



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: June 13, 2012

SUBJECT: Study Session Agenda for June 18, 2012

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

6:30 P.M.

1. Jeffco Schools Proposed Ballot Issue – Dr. Cindy Stevenson (Verbal)
2. US 36 Traffic Management Plan re Sheridan Blvd. Bridge Replacement
3. Proposed First Half 2012 Quality Control Amendments to Titles I through IV of the Westminster Municipal Code

INFORMATION ONLY ITEMS

None at this time.

EXECUTIVE SESSION

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
June 18, 2012



SUBJECT: U.S. 36 Traffic Management Plan – Bridge Replacements/Interchange Construction (Sheridan Boulevard, 112th Avenue)

PREPARED BY: Dave Downing, City Engineer
Aric Otzelberger, Assistant to the City Manager

Recommended City Council Action

Listen to the presentation by the Ames/Granite team on traffic management plans for the forthcoming U.S. 36 Express Lanes project related to the Sheridan Avenue and 112th Avenue bridge replacements/interchange construction and provide feedback.

Summary Statement

This summer CDOT will break ground on Phase 1 of the U.S. 36 Express Lanes project. Components of this project include replacement of the Sheridan Boulevard and 112th Avenue bridges. The Ames/Granite Joint Venture team was selected by CDOT as the design-build contractor and plans to have the project completed by December 31, 2014. Staff from the Ames/Granite team are currently in their design process and will be present at the Study Session to present their current construction phasing and management of traffic plans related to the Sheridan Boulevard and 112th Avenue components of the project.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

In general, is City Council supportive of the management of traffic plans related to the Sheridan Boulevard and 112th Avenue bridge replacements/interchange components of the project?

Alternative

City Council could offer questions or concerns related to the management of traffic plans. If there are specific items of concern, Staff would follow up with Ames/Granite Staff to explore if these items could be addressed from a feasibility standpoint.

Background Information

This summer CDOT will break ground on Phase 1 of the U.S. 36 Express Lanes project. This \$310 million project, led by CDOT, the Colorado High Performance Enterprise (HPTE) and the Regional Transportation District (RTD) includes adding one express lane in each direction, Bus Rapid Transit (BRT) improvements, portions of a commuter bikeway and installing Intelligent Transportation Systems (ITS) for tolling, transit and traveler information from Federal Boulevard to Interlocken. Ames/Granite Joint Venture team was selected as the design-build contractor and plans to have the project completed by December 31, 2014. While construction on the first phase moves forward, CDOT and HPTE continue to evaluate innovative means for financing Phase 2 (Interlocken to Table Mesa).

Components of this project include replacement of the Sheridan Boulevard and 112th Avenue bridges. Staff from the Ames/Granite team are currently in their design process and will be present at the Study Session to present their current construction phasing and management of traffic plans related to the Sheridan Boulevard and 112th Avenue bridge components of the project. Under the current project schedule, work is scheduled to commence on both bridges in fall of 2012. Completion on the Sheridan Boulevard bridge is anticipated in summer of 2013, while completion of the 112th bridge is anticipated in fall of 2013. City Council is asked to receive the presentation from Ames/Granite staff and provide feedback on management of traffic plans as appropriate.

City Staff has met with the Ames/Granite team to discuss their draft management of traffic plans based on the current level of design for the project. City Staff's primary concern is a proposed elimination of the free right movement from northbound Sheridan to U.S. 36 that would commence in phase two of the bridge replacement project. Due to construction site limitations and proposed project phasing, current traffic management plans show the loss of this free right and a shared through/right turn lane in its place during a significant period of construction. With traffic congestion on U.S. 36 itself and the potential queuing that could occur back to this intersection, City Staff has asked the Ames/Granite team to explore if there is any feasible way to maintain this free right movement during construction. The Ames/Granite team is taking a hard look at the northbound Sheridan free right movement to U.S. 36 to see if there is a way to keep it open or at least minimize the duration of this closure during construction. Further details on this issue will be discussed Monday night.

During their presentation, the Ames/Granite team will provide exhibits that show construction phases of the Sheridan Boulevard and 112th Avenue bridge replacement projects, along with proposed traffic restrictions, closures and detours. The Ames/Granite team will also provide approximate durations of traffic restrictions, closures and construction time frames.

Staff Report – U.S. 36 Traffic Management Plan – Bridge Replacements/Interchange Construction

(Sheridan Boulevard, 112th Avenue)

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This project supports the City Council's Strategic Plan goals of Strong, Balanced Local Economy and Vibrant Neighborhoods in One Livable Community.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
June 18, 2012



SUBJECT: Proposed First Half 2012 Quality Control Amendments to Titles I through IV of the Westminster Municipal Code

PREPARED BY: Linda Yeager, City Clerk
Marty McCullough, City Attorney

Recommended City Council Action

Review the proposed ordinance amending various sections of Titles I through IV of the Westminster Municipal Code and direct Staff to schedule the ordinance for consideration and adoption at a future City Council meeting.

Summary Statement

- The Westminster Municipal Code (“W.M.C.” or “Code”) is a codification of the general ordinances of the City and serves as a major resource to Staff and citizens both in print and electronically.
- Although Staff attempts to keep the Code current by regularly seeking Council approval of necessary amendments, Council has requested Staff review and update the Code on a regular basis maintaining accuracy and ensuring it is as free of errors as possible. In general, state, federal and city codes benefit from regular housekeeping measures such as those being proposed at this time.
- Staff considers the proposed amendments to be primarily housekeeping in nature, but beyond the scope of authority granted to the City Clerk in Section 1-1-5, W.M.C., to correct errors of punctuation, capitalization, formatting, grammar and spelling, and internal references.
- Staff believes these amendments will improve the overall quality of the Code.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City make general housekeeping and administrative amendments to the Westminster Municipal Code as proposed?

Alternatives

1. Direct Staff to leave the current Code provisions in place and not take the recommendations through the formal approval process. Staff does not recommend this alternative because the proposed amendments result in standardized formatting, updated provisions, and numerous minor corrections to the various Titles.
2. Direct Staff to make only certain changes to the Code while excluding others. Although this approach would help address some issues in the Code, Staff does not recommend this alternative because it may not address all of the concerns with the current Code.

Background Information

In response to Council's request to regularly review and maintain the City Code, in January 2012, the City Clerk's Office began a comprehensive review each Code provision for typographical, grammatical, cross-reference and other errors, and outdated or inaccurate information, while applying standard formatting conventions. Although the Westminster Municipal Code contains a section on "Rules for Construction," standard formatting conventions were only recently established by Staff. The attached ordinance contains those amendments identified thus far in the project within Titles I through IV and includes the deletion or updating of outdated information beyond the scope of authority granted to the City Clerk. Biannually, Staff anticipates proposing similar upgrading ordinances until each section has been revised to meet formatting conventions and outdated or inaccurate information is removed.

Revisions to the Municipal Code support all of the City's Strategic Plan goals. In concert with the Charter, the Municipal Code serves as a foundation for the City's operations and incorrect or out-of-date information could potentially have a significant impact on the community.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 2012

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING SECTIONS 1-1-1, 1-16-2, 1-16-3, 2-1-1, 3-1-11, 3-4-3, 4-1-36, 4-7-2, 4-7-3 OF THE WESTMINSTER MUNICIPAL CODE AS HOUSEKEEPING MEASURES THROUGH JUNE 2012

THE CITY OF WESTMINSTER ORDAINS:

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

1-1-1: MUNICIPAL CODE OF THE CITY OF WESTMINSTER: (1699) This compilation, revision and codification of the General Ordinances of the City of Westminster is hereby declared to be and shall hereafter constitute the Official Code of General Ordinances of the City of Westminster.

Said Code shall be known and may be cited as the "Westminster Municipal Code"; or "W.M.C.," and a copy or copies of such Code in printed form shall be received without further proof as the ordinances of permanent and general effect of the City of Westminster; in all courts and administrative tribunals of this State. (A1699)

Any ordinance amending this Code shall set forth in full no less than the sub-subsection (i.e., (1), (2), etc.) or sections of the Code being amended, ~~and this shall constitute a sufficient compliance with any statutory requirements that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.~~

Section 2. Section 1-16-2, subsection (A), W.M.C., is hereby AMENDED to read as follows:

1-16-2: DUTIES: (1592 Charter)

(A) The City Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and shall be responsible solely to the City Council. He shall advise any officer or department head of the City in matters relating to his official duties when so requested and shall ~~file with the City Clerk~~ maintain a copy of all written opinions given by him. (1592)

Section 3. Section 1-16-3, subsection (B), W.M.C., is hereby AMENDED to read as follows:

1-16-3: EMPLOYEES IN THE OFFICE OF THE CITY ATTORNEY: (1592 1747 2922)

(B) All ~~unclassified~~ employees in the Office of the City Attorney shall be responsible to the City Attorney. (1592)

Section 4. Section 2-1-1, subsection (F), W.M.C., is hereby AMENDED to read as follows:

2-1-1: APPOINTMENT OF MEMBERS; TERMS: (2068 2402 3102 3272 3372)

(F) MEMBER EMERITUS:

~~(1) Whereas, certain members of City Boards and Commissions have provided long term, dedicated service to the community and its residents; and~~

~~— (2) Whereas, the City would like to honor these members for their long term service and commitment to high standards of service, to acknowledge the expertise of these members, and to provide an opportunity to draw upon such members' expertise after the member's retirement from a Board or Commission.~~

~~— (3) Now therefore, t~~The City Council hereby creates the office of member emeritus of the various Boards and Commissions.

~~— (4) City Council shall designate a member of a Board or Commission a member emeritus at such times and for such service as Council deems appropriate.~~

~~— (5) A member emeritus is welcome to continue attendance at a Board or Commission meeting, and the Chairperson and members of the Board or Commission may request the opinion or information of the member emeritus during the portion of the Board or Commission meeting during which when members of the public customarily speak. The member emeritus will not be a voting member, or an alternate member, of the Board or Commission.~~

Section 5. Section 3-1-11, subsection (D), W.M.C., is hereby DELETED in its entirety as follows:

3-1-11: CODE ENFORCEMENT PERSONNEL: (2249 3192)

~~(D) The transfer of the position of Code Enforcement personnel from the Department of Community Development to the Police Department shall not affect any action or court proceeding taken or begun by the Code Enforcement personnel prior to the effective date of this ordinance.~~

Section 6. Section 3-4-3, subsection (C), W.M.C., is hereby AMENDED to read as follows:

3-4-3: DUTIES AND RESPONSIBILITIES OF THE DIRECTOR: (1096 1696 1747)

(C) The Director of Community Development shall be chief administrator of the Department of Community Development and shall have supervisory responsibility for the activities of ~~the Engineering Division, Planning Division, Building Division and Program Division.~~ (1096 1696 1747) all divisions within the Department.

Section 7. Section 4-1-36, subsection (F), W.M.C., is hereby AMENDED to read as follows:

4-1-36: STATUTE OF LIMITATIONS: (2032 3371 3544) Unless the limitation period has been extended as provided in this Section, the statute of limitations for provisions contained in this Title shall be as follows:

(F) ~~Performance of an audit does not constitute a statute of limitations or preclude additional audits of the same period within the parameters of this Section.~~ To the extent the periods described in this Section have not expired or been extended, the Finance Director may issue assessments and refund taxes paid, notwithstanding any previous audit, investigation, assessment, or refund pertaining to the same.

Section 8. Section 4-2-3, subsections (A) and (B), W.M.C., are hereby AMENDED to read as follows:

4-2-3: RATE; IMPOSITION AND COLLECTION; DISTRIBUTION: (2032 2379 2476 3071 3371)

(A) ~~Sales Tax~~SALES TAX: There is hereby levied a tax or excise upon all sales of tangible personal property and services specified in Section 4-2-5, W.M.C.

~~(1) ———~~For sales transacted on or after January 1, 2004, but prior to January 1, 2033, the rate levied shall be three and eighty-five hundredths percent (3.85%). Unless otherwise lawfully provided, the three and eighty-five hundredths percent (3.85%) tax rate shall be reduced to three and six—tenths percent (3.6%) on January 1, 2033.

~~(2) ———~~For sales transacted on or after January 1, 1986 but prior to January 1, 2004, the rate levied shall be three and one quarter percent (3.25%).

~~(3) ———~~For sales transacted prior to January 1, 1986, the rate levied shall be three percent (3%).

(B) ~~Use Tax~~USE TAX: There is hereby levied a tax or excise upon the privilege of using, storing, distributing, or otherwise consuming in the City any article or tangible personal property or taxable services purchased, leased or rented from sources inside or outside the City, on which the City sales tax has not been paid.

~~(1) ———~~For sales transacted on or after January 1, 2004, but prior to January 1, 2033, the rate levied shall be three and eighty-five hundredths percent (3.85%). Unless otherwise lawfully provided, the three and eighty-five hundredths percent (3.85%) tax rate shall be reduced to three and six—tenths percent (3.6%) on January 1, 2033.

~~(2) ———~~For sales transacted on or after January 1, 1986 but prior to January 1, 2004, the rate levied shall be three and one quarter percent (3.25%).

~~(3) ———~~For sales transacted prior to January 1, 1986, the rate levied shall be three percent (3%).

Section 9. Section 4-4-2, subsection (A), W.M.C., is hereby AMENDED to read as follows:

4-4-2: TAX ON ACCOMMODATIONS; COLLECTION: (2032 3544)

(A) TAX ON ACCOMMODATIONS~~Sax on Accommodations~~:

~~(1) ———~~There is hereby levied a tax or excise of five percent (5%) on the purchase price paid by any person or charged by any vendor on the lease, rental or other transaction of furnishing rooms or accommodations to any person who for a consideration uses, possesses, or has the right to use or possess, any room or rooms or other accommodations. ~~This paragraph (1) of Subsection (A) of this Section shall apply to transactions consummated on or after January 3, 1986, and prior to January 1, 1991.~~

~~(2) ———~~For transactions consummated on or after January 1, 1991 at 12:01 A.M., there is hereby levied a tax or excise of seven percent (7%) on the purchase price paid by any person or charged by any

vendor on the lease, rental or other transaction of furnishing rooms or accommodations to any person who for a consideration uses, possesses, or has the right to use or possess, any room or rooms or other accommodations.

Section 10. Section 4-7-2, W.M.C., is hereby AMENDED to read as follows:

4-7-2: LEVY OF TAX: (1145)

~~(A)~~—There is hereby levied on and against each telephone utility company operating within the City of Westminster, ~~(hereinafter called the "City")~~ a tax on the occupation and business of maintaining a telephone exchange and lines connected therewith in the City of Westminster and of supplying local exchange telephone service to the inhabitants of the City. The amount of the tax levied hereby shall be:

~~(1)~~—For the portion of 1979 remaining after the date on which the tax begins to accrue as provided in Section 3, \$.38 per month per telephone account for which local exchange telephone service is provided within the corporate limits of the City of Westminster on said date; and

~~(2)~~—For each subsequent calendar year, thirty-eight cents (\$.38) per month per telephone account for which local exchange telephone service is provided within the corporate limits of the City of Westminster on the anniversary of the date on which the tax begins to accrue as provided in Section 24-7-3, W.M.C.

Section 11. Section 4-7-3, W.M.C., is hereby AMENDED to read as follows:

4-7-3: TIME PAYMENT OF TAX: (1145) The tax levied by this Chapter shall ~~begin to accrue on the first day of October, 1979, and shall~~ be due and payable in twelve (12) equal monthly installments ~~for the remaining portion of 1979, and in twelve equal monthly installments for years subsequent to 1979~~, each installment to be paid on the last business day of each calendar month. ~~(1145)~~

Section 12. This ordinance shall take effect upon its passage after second reading.

Section 13. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ___ day of July, 2012.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ___ day of July, 2012.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office