s).

Although fencing between the local and collector street right-of-way and residential projects is often proposed to provide buffering and security, the use of landscape materials and earth berming either in lieu of, or in conjunction with, fencing is highly preferred and shall be required in many instances.

Minimums:

- a) The maximum slope of berms shall not exceed 4:1.
- b) Within the required right-of-way landscaped area, one tree (2 1/2" min. caliper deciduous and six-foot min. evergreen height) and three shrubs (5 gallon min.) per 550 square feet of landscaped area shall be required.
- c) At least 20% of deciduous trees shall be 3-inch caliper and 8-foot min. evergreen tree height.
- d) Automatic sprinkler systems shall be required within all right-of-way landscaped areas.

Incentives:

- a) Choose only one from below (if applicable):
 - i) A minimum of one tree and three shrubs per 500 square feet of landscaped area will be provided in the right-of-way areas: 100 points
 - ii) A minimum of one tree and three shrubs per 450 square feet of landscaped area will be provided in the right-of-way areas: 150 points
 - iii) A minimum of one tree and three shrubs per 400 square feet of landscaped area will be provided in the right-of-way areas: 200 points

- b) Street trees (deciduous, shade trees with 40-foot max. spacing) will be planted in the landscape area between the curb and the sidewalk along a min. of 75% of the local and private street lengths on both sides of the streets: 350 points

C. *Plant Materials for All Landscaped Areas*

Minimum:

The selection of trees and shrubs shall be a mix of evergreen and deciduous types.

V. SUSTAINABLE DESIGN

Purpose: The sustainable design of residential projects should reduce the environmental impacts while improving the quality of development.

A. *Landscaping and Water Conservation*

1. Tree Lawns

Minimum:

The minimum tree lawn width is 6 feet.

2. Landscaped Strips / Medians

Minimum:

Landscaped islands and medians in parking areas must be a minimum of 12' wide.

Incentives:

Increasing the size of the islands increases a tree's health and subsequent canopy coverage of the paved area, thus reducing the heat island effect.

- a) Parking area landscape islands are minimum 15' wide: 25 points
- b) Parking area landscape islands are minimum 19' wide: 50 points

3. Water Conservation

Minimum:

The maximum turf area cannot exceed 40% of the common landscaped area not in right-of way. Highly efficient irrigation systems and methods must be incorporated, including ET or soil moisture based controllers and rain sensors to reduce consumption.

Incentives:

- a) Turf area will be reduced to 30 - 35% of landscaped area to reduce water consumption: 75 points
- b) Turf area will be reduced to 25 - 29% of landscaped area to reduce water consumption: 100 points

4. Site Design/Stormwater

Incentives:

Use of vegetative swales or bio-retention is incorporated to diffuse infiltration, reduce the impact on detention areas, and recharge ground water. Vegetated swales shall be long and narrow with a high end and a low end to allow water to flow. Often check dams are used to create several small pools of water to slow, filter and infiltrate water into the ground. Often, bioswales are vegetated with rushes and other ornamental grasses. These features may not necessarily reduce detention pond areas.

- 1) Vegetative swale or bio-retention area of 5% of total detention square feet: 100 points
- 2) Vegetative swale or bio-retention area of 10% of total detention square feet: 200 points

5. Paving Materials

Incentives:

Integrally colored permeable hardscape is used throughout the site to reduce glare, heat island effects, and storm water runoff. Permeable hardscape includes but is not limited to colored concrete pavers and porous concrete. Permeable hardscape use shall be limited to non-right-of-way areas including but not limited to internal walkways, driveways, and patios.

- 1) 20% of non-right-of-way hardscape area is permeable: 25 points
- 2) 30% of non-right-of-way hardscape area is permeable: 50 points
- 3) 40% or more of non-right-of-way hardscape area is permeable: 75 points

6. Pedestrian Circulation

Minimum:

Enhance pedestrian and bicycle infrastructure for internal connections, connections to all multi-modal transportation nodes and connections to adjacent neighborhoods, schools, commercial centers to reduce auto dependence by encouraging walking and biking.

- 1) Site amenities such as bus shelters, benches, trash receptacles, and pervious decorative paving are incorporated at all bus stops adjacent to the development
- 2) Incorporation of an internal pedestrian and bicycle corridor network including punch-throughs, 12-foot wide with a 6-foot walkway.

B. Building Construction

1. Pro-active Solar Construction

Incentives:

Points will be awarded for installation of solar water heating and photovoltaic system or pre-plumbing and pre-wiring homes for future installation to make it easier for homeowners to install the desired systems at a low cost. Roof design will also accommodate future installation of such systems.

- a) 25 points for each 10% of pre-plumbed and pre-wired housing units for a maximum of 250 points,
or
- b) 50 points for each 10% of housing units with installed roof-mounted solar water heating systems
and/or photovoltaic systems for a maximum of 500 points

2. Dwelling Unit Energy Efficiency

Incentives:

Dwelling units will be constructed to meet one of the following insulation and energy efficiency standards:
500 points

- a) Performance rating: 25% better than minimum performance criteria required by the 2009 IECC
- b) Prescriptive rating: From R-38 to R-49 roof insulation, R-30 to R-38 floor insulation; triple-pane windows
- c) UA trade-off: Building must be a minimum of 5% above 2009 IECC per ResCheck

3. Community Facilities

Incentives:

- 1) Install solar water heating and/or photovoltaic systems on the clubhouse/meeting/recreational facility buildings: 250 points
- 2) Community buildings will be LEED Silver or higher: 300 points
- 3) Mail kiosk will be covered and incorporate solar-powered lighting: 50 points

Project	City

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150
25
25

c. Pedestrian/Bicycle Paths

- Minimums: * Pedestrian and bicycle trails shall be built within each multi-family project and shall connect to the City's regional trail system. These trails occur in conjunction with streets and within the development's open space network (along public or private open space and drainageways).
- * All internal site sidewalks shall be a minimum width of five feet unless adjacent to parking spaces (min. 7-foot width).
 - * Concrete walks (8' min. width) setback 12' min. from the ultimate back of curb shall be built along arterial streets within & abutting the project.
 - * Concrete walks (5-foot min. width on one side and 8-foot min. width on the other side) shall be constructed along collector streets within or abutting the proposed project.
 - * Concrete sidewalks (7-foot min. width) shall be constructed adjacent to parking spaces (includes carport spaces but not necessarily garages) that are adjacent to residential buildings.
 - * All sidewalks along public streets must be detached from the curb the distance specified in the City of Westminster standards and specifications for the design and construction of public improvements.
- Incentives:**
- * *All internal site paths will be a minimum width of six feet: 150 points*
 - * *Lighting along both sides of off-street paths will be provided: 25 points*
 - * *Benches will be provided along pedestrian pathways throughout the project: 25 points*

d. Parking

- Minimums: * All regular parking spaces (including carport spaces) shall be a minimum 9' x 19'. No compact parking spaces are permitted.
- * All handicapped parking spaces shall be a minimum 9' x 19' with an adjacent 5' x 19' access aisle.
 - * Handicapped parking spaces shall be provided at the rate of one per 25 (or fraction thereof) regular parking spaces.
 - * Concrete curb (6" vertical) and gutters shall be required abutting all drive and parking areas. Drive aisles shall be a minimum width of 24 feet between non-angled parking spaces.
 - * At least one-third of the required parking shall be within carports or garages.
 - * 1.5 parking spaces shall be provided for every efficiency or one-bedroom unit.
 - * Two parking spaces shall be provided for every two-bedroom or larger unit.
 - * Guest parking shall be provided at one space per three units.
 - * Bicycle parking shall be provided at one space per four dwelling units.
- Incentive:** *Choose only one from below (if applicable):*
- * *At least 50%, but less than 75% of the required parking will be within: carports: 75 points; garages: 150 points*
 - * *At least 75%, but less than 100% of the required parking will be within: carports: 125 points; garages: 250 points*
 - * *100% of the required parking will be within: carports: 175 points; garages: 350 points*
 - * *All parking garages will be designed within the primary buildings: 500 points*

500

6. SITE ORIENTATION

- Minimum: * Buildings shall be oriented on the site to create visual interest and variety. Whenever possible, buildings shall be set at angles from one another in order to avoid the "barracks" type appearance.

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7. SITE AMENITIES

a. Entrance Features

- Minimums: * One monument sign shall be provided and constructed of permanent materials (masonry etched or metal letters/logo) with a solid masonry (brick or stone) base located in a landscaped median or on either side of the entrance drive. The size of the sign shall not exceed the City of Westminster Municipal Code requirements (Title XI, Chapter 11).
- * A landscaped median/island (10' min. width, 50' min. length) shall be required at the major entrance to the project and shall be the responsibility of the developer/homeowners group.

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Project	City

75 **Incentive:** * *Evergreen trees (a min. of 3 Austrian Pine, Blue Spruce, or similar) will be planted behind the entry monument signage: 75 points*

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b. Lighting

Minimums: * Site lighting shall be provided throughout the project and shall include lighting on buildings, garages, carports, drive aisles, parking lots, pathways, stairs, ramps, and landscaping to ensure visibility and safety for residents within the project.

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* Adequate street lighting shall be provided in all residential projects, and lighting along all public streets shall be in conformance with Xcel Energy standards and installed at developer expense.

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* Ground-level site lighting shall be added along all pathways, stairs, and ramps to increase visibility at night.

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75 **Incentive:** * *Decorative lighting with ornamental bases, armatures, fixtures, etc. relating to the architectural theme of the development will be installed along collector, local, and/or private streets with a max. 50-foot distance between fixtures: 75 points*

c. Recreation

Minimums: * An indoor clubhouse/meeting facility (1,000 S.F. min.) shall be provided for all projects with more than 100 units.

* A pool (25' x 50' min.) and restroom facilities shall be provided for all projects with more than 100 units. For projects with more than 300 units, two pools and restrooms shall be required or one larger (25-yard min. length) pool and restroom. All pools shall have a min. deck width of 12 feet around the perimeter of each pool.

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300 **Incentives:** * *Hard-surface courts such as tennis courts (including fencing, striping, net, lighting, etc.) and/or basketball full-courts (min. 50' x 84' including equipment, striping, lighting, etc.) will be provided: 150 points per court (300 points maximum)*

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100 * *Sand volleyball courts (30' x 60' min.) will be provided: 50 points per court (100 points max.)*

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300 * *Play equipment area with swings, slide, climbing equip., etc. (8,000 S.F. min.) will be provided: (This cannot be located in any detention area): 150 points for each area provided*

d. Public Art

Minimums: * Installed public art piece valued at \$1,000 per acre; or cash-in-lieu at \$2,000 per acre

300 **Incentives:** * *Installed public art piece valued at \$2,000 per acre*

8. PUBLIC LAND DEDICATION

Minimum: * Public land dedication (PLD) and school land dedication shall be made to the City in conjunction with residential development for public purposes at the rate indicated in the Westminster Municipal Code. (Please see the Application Packet for details).

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Incentive: *Public land dedication will exceed the minimum requirement for:*

500 * *Non-floodplain land: 50 points per each percentage point over minimum required (500 max. points)*

100 * *Floodplain land: 10 points per each percentage point over minimum required (100 max. points)*

(If this incentive is chosen, keep in mind the City has discretion whether land designated for dedication is acceptable and, during the development review process, may require an alternate location on the site or cash-in-lieu for the amount agreed to with this incentive).

9. PRIVATE OPEN SPACE AND PRIVATE PARKS

Minimums: * Private open space shall be landscaped and an irrigation system shall be required. Maintenance of private open space shall be the responsibility of the project owner.

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* Environmentally-sensitive areas (such as wetlands) shall be maintained as private open space.

* A min. of 4% of the total acreage shall be set aside for a private park that must include an open play area for active recreation and must be centrally located in the subdivision to provide a focal point. Private park and open play area shall not include areas designated for public land dedication, right-of-way, required setback areas, and detention pond areas. (The open play area shall be a min. of 1% of the 4% in size).

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500 **Incentive:** *Private park area will be increased above the min. 4% requirement (choose only one from below if applicable):*

* *Greater than 4% to 5%: 250 points*

* *Greater than 5% to 6%: 350 points*

* *Greater than 6%: 500 points*

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12. TRASH ENCLOSURES

- Minimums:
- * All trash containers shall be contained within permanent, opaque, masonry trash enclosures that match the building materials and colors of the residential buildings and shall have opaque gates.
 - * All trash enclosures shall be a min. height of six feet and max. height of eight feet. The height of all contents within an enclosure shall not exceed the height of the enclosure wall. Enclosures must be roofed if contents are visible from adjacent streets or residential land uses.
 - * Any trash enclosure visible from adjacent streets or residential developments shall be screened with landscaping.

13. MECHANICAL EQUIPMENT

- Minimums:
- * No mechanical equipment shall be placed on sloped roofs.
 - * Ground-level mechanical and utility equipment and lines shall be screened with year-round landscaping or walls that match the materials and color of the buildings.
 - * All electric and communication utility lines and services and all street lighting circuits shall be installed or relocated underground both within and adjacent to the subdivision or development.

14. MITIGATION OF ENVIRONMENTAL EFFECTS

- Minimum:
- * Developer/owner-installed walls, earth berming (4:1 max. slope), and landscaping shall be required for all proposed residential developments along U.S. 36, I-25, and all arterial streets. Developer-installed walls, earth berming, and landscaping will be required, and in certain circumstances, further mitigation measures may be required.

15. NEIGHBORHOOD NOTIFICATION

- Minimum:
- * Project developers/owners are required to contact the surrounding neighborhoods regarding their proposed developments and are responsible for all public notifications, researching and providing property ownership information, and organizing and conducting neighborhood meeting(s). (See Neighborhood Contact Requirements handout for more information).

4000 SUBTOTAL (SITE DESIGN)

ARCHITECTURAL DESIGN

Max. Pts. 1. EXTERIOR DESIGN ELEMENTS

a. Building Design

- Minimums:
- * Architectural detailing, horizontal off-sets, architectural window details and other features shall be provided on all sides of the building to avoid blank walls, and all sides of all buildings shall be designed with quality materials. (360 degree architecture)
 - * Vertical and horizontal elements shall be used in contrast to one another. Contrast and depth are preserved by offering exterior selections that emphasize a dominant building material but include complementary materials and colors.
 - * Buildings shall incorporate visually heavier and more massive elements at their bases, and lighter elements above these components.
 - * For projects with multiple buildings, variety shall be used in site orientation and among buildings to avoid a "barracks" appearance.
 - * The architectural style of the building shall exhibit a residential rather than institutional character.
 - * Two or more distinct building models shall be designed for projects with more than four buildings.
 - * For projects with more than 10 primary buildings, a minimum of three distinct building models shall be required.
 - * Fireplace "box-outs" shall extend vertically from ground level to meet the roofline and avoid a "tacked-on" look.
- 50 Incentives:**
- * **Buildings will have a variety in horizontal off-sets (staggering or change in plane surface) of at least eight feet on both the front and rear of the buildings: 50 points**
 - * **A covered and lighted structure will be provided over external mailbox units for the project or internal mailbox units will be provided. If an external structure is provided, the materials, colors, and style will match the primary buildings: 150 points**
 - * **Choose one from below (if applicable):**
 - * **25% or more ranch homes or two-story homes with a first-floor master bedroom and bath with a shower or tub will be built: 25 points**
 - * **50% or more ranch homes or two-story homes with a first-floor master bedroom and bath with a shower or tub will be built: 50 points**

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200

b. Building Height

Minimum: * Building heights of two-story (or taller) buildings shall be stepped down at the edges of the structure(s) by one story at a minimum. Vertical planes greater than two stories on taller buildings shall be avoided.

Incentive: * **Building heights will not exceed (choose only one from below if applicable):**
 * **Two stories in height: 200 points**
 * **Two stories in height for all buildings adjacent to public streets: 150 points**
 * **35 feet in height: 75 points**

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75

c. Building Entrance

Minimum: * A covered entry area shall be designed at the main entry area of each building.

d. Windows

Incentive: * **Bay or box windows will be provided on the front façade of at least 50% of the units: 75 points**

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400

e. Roof Design

Minimums: * A roof pitch of 5 in 12 or greater shall be provided on all buildings. All roofs shall have one-foot min. overhanging eaves.
 * Quality roof materials shall be used on all buildings (includes tile, concrete tile, slate, architectural metal, dimensional asphalt or fiberglass shingles (which provide shadow effect).
 * Building roofs will be broken into smaller planes or roof elements. A minimum of two roof breaks (roofs that turn a corner or change elevation) will be provided on all buildings. Large expanses of roof surfaces or long, uninterrupted ridge and eave lines shall be avoided.

Incentive: * **Tile (terra cotta, concrete, or slate) roofs will be used on all buildings: 400 points**

2. GARAGES

Minimums: * Garage interior minimum dimensions:
 * Depth - single- and double-car garages: 22 feet
 * Width - single-car garages: 12 feet
 * Width - double-car garages: 20 feet
 * Garage door minimum dimensions:
 * Height: 7 feet
 * Width - single-car garage door: 8 feet
 * Width - double-car garage door: 16 feet

200

3. PATIOS, BALCONIES, AND FRONT PORCHES

Minimums: * When included in the design, balconies shall be opaque and architecturally integrated with walls on at least two sides.
 * Private patios (unobstructed 120 S.F. min.) and/or balconies (unobstructed 80 S.F. w/ 6' min. depth) shall be provided on at least 50% of units.

Incentives: * **Private patios (unobstructed 120 S.F. min.) and balconies (unobstructed 80 S.F. with 6-foot min. depth) will be provided on: (Choose only one from below if applicable):**
 * **At least 75%, but less than 100% of all units: 100 points**
 * **100% of all units: 200 points**

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4. SITE CONSIDERATIONS RELATED TO ARCHITECTURE

- Minimums:
- * Garages, carports, attached parking structures, and other accessory buildings shall all relate to the building architecture and demonstrate similar compatible forms, scale, materials, colors, and detail.
 - * Garages and carports shall not exceed six (6) side-by-side parking spaces unless parking spaces are designed back-to-back allowing a maximum of 12 parking spaces per carport or garage structure.

5. EXTERIOR BUILDING MATERIALS AND COLORS

- Minimum: * Thirty percent (30%) or more of all non-window/door surfaces on all sides of all buildings shall be finished with masonry (brick or stone).
- Incentive: * *Choose only one from below (if applicable):*
- * *At least 50%, but less than 75% of all non-window/door surfaces on all sides of all primary buildings will be finished with masonry (brick or stone): 250 points*
 - * *At least 75%, but less than 100% of all non-window/door surfaces on all sides of all primary buildings will be finished with masonry (brick or stone): 500 points*
 - * *100% of all non-window/door surfaces on all sides of all primary buildings will be finished with masonry (brick or stone): 750 points*

750

1875 **SUBTOTAL (ARCHITECTURAL DESIGN)**

Max.

LANDSCAPING DESIGN

Pts.

1. PRIVATE LANDSCAPING

a. Common Areas

- Minimums:
- * A minimum of 40% of the overall site area (excluding right-of-way landscape area) shall be landscaped. This includes detention pond areas and parking lot landscaping but excludes all hardscape areas.
 - * A minimum of 75% of the landscaping shall be covered by living plant materials such as groundcover, shrubs, and grass within three (3) years following installation and thereafter.
 - * Within the required landscape area, one tree (2 1/2" min. caliper deciduous and six-foot min. evergreen height) and three shrubs (5 gallon min.) per 550 square feet of landscaped area shall be required.
 - * At least 20% of the required trees shall be a min. of 3-inch caliper deciduous and 8-foot min. evergreen height.
 - * All landscaping shall be installed, irrigated, and maintained by the project developer and/or owner.
 - * A wide variety of plant materials shall be used in landscaped areas to add interest.

300

- Incentives: * *Private landscaped area will be increased above the minimum 40% requirement (choose only one from below if applicable):*
- * *Greater than 40% to 45%: 200 points*
 - * *45% to 50%: 250 points*
 - * *50% or more: 300 points*

150

- * *Choose only one from below (if applicable):*
- * *A min. of one tree and three shrubs per 500 s.f. of landscaped area will be provided in the private landscaped areas: 50 points*
 - * *A min. of one tree and three shrubs per 450 s.f. of landscaped area will be provided in the private landscaped areas: 100 points*
 - * *A min. of one tree and three shrubs per 400 s.f. of landscaped area will be provided in the private landscaped areas: 150 points*

100

- * *Choose only one from below (if applicable) for private landscaped areas:*
- * *At least 50%, but less than 75% of all trees will be 3" min. caliper for deciduous and 8' min. height for all evergreen trees: 50 points*
 - * *At least 75%, but less than 100% of all trees will be 3" min. caliper for deciduous and 8' min. height for all evergreen trees: 75 points*
 - * *100% of all trees will be 3" min. caliper deciduous trees and 8' min. height for all evergreen trees: 100 points*

Project	City

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b. Detention Pond Areas

Minimum: * The developer/owner shall be responsible for landscaping the detention pond and other common areas at a rate of one tree and three shrubs per 550 square feet of landscaped area. Plant materials should be concentrated around the perimeter of the detention pond and distributed elsewhere throughout the site. The property owner shall be responsible for the maintenance of these areas.

Incentive: * *Detention area will be designed as a permanent water feature (e.g. water retention area with fountain): 100 points*

c. Landscaped Islands / Medians

Minimum: * Installation and maintenance of all medians/islands shall be the responsibility of the developer/property owner.

Incentive: * *A minimum of one tree and three shrubs per 500 square feet of landscaped area will be provided in the project entry area: 50 points*

d. Parking Lots

- Minimums:
- * Parking lots shall not be located within the required landscape setback.
 - * Parking lots of 50 or more spaces shall be required to be landscaped with internal landscaped parking lot islands.
 - * Landscaped islands in parking lots shall be no smaller than two standard parking spaces and shall alternate periodically with larger islands.
 - * Landscaped islands shall occur approximately every 30 spaces within parking lots.
 - * A minimum of two (2) shade trees and 12 shrubs shall be required per island. If the island is larger than 400 square feet, the landscape shall include one (1) additional shade tree and six (6) additional shrubs for every additional 200 square feet or fraction thereof.
 - * Continuous landscape strips (min. 12' width) separating every 3 rows of parking shall be required for parking lots with 300 or more parking spaces
 - * Landscaped berms shall be required to screen parking (including covered parking structures) from adjacent developments and streets.

2. RIGHT-OF-WAY LANDSCAPING

- Minimums:
- * The maximum slope of berms shall not exceed 4:1.
 - * Within the required right-of-way landscaped area, one tree (2 1/2" min. caliper deciduous and six-foot min. evergreen height) and three shrubs (5 gallon min.) per 550 square feet of landscaped area shall be required.
 - * At least 20% of deciduous trees shall be 3-inch caliper and 8-foot min. evergreen tree height.
 - * Automatic sprinkler systems shall be required within all right-of-way landscaped areas.

Incentives: * *Choose only one from below (if applicable):*

- * *A min. of one tree and three shrubs per 500 s.f. of landscaped area will be provided in the right-of-way areas: 100 points*
- * *A min. of one tree and three shrubs per 450 s.f. of landscaped area will be provided in the right-of-way areas: 150 points*
- * *A min. of one tree and three shrubs per 400 s.f. of landscaped area will be provided in the right-of-way areas: 200 points*
- * *Street trees (deciduous, shade trees with 40-foot max. spacing) will be planted in the landscape area between the curb and sidewalk along a min. of 75% of the local and private street lengths on both sides of the streets: 350 points*

3. PLANT MATERIALS FOR ALL LANDSCAPED AREAS

Minimum: * The selection of trees and shrubs shall be a mix of evergreen and deciduous types.

1250 SUBTOTAL (LANDSCAPING DESIGN)

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Project	City

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Max.
Pts.

SUSTAINABLE DESIGN

1. LANDSCAPING AND WATER CONSERVATION

a. Tree Lawns

Minimums: * Tree Lawns will be a minimum width of 6 feet.

b. Landscaped Islands/Medians

Minimums: * In areas with parking areas for community facilities landscaped islands or medians shall be a minimum of 12 feet wide.

Incentives: * *Parking area landscaped islands are a minimum 15' wide: 25 points.*

* *Parking area landscaped islands are a minimum 19' wide: 50 points.*

c. Water Conservation

Minimums: * The maximum turf area cannot exceed 40% of the common landscaped area not in right-of-way. Highly efficient irrigation systems and methods must be incorporated, including ET or soil moisture based controllers and rain sensors to reduce consumption.

Incentives: * *Turf area will be reduced to 30-35% of landscaped area: 75 points.*

* *Turf area will be reduced to 25-29% of landscaped area: 100 points.*

d. Site Design/Stormwater

Incentives: * *Vegetative swale or bio-retention area of 5% of total detention square feet: 100 points.*

* *Vegetative swale or bio-retention area of 10% of total detention square feet: 200 points.*

e. Paving Materials

Incentives: * *20% of non right-of-way hardscape area is permeable: 25 points.*

* *30% of non right-of-way hardscape area is permeable: 50 points.*

* *40% of non right-of-way hardscape area is permeable: 75 points.*

f. Pedestrian Circulation

Minimums: * Site amenities such as bus shelters, benches, trash receptacles, and pervious decorative paving shall be incorporated at all bus stops adjacent to the development.

* Incorporation of an internal pedestrian and bicycle corridor network including punch-throughs, minimum 12' wide with a 6' walkway.

2. Building Construction

a. Pro-active Solar Construction

Incentives: * *Each 10% of housing units pre-plumbed and pre-wired for solar water heating and photovoltaic systems: 25 points. Max. 250 points.*

* *Each 10% of housing units installed with solar water heating and photovoltaic systems: 50 points. Max. 500 points.*

b. Dwelling Unit Energy Efficiency

Incentives: * *Choose one from below (if applicable):*

* *Performance rating: 25% better than minimum performance criteria required by the 2009 IECC.*

* *Perscriptive rating: From R-38 to R-49 roof insulation; R-30 to R-38 floor insulation; and triple-pane windows.*

* *UA trade off: Building must be a minimum of 5% above 2009 IECC per ResCheck*

c. Community Facilities

Incentives: * *Install solar water heating and/or photovoltaic systems on the clubhouse/meeting/recreational facility buildings: 250 points.*

* *Community buildings will be rated LEED Silver or higher: 300 points.*

* *Mail kiosk will be covered and incorporate solar-powered lighting: 50 points.*

SUBTOTAL (SUSTAINABLE DESIGN)

TOTAL

RESOLUTION

RESOLUTION NO. **30**

INTRODUCED BY COUNCILLORS

SERIES OF 2011

**PUBLIC ART AMENDMENTS TO THE CITY OF WESTMINSTER
RETAIL COMMERCIAL DESIGN GUIDELINES**

WHEREAS, compliance with the City's Design Guidelines is required by §11-3-5(E), W.M.C. for new Retail Commercial projects; and

WHEREAS, Public Art is required for all new non-residential projects on a per acre basis as outlined in the Retail Commercial Design Guidelines; and

WHEREAS, the installation of Public Art enhances the City's quality of life and visual interest along public roadways where the art is located; and

WHEREAS, the City Council finds that an amendment to the Retail Commercial Design Guidelines is necessary to clarify language concerning the Public Art program.

WHEREAS, the proposed amendments to the Public Art language are consistent with commonly applied City practices; and

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

1. The City of Westminster Retail Commercial Design Guidelines are hereby amended as described in Exhibit A, attached hereto and incorporated herein by reference.
2. All other existing pages of the Retail Commercial Design Guidelines remain in effect.
3. The Retail Commercial Design Guidelines shall continue to apply to all future Preliminary Development Plans (PDP's) and amendments and Official Development Plans (ODP's) and amendments for new non-residential developments.
4. The Public Art revisions to the existing guidelines are in the best interests of the citizens in light of the City's desire for managed growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community.

PASSED AND ADOPTED this 26th day of September, 2011.

ATTEST:

Mayor

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Attachment: EXHIBIT A – Retail Commercial Design Guidelines



WESTMINSTER
COLORADO

Retail Commercial Design Guidelines

Revised Sept. 2011

CITY OF WESTMINSTER
RETAIL COMMERCIAL DESIGN GUIDELINES
UPDATED MARCH 2007

INDEX Table of Contents

I.	PURPOSE AND INTENT	Page 1
II.	APPLICABILITY	Page 1
III.	IMPLEMENTATION PROCEDURES	Pages 1-2
	Properties or Plans that Qualify	
	Other Reference Sources for Retail Development	
	Approval Process	
IV.	SITE PLANNING	Pages 2-10
	Site Orientation	
	Grading	
	Views	
	Natural Amenities/Wetlands	
	Flood Corridors/Floodplains	
	Endangered/Threatened Plants or Animals	
	General Project Layout and Design	
	Unified Project	
	Linear “Strip” Development	
	Pad Development/Construction Phasing	
	Number of Pad Sites	
	Limitations on Gasoline Sales, Restaurants with Drive Through etc.	
	Sense of Entry	
	Enhanced Corner at Intersection of Arterial Streets	
	Grades of Pavement	
	Undergrounding Utilities	
	Lighting	
	Building Elements	
	Variation in Size and Mass	
	Development of Projects 5 Acres or Greater	
	Outdoor Display, Storage of Merchandise	
	Building and Parking Setbacks	
	Building Height Relationship to Setbacks	
	Location of Drive-ins, Liquor, Auto Wash	
	Masonry Screen Wall Requirements	
	Location/View of Drive Through Windows	
	Car Wash Facility Siting	
	Public Art	
	Public Art Definition	
	Owner Requirements – Installed Art and Improved Art Locations	
	Art Location Improvement Requirements	
	Art Location Ownership	
	Ownership of Public Art	
	Maintenance	
	Removal and/or Relocation of Public Art	

IV.	SITE PLANNING (continued)	Pages 2-10
	Automotive and Pedestrian Circulation	
	Connections Involving Multiple Buildings or Lots	
	Access Points, Driveways, Parking Restrictions	
	Emergency/Fire Access	
	Design of Drive Through	
	Bicycle Parking Requirements	
	Handicap Access	
	Bus Stops	
	Pedestrian Circulation	
	Sidewalk Widths	
	Specialty Paving	
	Site Planning of Service and Trash Areas	
	Limitations on Trucks and Trailers	
	Masonry Screen Wall Requirement	
	Location of Service Areas	
	Trash Enclosures/Compactors	
 V.	 ARCHITECTURAL DESIGN	 Pages 11-14
	Community Image	
	Neighborhood Character	
	Linear, “Strip” Development	
	360 Degree Architecture	
	Consistent Architectural Theme	
	Large Buildings Adjacent to Small Buildings	
	Variation in Roof Form, Building Height, Wall Planes	
	Base of Building	
	Entrances	
	“Franchise” Architecture	
	Building Materials	
	Color	
	Prohibited or Restricted Elements	
	Top of Building	
	Roofline	
	Roofing Materials	
	Windows	
	Glass	
	Site Furniture	
	Mechanical Equipment	
	Accessory Structures	
	Screen Walls	
	Trash Enclosures	
 VI.	 LANDSCAPING	 Pages 14-15
	Landscape Regulations	
	Unity of Design	
	Grouping of Plants	
	Use of Planting	
	Parking Lot Screening	
	Landscape Islands in Parking Lots	
	Sight Triangles	
	Landscaping Adjacent to Buildings	
	Detention Ponds	
	Reclaimed Water	

VI.	LANDSCAPING (continued)	Pages 14-15
	Phasing	
	Right-of-Way Maintenance	
	Rock	
	Retaining Walls	
	Lighting	
VII.	SIGNAGE	Pages 15-16
	General	
	Coordination of Design	
	Individual Letter Requirement	
	Maximum Height	
	Limitations on the Back of Buildings	
	Prohibitions	
	Raceways	
	Awnings	
	Flags	
	Sight Triangles	

**CITY OF WESTMINSTER
RETAIL COMMERCIAL DESIGN GUIDELINES**

I. PURPOSE AND INTENT

The Retail Commercial Design Guidelines have been prepared to provide the minimum design criteria for retail commercial development within the City of Westminster. These guidelines are intended to result in the enhancement of Westminster's character and image, as well as further the establishment of sense of place by the following:

- Specifying the use of high quality building materials.
- Identification and consistent use of design elements which contribute to quality and good design in site planning, architecture, landscaping, and signage.
- Creating a consistent, cohesive character within a development that is also compatible to its surroundings.

High quality design solutions deviating from strict interpretation of guidelines noted herein may be considered and approved by the City only when the resulting design is one which is determined to be desirable by the City.

The Retail Commercial Design Guidelines include three general categories: Site Planning, Architectural Design and Landscape Design.

II. APPLICABILITY

These guidelines adopted by the Westminster City Council are intended to be used as a guideline for development of a retail commercial nature, and for development of office or industrial properties until such time that office or industrial standards are developed and adopted by the City.

Non-compliance to these guidelines may be grounds for denial of a project.

III. IMPLEMENTATION PROCEDURES

A. Properties or Plans that Qualify

All properties designated as the "Retail Commercial" land use category by the Westminster Comprehensive Land Use Plan (CLUP); or

Retail commercial development within the district center or business park land use category as designated by the Comprehensive Land Use Plan; or

All existing, future or redevelopment of a retail commercial nature within the Business, Commercial, Heavy Commercial, and Planned Unit Development zone districts.

All new Official Development Plans (ODP) and new Official Development Plan waivers, indicating retail commercial development are required to incorporate these guidelines - or provide an alternative acceptable to the City.

All amendments to ODPs and existing ODP waivers are required to incorporate these guidelines. The City of Westminster may vary these standards for existing development or properties within the urban renewal area or properties of a small size or unusual shape where it is deemed impractical or undesirable by the City to apply these guidelines.

Big Box retail development may require increased setbacks and other additional development criteria in addition to the development criteria herein, specific to each development as required by the City.

Mixed-use retail development that includes residential, office, light industrial or a main street theme as a significant component of the development may vary from the development criteria as approved by the City.

B. Other Reference Sources for Retail Development

Westminster Municipal Code – for zoning, site development standards, parking standards, sign regulations.

Preliminary Development Plan (PDP) – for zoning, site development standards.

Westminster Comprehensive Land Use Plan (CLUP) – for conformance with land use, development standards and general policies of the City.

Urban Renewal Plan – for conformance with land use standards and general policies for the City.

Plan Submittal Document Guidelines – for procedures for project review.

City of Westminster Landscape Regulations.

Standard & Specifications for the Design and Construction of Public Improvements.

Right-of-Way Standards.

Arterial Streets and Highways Buffering Standards.

C. Approval Process

The Westminster Municipal Code (Section 11-5-5) requires that an Official Development Plan (ODP) or ODP Waiver be approved prior to use, improvement or development of property. Section 11-5-5(C) of the Code indicates that the City shall have the option to require that the application shall be for the entire property ownership rather than just a portion of the property. An Amended ODP is required for changes to an existing ODP.

IV. SITE PLANNING

Purpose and Intent: Site planning is the design process for development of land. Site planning takes into account external (off-site) and internal (on-site) compatibility and the relationship of how land is to be used. Numerous factors such as physical and natural features of the land;

building placement; vehicular access, circulation and parking; pedestrian access, circulation and parking; preservation and buffering of views; surrounding development; community character; are many, but not all, of the factors that are evaluated and accommodated in good site planning.

A. Site Orientation

Site planning must take into consideration the existing grade and slope of the site as well as existing grades and building elevations off-site. Grading of property must be sensitive and compatible with surrounding properties and public streets. Commercial properties adjacent to existing or future residential properties will be restricted in raising the elevation of the commercial site unless approved by the City. Site planning must consider the relationship of buildings and detention areas to natural grades and visibility from adjacent roads and properties. Final grades within landscape areas cannot exceed 25% (4:1), as required by the Landscape Regulations. The use of terraced parking lots, stepped building pads, retaining walls and larger setbacks may be necessary. The use of landscaped, sloped areas is preferable to retaining walls. Retaining wall heights are limited to a maximum height of 4-feet. (Landscape Regulations)

The City has an abundance of panoramic views. The Comprehensive Land Use Plan (CLUP) identifies view corridors that are intended to be preserved.

Natural site amenities such as mature trees, creeks, riparian corridors and other features unique to the site must be identified and considered for preservation. All wetlands shall be identified as determined by a qualified wetland consultant. The Corps of Engineers shall approve the delineation of wetlands. Any impact to a wetland shall be mitigated in accordance with the Corps of Engineers regulations. (Federal regulation)

Flood corridors are located within the 100-year floodplain. Flood corridor areas should remain undeveloped to prevent flood damage and to preserve the riparian habitat and wildlife associated with the area. The filling in of flood plains will generally be prohibited (CLUP, Page 50).

All endangered or threatened species of plants or animals should be identified and habitat of such species should be considered for preservation as determined by the United States Fish and Game Service or other appropriate agencies. This responsibility is that of the property owner/developer.

B. General Project Layout and Design

Retail commercial development must be designed in a manner to create the impression of a unified project and overall sense of a unique or identifiable place.

Linear “strip” development is discouraged. This type of development is characterized by uses that are only one store deep and buildings are arranged in a linear fashion rather than clustered. This type of design also does not promote interaction between people and places. If this approach is used, the development should incorporate design elements that significantly mitigate the linear effect.

A minimum of 50% of the overall property (acres or gross floor area, whichever is greater) should be within the initial first phase of construction. Pad sites should not be

developed until at least 50% of the non-pad portion of the property has begun construction. Construction phasing must be indicated on the ODP. The timing of construction of pad sites or individual lots may be subject to further restrictions.

The number of pad sites (freestanding, unconnected buildings) or the number of lots (for freestanding buildings) is limited to a maximum of one pad site or lot per 5 acres of the total development.

Convenience grocery stores with gasoline sales or any other business with gasoline sales should meet the following locational standards, unless specifically approved by the City of the Official Development Plan:

1. Only one such business within a commercial development (must not exceed the requirement noted below *); and
2. No more than two such businesses within a ¼ mile proximity to any 4-way intersection (measured from edge of right-of-way); and
3. Other locations (not within a 4-way intersection) are limited to a minimum ½ mile distance (measured along street frontage) from another such use.

* The number of restaurants with a drive through, car washes, automobile repair/service, or gasoline sales (combined or not combined with a car wash or restaurant), is limited in number to a total of one per 10 acres or portion thereof. (One business for an overall development of up to 10 acres; two for up to 20 acres; three for up to 30 acres, etc.)

A sense of entry or arrival must be created at primary entryways into the development. Building placement, landscaping, gates, entry monuments, specialty lighting and other design elements can be used to create this design effect.

In projects over 10 acres, the development area immediately adjacent to the intersection of two arterial streets should be free from a building location in order to maintain public views into the development from the intersection. This area must be enhanced with landscaping, however some parking may be acceptable. This area is generally the size of a pad site and the length along each stretch of arterial street frontage should be about equal. The design approach to creating open space and maintaining views at the corner will be evaluated on a site by site basis.

Pavement grades should not exceed 5% longitudinal slope within a parking area and 8% longitudinal slope in drive aisles that do not have parking stalls along the aisles. Site entry/exit aisles shall not exceed 3% longitudinal slope from the public street to 50-feet into the site. The 50-feet shall be measured from the property line. (Standard Specifications for Design and Construction of Public Improvements) Sidewalk cross slopes shall not exceed 2%. Sidewalk longitudinal slopes shall comply with the American Disability Association requirements.

Westminster City Code requires that existing and new utility lines and services be placed underground both within and adjacent to the development, including adjacent right-of-way. (WMC 11-6-3)

An exterior lighting plan indicating site and building light fixtures and lighting levels should be prepared by a qualified consultant and submitted to the City for review and approval in conjunction with the ODP. Illumination levels should be designed to average 1-foot candle in parking lots and other similar areas (measured 4/5-feet above the ground surface). Parking lot lighting should be with metal halide or other type of white lighting. Off-site glare onto adjacent properties or right-of-way is not permitted. Over-lighting areas and high contrast between properties should be avoided. Concealment of the light source must be a design consideration. Parking lot lights should not exceed 30-feet in height.

C. Building Elements

Multiple buildings in single projects should be varied in size and mass. A transition from low buildings at the site perimeter to larger and taller structures on the interior of the site is generally encouraged.

Development of a project of greater than 5 acres must include a publicly accessible outdoor space such as a pedestrian plaza, park, pavilion or courtyard. A water feature, fountain, sculpture, or other art feature may be considered in lieu of a larger outdoor space. Amenities such as specialty paving, specialty lighting and street furniture are required throughout the development. The location of freestanding, thematic lighting should occur in the pedestrian area between buildings and parking areas and along primary access drives.

Outside display, storage, or sale of merchandise on a permanent, temporary, or seasonal basis is generally discouraged in retail commercial development. If any outside display, storage or sale of merchandise is proposed by the ODP, limitations must be indicated regarding time, type of merchandise, location and size of the area, signage, fencing and maintenance of minimum pedestrian walkway widths when located adjacent to a pedestrian walkway. Outside storage areas for shopping carts should also be indicated in a similar manner. Soda, water and other vending machines of a similar size should be placed within a building. Smaller vending machines, such as newspaper machines, are exempt from these criteria.

Minimum Building and Parking Lot Setbacks

Building and parking lot setbacks are measured from property lines after dedication of all required future right-of-way.

Building setbacks are based on a maximum building height of 25 feet (as defined by the Uniform Building Code). Buildings in excess of 25 feet may require additional setback.

Landscaping is required in parking lot setback areas.

Parking setbacks apply to all parking, access drives, loading and trash areas.

Where any of these setbacks conflict, the more stringent will generally apply.

	SETBACK	SETBACK
Arterial and Collector Streets	Bldg.: 50-ft.	Parking: 25-ft.
or	Bldg.: 40-ft with 100% landscaping between property line and building (no parking or pavement in this area)	
Local Streets	Bldg.: 35-ft.	Parking: 25-ft.
Internal Access Drives (3)	Bldg.: 20-ft.	Parking: 20-ft.
Interior Property within the Commercial Development (1)	Bldg.: 20-ft.	Parking: 10-ft.
Other Property Line adjacent to Non-residential Property	Bldg.: 20-ft.	Parking: 10-ft.
Other Property Line Adjacent to Residential Property or Public Property (2,4)	Bldg.: 50-ft.	Parking: 25-ft.

- (1) These setbacks may vary depending on the overall site plan. Setbacks are measured from property lines.
- (2) No wall of any drive-in business, liquor store, automobile wash facility, or automobile service station is permitted within 100-feet of any residential district boundary (11-4-6(G) of the City Code). If public streets occur between districts, measurement of district boundaries shall be from centerline of street.
- (3) Internal access drives are primary, private, access drives that connect to the public street. Sidewalks may occur in these setbacks. Measurement is from the face of the nearest curb along the drive.
- (4) At a minimum, a masonry wall of no less than 8-feet in height is required within the setback area adjacent to residential property or public property. This wall should be constructed in accordance with the Arterial Streets and Highways Buffering Standards. Additional buffering such as increased wall height, berming and intensive landscaping may be required. Berming, used in conjunction with intensive landscaping and increased setback may be considered in lieu of the masonry wall or reduce the height requirements of the masonry wall, as determined by the City. Plastic fencing may also be considered in limited applications, in conjunction with berming, increased setback and intensive landscaping, as determined by the City.

Drive through windows shall not face the street unless the view of the lower portion of the automobile (tires) are mitigated with grade (berm or slope downward), or landscaping as approved by the City.

The solid wall of car wash facility should be sited parallel to any public street. The open side of car wash bays must be totally screened if visible from a public street.

D. Public Art (Resolution 68, 12/11/06)

For all non-residential and mixed-use developments of one (1) acre (gross) or more, outdoor public art shall be a design, planning and budget consideration for the subject site. The relevant information and timing of installations per this requirement shall be defined in the approved Official Development Plan for the subject site.

Public Art Definition

Public art or works of public art are defined as, but not limited to, the following kinds of original works:

- Sculptures
- Engravings
- Mobiles
- Mosaics
- Site-specific installations
- Carvings
- Murals
- Statues
- Frescos
- Bas-reliefs

Public art shall not include catalog or commercially mass-produced pieces. The art piece shall include an original stamp, seal, signature, or similar identification by the artist. Numbered art pieces may be acceptable, at the City's discretion.

Outdoor pPublic art or outdoor public works of art also include the creative application of skill, interpretation and taste by artists to the architectural embellishment of a building or structure. ~~Architects and landscape architects are not considered artists under this definition.~~ Corporate logos and sales marks are not considered public art under this definition.

Owner Requirements – Installed Art and Improved Art Locations

Three scenarios for the provision of installed art and improved art locations exist as follows:

- 1) Art Location Provided on ODP with Art Installed: ~~Installed Art Plus On-Site Location Provided~~ – in cases where the property owner provides a fully improved art location and installed artwork ~~as approved by the City of Westminster and a fully improved art location on an approved ODP.~~ Under this scenario the value of the ~~installed~~ public ~~art piece~~ shall, at a minimum, equal \$1,000 per gross acre of the subject property. Required site improvements are outlined below.
- 2) On-Site Improved Location Plus Cash-in-Lieu of Installed Art – in cases where the property owner provides a fully improved art location ~~plus cash-in-lieu of~~ installed public art. Under this scenario, ~~required site improvements are outlined below.~~ A cash-in-lieu payment equivalent ~~to at a minimum to~~ \$1,000 per gross acre of the subject property ~~would shall~~ be payable to the City of Westminster ~~to be utilized for the purchase and installation of art on the improved location.~~ at the time of final plat, and be utilized for the purchase of

the art piece, which would be installed on the improved location. If no plat is needed then cash-in-lieu shall be provided at the time of Official Development Plan recording.

- 3) Cash-in-Lieu of Art and In-Lieu of an Improved Site – in ~~instances-cases~~ where the City deems a site inappropriate or infeasible for the installation of public art, cash-in-lieu ~~of installed for both the art piece~~ and an improved site ~~will~~ shall be payable by the property owner to the City in the amount of \$2,000 per gross acre of the subject property at the time of final plat. If no plat is needed then cash-in-lieu shall be provided at the time of Official Development Plan recording.

Art Location Improvement Requirements

The property owner shall be responsible for the improvement of the art ~~parcel~~ location. These improvements may include, but are not limited to, the base to support the public art, sidewalks, landscaping, hardscape, irrigation and lighting. Designs and locations for such improvements shall be determined by the City in consultation with the ~~developer-property owner~~ as part of the Official Development Plan (ODP) or ODP amendment process.

Irrigation sources, electrical supply connections and other site utility requirements shall also be identified during the ODP process. Such requirements may, at the discretion of the City, include separate water taps and electric services.

~~Dedicated Public Art~~ locations ~~shall~~ ould have either direct public access or permanent access via a cross-access easement which shall be documented on the ODP and on the plat.

Art Location Ownership

Improved art locations ~~may (or shall)~~ be dedicated to the City of Westminster or such other entity designated by the City of Westminster, either through the filing of the final plat or a deed transfer satisfactory to the City, at no cost to the City.

Ownership of Public Art

Public art installed under ~~these~~ requirements described herein shall be owned by the City of Westminster. In ~~instances-locations~~ where the type of art, such as a wall-mounted mural, precludes separate ownership, façade or other easements shall be granted to the City, at no cost to the City, for their protection. The easements shall be recorded by the property owner, at no cost to the City, prior to the issuance of a Certificate of Occupancy by the City of Westminster.

Maintenance

Perpetual maintenance responsibilities of installed public art and improved art locations shall remain with a developed lot so defined in the approved ODP. Installed public art and improved art locations shall be maintained in a condition consistent with ~~that-what~~ exists at the time of installation. Said maintenance will be a requirement of ongoing site compliance with approved ODP's, and shall be subject to the same enforcement mechanisms associated therewith. ~~Should art be relocated from its original location, ongoing maintenance responsibilities may be re-evaluated and transferred.~~

Removal and/or Relocation of Public Art

It is the intention of the City of Westminster to retain art at its original location. ~~If such an instance arises that would~~ Where cause necessitates the relocation of public art, such as infrastructure expansion that could not reasonably accommodate the original location, then the City shall be free to remove or relocate any installed public art it deems necessary and appropriate. Costs of any such removal or relocation would be borne by the City of Westminster. The City shall also be responsible for any new easements, site work for the relocated art, and utility connections if necessary.

E. Automotive and Pedestrian Circulation

The internal vehicular and pedestrian circulation within a development involving multiple buildings or lots must interconnect in an obvious and consistent manner.

There must be a clear and carefully planned hierarchy in the vehicular circulation design. Access points along major driveway/access routes must be limited in number and location. Parking along major driveway/access routes should be prohibited or severely restricted. The design must incorporate a generous area for the stacking of cars along driveway routes where they intersect with public streets. Access points and driveways should line up across from other access points or driveways, and adequate separation between access points must be provided for safe and convenient internal circulation.

Access points and driveways must be planned and shared between properties, and access easements must be noted on the ODP and final plats.

Site planning must provide for the Fire Department/Emergency access. Access roads and drives must be a minimum of 20-feet in width and comply with current Fire Code standards. When parking control is necessary along required access, such access shall be labeled on the ODP as “Fire Lane”, and fire lane signs stating “No Parking” must be installed at the time of development.

Cross access and parking easements must be noted on the ODP and final plat when applicable.

Major access drives in excess of 500-feet should incorporate elements in the design such as a change in the direction of travel (angle/offset), traffic circle, or other acceptable form of speed deterrent.

Compact parking spaces are not allowed. (WMC 11-7-4C)

Drive through uses must be designed for exclusive drive through lanes that allow for stacking of multiple vehicles in front of the order board, and between the order area and pick-up window(s). This drive through lane must not block access to parking stalls or pedestrian access to the building. Stacking of cars must be sufficient to prevent spill over into circulation aisles, parking or streets.

The use of parking bumpers is prohibited. Parking areas must be separated from pedestrian walkways and landscape areas by poured in place concrete curb and gutter.

Bicycle parking is required by City Code (WMC 11-7-4E) and must be shown on the ODP.

Handicap access is required per the Westminster Municipal Code Section 11-9-1, and Chapter 11 of the Uniform Building Code. The CABO-ANSI Standards for handicap accessibility shall be followed.

All existing and planned bus stops must be shown on the ODP. Additional bus benches and shelters, of a design approved by the City, may be required to be installed by the developer of the retail project and maintained by the developer/owner or owner's association. Sidewalk linkages from bus stops to the pedestrian circulation system will be required.

Site planning must provide for pedestrian circulation. Pedestrian circulation must be provided from the perimeter of the site to all buildings. Primary pedestrian or bicycle connections must be not less than 8-feet in width. Secondary interior sidewalks must be no less than 5-feet in width. Parking stall overhang into any sidewalk or landscape area will require an increase in the minimum sidewalk or landscape area by the depth of the overhang (2-foot for each overhang).

Sidewalk areas in front of buildings shall be designated to accommodate pedestrian activity. Sidewalks in front of or directly adjacent to singular, freestanding buildings less than 10,000 square feet should not be less than 7 feet in width (exclusive of auto overhang). Sidewalks in front of buildings in excess of 10,000 square feet should be no less than 15 feet in width and must average 25 feet in width. Landscaping must occur within or adjacent to these areas as approved by the City. Raised planters are encouraged. The use of specialty paving as an accent paving material in pedestrian areas may be required. This can consist of brick, pavers, or integral colored concrete.

To enhance pedestrian safety and attractiveness of the walkway, internal pedestrian walkways within a parking lot or drive area must be distinguished from the driving surface by use of pavers, bricks, integrally colored, scored concrete, or other acceptable methods as determined by the City.

F. Site Planning of Service and Trash Areas

Accessory buildings or structures, which are not compatible and consistent with the material and design of the main building, are not allowed.

The parking or storage of trucks, trailers, or containers is prohibited. Trucks or trailers should be in an active state of loading or unloading. Accessory outdoor storage cannot occur within trucks or trailers. (This note must be added to all retail commercial ODPs.) Accessory, temporary outdoor storage of retail goods in containers may be considered in limited applications, and only when the following items are addressed:

- landscape setbacks are maintained
- parking is maintained
- views are blocked with walls or other acceptable method to the City
- noise and fire concerns are addressed
- access is maintained
- the type of container is acceptable to the City

Masonry screen walls are generally required to buffer views of loading, service and trash areas from other properties or public streets. See Note 4, Page 6. Landscape berms and plantings are required to minimize views of these areas where service and trash areas occur.

Service areas and docking facilities should be located away from public streets and main circulation and drives when possible. Continuous, linear, loading and rear service drives are discouraged.

Trash enclosures should be clustered and where site planning permits, made to appear as an extension of the building. Trash areas within the building itself are encouraged.

Outdoor trash compactors are generally prohibited, due to concerns of noise, smell, fire and access.

V. ARCHITECTURAL DESIGN

Purpose and Intent: The architectural design of retail commercial buildings must consider and accommodate the overall desire of the City of Westminster to create and enhance community image. Westminster's identity and livability will be strengthened through thoughtful design and development. The identification and application of architectural design requirements will assist Westminster in achieving a strong community image.

Architectural design shall create or contribute to uniqueness or sense of a specific place.

Building elevations must consider the character of the surrounding architecture and neighborhood, and incorporate design elements to further enhance community character.

Linear "strip" development must incorporate variation in building height, building mass, roof forms and changes in wall planes in the architectural design to mitigate the linear effect of linear "strip" development. In some instances a physical separation of one building into two or more buildings may be required. Particular attention should be made to building design when the building is adjacent to residential property or within any public view.

Three hundred and sixty degree (360°) architecture is generally required. All sides of all buildings are to be treated with the same architectural style, use of materials, and details as the front elevation of the building, as determined by the City.

A single building or development or multiple buildings within a development must maintain a consistent style/architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design. This includes all "pads" within a retail development as well as gasoline pump canopies or other accessory structures.

Large buildings adjacent to small buildings should consider and incorporate architectural design elements and details such that the scale of the large building appears compatible with that of the smaller building.

Any building over 4,000 square feet should have variation in roof form, building height and wall planes.

The base of a building should be weightier in appearance than the rest of the building. This can be accomplished with use of heavier, larger, or darker building materials.

Entrances into buildings should be easily identified through the use of building design and detailing. Projected or recessed entryways, higher rooflines, changes in building material or color are some of the methods that can be used to create this effect.

Building elements must not function as signage. The appearance of "franchise architecture", where the building functions as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic of particular business must be inobtrusive and secondary to the overall architectural design.

The use of brick as a primary material is required unless determined otherwise by the City. Quality finish materials that can be used in conjunction with brick include stone, integrally tinted textured masonry block; pre-cast concrete, tilt-up concrete panels with brick or stone

facing, stucco and external insulation finish system that simulates a stucco appearance. Wood siding may be considered for use in limited applications and not as a primary building material. Smooth faced concrete block, tilt-up concrete panels, or metal siding is prohibited as a predominant exterior building material. Precast concrete must have integral color, contain other materials embedded within, and be articulated with design detailing or have application of other building materials to create detailed design interest. The City will consider a variance from the requirement to use brick as the primary building material only when the design and use of an alternate acceptable building material is incorporated into a set of overall design guidelines that are determined by the City to be exemplary of outstanding design and desirable by the City.

The color and intensity of color of all building materials is subject to City approval. In general, subdued colors typical of the muted native grasses, wood, rocks, and soil of the high Colorado plains and Westminster's natural setting are to be used as the primary color(s). The use of warm and darker tones with low reflectivity is recommended. Soft browns, ambers, muted greens and golds, buffs, terra cottas and taupes are examples of earth and rock colors that are indigenous to this general area. Accent and trim colors must complement and enhance the effect of the primary building color. Bold, brash, intense, bright, fluorescent, black or metallic accent colors are prohibited unless approved by the City in very limited application. Darker colors are recommended for roofs, with the exception of flat roofs where lighter colors will reduce the effect of solar gain. The color of flat roofs must be visually harmonious and inobtrusive. The use of any strong or intense color is limited to signage.

The following items are prohibited or highly restricted: design elements that may function as signage, roof lights, exposed neon lighting, exposed neon signage, illuminated trim of buildings or building elements, translucent awnings or illumination of translucent awnings, or any other undesirable design element, as determined by the City.

The nighttime illumination of architectural features of a building or accent lighting with the use of decorative lights that are consistent with the architectural character is desirable. Colored lights are discouraged and subject to City approval.

Buildings should have a defined top. This can be accomplished with cornices, caps, parapets or roofs.

Three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings. Parapets must conceal flat roofs. Pedestrian entries into buildings should be further emphasized. Overhanging eaves, sloped roofs, and three or more roof planes may be required.

Flat canopies (such as those associated with convenience stores with gasoline sales) must be designed in such a manner to create a strong association with the building itself. A strong impression of three-dimensional roofs and supporting columns must be incorporated into the design. Columns must be primarily masonry to incorporate the primary building material and provide a visual appearance of substance.

Sloped roofs or canopies shall be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), or high profile, three dimensional asphalt/fiberglass shingles, as determined by the City. Metal roofs shall have a low gloss finish to reduce glare.

The use of windows is required in areas where there is significant pedestrian activity or to assist in breaking up the appearance of blank walls, as determined by the City. Windows should be for display purposes or allow viewing both into and out of the interior of the building. Windows may be required to be recessed into the building wall to create shadow. Windows, windows with awnings, and covered pedestrian walkways should total at least 60% of the building frontage along public streets or parking lots. An exception to this requirement may be considered for individual tenants in excess of 20,000 square feet gross floor area or the rear elevation of a building that backs up to a public street.

Reflective glass or mirrored glass is prohibited, unless determined otherwise by the City. Clear glass shall be used for storefronts, windows and doors. Window painting or view blocking techniques are generally not permitted.

Site furniture is required. This includes bicycle racks, trash receptacles and benches in an amount to be determined by the City. The style of the site furniture must complement the overall design theme and be of high quality.

All mechanical equipment such as compressors, air conditioners, antennas, pumps, heating and ventilating equipment, emergency generators, chillers, elevator penthouses, water tanks, stand pipes, solar collectors, satellite dishes and communications equipment, and any other type of mechanical equipment for the building must be indicated on the ODP architectural drawings. All rooftop mechanical equipment must be screened on all sides to full height by building parapet walls or other building elements that appear as integral elements of the overall building design, unless approved otherwise by the City. Mechanical equipment should not be located on the roof of a structure unless the equipment can be screened. The mechanical equipment should be clustered as much as possible. All rooftop equipment must be painted to match the surrounding rooftop color, if anticipated to be visible from any existing or future surrounding building, property or street.

The details of the screening are to be reviewed at the time of the ODP and may include additional restrictions.

The location of building mounted equipment (mechanical, electrical, gutters, downspouts, etc.) must result in these elements being hidden or screened so they are unobtrusive. All building mounted elements must be painted to match the color of the surrounding building material unless approved otherwise by the City.

Ground level mechanical equipment shall be screened with landscaping, berms and architectural walls using materials compatible with the building. Fencing materials are not allowed.

Accessory structures must incorporate matching design and materials of the primary building.

Loading, service and trash areas must be screened with walls that match the building materials and colors. Screen walls must be a minimum of 8 feet above the highest adjacent grade, and above 8-feet in height as determined necessary by the City. Berming, used in conjunction with intensive landscaping and increased setback may be considered in lieu of the masonry wall, or reduce the height requirements of the masonry wall as determined by the City. Plastic fencing may be considered in limited applications, when used in conjunction with berming, increased setback and intensive landscaping, as approved by the City. Roofed enclosures may be required for screening on a case by case basis. Gates are required and must be opaque.

Dumpsters and trash cannot be visible above the height of the surrounding enclosure. Unroofed enclosure walls shall be a minimum of 8 feet.

Trash enclosures visible over the 8 feet walls from residential areas or public streets should be roofed.

VI. LANDSCAPING

Purpose and Intent: The City of Westminster recognizes that landscaping is an important component of quality development and that enhancing the appearance of the City with landscaping increases the desirability of living and working in Westminster. Landscaping serves multiple purposes both aesthetic and functional. Landscaping in retail commercial development is intended, but not limited to making the environment physically more comfortable to the user, buffering or enhancing views, reducing noise, creating seasonal interest, assisting in water quality efforts and storm management, enhancing the public street appearance and enhancing the commercial retail development.

Refer to the City of Westminster Landscape Regulations regarding general landscape requirements.

Unity of design should be achieved by repetition of certain plant varieties and other materials and by coordination with adjacent landscaping where appropriate (including existing right-of-way streetscape designs).

In general, formal, stand-alone trees are encouraged along major streets and in medians, with less formal, clustered tree type design at the intersections and entrances.

The choices, placement and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, to accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.

Landscape berms and/or continuous rows of shrubs to screen parking from adjacent developments or public streets are required. Masonry walls are required as previously noted in the description of setback requirements.

Parking lot landscaping shall include landscape islands at the ends of each parking row, sized and landscaped according to the Landscape Regulations.

Landscaping that grows in excess of 30 inches in height is prohibited in sight triangles. (Landscape Regulations)

Landscaping must be incorporated in the design of pedestrian areas along the building fronts. The use of raised planters at least 12 inches in height for landscaping is strongly encouraged in retail centers where there are multiple tenants or large singular tenants.

Detention ponds should be contained within a lot or parcel that includes a building site. One detention area may be required to serve several lots versus individual detention ponds for each lot.

Detention ponds should be landscaped with a bluegrass blend sod. These ponds must be maintained by the owner or business association. (Landscape Regulations) Trees and shrubs should not occur below the five-year water surface. Trickle channels should be designed to look natural such as using cobble or boulders with an underdrain.

The use of reclaimed water for landscape areas is encouraged, when available.

The first phase of construction should include perimeter landscaping, entry drives and detention ponds. Future phases must indicate interim landscaping. Irrigated sod may be required for pad sites that remain undeveloped for over twelve months after the first Certificate of Occupancy for the overall development.

Developers are responsible for the installation and maintenance of landscaping in the right-of-way of all streets. Automatic sprinkler systems are required. (Landscape Regulations) The continual maintenance of all right-of-way improvements adjacent to each lot identified on an ODP will be the responsibility of the respective lot owner. This includes, but is not limited to, the repair, replacement and maintenance of all landscaping and associated improvements, street furniture and sidewalks. Sidewalks will be cleared of snow, gravel and grit, and of sand as required by City Code. (WMC 9-3-3)

Rock when used as a mulch or non-living ground cover should be inobtrusive and generally darker in tone. River rock is not encouraged as it is prone to roll out of place.

Retaining walls must be constructed of a high quality material such as stone, masonry block with an integral color and exterior texture, or concrete with stone, brick or stucco facing, which takes into account the character and materials of the buildings as well as the landscape theme. The maximum height is 4-feet. A minimum landscape area of 7 feet in width must be provided between adjacent retaining walls. All walls in excess of 4 feet require a separate building permit. Treated timber walls are prohibited unless exemplary design is demonstrated, and are prohibited for walls over 3 feet in height. Railroad tie walls are prohibited. (Landscape Regulations)

Up-lighting and accent lighting are encouraged within the landscape areas but shall not be directed toward a public or private street or drive aisle.

VII. SIGNAGE

Purpose and Intent: Signage in retail commercial centers is generally intended to identify to the user the location of a specific business or retail center. All signage is not necessarily intended to be viewed from a public street; however if signs are visible from a public street, they must not compromise public safety by attracting undue attention, as determined by the City. Signage must be subservient to the overall design and impression of the architecture.

All signage shall be coordinated throughout a retail commercial center to give the appearance of a unified, cohesive center, and to contribute to the overall design theme of the center. All signs should be similar in size, materials, etc. The details of an overall sign program shall be submitted at the time of ODP.

Individually raised letters are generally required for wall signage. Cabinet (“Can”) signs are not allowed except for logos or other features which must be secondary to lettered signage. (WMC 11-11-7B3b)

The maximum height of a letter or symbol should not exceed 4 feet, unless specifically approved by the City on an ODP, or further restriction by the Sign Code. This limitation does not preclude further height restriction.

Tenant signage may be prohibited on the back/rear elevation of buildings that are visible from other non-retail commercial properties or public streets, with the exception of signage necessary for delivery or door identification that will not exceed 2 square feet and be non-illuminated. An exception to this may be considered for signage that is viewed from public right-of-way where speed limits are at or in excess of 55 miles per hour.

Exposed neon signage is not permitted. Trimming of buildings with neon or other types of strip style lighting is not permitted. (WMC 11-11-5)

If lettering on wall signage is included on a raceway, the raceway should match or be camouflaged by building colors.

Illumination of awnings which are translucent is not permitted. Lettering (advertising) on awnings is generally prohibited. (WMC 11-11-5)

Flag locations and limitations thereof must be in compliance with the Westminster Sign Code and indicated on the ODP. (WMC 11-11-7H)

Monument signs shall not be placed within the sight triangle of any intersection or access drive with a public street. Monument signs must incorporate design and materials that match the architecture of the development.



Agenda Memorandum

City Council Meeting
September 26, 2011



SUBJECT: Resolution No. 31 re Revision of the City of Westminster's Investment Policy

Prepared By: Tammy Hitchens, Director of Finance

Recommended City Council Action

Adopt Resolution No. 31 approving the revised Investment Policy for the investment of public funds.

Summary Statement

- An investment policy provides prudent guidance for the investment of City funds. City Council first approved the implementation of an investment policy on April 12, 1999. The City's Investment Policy conforms to or is more restrictive than the Colorado Revised Statutes related to investments.
- Council approved the current investment policy on May 12, 2008, which reflected changes in State Statute and clarified language.
- Due to a recent downgrade by Standard & Poor's (from AAA to AA+) for U.S. long-term and Federal Instrumentality issued debt such as Federal National Mortgage Association (FNMA), the City's current Investment Policy prohibits the purchase of securities backed by the U.S. government since they no longer hold a AAA rating but are otherwise still considered an extremely safe investment. A revision to the policy is necessary in order for the City to invest in these securities since the policy explicitly permits only ratings of AAA for Federal Instrumentalities.
- In order to enhance overall interest earnings in the portfolio, the investment policy revision also includes a recommended increase in the percentage allocation available for the holding of corporate bonds. This change will not compromise the diversity and credit safety principals.
- In compliance with State Statutes, the policy revision also removes the requirement that senior debt of firms offering Commercial Paper and eligible Bankers Acceptance investments be rated by at least two rating agency services. The City will continue to require a short-term rating by at least two rating agencies and will continue to require that senior debt of such firms have the minimum credit rating by at least one rating agency as defined within the policy.
- Minor changes to the policy are also recommended that center on language clarification.
- The changes recommended for Council approval will maintain the City's Investment Policy in conformance with State Statutes.

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



Policy Issue

Should City Council adopt the revised Investment Policy?

Alternative

Do not approve the proposed Investment Policy, *Attachment A*. The recommended changes do not compromise the City's investment portfolio from the prudent investment principals of diversity and credit quality nor do they conflict with any State Statute standards. The recommended changes will continue to maintain an investment policy that is in compliance with Colorado State Statute requirements but will provide flexibility to enhance the overall rate of return on the portfolio within these parameters.

Background Information

The City has a portfolio of investable funds of approximately \$118,000,000. The total value fluctuates based on cash-flow demands such as debt service payments, major capital investments, and working capital requirements. The investment of these public funds is conservative by law and follows the "prudent investor" standard. The "prudent investor" standard is an industry recognized term that applies the following mandate to investments: a fiduciary "shall exercise the judgment and care, under circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital." This language is embedded in Colorado Revised Statute 15-1-304, Standard for Investments and adhered to by the City of Westminster.

The City's Investment Policy provides Staff and any investment advisor with a sound reference tool for prudent and lawful guidance for the investment of public funds. Of utmost importance is the preservation of invested principal, providing adequate cash-flow for daily liquidity needs, and finally striving to achieve market rates of return. The preservation of capital is maintained by following very conservative investment guidelines that are structured in the State Statutes not only in regard to the types of securities permissible for investment, but also reflect the importance of diversification when investments are purchased that are not direct U.S. Government securities. The flexibility to invest in securities outside of U.S. Treasuries allows the City to capture a higher yield of investment earnings; however, the Statutes mandate portfolio minimum and maximum levels within investment instruments as well as limits by issuer and maturity length as a means to protect entities from bearing unnecessary risk by not being adequately diversified.

The proposed changes to the Investment Policy as presented in *Attachment A* do not impact the credit standards and issuer limitations of permissible investments that the State Statutes deem necessary to maintain a well diversified portfolio, but do allow the City to invest in securities that otherwise are considered sound investments. *Exhibit A* in the City's Investment Policy (on page 9) outlines the guidelines that the City follows regarding the composition of the investment portfolio. The City's Investment Advisor maintains a constant watch on the securities purchased and sold within the portfolio to ensure compliance.

This recommended action supports the strategic objectives of a Financially Sustainable City Government Providing Exceptional Services. It does so by assuring that the City maintains a prudent up-to-date investment policy.

Respectfully submitted,

Matthew J. Lutkus
Acting City Manager
Attachments – Resolution and Revised Investment Policy

RESOLUTION

RESOLUTION NO. **31**

INTRODUCED BY COUNCILLORS

SERIES OF 2011

APPROVAL OF THE REVISED CITY OF WESTMINSTER INVESTMENT POLICY

WHEREAS, the City of Westminster has an existing Investment Policy that governs the investment decisions of public funds that has been in effect since May 12, 2008; and

WHEREAS, the Investment Policy is tailored after the State of Colorado statutes regarding the investment of public funds; and

WHEREAS, revisions to CRS Section 24-75-601 required the Investment Policy to be updated to reflect changes within the statute; and

WHEREAS, Staff utilizes the Investment Policy as the guiding document for the investment of public funds; and

WHEREAS, the Investment Policy complements the City Council's Strategic Plan Goals and Objectives.

NOW, THEREFORE, the City Council of the City of Westminster hereby adopts the attached revised Investment Policy.

PASSED AND ADOPTED this 26th day of September, 2011.

CITY OF WESTMINSTER, COLORADO

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

City of Westminster
Investment Policy
~~May 2008~~ September, 2011

I. POLICY

The City of Westminster (“the City”) is a Colorado home rule municipality operating under its City Charter. The City functions under the direction of a City Manager who is appointed by a seven member City Council. Colorado Statutes provide home rule municipalities with legal authority to promulgate and implement local standards for cash and investment management operations.

It is the policy of the City to invest public funds in a manner that will provide preservation of capital, meet the daily liquidity needs of the City, diversify the City’s investments, conform to all local rules and state statutes governing the investment of public funds, and generate market rates of return.

This Investment Policy addresses the methods, procedures and practices which must be exercised to ensure effective and judicious fiscal and investment management of the City’s funds. It replaces any previous Investment Policy or investment procedures of the City.

This Investment Policy was adopted by the City Council of the City of Westminster on September 26, 2011 ~~May 12, 2008~~ (Resolution No. 31, Series 201108).

II. SCOPE

This Investment Policy applies to the activities of the City with regard to investing the financial assets of all funds except for its Employee Pension Plan Funds, the Deferred Compensation Fund, and the Volunteer Firefighter Pension Fund that are organized and administered separately. The policy shall apply to any new fund that may be created unless specifically exempted from the policy. Funds collected for the City of Westminster by other government agencies shall be governed by the investment policies of that agency and are not subject to the provisions of this policy.

Cash shall be pooled for investment purposes. The investment income derived from the pooled investment account shall be allocated to the contributing funds based upon the proportion of the respective average daily balances relative to the total pooled balance in the investment portfolio.

III. INVESTMENT OBJECTIVES

The City’s funds shall be invested in accordance with all applicable City policies, Colorado statutes, and Federal regulations, and in a manner designed to accomplish the following objectives, which are listed in priority order:

~~The City’s principal investment objectives are:~~

- Preservation of capital and protection of investment principal.

- Maintenance of sufficient liquidity to meet anticipated cash flows.
- Diversification to avoid incurring unreasonable financial risks.
- Attainment of a market rate of return as defined in Section XIII of this Investment Policy.
- ~~Conformance with all applicable City policies, State statutes and Federal regulations.~~

IV. DELEGATION OF AUTHORITY

Authority to manage the City's investment portfolio is derived from City Charter Section 4.12. Management responsibility for the investment program is vested with the Finance Director. The Finance Director shall maintain a list of employees of the City of Westminster who are authorized to purchase, sell, wire securities or funds, or transfer custodianship on behalf of the City.

The Finance Director shall have the discretion to appoint one or more investment advisers, registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940, to assist in the management of all or a portion of the City's investment portfolio. All investments made through such investment advisers shall be within the guidelines of the City's investment policies.

The Finance Director shall establish written procedures and internal controls for the operation of the City's investment program, designed to prevent loss of public funds due to fraud, error, misrepresentation and imprudent actions.

V. PRUDENCE

The standard of prudence to be used for managing the City's assets is the "prudent investor" standard applicable to a fiduciary, which states that a prudent investor "shall exercise the judgment and care, under circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital." (Colorado Revised Statutes 15-1-304, Standard for Investments.)

The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally ~~riskless without risk~~ and that the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses may ~~be desirable~~ occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the City.

Authorized investment staff acting in accordance with written policies and procedures, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion to the Finance Director and appropriate action is taken to control adverse developments.

VI. INVESTMENT COMMITTEE

The Finance Director shall appoint an Investment Committee, chaired by the Treasury Manager and shall include at least two additional employees of the City knowledgeable in the area of governmental investments. The purpose of the Investment Committee shall be to provide advice regarding the operation of the cash management and investment program. The Committee shall meet at least once per quarter.

VII. ETHICS AND CONFLICTS OF INTEREST

City employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the City's investment program or that could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Employees shall disclose to the Finance Director and to the City Manager any personal financial interests that may be related to or that may conflict with the City's investment program, and they shall subordinate their personal investment transactions to those of the City.

VIII. AUTHORIZED SECURITIES AND TRANSACTIONS

All investments will be made in accordance with the Colorado Revised Statutes (C.R.S.) as follows: C.R.S. 11-10.5-101, et seq. Public Deposit Protection Act; C.R.S. 11-47-101, et seq. Savings and Loan Association Public Deposit Protection Act; C.R.S. 24-75-601, et. seq. Funds - Legal Investments; C.R.S. 24-75-603, Depositories; and C.R.S. 24-75- 702, Local governments - authority to pool surplus funds. Any revisions or extensions of these sections of the statutes will be assumed to be part of this Investment Policy immediately upon being enacted.

This Investment Policy further restricts the investment of City funds to the securities and transactions listed below and summarized in Exhibit A.

1. U.S. Treasury Obligations: Treasury bills, Treasury notes, Treasury bonds and Treasury STRIPS with maturities not exceeding seven years from the date of trade settlement. At all times, the City shall maintain at least 15% of its investment portfolio in U.S. Treasury obligations.
2. Federal Agency debentures and mortgage-backed securities with a final maturity not exceeding seven years from the date of trade ~~settlement issued by the Government National Mortgage Association (GNMA).~~ The total investment in Federal Agency securities shall not exceed 10% of the City's investment portfolio.
3. Federal Instrumentality Securities: Debentures, discount notes, callable securities, step-up securities, collateralized mortgage obligations, and stripped principal or coupons with maturities not exceeding seven years from the date of trade settlement ~~issued by the following only: Federal National Mortgage Association (FNMA), Federal Farm Credit Banks (FFCB), Federal Home Loan Banks (FHLB) and Federal Home Loan Mortgage Corporation (FHLMC). Subordinated debt may not be purchased. Federal Instrumentality securities must be rated not less than Aaa by Moody's, AAA by Standard & Poor's or AAA by Fitch at the time of purchase by at least two services that rate the securities.~~

Not more than 30% of the City's investment portfolio may be invested in the securities of any one federal instrumentality. The total investment in collateralized mortgage obligations shall not exceed 10% of the City's investment portfolio.

4. Repurchase Agreements or flexible repurchase agreements collateralized by U.S. Treasury obligations or Federal Instrumentality securities listed in 1. and 3. above with a final maturity not exceeding ten years. The purchased securities shall have a minimum market value including accrued interest of 102% of the dollar value of the transaction. Collateral shall be held by the City's third-party custodian bank, and the market value of the collateral securities shall be marked-to-the market daily. Repurchase agreements shall have a termination date of 180 days or less. Flexible repurchase agreements shall have a maximum term of the life of the corresponding construction project or one year, whichever is less.

Repurchase Agreements shall be entered into only with broker/dealers recognized as primary dealers by the Federal Reserve Bank of New York, or with firms that have a primary dealer within their holding company structure. Approved Repurchase Agreement counterparties shall have a short-term credit rating of at least A-1 or the equivalent and a long-term credit rating of at least A or the equivalent by a Nationally Recognized Statistical Rating Organization. Repurchase agreement counterparties shall execute a City approved Master Repurchase Agreement with the City. The Finance Director shall maintain a copy of the City's approved Master Repurchase Agreement along with a list of broker/dealers who have executed same.

5. Commercial Paper with maturities not exceeding 270 days, rated at least A-1 by Standard & Poor's, P-1 by Moody's, or F-1 by Fitch at the time of purchase by at least two services that rate the commercial paper, and rated not less by any service that rates the commercial paper. If the commercial paper issuer has senior debt outstanding, the senior debt must be rated by each service that rates the issuer at least A+ by Standard & Poor's, A1 by Moody's or A+ by Fitch ~~by at least two services that rate the issuer, and rated not less by any service that rates it.~~ The total investment in commercial paper shall not exceed 20% of the City's investment portfolio. The aggregate investment in commercial paper, bankers acceptances and corporate securities shall not exceed 50% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.
6. Eligible Bankers Acceptances with maturities not exceeding 180 days, issued by FDIC insured state or national banks with combined capital and surplus of at least \$250 million. Banker's acceptances shall be rated at least A-1 by Standard & Poor's, P-1 by Moody's, or F-1 by Fitch at the time of purchase by at least two services that rate the instrument, and rated not less by any service that rates it. If the issuing bank has senior long-term debt outstanding, it must be rated at the time of purchase A by Standard & Poor's, A2 by Moody's or A by Fitch ~~by at least two services that rate the bank, and rated not less by any service that rates it.~~ The total investment in bankers acceptances shall not exceed 20% of the City's investment portfolio. The aggregate investment in bankers acceptances, commercial paper, and corporate securities shall not exceed 50% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.

7. Corporate Securities denominated in U.S. dollars of any corporation or bank organized and operating within the United States with a net worth in excess of \$250 million. Corporate securities shall have a maximum maturity of three years from the date of trade settlement and must be rated at least AA- by Standard and Poor's, Aa3 by Moody's or AA- by Fitch, by at least two rating services, and not less by any service that rates it. The total investment in corporate securities shall not exceed ~~320~~320% of the City's investment portfolio. The aggregate investment in corporate securities, commercial paper and bankers acceptances shall not exceed 50% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.
8. General Obligations and Revenue Obligations of state or local governments with a maturity not exceeding three years from the date of trade settlement, rated at the time of purchase at least AA by Standard & Poor's, Aa by Moody's or AA by Fitch by at least two services that rate the obligations. The total investment in general obligations and revenue obligations shall not exceed 10% of the City's investment portfolio and not more than 3% of the City's investment portfolio may be invested in the general obligations and revenue obligations of any one issuer.
9. Non-negotiable Certificates of Deposit with a maturity not exceeding one year in any FDIC insured state or national bank, or state or federal savings bank located in Colorado that is a state approved depository per C.R.S. 24-75-603. Certificates of deposit that exceed FDIC insurance limits shall be collateralized as required by the Public Deposit Protection Act or the Savings and Loan Association Public Deposit Protection Act. The total investment in non-negotiable certificates of deposit shall not exceed 10% of the City's investment portfolio and not more than 5% of the City's investment portfolio may be invested in the certificates of any one bank.
10. Local Government Investment Pools authorized under C.R.S. 24-75-702 that: 1) are "no-load" (no commission or fee shall be charged on purchases or sales of shares); 2) have a constant net asset value of \$1.00 per share; 3) limit assets of the fund to those securities authorized by state statute; 4) have a maximum stated maturity and weighted average maturity in accordance with Rule 2a-7 of the Investment Company Act of 1940; and 5) have a rating of AAAM by Standard & Poor's, Aaa by Moody's or AAA/V1+ by Fitch. The total investment in local government investment pools shall not exceed 50% of the City's investment portfolio and not more than 30% of the City's investment portfolio may be invested in any one pool.
11. Money Market Mutual Funds registered under the Investment Company Act of 1940 that: 1) are "no-load" (no commission or fee shall be charged on purchases or sales of shares); 2) have a constant net asset value of \$1.00 per share; 3) limit assets of the fund to those securities authorized by state statute; 4) have a maximum stated maturity and weighted average maturity in accordance with Rule 2a-7 of the Investment Company Act of 1940; and 5) have a rating of AAAM by Standard & Poor's, Aaa by Moody's or AAA/V1+ by Fitch. The total investment in money market mutual funds shall not exceed 20% of the City's investment portfolio and not more than 10% of the City's investment portfolio may be invested in any one fund.

The foregoing list of authorized securities shall be strictly interpreted. Any deviation from this list must be pre-approved by the City Council.

Tests for limitations on percentages of holdings apply to the composite of the City's entire investment portfolio, not to individual portfolios maintained by the City. Percentage limitations used for measurements are based on the percentage of portfolio cost value.

If following the purchase of a security, its credit rating falls below the required minimum rating, the security may be retained by the Finance Director with the approval of the Investment Committee.

IX. INVESTMENT MATURITY AND LIQUIDITY

The investment portfolio shall remain sufficiently liquid to meet all cash requirements that may be reasonably anticipated. To the extent possible, investments shall be matched with anticipated cash flows and known future liabilities. Investments shall be limited to maturities not exceeding seven years from the date of trade settlement, unless the maturity is matched to a specific cash flow need, and the purchase is preapproved by the Investment Committee. The weighted average final maturity of the investment portfolio shall not exceed three years.

X. COMPETITIVE TRANSACTIONS

Each investment transaction shall be competitively transacted with authorized broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded. If the City is offered a security for which there is no other readily available competitive offering, quotations for comparable or alternative securities will be documented.

XI. SELECTION OF BROKER/DEALERS

The Finance Director shall maintain a list of broker/dealers approved for investment purposes, and it shall be the policy of the City to purchase securities only from those authorized firms.

To be eligible, a firm must meet at least one of the following criteria:

1. Be recognized as a primary dealer by the Federal Reserve Bank of New York or have a primary dealer within its holding company structure,
2. Report voluntarily to the Federal Reserve Bank of New York,
3. Qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

Broker/dealers will be selected by the Finance Director on the basis of their expertise in public cash management and their ability to provide service to the City's account. Approved broker/dealer representatives and the firms they represent shall be licensed to do business in Colorado and as such are subject to the provisions of the Colorado Revised Statutes, including but not limited to C.R.S. 24-75-601. Each authorized broker/dealer shall be required to submit and annually update a City approved Broker/Dealer Information Request Form that includes the firm's most recent financial statements. ~~Broker/dealers shall attest in writing that they have received and reviewed a copy of this Investment Policy.~~

In the event that an external investment advisor is not used in the process of recommending a particular transaction in the City's portfolio, authorized broker/dealers shall attest in writing that they have received a copy of this Policy.

The City may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in item 5 of the Authorized Securities and Transactions section of this Investment Policy.

XII. SAFEKEEPING AND CUSTODY

The Finance Director shall approve one or more banks to provide safekeeping and custodial services for the City. A City approved safekeeping agreement shall be executed with each custodian bank. To be eligible, a financial institution shall qualify as a depository of public funds in Colorado as defined in C.R.S. 24-75-603.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. Ownership of all securities shall be perfected in the name of the City. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

~~All investment securities, except non-negotiable Certificates of Deposit, Local Government Investment Pools and Money Market Mutual Funds, purchased by the City will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by the City approved custodian bank, its correspondent bank or the Depository Trust Company (DTC).~~

~~All Fed wireable book entry securities shall be evidenced by a safekeeping receipt or a customer confirmation issued to the City by the custodian bank stating that the securities are held in the Federal Reserve system in a Customer Account for the custodian bank which will name the City as "customer."~~

~~All DTC eligible securities shall be held in the custodian bank's Depository Trust Company (DTC) participant account and the custodian bank shall issue a safekeeping receipt evidencing that the securities are held for the City as "customer."~~

~~All non-book entry (physical delivery) securities shall be held by the custodian bank or its correspondent bank and the custodian bank shall provide evidence that the securities are held for the City as "customer."~~

The City's custodian will be required to furnish the City monthly reports of holdings of custodied securities as well as a report of monthly safekeeping activity. In addition, safekeeping receipts or customer confirmations shall be issued for each transaction.

XIII. PERFORMANCE BENCHMARKS

The City's investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk

constraints for eligible securities, and cash flow requirements. The performance of the investment portfolio shall be compared to the average yield on the U.S. Treasury security that most closely corresponds to the investment portfolio's weighted average effective maturity. When comparing the performance of the investment portfolio, all fees involved with managing it shall be included in the computation of its rate of return net of fees.

XIV. REPORTING

Performance of the portfolio shall be reported quarterly and submitted to the City Manager. Reports shall include details of the characteristics of the portfolio as well as its performance for that period. Material deviations from projected investment strategies shall be reported immediately to the City Manager.

XV. POLICY REVISIONS

This Investment Policy shall be reviewed annually by the Investment Committee. If deemed appropriate, the Investment Committee shall recommend revisions to the City Council.

EXHIBIT A

**SUMMARY OF AUTHORIZED SECURITIES THAT MAY BE PURCHASED BY THE
CITY OF WESTMINSTER**

INSTRUMENT	PORTFOLIO MIN/MAX	ISSUER MAXIMUM	MAXIMUM MATURITY
U.S. Government Securities	15% min 100% max	100%	Seven (7) years unless the maturity is matched to a specific cash flow need.
U.S. Government Agencies	10% max	10%	Seven (7) years unless the maturity is matched to a specific cash flow need.
U.S. Government Instrumentalities	100% max	30%	Seven (7) years unless the maturity is matched to a specific cash flow need.
Collateralized Mortgage Obligations (CMOs)	10% max	10%	Seven (7) years unless the maturity is matched to a specific cash flow need.
Repurchase Agreements	100% max	100% max	180 days
Commercial Paper	20% max	5%	270 days
Banker's Acceptances	20% max	5%	180 days
Corporate Bonds & Medium Term Notes	32 20% max	5%	Three (3) years
State and Local Government debt	10% max	3%	Three (3) years
CD's (non-negotiable)	10% max	5%	One (1) year
LGIPs	50% max	30%	Comply with Rule 2a-7
Money Market Mutual Funds	20% max	10%	Comply with Rule 2a-7

AGENDA

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY SPECIAL MEETING

MONDAY, September 26, 2011

AT 7:00 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (August 22, 2011)
- 3. Purpose of Special WEDA Meeting is to**
 - A. Consider the Westminster Mall Demolition Phase 2 Project Construction Contract
- 4. Adjournment**



WESTMINSTER

September 19, 2011

Linda Yeager, WEDA Secretary
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031

City of Westminster
Office of the
City Manager

4800 West 92nd Avenue
Westminster, Colorado
80031

303-658-2400
FAX 303-706-3921

Dear Linda:

I wish to call a special meeting of the Westminster Economic Development Authority (WEDA) on Monday, September 26, 2011, to begin at 7 p.m. and to be held in the Council Chambers of City Hall, 4800 West 92nd Avenue, for the purpose of considering the Westminster Mall Demolition Phase 2 Project Construction Contract.

Sincerely,

Nancy McNally
Chair

cc: WEDA Board Members
J. Brent McFall, Executive Director



CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, AUGUST 22, 2011, AT 7:16 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Dittman, and Board Members Briggs, Kaiser, Lindsey, Major and Winter. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Secretary.

APPROVAL OF MINUTES

Board Member Kaiser moved, seconded by Board Member Lindsey, to approve the minutes of the meeting of July 25, 2011, as written. The motion carried.

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE 2011 BUDGET

At 7:16 p.m. the Chairperson opened a public hearing to consider amending the 2011 budget. Mr. McFall reported that the proposed action was to authorize a supplemental appropriation of funds that had been transferred to WEDA by the City from carryover funds. The Authority had no questions, and Chairperson McNally invited public comment. There was none and the hearing was closed at 7:17 p.m.

RESOLUTION NO. 135 AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF FUNDS

Upon a motion by Vice Chairman Dittman, seconded by Board Member Lindsey, the Authority voted unanimously at roll call to adopt Resolution No. 135 authorizing a supplemental appropriation of \$1,497,134 to the 2011 Westminster Economic Development Authority budget.

ADJOURNMENT

There was no further business to be conducted, and the meeting adjourned at 7:18 p.m.

Chairperson

ATTEST:

Secretary

WEDA Agenda Item 3 A

Agenda Memorandum

Westminster Economic Development Authority Meeting
September 26, 2011



SUBJECT: Westminster Mall Demolition – Phase 2 Project Construction Contract

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended Board Action

Authorize the Executive Director to execute a contract with the lowest responsible bidder, American Demolition, Inc. in the amount of \$339,250 for the Westminster Mall Demolition – Phase 2 Project and authorize a construction contingency in the amount of \$25,000.

Summary Statement

- Over the past few years, the Westminster Economic Development Authority (WEDA) has acquired approximately 90% of the Westminster Mall. Staff believes that it is in WEDA's best interest to remove a majority of the structures in preparation for the eventual redevelopment of the property. The subject contract is for the removal of the Dillard's building, the Wards building and all of the remaining mall, with the exception of the Sears, Sear's Automotive, J.C. Penney, Olive Garden, Brunswick Bowl, U.S. Bank and the dentist's office buildings (see attached drawing).
- The Request for Bids for the demolition of the Mall was sent to a select list of 27 demolition contractors as well as being advertised on the City of Westminster's webpage, and bids were opened on September 8. Eight bids were received, and the lowest responsible bidder is American Demolition, Inc. with a bid of \$347,500. Since the bid opening, Staff has negotiated a further reduction in American Demolition's bid by \$8,250. Staff has reviewed the bids and recommends awarding this construction contract to American Demolition, Inc. A \$25,000 contingency is also recommended.

Expenditure Required: \$364,250

Source of Funds: Westminster Center Urban Reinvestment Project Capital Improvement Project



Policy Issue

Should WEDA proceed with the demolition of the former Dillard’s, Montgomery Wards and the main mall corridor structures at the Westminster Mall site?

Alternative

WEDA could chose to not move forward with this demolition project. City Staff recommends proceeding with the project since extremely favorable bids were received, and postponing these demolitions may result in higher costs in the future. In addition, this demolition project will demonstrate to potential developers that the redevelopment of the Mall is moving forward on an aggressive schedule.

Background Information

Over the past few years, the Authority has purchased many properties at the Mall making WEDA the owner of approximately 90% of the site. Staff is recommending demolition of portions of the Mall in a timely manner because of security costs, utility costs and the desire to show activity in the redevelopment of the property. The first phase of this effort was the demolition of the Mervyn’s, Macy’s, Steak and Ale and the Theater buildings. The second phase of demolition includes the Dillard’s, Montgomery Ward’s and the main mall corridor buildings, essentially all structures within the main mall structure with the exception of the Sears and J.C. Penney stores. Accommodations for fire protection, electrical, gas, water service, sanitary sewer service and parking lot lighting will be made to maintain all of these services to Sears and J.C. Penney so that they can continue to operate once the Mall demolition is completed.

The Request for Bids for this second demolition project was sent to a select list of 27 contractors as well as being advertised on the City of Westminster’s webpage, and bids were opened on September 8. Eight bids were received, and the lowest responsible bidder is American Demolition, Inc. with a bid of \$347,500. Staff has reviewed the bids and recommends awarding this contract to American Demolition, Inc.

The bid results are as follows:

<u>Contractor</u>	<u>Submitted Bid</u>
American Demolition, Inc.	\$339,250.00*
Alpine Demolition and Recycling, LLC	\$493,613.00
MFH Environmental	\$1,020,978.00
Mendoza Demolition Services, Inc.	\$1,185,000.00
Colorado Cleanup Corp.	\$1,561,400.00
Earth Services & Abatement	\$2,423,126.00
Sabre Demolition Corporation	\$2,746,000.00
NCM Demolition and Remediation, LP	\$2,877,800.00
Engineer’s Estimate	\$1,102,067.00

*The actual bid for American Demolition was \$347,500.00, but Staff negotiated a reduction in their bid amount by \$8,250.00 by giving them the additional remaining salvage material on the site, which included all of the mechanical equipment used to operate the Mall. This equipment is not up to current industry standards and is outdated. Trying to sell it at auction would be impractical because finding a buyer would be difficult, and the value at auction would not be any more than the credit being given to American Demolition. The inclusion of this additional salvage material means that all of the projects’ salvageable material will become the property of American Demolition.

An interesting facet of the bid documents was the requirement for bidders to list the amount of material that will be removed from the waste stream. The bid for American Demolition, Inc. indicates that 90% of the material from the demolition will be recycled.

Staff has reviewed the results of the bidding procedure and recommends that the low bidder, American Demolition, Inc., be awarded the contract in the amount of \$339,250.00. American Demolition is the firm that recently demolished the Mervyn's, Macy's, Steak and Ale and Theater buildings on the site under a previous contract with WEDA. Staff believes that the company is very capable of performing this type of project based on their excellent work on the above mentioned phase 1 portion of this demolition effort. The contingency amount of \$25,000 is approximately 7.4% of the cost of the project. Staff believes that this is an adequate contingency for this type of work.

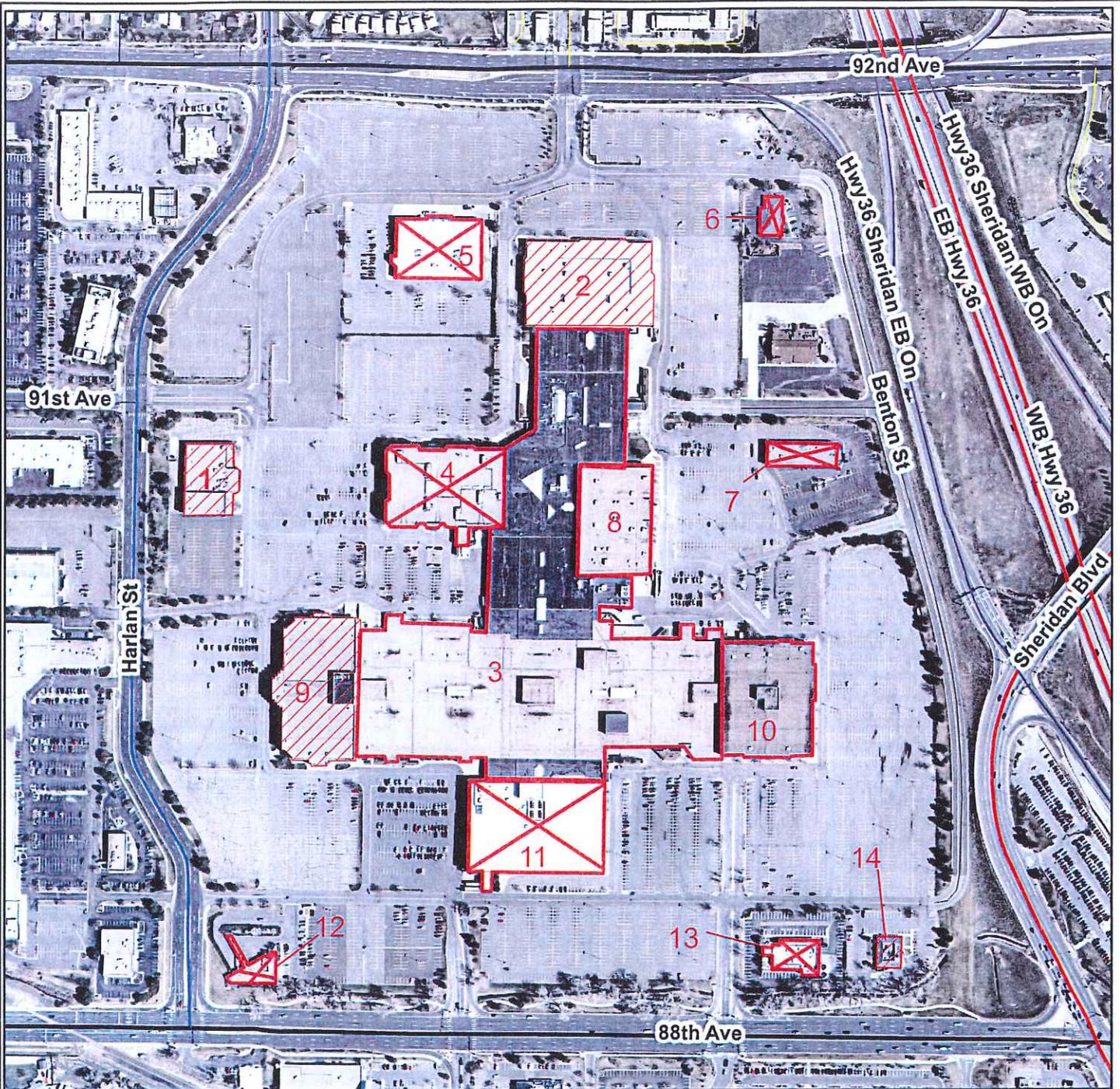
With the Board's approval of this contract, environmental abatement activities will commence at the site in early October. The actual demolition of the structures is scheduled to begin by the end of October, and the work should be completed in May 2012.

WEDA Board action on this item meets elements of two goals in the City's Strategic Plan: Strong Balanced Local Economy, and Vibrant Neighborhoods in One Livable Community.

Respectfully submitted,

Matthew J. Lutkus
Acting Executive Director

Attachment: Map entitled "Westminster Mall Demolition – Phase 2 Project"



WESTMINSTER MALL DEMOLITION - PHASE 2 PROJECT

 BUILDINGS TO REMAIN - NOT PART OF DEMOLITION PLAN

 BUILDING DEMOLISHED IN PHASE 1

WESTMINSTER MALL BUILDING INFORMATION			
BUILDING NUMBER	ADDRESS	BUILDING	APPROXIMATE BUILDING SQUARE FOOTAGE
1	5991 W. 88TH AVENUE	THEATER	25,660
2	5483 W. 88TH AVENUE	MERVYN'S	80,033
3	5311 W. 88TH AVENUE	MAIN MALL AREA	562,150
4	5501 W. 88TH AVENUE	SEARS	68,400
5	9150 HARLAN STREET	BRUNSWICK BOWL	37,310
6	9111 BENTON STREET	DENTIST OFFICE	5,890
7	8999 BENTON STREET	SEARS AUTOMOTIVE	11,620
8	5451 W. 88TH AVENUE	WARDS	57,390
9	5613 W. 88TH AVENUE	MACY'S	80,275
10	5301 W. 88TH AVENUE	DILLARD'S	75,426
11	5453 W. 88TH AVENUE	J.C. PENNEY	90,830
12	5971 W. 88TH AVENUE	BANK	8,070
13	5551 W. 88TH AVENUE	OLIVE GARDEN	10,940
14	8815 BENTON STREET	STEAK AND ALE	5,630

