



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: April 2, 2008

SUBJECT: Study Session Agenda for April 7, 2008

PREPARED BY: J Brent McFall, City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

A light dinner will be served in the Council Family Room 6:00 P.M.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

PRESENTATIONS

1. Discussion of Upcoming Meeting with Board & Commission Members (**Verbal**)
2. Westminster Center Park Master Plan (Attachment)
3. Graffiti Vandalism Ordinance and Strategy

6:30 P.M.

EXECUTIVE SESSION

None at this time

INFORMATION ONLY ITEMS – Does not require action by City Council

None at this time

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
April 7, 2008



SUBJECT: Westminster Center Park Master Plan

PREPARED BY: Richard Dahl, Park Services Manager

Recommended City Council Action:

City Staff will present the attached Westminster Center Park Master Plan to City Council. City Councillors are being asked to review the Master Plan and provide Staff with comments and any changes that are desired.

Summary Statement:

- Westminster Center Park is currently an undeveloped park located directly north of City Hall across 92nd Avenue.
- On December 10, 2007, City Council authorized a contract with Architerra Group, Landscape Architects, for the preparation of the Westminster Center Park Master Plan and construction documents.
- Public meetings regarding the park design were held on January 15 and March 12, 2008.
- A final draft Master Plan has been designed for the park and is ready for Council review (see attached).
- The Westminster Center Park project will be funded with 2008 Capital Improvement Program funds from the Parks, Open Space, and Trails (POST) Revenue Bonds. Additional potential funding will be sought through an Adams County Open Space Grant.

Expenditure Required: \$1,800,000

Source of Funds: Parks, Open Space Trail Bond Funds

Policy Issue:

Should the City proceed with master plan refinement and construction of the Westminster Center Park?

Alternative:

1. Council could direct Staff to revise the current master plan.
2. City Council could choose to not authorize the construction of the Westminster Center Park and decide to utilize the funds for another project. Staff does not recommend this, however, as this project is identified in the Parks and Recreation Master Plan, funds are budgeted, and several neighborhood meetings have already been held to promote the new project.

Background Information:

As part of the development process for the Westminster City Center commercial development, this property was dedicated to the City for a park in 1994. In 1996, a park master plan was developed, which included extensive gardens, a large pond with waterfalls and walking path. The preliminary cost for the master plan was over \$2.4 million dollars. Funding for the park was subject to a parks/roads property tax increase being passed in November 2000. The issue failed and the development of the park was put on hold.

In November 2006, Westminster voters approved an extension of the City's Parks, Open Space and Trails sales tax and authorized the sale of \$20 million of bonds to fund acquisition of additional open space parcels, trails and recreation facilities. Westminster Center Park will be funded from proceeds of the recreation portion of the bonds.

In October 2007, Staff solicited proposals from local design professionals to refine the existing park master plan and produce construction documents for the project. Staff received four eligible proposals from reputable firms and selected Architerra Group based on their design approach, design team and overall fees. Architerra Group has successfully completed like projects locally and nationwide.

On January 15, 2008, Staff and consultants held the first public meeting to review the process and receive comments. The second public meeting was held on March 12, 2008, to present the proposed master plan to the public. Both meetings were attended by the public and adjacent neighbors.

The new master plan takes into account, at a reduced cost, some of the amenities from the first master plan, but also includes some new ideas that tie the new Master Plan to the City Hall site. Staff has also discussed the plan with other City Departments and incorporated the comments into the current master plan. Staff will be present at the April 7, 2008, Study Session to present the plan to City Council and answer any questions that Councillors may have.

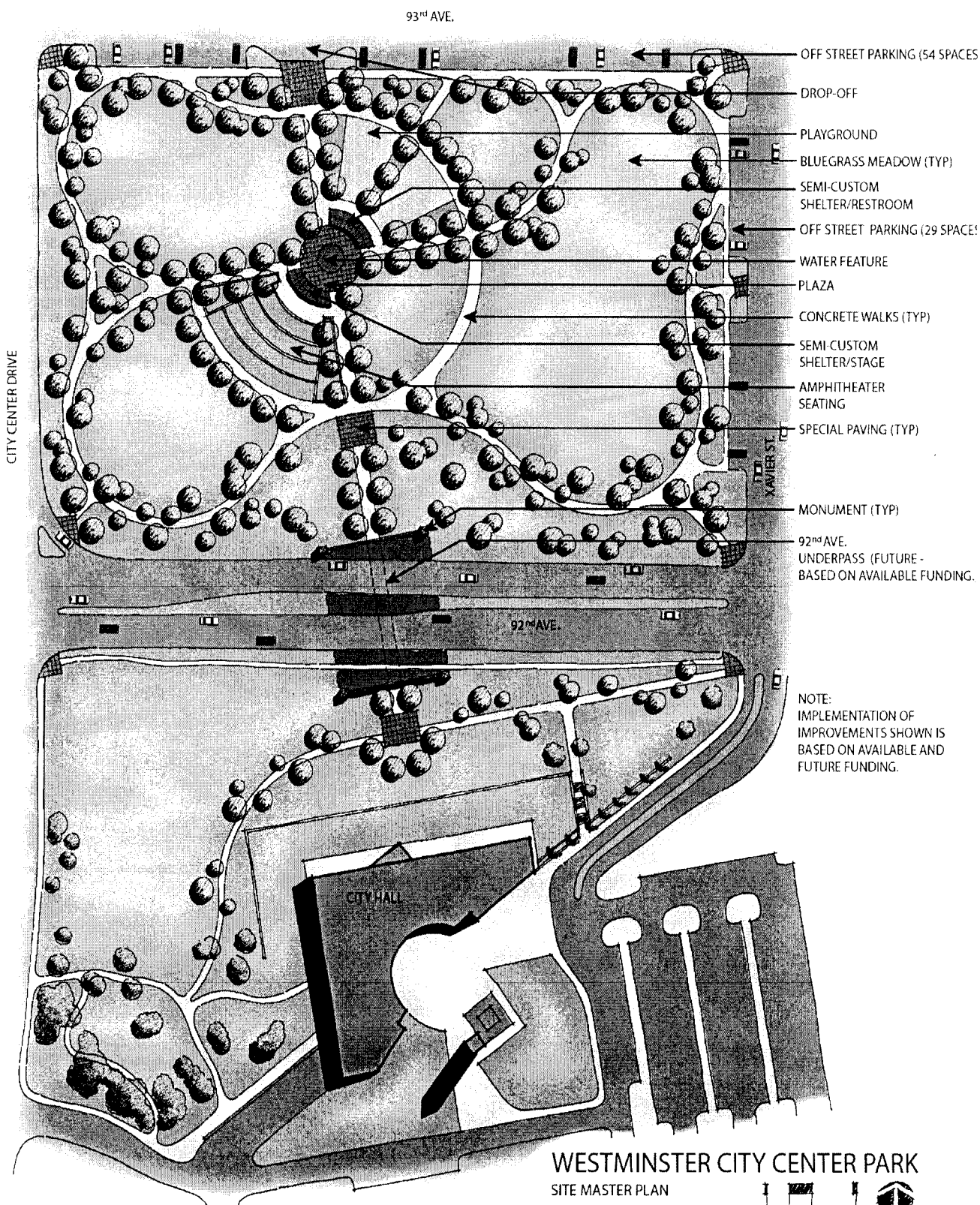
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The Westminster Center Park project supports the City’s Strategic Plan goals of “Financially Sustainable City Government,” “Vibrant Neighborhoods and Commercial Areas” and “Beautiful City.”

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



- OFF STREET PARKING (54 SPACES)
- DROP-OFF
- PLAYGROUND
- BLUEGRASS MEADOW (TYP)
- SEMI-CUSTOM SHELTER/RESTROOM
- OFF STREET PARKING (29 SPACES)
- WATER FEATURE
- PLAZA
- CONCRETE WALKS (TYP)
- SEMI CUSTOM SHELTER/STAGE
- AMPHITHEATER SEATING
- SPECIAL PAVING (TYP)
- MONUMENT (TYP)
- 92ND AVE. UNDERPASS (FUTURE - BASED ON AVAILABLE FUNDING.)

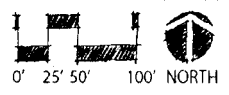
NOTE:
IMPLEMENTATION OF IMPROVEMENTS SHOWN IS BASED ON AVAILABLE AND FUTURE FUNDING.

WESTMINSTER CITY CENTER PARK

SITE MASTER PLAN

ARCHITERRA GROUP/
CHEVO STUDIOS

3-12-08





WESTMINSTER

Staff Report

City Council Study Session Meeting
April 7, 2008



SUBJECT: Graffiti Vandalism Ordinance and Strategy

PREPARED BY: Lee Birk, Police Chief
Eugene Mei, Assistant City Attorney
Katie Harberg, Public Information Officer

Staff Recommendation:

Review the draft graffiti vandalism ordinance, the Police Department's enforcement and eradication programs, and the Public Information Office's communication program, and provide input on any desired policy changes. Direct Staff to schedule consideration of a Councillor's Bill to adopt the draft graffiti vandalism ordinance at an upcoming City Council meeting.

Summary Statement

- Staff recognizes that graffiti vandalism is a high priority issue for the City. Graffiti vandalism is a pervasive social issue that respects no geographic or political boundaries.
- Understanding the complexity of combating graffiti vandalism, Staff is proposing an inter-departmental strategy grounded on the premise that only through a community partnership will the City be able to successfully address the crime of graffiti vandalism.
- The City Attorney's Office has drafted a graffiti vandalism ordinance that places responsibility upon parents, retail businesses, and property owners to aid the City in preventing and cleaning up graffiti vandalism.
- The Police Department's enforcement and eradication programs focus on prompt action to apprehend the perpetrators and to eradicate graffiti vandalism. Additional funding was approved by City Council in 2008 to enhance graffiti eradication and prevention.
- The Public Information Office's communication program encourages our citizens to become involved in the fight against graffiti vandalism, and to "See It. Report It. Remove It."

Expenditure Required: \$93,000

Source of Funds: General Fund – Police Department Operating Budget

Background Information

I. Graffiti Vandalism Ordinance

The attached draft ordinance rests on the central premise that graffiti vandalism is best addressed through a community partnership that enlists parents, retail businesses, and property owners to aid the City in preventing and cleaning up graffiti vandalism. The Property Standards ordinance adopted last year requires property owners to remove graffiti vandalism within seven days of defacement. Accordingly, the draft ordinance focuses on the responsibilities of our other community partners. In addition, the draft ordinance recognizes that the perpetrators of graffiti vandalism are often extremely elusive minors, and therefore creates pro-active tools to help prevent graffiti vandalism from occurring in the first place.

The highlights of the draft graffiti vandalism ordinance include:

1. The only criminal violations are the actual act of graffiti vandalism, and aiding and abetting the commission of same. WMC 6-16-3(A) and 6-16-5(A)(1).
2. It is unlawful for minors to purchase or possess prohibited graffiti vandalism tools unless for a legitimate reason such as school or employment. WMC 6-16-3(B)(2).
3. It is unlawful for any person to purchase or possess prohibited graffiti vandalism tools with the intent to commit graffiti vandalism. WMC 6-16-3(B)(1).
4. Retailers are prohibited from selling the three most popular graffiti tools to minors unless a parent or legal guardian is present and provides written consent. WMC 6-16-4(A).
5. Retailers must keep the three most popular graffiti tools under direct observation, or provide restricted access to such tools. WMC 6-16-4(B).
6. Recommended punishment for conviction of graffiti vandalism is:
 - A fine of \$200 for a first offense, \$500 for a second offense, and \$1,000 for a third and subsequent offense;
 - Restitution to the victim for all damages caused by the graffiti vandalism;
 - At least 30 hours of community service, or removal of at least 5,000 square feet of graffiti vandalism; and
 - In the case of a minor living with his/her parent(s) or legal guardian(s), at least one parent or legal guardian has to attend 50% of the assigned community service. WMC 6-16-5(A).
7. In the case of a minor living with his/her parent(s), or legal guardian(s), the parent or legal guardian is jointly and severally liable for court-ordered costs and damages up to \$2,500. WMC 6-16-5(B).

II. Enforcement Program

The police department believes that the proposed ordinance will be an additional useful tool for police officers and the community to utilize to target and attack the graffiti problem. The police department has and continues to focus a number of resources and efforts to specifically combat the problem of graffiti. Some of these efforts include:

1. A focus on graffiti hotspots through strategies involving both high visibility and extra patrols with marked police vehicles, as well as surveillance to include officers in unmarked police vehicles and undercover vehicles.
2. Use of the Citizens on Patrol (COPS) volunteers to conduct surveillance of areas known to have high incidences of graffiti, and to provide for immediate notification of the police department when acts of graffiti are occurring or appear likely to occur.
3. The police department is a member of the Metro Area Graffiti Task Force that consists of 78 individuals representing 25 different local, state and federal jurisdictions. The Task Force works to share and develop strategies to combat graffiti and also shares information regarding offenders that facilitates agencies solving cases involving suspects who offend in multiple jurisdictions.
4. The police department's Special Enforcement Team (SET) and the Community Services Coordinator (CSC) work closely together to document graffiti and identify offenders by styles, patterns and other distinguishing characteristics of each individual graffiti violator. This often allows identification and possible prosecution of an individual for multiple previous acts of graffiti vandalism when finally caught.
5. The School Resource Officers (SRO) also work closely with the SET officers and the CSC to identify youth who may be involved in graffiti. SRO's, teachers and school officials frequently observe graffiti drafts or doodling on school books or notebooks that replicate actual graffiti and often hear valuable information regarding youth(s) who may be involved in graffiti vandalism. SRO's often have opportunities to educate and inform students, teachers and staff about graffiti issues, consequences and prevention strategies.
6. Parks, Recreation and Libraries police officers have also proven to be effective at apprehending graffiti vandals in the parks and recreation facilities, particularly in areas such as pedestrian underpasses where access by bicycle allows them to approach quickly and often without being readily identified as a police officer.

III. Eradication Program

The CSC position is housed in the police department and this position is responsible for management of the graffiti eradication program. This individual works closely with Parks, Recreation and Library staff who handles eradication efforts in the parks and at recreation and library facilities. This position also works closely with code enforcement, RTD, and the Colorado State Highway Department to report and coordinate eradication efforts of graffiti that occurs in the City of Westminster, but may actually be located on private property or property owned by the State of Colorado, RTD, or other entities. In the case of property owned by other entities, the respective entities are responsible for eradication efforts. Eradication efforts and accomplishments include:

1. The CSC administers municipal court defendants who have been sentenced to community service and these individuals are often assigned to graffiti removal. During the latter half of 2007, nine community service workers spent 190.5 hours eradicating graffiti and removing trash from public property and rights of way.

2. The CSC spends several days a week physically removing graffiti. A graffiti removal volunteer program is also being developed under the direction of the CSC and the program recently acquired two volunteers.
3. As with private property owners, the goal is to remove all graffiti on all City public property within seven days of defacement.
4. Additional funds are included in the 2008 police department budget for hiring of temporary seasonal staff to assist in the removal of graffiti. This will ensure that eradication efforts can remain current with increased levels of graffiti vandalism associated with warmer temperatures.
5. During 2006 and 2007 approximately 100,000 square feet of graffiti were removed annually from public property and right of ways.

IV. Communication Program

In July of 2007, the public information staff conducted a focus group with key City officials and staff concerned about Westminster's graffiti vandalism problem. The purpose of the focus group was to identify objectives for a communication program that would identify the priority audiences, key communication messages, and a system of delivering those messages to our target audiences. Those who participated in this focus group included: City Councillor Mark Kaiser; City Manager Brent McFall; Police Chief Lee Birk; Special Enforcement Team Commander Sgt. Dean Villano; Graffiti staff members Gary Pedigo, Mary McKenna and Joy Tallarico; Assistant City Attorney Eugene Mei; Public Information staff members Katie Harberg, Joe Reid and Carol Jones from the City Manager's Office and Public Information Officer Heather Wood from the Police Department. The following recommendations were arrived at by the group.

Target Audiences: Target audiences are identified as victims of graffiti; citizens concerned about graffiti, especially those who are concerned enough to contact City Council; and all other citizens. These target audiences cross boundaries of age, gender and geographic location within the City.

Goals: The communications program is based upon two primary goals:

- #1: Enlisting citizen support in reporting graffiti in order to facilitate rapid removal. Swift removal breaks the chain of communication among graffiti writers, and satisfies citizens by removing the evidence of vandalism. Plus, data demonstrates that swift removal of graffiti is an important component in fighting the recurrence of graffiti.
- #2: Enlisting citizen involvement in the graffiti problem. Citizens are part of the solution; solving graffiti vandalism happens with a community partnership that includes citizens, businesses, and law enforcement. We want citizens to promptly report graffiti vandalism and to alert the City of suspicious activity that might be leading to a graffiti crime. These goals combine to empower citizens to fight against—rather than fear—graffiti vandalism.

Communications Strategy: Develop a communications program that includes a strong call to action by citizens, conveys the partnership theme, and positions Westminster as tougher on graffiti vandalism than neighboring communities. A graphic identity and slogan for this program was created and features the “call to action” slogan: “*See It. Report It. Remove It.*” The target audience for this message is broad, as has been noted, and therefore prompts the utilization of diverse communication

approaches that involve direct-contact using brochures and giveaways, and the use of promotional “ads” and articles in Weekly Edition, City Edition, the Website and cable TV. Frequent repetition of the graffiti slogan and graphic is designed to position Westminster as concerned about graffiti, while enlisting community support to address the problem.

Three brochures are planned as a system of communication pieces; one to be used as a general hand out by Council and at neighborhood outreach events. A second brochure, designed for middle and high school students, will emphasize the fact that graffiti writing is a crime. A third brochure, with detailed information about the types of graffiti found in Westminster, could be used for presentations before concerned neighborhood groups that desire more in-depth explanations. All communications materials for this campaign will follow a consistent graphic theme, thereby maximizing exposure of key messages. A low-cost sample “jotter pad” handout will also be provided for Council to review at the study session. The “jotter pad” could be kept by citizens in their car, purse or pocket, and would provide a useful reminder of the City’s graffiti program and the graffiti hotline telephone number to encourage reporting of graffiti vandalism.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CHAPTER 16

GRAFFITI

6-16-1: **LEGISLATIVE INTENT:** The City Council finds and declares that defacing of public or private property by painting, drawing, writing, etching, scratching or carving, by use of paint, spray paint, ink, knife or any similar method, commonly referred to as “graffiti vandalism,” constitutes a serious and growing menace, injurious to the public health, safety, morals, and general welfare of the residents of the City; that graffiti vandalism contributes substantially to the spread of gang activity, violence and crime; and that prompt eradication of graffiti vandalism is necessary to control the spread of graffiti vandalism, and promote the public health, safety, morals and general welfare of the residents of the City. It is the intent of the City Council in enacting this Chapter to prevent the destruction of public or private property by graffiti vandalism and to recover the costs associated with the cleanup thereof. Furthermore, given the substantial challenges in controlling graffiti vandalism, the City Council enlists, and places responsibility upon parents, legal guardians, retail businesses, and property owners to aid the City in preventing and cleaning up graffiti vandalism.

6-16-2: **DEFINITIONS:** When used in the Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

MARKER PEN: A felt-tip marker, permanent marker, or similar implement containing a fluid that is not water soluble.

CITY MANAGER: The City Manager of the City of Westminster.

DEFACE: To alter the appearance of something by removing, distorting, etching, writing, painting, adding to, or covering all or a part of the property.

ETCHING EQUIPMENT: Any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.

GRAFFITI VANDALISM: Any unauthorized inscription, word, figure, painting or symbol that defaces public or private property created by means of painting, drawing, writing, etching, scratching or carving, by use of paint, spray paint, ink, knife, or any similar method.

MINOR: Any person who has not yet attained the age of 18 years.

OWNER or PROPERTY OWNER: Any person having a legal or equitable interest in any real or personal property located within the City boundaries.

PAINT PEN: A tube, marker, or other pen-like instrument with a tip of one-quarter inch in diameter or less that contains paint or a similar fluid and an internal paint agitator.

PROHIBITED GRAFFITI MATERIAL: Any implement capable of creating graffiti vandalism including, but not limited to, spray paint, spray paint nozzle/tip, marker pen, paint pen, glass-cutting tool, or etching equipment.

SPRAY PAINT: Any aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property.

SPRAY PAINT NOZZLE or SPRAY PAINT TIP: A nozzle/tip designed to deliver a spray of paint of a particular width or flow from a can of spray paint.

6-16-3: PROHIBITED ACTS

(A) DEFACEMENT:

1. It shall be unlawful for any person to deface any property with graffiti vandalism except with the written consent of the owner.

2. It shall be unlawful for any person to aid, abet, or advise another to deface any property with graffiti vandalism except with the written consent of the owner.

(B) PURCHASE AND POSSESSION OF GRAFFITI MATERIALS:

1. **Purchase and Possession by Any Person:** It shall be unlawful for any person to purchase, procure or possess, or attempt to purchase, procure or possess any prohibited graffiti material with the intent to use such material in the commission of graffiti vandalism.

2. **Purchase and Possession by Minor:** It shall be unlawful for any minor, except a minor under the direct supervision of the person's parent, legal guardian, school teacher, or a law enforcement officer in the performance of duty, to purchase, procure or possess, or attempt to purchase, procure or possess any prohibited graffiti material. It shall be an affirmative defense to a charge of possession under this subsection that the minor possessing the prohibited graffiti material was:

- a. Within their home;
- b. While at school or enrolled in a class at school that formally required the possession of such material;
- c. At their place of employment; or
- d. Upon real property with permission from the owner to possess such materials.

3. **Contributing to unlawful possession:** It shall be unlawful for any person, except a law enforcement officer, school teacher or public official in the performance of their duty, to knowingly allow a minor to possess prohibited graffiti materials upon any property except with the written consent of the owner. It shall be an affirmative defense to charges under this subsection that the minor possessing the prohibited graffiti material was:

- a. Within their home;
- b. While at school or enrolled in a class at school that formally required the possession of such material;
- c. At their place of employment; or
- d. Upon real property with permission from the owner to possess such materials.

6-16-4: ACCESSIBILITY TO CERTAIN PROHIBITED GRAFFITI MATERIALS

(A) SALE AND FURNISHING: It shall be unlawful for any person, other than a parent, legal guardian, school teacher, or law enforcement officer in the performance of duty, to sell, exchange, give, deliver, loan, or otherwise furnish or cause or permit to be sold, exchanged, given, delivered, loaned or

otherwise furnished marker pens, spray paint, and/or shoe polish to any minor unless the minor is accompanied by their parent or legal guardian and provides written documentation demonstrating the consent of their parent or legal guardian. It shall be an affirmative defense to charges under this subsection that such materials were necessary for the minor to perform an essential job function.

(B) **DISPLAY AND STORAGE:** It shall be unlawful for any person who owns, conducts, operates or manages a retail commercial establishment selling marker pens, spray paint, and/or shoe polish to fail to store such materials in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business. In the event that a retail commercial establishment is unable to store the marker pens, spray paint, and/or shoe polish in an area that is continuously observable, it shall be unlawful for the establishment to fail to store such material in an area not accessible to the public in the regular course of business without employee assistance.

(C) **SIGNS REQUIRED:** It shall be unlawful for any person who sells or offers to sell any marker pens, spray paint, and/or shoe polish to fail to display at all times in a prominent place a printed card to be a minimum height of fourteen (14) inches and a width of eleven (11) inches, with each letter to be a minimum of one-half inch in height, which shall read as follows:

WARNING

GRAFFITI VANDALISM IS AGAINST THE LAW. IT IS ILLEGAL TO SELL MARKER PENS, SPRAY PAINT, AND/OR SHOE POLISH TO ANY PERSON UNDER EIGHTEEN YEARS OF AGE UNLESS ACCOMPANIED BY THEIR PARENT OR LEGAL GUARDIAN AND, IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.

FINES AND/OR IMPRISONMENT MAY BE IMPOSED BY THE COURT FOR VIOLATION OF THESE PROVISIONS.

6-16-5: ENFORCEMENT:

(A) **PENALTIES:**

1. **Criminal Violations.** The following provisions of this Chapter are hereby deemed criminal violations of this Code punishable by a fine or by confinement in jail, or by both, as provided in Section 1-8-1 of this Code:

Section 6-16-3(A) Defacement

2. **Civil Violations.** All violations of this Chapter not listed in paragraph (1) above are hereby deemed civil infractions of this Code, and upon conviction thereof shall be punished by a fine pursuant to Section 1-8-1 of this Code. Each day that a violation of any of the provisions of this Chapter continues to exist shall be deemed to be a separate and distinct violation.

3. **Restitution.** In addition to any punishment specified in this Section, the Court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense when such restitution can be determined by the Court.

4. **Community Service.** In lieu of, or as part of, the penalties specified in this Section, a person may be required to perform community service as described by the Court based on the following guidelines:

- a. If convicted of committing graffiti vandalism, the defendant should perform at least thirty (30) hours of community service, or should remove at least five thousand (5000) square feet of graffiti vandalism.
- b. In the case of a minor living with his/her parent(s) or legal guardian(s) and convicted of committing graffiti vandalism, at least one parent or legal guardian of that minor should be in attendance a minimum of fifty percent (50%) of the period of assigned community service. Participation of a parent or legal guardian is not required for any reason deemed appropriate by the Court including, but not limited to, if such participation is detrimental to the minor, or if the parent or legal guardian is a single parent who must care for young children.
- c. Reasonable effort should be made to assign the defendant to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.

5. Recommended Fines. Recommended minimum fines upon conviction may be imposed as listed below:

Section 6-16-3(A) – Defacement:

First offense – Two hundred dollars (\$200);

Second offense – Five hundred dollars (\$500); and

Third and subsequent offenses – One thousand dollars (\$1000)

(B) PARENTAL RESPONSIBILITY:

1. In the case of a minor living with his/her parent(s) or legal guardian(s) and convicted of a violation under this Chapter, the minor's parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines, damages, restitution and costs, including attorney's fees and court costs, ordered by the Court because graffiti vandalism is a deliberate, willful and malicious act, provided that such liability shall not exceed two thousand five hundred dollars (\$2500).

2. The Court may not enter an order for payment of all fines, damages, restitution and costs, including attorney's fees and court costs, against the minor's parent or legal guardian unless the Court, prior to entering such order for payment, holds a hearing at which the minor's parent or legal guardian is present.

3. If the Court finds, after the hearing, that the minor's parent or legal guardian has made diligent, good faith efforts to prevent or discourage the minor from engaging in delinquent activity prohibited by this Chapter or that such order for payment would cause serious hardship to the minor's parent or legal guardian, the Court may reduce or eliminate the parent's or legal guardian's responsibility for fines, damages, restitution and costs, including attorney's fees and court costs.

**City of Westminster City Council Study Session
April 7, 2008**

Mayor Nancy McNally called the Study Session to order at 6:35 PM. All Council was in attendance.

City Staff in attendance included: City Manager Brent McFall; Assistant City Manager Steve Smithers; Municipal Court Judge John Stipech; City Attorney Marty McCullough; Deputy City Manager Matt Lutkus; Public Information Officer Katie Harberg; Parks, Recreation, and Libraries Director Bill Walenczak; Police Chief Lee Birk; Public Information Specialist Carol Jones; Court Administrator Carol Barnhart; Code Enforcement Supervisor Joy Tallarico; Animal Management Supervisor Mary McKenna; Assistant City Attorney II Eugene Mei; Park Services Manager Rich Dahl; Community Services Coordinator Gary Pedigo; Sergeant Villano; Landscape Architect II Kathy Piper; and Management Intern II Phil Jones.

The guest in attendance was Nissa LaPoint with the Westminster Window;

Discussion of Upcoming Meeting with Board & Commission Members

City Manager Brent McFall presented a letter that was sent to Boards and Commission members and distributed a suggested exercise and agenda for the upcoming meeting. The meeting is not intending to come out with conclusions from Board & Commission members, but rather to get their ideas out on the table. Members will be broken out into small groups, and each table will report out on 5 things that make Westminster special, share their suggested changes to the strategic plan, and give the top 5-year and 20-year challenges facing the City.

The councillors responded that the event will be a nice venue to talk about the direction of boards and commissions, and provide an opportunity for Council interaction and discussion. City Council requested that an additional question be asked of Boards and Commission attendees on what they see their role as.

Westminster Center Park Master Plan

The proposed 9 acre site is located on land Jim Sullivan donated in 1994. The original 1996 master plan was contingent upon bond issue that didn't pass. When the 2005 POST extension passed, City Center Park was added as priority project. The concept is for an urban passive park with urban park feel. It will include a play lot that would be unique, consisting of an abstract art sculpture area for children, an attractive water feature, an amphitheater, and a trail system around the perimeter.

The funding for the park will consist of \$1.8 million allowed from the park bond as a result of the POST extension. There will be \$1.4 million in actual construction costs, and another \$0.4 mill for other fees. The City will be applying for an ADCO Open Space grant to supplement this budget, and to free up funds that may be used to fund a 92nd Avenue pedestrian underpass if this is determined to be feasible. The timeline for the project is: design development in April and May of 2008, development of construction documents May through August, Bid out construction in September and October, and apply for an Adams County Open Space grant in August, with the award announced in September or October.

Council was appreciative of the park master plans, and asked questions about neighbor concerns, future dog parks, Adams County Open Space grant process, and parking. There were many compliments about the initial design, and a desire to make the project happen.

Graffiti Vandalism Ordinance and Strategy

Staff was in attendance from the City Attorneys Office, Police Department, Court and the City Managers Office to provide updates on the City's anti-graffiti efforts, programs, and draft ordinance; and to obtain direction from City Council on the new draft ordinance and graffiti policy. Gary Pedigo provided an overview of graffiti, and shared that graffiti is a very complex social and criminal issue, which law enforcement can not solve alone.

Chief Birk noted that we need everyone in community to partner: schools, parents, neighbors, and others, in order to be truly effective in our fight against graffiti. An ordinance is a positive move to help mitigate graffiti.

What we are currently doing: Our community service coordinator supervisors court-ordered community service participants in removing approximately 100,000 square feet of graffiti each year. The Special Enforcement Team is a critical component of enforce hot spots for graffiti and catching graffiti vandals. School Resource Officers are in the community and schools educating students about the destructive nature of graffiti and working with parents and peer groups. Citizens are assisting in reporting graffiti, and parks officers patrol the trails and park areas in an attempt to reduce vandalism to the City's assets.

The new draft ordinance is very aggressive on graffiti; Westminster is the toughest organization in the metro on graffiti. City staff assembled a task force to draft ordinance that examined ordinances from Las Vegas, the California Penal Code, the International Municipal Lawyers' Association, and 14 area cities. The draft was reviewed by the metro area task force, and the cities of Englewood, Lakewood, and Commerce City all liked what the City is doing with this ordinance.

Key provisions of ordinance:

- Graffiti vandals go to jail. You get caught defacing property or get caught aiding abetting graffiti vandals, you go to jail.
- Minors cannot possess prohibited graffiti tools.
- Retailers must have the most popular graffiti tools (fat markers, spray paint, and shoe polish) under visual surveillance or restricted access
- A parent must attend 50% of their child's assigned community service if their child is convicted of graffiti vandalism
- Parents are liable for all costs, fines, and damages if their child is convicted of graffiti vandalism (up to a certain dollar amount).

The community service piece of the ordinance is very strong, requiring 30 hours or at least 5,000 square feet of graffiti removal for the act of vandalism. The ordinance does provide for court discretion to waive attendance requirement for special needs, and also prescribes escalating fines for defacement.

Staff noted that the problem of graffiti is a high priority and community problem. Staff is not sending a message of fear, rather our message is directed to a broad audience: all corners of city and all ages and demographics.

PIO staff will begin a strong branding program made up of a strong sign and a new, simpler phone number to report graffiti. They will use a shotgun communication approach that will include various brochures, council handouts, a new business card design, a giveaway product with slogan, and advertising. The City will also have a strong web communication emphasis.

Council was appreciative of the staff report and had many questions. Some of those questions included: how do you connect who did it, or how do you know you have the right person? Chief Burk answered that this new ordinance allows police officers to check the person for the materials, and use the possession pieces which is new in ordinance to prosecute the criminals. Chief Birk reminded Council that there are many aspects to possession: time, circumstance, and situation. Someone walking home from school at 4 PM with a book bag full of school supplies will not be arrested for possession. Someone in the park at 3 AM with permanent markers might. Another councillor asked about opportunities to get in schools. City Manager McFall noted that we have School Resource Officers in middle and high schools, and the City is always in schools conducting presentations which provide opportunities to piggyback graffiti education.

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Another question was on the use of surveillance cameras. Police Chief Birk stated that sometimes there is an overreliance on technology. Currently there are quality issues, as camera pictures do not provide an identity, and there will be hours of tape that need to be monitored, costing staff resources. We do intend to purchase surveillance equipment this year as a pilot program. Code Enforcement Supervisor Tallarico shared that the biggest success comes not from catching vandals, but in deterring. She shared the story of a resident’s home that backed up to one of the parks, and was tagged constantly on their back fence. One year he installed a motion-sensored flood light and had 0 recurrences.

Council was proud of the group’s work, and placing Westminster first, again, in being proactive fighting graffiti.

Mayor McNally adjourned the Study Session at 7:45 PM.

**City of Westminster City Council Study Session
April 7, 2008**

Mayor Nancy McNally called the Study Session to order at 6:35 PM. All Council was in attendance.

City Staff in attendance included: City Manager Brent McFall; Assistant City Manager Steve Smithers; Municipal Court Judge John Stipech; City Attorney Marty McCullough; Deputy City Manager Matt Lutkus; Public Information Officer Katie Harberg; Parks, Recreation, and Libraries Director Bill Walenczak; Police Chief Lee Birk; Public Information Specialist Carol Jones; Court Administrator Carol Barnhart; Code Enforcement Supervisor Joy Tallarico; Animal Management Supervisor Mary McKenna; Assistant City Attorney II Eugene Mei; Park Services Manager Rich Dahl; Community Services Coordinator Gary Pedigo; Sergeant Villano; Landscape Architect II Kathy Piper; and Management Intern II Phil Jones.

The guest in attendance was Nissa LaPoint with the Westminster Window;

Discussion of Upcoming Meeting with Board & Commission Members

City Manager Brent McFall presented a letter that was sent to Boards and Commission members and distributed a suggested exercise and agenda for the upcoming meeting. The meeting is not intending to come out with conclusions from Board & Commission members, but rather to get their ideas out on the table. Members will be broken out into small groups, and each table will report out on 5 things that make Westminster special, share their suggested changes to the strategic plan, and give the top 5-year and 20-year challenges facing the City.

The councillors responded that the event will be a nice venue to talk about the direction of boards and commissions, and provide an opportunity for Council interaction and discussion. City Council requested that an additional question be asked of Boards and Commission attendees on what they see their role as.

Westminster Center Park Master Plan

The proposed 9 acre site is located on land Jim Sullivan donated in 1994. The original 1996 master plan was contingent upon bond issue that didn't pass. When the 2005 POST extension passed, City Center Park was added as priority project. The concept is for an urban passive park with urban park feel. It will include a play lot that would be unique, consisting of an abstract art sculpture area for children, an attractive water feature, an amphitheater, and a trail system around the perimeter.

The funding for the park will consist of \$1.8 million allowed from the park bond as a result of the POST extension. There will be \$1.4 million in actual construction costs, and another \$0.4 mill for other fees. The City will be applying for an ADCO Open Space grant to supplement this budget, and to free up funds that may be used to fund a 92nd Avenue pedestrian underpass if this is determined to be feasible. The timeline for the project is: design development in April and May of 2008, development of construction documents May through August, Bid out construction in September and October, and apply for an Adams County Open Space grant in August, with the award announced in September or October.

Council was appreciative of the park master plans, and asked questions about neighbor concerns, future dog parks, Adams County Open Space grant process, and parking. There were many compliments about the initial design, and a desire to make the project happen.

Graffiti Vandalism Ordinance and Strategy

Staff was in attendance from the City Attorneys Office, Police Department, Court and the City Managers Office to provide updates on the City's anti-graffiti efforts, programs, and draft ordinance; and to obtain direction from City Council on the new draft ordinance and graffiti policy. Gary Pedigo provided an overview of graffiti, and shared that graffiti is a very complex social and criminal issue, which law enforcement can not solve alone.

Chief Birk noted that we need everyone in community to partner: schools, parents, neighbors, and others, in order to be truly effective in our fight against graffiti. An ordinance is a positive move to help mitigate graffiti.

What we are currently doing: Our community service coordinator supervisors court-ordered community service participants in removing approximately 100,000 square feet of graffiti each year. The Special Enforcement Team is a critical component of enforce hot spots for graffiti and catching graffiti vandals. School Resource Officers are in the community and schools educating students about the destructive nature of graffiti and working with parents and peer groups. Citizens are assisting in reporting graffiti, and parks officers patrol the trails and park areas in an attempt to reduce vandalism to the City's assets.

The new draft ordinance is very aggressive on graffiti; Westminster is the toughest organization in the metro on graffiti. City staff assembled a task force to draft ordinance that examined ordinances from Las Vegas, the California Penal Code, the International Municipal Lawyers' Association, and 14 area cities. The draft was reviewed by the metro area task force, and the cities of Englewood, Lakewood, and Commerce City all liked what the City is doing with this ordinance.

Key provisions of ordinance:

- Graffiti vandals go to jail. You get caught defacing property or get caught aiding abetting graffiti vandals, you go to jail.
- Minors cannot possess prohibited graffiti tools.
- Retailers must have the most popular graffiti tools (fat markers, spray paint, and shoe polish) under visual surveillance or restricted access
- A parent must attend 50% of their child's assigned community service if their child is convicted of graffiti vandalism
- Parents are liable for all costs, fines, and damages if their child is convicted of graffiti vandalism (up to a certain dollar amount).

The community service piece of the ordinance is very strong, requiring 30 hours or at least 5,000 square feet of graffiti removal for the act of vandalism. The ordinance does provide for court discretion to waive attendance requirement for special needs, and also prescribes escalating fines for defacement.

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