



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: April 12, 2006

SUBJECT: Study Session Agenda for April 17, 2006

PREPARED BY: Stephen P. Smithers, Acting 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.

CONSENT AGENDA

None at this time.

CITY COUNCIL REPORTS

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

PRESENTATIONS

1. Legislative Lobbyists' Update (*Verbal*)
2. Rocky Flats Update on Regulatory Closure
3. Funding for 128th Avenue/I-25 Overpass Replacement

6:30 P.M.

EXECUTIVE SESSION

None at this time.

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (WEDA)

1. Holly Park Acquisition Deposit and Demolition Contract – Informational Only

INFORMATION ONLY

1. Monthly Residential Development Report (Attachment)

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,

Stephen P. Smithers
Acting City Manager



Staff Report

Information Only Staff Report
April 17, 2006

SUBJECT: Rocky Flats Update on Regulatory Closure

PREPARED BY: Al Nelson, Rocky Flats Coordinator
Ron Hellbusch, Special Projects Coordinator

Summary Statement

This report is for City Council information only and requires no action by City Council. Staff will be present Monday night to provide a short presentation to City Council and answer questions.

Background Information

As City Council is aware, the Rocky Flats Environmental Technology Site (RFETS) reached physical cleanup in October 2005. The site is currently undergoing regulatory closure and this Staff Report is to update City Council on the regulatory closure process.

The regulatory process consists of the issuance of the following documents and the required public comment period for those obligatory by regulatory requirements, as well as other supporting documents that will be developed.

- **The Remedial Investigation/Feasibility Study (RI/FS)** - The RI/FS is the formal process that the U. S. Environmental Protection Agency (EPA), and most state environmental agencies, follows to select a remediation strategy for a contaminated site. The study uses the results of the remedial investigation to identify contaminants of concern, their distribution among the media (soil, water, and air) at the site, and their concentrations in those media. Applying applicable clean-up goals, approved selection criteria, and a knowledge of suitable clean-up technologies, the study arrives at the remediation strategy that will achieve the stated goals while best satisfying all of the criteria. In this case, the site is doing the process backwards and this document will more likely describe what they have done, not what they will do.
- **Proposed Plan** - The Proposed Plan is a document used to facilitate public involvement in the remedy selection process. The document presents the lead agency's preliminary recommendation concerning how best to address contamination at the site; presents alternatives that were evaluated; and, explains the reasons the lead agency recommends the Preferred Alternative. The Proposed Plan must provide a brief summary description of the remedial alternatives evaluated in the detailed analysis; identify and provide a discussion of the rationale that supports the Preferred Alternative; provide a summary of any formal comments received from the support agency; and, provide a summary explanation of any proposed Applicable or Relevant and Appropriate Requirements (ARAR) waiver. The plan will be released in the May/June timeframe for a 60 day public comment period.
- **Corrective Action Document/Record of Decision (CAD/ROD)** - Serves as a legal document in that it certifies that the remedy selection process was carried out in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and, to

the extent practicable, in accordance with the National Contingency Plan (NCP); a substantive summary of the technical rationale and background information contained in the Administrative Record file (e.g., RI/FS including the baseline risk assessment); a technical document that provides information necessary for determining the conceptual engineering components, and that outlines the remedial action objectives and cleanup levels for the Selected Remedy; and, serves as a key communication tool for the public that explains the contamination problems the remedy seeks to address and the rationale for its selection. The CAD/ROD will be released in the October/November 2006 timeframe.

- **Close Out Report** - Closeout reports summarize characterization, accelerated action activities, interim measures, etc., and describe results of these activities. The report will be issued in the March/April 2007 timeframe.
- **Post Closure Management Plan** - Describes the operations, maintenance, sampling, surveillance and inspections that will be conducted by Legacy Management. The plan will be issued in the April/May 2007 timeframe.
- **Rocky Flats Cleanup Agreement II (RFCA II)** - Legally binding agreement between the Colorado Department of Public Health and Environment (CDPHE), Environmental Protection Agency (EPA) and the Department of Energy (DOE). The purposes of this Agreement are to (1) establish the regulatory framework for implementing the final remedy and overseeing the long-term maintenance, operation and monitoring of the Site; and, (2) to resolve the State's claims against the United States for natural resource damages. Coordinate all of DOE's cleanup obligations under CERCLA, Resource Conservation and Recovery Act (RCRA), and the Colorado Hazardous Waste Act (CHWA) in a single agreement to streamline compliance with these three statutes. Provide for continued operation and maintenance of the selected remedial/corrective action(s) as appropriate. Establish a procedural framework and schedule such that the remedial investigation and response actions selected and implemented by the Parties are sufficient to meet the criteria and procedures for the Site's timely removal and delisting from the National Priorities List (NPL). The plan will be issued in the May/June 2007 timeframe.

City staff submitted a comment letter on the draft RI/FS on February 15, 2006. The following were some of the major concerns:

- The Natural Resource Damage assessment as required by National Environmental Policy Act (NEPA) is missing.
- The Memorandum of Understanding between the Department of Energy and the Department of the Interior has not been completed.
- That the City be supplied copies of documents referenced in the RI/FS that staff has not previously been provided.
- Required institutional controls and long-term stewardship requirements are not complete.
- There is no discussion of the cost estimates of institutional controls (ICs) in any of the budget summaries. There are no calculations for any ICs for net present value.
- Problems associated with the original landfill.

The CDPHE, the EPA and the DOE are currently revising the RI/FS and preparing the Proposed Plan. Dates mentioned above were the last estimates received from EPA and may shorten.

SUBJECT: Rocky Flats Update on Regulatory Closure
April 17, 2006
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Another important step will be the **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Five Year Review** that will occur in the May/June 2007 timeframe. EPA as required by statute and, as a matter of policy, reviews the remedies at certain sites every five years. Section 121 of the (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires that remedial actions that result in any hazardous substances, pollutants, or contaminants remaining at the site be subject to a Five-Year Review. Five-Year Reviews entail developing answers to three primary questions: 1) Is the remedy functioning as intended by the decision document? 2) Are the exposure levels and remediation objectives used at the time of the remedy still valid? 3) Has any other information come to light that could call into question the protectiveness of the remedy? Answers to these questions are determined through site inspection, interviews, a review and evaluation of existing O&M and site inspection plans.

Other

Quarterly Data Exchange Meetings – For a number of years the City along with Broomfield has been holding a quarterly technical meeting with DOE, CDPHE and the EPA to review the results of sampling and monitoring and to develop Data Quality Objectives (DQOs) for the sampling and monitoring. It has always been the Cities desire to continue these meetings in the future and staff has received the support of the Rocky Flats Stewardship Council. Recently, Legacy Management (LM) has stated that these meetings will be under the auspices of the Local Stakeholder Organization (LSO) and will be LM's quarterly report to the LSO. Staff has received verbal commitment from CDPHE and EPA that these meetings should continue as in the past. CDPHE has stated they will discuss the issue with LM.

Attached is an Excel spreadsheet that lists documents that have recently been reviewed and those that staff expects to receive in the near future.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments: Copy of comment letter on *Draft RCRA Facility Investigation - Remedial Investigation/Corrective Measures Study - Feasibility Study Report*, dated October 2005, sent on February 15, 2006
Document matrix



WESTMINSTER

Staff Report

Information Only Staff Report
April 17, 2006



SUBJECT: Replacement of the 128th Avenue/I-25 Overpass

PREPARED BY: Steve Smithers, Acting City Manager

Summary Statement:

This report is for City Council information only and requires no action by City Council at this time.

Background Information

As City Council is aware, the Colorado Department of Transportation (CDOT) has moved up the timing of their replacement of the 128th Avenue/I-25 Overpass. City Staff members from Thornton and Westminster have been working with CDOT Staff to determine the timing and scope of this project. CDOT has indicated to both Westminster and Thornton that they are only willing to replace the existing structure and are not willing to address the need to expand this bridge from two-lanes to four-lanes. CDOT is willing to entertain the design of the bridge as four-lanes and eventual construction of the bridge as four-lanes as long as the cities of Westminster and Thornton are willing to pay for the approximate \$1.7 million of additional costs for widening the bridge to four-lanes.

Staff believes it is important to discuss with Thornton the prospect of having CDOT cover this additional cost before allowing the bridge construction to go forward as two lanes, or making any commitments by the two cities to come up with the additional \$1.7 million. To this end, Mayor Nancy McNally and Assistant City Manager Steve Smithers will be meeting with Thornton Mayor Noel Busck and Thornton City Manager Jack Ethredge on Friday afternoon to discuss their willingness to approach CDOT on this issue. Staff will report back at Monday night's Study Session with the results of this meeting and recommendations for future action.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER

Westminster Economic Development Authority
Information Only Staff Report
April 17, 2006



SUBJECT: Holly Park Acquisition Deposit and Demolition Contract
PREPARED BY: Aaron B. Gagné, Capital Projects Coordinator

Summary Statement:

This report is for City Council information only and requires no action by City Council. The intent of this report is to provide City Council with an update pertaining to WEDA acquiring title to the uncompleted portions of the Holly Park townhome project and issuing a demolition contract for the clearing of the partial improvements on the site.

Background Information

Almost one year ago, WEDA commenced actions to acquire title to the abandoned Holly Park townhome project through the exercise of the powers of condemnation and eminent domain enabled by the earlier formation of the Holly Park Urban Renewal Area. On Tuesday, April 11, 2006 in District Court, our actions were affirmed and an order has been signed vesting title to WEDA.

A requirement for the final transfer of title is the deposit of \$100,000 with the Adams County Combined Courts, representing the preliminary value as was agreed to by both Wells Fargo and the original developer. Due to the critical timing, staff has moved forward with that payment to secure title. A full Agenda Memo will be forthcoming for the April 24, 2006 meeting to affirm that action.

Additionally, in order to gather as much momentum as possible, staff also issued a request for bids on the afternoon of April 11, 2006 for the demolition of the uncompleted structures and improvements on the site. Bids are due back by noon on Monday, April 17, 2006, and will be available for discussion at the study session on the same evening. Staff may be in a position to enter into that demolition contract before the next regular meeting on April 24, 2006. The contract will also come back before this body with a full Agenda Memo to affirm that action.

Staff will be present at Monday night's Study Session to answer any questions the WEDA Board may have regarding these actions.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Staff Report

Information Only Staff Report
April 17, 2006

SUBJECT: Monthly Residential Development Report

PREPARED BY: Shannon Sweeney, Planning Coordinator

Summary Statement:

This report is for City Council information only and requires no action by City Council.

- The following report updates 2006 residential development activity per subdivision (please see attachment) and compares 2006 year-to-date totals with 2005 year-to-date figures through the month of March.
- The table below shows an overall decrease (-29.7%) in new residential construction for 2006 year-to-date compared to 2005 year-to-date totals.
- Residential development activity so far in 2006 reflects decreases in single-family detached (-32.1%) and single-family attached (-22.2%), and no change in multi-family or senior housing development when compared to last year at this time.

NEW RESIDENTIAL UNITS (2005 AND 2006)

UNIT TYPE	MARCH		% CHG.	YEAR-TO-DATE		% CHG.
	2005	2006		2005	2006	
Single-Family Detached	30	21	-30.0	56	38	-32.1
Single-Family Attached	0	14		18	14	-22.2
Multiple-Family	0	0	0.0	0	0	0.0
Senior Housing	0	0	0.0	0	0	0.0
TOTAL	30	35	16.7	74	52	-29.7

Background Information

In March 2006, service commitments were issued for 35 new housing units within the subdivisions listed on the attached table. There were a total of 21 single-family detached, 14 single-family attached, and no multi-family or senior housing utility permits issued in March.

The column labeled “# Rem.” on the attached table shows the number of approved units remaining to be built in each subdivision.

Total numbers in this column increase as new residential projects (awarded service commitments in the new residential competitions), Legacy Ridge projects, build-out developments, etc. receive Official Development Plan (ODP) approval and are added to the list.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

ACTIVE RESIDENTIAL DEVELOPMENT

<u>Single-Family Detached Projects:</u>	Feb-06	Mar-06	2005 YTD	2006 YTD	# Rem.*	2005 Total
Asbury Acres (94th & Wadsworth Bl.)	0	0	2	0	0	4
Bradburn (120th & Tennyson)	0	3	3	3	130	22
CedarBridge (111th & Bryant)	0	0	0	0	6	0
Country Club Highlands (120th & Zuni)	0	0	0	0	118	0
Huntington Trails (144th & Huron)	0	1	0	2	208	0
Legacy Ridge West (104th & Leg. Ridge Pky.)	0	0	30	1	8	43
Lexington (140th & Huron)	0	0	0	0	5	0
Meadow View (107th & Simms)	0	0	2	0	9	5
Park Place (95th & Westminster Blvd.)	0	6	0	6	93	1
Ranch Reserve (114th & Federal)	0	0	0	0	2	1
Ranch Reserve II (114th & Federal)	0	2	0	2	2	5
Ranch Reserve III (112th & Federal)	0	0	0	0	1	0
Various Infill	0	3	0	3	14	2
Village at Harmony Park (128th & Zuni)	10	6	19	21	20	82
Winters Property (111th & Wads. Blvd.)	0	0	0	0	8	0
Winters Property South (110th & Wads. Blvd.)	0	0	0	0	10	0
<i>SUBTOTAL</i>	<i>10</i>	<i>21</i>	<i>56</i>	<i>38</i>	<i>634</i>	<i>165</i>
<u>Single-Family Attached Projects:</u>						
Alpine Vista (88th & Lowell)	0	0	0	0	84	0
Bradburn (120th & Tennyson)	0	12	18	12	31	25
CedarBridge (111th & Bryant)	0	0	0	0	2	0
Cottonwood Village (88th & Federal)	0	0	0	0	72	0
East Bradburn (120th & Lowell)	0	0	0	0	117	0
Highlands at Westbury (112th & Pecos)	0	0	0	0	71	25
Hollypark (96th & Federal)	0	0	0	0	20	0
Legacy Village (113th & Sheridan)	0	0	0	0	94	0
Summit Pointe (W. of Zuni at 82nd Pl.)	0	0	0	0	58	0
Sunstream (93rd & Lark Bunting)	0	2	0	2	20	2
Walnut Grove (104th & Wadsworth Pkwy.)	0	0	0	0	66	0
<i>SUBTOTAL</i>	<i>0</i>	<i>14</i>	<i>18</i>	<i>14</i>	<i>635</i>	<i>52</i>
<u>Multiple-Family Projects:</u>						
Bradburn (120th & Tennyson)	0	0	0	0	54	0
Mountain Vista Village (87th & Yukon)	0	0	0	0	24	0
Prospector's Point (87th & Decatur)	0	0	0	0	29	0
South Westminster (East Bay)	0	0	0	0	64	0
South Westminster (Harris Park Sites I-IV)	0	0	0	0	12	0
<i>SUBTOTAL</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>183</i>	<i>0</i>
<u>Senior Housing Projects:</u>						
Covenant Retirement Village	0	0	0	0	32	0
Crystal Lakes (San Marino)	0	0	0	0	7	0
<i>SUBTOTAL</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>39</i>	<i>0</i>
TOTAL (all housing types)	10	35	74	52	1491	217

* This column refers to the number of approved units remaining to be built in each subdivision.