

January 13, 1997
7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meeting**
4. **Presentations**
 - A. Board/Commission Certificates of Appreciation
 - B. Certificate of Appreciation for Barb Dolan
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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 citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. **Consent Agenda**
 - A. Bids re Patrol Cars
 - B. CB No. 89 re Golf Course Enterprise Fund (Harris-Allen)
 - C. CB No. 90 re Growth Management Program (Dixon-Allen)
 - D. CB No. 91 re Senior Housing Moratorium (Dixon-Merkel)
 - E. CB No. 92 re Multi Family Moratorium (Dixon-Merkel)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. Councillor's Bill No. 1 re Promenade Assistance Agreement
 - B. Councillor's Bill No. 2 re Pierce Street Vacation
 - B. AMC Assistance Agreement Amendment
 - C. Ice Arena Design/Build Contract
 - D. Councillor's Bill No. 3 re Ice Arena Project
 - E. Resolution No. 1 re Urban Renewal Plan Amendments
 - F. Resolution No. 2 re Residential Detached Guidelines
 - G. Resolution No. 3 re Residential Attached Regulations
 - H. Resolution No. 4 re Private Activity Bonds
 - I. Private Activity Bonds Support
 - J. Resolution No. 5 re Rocky Flats Buffer Zone
 - K. Councillor's Bill No. 4 re Federal Block Grant Funds
 - L. Federal Block Grant Approval
 - M. College Hill Library Collection Agreement
 - N. Resolution No. 6 re JeffCo Open Space Joint Venture Grants
 - O. Skyline Vista Park Professional Services
 - P. Resolution No. 7 re Clerk Typist II Position
11. **Old Business and Passage of Ordinances on Second Reading**

None

12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business

A. City Council

B. Request for Executive Session

1. Westminster Boulevard Right of Way

2. JeffCo Airport Land Negotiations

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JANUARY 13, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Heil led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Allen.

CONSIDERATION OF MINUTES:

A motion was made by Dixon and seconded by Merkel to accept the minutes of the meeting of December 23, 1996 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Council representatives to the Boards and Commissions presented Certificates of Appreciation to Mary Ann Archer, John Godzac, Jack Jewell and Jeffrey Seifried in recognition of time dedicated to the City's Boards and Commissions.

Mayor Heil presented a Certificate of Appreciation to Sales Tax Manager Barb Dolan for her work as Acting Finance Director.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Dixon stated she attended the blessing and dedication of the Clare of Assisi Place at Panorama Pointe on January 7, located at 84th and Zuni.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: Bids for 1997 Patrol Cars; Councillor's Bill No. 89 re Golf Course Enterprise Fund; Councillor's Bill No. 90 re Growth Management Program, Councillor's Bill No. 91 re Senior Housing Moratorium and Councillor's Bill No. 92 re Multi-Family Moratorium. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote.

Mayor Pro Tem Dixon requested Item 8D, Councillor's Bill No. 91 re Senior Housing Moratorium, be removed from the Consent Agenda.

A motion was made by Harris and seconded by Smith to adopt the remaining Consent Agenda items as presented with the recommendation stated on the Council agenda memorandums. The motion carried unanimously.

ORDINANCE NO. 2482 - SENIOR HOUSING MORATORIUM:

A motion was made by Dixon and seconded by Smith to adopt Councillor's Bill No. 91 on second reading authorizing a temporary moratorium on new senior housing development through December 31, 1997 or until a senior housing study is completed for the City, whichever comes first.

A motion to amend the main motion was made by Dixon that senior housing with subsidies be exempt from the moratorium. The amendment failed for lack of a second. Upon roll call vote, The motion carried unanimously.

ORDINANCE NO. 2483 - WESTMINSTER PROMENADE ASSISTANCE AGREEMENT:

A motion was made by Harris and seconded by Dixon to adopt Councillor's Bill No. 1 as an emergency ordinance eliminating the special assessments on Lots 2 and 6 of the Westminster Promenade Project, also known as the "Second Replat of Northpoint Center Filing No. 1". Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2484 - PIERCE STREET VACATION:

A motion was made by Harris and seconded by Dixon to adopt Councillor's Bill No. 2 as an emergency ordinance amending Ordinance Number 2477 to remove Section 3, which deferred the effective date of that ordinance until the replacement right-of-way for the Pierce Street extension was provided, based on the substitute agreement that has been reached with the developer to provide such right-of-way as part of its joint development agreement with the City. Upon roll call vote, the motion carried unanimously.

AMC ASSISTANCE AGREEMENT AMENDMENT:

A motion was made by Harris and seconded by Dixon to authorize changing AMC's Incentive Agreement to (a) provide for an opening deadline of May 31, 1998, instead of January 30, 1998, subject to AMC's commitment to diligently strive to achieve opening not later than the original deadline of January 30, 1998, and (b) to clarify the prior incentive package authorized by City Council concerning project identification signage, elevation requirements, Value Engineering, and surety requirements. The motion carried unanimously.

LAND SWAP FOR AMC ACCESS AND PIERCE STREET ALIGNMENT:

A motion was made by Harris and seconded by Dixon to authorize a land swap with 104th Avenue and Pierce Development, LLC to exchange a portion of the former Pierce Street alignment, to be used by AMC for access, for an approximately equal parcel of property located north of AMC's access on the west side of the new Pierce Street alignment. The motion carried unanimously.

ICE ARENA DESIGN/BUILD CONTRACT:

A motion was made by Merkel and seconded by Harris to authorize the City Manager to sign an interim contract with Tamminga Construction Company in the amount of \$200,000 for beginning the preparation of design, construction, and specification documents for the new Westminster/Hyland Hills Park and Recreation District promenade ice arena project. Further, authorize the City Manager, subject to the issuance of the appropriate financing, to sign a design/build contract with Tamminga Construction Company in the amount of \$570,000 plus a 10% contingency, and authorize a project budget \$6.0 million for the new, two-slab ice arena in the Westminster Promenade. Authorize an additional 4% management fee, in the event that the project exceeds the \$6.0 million construction budget. Don Waddell, Hyland Hills Boardmember, Mr. Tamminga, owner of Tamminga Construction, and Otis Odell, president of Odell Architects, were present to address Council. The motion carried unanimously.

COUNCILLOR'S BILL NO. 3 - ICE ARENA PROJECT:

A motion was made by Merkel and seconded by Dixon to pass Councillors' Bill No. 3 on first reading authorizing the transfer of \$200,000 from the Reserve Fund to the appropriate projects account in the Capital Improvement Fund for the purpose of proceeding with the development of design and construction documents for the ice arena project. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 1 - URBAN RENEWAL DISTRICT SIGNAGE AMENDMENT:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 1 approving an Urban Renewal Plan amendment regarding signage requirements and incorporating the amendment into the 1997 Amended Urban Renewal Plan. These amendments to the Urban Renewal Plan will not substantially change the current 1996 Amended Urban Renewal Plan in land area, design, building requirements, timing or procedure, and therefore are not subject to the procedural requirements of Section 31-25-107, C.R.S. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 2 - RESIDENTIAL DETACHED GUIDELINES:

A motion was made by Harris and seconded by Merkel to adopt Resolution No. 2 revising Single-Family Detached Design Guidelines.

A friendly amendment was made by Dixon to add the following paragraph to Resolution No. 2: "Neighborhood Meetings: Developers are strongly encouraged to arrange one or more neighborhood meeting(s) on or near the project site in order to discuss the details of the proposal with the neighbors. The extent of the neighborhood notification should be agreed upon with the City Staff." The friendly amendment was agreed to by the makers of the motion. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 3 - RESIDENTIAL ATTACHED REGULATIONS:

A motion was made by Harris and seconded by Scott to adopt Resolution No. 3 revising Single-Family Attached Design Regulations. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 4 - PRIVATE ACTIVITY BONDS:

A motion was made by Harris and seconded by Dixon to adopt Resolution No. 4 authorizing the Mayor to sign an Assignment Agreement and a Delegation Agreement to the Colorado Housing and Finance Authority of the authority to issue the local allocation of Private Activity Bonds for construction of the Panorama Pointe senior housing. Upon roll call vote, the motion carried unanimously.

PRIVATE ACTIVITY BONDS SUPPORT:

A motion was made by Harris and seconded by Dixon to authorize the Mayor to sign a letter of local support for the award of Private Activity Bond authority from the State of Colorado to Genesee Group for land acquisition and construction of a manufacturing building in Park Centre. The motion carried unanimously.

RESOLUTION NO. 5 - ROCKY FLATS BUFFER ZONE:

A motion was made by Scott and seconded by Dixon to adopt Resolution No. 5 stating the City's opposition to exchanges involving land located within the Rocky Flats buffer zone and properties along the Cache La Poudre River. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 4 - FEDERAL BLOCK GRANT FUNDS:

A motion was made by Harris and seconded by Dixon to pass Councillor's Bill No. 4 on first reading appropriating \$56,662 to the Police and Central Charges budgets. Upon roll call vote, the motion carried unanimously.

FEDERAL BLOCK GRANT APPROVAL:

A motion was made by Harris and seconded by Dixon to authorize the City Manager to sign an agreement with the Department of Justice for the provision of \$56,662 to fund a Research and Analysis Coordinator; Authorize an increase in the Police Department's staffing by 1.0 FTE for the position of Police Research & Analysis Coordinator, and set the salary at an unclassified range of \$44,850 to \$51,850 per year for 1997. The motion carried unanimously.

COLLEGE HILL LIBRARY COLLECTION AGREEMENT:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to sign a contract with Baker & Taylor Books in an amount not to exceed \$1.0 million to select, order, catalog, process, store, and deliver approximately 67,000 books for the College Hill Library, with the expense to be charged to the College Hill Library Project Account in the General Capital Improvement Fund. The motion carried unanimously. Councillor Merkel reported that the groundbreaking for the College Hill Library will be held January 31 and invited the public to attend.

RESOLUTION NO. 6 - JEFFCO OPEN SPACE JOINT VENTURE GRANTS:

A motion was made by Harris and seconded by Merkel to adopt Resolution No. 6 authorizing the submittal of two Joint Venture development grant applications to Jefferson County Open Space for the construction of two youth Little League baseball fields in Filing #13 of the Countryside Subdivision, and for the design and renovation of Waverly Acres Park. Upon roll call vote, the motion carried unanimously.

PROFESSIONAL SERVICES CONTRACT FOR SKYLINE VISTA PARK:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to sign a contract with Wenk Associates, Inc. for Skyline Vista Park in the amount of \$59,785; add a 10% contingency; and authorize the total amount of \$66,000 to be expended from the appropriate project account in the 1997 General Capital Improvement Project fund. The motion carried unanimously.

RESOLUTION NO. 7 - UPGRADE CLERK TYPIST II POSITION:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 7 authorizing a transfer of funds from the General Fund Contingency to the appropriate City Manager's Office and Central Charges budget accounts to fund the increase from .75 to 1.0 FTE for the Clerk Typist II position and authorize this increased level of staffing as part of the City's FTE 1997 Staffing Level. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Councillor Smith requested Staff consider a Study Session item for the WEDA Board to address the possibility of setting up a subsidized first time homebuyers program and a financing incentive program for total rebuild of homes within the WEDA district as an encouragement to revitalize the area.

The Mayor recognized Standley Lake High School students who were in attendance at the meeting.

Mayor Pro Tem Dixon said the Community & Economic Development Committee for the National League of Cities has information on the revitalization of older neighborhoods.

Mayor Heil reported that the City had published an advertisement supplement to the business owners in the area of 72nd Avenue and Lowell Boulevard that have been inconvenienced by the 72nd Avenue Street Improvements.

Mayor Heil stated there would be an Executive Session concerning the Westminster Boulevard Right-of-Way and Jefferson County Airport land negotiations.

ADJOURNMENT:

The meeting was adjourned at 8:08 P.M.

ATTEST:

Mayor

City Clerk

Date: January 13, 1997
Subject: Presentation of Certificates of Appreciation
Prepared by: Michele Kelley, City Clerk

Introduction

The City Council is requested to present Certificates of Appreciation in recognition of time dedicated to the City by several Board members whose have recently resigned.

Summary

During the past few months, several citizens have resigned from various City Boards. Certificates of Appreciation recognizing the time and efforts of Mary Ann Archer, John Godzac, Jack Jewell, Marc Lee and Jeffrey Seifried have been prepared to be presented on behalf of the Mayor and entire Council.

Staff Recommendation

Present certificates of appreciation for dedicated service to Mary Ann Archer, John Godzac, Jack Jewell, Marc Lee and Jeffrey Seifried.

Background Information

Mary Ann Archer was appointed to the Special Permit and License Board when the Board was created on August 11, 1975 and has served continuously since that time. Because of Mary Ann's 20 years of service, her status on the Board has been changed to Emeritus.

John Godzac was appointed to the Environmental Advisory Board as a regular member when the Board was created in March, 1995 and has asked not to be reappointed.

Jack Jewell was appointed to the Parks and Recreation Advisory Board in March, 1995 when the Board was originally created and has asked not to be reappointed.

Marc Lee was appointed to the Library Board on September 25, 1995 and resigned on December 16, 1996.

Jeffrey Seifried was initially appointed to the Planning Commission on December 12, 1988 and has served continually for the past 8 years.

Mary Ann Archer, John Godzac, Jack Jewell, Marc Lee and Jeffrey Seifried have all indicated that they will be present at Monday night's Council meeting.

Respectfully submitted,

William M. Christopher, City Manager

Mary Ann Archer

Special Permit and License Board from August, 1975 thru December, 1996.

John Godzac

Environmental Advisory Board from March, 1995 thru December, 1996.

Jack Jewell

Parks and Recreation Advisory Board from March, 1995 to December, 1996

Grail Kister

Planning Commission from January, 1984 to October, 1996

Marc Lee

Library Board from September, 1995 thru December, 1996.

Jeffrey Seifried

Planning Commission from December, 1988 thru December, 1996

Grail Kister was appointed to the Planning Commission on January 23, 1984 and resigned on October 14, 1996 because of moving out of the City. Grail has served as Chairman of the Planning Commission for the past ten years.

Date: January 13, 1997
Subject: Certificate of Appreciation for Barb Dolan
Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

The Mayor is being requested to present a certificate of appreciation to Barb Dolan for her work as Acting Finance Director.

Summary

Sales Tax Manager Barb Dolan became the Acting Finance Director following the retirement of Susann Stubbs and served until Mary Ann Parrot started as the new Finance Director on January 6. Barb did an outstanding job during the past seven months and City Council has indicated an interest in recognizing Barb for her service. The attached certificate of appreciation has been prepared for presentation by Mayor Heil to Barb at Monday evening's Council meeting.

Staff Recommendation

Mayor present certificate of appreciation to Barb Dolan.

Background Information

Susann Stubbs retired as City of Westminster's Finance Director effective June 6, 1996. Sales Tax Manager Barb Dolan agreed to serve as the Acting Finance Director during the anticipated lengthy process for the recruitment and selection of a replacement. For a period of seven months until the new Finance Director, Mary Ann Parrot, began her employment, Barb performed the myriad duties assigned to this position.

Due to both Barb's leadership and the dedication and teamwork of Finance Department employees, the Department had a very strong year. Department Staff accomplished several key assignments including the use of an outside vendor for utility billing, progress on the interactive voice response system for utility billing information, the refinancing of the existing 104th Avenue Special Improvement District bonds, and the completion of the transfer of the meter reader function to Public Works and Utilities Department.

In addition, during this time, Barb was very active on the City's Economic Development Task Force, serving as the chairperson for the Business Support Committee, and was a regular contributor at department head meetings. Barb is a strong advocate for the City's customer service philosophy and puts this philosophy to work on a day-to-day basis.

Certificate of Appreciation for Barb Dolan
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Her participative management style is also very much in sync with the priority that the City has placed on employee empowerment. She is indeed a very capable manager and the organization has benefited from her willingness to serve as a department head on an interim basis.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: January 13, 1997

Subject: Bids re 1997 Patrol Cars

Prepared by: Dan Montgomery, Police Chief
Gary Casner, Purchasing/Telecommunications Officer

Summary

City Council previously approved funds in the 1997 Budget for the purchase of police patrol cars.

Formal bids in accordance with City Charter bidding requirements were obtained from local area vendors for this purchase.

The cost of the patrol cars is within the amount previously approved for this purchase. Additionally, in order to maximize the return, the used patrol cars will be traded-in to the dealer.

A bid for the purchase of two Chevrolet Tahoe police vehicles is being included in this action in order to test and evaluate the vehicles for future use.

Staff Recommendation

Award the bid for the purchase of twelve 1997 Ford Crown Victorias at a cost of \$236,304 to the low bidder, Burt Chevrolet; award the bid for two Chevrolet Tahoe police vehicles to the low bidder, Burt Chevrolet, in the amount of \$54,600 and charge the expense to the appropriate 1997 Police Department budget, and authorize the trade-in of the used patrol cars to Burt Chevrolet.

Background Information

City Council previously approved funds in the 1997 Budget for the purchase of police patrol cars. For many years, the Police Department has used Chevrolet Caprice police cars. In 1995, Chevrolet discontinued building the full-size Caprice in a police car package. With this action, the only available police package vehicles offered are a full-size Ford Crown Victoria or a downsized Chevrolet Lumina. The Chevrolet Lumina was purchased and placed into service in 1996. Several problems have been found including the following:

The vehicle lacks in space and many of the officers are uncomfortable in the car.

Costly modifications are required to transport prisoners as well as carry necessary equipment.

The Lumina is very underpowered.

As part of the process of the 1997 patrol car selection, a committee of officers was established to look at the options. The committee concluded that the Ford Crown Victoria was the best option at this time.

Additionally, it was recommended that two Chevrolet Tahoes be purchased to test for future use. The Chevrolet Tahoe is a much larger vehicle and is more expensive than the Ford Crown Victoria. Before spending the additional money on this vehicle, the purchase of two vehicles would allow for an evaluation and testing period to ensure that they would be worth the extra money.

As part of the bid, the idea of trading-in the current police cars was explored. The low bid from Burt Chevrolet also offered a trade-in allowance of \$3,800 per car for 1993 Chevrolets and \$4,800 per car for 1994 Chevrolets. This is a better overall average than the \$3,000 to \$4,000 per car that the City receives through the City auction.

Formal bids were solicited from area dealers with the following results:

Burt Chevrolet	\$19,692 per unit
Brighton Ford	\$20,044 per unit

The Tahoe is offered through a State Award process that meets the City's bidding requirements. Burt Chevrolet is the low bidder for the State.

The cost of the vehicles from the low bidder, Burt Chevrolet, is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 13, 1997

Subject: Westminster Promenade Project--Final Project Details

Prepared by: Martin R. McCullough, City Attorney
John Carpenter, Director of Community Development

Introduction

City Council is requested to (1) pass an emergency ordinance evidencing City Council's previous approval, as part of the Westminster Promenade Assistance Agreement, of waiving the 104th Avenue SID assessment on Lots 2 and 6 of the Northpoint property; (2) pass an emergency ordinance amending a previous ordinance vacating Pierce Street in order to make such vacation effective prior to the Promenade developer's closing with AMC Theatres, (3) approve modifying the Incentive Agreement with AMC Theatres to give AMC more time to achieve opening in the event of bad weather or similar delays beyond their control and to clarify additional points concerning the City's commitments, and (4) approve a land trade of right-of-way not needed by the City for land abutting proposed Westminster Boulevard.

Summary

City Council previously approved an assistance package for the Westminster Promenade Project with Northpoint L.L.C. Northpoint L.L.C. (subsequently renamed 104th Avenue and Pierce Development L.L.C.) is the developer of the entertainment/retail center at the northeast corner of 104th Avenue and U.S. 36. This new development, to be called the Westminster Promenade, will be a family entertainment and business complex.

As part of this assistance package, City Council authorized the City Manager to execute an agreement to provide \$2.8 million in financial assistance for this project. (A copy of the Agenda Memo from that meeting is attached.) As part of this assistance package, City Council agreed to waive the existing 104th Avenue SID assessments on the Promenade site (Lot 2) and the parcel to the south also owned by the developer (Lot 6). This assessment is in the approximate amount of \$925,000, payable over an eight-year period.

All parties have been working hard to conclude the various details attendant to such a complex public/private partnership. The developer is scheduled to close on the sale of the parcel to be developed as the 24-screen AMC Theatre Complex during the week of January 13, 1997. In preparation for this closing, the City has been requested to take certain final steps to perfect its previous commitments for the purpose of allowing these commitments to be properly recognized by the title insurer for this transaction.

Specifically, City Council has been requested to pass as an emergency ordinance an ordinance eliminating the assessment on the Westminster Promenade property, specifically Lots 2 and 6, and to amend a previous emergency ordinance vacating Pierce Street to eliminate the proviso that this ordinance would not become effective until replacement right-of-way was provided.

Under the joint development agreement that has been negotiated with the developer, this condition is no longer required since the developer has covenants to provide this right-of-way as part of that agreement.

In addition, City Council previously approved an Incentive Agreement with AMC Theatres regarding their construction of a 24-screen theatre complex. AMC has requested the following changes to the Agreement:

1. Completion Dates. Typical of other incentive agreements the City has approved in the past, the availability of the incentive was conditioned on AMC's completion and opening of the theatre by not later than January 30, 1998. AMC officials have recently expressed concern with such a tight time frame and are requesting a change to the outside date for completion and opening to May 31, 1998. This will address AMC's concern with possible delays due to bad weather or other delays beyond their immediate control. Notwithstanding this extension of time, AMC has agreed to nevertheless commit to using all reasonable commercial diligence to achieve opening by the original target date of January 30, 1998. In fact, AMC is hoping to have the theatres open by the 1997 Christmas holiday season. AMC is expected to begin site grading this week.

2. Identification Signage. The ODP calls for several "Westminster Promenade" project identification signs around the perimeter of the Promenade Project. As part of its negotiations with the developer and AMC, City Staff previously supported the concept of the City being responsible for the overall project identification signs given the City's interest in the appearance and placement of these signs and the anticipated development of City owned land east of Westminster Boulevard. In addition, the City previously requested Communication Arts to prepare unique project signs to give the center the sense of a unique community destination that was previously discussed with City Council. In the list of commitments previously provided to Council on November 25, 1996, at the time Council considered and approved the Incentive Agreement with 104th Avenue and Pierce Development, the City's responsibility for project signs was inadvertently omitted in the draft agreement provided by the developer.

3. Enhanced Elevations. Also as part of its negotiations, both the developer and AMC had raised the issue several times of whether the City would pay for any costs associated with enhanced elevations that could be required by the City after the approval of the ODP. City Staff attempted to reassure both the developer and AMC that, after the ODP was approved, City Staff could not unilaterally change the elevations. AMC remains concerned about this possibility. Therefore, City Staff, with Council's concurrence, would intend to add a provision to the AMC Incentive Agreement which states that the City would be responsible for paying any costs associated with enhanced elevations that are required by the City subsequent to the approval of the Westminster Promenade Official Development Plan, which has already occurred.

4. Value Engineering. The City previously agreed to employ "Value Engineering" in connection with the exterior architecture and building shells of the Promenade Project. The Westminster Promenade Project calls for very unique and outstanding architectural features.

On the other hand, the developer wishes to accomplish these requirements in as cost effective a manner as possible. Value Engineering is a known vehicle for accomplishing both purposes. AMC is requesting the same consideration as part of their Incentive Agreement. Staff is recommending that a "Value Engineering" provision be added to the AMC Incentive Agreement.

5. Public/Private Improvements Surety. The City Code specifically provides authorization for City Council to approve alternate forms of surety other than the traditional Letter of Credit/surety bond. Although Staff believes that such a provision is within the authorization that City Council previously granted to the City Manager to negotiate an Incentive Agreement with 104th Avenue and Pierce Development and AMC, at AMC and the developers' request, City Council concurrence with this provision is requested.

6. Right-of-Way Correction. There is a portion of Pierce Street that is currently under the exclusive ownership of the City. The City purchased this right-of-way from the Ryan family in anticipation of the Pierce Street extension from 104th Avenue to 112th Avenue. In the site planning for the Promenade Project, the alignment of Pierce Street was shifted as reflected in the Westminster Promenade ODP. As part of the ODP, AMC's access into the Project crosses over the "old" Pierce Street alignment. Since this "old" Pierce Street right-of-way is no longer needed by the City, and because AMC wishes to have this part of the "old" Pierce Street right-of-way under their ownership for construction of this private access, City Staff is recommending that the City accept AMC's offer to provide a "land swap" for this right-of-way. The land being swapped to the City consists of property just north of the northern most access drive into the Promenade project.

Staff Recommendation

1. Adopt Councillor's Bill No. _____ as an emergency ordinance eliminating the special assessments on Lots 2 and 6 of the Westminster Promenade Project, also known as the "Second Replat of Northpoint Center Filing No. 1."

2. Pass Councillor's Bill No. _____ as an emergency ordinance amending Ordinance number 2477 to remove section 3, which deferred the effective date of that ordinance until the replacement right-of-way for the Pierce Street extension was provided, based on the substitute agreement that has been reached with the developer to provide such right-of-way as part of its joint development agreement with the City.

3. Authorize changing AMC's Incentive Agreement to (a) provide for an opening deadline of May 31, 1998, instead of January 30, 1998, subject to AMC's commitment to diligently strive to achieve opening not later than the original deadline of January 30, 1998, and (b) to clarify the prior incentive package authorized by City Council concerning project identification signage, elevation requirements, Value Engineering, and surety requirements.

4. Authorize a land swap with 104th Avenue and Pierce Development, L.L.C. to exchange a portion of the former Pierce Street alignment, to be used by AMC for access, for an approximately equal parcel of property located north of AMC's access on the west side of the new Pierce Street alignment.

Background Information

Staff has been working with the owners of the Westminster Promenade property to design and implement a unified development plan for the entire area from Pierce Street to U.S. 36. The project includes high-quality architectural guidelines, uses, and unique design features, including a twenty-four theatre AMC Theatre complex, entertainment-oriented retail shops, restaurants and ice arena, all centered around a pedestrian-oriented walkway or "promenade" with special features such as a water fountain, gazebo, special landscaping/planter boxes, and similar unique amenities.

In connection with the construction of the 104th Avenue interchange at 104th Avenue Boulevard, a special improvement district was established to fund that project. As part of its assistance agreement for the Westminster Promenade Project, City Council previously authorized the waiver of the assessment for the portion of the district contained within the Westminster Promenade Official Development Plan, specifically Lots 2 and 6. This special assessment amounts to approximately \$925,000 payable over the next eight-year period. The waiver of this SID assessment was previously approved by Council as part of the overall \$2.84 million assistance package approved by City Council on November 25, 1996. The five-year tax revenue projected for this west portion of the Westminster Promenade Project is estimated to be between \$8-10 million. The east side, still in concept review, is expected to include a two-sheet ice arena, offices, retail shops, a first-class hotel, and a plant conservatory. After subtracting the cost of the assistance project, the City will still net approximately \$2.3-4.3 million in tax revenue during the first 5 years of this project. Approximately \$1.5 million in new tax revenue will be generated to the City annually thereafter.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING ORDINANCE NO. 2073, SERIES OF 1992 REASSESSING THE COST OF IMPROVEMENTS IN THE 104TH AVENUE SPECIAL IMPROVEMENT DISTRICT, IN THE CITY OF WESTMINSTER, COLORADO; AND RATIFYING PRIOR ACTIONS TAKEN IN CONNECTION WITH THE ASSESSMENTS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Findings:

A. Pursuant to Article XII of the Charter of the City of Westminster, Colorado (the "City"), Title 9, Chapter 7 of the Code of the City, an Agreement and Waiver (the "Agreement and Waiver") between the City and certain property owners (the "Property Owners"), and Ordinance No. 1797, finally passed and adopted on July 25, 1988, as amended on August 22, 1988, the City Council (the "City Council") of the City created the 104th Avenue Special Improvement District (the "District"), within the City, for improvements to 104th Avenue, including engineering, design, acquisition, construction, and installation of various streets, roadways, bridges, interchanges, associated appurtenances thereto, including traffic control devices, storm drainage ways, sidewalks, medians, and other improvements (the "Improvements") within the City (the "Project"); and

B. Pursuant to Ordinance No. 1807, finally passed and adopted on August 22, 1988 (the "Bond Ordinance"), the City Council issued special assessment bonds designated "City of Westminster, Adams and Jefferson Counties, Colorado, 104th Avenue Special Improvement District, Special Assessment Bonds, Series 1988" (the "Bonds"), dated September 1, 1988, in the principal amount of \$13,100,000 to pay the costs of constructing and installing the Improvements and covenanted thereafter to prescribe the manner and method of levying assessments upon the lots or tracts of land within the District to pay for such cost, less the portion to be paid by the City; and

C. Pursuant to Ordinance No. 1906, finally passed and adopted on November 20, 1989 (the "Assessing Ordinance"), the City Council levied certain assessments against the property of the Property Owners (the "Original Assessments") which assessments and payments were based on the Debt Service Schedule for the Bonds as prescribed in the Bond Ordinance; and

D. Pursuant to Ordinance No. 1948, passed and adopted on October 22, 1990, the Assessing Ordinance was amended to reduce the Original Assessments through the application of interest income and uncommitted bond proceeds by eliminating the assessment previously fixed in the Assessment Ordinance to be due on January 1, 1991; and

E. Pursuant to Ordinance No. 2027, passed and adopted on November 11, 1991, the Assessing Ordinance was amended to reduce the amended Assessments through the application of interest income and excess bond proceeds by reducing the total assessment due from the Property Owners and the City; and

F. Pursuant to Ordinance No. 2021 and 2073, passed and adopted on October 14, 1991, and October 12, 1992, respectively, City Council determined (1) to call certain of the Bonds through the application of excess bond proceeds and interest earnings deposited into the Bond Account pursuant to the Bond Ordinance, and (2) to reduce the respective assessment obligations of the Property Owners and the City as a result of reduced debt service; and

G. Pursuant to Ordinance No. 2433, finally passed and adopted on July 10, 1996, the Assessing Ordinance was amended to reduce the amended Assessments to reflect the lower debt service resulting from the issuance of sales and use tax refunding bonds and the lower interest rate thereon; and

H. The City Council has heretofore approved an assistance package for the development of the Westminster Promenade project within the Second Replat of Northpoint Center Filing No. 1 (the "Promenade Property"), one component of which is the waiver of the current outstanding total assessments on Lots 2 and 6 of the Promenade Property; and

I. City Council finds that the waiver of the current outstanding total assessments on Lots 2 and 6 of the Promenade Property is in the best interest of the City and its citizens and is appropriate and necessary to achieve the outstanding economic development project known as the Westminster Promenade, consisting of a 24-screen theater complex, restaurants, shops and a family-oriented, one-of-a-kind pedestrian mall area, which in turn will result in a return on the City's total investment represented by the assistance package of \$3-5 million in the first five years of operation, and approximately \$1-2 million per year thereafter in new sales, use and property tax revenues; and

J. City Council desires to amend the Assessments set forth in the exhibits to Ordinance No. 2433 (the "Assessment Roll") to reflect the revised Assessments pursuant to this assistance agreement.

Section 2. Ratification. All actions not inconsistent with the provisions of this Ordinance taken by the City Council and the officers and employees of the City in connection with the District, the Project and the assessments are hereby ratified, approved, and confirmed.

Section 3. Amendment of Ordinance No. 2073. Exhibits A-1(i), A-1(ii), A-2 and A-3 and Exhibit B to Ordinance No 2027 are hereby amended to read as set forth in Exhibits A-1(i), A-1(ii), A-2 and A-3, and Exhibit B to this Ordinance.

Section 4. Delegation. The Director of Finance is hereby authorized and directed to certify a revised assessment roll to the County Treasurer of Jefferson County, Colorado, based upon Exhibits A-1(i), A-1(ii), A-2 and A-3. Such assessment roll shall assess the costs set forth in such assessments against all tracts or parcels in the District, except as otherwise provided in the Assessing Ordinance or the Agreement and Waiver. Nothing herein shall effect the priority of the perpetual lien as set forth in the Assessing Ordinance.

Section 5. Severability. If any one or more sections or parts of this ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this ordinance, it being the intention that the various provisions hereof are severable.

Section 6. Amendments. All provisions of the Assessing Ordinance, Ordinance No. 2027 or Ordinance 2073 not amended hereby shall remain in full force and effect.

Section 7. Emergency. Due to the significant financial benefits to the City and its citizens through the timely commencement of the Westminster Promenade Project, and the closing scheduled for the week of January 13, 1997, on that portion of the Property to be developed by AMC Theaters, a major anchor of the Project, it is necessary for this ordinance to be adopted as an emergency ordinance in order to protect the interest of the City in the timely collection of the assessments. Therefore, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Therefore, this ordinance shall be in full force and effect upon adoption of this ordinance on January 13, 1997, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 8. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 13th day of January, 1997.

Mayor

ATTEST:

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING ORDINANCE NO. 2477, SERIES OF 1996, VACATING PUBLIC RIGHTS-OF-WAY WITHIN NORTHPOINT CENTER FILING NO. 1, FIRST REPLAT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Ordinance No. 2477, Series of 1996, was adopted by City Council on December 23, 1996.

Section 2. Section 3 of Ordinance 2477, Series of 1996, is hereby deleted.

Section 3. The vacation of the rights-of-way described in Section 2 of Ordinance No. 2477 shall be effective immediately.

Section 4. Due to the significant financial benefits to the City and its citizens through the timely commencement of the Westminster Promenade Project, and the closing scheduled for the week of January 13, 1997, on that portion of the Property to be developed by AMC Theaters, a major anchor of the Project, it is necessary for this ordinance to be adopted as an emergency ordinance in order to protect the interest of the City. Therefore, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Therefore, this ordinance shall be in full force and effect upon adoption of this ordinance on January 13, 1997, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 13th day of January, 1997.

Mayor

ATTEST:

City Clerk

Date: January 13, 1997
Subject: Ice Arena Design/Build Contract
Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council action is requested to authorize the City Manager to sign a design/build contract with Tamminga Construction Company, Inc. in the amount of \$570,000 plus reimbursables and a 10% contingency, and set an ice arena budget of \$6.0 million with authorization to proceed with construction as soon as all the necessary bonds for funding have been issued. Funds for this project will eventually be available through the proposed ice arena bond fund. Staff is recommending a Reserve Fund transfer in the amount of \$200,000 (per the attached Councillors' Bill) to begin the design and construction document production phase of the contract.

Once the bonds are issued, the ice arena bond fund will reimburse the Reserve Fund for any money that has been spent from that fund. In the event that the issuance of bonds are delayed and the design document costs reach the \$200,000 limit, Staff will stop work on the contract and report back to City Council for further direction.

Summary

Representatives from the City of Westminster and Hyland Hills Park and Recreation District interviewed four design/build contractors who had submitted formal proposals that met all the criteria of the Request for Proposals (RFP) that was jointly prepared by the staffs of the respective entities. All the contractors were deemed qualified to handle a project of this size and complexity.

The four contractors that submitted formal proposals were:

- > Newcastle Construction/Odell/Sasaki Architects
- > Gerald H. Phipps, Inc., General Contractors/Sink, Combs, Dethlefs Architects
- > Saunders Construction/Parkhill Ivins Architects
- > Tamminga Construction/Odell/Sasaki Architects

Each of the design/build contractors was individually asked questions about their firm's capability to complete a project of this size and scope, experience of their team in designing ice arena projects, factors they identified unique to this project, fee, ability to meet scheduling requirements, and understanding of the project's goals and objectives.

Based on these factors, the interview team recommends Tamminga Construction/Odell Architects/Sasaki Sports Design Group to be the design/build team for this project.

Tamminga Construction has been in business in the Denver area for over 80 years, starting with the construction of Bethesda Hospital in 1913 and, among others, Denver West High School (1926), the University of Colorado's Baker Hall (1937), and, most recently, the renovation of the Swim and Fitness Center and the Westminster Sports Center for the City of Westminster. The firm has also built numerous churches throughout Colorado. Craig Tamminga, president of the company, was personally involved in both the Swim and Fitness Center renovation and the Sports Center renovation. Staff found Mr. Tamminga to be most cooperative, very knowledgeable of his craft, and a task master in getting things done on time and within budget. The Westminster Sports Center project was a similar design/build format, and turned out to be a quality facility completed within a very tight budget. City Staff has developed an excellent working relationship with Tamminga Construction, and is confident that the City of Westminster and the Hyland Hills Park and Recreation District will receive a top quality product from their design/build team.

The design team for this project, Odell Architects and Sasaki Sports Design, has extensive experience in ice arena design and construction. Sasaki Sports Design, based in Watertown, Massachusetts, is an international design firm that has designed and built several ice arenas around the country, including the Towse ice rink for the University of New Hampshire, St. Paul's School's Gordon ice rink in Massachusetts, the Paul E. Tsongas multipurpose arena in Lowell, Massachusetts, the Tabor Academy rink in Massachusetts, and the Boston College ice rink. They are currently completing a \$5.5 million, dual-slab ice rink, similar to our promenade ice rink. Sasaki has also done other athletic facility design projects for Indiana University, Ohio State University, the military academy at West Point, and Washington State University. Mr. Roy Viklund, principal with Sasaki, will be the lead designer on the project.

Odell Architects is a local Colorado firm based in Evergreen. Mr. Otis Odell, president of the firm, was project architect for the new Denver Public Library and, recently, for the Westminster Sports Center. His experience also includes concept design work on the promenade ice arena, the Strawberry Park recreation center at Beaver Creek, the integrated teaching and learning laboratory at Colorado University Boulder, and South Ridge pro shop and clubhouse in Fort Collins, Colorado.

The design team brings an excellent balance of project design experience and construction for a project of this scope.

The fee that Tamminga is proposing for this project is the lowest of all the proposals that were submitted. The fees (based on a \$6.0 million budget) ranged from a low (Tamminga) of \$570,000 to a high (Gerald H. Phipps) of \$660,000. All the proposals submitted excluded a land survey and soils testing, which will be the owner's responsibility. If the project cost should exceed \$6.0 million, an additional 4% management fee will be added to Tamminga's contract for construction expenditures over that amount.

Representatives from Hyland Hills and City Staff believe it is critical to begin the design document and site design phase of the project now so that the facility can be open for business in early 1998. A recent feasibility study commissioned by the City also concluded that time is of the essence to get the project up and running. It is important to show loyal current ice arena customers that the project is in fact moving forward as well as be under construction at the same time as other elements of the Westminster Promenade Project.

For these reasons, it is proposed that some "seed money" is needed to begin the important planning and design process that will allow the project to progress in a critical time frame. Staff believes that a transfer of \$200,000 from the Reserve Fund will cover the costs of any necessary work needed up until the full amount of bond proceeds for the project can be realized early in the second quarter.

Staff Recommendation

1. Authorize the City Manager to sign an interim contract with Tamminga Construction Company in the amount of \$200,000 for beginning the preparation of design, construction, and specification documents for the new Westminster/Hyland Hills Park and Recreation District promenade ice arena project. Further, authorize the City Manager, subject to the issuance of the appropriate financing, to sign a design/build contract with Tamminga Construction Company in the amount of \$570,000 plus a 10% contingency, and authorize a project budget \$6.0 million for the new, two-slab ice arena in the Westminster Promenade. Authorize an additional 4% management fee, in the event that the project exceeds the \$6.0 million construction budget.

2. Pass Councillors' Bill No. on first reading authorizing the transfer of \$200,000 from the Reserve Fund to the appropriate projects account in the Capital Improvement Fund for the purpose of proceeding with the development of design and construction documents for the ice arena project.

Background Information

On August 26, 1996, City Council approved an intergovernmental agreement (IGA) with the Hyland Hills Park and Recreation District pertaining to the construction and operation of a new two-slab ice arena to be located in the Westminster Promenade project. Some of the highlights of the IGA are as follows:

- * The City would provide the financing and own the facility utilizing enterprise revenue bonds or a lease/purchase.
- * The City would contract with Hyland Hills to be the operator of the ice arena. Revenues from ice arena operations would be applied to the annual bond debt. Any shortages in revenue would be split equally between the agencies.
- * The City would be responsible for awarding the construction contract and overseeing the construction of the facility.
- * The City would provide the site for the arena within the Westminster Promenade project. In exchange, Hyland Hills would make the City half-owner in the existing Hyland Hills ice arena and Carroll Butts Park.

On November 14 and 15, four design/build firms were interviewed by representatives of Westminster and Hyland Hills. Those participating in the interviews were the following: Sam Dixon, Westminster Mayor Pro Tem ; Don Waddell, Hyland Hills boardmember; Bill Christopher, Westminster City Manager; Greg Mastriona, Hyland Hills Executive Director; Bob Bebber, Hyland Hills ice arena manager; and Bill Walenczak, Westminster Director of Parks, Recreation and Libraries. After careful consideration of each proposal, the interview team unanimously recommends the design/build team of Tamminga, Odell, and Sasaki for this project. Not only did Tamminga have the most competitive fee, but they were also deemed the best qualified to meet the City's and the District's goals for the project.

Following is a fee breakdown from the various contractors interviewed:

Tamminga - total fee \$570,000 (excludes soils testing and survey)

Saunders - total fee \$611,550 (excludes soils testing and survey)

Newcastle - total fee \$613,000 (excludes civil engineering, landscaping plan, and soils testing)

Gerald H. Phipps - total fee \$660,000 (excludes soils testing and survey)

The interview team is excited about the prospect of having the Tamminga team work on this project and looks forward to a first class facility emerging from this process.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2473 in the amount of \$11,285,000 is hereby increased by \$200,000 which, when added to the fund balance as of the City Council action on January 13, 1997, will equal \$11,485,000. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a transfer from the Reserve Fund to partially fund the design and construction contract for the Promenade Ice Arena.

Section 2. The \$200,000 increase in the Capital Improvement Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Transfer from Reserve Fund		
75-9999-513	\$-0-	<u>\$200,000</u>
\$200,000		
<u>EXPENSES</u>		
Promenade Ice Arena Project		
75-50-88-555-198	\$-0-	<u>\$200,000</u>
\$200,000		

Section 3. The Reserve Fund, initially appropriated by Ordinance No. 2473 in the amount of \$2,700,000 will not change as a result of this ordinance but is included here for clarification purposes only. The \$200,000 shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Contingency 11-10-99-999-000	\$2,700,000	\$(200,000) \$2,500,000
<u>EXPENSES</u>		
Transfer to Capital Projects Fund		
11-10-95-990-975	\$-0-	<u>\$200,000</u>
\$200,000		
Total Change to Expenses		\$-0-

Section 4 - 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 5. This ordinance shall take effect upon its passage after the second reading.

Section 6. 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 13th day of January, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of January, 1997.

ATTEST:

Mayor

City Clerk

Date: January 2, 1997
Subject: Resolution No. re Urban Renewal District Signage Amendment
Prepared by: Mark E. Geyer, Planner II

Introduction

City Council action is requested to adopt the attached Resolution authorizing an Urban Renewal Plan amendment for signage modifications.

Summary

During discussions about a possible amendment to the City's Urban Renewal Plan at the December 16, 1996 City Council Study Session, Council members expressed interest in modifying the Urban Renewal Plan related to signage for multiple tenant centers.

Staff is recommending two changes related to signage size and height for adoption under an amendment to the Urban Renewal Plan.

These are:

1. Sign Size - For shopping centers of five (5) tenants or more, on lots of one (1) acre or greater, total size of a freestanding ground sign (area of advertising space) shall be no greater than ninety (90) square feet. The total size of the sign support structure shall be no greater than 100 square feet. A shopping center shall have the same definition as found in the Sign Code, Title XII, Section 12-7-2(S), except that the number of commercial establishments shall be increased from two (2) to five (5) for centers within the Urban Renewal District.
2. Sign Height - Sign height for freestanding ground signs for qualifying shopping centers as defined in section 3 above, shall not exceed 14 feet. Of this total height of 14 feet, only the top 11 feet may be used for the advertising face of the sign. The bottom three (3) feet shall be used for the sign base only.

Staff Recommendation

Adopt Resolution No. approving an Urban Renewal Plan amendment regarding signage requirements and incorporating the amendment into the 1997 Amended Urban Renewal Plan. These amendments to the Urban Renewal Plan will not substantially change the current 1996 Amended Urban Renewal Plan in land area, design, building requirements, timing or procedure, and therefore are not subject to the procedural requirements of Section 31-25-107, C.R.S.

Background Information

With the 72nd Avenue street improvements project currently under construction, some area businesses have expressed concern with the signage requirements outlined in the City Code. One business in particular, Valente's Bakery and Deli, will be losing an old, non-conforming sign along the 72nd Avenue frontage due to the increase in right-of-way and addition of pavement and landscaping treatments. The owner's concerns were recently discussed by the City Council during the Study Session on December 16, 1996, relating to Urban Renewal Plan Amendments.

This proposed amendment follows an amendment to the Urban Renewal Plan in September, 1996, which changed the setback for signs and allowed an increase in the number of tenant business identifications that can be placed on the "shopping center" sign.

This proposal will increase the allowable size of a freestanding ground sign for shopping centers greater than one (1) acre and with five (5) or more tenants, from sixty (60) square feet up to ninety (90) square feet. It will also allow the height of the sign to be a maximum of fourteen (14) feet (an increase from eight (8) feet). These two changes affect only freestanding ground signs that are used for shopping center identification of properties greater than one acre and with five or more tenants, such as the Westminster Plaza, LaConte Center, and Northgate shopping center. The changes do not extend to freestanding signs for non-shopping center commercial uses, or centers less than one acre or with less than five tenants.

Under Colorado law, the City's Urban Renewal Plan may have requirements that are different than the standard City-wide code requirements. This is the case with land use restrictions which are applicable only in the City's Urban Renewal Area and the previous amendments which only affect signage in the Urban Renewal Area.

In order to accomplish the amendments, the City Code must first be amended to refer to the special provisions of the Urban Renewal Plan related to the provision of signage. Second, a resolution will amend the Plan outlining the provisions and procedures for these special Urban Renewal District exceptions to the signage provisions of the Westminster Municipal Code.

Staff generally believes that signage requirements should be consistent throughout the City. However, due to the property ownership configurations and the effect of the 72nd Avenue project on the Urban Renewal Area, Staff believes that variations within the Urban Renewal Area for signage should be considered. Staff supports these special exceptions only in the Urban Renewal Area.

Currently, in the Urban Renewal Area, there are few shopping centers of the same magnitude as the newer centers built since the code requirements were established. There are many signs that are non-conforming (relative to size) in the Urban Renewal District which may be changed to become more conforming through this amendment.

Staff believes that this amendment to the Urban Renewal Plan would not compromise the general intent of the sign code. The modification would allow some changes from the City-wide standards to better meet some of the particular needs of the older area. These amendments may also encourage businesses to replace old signage with more modern signage which meets the general goals and intent of the Urban Renewal Plan.

These amendments would be incorporated into the 1996 Amended Urban Renewal Plan which was adopted by Council on July 22, 1996.

Staff will then reproduce the Plan in its entirety for distribution to the public.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

AUTHORIZING AN AMENDMENT TO THE SIGN REGULATIONS OF THE WESTMINSTER MUNICIPAL CODE PERTAINING TO THE URBAN RENEWAL AREA AND AUTHORIZING AN AMENDMENT TO THE URBAN RENEWAL PLAN FOR SUCH SIGN REGULATIONS

WHEREAS, the City of Westminster City Council has previously adopted the Westminster Urban Renewal Plan (the "Plan") for the Westminster Urban Renewal Area; and

WHEREAS, the Urban Renewal Plan contains specific requirements with regard to signage for multiple-tenant commercial centers in the Urban Renewal Area; and

WHEREAS, pursuant to City Council's direction, City Staff has proposed certain modifications to the signage requirements as set forth in the amendment attached to this Resolution as Exhibit A; and

WHEREAS, these modifications maintain the intent of the existing code, and encourage the replacement of non-conforming signs in multiple-tenant commercial centers located within the Urban Renewal Area; and

WHEREAS, the proposed modifications to the Westminster Urban Renewal Plan as set forth in Exhibit "A" will not substantially change the current Urban Renewal Plan, and therefore, the approval of these amendments is not subject to the procedural requirements of section 31-25-107, C.R.S.; and

WHEREAS, Colorado state law expressly authorizes municipalities to cooperate with urban renewal authorities in the planning and implementation of urban renewal projects, and to adopt special building and zoning regulations to facilitate such projects; and

WHEREAS, the proposed Urban Renewal Plan amendments will not compromise the general intent of Chapter 7 (Sign Regulations) of Title XII of the Westminster Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. The proposed modifications to the Plan as set forth in Exhibit A are hereby adopted.
2. The Westminster Urban Renewal Plan, as amended pursuant to Exhibit "A," shall hereinafter be deemed controlling with respect to all property within the Urban Renewal Area.

PASSED AND ADOPTED this 13th day of January, 1997.

ATTEST:

Mayor

City Clerk

Date: January 13, 1997
Subject: Single-Family Detached & Attached Design Guidelines
Prepared by: Shannon Sweeney, Planner II

Introduction

City Council action is requested to adopt the attached Resolutions revising the Single-Family Detached Design Guidelines and the Single-Family Attached Design Regulations.

Summary

At the December 23 City Council meeting, Council allocated a limited number of service commitments for one to two new single-family detached (SFD) projects (Category B-1) and one new single-family attached (SFA) project (Category B-2) in 1997. The Westminster Municipal Code 11-5-5 (F) specifies that service commitments in these categories ". . . shall be awarded on a competitive basis in accordance with criteria adopted periodically through resolution of City Council." In order to prepare for these competitions in 1997, Staff recommends Council authorize some revisions to the SFD Design Guidelines and SFA Design Regulations adopted by City Council in 1994 and 1995.

Most of the revisions to the SFD and SFA design criteria are "incentive" items which give additional points to projects when the builders or developers commit to providing these elements. In addition, because the City has not yet held a competition for new SFD projects since the guidelines were adopted, a point system was assigned to each of the incentive items. A point system is already in place for the SFA Design Regulations which was used in a 1995 competition the City held for new SFA projects, and only minor modifications are now proposed. One of the key incentive items proposed encourages compliance with the Comprehensive Land Use Plan Map.

Attached are revised copies of the SFD Residential Design Guidelines and SFA Residential Design Regulations as proposed. The areas where changes are recommended in these documents are shown in bold typeface. In addition to assigning a point system to incentive items for the upcoming competitions, the major revisions occur in the Subdivision Planning and Site Design section of the guidelines and include incentive points for:

- >Conforming with the Westminster Comprehensive Land Use Plan Map
- >Preserving significant views from any arterial street abutting the proposed development
- >Providing, in excess of the minimum requirements, additional:
 - *Right-of-way area
 - *Pedestrian and/or bicycle paths
 - *Public open space
- >Including recreational facilities (pool and cabana, and play equipment) as part of the proposed development

Staff reviewed these proposed revisions with local homebuilders and developers at a recent informational meeting. Following adoption of the revised design criteria, Staff plans to send public notifications of the 1997 residential competitions and accept applications for the competitions for the three-week period beginning January 20. One developer suggested at the meeting that the application period be extended; however, in past meetings with builders, builders suggested that the competitions be held early in the year so that the builders who receive service commitment awards may begin the review and construction processes as soon as possible. Staff has attempted to constrict the timeline for the competition process as narrowly as possible to accommodate that request and would not recommend that the application period be extended.

In order to apply for the competition, the applicant will need to specify the site under consideration. Until the Comprehensive Land Use Plan is formally adopted by Council next year, Staff is proposing to give 500 additional incentive points to projects which conform with the Comprehensive Land Use Plan Map. Also, in order to be eligible for certain incentive points, the applicant will need to have a general idea of the proposed lot configuration as well as location and amount of open space which will be provided on the site. Engineered drawings, drainage and utility plans will not be required in order to apply for the competitions.

Once the application deadline arrives, Staff will review the applications and plans to bring the award recommendations to Council in March, 1997. When service commitments are awarded, if additional commitments will be necessary in future years to complete a project, Staff will recommend that Council award, in advance, a specific number of service commitments per year for the project through the anticipated completion date of the project. A project-by-project tracking system will be developed to track individual projects and the annual development activity of each.

Staff Recommendation

1. Adopt Resolution No. re revised Single-Family Detached Design Guidelines.
2. Adopt Resolution No. re revised Single-Family Attached Design Regulations.

Background Information

In August, 1994, the City Council adopted Single-Family Attached Residential Design Regulations, and in March, 1995, Council adopted Single-Family Detached Residential Design Guidelines. A competition for service commitments for new SFA projects was held in 1995, and two projects were awarded service commitments as a result. A moratorium on all new residential development was enacted in 1996, so no new residential development was approved and no new residential competitions were held in 1996.

City Staff met with Council at the November 18 City Council Study Session to discuss possible changes to the existing Growth Management Program. On December 23, 1996, Council adopted some revisions to the Program and allocated service commitments to the various Growth Management categories specified in Chapter 5 of Title XI of the Westminster Municipal Code. At that time, a moratorium on all new multiple-family residential projects (Category B-3) was adopted until adoption and implementation of the Comprehensive Land Use Plan.

Additionally, Council enacted a moratorium on all new senior housing developments pending completion of a senior housing study for the City. For this reason, no competitions will be held this spring for either new multiple-family or new senior housing projects.

Council also allocated service commitments to accommodate a limited number of new residential projects in 1997. Competitions will be held early this year to award service commitments to one to two new single-family detached and one new single-family attached project in 1997. In preparation for these competitions, Staff recommends Council adopt some revisions to the SFD Design Guidelines and SFA Design Regulations. The recommended revisions include additional incentive items to encourage developers to provide important elements identified through the Comprehensive Planning effort.

After reviewing possible revisions with Council on November 18, Staff mailed a letter and copies of the possible modifications to the residential design guidelines to the local homebuilders as well as the Home Builders Association (HBA) and invited any interested parties to attend a meeting on December 30 at City Hall to discuss these with Staff. In addition, a Fax Response Form was mailed in order to receive feedback from those who did not wish to, or were unable to, attend the meeting. Staff also called Steve Wilson (HBA representative) prior to sending the information to apprise the HBA that the letter would be forthcoming and to review the proposed changes to the existing Growth Management Program. The Program changes discussed were those which Staff reviewed with Council at the November 18 City Council Study Session. Council recently adopted those changes at the December 23 City Council meeting.

Developers and builders representing six local builders attended the meeting held by City Staff on December 30. Those represented included Richmond Homes, McStain, Carlson Development, Embassy Homes, and David Weekley Homes. The focus of the meeting centered on revisions to the design criteria, the point system, and timing of the competitions in 1997. After receiving input from those who attended, Staff made some adjustments to the criteria as reflected in the attached copies.

Staff is currently preparing for the upcoming competitions and plans to bring the award recommendations to Council in March. In the 1995 SFA competition, Council awarded service commitments to new projects in May. By bringing this to Council in March (as opposed to May) this year, this should help the builders who receive awards to begin the development review process as early as possible.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

REVISED DESIGN GUIDELINES FOR SINGLE FAMILY DETACHED
RESIDENTIAL PROJECTS

WHEREAS, in Chapter 5 of Title XI, the City of Westminster has adopted a Growth Management Program for the period 1990 through 2000; and

WHEREAS, W.M.C. 11-5-4(A) and (B) and 11-5-5 provide that Service Commitments for single family detached residential projects shall be awarded in Category A on a first come-first served basis and Category B-1 on a competitive basis; and

WHEREAS, the compliance with such guidelines is required by W.M.C. 11-5-5(E) for Category B Projects; and

WHEREAS, the City Council hereby determines that the attached Single Family Detached Residential Design Guidelines are in the best interests of the citizens in light of the City's desire of growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community.

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

1. In accordance with Chapter 5 of Title XI of the Westminster Municipal Code, City Council hereby adopts as revised the attached Single Family Detached Residential Design Guidelines for New Single Family Detached Residential developments which shall govern the award of Service Commitments within Category B-1 projects as defined in W.M.C. Section 11-5-5.

2. The Single Family Detached Residential Design Guidelines shall apply to all future Preliminary Development Plans (PDP's) and Official Development Plans (ODP's) for single family detached developments approved after March 20, 1995;

3. Any application for the approval of an amendment to an ODP to authorize new building elevations submitted after March 20, 1995 shall comply with Section III of the Single Family Detached Residential Design Guidelines.

4. Compliance with the Comprehensive Land Use Map shall be used as an incentive for new residential development through the residential competition process until adoption of the Comprehensive Land Use Plan.

5. Once adopted by City Council, the Comprehensive Land Use Plan shall be used to guide future development in the City.

Passed and adopted this 13th day of January, 1997.

ATTEST:

Mayor

City Clerk

SINGLE-FAMILY DETACHED RESIDENTIAL DESIGN GUIDELINES

PURPOSE AND INTENT OF SINGLE-FAMILY DETACHED DESIGN GUIDELINES

The following Design guidelines have been prepared to provide minimum criteria for single-family detached developments. These minimum standards are intended to establish a quality appearance, compatibility of character, variety of design, and enhanced community values. These standards may be modified in the case of quality single-family developments containing new or innovative planning concepts or housing types. All new and in-fill single-family detached subdivisions shall be in conformance with the Westminster Comprehensive Plan.

In addition to the minimum criteria, there are optional criteria (incentive criteria) set forth herein which further enhance sound residential planning, architectural quality, and landscape design. These optional criteria are incentives for developers to provide amenities and aesthetic quality over and above the minimum design criteria. A further purpose of the optional criteria is to provide a basis for allocating limited service commitments among the developers in the City under the Growth Management Program - Category B Service Commitment Awards.

The Design Guidelines generally fall into three categories: Site Planning, Architectural Design, and Landscaping. The Site Planning section includes overall site planning considerations, vehicular and pedestrian circulation, lot sizes, setbacks, public and private open space, and fencing. The Architectural Design section includes general design principles, exterior design, and exterior building materials and colors. The Landscaping section includes general landscape design principles, landscape treatment of development types and entrances, internal neighborhood landscaping, and plant materials and irrigation.

II. SUBDIVISION PLANNING AND SITE DESIGN

A. There shall be a limit of one hundred (100) lots in any single-family detached plat filing. City Council may, at its discretion, increase this number if circumstances are such that the 100 lot limitation causes undo hardship upon the developer. Subsequent filings of the Planned Unit Development shall be approved only in conjunction with a subsequent Single-Family Detached Competition award, and Amendment to the Official Development Plan. Subsequent filings within a Planned Unit Development shall not be approved by the City until 75% of the lots of all preceding filings have received building permits for residences upon those lots.

B. Sound subdivision planning and site design are needed to protect and enhance the City of Westminster's quality of life. The following minimum standards and optional amenities will help to minimize land use and circulation conflicts and maintain a sense of variety, aesthetic quality, functionality and openness.

1. Land Use Compatibility

Compatibility is achieved when adjacent land uses differing in function, scale, and intensity do not create adverse effects upon one another. In areas where different uses abutt, a variety of measures may be employed to ensure compatibility including: the use of adequate setbacks, landscaping, barriers or transition zones, and building height considerations.

Minimum:

Residences shall be setback a minimum of 40' from the common property line when adjacent to a non-residential use, and 30' from the common property line when adjacent to a residential use. Mixed uses within the same Planned Unit Development may be reviewed on an individual basis.

2. Conformance With the Westminster Comprehensive Land Use Plan Map

Incentive:

Proposed project is in conformance with the Westminster Comprehensive Land Use Plan Map: 500 points

3. View Preservation

The City has an abundance of panoramic views which should be preserved and enhanced. Site Planning must consider the relationship of buildings to natural grades. Buildings should be sited to preserve views from arterial streets. Landscaping should be used to frame and enhance view corridors.

Incentive:

As determined by the City, the project does not negatively impact mountain views, views of downtown Denver, or views overlooking a significant valley area, from any abutting arterial street: 100 points

4. Drainageways

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

5. Circulation Access 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 isolate higher traffic volumes from residential developments.

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.

Landscaped street medians within subdivision collector streets and landscape islands in the center of cul-de-sacs are strongly encouraged.

Minimum:

a. Every single-family detached residence shall contain a minimum of four off-street parking spaces - including two enclosed (in garage), and two in the driveway.

b. If installed, landscaped medians in collector streets shall be a minimum of 10' wide. Medians shall be maintained by the developer or homeowner's association and shall include easements for public utilities. All landscape medians shall conform to the City site triangle criteria.

Incentive:

a. Landscape street medians in collector streets (other than entrance medians): 10 points per each 25' segment (length) of median provided

6. Street Lighting

Adequate street lighting shall be provided in all residential neighborhoods.

Minimum:

Lighting along all public streets shall be in conformance to Public Service Company standards and installed at developer expense. Specialty lighting (including ornamental bases, armatures and fixtures) is encouraged along collector and local streets unless the street is to be included in an existing street system using specialty lighting. Specialty lighting should relate to the architectural theme of the development.

Incentive:

Specialty lighting is used along collector and/or local streets: 8 points per 15' high (approximate) light provided

Specialty lighting is used along collector and/or local streets: 15 points per 30' high (approximate) light provided

7. Right-of-Way Dedication

Dedication of land adjacent to roads is often required to meet the minimum right-of-way cross sections established for arterial, collector and local streets adjacent to and within a subdivision. (See Engineering hand-out for minimums). Developers are encouraged to dedicate land over and above the minimum area required, for use as additional landscape area within the right-of-way.

Incentive:

a. Right-of-way dedicated along arterial or collector streets in excess of the minimum required:

1/8 acre: 20 points; 1/4 acre: 40 points, etc.

(Points may be adjusted incrementally relative to the amount of land dedicated)

b. Greater overall right-of-way area and landscaping are achieved through the use of a frontage road running parallel to the major road. (Houses face single-loaded frontage road): 150 pts.

8. Entrance Features

The entrance to single-family detached residential subdivisions should be designed to provide an attractive entryway into the subdivision as well as to provide maximum safety for visibility and turning movements. Street medians/landscape islands are encouraged at major entrances to the subdivision. Formal landscaping and signage mounted on masonry walls are encouraged at the entrance to single-family detached developments.

Residential communities/neighborhoods are encouraged to plan for the future possibility that the community/neighborhood may become a secured or gated development. Appropriate entrance features such as gate houses, fences, lighting, intercom systems may be planned for in advance.

Minimum:

- a. One ground sign (monument) per subdivision or one per each arterial entrance or collector street entrance. Signs are typically located in a landscaped median or on either side of the entrance road. The size of the sign is not to exceed the Westminster Municipal Code.
- b. The right-of-way landscaping shall extend to include the entry area.
- c. If installed, maintenance of the median/island shall be the responsibility of the developer/homeowner's group.

Incentive:

- a. Signage mounted on a masonry wall (4' high minimum, 6' high maximum) for a minimum length of 20': 7 points per 20' length. (Points may be adjusted incrementally relative to the length of the wall)
- b. Entry landscaping exceeds the minimum required in the right-of-way area: 1 point per additional evergreen (6' minimum) or deciduous (2-1/2" caliper) minimum tree, or if shrubs are added: 1 point per 10 additional shrubs
- c. Street medians/landscape islands (10' wide and 25' long minimum) at entranceways: 10 points per 25' segment (length) of median provided

9. Lot Sizes

Single-family detached homes shall be planned and designed to provide visual diversity, adequate spacing and an attractive streetscape appearance.

Minimum:

Lot sizes shall be consistent with the Comprehensive Land Use Plan. Average lot sizes for single-family detached developments vary by area of the City as illustrated on the Comprehensive Plan Map.

In each of the above listed areas, the minimum lot size shall be 15% less than the average lot size provided that no more than one-third of the total number of lots in the subdivision shall be reduced below the average lot size in the area stipulated. (For example, if the average lot size shown on the Comprehensive Plan is 10,000 sf, and there are 60 lots in the subdivision, the breakdown might be: 10 lots at 11,500 sf, 30 lots at 10,000 sf, and 20 lots at 8500 sf)

Lot sizes may be reduced in quality single-family developments which display new or innovative housing types or community design concepts such as "cluster" or "courtyard" homes. Developments referred to as cluster, courtyard or patio home type developments must include unique project planning including many of the following innovative design features: Internal greenbelts; amply landscaped streetscapes including periodic open space; siting of buildings and actual building footprints creating intimate enclaves; privacy for individual lots; road hierarchy minimizes traffic on local streets; pedestrian oriented local roads; architecture is developed to create variety and interest and maximize view opportunities; juxtaposition of buildings creates interesting outdoor areas; enhancement of natural features, etc.

Lot sizes may also vary for Village Residential projects as described in the Westminster Comprehensive Plan.

10. Setbacks

Front and side yard setbacks should be varied wherever possible. Front setbacks should be staggered from house to house whenever possible. Rear yard setbacks should be varied for houses abutting parks, public open space, private open space or recreational facilities.

Setbacks may be reduced in quality single-family home developments displaying new or innovative housing types or community design concepts. In such cases, greater detail in excess of normal ODP requirements including individual site design, landscaping, architectural design, and open space must be submitted, and included in the Official Development Plan.

Primary Structure

Minimum:

Front setback: 22'
(or side yard abutting
public local street)

Front setback for
side-loaded garage: 15'

Side setback for
one story residence: 7.5'

Side setback for
two story residence: 10'

Rear setback: 22'

Side or rear setback
abutting collector street: 32'

Side or rear setback
abutting arterial street: 42'

Setback from highway: 97'

Incentive:

- a. Front: Add 10 points for each 1' increment over and above the minimum 22' front setback multiplied by the number of lots which will be effected. (Incentive given only up to 30' front setback).
- b. Side: 10' or greater for all lots (one story):
20 points
12' or greater for all lots (two story):
20 points

Decks

Minimum:

Rear: 15'

Side for one story house: 7.5'

Side for two story house: 10'

Accessory Buildings (when allowed)

Minimum:

Rear: 10'

Side: Same as residence

11. Pedestrian/Bicycle Paths

Pedestrian and bicycle trails shall be built within each residential subdivision and neighborhood, and shall reasonably tie into the City's regional trail system. Those trails shown on the City's Trails Master Plan which are indicated within or abutting a development must be constructed by the developer. These trails occur in two general locations: 1) In conjunction with streets; 2) Within the subdivision's open space network (along public or private open space and drainageways). Pedestrian access to the ends of cul-de-sacs is encouraged.

Minimum:

Minimum widths for sidewalks and paths designed for pedestrian use only shall be 5' (local and off-street). Minimum widths for streetside detached or off-street bicycle paths shall be 8' (See City Street Standards). Developers are required to build 8' concrete walks along both sides of arterial streets and 5' concrete walks along both sides of collector streets.

Incentive:

For every 100' of off-street concrete pedestrian path (where not already required): 8 points

For every 100' of streetside attached or detached concrete bicycle path or off-street bicycle trail (where not already required): 12 points

12. Private Open Space

In addition to the minimum public land dedication required of residential development by the City, private parks, open space, and recreational facilities are encouraged in single-family neighborhoods. Private open space does not include right-of-way areas. Private open space areas can provide focal points for the neighborhood and desirable green space to accommodate local recreation needs and pedestrian/bicycle circulation for the neighborhood and the general public. Private open space areas 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.

Private open space shall be formally landscaped unless abutting a natural greenbelt area. Maintenance of private open space areas is the responsibility of the homeowner's association.

Minimum (Private Open Space):

None

Incentive (Private Open Space):

a. 1/2 acre: 100 points; 1 acre: 200 points, etc.

(Points may be adjusted incrementally relative to the amount of land set aside as private open space).

b. If private open space provides focal point for the subdivision, add 10 points per relevant 1/2 acre listed above.

c. If private open space maintains environmentally sensitive areas (i.e. wetlands, large trees, etc) add 20 points per relevant 1/2 acre listed above.

13. Public Open Space or Park Land

Public Land Dedication shall be made to the City in conjunction with residential development for use as parks, schools or other public purposes. (See Westminster Municipal code Section 12-2-2(e) for amount 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 may require payment in lieu of dedication.

Developers are encouraged to dedicate public open space over and above the minimum acreage required in order to enhance the overall appearance of the community by providing open, green areas.

Density lost through dedication of additional public land dedication may be considered for density transference to other parts of the site.

Incentive: (Public Open Space):

a. Non-floodplain land: 1/8 acre: 36 points;

1/4 acre 72 points, etc.

(Points may be adjusted incrementally relative to the amount of land dedicated).

b. Floodplain land: 1/8 acre: 6 points

1/4 acre: 12 points, etc.

(Points may be adjusted incrementally relative to the amount of land dedicated)

14. Recreation Facilities

The City encourages single-family residential developments to provide private recreation facilities for its residents in proportion to the number of residential units served. Such recreational facilities shall be included on private open space as provided above.

Recreational facilities shall be required for developments over 100 acres in area, and are encouraged for subdivisions under 100 acres.

Incentive: (For subdivisions under 100 acres)

- a. **It is estimated that a maximum of 10% of the residents will use a pool daily. Points shall be based on a standard 20' x 40' pool with additional patio area, and may be adjusted for other sized pools. Points for pool and cabana: 300 points**
- b. **Play equipment area (min. 8,000 sf area): 50 points for each area provided**

15. Fencing

All lot fencing within a 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).

Perimeter Fencing: Although perimeter fencing is not required, it is recognized that fencing is often proposed around the perimeter of a project. Landscape materials and earth berming are the preferred methods of providing a buffer, but well designed fences are acceptable (and sometimes desirable) in certain circumstances.

Minimum:

When used, perimeter fencing is to be constructed in accordance with City standards and is to include masonry, painted concrete or stucco columns (2' minimum width) spaced a maximum of 100' apart. In some cases, such as adjacent to parks or in special streetscape situations, the fence may be modified to include low profile, split rail, or wrought iron fencing.

Incentive:

- a. Posts spaced 75' apart: 2 points per 400' length
- b. Landscaping and berming used to provide screening and buffer in place of fencing: 50 points
- c. Offsets in perimeter wall for landscaping every 400' or less for at least a distance of 200': 15 points
- d. Open fencing (such as split rail) used in conjunction with landscaping in place of typical 6' high wood fencing: 75 points

16. Sound Mitigation

Sound mitigation studies are required for all residential developments along U.S. 36, I-25 or major arterial streets. A sound mitigation study shall be prepared and developer-installed fencing and earth berming shall be required to mitigate sound levels to acceptable residential standards.

17. Neighborhood Meetings

Developers are strongly encouraged to arrange one or more neighborhood meeting(s) on or near the project site in order to discuss the details of the proposal with the neighbors. The extent of the neighborhood notification should be agreed upon with the City Staff.

RESIDENTIAL ARCHITECTURAL STANDARDS

A. The architectural design of the single family homes within developments should create visual variety, and at the same time, promote an integrated character for the neighborhood. Providing "variety" with "continuity" to avoid "monotony" is the objective. Homes within the development should be of similar type and size and be designed so that streetscapes are unified and similar. Architectural styles, roof forms, building forms, complimentary colors and materials unify the streetscape and the overall development.

1. Anti-Monotony Criteria

Monotonous design of residences within a development detract from the overall aesthetic and economic value of a community. Furthermore, it detracts from the "pride of ownership" that residents have in their homes.

Number of home front elevations along a streetscape: A "streetscape" is defined as a number of residential facades along both sides of a street. For purposes of these guidelines, the length of a streetscape is no more than 20 homes per side of street, unless otherwise approved by the City. To provide sufficient variety within neighborhoods, a minimum of four distinctly different home elevations shall be built within each "streetscape," unless the development consists of less than 25 homes in which case there shall be a minimum of three different home elevations.

For the purpose of this section "distinctively different elevations" are defined as homes which:

- * Have distinctly different roof forms/lines/profiles; or
- * Have distinctly different facade compositions consisting of 1) different window and door style and placement; and 2) different garage and entryway locations; or
- * Have distinctly different entry treatments and locations including porches, columns, etc.; or
- * Have a different number of stories.

Note: Changing roof or siding materials and colors, or adding garages, or providing "mirror images" of models does not constitute distinctively different models.

Minimum:

No single family dwelling unit of the same model shall be built on adjacent lots (1), nor shall there be built more than 30% of the same model in any streetscape. Exceptions to these standards may be made, at the City's discretion, in cases of hardship (such as infills where very few lots remain to be developed). Different elevations of the same model may be acceptable on adjacent lots if they meet the intent of the anti-monotony criteria.

Note (1): Adjacent lots are any lots which adjoin or share any side lot line or which, although separated by a street, have their property lines overlap each other by more than 30%.

2. Exterior Design Elements

Exterior design and details should be incorporated in the overall building form to provide visual interest and functional amenities.

a. Recessed and Projecting Elements

Parts of buildings which project from the front elevation, such as bay windows, porches, frontward projecting rooms; or recessed garage doors and entryways are strongly encouraged.

Minimum:

A "horizontal offset" or "projection/recess" of 4' or greater on a minimum of 50% of all approved models.

Incentive:

Offsets (4' minimum) on all dwelling units on all streetscapes: 30 points.

b. Roof Breaks: Roof ridges which turn a corner or change elevations a minimum of two feet; or dormers are provided across a minimum of 20% of the roof surface facing the street.

Minimum:

Roof slopes shall be at a minimum pitch of 5:12. All roofs shall have a 1' minimum overhanging eaves.

Exceptions may be made, at the City's discretion, for unique architectural designs.

Roof breaks occur on a minimum of 50% of all approved models.

Incentive:

Roof breaks occur all approved models: 25 points

c. Outdoor Living Areas

Usable front porches (80 s.f. minimum) and side or rear yard patios (120 s.f. minimum) are strongly encouraged.

Incentive:

Usable front porches (80 s.f. minimum) will be provided on at least 50% of the approved models, and side or rear patios (120 s.f. minimum) will be provided with all residences: 50 points

d. Bay or Box Windows:

Minimum:

Windows of a minimum width of 5' which project a minimum of 16" from the facade are required on 50% or more of all units within a streetscape.

Incentive:

Windows 5' in width minimum which project 2' minimum from facade occur on 75% of units or more within a streetscape: 20 points.

e. Garages:

Minimum:

all dwelling units shall provide a two car (minimum) garage. If three car garages are provided, the third space shall have a separate door and a 2' minimum horizontal setback from the main garage door. A roof design change over the third space may be substituted for the horizontal setback.

Incentive:

Side or rear loaded garages occur on at least 20% of the models: 40 points

3. Exterior Materials and Colors

Building material and color selection is essential to developing a compatible and quality architectural character. Natural materials and textures (stone, wood, brick) should be expressed in their natural state (e.g. clear stained wood or unpainted brick) wherever feasible.

a. Roof Materials: Preferred roof materials include clay or concrete tiles, slate, architectural metal, masonite or upgraded (heavy duty/hail resistant) composition (e.g. GAF "Timberline" or equal). Conventional asphalt (3-tab) roofs are acceptable. Similar roof materials shall be used on all houses in a development.

b. Wall Materials: All exterior wall materials shall be compatible with adjacent/neighborhood homes. Suggested materials include natural wood, masonite, stucco, brick and stone. Wall material colors should be natural or earth tones for dominant areas. Lap siding shall have a maximum 9" exposed board face. Exceptions to the 9" minimum exposure may, at the City's discretion, be made depending on the architectural design of the elevation. Primary or other bright colors should be used sparingly and only as accents. Highly reflective materials (except for windows) are not allowed.

Incentive:

1. 30% or more masonry on front elevations abutting streets, open space, trails or parks: 50 points

2. 30% or more masonry on side or rear elevations abutting streets, open space, trails or parks: 35 points

3. Masonry is used on the entire lower level of walk-out units which are visible from the street: 35 points

4. 30% or more masonry on all four sides of the residence: 100 points

c. Accessory structures:

Minimum:

Accessory buildings shall be architecturally integrated with the main residence and shall consist of similar materials, form, and color. Accessory buildings shall not be located in any required front or side yard, and shall not exceed 120 square feet in floor area or 8' in total height, as regulated by Official Development Plan and protective covenants (only one accessory structure per lot is permitted).

Incentive:

Homeowners' Association covenants prohibit accessory structures for lots with yards adjacent to collector or arterial streets: 50 points, or if prohibited on all lots: 75 points. (Detached garages not included).

IV. LANDSCAPING STANDARDS

Landscaping plays a significant role in the overall quality, appearance, and value of residential neighborhoods. Landscaping standards included herein consist of public rights-of-way, private open space, and individual residential lots.

A. Right-of-Way Landscaping

Developers are responsible for the installation of landscaping in the right-of-way of all arterial and collector streets within or abutting their development, and occasionally of local streets. The homeowner's association is responsible for maintenance of the right-of-way landscaping along arterial and collector streets and occasionally along local streets. The adjacent homeowner is generally responsible for maintenance of the right-of-way area adjacent to their residence on a local street.

Automatic sprinkler systems are required within the right-of-way of arterial and collector streets of new subdivisions.

Minimum:

A minimum of one (1) shade tree and three (3) shrubs per 550 square feet of landscaped area is required for landscaping within the right-of-way.

Incentive:

A minimum of one (1) shade tree and three (3) shrubs per 500 square feet of landscaped area or greater is provided within the right-of-way: 25 points

B. Detention Pond Landscaping

The developer is responsible for landscaping the detention pond and other common areas. The homeowner's association shall be responsible for the maintenance of the detention pond and other common areas.

Minimum:

The developer is responsible for landscaping the detention pond and other common areas at a rate of one (1) tree and five (5) shrubs per 550 square feet of landscaped area.

Incentive:

Landscaping is provided in the detention pond and other common areas at a rate of at least one (1) tree and three (3) shrubs per 500 square feet of landscaped area: 20 points

C. Size of Plant Material for Right-of-Ways, Detention Ponds, or Other Common Areas

Minimum:

The minimum sizes required in the right-of-way, detention pond or other common areas are: Deciduous Trees: 2-1/2" caliper; Ornamental Trees: 2-1/2" caliper; Evergreens: 6' height. Twenty percent of the trees are to be 3" caliper or 8' height if evergreens are installed.

Incentive:

1. Thirty percent or more of the trees in the right-of-way, detention pond or other common areas are 3" caliper or 8' height if evergreens are installed: 20 points

2. Thirty percent or more of the trees in the right-of-way, detention pond or other common areas are 3-1/2" caliper or 10' height if evergreens: 25 points

D. Single-Family Home Landscaping

The required number of trees listed below shall be installed by the developer prior to certificate of occupancy, or if homeowner installation is preferred, a credit in the amount of the required trees (including installation) shall be posted by the developer with a local nursery for use by the homeowner.

Minimum:

1. For residential lots up to 10,000 square feet in size, a minimum on one (1) shade tree shall be installed in the front yard of every residence.

2. For residential lots larger than 10,000 square feet in size, a minimum of two (2) trees shall be required in the front yard of every residence. (At least one shall be a shade tree).

Incentive:

1. For residential lots up to 10,000 square feet in size, two trees or more shall be installed in the front yard: 15 points

2. For residential lots larger than 10,000 square feet in size, a minimum of three (3) trees or more shall be installed in the front yard: 15 points

3. Developer/builder installs entire front and one-half of the side yards landscaping including sod, three trees, ten shrubs, and automatic sprinkler system: 200 points

E. Size of Plant Material for Single-Family Homes

Minimum:

The minimum sizes required are as follows: Deciduous trees: 2-1/2" caliper; Evergreens: 6' height.

Incentive:

Trees installed in the front yard are 3" caliper or above for deciduous or 8' height for evergreens: 15 points

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

REVISED BASELINE STANDARDS FOR SINGLE FAMILY ATTACHED
RESIDENTIAL PROJECTS

WHEREAS, the City of Westminster has adopted by Ordinance No. 2396 a Growth Management Program for the period 1990 through 2000; and

WHEREAS, within Ordinance No. 2396 there is a provision that Service Commitments for new single-family attached residential projects shall be awarded in Category B-2 on a competitive basis through criteria adopted periodically by Resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, Ordinance No. 2396 also provides that City Council shall by Resolution determine what weight to give the various standards based upon their impact and the health, safety, and welfare of the community and shall provide procedures for weighing and ranking projects prior to receiving applications; and

WHEREAS, Category B-2 applies to attached residential subdivisions having a density of 10 or fewer dwelling units per acre; and

WHEREAS, there are 25 Service Commitments available for award in Category B-2 for the year 1997; and

NOW, THEREFORE, be it resolved that the Westminster City Council as follows:

1. In accordance with Chapter 5 of Title XI of the Westminster Municipal Code, City Council hereby adopts as revised the attached "Baseline Standards" for New Single Family Attached Residential development which shall govern the award of Service Commitments within Category B-2 projects as defined in W.M.C. Section 11-5-5.

2. Any award of Category B-2 Service Commitments pursuant to this Resolution shall be subject to a prior allocation of Service Commitments to Category B-2 and a process for competing for such Service Commitments as may be determined by City Council pursuant to Chapter 5 of Title XI of the Westminster Municipal Code.

3. Compliance with the Comprehensive Land Use Map shall be used as an incentive for new residential development through the residential competition process until adoption of the Comprehensive Land Use Plan.

4. Once adopted by City Council, the Comprehensive Land Use Plan shall be used to guide future development in the City.

Passed and adopted this 13th day of January, 1997.

ATTEST:

Mayor

City Clerk

SINGLE-FAMILY ATTACHED REGULATIONS - (TOWNHOME/CONDOMINIUM)

I. PURPOSE AND INTENT OF SINGLE-FAMILY ATTACHED DESIGN REGULATIONS

The following Design Regulations have been prepared to provide the minimum design criteria for single-family attached housing. These minimum standards are intended to establish a quality appearance, compatibility of character, variety of design, and enhanced community values.

In addition to the minimum standards, there are optional criteria set forth herein which further enhance sound residential planning, architectural quality, and landscape design. These optional criteria are incentives for developers to provide amenities and aesthetic quality over and above the minimum design criteria. A further purpose of the optional criteria is to provide a basis for allocating limited service commitments among the several developers in the City (Growth Management): Category B Service Commitment Awards).

The Design Regulations generally fall into three categories. Site Design, Architectural Design, and Landscaping.

Site Planning includes the relationship and compatibility of various land uses, access, parking standards, open space, recreation requirements, lot coverage and general site development standards such as required setbacks. The Architectural Design criteria includes general design principles, exterior design, materials and colors. Landscaping includes general landscape design principles, landscape treatment of development edges and entrances, internal site landscaping, and plant materials and irrigation.

II. SITE PLANNING

a. Sound planning and site design are needed to assure the City of Westminster's quality of life. The following minimum standards and optional amenities will help to minimize land use and circulation conflicts and maintain a sense of variety, aesthetic quality, functionality and openness.

1. Land Use Compatibility

Land use compatibility is the provision that adjacent land uses differing in function, scale, and intensity do not create adverse effects upon the quality, privacy or value of either abutting property. In areas where different uses abutt, a variety of measures may be employed to ensure compatibility including: setbacks, landscaping, barriers or transition zones, and related building heights.

2. Conformance With the Westminster Comprehensive Land Use Plan Map

Incentive:

Proposed project is in conformance with the Westminster Comprehensive Land Use Plan Map: 500 points

3. Buffering Between Different Uses

Berms (3'-6" high or greater) with a maximum slope of 4:1 in combination with evergreen and deciduous trees and shrubs on areas between differing land uses are strongly recommended. Mixed uses within the same subdivision may be treated differently.

4. Circulation Access 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 isolate higher traffic volumes from residential developments.

Topography: 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.

Minimum:

If installed, landscaped medians in collector and local streets shall be a minimum of 10' wide. Medians shall be maintained by the developer or homeowner's association and shall include easements for public utilities. All landscape medians shall conform to the City site triangle criteria.

Incentive:

Landscape street medians in collector streets (Other than entrance medians): 10 points per each 25' segment (length) of median provided

5. Orientation on the Site

Buildings shall be oriented on the site to create visual interest and variety. Whenever possible, buildings shall be set at angles to one another in order to avoid the "barracks" type appearance. Developers are encouraged to set buildings at various angles along the public thoroughfare in order to create diversity and promote views.

6. Lot Coverage

A minimum of 40% of the site shall be landscape area. The landscape area shall not include hard surface parking, driveways, or buildings. Maximum building area shall be established after determining minimum landscape area and parking requirements.

Incentive:

Greater than 40% up to 45% of the site is landscape area: 100 points

45% or greater, up to 50% of the site is landscape area: 150 points

Greater than 50% of the site is landscape area: 200 points

7. Building Height

Maximum:

Building height shall not exceed 2 stories (26' height), as defined in the Uniform Building Code.

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 feeling and efficiency of the development. In an effort to insure efficient pedestrian and automobile circulation as well as provide ample open areas within a single-family attached development, the following are the minimum setbacks required:

8. Building Setbacks From Right-of-Way

Minimum:

- a. Major highway (US 36, I-25) - 100' from right-of-way line
- b. Arterial street - 1.5 times the height, or 50' from the right-of-way, whichever is greater
- c. Collector - 30'
- d. Local street - 25'

9. Distance Between Primary Buildings

Minimum:

- a. Side to side - 20'
- b. Corner to side - 10'
- c. Corner to corner - 10'
- d. Side to front - 25'
- e. Side to rear - 25'
- f. Front to front (or rear) - 30'

10. Building Setbacks to Interior Property Lines

Minimum:

- a. Side - 20'
- b. Rear - 20'
- c. Adjacent to single-family - 30'

11. Building Setbacks to Parking Lots and Drives

Minimum:

- a. Setback shall be 15' and shall include a minimum 6' wide sidewalk (2' overhang for automobiles).

12. Distance Between Primary Building and Detached Garage or Carport

Minimum:

- a. Front or rear of garage to building - 30'
- b. Front or rear of garage to front or rear of garage - 30'

13. Parking Lot Setbacks

To insure adequate pedestrian and vehicular circulation for a development it is necessary to provide adequate parking. Parking lots can however obscure the view of the development from the street and appear to dominate the development, if they are located too close to the right-of-way and interior property lines. The following minimum standards are provided to insure an adequate setback from all property lines and to encourage landscape and berm buffering adjacent to parking lots.

Minimum:

- a. From interior property lines - 15'
- b. From adjacent single family - 25'
- c. From streets - 25' (should include tall berms and landscaping)

14. Parking Lot Requirements

Minimum:

- a. One bedroom unit: 1.5 spaces
- b. Two or more bedrooms: 2 spaces
- c. Guest parking: 1 space per 5 units
- d. A minimum of one-third of the required parking shall be within a carport or garage

15. Recreation Facilities

The City encourages townhome and condominium developments to provide recreation facilities for its residents in proportion to the number of residential units served.

Minimum:

There is no requirement to provide community-wide recreational facilities for townhome and condominium developments.

Incentive:

- a. Clubhouse/meeting facilities (1000 sf minimum): 300 points
- b. Swimming pool: It is estimated that a maximum of 10% of the residents will use a pool daily. Points are based on a standard 20' X 40' pool, and may be adjusted for other sized pools): 300 points.
- c. Development shares a clubhouse with pre-existing development: 150 points
- d. Development shares a pool with pre-existing development: 150 points
- e. Tennis courts: 200 points per court
- f. Volleyball courts: 50 points per court
- g. Play equipment area (minimum 8,000 square feet): 150 points

16. Pedestrian/Bicycle Circulation

Pedestrian and bicycle trails shall be built within each residential subdivision and shall reasonably tie into the City's regional trail system. These trails occur in two general locations: 1) in conjunction with streets, and 2) within the subdivision's open space network (along public or private open space and drainageways). Pedestrian access to the ends of cul-de-sacs are encouraged.

Minimum:

Minimum widths for sidewalks and paths designed for pedestrian use only shall be 5' (local and off-street). Minimum widths for streetside detached or off-street bicycle paths shall be 8' (See city Street Standards). Developers are required to build 8' concrete walks along both sides of arterial streets and 5' concrete walks along both sides of collector streets.

Incentive:

For every 100' of off-street pedestrian path (where not already required): 8 points

For every 100' of streetside detached or off-street bicycle trail (where not already required): 12 points

17. Site Lighting Within the Development:

The site lighting within the townhome/condominium complex should be adequate to insure visibility and safety throughout the development.

Minimum:

Site lighting within the townhome/condominium complex shall include lighting on buildings, garages, driveways, parking lots and landscape areas throughout in order to insure visibility and safety throughout the development.

Incentive:

"Specialty" lighting (within the townhome/condominium complex) with ornamental bases, armatures, fixtures, etc. relating to the architectural theme of the development: 8 points per 15' high (approximate) light provided

"Specialty" landscape lighting (within the townhome/condominium complex): 4 points per light provided

18. Public Open Space or Park Land

Public Land Dedication shall be made to the City in conjunction with residential development for use as parks, schools or other public purposes. (See Westminster Municipal Code Section 12-2-2(e) for amount 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 may require payment in lieu of dedication.

Developers are encouraged to dedicate public open space over and above the minimum acreage required in order to enhance the overall appearance of the community by providing open, green areas.

Incentive: (Public Open Space):

- a. **Non-floodplain land: 1/8 acre: 36 points
1/4 acre 72 points
(Points may be adjusted incrementally relative to the amount of land dedicated)**
- b. **Floodplain land: 1/8 acre: 6 points
1/4 acre: 12 points, etc.
(Points may be adjusted incrementally relative to the amount of land dedicated)**

19. Neighborhood Meetings

Developers are strongly encouraged to arrange one or more neighborhood meeting(s) on or near the project site in order to discuss the details of the proposal with the neighbors. The extent of the neighborhood notification should be agreed upon with the City Staff.

20. View Preservation

The City has an abundance of panoramic views which should be preserved and enhanced. Site Planning must consider the relationship of buildings to natural grades. Buildings should be sited to preserve views from arterial streets. Landscaping should be used to frame and enhance view corridors.

Incentive:

As determined by the City, the project does not negatively impact mountain views, views of downtown Denver, or views overlooking a significant valley area, from any abutting arterial street: 100 points

III. ARCHITECTURAL STANDARDS (SINGLE-FAMILY ATTACHED)

A. The architectural design of single-family attached units should create visual variety and at the same time, promote an integrated character for the development. The individual townhome or condominium units should relate well to one another in regard to roof lines, size, exterior treatment and overall layout. Developers are encouraged not to exceed 8 units per building. Buildings should provide interest in their relation to one another on the site.

1. Building Appearance

Minimum:

- 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. (360 degree architecture).
- b. Vertical and horizontal elements are used in contrast to one another. Contrast and depth are preserved by offering exterior selections that emphasize a dominant building material, but include contrasting complimentary trim materials and colors.
- c. A roof pitch of 5 in 12 or greater.
- d. Gas fireplace box-outs shall run vertically to meet the roof line and avoid the "tacked-on" look.

Incentive:

Buildings have a variety in horizontal off-set (staggering or change in plane surface) of at least 4' on both the front and rear of the buildings: 30 points

Building roof is broken into smaller planes or roof elements. A minimum of two roof breaks (roofs that turn a corner or change elevation) on at least 80% of all structures: 25 points

Bay windows on 40% of all units: 20 points

Dormer windows on 40% of all units: 20 points

2. Site Considerations Relating to Architecture

Minimum:

- a. Varied building orientation along street and varied orientation of buildings to one another creating interest.
- b. Street scene is unified and articulated through style, similar forms, roof systems, details and materials.

- c. Garages, carports and integrated parking structures relate to building architecture, demonstrate similar compatible forms, scale, materials, colors, details, etc.
- d. If used, detached garages along streets are grouped in small numbers, not lined up along street "barracks style".
- e. Accessory structures are compatible with architecture and use same building as main buildings.
- f. A minimum of 2 distinct models shall be used.

Incentive:

Three distinct models are used: 20 points

Four distinct models are used: 30 points

Five or greater models are used: 50 points

One car garage an integral part of the building: 50 points

Two car garage an integral part of the building: 75 points

Buildings are oriented in such a way as to create small, intimate outdoor areas: 50 points

3. Building Materials

Minimum:

- a. Building siding material should be of a high quality as approved by the City. Suggested exterior wall materials include natural wood, masonite, and shingle siding, other types of wood siding, stucco, brick and stone.
- b. In general, due to the potentially imposing nature of the buildings, the exterior materials should reflect subdued colors and muted tones. In general, roof material colors should be darker and earth-toned hues that accent and compliment other building colors.
- c. An average of 30% or more of all non-window/door surfaces on all faces of the building shall be finished with masonry.
- d. Quality roof materials shall be used such as woodruff, tile or thick asphalt shingles (which provide shadow effect), slate, and architectural metal.

Incentive:

The following percentages of the building faces on all sides of the building are finished with masonry:

Greater than 30%, up to 40%: 25 points.

40% or greater, up to 50%: 35 points.

50% or greater: 50 points.

IV. LANDSCAPE STANDARDS - Single-Family Attached

1. Landscape Area

Landscape areas should be provided which will help to counteract the potential dominance of the hardscape elements of the single-family attached development such as driveways, buildings and parking areas. Landscaping can add to the overall visual appearance and function of the development by providing shade, complimenting both passive and active recreation areas, providing visual interest both apart from and next to the buildings, and presenting an aesthetically pleasing streetscape.

Minimum:

- a. A minimum of 40% of the overall site area shall be landscaped, including the general landscape area, right-of-ways and detention pond area. Driveways, hardscape parking areas or walks are not included. Parking lot landscape islands are included.
- b. A minimum of 75% of the landscaping should be covered by living ground material within 2 years following installation and thereafter. No more than 25% of the completed landscape within a shrub bed are should be covered exclusively with stone or wood chip mulch.
- c. The selection of trees should be a mix of evergreen and deciduous trees.
- d. All landscaping installed shall be irrigated and maintained by the developer/owner or homeowner's group.
- e. Within the required landscape area, one tree (2-1/2" caliper deciduous or 6' tall pine), and 3 shrubs (5 gallon) are required per 550 square feet of landscape area. Twenty percent (20%) of the deciduous trees are to be 3" caliper, or 8' tall if evergreen.

Incentive: (Plant quantities)

1 tree and 3 shrubs per 500 square feet of landscaped area: 25 points

1 tree and 3 shrubs per 450 square feet of landscaped area: 35 points

Incentive:

Thirty percent or more of the trees are 3" caliper if deciduous, or 8' tall if evergreen: 20 points

Thirty percent or more of the trees are 3-1/2" caliper if deciduous, or 8' tall if evergreen: 25 points

2. Right-of-Way Landscaping

Dedication of land adjacent to roads is often required to meet the minimum right-of-way cross sections established for arterial, collector and local streets adjacent to and within a subdivision. (See Engineering hand-out for minimums).

Developers are responsible for landscaping and maintaining the right-of-way of all arterials, collectors and local streets within or abutting their development (as shown in the street standards).

Developers are encouraged to dedicate land over and above the minimum area required for use as additional landscape area within the right-of-way.

Incentive:

- a. Right-of-way dedicated along arterial or collector streets in excess of the minimum:
1/8 acre: 20 points; 1/4 acre: 40 points,
(Points may be adjusted incrementally relative to the amount of land dedicated).

C. Perimeter Fencing or Fencing Within the Right-of-Way

Although perimeter fencing and fencing between the right-of-way and the single-family attached development is not required, it is recognized that fencing is often proposed in these areas. Landscaping materials and earth berming are the preferred methods, but well designed fences are acceptable (and sometimes desirable) in certain circumstances.

Minimum:

When used, fencing is to be constructed in accordance with City standards and is to include masonry, painted concrete or stucco columns (2' minimum width) spaced a maximum of 100' apart. In some cases, such as adjacent to parks or in special streetscape situations, the fence may be modified to include low profile, split rail, or wrought iron fencing.

Incentive:

- a. Posts spaced 75' apart: 2 points per 400' length
- b. Landscaping and berming used to provide screening and buffer in place of fencing: 50 points

- c. Open fencing such as split rail or wrought iron, used in conjunction with landscaping in place of a typical 6' high wood fence: 75 points

3. Entrance Features

The entrance to single-family attached developments should be designed to provide maximum safety for visibility and turning movements. Street medians/landscape islands are encouraged at entranceways.

If installed, maintenance of the median/island shall be the responsibility of the developer/homeowner's group. Formal landscaping and signage mounted on masonry walls are encouraged at the entrance to single-family attached developments.

In some instances, a gated type of entrance may be desirable in order to create a sense of community and provide additional security. Appropriate entrance features such as gate houses, fences, lighting, and intercom systems may be planned for in advance.

Minimum:

- a. One ground sign (monument) constructed of permanent materials (masonry etched or metal letters/logo) located in a landscaped median or on either side of the entrance drive. The size of sign is not to exceed City of Westminster Municipal Code.
- b. Right-of-way landscaping shall extend to include entry area.
- c. If installed, maintenance of the median/island shall be the responsibility of the developer/homeowner's group.

Incentive:

- a. Signage mounted on a masonry wall (4' high minimum, 6' high maximum) for a minimum length of 20': 7 points per 20' length. (Points may be adjusted incrementally relative to the length of the wall)
- b. Entry landscaping exceeds the minimum required in the right-of-way area: 1 points per addition deciduous or evergreen tree, or if shrubs are added: 1 points per 10 additional shrubs
- c. Street medians/landscape islands (10' wide and 25' long minimum) at entranceways: 10 points per 25' long segment (length) of median provided

4. Landscape Islands and Street Medians

Although medians/landscape islands are not required for local or collector streets they are encouraged in some instances.

Incentive:

Landscape street medians in local or collector streets (other than entrance medians): 10 points per each 25' segment (length) of median provided

Date: January 13, 1997
Subject: Resolution No. re Private Activity Bonds
Prepared by: Ed Powers, Community Development Programs Manager

Introduction

City Council action is requested to adopt the attached Resolution authorizing the Mayor to sign an Assignment Agreement and a Delegation Agreement for issuance of Private Activity Bonds to finance the construction of senior housing at Panorama Pointe located at 84th Avenue and Zuni Street.

City Council action is also requested to authorize the Mayor to sign a letter of support for an application to the State of Colorado for additional Private Activity Bond authority for Genesee Group, Inc. to finance the acquisition of land and construction of a manufacturing building in Park Centre located at 120th Avenue and Huron Street.

Summary

Panorama Pointe, located south of 84th Avenue and west of Zuni Street, was acquired by the Westminster Housing Authority for the development of affordable senior housing. Tax-exempt financing in the form of Private Activity Bonds is proposed as the means to finance the construction of 124 units of senior housing planned for the Panorama Pointe project. As a preliminary step towards the possible issuance by the Colorado Housing and Finance Authority (CHFA) of Private Activity Bonds (PAB) for the construction of senior housing, the City must assign the local allocation of Private Activity Bond Authority to CHFA for the project through the adoption of an Assignment Resolution. The adoption of the attached Resolution will then allow the City to apply the local allocation to the larger CHFA PAB pool in order for the City to increase its own \$2,227,625 PAB allocation to the total \$9,341,000 needed for this project. By passing this Resolution, neither the City nor the Housing Authority assumes a duty to issue or repay the bonds, that will be the obligation of TRIAD Management which will use the proceeds to build their portion of Panorama Point in 1997.

Genesee Group, Inc. is currently negotiating the purchase of land in Park Centre for the construction of their new manufacturing facility which will bring 50 new primary jobs to the City in the short term with the possibility of doubling the jobs in 5 years. The company is seeking tax exempt financing for the acquisition of the property and construction of their new facility. As part of the application to the State by Genesee Group, there is a need to indicate local support for the project. A letter of local support signed by the Mayor would enhance the possibility of award of PAB authority from the State of Colorado PAB pool. Genesee Group would propose to use the \$2,000,000 for land purchase and construction of a building in Park Centre. By authorizing a letter of support, the City assumes no duty to issue or repay the bonds. That will be the obligation of Genesee Group.

Staff Recommendation

1. Adopt Resolution No. _____ authorizing the Mayor to sign an Assignment Agreement and a Delegation Agreement to the Colorado Housing and Finance Authority of the authority to issue the local allocation of Private Activity Bonds for construction of the Panorama Pointe senior housing.
2. Authorize the Mayor to sign a letter of local support for the award of Private Activity Bond authority from the State of Colorado to Genesee Group for land acquisition and construction of a manufacturing building in Park Centre.

Background Information

The Westminster Housing Authority, The Wheaton Franciscan Sisters, and Triad Development Group, also known as the Panorama Pointe Developers, intend to use the Private Activity Bond allocation for construction of affordable senior housing on the 17.5 acre Panorama Pointe site located at 84th Avenue and Zuni Street.

The Triad Development Group is requesting that the Colorado Housing and Finance Authority (CHAFHA) to issue up to \$9,341,000 in Private Activity Bonds (PAB) for senior housing development at Panorama Pointe.

The Colorado Revised Statutes authorize municipalities and CHAFHA to issue Private Activity Bonds on behalf of applicants to promote affordable multi-family housing. The bond allocation for the senior housing will partially come from the City's 1995 Private Activity Bond allocation of \$2,028,075, the 1996 Private activity Bond Allocation of \$2,122,175 (should Westminster Plaza not use this allocation), and the 1997 Private Activity Bond Allocation of \$2,227,625 with the remaining \$5,085,300 to \$2,963,125 coming from the CHAFHA allocation pool. By passing this Resolution, neither the City nor the Housing Authority assumes a duty to issue or repay the bonds, which will be the obligation of Triad Development Group.

The amount of improvements, as currently anticipated by the Developers, include \$400,000 in infrastructure expenditures and \$8,941,000 for buildings. The CHAFHA financing would construct the first phase of the 60 unit assisted care senior housing and the 64 unit congregate care senior housing. This financing will also be used for infrastructure to support the senior housing development. The Developers are working to facilitate the development of this prominent property in the southern portion of the City.

Genesee Group will be requesting from the State of Colorado statewide pool the authority to issue up to \$2,000,000 of Private Activity Bonds (PAB) for the acquisition of land and construction of a manufacturing facility in Park Centre. The exact site has not been selected, as negotiations are still in process between Genesee and Eagle Creek, a Park Centre landowner.

The Colorado Revised Statutes authorize the application to the statewide pool after the local allocation has been designated. The use of the local allocation for senior housing will allow Genesee Group to apply to the State for PAB from the statewide balance. The Assignment and Delegation of the local 1997 PAB is a prerequisite for the application to the State for additional allocation of PAB from the statewide pool.

City Staff has been meeting and communicating regularly with representatives from the Genesee Group (a.k.a. NTA Leasing, a Texas partnership) of Broomfield, Colorado since August 1996. They have decided to construct a 60,000 square foot manufacturing facility in Park Centre that will house two wholly owned subsidiaries known as Genesee Wester, Inc. and Key Products, Inc.

Genesee Wester, Inc. has been providing high quality, high volume Class A metal forming products since 1946. The company produces brackets, geometric metal shapes, and ultra-thin metals for small stampings.

Key Products, Inc. was incorporated in Colorado in 1988 and is a premier designer and manufacturer of custom binders and accessories. The company produces computer related items, such as binders/slipcase sets, angle/slipcase sets, disk holders, as well as custom binders, pad holders, tabs, and other such items.

The new combined manufacturing facility is estimated to cost \$2,250,000 and will employ as many as 65 employees. The annual payroll will be between \$1.15 to \$1.3 million. A 3% to 5% growth is projected.

This project will contribute to the diversification of the City's economy by providing additional manufacturing employment.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

AUTHORIZING ASSIGNMENT TO THE COLORADO HOUSING AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND ALLOCATION OF THE CITY OF WESTMINSTER PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT

WHEREAS, the City of Westminster is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing multifamily rental housing projects for low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to finance such rental housing projects and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City of Westminster has an allocation of the 1997 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 14, 1997 (the "1997 Allocation"); and

WHEREAS, the City of Westminster has determined that, in order to increase the availability of adequate affordable housing by low- and moderate-income persons and families within the City of Westminster and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 1997 Allocation; and

WHEREAS, the City of Westminster has determined that the 1997 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more rental housing projects for low- and moderate-income persons and families; and

WHEREAS, the City Council of the City of Westminster has determined to assign \$2,227,625 of its 1997 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City of Westminster and the Authority attached hereto as Exhibit A (the "Assignment of Allocation").

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Westminster as follows:

1. The assignment to the Authority of \$2,227,625 of the City of Westminster's 1997 Allocation be and hereby is approved.

2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however that the Mayor be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as he shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The Mayor of the City of Westminster be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City of Westminster and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

4. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this 13th day of January, 1997.

ATTEST:

Mayor

City Clerk

EXHIBIT A

ASSIGNMENT OF ALLOCATION

This Assignment of Allocation (the "Assignment"), dated this _____ day of _____, 1997, is between the City of Westminster (the "Assignor") and the Colorado Housing and Finance Authority (the "Assignee").

WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing multifamily rental housing projects for low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to finance such rental housing projects and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Authority and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 1997 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 14, 1997 (the "1997 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable housing by low- and moderate-income persons and families within the City of Westminster and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 1997 Allocation; and

WHEREAS, the Assignor has determined that the 1997 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of financing one or more multifamily rental housing projects for low- and moderate-income persons and families ("Revenue Bonds"), and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 1997 Allocation; and

WHEREAS, the City Council of the Assignor has determined to assign to the Assignee \$2,227,625 of its 1997 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$2,227,625 of its 1997 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.

2. The Assignee hereby accepts the assignment to it by the Assignor of \$2,227,625 of Assignor's 1997 Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds, in one or more series, and to make a mortgage loan to finance the Panorama Pointe Project, a senior (multifamily rental) housing project located at West 84th Avenue and Zuni Street, Westminster, Colorado (the "Project"). In the event Assignee is unable, utilizing the 1997 Allocation, to finance the Project or other multifamily rental housing projects located within Assignee's boundaries on or prior to December 31, 1997, Assignee agrees to use its best efforts to use the 1997 Allocation hereby assigned in connection with the issuance of Revenue Bonds to finance one or more other multifamily rental housing projects anywhere within the State, as it may in its discretion determine.

3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carryforward purpose.

4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

5. Nothing contained in this Assignment shall obligate the Authority to finance the Project or to use the allocation hereby assign it to finance any other multifamily rental housing project located in the City of Westminster.

6. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

CITY OF WESTMINSTER

[S E A L]

By: _____

Title: Mayor

ATTEST:

By: _____

Title: City Clerk

COLORADO HOUSING AND FINANCE AUTHORITY

[S E A L]

By: _____

Title: Executive Director

ATTEST:

By: _____

Title: Assistant Secretary

Date: January 13, 1997

Subject: Resolution No. re Rocky Flats Buffer Zone

Prepared by: Galen Requist, Management Assistant

Introduction

City Council action is requested on the attached Resolution declaring the City of Westminster's opposition to any efforts to exchange land located within the Rocky Flats Buffer Zone for private land located along the Cache La Poudre River Corridor near Ft. Collins, Colorado.

Summary

A bill was recently passed in the U.S. Congress which would enable landowners along the Cache La Poudre River near Ft. Collins, CO, to trade their land for surplus federal land in other areas of the state. The intent of the legislation, which was sponsored by Senator Hank Brown, is to protect a 40-mile stretch of the scenic Cache La Poudre River floodplain between Fort Collins and Greeley from future development. Among the federal lands that Senator Brown believes may be eligible for exchange are portions of the 4000-acre buffer zone surrounding the former Rocky Flats nuclear weapons plant.

The City has supported the idea of designating the majority of the buffer zone as open space, with a selected area in the far northeast corner of the buffer zone being made available for development in the future. This was the course of action recommended by the Rocky Flats Future Site Use Working Group, the Citizens Advisory Board, and the Rocky Flats Local Impacts Initiative. This position was adopted by City Council resolution in February 1995.

The Future Site Use Working Group was a committee of local government representatives and other interested parties formed at the request of the Department of Energy, the Environmental Protection Agency and the Colorado Department of Health to study possible future uses for the Rocky Flats site. Staff from the City of Westminster participated in these discussions for over a year. The recommendations of this group were forwarded to Secretary of Energy Hazel O'Leary in June 1995.

Staff Recommendation

Adopt Resolution No. stating the City's opposition to exchanges involving land located within the Rocky Flats buffer zone and properties along the Cache La Poudre River.

Background Information

In October 1996, the U.S. Congress passed a bill designed to protect a scenic 40-mile stretch of the Cache La Poudre River Corridor between Ft. Collins and Greeley, CO. The bill allows landowners along the corridor to trade their land for other "surplus" federal lands in Colorado, enabling the federal government to gain control of the land to prevent its development in the future.

This "land swap" approach saves the federal government from having to buy or condemn the land, and insures that it will be maintained in its current state.

A provision in the bill mandates the creation of a 15-member commission composed of federal, state and local officials to administer the newly-acquired lands along the corridor. Although the federal government retains ownership of the land, it would be managed by the commission, with significant input from its local government members.

The Bill's author, Senator Hank Brown, believes that enough "surplus" federal land is now available to make the legislation successful. The new bill requires the Interior Department to identify public holdings that could be eligible for exchange. Senator Brown believes that land currently located within the Rocky Flats buffer zone could be exchanged once any contamination on the land is cleaned up.

City Council has stated its support for designating the majority of the Rocky Flats buffer zone as open space. This has also been the recommendation of the Rocky Flats Future Site Use Working Group. As a component of this recommendation, a section on the west end of the buffer zone would be available for mining uses, then redesignated as open space once mining activities are completed. The core industrial area of the Rocky Flats site, which is surrounded by the buffer zone, would be cleaned up and only areas not impacted by contamination could potentially be reused for other purposes.

Staff believes it is important at this time to clearly state the City's opposition to any land exchanges which involve the Rocky Flats buffer zone. However, Staff also believes that there is only a small chance that any exchanges involving Rocky Flats land will occur in the next few years. The Rocky Flats site is currently in the midst of a comprehensive cleanup effort, which will prevent the use or development of any land onsite for years to come. Cleanup efforts will go on for several years, and the site's spokesman, Patrick Etchart, estimates it will be at least ten years before a decision is made on how land at the facility will be used.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

DECLARING THE CITY OF WESTMINSTER'S OPPOSITION TO LAND EXCHANGES INVOLVING THE ROCKY FLATS BUFFER ZONE AND LAND ALONG THE CACHE LA POUFRE RIVER CORRIDOR NEAR FORT COLLINS, COLORADO.

WHEREAS, the 104th U.S. Congress passed legislation in October 1996 authorizing landowners along the Cache La Poudre River Corridor to exchange their holdings for surplus federal lands within the state.

WHEREAS, the authorized land exchanges are intended to preserve and protect a 40-mile stretch of the Cache La Poudre River flood plain between Fort Collins and Greeley, CO from potential development.

WHEREAS, the legislation allows federal land around the former Rocky Flats Nuclear Weapons Plant, which is now considered a "buffer zone" between the plant and surrounding areas, to be made available for land exchanges.

WHEREAS, City of Westminster representatives participated in the Future Site Use Working Group, a committee of local interests formed to make recommendations regarding the future use of the Rocky Flats site.

WHEREAS, the City of Westminster concurs with the recommendation of the Future Site Use Working Group that the buffer zone surrounding the Rocky Flats site should remain free of residential or commercial development, and should be permanently preserved as open space.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that the majority of the 4000 acre buffer zone around the Rocky Flats Nuclear Weapons Plant be preserved as open space in accordance with the recommendations set forth by the Rocky Flats Future Site Use Working Group.

Passed and adopted this 13th day of January, 1997.

ATTEST:

Mayor

City Clerk

Date: January 13, 1997

Subject: Councillor's Bill No. re Federal Block Grant Approval

Prepared by: Dan Montgomery, Chief of Police

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating \$56,662 to the Police Department and Central Charges budget accounts. City Council action is also requested to authorize the City Manager to sign a grant agreement with the Department of Justice to provide funding for a Research and Analysis Coordinator and to commensurately increase the Police Department's staffing by 1.0 FTE.

Summary

During 1996, the Police Department applied for a Department of Justice Grant to fund a Research and Analysis Coordinator. The Department of Justice approved the grant, under condition of City Council acceptance and approval, and will provide \$56,662 to fund this new position. It is Staff's opinion that in light of the many technological advances in information gathering and organized retrieval, coupled with an ever-growing move towards community policing and COG, this new position will be instrumental in analyzing a great deal of data to solve crime, pinpoint criminal targets, help line police officers do a better job, and make police operations more effective and efficient, thus helping to determine how to reduce or eliminate repeat crime at high crime frequency locations.

Staff Recommendation

1. Pass Councillors Bill No. appropriating \$56,662 to the Police and Central Charges budgets.
2. Authorize the City Manager to sign an agreement with the Department of Justice for the provision of \$56,662 to fund a Research and Analysis Coordinator; Authorize an increase in the Police Department's staffing by 1.0 FTE for the position of Police Research & Analysis Coordinator, and set the salary at an unclassified range of \$44,850 to \$51,850 per year for 1997.

Background Information

In September of 1996, Council was apprised of the fact that Police Department Staff had applied for a U.S. Department of Justice Block Grant in the amount of \$56,662. The purpose of this grant request was to obtain the funds necessary to support a new position in the police department--a Research Analyst.

Staff did, in fact, apply for this grant and on October 30, 1996 was informed by the U.S. Department of Justice that the grant request was approved in the amount of \$56,662. The basic elements of this grant award are as follows:

1. The "grant period" for this grant is from October 1, 1996 September 30, 1998; a two-year period.
2. Under the conditions of the grant, a maximum of \$56,662 will be paid to support the salary of a Research and Analysis Coordinator.
3. The City's match is in the amount of \$6,296, which in all probability will be used to purchase office furniture, equipment, and computer hardware for the Research and Analysis Coordinator to utilize.
4. The grant requires the establishment of an advisory board to make "nonbinding recommendations to the recipient local government for the use of funds received under the program." This board must include, according to the grant language, the following:
 - a. Police Department representative.
 - b. Local prosecutor representative.
 - c. A representative from the municipal court.
 - d. A representative from a Westminster school district.
 - e. A representative from a local nonprofit, educational, or community group active in crime or drug prevention.
5. The grant is subject to the approval of City Council.
6. Quarterly financial reports to the Department of Justice are required.

Over the past few years, Police Department Staff has become increasingly aware of three changes or "shifts" in the way police operations are being conducted:

1. Westminster Police technology has improved dramatically through the implementation of CAD (Computer-Aided Dispatching); an improved RMIS (Records Management Information System); an enhanced CAFRS (Computer-Aided Field Reporting System); and the advent of Mobile Data Terminals in police vehicles. More information is being collected in terms of crime, crime patterns, event patterns, response time, deployment trends, geographic based incident analysis and a host of other data.
2. In an article in the September 1996 issue of Governing Magazine titled "Cybercops," the author, Marilyn Cohodas, indicated that, "many consider it (Internet), to be law enforcement's next technology frontier." Many law enforcement agencies offer, "a smorgasbord of information, ranging from the phone number for a graffiti hotline to warnings about credit card scams to detailed maps displaying locations of armed robberies and car thefts." Ms. Cohodas also pointed out in her article that, "law enforcement is well represented on the World Wide Web, with hundreds of sites containing information from cults to forensics to software." According to G-2 Research, Inc., a California market research firm, "state and local law enforcement agencies spent \$992 million in 1995 on hardware, software and information technology services, and spending is predicted to increase by 18 percent a year, to \$2.3 billion by the turn of the century."
3. With a much stronger focus on customer service, COG, and community policing strategies, it has become extremely evident that more and more neighborhoods need and desire to review data concerning crime trends and activity trends in their respective neighborhoods.

Law enforcement experts throughout the United States, from practitioners to academics, agree that efficient and effective police services can only be delivered in an environment which embraces the "SARA strategy". The SARA strategy is composed of four essential elements.

Scanning: Collecting and documenting evidence and data from the environment.

Analysis: Analyzing the evidence and data collected.

Responding: Implementing strategies and programs to deal with environmental issues and problems identified through the analysis of evidence and data.

Assessment: Evaluating the effectiveness of the response(s) to the identified problems.

In Staff's judgment, police scanning and analysis are the two phases of the SARA Model which need to be improved in the Westminster Police Department. Without solid scanning and analysis, police responses to problems and the assessment of the effectiveness of those responses can be suspect, often leading to anecdotal claims of success at best. An example of this is the fact that a recent scan and analysis of police service events revealed that multi-family apartment dwellings in Westminster accounted for a strikingly disproportionate share of the total police service events over a one-year period. The response to this evidence was the development and implementation of a landlord training program for the owners and managers of Westminster rental properties. A followup response in 1998 may involve the commitment of a police officer to work full-time with apartment managers and owners to identify and solve problems, and reduce the volume of police service events occurring in apartment complexes and other rental properties.

Without using the SARA Model, the landlord training program may not have emerged, and the police response to multi-family service events may have remained status quo at the reactive level. The Research Analysis Coordinator will help ensure that future problems and trends will be better identified and dealt with, much like the multi-family police service call example addressed in this report.

Considering the technology that is currently in use, the technology that is emerging, and the strong trend nationwide to focus on customer service, community policing and programs like COG, Staff is of the opinion that a Research and Analysis Coordinator would be a positive step in the right direction for the police department.

Using the technology that is available, and that which is evolving, the Research and Analysis Coordinator would become involved in the following types of activity:

1. Detailed crime and activity analysis.
2. Detailed patrol and response time analysis.
3. Meeting with COG groups and other civic and neighborhood groups to identify crime and activity trends and implement target-hardening strategies in neighborhoods.
4. Statistical and informational analyses covering a variety of topics.

This type of resource does not exist now in the Police Department, and this grant would allow the department to keep pace with the rapid changes occurring in society today, in the technological arena and in the customer service arena.

At the present time, proactive information analyses simply do not occur and the SARA Model described earlier is missing two key components, scanning and analysis. At best, it only occurs on an ad hoc basis when needed. No one devotes all of their time to the types of analyses described in this report, and it is Staff's perspective that this void needs to be filled. The alternative would be to reject this grant opportunity, and continue to do business as in the past, but Staff sincerely believes that the alternative would not be in the City's best interest.

A recent review of police service events through the first ten months of 1996 showed a total of over 113,000 events, which converts to nearly 400 events per day, or 17 per hour. This review also revealed that 30% of all police service events are "priority 1 or priority 2," which means that two or more officers must handle the event. **On the average, one police service event occurs in Westminster every 3.5 minutes.** It is Staff's opinion that the tools, and demand for information to better understand and cope with the dynamics of Westminster growth, are in place and the requested Research and Analysis Coordinator can devote full time to using these tools proactively.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Fund, initially appropriated by Ordinance No. 2473 in the amount of \$45,234,000 is hereby increased by \$56,662 which, when added to the fund balance as of the City Council action on January 13, 1997, will equal \$45,290,662. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a U.S. Department of Justice grant to fund a Police Research and Analysis Coordinator position.

Section 2. The \$56,662 increase in the General Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>Final Budget</u>			
<u>REVENUES</u>			
Federal Intergovernmental			
10-0426-000	\$-0-	<u>\$56,662</u>	\$56,662
<u>EXPENSES</u>			
Benefits 10-10-90-122-594	\$1,270,000	\$8,267	\$1,278,267
Salaries 10-20-05-100-000	\$307,121	<u>\$48,395</u>	\$355,516
Total change to expenses		<u>\$56,662</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 13th day of January, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of January, 1997.

ATTEST:

Mayor

City Clerk

Date: January 13, 1997

Subject: Contract for College Hill Library Opening Day Collections

Prepared by: Kathleen Sullivan, Library Services Manager

Introduction

City Council is requested to authorize the City Manager to approve a contract to supply a shelf-ready opening day collection of approximately 67,000 volumes for the College Hill Library at a cost not to exceed \$1.0 million. The recommended vendor for this contract, Baker and Taylor Books, will provide assistance to Library Staff with choosing the books for the collection and will order, catalog, process, store and deliver all materials to be ready for the opening day of the Library, which is scheduled for early 1998. Funds for this expense have been allocated and are available in the new Library Capital Improvement Fund.

Summary

The opening of the College Hill Library will require the addition of approximately 80,000 new library books, which must be shelved and ready for checkout on Opening Day. Of these 80,000 new books, approximately 80% - 90% will be available for purchase through the book wholesaler awarded this contract. The other items are available only directly from publishers. Purchasing the majority of the collection through a book wholesaler results in substantial discounts and saves staff time in identifying and negotiating with various publishers.

The recommended vendor, Baker and Taylor Books, will also provide the extra staff and space necessary to accomplish the monumental task of ordering, cataloging, processing, storing, and shipping (in alphabetical or numeric order) an entire library collection at one time.

A request for proposal was developed that outlined the types of materials to be purchased, the tasks to be completed, and the proposed timeline, and asked for special features which could save Staff time.

Three proposals were received and evaluated by City Staff. One proposal, from Baker & Taylor Books, was judged by Staff to offer the highest quality service and provided the lowest cost estimate. Therefore, Baker & Taylor was selected for recommendation by Staff.

Staff Recommendation

Authorize the City Manager to sign a contract with Baker & Taylor Books in an amount not to exceed \$1.0 million to select, order, catalog, process, store, and deliver approximately 67,000 books for the College Hill Library, with the expense to be charged to the College Hill Library Project Account in the General Capital Improvement Fund.

Background Information

Council approved an Intergovernmental Agreement with Front Range Community College in August 1995 to jointly build, furnish, and equip a new 76,000 square foot library at the Front Range Community College campus at 3645 West 112th Avenue. The purpose of this facility is to improve library services for all Westminster residents, and to provide services for residents living in the central and north areas of the City. Westminster's two current library facilities house approximately 112,000 volumes, inadequate for a City of Westminster's size. In order to bring the City's library collections closer to the national and state average of 2.5 volumes per capita, Staff plan to purchase approximately 75,000-80,000 new books, audiotapes, videotapes, and music compact discs for the new Library. Of these, approximately 67,000 will be purchased from the vendor awarded this contract. The other 10,000-15,000 items are available only directly from publishers and distributors of these materials. The addition of 80,000 new volumes to Westminster's new collections will bring the Library's per capita volume count close to 200,000 or 2.22 per capita (based on 90,000 residents). This will hopefully enable the City to achieve 2.5 volumes per capita within a few years of opening the new Library.

Some less frequently used materials from the existing two facilities will also be transferred to the College Hill Library, bringing the total number of volumes on the shelves at College Hill to 100,000 City materials, supplemented by 50,000 volumes of college materials.

The addition of approximately 67,000 new library books at one time is a monumental task that cannot be accomplished without the assistance of a company specializing in this service. The extra Staff and space necessary to accomplish such a task inhouse are not available at present. Four national companies who specialize in such services were identified and sent request for proposals. As outlined in the request for proposal, the following criteria were used to evaluate the proposals:

- > Experience in providing similar services at other libraries
- > Discount rates offered on the materials
- > Cost of cataloging and processing materials
- > Specialized features offered which would save Staff time.

Three proposals were received and evaluated by City Staff. Two of the three proposals met all the requirements of the Request for Proposal. Baker & Taylor Books submitted a proposal which, after evaluation, was found to be the best low bid for the following reasons:

- > Baker & Taylor Books has successfully performed similar opening day collection services for many other large libraries across the country.
- > Baker & Taylor Books' cost estimate for the total project was the lowest of the two responsive vendors.
- > Baker & Taylor Books offered the largest database of books from which to select items for the opening day collection, which will decrease the number of items Staff would need to order directly from publishers (at a greater cost).
- > Baker & Taylor Books offered a number of special features which will save Staff time in the process of getting the collection ready for opening day.

The following is a comparison of the discount rates, cataloging, and processing fees quoted by the two vendors:

Comparison of Discount Rates, Cataloging and Processing Fees

<u>Discounts</u>	<u>Baker & Taylor</u>	<u>Brodart Co.</u>
Hardcover Books	44%	45.3%
Quality Paperbacks	40%	42.5%
Mass Market Paperbacks	40-43%	42.5%
Library Bindings	21%	22%

Although the two vendors were able to quote discount rates that they could guarantee for various types of library materials, the total cost of the project will depend on the actual numbers of different types of materials selected. Since the actual price will be dependent on what materials are available in print in which formats over the next year, it is impossible to predict exactly what the total cost of materials will be. Attached is the possible cost of the collection based on one possible collection profile.

The price difference between the cost of Baker & Taylor's cataloging and processing services, and that quoted by Brodart Co. is \$90,450. The cost difference for all materials and services quoted would be between \$71,000 and \$75,000, provided that the mix of materials purchased is similar to that noted above). The actual prices will be higher or lower depending on the availability of the different types of materials.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

AGREEMENT
FOR THE
PURCHASE OF LIBRARY MATERIALS
FOR THE
CITY OF WESTMINSTER

THIS AGREEMENT, made and entered into this _____ day of _____, 1997 between the CITY OF WESTMINSTER, hereinafter called the "City", and BAKER & TAYLOR, is as follows:

WHEREAS, the City is currently planning for the construction and operation of a new library (College Hill Library) in conjunction with Front Range Community College; and

WHEREAS, the City wishes to purchase books and other materials and services for the new library and obtain assistance in processing the books and materials; and

WHEREAS, Baker & Taylor is qualified and willing to perform such services; and

WHEREAS, sufficient authority exists in charter and statute and sufficient funds have been budgeted for these purposes and are available and other necessary approvals have been obtained;

"This Agreement is expressly contingent upon the approval of the City of Westminster's City Council of all 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."

NOW, THEREFORE, the City and the Baker & Taylor agree as follows:

I. THE PROJECT SERVICES

A. Purchases.

The City will purchase approximately 67,000 print items at a total cost not to exceed one million dollars (\$1,000,000.00). However, the City reserves the right to reduce the number of items to be purchased and the dollar amount if budget restraints require the reduction.

The City recognizes that Baker & Taylor's stated pricing is determined by project size and complexity, and that Baker & Taylor reserves the right to negotiate pricing should the dollar amount or number of print items change significantly from the projected and agreed upon \$1,000,000.

B. Selection Process.

1. Baker & Taylor will send appropriate personnel to the City to develop parameters for the Collection to be established at the College Hill Library, from which selections lists will be generated, and specifications verified for cataloging records and processing procedures.

2. Baker & Taylor will match lists of the City's current holdings, plus selected tapes of Front Range Community College's current holdings, against Baker & Taylor's database. The City will provide these lists in MARC format following the specifications as provided by Baker & Taylor.

3. Baker & Taylor will provide staff who will work with City staff to revise lists, as necessary, to achieve the desired breadth and depth of collection.

4. Baker & Taylor will provide bibliographies, holdings of similar libraries, and other selection aids, as requested by City library staff.

5. Baker & Taylor will prepare selection lists in print format. Information will include inventory status, review media citations, and groupings by subject, age interest, and format as requested by City library staff.

6. City library staff will mark printed selection lists. Baker & Taylor will report on items not available within thirty days of receipt of the lists. Baker & Taylor agrees to accept the return of defective materials or materials not ordered, or to credit the City for such materials.

7. Baker & Taylor will supply the selected materials from its inventory. Items not in inventory shall be ordered from the publisher. The City understands that product availability is publisher-dependent and individual titles may become unavailable due to a publisher status of publisher out-of-stock, out-of-print, or not-yet-published.

C. Fund Reports.

Baker & Taylor will provide monthly reports to the City (1) for each of the funds listed below, including the total number of items ordered for the month and project-to-date and the total dollar amount invoiced for the month and project-to-date. Funds:

- Adult fiction, hardcover
- Adult fiction, paperback
- Adult fiction, large print
- Adult non-fiction, by Dewey 100 ranges
- Adult non-fiction, large print
- Adult reference
- Young adult fiction
- Young adult non-fiction
- Juvenile fiction, hardcover
- Juvenile fiction, paperback
- Juvenile non-fiction, by Dewey 100 ranges
- Juvenile reference
- Easy reader
- Picture books

and (2) cataloging and processing expenditures for the month and project-to-date.

The City recognizes that fund reports will be available provided the library submits orders designating the appropriate fund as listed in this agreement.

D. Cataloging.

Baker & Taylor will send appropriate personnel on-site to establish cataloging requirements, and pay ALL REASONABLE COSTS of providing on-line access to City's catalog. Baker & Taylor will provide book-in-hand online copy cataloging with local conventions and holdings information added, according to City library specifications. Library holdings records will be updated by Baker & Taylor as materials are processed for items not requiring original cataloging. Items requiring original cataloging will receive partial processing (jacket, theft, barcode, stamping), and will be boxed and shipped at a time to be determined by City for in-house cataloging by City library staff.

E. Processing

Baker & Taylor will provide full processing including spine labels, barcode labels (to be supplied by City and attached by Baker & Taylor), theft detection plates, property stamps, agency stamps, and Mylar jackets as specified by City. Specifications sheets detailing label location will be submitted to Baker & Taylor prior to processing. All processing supplies, except barcodes, will be supplied by Baker & Taylor. A processing sample must be approved by the City prior to beginning of the processing project.

F. Storage, Shipping, and Delivery.

1. Baker & Taylor will store and insure all Opening Day Collection (ODC) items upon completion of processing. Direct order items will be ordered by City staff and shipped to Baker & Taylor for cataloging, processing and storage, at no extra charge. Direct order items requiring original cataloging will be partially processed and shipped to City library staff for cataloging, as in item C (above). All items will be boxed by the following categories to three (3) general areas within the library pending the provision of a floor plan by the City showing the 3 delivery areas. Boxes will be marked by the categories shown. Inside delivery to the designated shelving areas is dependent upon the configuration of the library and the allowable area for pallet movement and availability of forklifts and/or pallet jacks.

Materials will be boxed according to the following categories:

- Adult fiction: alphabetically by author's last name
- Adult and young adult non-fiction (interfiled): by Dewey range
- Large print fiction: alphabetically by author's last name
- Large print non-fiction: by Dewey range
- Reference: by LC range
- Young adult fiction: alphabetically by author's last name
- Juvenile non-fiction: by Dewey range
- Juvenile reference: by Dewey range
- Juvenile fiction: alphabetically by author's last name
- Easy readers: alphabetically by author's last name
- Picture books: alphabetically by author's last name

2. Items will be stored for up to eight weeks beyond projected opening date (February 1, 1998). A representative of Baker & Taylor will be available to provide on-site assistance during delivery of materials.

G. Payments.

1. Baker & Taylor will send itemized invoices monthly. Invoices will be produced in quadruplicate and will show the number of copies, title, author, publisher, unit list price, discount, net unit price, and extended net amount.

2. The City will make payments upon completion of cataloging and processing of each order, on a monthly basis. Invoices will be batched and are due net 30 days from the last invoice date.

3. Baker & Taylor will offer the following terms:

a. Discounts off publisher's list price:

<u>Category</u>	<u>Discount</u>
Trade hardcover	44%
Trade quality paper	40%
Mass market paper 1 copy	40%
2-4 copies	41%
5-9 copies	42%
10+ copies	43%
Spoken work audio	45%
Publisher reinforced	21%
Text, Technical	5-10%

Titles purchased on behalf of the City at little or no discount to Baker & Taylor will be charged at net (list price). The City recognizes that Baker & Taylor will apply a \$4.00/unit service charge on titles ordered on behalf of the library for which Baker & Taylor receives no discount from the publisher or for which Baker & Taylor must supply prepayment.

b. All cataloging, processing, storage, and delivery services at the rate of four dollars and thirty cents (\$4.30) per unit.

H. Project Schedule.

Baker & Taylor will provide the above services according to the following proposed schedule:

January 1997: On-site team meets with City library staff to establish parameters for selection lists, cataloging, and processing. City provides MARC tape of Westminster Library and Front Range Community College holdings according to the specifications provided by Baker & Taylor.

February 1997: Selection list final specifications sent to Baker & Taylor. Ongoing consultaion and review of library requirements. Library holding interface completed.

March 1997: Selection lists to be sent to City. Trial orders and inspection of cataloging and processing. Baker & Taylor begins processing orders and storage of material.

April - September 1997: Ongoing order fulfillment, processing, and storage continues. Project status reports provided by Baker & Taylor, system interface for direct transmission cataloging records.

October - November 1997: Submission of final orders for ODC deliver shipments. Continued status reports supplied, City updates Baker & Taylor on any changes in project schedule.

December 1997 - January 1998: Filler/supplemental orders and final determination of delivery dates and inside locations occurs.

February 1998: Opening day.

The City and Baker & Taylor acknowledge that unforeseen delays may alter the proposed schedule and that both parties will work to maintain the proper course as outlined above.

II. TERMINATION

A. This Agreement may be terminated by either party upon fifteen (15) days prior written notice to the other party in the event of a substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party.

B. This Agreement may be terminated by the City for its convenience upon fifteen (15) days prior written notice to Baker & Taylor.

C. In the event of termination as provided in this Article, the City shall pay Baker & Taylor in full for materials ordered and services performed to the effective date of notice of termination.

III. INSURANCE

During the course of the services, Baker & Taylor shall maintain Worker's Compensation Insurance in accordance with the laws of the state in which the services are performed, Automobile Liability of \$150,000 per person/\$600,000 per occurrence, and Comprehensive General Liability of \$150,000 per person/\$600,000 per occurrence. The City will be an additional insured under Baker & Taylor's Automobile and Comprehensive General Liability coverages. Baker & Taylor shall provide certificates of insurance to the City indicating compliance with this paragraph.

IV. EQUAL EMPLOYMENT OPPORTUNITY

In connection with the execution of this Agreement, Baker & Taylor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, or disability. Such actions 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.

V. PROHIBITED INTEREST

A. Baker & Taylor agrees that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. Baker & Taylor further agrees that in the performance of the Agreement, no person having any such interests shall be employed.

B. No official or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

VI. GENERAL PROVISIONS

A. Independent Contractor. In the performance of the Services, Baker & Taylor shall act as an independent contractor and not as agent of the City except to the extent it is specifically authorized to act as agent of the City.

B. Books and Records. The Baker & Taylor books and records with respect to the Services shall be kept in accordance with recognized accounting principles and practices, consistently applied, and will be made available for the City's inspection at all reasonable times at the places where the same may be kept.

2. Indemnification. Baker & Taylor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Services, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Project itself) including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of Baker & Taylor, any subcontractor of Baker & Taylor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph B.2.

In any and all claims against the City or any of its agents or employees by any employee of Baker & Taylor, any subcontractor of Baker & Taylor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph B.2 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for Baker & Taylor or any subcontractor under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts.

In the event it becomes necessary for the City to bring an action to enforce any provision of this Agreement or to recover any damages the City may incur as a result of the breach of this Agreement, including, but not limited to defective work, and the City prevails in such litigation, Baker & Taylor shall pay the City its reasonable attorney fees as determined by the Court.

E. Communications. All communications relating to the day-to-day activities for the Project shall be exchanged between the respective Project representatives of the City and Baker & Taylor who will be designated by the parties promptly upon commencement of the Services.

All other notices and communications in writing required or permitted hereunder shall be delivered personally to the respective representatives of the City and Baker & Taylor set forth below or shall be mailed by registered mail, postage prepaid, return receipt requested to the parties at their addresses shown herein. Notices hereunder shall be effective three (3) days after mailing.

F. Assignment. Baker & Taylor shall not assign this Agreement in whole or in part, including its right to receive compensation hereunder, without the prior written consent of the City; provided, however, that such consent shall not be unreasonably withheld with respect to assignments to Baker & Taylor's affiliated or subsidiary companies, and provided, further, that any such assignment shall not relieve Baker & Taylor of any of its obligations under this Agreement. This restriction on assignment includes, without limitation, assignment of Baker & Taylor's right to payment to its surety or lender, if applicable.

G. Applicable Laws. This Agreement, and all questions concerning the execution, validity or invalidity, capacity of the parties, and the performance of this Agreement, shall be interpreted in all respects in accordance with the Charter and Code of the City of Westminster and the laws of the State of Colorado.

H. The terms and provisions of Baker & Taylor's proposal no. 96/10/16, dates October 16, 1996, are attached hereto and incorporated herein as Appendix A. If there is a conflict between Appendix A and the body of this agreement, the Agreement shall prevail.

I. The parties agree that there shall be reasonable flexibility in meeting the terms and provisions of the contract to meet unforeseen contingencies. The parties may mutually agree as to changes which provide flexibility while meeting the intent of the Agreement.

J. Entire agreement. This Agreement shall constitute the entire agreement between the parties hereto and shall supersede all prior contracts, proposals (with the exception of proposal 96/10/96, see VI.1.H, above), representations, negotiations and letters of intent, whether written or oral, pertaining to the Services for the Project.

INSURANCE CERTIFICATES REQUIRED BY THIS AGREEMENT SHALL BE SENT TO PARKS, RECREATION & LIBRARIES DEPARTMENT, ATTENTION: KATHY SULLIVAN.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the date first appearing above.

BAKER & TAYLOR

CITY OF WESTMINSTER

By _____
Title _____

By _____
William Christopher
City Manager

Address:

Address:

4800 West 92nd Avenue
Westminster, CO 80030

ATTEST:

ATTEST:

Title _____

City Clerk

APPROVED AS TO LEGAL FORM

By _____
City Attorney

Date: January 13, 1997

Subject: Resolution No. re Jefferson County Open Space Joint Venture Grants

Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to adopt the attached Resolution to authorize the submittal of two Joint Venture development grants to Jefferson County Open Space.

Summary

Jefferson County Open Space (JCOS) provides the opportunity to park and recreation agencies in Jefferson County to submit two joint venture grant applications each year for the development of parks, recreation facilities, open space, and trails. Staff is requesting Council to adopt the attached Resolution supporting two joint venture grant applications. JCOS requires formal action (adopted Resolution) by City Council before joint venture development grant applications will be considered.

The first request is for construction of two Little League baseball fields north of Countryside Recreation Center in Filing #13, located at Oak Street and 106th Avenue. In 1992, Council authorized the acquisition of 32 acres of land in Filing #13 of the Countryside Subdivision for both open space and active park land for Little League baseball (see attachment). The requested Joint Venture development grant will include shared costs from American West Little League, Great Outdoors Colorado, JCOS, and the City of Westminster. In August 1996, bids were opened for construction of the two Little League Fields. The project was short by \$150,000, including a 7.5% contingency. The estimated cost to construct two Little League baseball fields with appropriate parking is \$610,000. Staff previously requested \$292,500 from JCOS in 1995 and only received \$60,000. This additional request of \$150,000 is based on the August 1996 low bid costs. Staff will need to rebid the project since the August bids have expired. Staff is recommending a 34.4% match from JCOS totalling \$210,000 for this project. A breakdown of funding recommendations is detailed in the background section of this report.

The second grant application is for the renovation of the Waverly Acres Park, located at approximately 103rd Avenue and Eaton Street. City Council appropriated approximately \$65,000 in the 1997 General CIP Fund to renovate Waverly Acres Park. The next step is to proceed with a design development phase, followed closely with development of CDs. A Request for Proposals will be issued in the Fall of 1997 to construct the renovation of the park. The City will request a matching grant of \$65,000 for this project.

Alternatives

> City Council could adopt the attached Resolution which allows Staff to proceed with submitting two Joint Venture development grants to Jefferson County Open Space. Joint Venture development grant applications are due to JCOS by January 15.

> City Council could approve the Little League baseball field request, and change the construction request from Waverly Acres to City Park Phase III. However, the first phase of City Park Phase III is just the infrastructure phase that includes grading, utilities, bridge, road, and parking, which does not fit the grant criteria for the JCOS joint venture ballfield grant. In addition, the amount of money available for this grant is very small compared to this \$2.0 million project.

> City Council could approve one of the proposed Joint Venture development grants and change a second grant application for design and construction of Green Knolls Park. However, funding for construction of this project is available in 1998 CIP, and Jefferson County Open Space is giving a 5% bonus to the grant amount if the project can be contracted for construction within one year. Therefore, Staff is recommending to delay a Joint Venture grant application for Green Knolls Park until 1998.

Staff Recommendation

Adopt Resolution No. _____ authorizing the submittal of two Joint Venture development grant applications to Jefferson County Open Space for the construction of two youth Little League baseball fields in Filing #13 of the Countryside Subdivision, and for the design and renovation of Waverly Acres Park.

Background Information

Staff has already placed the Country Side Little League Fields out to bid in August of 1997 but since the combination of the low bids exceeded the project budget the low bids could not be awarded. The low bid results are summarized below. A 7.5% contingency is being used since the project needs to be rebid since the bids have expired, and to allow for some inflation.

Western States Reclamation		\$423,511	
Metro Fence Company			79,597
Irrigation Tap Fee (2" Tap)		63,100	
Construction Testing			1,292
7.5% Construction Contingency	<u>42,500</u>		
TOTAL			\$610,000

The American West Little League Association has identified a lack of Little League baseball fields per number of participants in their baseball program. American West, one of the largest Little Leagues in Colorado, has more than 625 participants between the ages of five and sixteen and only six fields for competitive games. A typical Little League program offers eight fields for approximately 300 youth.

Officers of American West Little League approached Staff in 1994 to consider alternatives for building additional Little League fields. American West is willing to commit \$35,000 toward the construction of the fields and additional in-kind services by skilled parents to potentially reduce design and construction costs. In 1996 the City received a grant from Great Outdoors Colorado (GOCO) for \$75,000 to construct the two Little League Fields. This proposed four-way partnership leveraged funds as follows:

JCOS (34.4% match)	1995 grant	\$60,000	
	1997 grant		150,000
Westminster (47.5% match)	Jeffco Attrib. Share	210,000	
	and 1995 CIP Carry Over		80,000
Great Outdoors Colorado Grant (12.3% Match)		75,000	
American West Little League (5.8% match)	<u>\$35,000</u>		
TOTAL			\$610,000

JCOS allows for variable percentages of Joint Venture matching grants from requesting agencies based on their financial ability to match funds with the grant application. Grant applications are scored on a point system with, several categories receiving variable point scoring opportunities. For example, a 50:50 grant will receive 24 points and a 65:35 grant will receive 16 points. However, because American West Little League and GOCO have committed funds as a third party to develop the baseball fields, an extra 20 points will be awarded to the project. Therefore, Staff believes the 65:35 request to develop the Little League baseball fields will be appealing to the JCOS Advisory Committee and have strong consideration for funding in 1997.

Westminster has greatly benefited from the JCOS Joint Venture development grant program. From 1992-1996, Westminster has received nearly \$1.5 million from Joint Venture grants for City Park Phase II, Westminster Sports Center renovation, Westbrook Park, and Trailside Park renovation. Although most of the grant applications were 50:50 matching grants, Westminster has matched funds in excess of \$5 million with the \$1.5 million over the past five years for the development of the Joint Venture projects. In addition, Westminster has also benefited from JCOS for trail development along Big Dry Creek as part of the Trails 2000 program, and Jefferson County's financial contribution of more than \$550,000 for design and engineering costs for Standley Lake Regional Park and City Park Phase III currently in progress. JCOS has been supportive of Westminster projects over the years and Staff believes the 1997 proposed projects are good projects to be considered by the JCOS Advisory Committee.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Resolution, Map

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

JOINT VENTURE DEVELOPMENT GRANT REQUESTS WITH JEFFERSON COUNTY OPEN SPACE

WHEREAS, Jefferson County Open Space has established a Joint Venture grant application process to assist with development of parks, recreation, open space, and trails to park and recreation agencies in Jefferson County; and

WHEREAS, a need for additional youth Little League baseball fields has been established by the American West Little League baseball program and the organization is willing to assist with the financial obligation to construct two new baseball fields; and

WHEREAS, the City of Westminster and American West Little League organization are desirous of developing two youth Little League baseball fields at a park site along Oak Street in the Countryside Subdivision; and

WHEREAS, a need to develop and renovate Waverly Acres Park to meet Americans with Disabilities Act (ADA) requirements as well as to update the amenities in the park to make it safe for all users; and

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit two Joint Venture development grant applications to Jefferson County Open Space, requesting a Joint Venture grant of a combined 65/35 split in the amount of \$150,000 toward the cost of developing two youth Little League baseball fields in the Countryside Subdivision, and a second Joint Venture grant of a 50/50 split in the amount of \$65,000 for renovating Waverly Acres Park.

Passed and adopted this 13th day of January, 1997.

ATTEST:

Mayor

City Clerk

Date: January 13, 1997

Subject: Professional Services Contract for Skyline Vista Park

Prepared By: Shinei Tsukamoto, Landscape Architect and Richard Dahl, Park Services Manager

Introduction

City Council action is requested to authorize an expenditure of \$66,000 from the Skyline Vista Park Capital Improvement Project Account and authorize the City Manager to sign a contract with Wenk Associates, Inc. in the amount \$59,785 for the landscape architectural and engineering services for construction drawings, specifications, and bid documents for Skyline Vista Park. Funds are available in the appropriate Skyline Vista Park Project account in the General Capital Improvement Fund for this expense.

Summary

In October 1996, the Skyline Vista Project was advertised for submittals of a Request For Proposal (RFP) to provide construction drawings, engineering services, and bid documents for the construction phase of this project. Staff distributed fifteen RFPs with ten proposals being returned by the November 20, 1996 deadline. RFPs were evaluated based on the criteria of Design Approach, Scope of Work, Project Schedule, Qualification Statements, Design Capability and Professional Service Fees.

From the ten RFPs submitted, four were selected to receive staff interviews:

Design Concepts	\$45,124
Fletemeyer & Lee	\$53,475
Design Studios West	\$58,170
Wenk Associates	\$59,785

Jane Kober, Parks and Recreation Advisory Boardmember; Sarah Christan, Landscape Architect; Shinei Tsukamoto, Landscape Architect; and Richard Dahl, Park Services Manager, interviewed the four candidates and rated each on the following matrix:

(Rating: 1 point - lowest, 4 points - highest)

	Design	Fletemeyer Concepts	Design & Lee	Wenk Studios	Associates
Vision of Project	1	2 3	4		
Construction Document Production	1	4	2	3	
Design Team	1	2	3	4	
Proposed Manhours	1 (829)	2 (854)	3 (966)	4 (1216)	
Proposed Fee	4	3 2	1		
TOTAL POINTS	7	13	13	16	

Although the highest in cost, Wenk Associates is proposing 1,216 manhours be spent on this project as opposed to the lowest bidder, Design Concepts, which proposed 829 manhours. Staff supports the additional manhours recommended by Wenk Associates in light of the controversy and public input the master plan phase of this project has generated.

Staff Recommendation

Authorize the City Manager to sign a contract with Wenk Associates, Inc. for Skyline Vista Park in the amount of \$59,785; add a 10% of design contingency; and authorize the total amount of \$66,000 to be expended from the appropriate project account in the 1997 General Capital Improvement Project Fund.

Background Information

The City acquired five acres for Skyline Vista Park in 1987 in order to provide a new neighborhood park for area residents as identified in the Park Master Plan. In April 1993, the City hired Winston Associates, through a competitive bidding and selection process, for master planning, design development, construction document production, and construction observation for the development of the five-acre Skyline Vista Park.

During the master planning process, however, Staff realized that the five acre site would not be large enough to accommodate the park programs requested by the residents. The program included Little League Baseball fields, open lawn area, playground area with picnic shelter, and other park elements. Staff conducted a mail-in survey asking the residents whether to construct a five acre park with reduced program by 1994 or acquire additional six acres of land and delay the completion of the park until 1998. The residents voted for acquiring more land and delay the park development. Staff postponed the master planning process until 1995. The contract with Winston Associates was therefore amended to focus only on the master planning process and the scope of service was reduced to deliver a master plan of an eleven-acre neighborhood park. Design development, construction document production, and construction observation services were eliminated from the contract.

In 1995, Staff reorganized the master planning process and presented three alternative plans for the eleven acre park to the residents at a community meeting on May 15, 1996. Confusion about the alternative plans resulted in Staff having to hold additional community meetings and conducted a mail-in survey to clarify the issues surrounding the proposed master plan. Based on the Citizen input the the final master plan was modified and approved by City Council at post meeting on August 26, 1996.

The approval of the master plan by City Council concluded the contract with Winston Associates and a competitive bid and selection process was initiated to hire a consultant to move forward with the project.

Winston Associates was invited to submit an RFP, but they were eliminated due to the high fee they proposed for this phase of the project.

Under the existing time line the Skyline Vista Park project will begin construction in the fall of 1997 with completion proposed for summer of 1998.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 13, 1997

Subject: Resolution No. re Upgrade Clerk Typist II Position in the City Manager's Office

Prepared by: Alan Miller, Assistant City Manager

Introduction

City Council action is requested on the attached Resolution regarding authorizing a transfer of funds from the General Fund Contingency in the amount of \$6,355 to the City Manager's Office budget and \$910 to the Central Charges budget to fund an increase from .75 FTE to 1.0 FTE for the Clerk Typist II position in the City Manager's Office.

Summary

The position of Clerk Typist II in the City Manager's Office was authorized at .75 FTE for 1997 and was proposed for upgrade to 1.0 FTE in the 1998 Budget which was recently reviewed by City Council. At the same time, a 1.0 FTE Clerk Receptionist position in Animal Control was eliminated in the 1997 Budget as the result of the City contracting with the Table Mountain Animal Shelter. In looking to relocate the Clerk Receptionist to another comparable position in the City, utilizing the individual's skills, it was concluded that the Clerk Typist II position in the City Manager's Office was an outstanding match. The difficulty, however, is that the position in the City Manager's Office was authorized at .75 FTE rather than 1.0 FTE. Given the ongoing workload in the City Manager's Office, particularly as it relates to providing support to City Council, providing support to public information and the expanded cable programming, providing support to the intern program and management assistant, a full-time Clerk Typist II is certainly warranted and justified. In addition, it is extremely desirable for employee morale to be able to place an employee that has been displaced from a position due to contracting out a service.

In this particular case, the individual being displaced has excellent customer service skills and other skills that are ideal for the Clerk Typist II position in the City Manager's Office. Since this position was vacant as of year end 1996, it seemed to be an ideal match to relocate the displaced Clerk Receptionist to the Clerk Typist II position in the City Manager's Office. The individual involved is extremely interested in the position and brings the right combination of skills and abilities to the position.

Staff Recommendation

Adopt Resolution No. authorizing a transfer of funds from the General Fund Contingency to the appropriate City Manager's Office and Central Charges budget accounts to fund the increase from .75 to 1.0 FTE for the Clerk Typist II position and authorize this increased level of staffing as part of the City's FTE 1997 Staffing Level.

There is currently \$710,256 available in the General Fund Contingency available to fund this unanticipated expense.

Background Information

The City has been trying to match the displaced employee from the Animal Shelter as a result of the contracting out of the animal shelter service. After looking at the positions open and available as of the start of the year in 1997, it appeared that the best match would be the .75 FTE Clerk Typist II position in the City Manager's Office, if that position could be upgraded to a full time Clerk Typist II position. The individual being displaced has a high level of skills regarding customer service and working with the public which are just the skills needed in the position within the City Manager's Office. In addition, this was the individual's first choice as a position within the City they would most like to be relocated into if the position could be upgraded to full-time in order to continue with a full level of benefits and salary commensurate with what they had previously been receiving. Given the ongoing, high workload in the City Manager's Office as well as the fact that the position was slated for upgrade in 1998 anyway, it was concluded that moving ahead at this time would be appropriate particularly given the relatively low dollar impact on the City's budget.

In addition, the opportunity to provide this very good match of a new position for a person being displaced seemed ideal and an opportunity that should not be overlooked. By making this match, the City helps to maintain a high level of morale within the workforce by demonstrating its concern for matching displaced employees with new positions within the City for which they are well qualified.

Respectfully submitted,

William M. Christopher
City Manager

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

WHEREAS, City Council supports the transfer from the General Fund Contingency account to various expenditure accounts for salary and benefit costs related to the Clerk Typist II FTE increase from .75 FTE to 1.0 FTE in the City Manager's Office, and

WHEREAS, the General Fund Contingency balance is \$710,256, and

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that:

\$6,265 be transferred from the General Fund Contingency to the appropriate Operating Budget as listed in the agenda memorandum dated January 13, 1997.

Passed and adopted this 13th day of January, 1997.

ATTEST:

Mayor

City Clerk