

January 26, 1998
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** Webelos Pack 853/Den 4
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
None
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 FD Mobile Computing Equipment
 - B. Bids for 1998 Patrol Cars
 - C. Property and Liability Excess Insurance
 - D. Colorado Municipal League Annual Dues
 - E. CB No. 1 re Title V Amendments (Atchison-Dixon)
9. **Appointments and Resignations**
 - A. Appointments to Joint Facility Advisory Committee
10. **Public Hearings and Other New Business**
 - A. Public Hearing re Greenlawn PDP 2nd Amendment
 - B. Greenlawn Preliminary Development Plan 2nd Amendment
 - C. Public Hearing re Westbrook PDP 2nd Amendment
 - D. Westbrook Preliminary Development Plan 2nd Amendment
 - E. Public Hearing re Comprehensive Land Use Plan Amendments
 - F. Councillor's Bill No. 2 re Comp Land Use Plan Amendments
 - G. Councillor's Bill No. 3 re Animal Control
 - H. College Hill Library Transfer of Technology Funds
 - I. Change Date of March Council Meeting
 - J. Semper Water Treatment Facility Rehabilitation
11. **Old Business and Passage of Ordinances on Second Reading**
None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Quarterly Insurance Report
 - B. Financial Report for December
 - C. City Council

D. Request for Executive Session

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JANUARY 26, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Webelos Pack 853, Den 4, led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Allen to accept the minutes of the meeting of January 12, 1998 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Pro Tem Merkel read a proclamation honoring the Denver Bronco's on their Super Bowl win.

The Mayor Pro Tem recognized Standley Lake High School students and Boy Scouts of Troop 835 who were in attendance at the meeting.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher reported that the Adams County Planning Commission meeting held last week concerning the 88th Avenue and Lowell Boulevard housing development was continued until March 26th.

CITY COUNCIL COMMENTS:

Councillor Dixon reported on the CML Parliamentary Procedures Workshop held on Saturday that she and Councillor Atchison attended. Councillor Smith reported on the tour of the new College Hill Library that she and Mayor Pro Tem Ann Merkel had attended and stated the Library is planning on opening in April.

Mayor Pro Tem Ann Merkel stated there will be a Special City Council meeting on Thursday, January 29 at 6:00 P.M. with Hyland Hills Parks and Recreation District regarding the Intergovernmental Agreement for the Ice Centre.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: **Bids for Fire Department Mobile Computing Equipment** - Award the bid for purchase of four mobile data computers, related equipment and software in the amount of \$33,983.65 to Synergetic Systems, Inc., and charge the expense to the appropriate Fire Department budget account; **Bids for 1998 Patrol Cars** - Award the bid for the purchase of thirteen 1998 Ford Crown Victorias at a cost of \$269,196.34, to the low bidder, Burt's Arapahoe Ford and charge the expense to the appropriate 1998 Police Department budget, and authorize the trade-in of the used patrol cars to Burt's Arapahoe Ford;

Property and Liability Excess Insurance - Authorize the City Manager to enter into an agreement with the Colorado Intergovernmental Risk Sharing Agency for the purchase of excess insurance; authorize the expenditure of \$117,824 for the City's 1998 Property and Liability excess coverage; and charge this expense to the Property and Liability Self-insurance Fund; **Colorado Municipal League Annual Dues** - Authorize the payment of \$36,664.10 for the City's 1998 Colorado Municipal League dues and charge the expense to the appropriate Central Charges budget account in the 1998 Budget; **Councillor's Bill No. 1** - re Title V Amendments.

The Mayor Pro Tem 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. There was no request.

A motion was made by Scott and seconded by Atchison to adopt the consent agenda items as presented. The motion carried unanimously.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Allen and seconded by Smith to appoint Mary Boston and Bette Tellier to initial two-year terms, (expiring on December 31, 1999) and Tommie Ann Gard to an initial one-year term (expiring on December 31, 1998), to the College Hill Joint Facility Advisory Committee; Bette Tellier's continuation on the Joint Library Facility Committee to be conditional on her reappointment to the Library Board in 1999. The motion carried unanimously.

SEMPER WATER TREATMENT FACILITY REHABILITATION:

A motion was made by Dixon and seconded by Allen to authorize the City Manager to sign a contract with CH2M Hill, Engineers, in the amount of \$69,991, for the design of the repairs to the masonry walls of the High Service Pump Station and the chlorine storage room and the evaluation of the ventilation system for the bulk chemical and lime feed buildings, plus a \$7,000 contingency for a total of \$76,991; and further authorize the City Attorney to execute an additional contract for legal services with Robert B. Douglas in an amount not to exceed \$215,000 for legal services through trial, and charge all of these expenses to the Utility Fund, Semper Water Treatment Facility Rehabilitation Capital Improvement Project (CIP) account. The motion carried unanimously.

PUBLIC HEARING ON GREENLAWN SECOND AMENDED PDP:

At 7:30 P.M. the meeting was opened to a public hearing on the Second Amended Greenlawn PDP, generally located at the southwest corner of 92nd Avenue and Pierce Street, to include the additional use of "mortuary" in the Commercial/Office category. Planning Manager David Shinneman entered a copy of the Agenda Memorandum, Planning Commission Recommendation and other related items as exhibits. Tim Rolphs, Dave Reynolds of SCI Management and Architect David Ellisburg were present and spoke in favor of the proposed amendment. No one spoke in opposition. At 7:50 P.M. the public hearing was declared closed.

GREENLAWN SECOND AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Atchison and seconded by Dixon to approve the Second Amended Greenlawn Preliminary Development Plan to allow the addition of the "Mortuary" use with the commercial/office category. The motion carried unanimously.

PUBLIC HEARING ON WESTBROOK SECOND AMENDED PDP:

At 7:51 P.M. the meeting was opened to a public hearing on the Second Amended Westbrook PDP, generally located at the southeast corner of Church Ranch Boulevard and Wadsworth Parkway, to change the land use designation from "commercial" to "Commercial/Office" District Center.

Planning Manager David Shinneman entered a copy of the Agenda Memorandum, Planning Commission Recommendation and other related items as exhibits. Brenda Godfrey and Richard Satkin of Ravinia LLC, John Kohler, Semper Development Architect spoke in favor of this amendment. Michael Jabolsky, 10861 Utica Street, asked questions, and there was no opposition. At 8:10 P.M. the public hearing was declared closed.

WESTBROOK SECOND AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Allen and seconded by Smith to approve the Second Amended Westbrook Preliminary Development Plan changing the uses from commercial to commercial/office District Center. The motion carried unanimously.

PUBLIC HEARING ON COMPREHENSIVE LAND USE PLAN AMENDMENTS:

At 8:11 P.M. the meeting was opened to a public hearing on proposed amendments to the City's Comprehensive Land Use Plan. Planning Manager David Shinneman was present to answer questions from Council and the audience. No one spoke in favor of, or in opposition to the amendments. At 8:15 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 2 - COMPREHENSIVE LAND USE PLAN AMENDMENT:

A motion was made by Scott and seconded by Atchison to pass Councillor's Bill No. 2 on first reading amending the City's Comprehensive Land Use Plan as described in the Agenda Memorandum. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 3 - ANIMAL CONTROL AMENDMENTS:

A motion was made by Smith and seconded by Allen to pass Councillor's Bill No. 3 on first reading amending Title 6, Chapter 7 of the Westminster Municipal Code which addresses animal control matters. Michael Jabolsky, 10861 Utica Street, addressed Council about barking dogs. Upon roll call vote, the motion carried unanimously.

COLLEGE HILL LIBRARY/TRANSFER OF TECHNOLOGY FUNDS:

A motion was made by Dixon and seconded by Allen to authorize the City Manager to transfer \$86,000 from the unauthorized New Library Capital Improvement Project Fund to the New Library Computer Hardware/Software account. The motion carried unanimously.

CHANGE DATE FOR FIRST CITY COUNCIL MEETING IN MARCH:

A motion was made by Allen and seconded by Atchison to change the date of the first City Council meeting in March from March 9th to March 2nd due to the National League of Cities legislative meeting. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Quarterly Insurance Report and the Financial Report for December, 1997.

The Mayor Pro Tem stated there would be an Executive Session concerning fiscal confidential information.

ADJOURNMENT:

The meeting was adjourned at 8:26 P.M.

ATTEST:

Mayor

City Clerk

WHEREAS, SuperBowl XXXII was played on Sunday, January 25, 1998 in San Diego, California; and

WHEREAS, The Denver Broncos were the victors over their opponents the Green Bay Packers; and

WHEREAS, 68,912 people attended the game in Qualcomm Stadium and 140 million viewers watched the Super Bowl game on television world-wide; and

WHEREAS, Many of those were Denver Broncos' faithful fans; and

WHEREAS, The victory is a crescendo in the 15 year Broncos career of quarterback John Elway; and

WHEREAS, Running back Terrell Davis was named Most Valuable Player after running 157 yards and scoring three touchdowns; and

WHEREAS, This is the first SuperBowl win not only for the Broncos, but for head coach Mike Shanahan; and

WHEREAS, This was the fifth Broncos appearance in a SuperBowl contest; and

WHEREAS, Colorado is known for its loyalty to this football team.

NOW, THEREFORE, I, Ann Merkel, Mayor Pro Tem of the City of Westminster, Colorado, do hereby proclaim Tuesday, January 27, 1998 as

Denver Broncos Appreciation Day

in the City of Westminster, Colorado in recognition of the outstanding contribution that has been made by the Bronco victory in SuperBowl XXXII.

Signed this 26th day of January, 1998.

Mayor Pro Tem Ann Merkel

Date: January 26, 1998

Subject: Bids re Fire Department Mobile Computing Equipment

Prepared by: Jim Cloud, Fire Chief
Rich Welz, Lieutenant

Introduction

City Council action is requested to award the bid for the purchase of four mobile data computer terminals (MDTs), related equipment and software. Funds are available and have been specifically allocated in the Fire Department budget for this expense.

Summary

A formal bid was solicited from Synergetic Systems, Inc., a PSI International Company, which met the City's specifications and requirements for this type of equipment. Synergetic Systems, Inc., is currently under contract with the City for the multi-year laptop computer program and is the proprietary owner of the hardware and software necessary for the compatibility of the laptop program with the current computer aided dispatch system. The sole vendor amount of \$33,983.65 is being recommended for this purchase.

Staff Recommendation

Award the bid for purchase of four mobile data computers, related equipment and software in the amount of \$33,983.65 to Synergetic Systems, Inc., and charge the expense to the appropriate Fire Department budget account.

Background Information

The purchase of four additional MDTs was included in the 1997 Fire Department budget as part of the multi-year communications project designed to enhance fire and police response and reporting. In December, 1995, Synergetic Systems, Inc., was contracted by the City to facilitate the implementation of a lap top computer records management system. The hardware and software required to implement this records management system is proprietary to Synergetic Systems, Inc., and therefore Synergetic Systems, Inc., is the sole vendor for the purchase of these mobile data terminals, mounting brackets, and necessary software.

Vendor and software problems during 1996 and 1997 have plagued this project. Late in 1996 the Fire Department purchased three MDT units with the intent of initiating a field emergency medical reporting system and the subsequent purchase of four additional MDT units during mid 1997. These problems forced the department to delay the purchase of any additional software or hardware associated with this field reporting system until the vendor, Synergetic Systems, Inc., could provide some assurance that they could produce a workable field reporting product. This assurance was provided to the department late during the fourth quarter of 1997, thus the delay in the purchase of this 1997 capital purchase item.

Alternatives available for this item include:

- 1) Approve the bid by the proprietary vendor, Synergetic Systems, Inc., as recommended.
- 2) Deny the bid and direct staff to seek another vendor that could provide a field reporting system compatible with the City's computer aided dispatch software. This alternative will delay the field reporting project for an estimated minimum of 18 months and will likely cost more due to associated vendor costs that are covered in the current City contract with Synergetic Systems, Inc. Additionally, the previously purchased proprietary MDT units and software of Synergetic Systems, Inc., will not be compatible with another vendor's system (\$40,000).

The bid from Synergetic Systems, Inc. for four mobile data terminals, software, and necessary related equipment is \$33,983.65.

This bid meets all of the City's specifications and requirements for this type of equipment. The cost of this equipment is within the amount previously allocated by City Council in the Fire Department budget.

These MDT units will be placed on fire engines at Fire Stations 4, 5, and 6 as well as an ambulance housed at Fire Station 3. The MDTs will allow emergency response personnel to have immediate access to information and also streamline the data reporting process through field reporting.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 26, 1998

Subject: Bids for 1998 Patrol Cars

Prepared by: Dan Montgomery, Chief of Police
Bill Mason, Lieutenant

Introduction

Council action is requested to approve the purchase of thirteen, 1998 Ford Crown Victoria's at a total cost of \$269,163.34. Funds for this expense are available in the 1998 Police Department Operating Budget.

Summary

City Council previously approved funds in the 1998 Budget for the purchase of police patrol cars. Formal bids in accordance with City Charter bidding requirements were met through the State bid process. 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.

Staff Recommendation

Award the bid for the purchase of thirteen 1998 Ford Crown Victorias at a cost of \$269,163.34, to the low bidder, Burt's Arapahoe Ford. Also charge the expense to the appropriate 1998 Police Department Budget, and authorize the trade-in of the used patrol cars to Burt's Arapahoe Ford.

Background Information

City Council previously approved funds in the 1998 Budget for the purchase of thirteen patrol cars. The only full size police package vehicle offered is a full-size Ford Crown Victoria. The Ford Crown Victoria is offered through a State Award process that meets the City's bidding requirements. Burt's Arapahoe Ford is the low bidder for the State, at \$20,704.87 per vehicle.

The cost of the vehicles from the low bidder, Burt's Arapahoe Ford, is within the amount previously approved by City Council for this expense, and will meet the rigorous demands that are placed on police patrol vehicles.

Twelve current police vehicles are being traded in: four 1996 Capris patrol cars with an excess of 90,000 miles each; four 1991-92 Corsica Staff vehicles with an excess of 90,000 miles each and four 1997 Lumina's that are unsuitable for uniform patrol use due to a soft underbody frame which will not stand up to push bumpers and potential traffic accidents; poor electrical systems which will not accommodate the safety lighting and computer systems that are used in marked patrol vehicles; poor performance caused by underpowered engines making them ineffective for traffic enforcement, and insufficient room to accommodate prisoner transport.

In addition, the equipment rack, when installed in the interior of the Luminas causes interference with the deployment of the safety airbags. Four other Luminas currently being used in Patrol will be converted to Staff vehicles to replace the Corsica's being traded. All thirteen of the Ford Crown Victoria vehicles being purchased will be utilized as marked patrol vehicles.

The thirteenth vehicle was approved to accommodate an increase in staffing for patrol services divisions.

As with any proposed action, there are certainly alternative courses of action to pursue, e.g. keeping the used patrol vehicles longer; rebuilding the used patrol cars or downsizing and purchasing smaller, less expensive vehicles. Over the years, Staff has evaluated all of these alternatives, and has determined that all of them are impractical and less than desirable.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 26, 1998
Subject: Property and Liability Excess Insurance
Prepared by: Pierrette E. Ray, Risk Manager

Introduction

City Council action is requested to authorize an expenditure for the 1998 contribution to the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for property and liability insurance. Funds are available in the 1998 Property and Liability Fund Budget for this expenditure.

Summary

The City annually purchases insurance to cover its assets (buildings, vehicles, equipment, and open space and parks) and to protect itself from liability exposures resulting from claims brought against the City and its employees. This insurance is purchased through the Colorado Intergovernmental Risk Sharing Agency (CIRSA). The quote from CIRSA for 1998 is \$117,824 which represents a premium of \$175,870 minus \$58,046 in credit for Westminster's share of a CIRSA fund surplus and a loss control credit. This compares with a 1997 premium of \$181,359 which was reduced by a total of \$109,728 surplus and loss control credits.

The alternative to renewing insurance coverages with CIRSA would be to seek quotes from the insurance marketplace. This would most likely cost the City more, both because of the limited number of companies that write governmental entity insurance and because of the commission that would be paid to the broker. Renewing with CIRSA is cost effective and provides the City with insurance protection designed to meet its needs.

Staff Recommendation

Authorize the City Manager to enter into an agreement with the Colorado Intergovernmental Risk Sharing Agency for the purchase of excess insurance; authorize the expenditure of \$117,824 for the City's 1998 property and liability excess coverage; and charge this expense to the Property and Liability Self-insurance Fund.

Background Information

The City of Westminster has been a member of CIRSA since its inception in 1982. Since that time, the pool has grown from its original 18 cities to 144 members of the property and liability pool. CIRSA provides property and liability coverages that are tailored to meet municipal exposures. On January 1, 1988, the City implemented a large self-insured retention, electing to pay the first \$100,000 of each property claim and the first \$150,000 of each liability claim. A reserve fund ensures that funds are available to cover deductible expenses in the event of a catastrophic year or a year in which multiple large claims occur. Adequate reserves have been generated by transferring money remaining in the Property and Liability Fund at year end into this reserve fund.

The benefit of this process has been to allow for the accumulation of reserves through the normal budgeting process without needing to tap contingency funds. In October 1997, the City's Risk Manager retained the services of the Tillinghast-Towers Perrin Company to conduct an actuarial study of the City's Property and Liability Fund. The study reviewed the City's past loss history, current claims and claim reserves, and compared these figures with several different ratios used in the insurance industry to evaluate reserving practices and claims history. The results of the study show that the reserves that the City has are "reasonable, and even conservative, when compared to the reserve levels implied by industry/public sector benchmarks." With the continued growth of the City, Staff is recommending that the current reserving program be continued as is. The unaudited fund balance at the end of 1997 was \$3,370,660.

The CIRSA quote for 1998 is \$117,824 after receiving a credit of \$9,729 based on the City's loss control audit score and a surplus credit authorized by the CIRSA Board of Directors of \$48,317. The net contribution represents an increase of \$46,193 over last year's quote. This increase results from the relatively large sum of \$100,255 in surplus fund credits which CIRSA provided in 1997, plus a loss control credit of \$9,473.

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

- > CIRSA has provided very favorable quotes for its insurance.
- > CIRSA was established by municipalities specifically to provide insurance that meets the unique needs of Colorado cities and towns.
- > Unlike all brokers or private insurance companies, CIRSA does not charge commissions.
- > CIRSA provides extensive loss control services including training and a film library that are available at no additional cost to all of its members

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

- > Property coverage in excess of \$100,000 to \$201,000,000 (limits shared with all pool members)
- > \$1,000,000 per occurrence/aggregate business interruption coverage
- > Public officials liability coverage from \$150,000 to \$5,000,000 per occurrence/aggregate
- > Police professional liability insurance from \$150,000 to \$5,000,000 per occurrence/aggregate
- > Motor vehicle physical damage from \$100,000 to \$600,000 per occurrence
- > Motor vehicle liability coverage from \$150,000 to \$600,000 per occurrence
- > General liability coverage from \$150,000 to \$600,000 per occurrence

Additional coverages were authorized by the CIRSA Board of Directors for 1998. These coverages are listed below and are offered with no deductible to any member:

- > Criminal defense reimbursement coverage will provide reimbursement of defense costs to public officials charges with criminal activities once they are exonerated. The limits would be \$5,000 per occurrence/\$20,000 aggregate per member.
- > Herbicide/Pesticide coverage provides for third party claims arising out of the member's use of herbicides and pesticides. The limits of this coverage are \$5,000 per occurrence/aggregate per member.
- > Rule 106 claims coverage provides for defense of claims for relief of administrative rulings. This is for defense costs which the City is told to pay due to an administrative decision. The limits of coverage are \$5,000 per occurrence/\$15,000 aggregate per member.
- > First party pollution clean up cost. This coverage provides for pollution clean up on a members premises as a result of a covered loss. For example: If there were a tornado and it blew over a tank with gasoline in it, this would pay for the clean up of the gas. The limits of coverage are \$10,000 per occurrence/aggregate per member

The success of the City's self-insured property liability program can be attributed to several factors including ongoing employee safety training and other loss control practices initiated by the individual departments and Risk Management Staff, the efforts of the City's Employee Safety Committee, and the City's effective working relationship with CIRSA claims adjusting staff. Loss control activities include regular on-site inspections of facilities, annual defensive drivers' training, and the annual snow plow training and "Roadeo" sponsored by the Public Works and Utilities Department. By maintaining a strong focus on loss control, Staff believes that the benefits of the higher self-insured retention continue to outweigh the risks involved over the long term.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 26, 1998

Subject: Colorado Municipal League Annual Dues

Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council is requested to authorize payment for the City's 1998 membership and dues to the Colorado Municipal League. The funds for this membership have been appropriated in the Central Charges portion of the 1998 City Budget.

Summary

The Colorado Municipal League (CML) provides services to over 200 cities and towns throughout the state. The annual membership dues to CML include subscriptions to the bimonthly magazine, Colorado Municipalities, and to the biweekly CML Newsletter for community officials. Other League services include municipal information services, municipal conferences and workshops, legislative services, administrative agency services, sample ordinances, research and publications. The CML is the main voice of cities at the State Legislature and has been important to cities in advocating and protecting municipal interests.

The City of Westminster's 1998 dues, which are based on population, assessed valuation, and sales tax collections, total \$36,664.10, an increase of \$2,199.09 over the 1997 dues. These funds have been included in the 1998 budget which was previously approved and adopted by City Council in October 1997.

Staff Recommendation

Authorize the payment of \$36,664.10 for the City's 1998 Colorado Municipal League dues and charge the expense to the appropriate Central Charges budget account in the 1998 Budget.

Background Information

The City of Westminster actively participates in CML meetings and workshops, and extensively utilizes the various services offered by the League. CML lobbies legislation on behalf of municipalities throughout the State, distributes two publications that provide information on timely topics and trends, hosts workshops and meetings on important municipal issues, and performs research as requested by member jurisdictions.

Colorado Municipal League Annual Dues

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Over 200 cities and towns are members of CML and pay dues on an annual basis. CML's formula for arriving at a municipality's dues payment is based on a per capita charge using Department of Local Affairs population estimates, a fraction of the assessed valuation figures from the State Division of Property Taxation, and a fraction of state sales tax collections for the calendar year 1995.

As in previous years, the annual CML dues are included in the City Budget. City Council action is required because the expense is over \$25,000.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 26, 1998

Subject: Appointments to Joint Facility Advisory Committee

Prepared by: Kathy Sullivan, Library Services Manager

Introduction

City Council is requested to approve the appointment of three representatives to the Joint Facility Advisory Committee for the College Hill Library, as required in the Intergovernmental Agreement between the City of Westminster and the State of Colorado, dated October 16, 1996.

Summary

The Joint Facility Advisory Committee will be composed of seven members; three appointed by the City, three by the College, and one jointly. The Advisory Committee will advise City and College staff on matters such as the improvement of library services at College Hill, and promotion of the library to the community. Three members of Westminster's Library Board have expressed interest in serving on the Joint Facility Advisory Committee; Tommie Ann Gard, Bette Tellier, and Mary Boston. Candidates for the joint appointment will be decided by mutual agreement between City Council and the College at a later date.

The Intergovernmental Agreement leaves open the question of how the City should select its representatives to this Committee. Because the City will now have two different library advisory groups (Westminster Library Board and Joint Facility Advisory Committee), Staff recommends that the City's representatives to the Joint Committee come from within the Library Board. This arrangement would promote better communication and more consistent recommendations by both groups.

At the last meeting of the Westminster Library Board, members were asked about their interest in serving on the Joint Facility Committee. Three Board members (Tommie Ann Gard, Bette Tellier, and Mary Boston) expressed their desire to serve.

Staff Recommendation

Appoint Mary Boston and Bette Tellier to initial two-year terms, (expiring on December 31, 1999) and Tommie Ann Gard to an initial one-year term (expiring on December 31, 1998), to the College Hill Joint Facility Advisory Committee. Bette Tellier's continuation on the Joint Library Facility Committee to be conditional on her reappointment to the Library Board in 1999.

Background Information

The Intergovernmental Agreement between the City and Front Range Community College to build and operate a library facility on the FRCC campus states:

6.1 The parties shall assemble a Joint Facility Advisory Committee (the "Committee") that will advise City and College concerning the operation of the Library. The Committee shall be advisory only and shall report its recommendations to the College President or his designee and to the City's Library Services Manager.

6.2 City and College shall each appoint three (3) members to the Advisory Committee. In addition, City and College shall appoint one (1) member acceptable to both entities.

6.3 The City's Library Services Manager, the City's Director of Parks, Recreation and Libraries, and the College's Director of Library and Media Center, and the College's Vice President of Instruction or designee shall be permanent members of the Committee and shall serve as ex-officio voting members of the Committee.

6.4 All other members shall serve two (2) year terms. Initially, four (4) of the members shall be appointed for two (2) year terms and the remaining three (3) members appointed for one (1) year terms.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: January 26, 1998
Subject: Greenlawn Preliminary Development Plan Second Amendment
Prepared by: Mark E. Geyer, Planner II

Introduction

City Council is requested to hold a public hearing and take action on the Second Amended Greenlawn Preliminary Development Plan (PDP) to include the additional use of "mortuary" in the Commercial/Office category.

Summary

The applicant, Service Corporation International (SCI), is proposing to amend the PDP to allow an additional use within the commercial/office parcel located at the southwest corner of 92nd Avenue and Pierce Street. The current definition, in the PDP, for Commercial/Office allows for "clinics, offices, financial institutions, restaurants, personal service shops (beauty, barber, laundry, etc.), and retail business (bakeries, drugstores, clothing, gifts, etc.)." Mortuaries were not included within the list of allowed uses.

Applicant/Property Owner Applicant: Service Corporation International, Colorado Funeral Services, Inc., P.O. Box 130548, 1929 Allen Parkway, Houston, TX 77219-0548

Location Southwest corner of 92nd Avenue and Pierce Street (see attached vicinity map).

Size of site 2.47 Acres

Description of Proposed Use In addition to the existing Commercial/Office uses, this amendment would add "mortuaries" to the list of allowed uses.

Major Issues - Key issues for Staff are:

1. Actual Uses Occurring On Premise. The applicants have stated on the PDP that the uses will be restricted to the mortuary (with chapel, offices, staterooms, casket selection room, receiving, and flowers), but crematory and embalming services will be contracted out and performed off-site. Also, outside storage will be prohibited. This is acceptable to Staff.
2. Processions: The applicant has included language in the PDP that restricts processions from ever using the following intersections: 92nd Avenue and Harlan Street, 92nd Avenue and Sheridan Boulevard, 88th Avenue and Harlan Street, and 88th Avenue and Sheridan Boulevard. This is acceptable to Staff.

Planning Commission Recommendation

The Planning Commission approved this request with a 6-1 vote. Commissioner Barsoom voted against the motion due to concerns over traffic impacts on 92nd Avenue and the intersections along Wadsworth Parkway.

Staff Recommendation

1. Hold a public hearing.
2. Approve the Second Amended Greenlawn Preliminary Development Plan to allow the addition of the "mortuary" use within the commercial/office category.

Background Information

Discussion of Major Issues

Staff had raised two issues with the applicant; the uses occurring on-premise, and the direction processions would take. The use issues involved restricting potentially objectional functions of the funeral industry, namely embalming and cremation. The applicants have stated on the PDP that these two uses will not be permitted on-premise and will be handled at other facilities. Additionally, outside storage, which was an issue at a Fort Collins mortuary operated by the same company, will not be allowed at this location.

Processions from the mortuary to area cemeteries was also a concern of Staff. The applicant anticipates that within five years of the start of operation, as many as 200 services per year (four per week) will be handled out of this facility. The business will be open from 8:00 AM to 5:00 p.m., seven days per week. However, processions, which would constitute under 50% of the services, would be scheduled during off-peak traffic times (between the hours of 10:00 to 3:30). Still, conflicts may occur at high-traffic intersections near the Westminster Mall when processions would use these routes. The applicant was made aware of these concerns and has placed a restriction on the PDP that requires all processions to avoid the four major intersections around the Mall.

Architectural/Building Materials While this issue is usually reserved for ODP review, Staff has been in discussions with the applicant involving building design and materials. The proposed building would be a prefabricated structure with a brick veneer and a metal roof. Staff will be working closely with the applicant to fine tune the design during the ODP process.

Public Land Dedication, Parks/Trails Public Land Dedication was made with the residential portion of the Greenlawn development.

Access and Circulation Right-in/right-out access points will be located on both the 92nd Avenue and Pierce Street frontages. A full-turn access will be located on the 91st Court frontage.

Site Design The site configuration of this parcel has made it difficult for other potential users to develop this property in the past. This applicant is proposing to locate the building to the south as far as possible in order to then locate parking in front and on both sides of the lot. Processional parking space will be provided in addition to the required parking for regular patrons and would be located to the east side of the building. Additional space is available on the western portion of the site for parking, however, the applicant is proposing to landscape it for now.

Signage The applicant is proposing that since he does not need wall signage, additional monument signs be granted. His original request was for monument signs on the west, north and east street frontages. Staff is recommending only two monument signs. The applicant is agreeable with this compromise and what is allowed the the proposed PDP amendment.

Service Commitment Category Service commitments will come from the Category "C" pool.

Referral Agency Responses No comments have been received.

Public Comments Two people made comments objecting to the proposed amendment. Ms. Hockenberry, the apartment manager for Cascade Village, and Ms. Grafton, representative of the property owner, were concerned with traffic conflicts between residents and patrons of the funeral home. They also expressed the opinion that a funeral home was not an appropriate use next to residential uses and it may discourage future tenants from leasing here. The applicant pointed out that the funeral home would generate less traffic than alternative uses already permitted on the PDP.

Comprehensive Land Use Plan Compliance The Comprehensive Land Use Plan identifies this property as "retail commercial". The mortuary use meets the intent of this district by providing products and services needed by area residents.

Surrounding Zoning North: PUD, Tri-City Baptist Church; West/South: PUD Residential (apartments); East: M-1, Mini-Storage; Northeast: PUD, Residential (Trendwood)

Respectfully submitted,

William M. Christopher,
City Manager

Attachments

MEMORANDUM

TO: Mayor and Members of City Council
FROM: Bill Christopher, City Manager
DATE: January 15, 1998
SUBJECT: Planning Commission Action

The Planning Commission held their regularly scheduled meeting on Tuesday, January 13, 1998 and took action on the following items. The following is a synopsis of the Greenlawn Hearing:

Greenlawn Second Amended Preliminary Development Plan, located at the southwest corner of 92nd Avenue and Pierce Street. This proposed amendment would allow a mortuary as an allowed use.

After a public hearing, Planning Commission voted six to one to recommend to City Council approval of the Second Amended Greenlawn Preliminary Development Plan. Commissioner Barsoom voted against the motion citing concerns with the additional traffic on 92nd Avenue.

There were two persons present who spoke in opposition to the request stating that they didn't see why this location was necessary since it was so far away from any cemetery, that taking processions through the intersections at 92nd and 88th Avenues on Wadsworth Parkway was a mistake, and that they thought the mortuary would depreciate the value of the adjacent apartment complex.

This item is scheduled for review by City Council at their January 26, 1997 meeting.

Date: January 26, 1998
Subject: Westbrook Preliminary Development Plan Second Amendment
Prepared by: Mark E. Geyer, Planner II

Introduction

City Council action is requested to hold a public hearing, and later on the agenda take action on the Second Amended Westbrook Preliminary Development Plan (PDP) to change the land use designation from "commercial" to "commercial/office/District Center."

Summary

The applicant, Ravinia Ltd., is proposing to amend the Preliminary Development Plan (PDP) for the Westbrook Subdivision, Tract "C". The proposed amendment is to change from the existing "commercial" designation to a "commercial and office" zoning which more closely follows the City's Comprehensive Land Use Plan designation of District Center.

Applicant/Property Owner

Applicant: Ravinia Ltd. Liability Company
410 17th Street, Suite 1705
Denver, CO 80202

Owner: Wadsworth Commercial Associates
1517 W. North Carrier Pkwy., #124
Grand Prairie, TX 75050

Location Southeast corner of Church Ranch Boulevard (formally West 100th Avenue) and Wadsworth Parkway (see attached vicinity map).

Size of site 17.388 acres.

Description of Proposed Use The applicant is proposing a smaller scale commercial center with retail uses (a Walgreens pharmacy, a video store, and bank) in the northwest portion of the site, and restaurant/commercial service/retail, and professional offices in the southwest portion of the site. The northeast portion of the site will be reserved for office uses. The southern four-plus acres will be dedicated to the City as Open Space.

Major Issues -

Comprehensive Plan Compliance: The Comprehensive Plan designates this site as "District Center." This particular corner of the intersection must meet development standards which encourage community interaction and pedestrian-oriented design.

Flood Plain Regulations: Approximately 25% of the property lies within the Big Dry Creek 100-year flood plain. Much of the applicant's proposed site planning and site amenities have been predicated on safely removing a small portion of the property from the flood plain.

Design Issues: The applicant is proposing a commercial center which essentially is a number of separate pad sites. While not normally desired by Staff, and discouraged by the Comprehensive Land Use Plan, the applicant has developed a design which incorporates architectural and site planning elements to de-emphasize the "padding" effect while enhancing the pedestrian goals of the District Center.

Planning Commission Recommendation

The Planning Commission approved this request with a 7-0 vote.

Staff Recommendation

1. Hold a public hearing.
2. Approve the Second Amended Westbrook Preliminary Development Plan changing the uses from commercial to commercial/office/District Center.

Background Information

The applicant has been working with Staff on many different design scenarios concerning this property. Through the course of developing the City's Comprehensive Plan, the property was designated "District Center," which carries with it a much greater level of design requirement. Ordinarily, Staff would oppose a commercial center with individual, and separate pad spaces as the only buildings on site. The desire of Staff is to plan around a main center with the pad sites complimenting the design. However, in this case the property has several physical constraints which make this goal difficult to achieve.

First, much of the property lies within the 100 year flood plain of Big Dry Creek. The applicant has agreed to dedicate approximately four acres of this flood plain area to the City as Open Space. Land dedications are not a requirement of commercial development. Additionally, the existing intersection connection with old West 100th Avenue and the new Church Ranch Boulevard, is very difficult and requires the applicant to totally reconstruct the right-of-way through the site. Exhibit "A" depicts an early version of the applicant's proposal and the difficulties with the intersection of 100th Avenue and the new Church Ranch Boulevard extension. By changing the direction and location of 100th Avenue to go south through the site, the multi-street intersection will be eliminated (see PDP site plan). The remaining property shape and size restricts the placement of a conventional shopping center. With these constraints in mind, Staff and the applicant have arrived at an acceptable site design.

Discussion of Major Issues

Comprehensive Land Use Plan (Plan) Compliance: The Plan has identified the overall intersection as the "Standley Lake District Center." The general concept of this designation, is to serve as the neighborhood retail center for the Standley Lake residential area. The proposed development provides some specialty retail and professional offices and will incorporate pedestrian-oriented design to encourage walking and community interaction along both Big Dry Creek Trail and Walnut Creek Trail. Uses at the southeast corner of the intersection may include offices, showrooms, and other employment generating uses and limited non-automotive retail and services.

The applicant's proposal will meet the ideals of the Plan by providing a large portion of the property designated as office (Tract III), as well as setting a minimum percentage of "non-retail" commercial and/or service uses within Tract II (15%). Connections to the Big Dry Creek Open Space will be provided and pedestrian facilities and plazas will be integrated into the site design.

Big Dry Creek Flood Plain: As explained earlier, much of the site is within the 100-year flood plain of Big Dry Creek. The applicant's site design and building phasing is predicated on removing a portion of the site from the flood plain. This removal needs to be done in such a manner that properties upstream and downstream are not adversely affected. The applicant's engineer has established this and Staff has been satisfied this removal is feasible. The entire area of flood plain will be dedicated to the City at the time of Official Development Plan (ODP) approval.

Building and Site Design: Unique architecture and site design are a requirement of Staff if the applicant's site plan is to be acceptable. As stated above, this project does not have a "center," but is made up of several separate buildings. The applicant has agreed to a design of the Walgreens and video store that would make the two buildings appear as though they are one structure. A phasing schedule has been worked out that would require the southern buildings (restaurants/office/service commercial) to be constructed at or near the same time as the front, corner buildings. The "colonnade" feature is a design element that will create connections throughout the project and give the entire site continuity between buildings. The "colonnade" feature will also define a pedestrian walkway/plaza area along the southern border, near the proposed open space. Building architecture and materials will be consistent throughout and will incorporate the "colonnade" features in each structure.

Architectural/Building Materials Materials for the buildings and colonnade features include rock-faced concrete block, stucco, and tile roofing. Example building elevations can be found on sheet 3 of 5 of the PDP document.

Public Land Dedication, Parks/Trails Public land dedication is not required for commercial developments. However, the applicant is committing to dedication of approximately four-plus acres of the property that lies within the flood plain and is designing the project to provide convenient access to the nearby Big Dry Creek Trail system.

Access and Circulation Access to the site will be from a right-in/right-out along Wadsworth Parkway and from a full turn access via reconstructed 100th Avenue off of Church Ranch Boulevard.

Signage Signage will be dealt with at the time of ODP. A detailed sign program for the center will be required to assure good design and continuity throughout the center.

Service Commitment Category The project will require approximately 35 service commitments. These will come from Category "C" of the Growth Management Plan.

Referral Agency Responses Colorado Department of Transportation - no adverse comments. Jefferson County - no adverse comments.

Public Comments No comments received to date.

Comprehensive Land Use Plan Compliance This proposed PDP amendment is in compliance with the City's adopted Plan.

Surrounding Zoning North: PUD-Wallace Village (Commercial, Office, Residential); South: City Open Space and Burlington Northern RailRoad; Southwest: PUD-Sunstream (Residential); West: PUD-Westbrook (Commercial); East: Burlington Northern RR and Unincorporated Jefferson County (A-1).

Respectfully submitted,

William M. Christopher
City Manager

Attachments

MEMORANDUM

TO: Mayor and Members of City Council
FROM: Bill Christopher, City Manager
DATE: January 15, 1998
SUBJECT: Planning Commission Action

The Planning Commission held their regularly scheduled meeting on Tuesday, January 13, 1998 and took action on the following items. The following is a synopsis of the Westbrook Hearing:

Westbrook Second Amended Preliminary Development Plan, located at the southeast corner of Wadsworth Parkway and Church Ranch Boulevard. This proposed amendment will bring this development plan into compliance with the Comprehensive Land Use Plan designation of District Center.

After a public hearing, the Planning Commission voted unanimously to recommend to City Council approval of the Second Amended Westbrook Preliminary Development Plan.

There was no testimony in favor or opposition to the request.

This item will be heard by City Council at their January 26, 1998 meeting.

Date: January 26, 1998

Subject: Councillor's Bill No. re Comprehensive Land Use Plan Amendment - Clarification of Allowable Residential Densities

Prepared by: Max Ruppeck, Planner III

Introduction

City Council is requested to hold a public hearing, and take action on the attached Councillor's Bill amending the City's Comprehensive Land Use Plan to clarify the Plan's intent that the allowable densities stipulated for residential land use categories are maximums, and allow lower density housing types in any residential category, and to include additional language to clarify that the maximum dwelling units per acre will be determined during the detailed development review process.

Summary

The City of Westminster Comprehensive Land Use Plan (Plan) has five residential land use designations:

Single family detached - very low density (1 dwelling unit per acre)

Single family detached - low density (2.5 dwelling units per acre)

Single family detached - medium density (3.5 dwelling units per acre)

Single family attached (5-10 dwelling units per acre)

Multi-family (10-18 dwelling units per acre)

The Plan also provides for Neighborhood Mixed Use Residential, which with City approval, may occur in the above residential designations where a mixture of housing types may be allowed as long as the maximum density stipulated for the land is not exceeded. The current language in the Plan does not clearly state that such development would be allowed, particularly in the single family attached category which gave a density range of "5 to 10 du's per acre" and in the multi-family category which gave a density range of "10-18 du's per acre". In order to eliminate any confusion and allow for a lower density development on higher density residentially designated land, the recommended language changes are necessary.

While the Plan provides for maximum density, the term "density" is not defined. Density refers to the number of dwelling units permitted per acre of land. The permitted dwelling units per acre (dupa) will vary based upon development and site specific factors such as streets, flood plains, water, open space, public land dedication, etc. Additional language is proposed to further clarify that the actual permitted dupa will be determined during the detailed development review process.

Planning Commission Recommendation

After a public hearing, Planning Commission voted unanimously to make a recommendation to City Council that the City's Comprehensive Land Use Plan be amended as follows:

- a. In Chapter IV Section C.1 (p. 33) "Residential Land Use", add the word "maximum" in the first sentence to read as follows:

"Areas are designated for residential land uses using a variety of **maximum** densities."

- b. In Chapter IV, Section C.1 (p. 33) "Residential Land Use" add the following language following the first paragraph.

"It should be emphasized that in some cases the maximum densities stipulated in the Plan may not be achievable depending on site constraints such as topography, drainage patterns, flood plains, wetlands, required rights-of-way, public land dedication, or other public improvements. The permitted density will be determined during the detailed development review process taking into consideration the above constraints and enforcing the City's residential design guidelines."

- c. In subsection C.1.b (p. 38) "Single Family Attached", the subsection should be revised to read as follows:

"A variety of single family housing types are permitted within areas designated for single family attached, including **single family detached**, duplexes, townhomes, condominiums and other similar types of dwelling units. This designation allows up to 10 dwelling units per acre.

- d. In subsection C.1.c. (p. 38) "Multi-family Residential", the first sentence will be revised and a new second sentence added to read as follows:

"Multi-family residential areas are designated **primarily** for apartments, condominiums, and similar higher density types of dwelling units. **Single family attached and detached units are also permitted**"

- e. In Table 4-4 (p.39) "Future Land Use Categories" revise the Average Density descriptions for "Single Family Attached" to read as follows:

"Up to 10 du's per acre"

- f. In the same Table 4-4 revise the Average Density description for "Multi-Family" to read as follows:

"Up to 18 du's per acre."

- g. In the same Table 4-4, revise the Average Density description for "Office/Residential" to read as follows:

"Up to 10 du's per acre for residential uses."

Staff Recommendation

1. Hold a public hearing.
2. Adopt on first reading, Councillor's Bill No. _____ amending the City's Comprehensive Land Use Plan as described within this memorandum.

Background Information

One of the goals of the City's Comprehensive Land Use Plan is to better balance the amount of multi-family development in the City with other types of residential development. The intent of the Comprehensive Land Use Plan is to generally lower the overall housing density and limit the population growth to a number significantly lower than that shown on outdated Preliminary Development Plans.

A limited amount of multi-family and single family attached land use was designated in the Comprehensive Land Use Plan. However, development of this land at a lower density would clearly meet the policy direction of the Comprehensive Land Use Plan. When the plan was prepared and adopted, it was intended that the stipulated densities in each residential designation were maximums, and that any lower density type of residential development could occur in higher density categories. The current language in the Plan does not clearly state that such development was allowed, particularly in the single family attached category which gave a density range of "5 to 10 du's per acre" and in the multi-family category which gave a density range of "10-18 du's per acre". In order to eliminate any confusion or misunderstanding and allow for a lower density development on higher density residentially designated land, these language changes are recommended.

Alternatives

1. No change to existing language. The existing language is confusing and contradictory. No change would continue the potential for misunderstanding how the density of a project is determined or whether or not the City would permit a lower density project than the maximum densities described in the plan.
2. Change the definition to "Net" density. This would require the City to specifically define "Net" density and what items (rights-of-way, floodplain, park land, easements, etc.) will be subtracted from the gross land area to determine overall "Net" density. This would clarify the uncertainty surrounding proposed density and provide specific standards for staff to follow. This option could still be chosen and the plan revised even if, the current language clarification ordinance is approved, as the present proposal only clarifies current practice. This alternative would more closely match our current practices and would provide some measure of certainty as to the ultimate permitted density of a project. This option will take additional time to analyze and determine which sections of the Comprehensive Land Use Plan and the Westminster Municipal Code will require revisions.
3. Change the definition to "gross" density. In this alternative each land owner, regardless of what is included in the development, or the topography, would be permitted the maximum density of the appropriate land use designation times the gross land area. For example, under this alternative a ten(10) acre parcel with five(5) acres of lake area, and two(2) acres of floodplain would be allowed the same number of units as a ten(10) acre parcel of relatively flat, fully developable land.

This alternative would alter the City's current plan and the present development review process where land use issues such as park land dedication, school sites, water and floodplain areas, road rights-of-way, setbacks and other design regulations affect the permitted density on a parcel of land.

This alternative would require a commitment on the City's part to allow for the maximum gross density to be built according to the Land Use Plan or to revise each of the categories to an acceptable "gross" density.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

MEMORANDUM

TO: Mayor and Members of City Council
FROM: Bill Christopher, City Manager
DATE: January 15, 1998
SUBJECT: Planning Commission Action

The Planning Commission held their regularly scheduled meeting on Tuesday, January 13, 1998 and took action on the following items. The following is a synopsis of the Comprehensive Land Use Plan Amendment clarification of Allowable Residential Densities:

Comprehensive Land Use Plan Amendment - Clarification of allowable residential densities

After a public hearing, Planning Commission voted unanimously to make a recommendation to City Council that the City's Comprehensive Land Use Plan be amended as follows:

- a. In Chapter IV Section C.1 (p. 33) "Residential Land Use", add the word "maximum" in the first sentence to read as follows:

"Areas are designated for residential land uses using a variety of **maximum** densities."

- b. In Chapter IV, Section C.1 (p. 33) "Residential Land Use" add the following language following the first paragraph.

"It should be emphasized that in some cases the maximum densities stipulated in the Plan may not be achievable depending on site constraints such as topography, drainage patterns, flood plains, wetlands, required rights-of-way, public land dedication, or other public improvements. The permitted density will be determined during the development review process taking into consideration the above constraints and enforcing the City's residential design guidelines."

- c. In subsection C.1.b (p. 38) "Single Family Attached", the subsection should be revised to read as follows:

"A variety of single family housing types are permitted within areas designated for single family attached, including **single family detached**, duplexes, townhomes, condominiums and other similar types of dwelling units. This designation allows **up** to 10 dwelling units per acre.

- d. In subsection C.1.c. (p. 38) "Multi-family Residential", the first sentence will be revised and a new second sentence added to read as follows:

"Multi-family residential areas are designated **primarily** for apartments, condominiums, and similar higher density types of dwelling units. **Single family attached and detached units are also permitted**"

- e. In Table 4-4 (p.39) "Future Land Use Categories" revise the Average Density descriptions for "Single Family Attached" to read as follows:

"Up to 10 du's per acre"

f. In the same Table 4-4 revise the Average Density description for "Multi-Family" to read as follows:

"Up to 18 du's per acre."

g. In the same Table 4-4 revise the Average Density description for "Office/Residential" to read as follows:

"Up to 10 du's per acre for residential uses."

There was no testimony presented in favor or opposed to the request.

This item is scheduled for review by City Council at their January 26, 1998 meeting.

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN BY REVISING THE COMPREHENSIVE LAND USE PLAN RESIDENTIAL LAND USE CATEGORY PROVISIONS

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, The City of Westminster Comprehensive Land Use Plan (Plan) currently has five residential land use categories of varying densities; and

WHEREAS, one of the City's residential goals was to limit new multi-family development and increase the proportion of lower density and "high end" housing; and

WHEREAS, the current language of the Plan does not clearly state that lower density housing types are allowed in higher density land use categories; and

WHEREAS, the term "density" is not defined relative to the various land use categories; and

WHEREAS, The Planning Commission has considered this amendment and has recommended its approval to the City Council; and

WHEREAS, This proposed Comprehensive Land Use Plan amendment has been presented to the City Council and recommended by the Planning Commission and City Staff.

NOW, THEREFORE, the City Council approves the revisions to the Plan as contained in this ordinance.

Section 1.

- a. In Chapter IV Section C.1 (p. 33) "Residential Land Use", add the word "maximum" in the first sentence to read as follows:

"Areas are designated for residential land uses using a variety of **maximum** densities."

- b. In Chapter IV, Section C.1 (p. 33) "Residential Land Use" add the following language following the first paragraph.

"It should be emphasized that in some cases the maximum densities stipulated in the Plan may not be achievable depending on site constraints such as topography, drainage patterns, flood plains, wetlands, required rights-of-way, public land dedication, or other public improvements. The permitted density will be determined during the development review process taking into consideration the above constraints and enforcing the City's residential design guidelines."

- c. In Chapter IV subsection C.1.b (p. 38) "Single Family Attached", the subsection should be revised to read as follows:

"A variety of single family housing types are permitted within areas designated for single family attached, including **single family detached**, duplexes, townhomes, condominiums and other similar types of dwelling units. This designation allows **up** to 10 dwelling units per acre.

- d. In Chapter IV subsection C.1.c. (p. 38) "Multi-family Residential", the first sentence will be revised and a new second sentence added to read as follows:

"Multi-family residential areas are designated **primarily** for apartments, condominiums, and similar higher density types of dwelling units. **Single family attached and detached units are also permitted**"

- e. In Chapter IV Table 4-4 (p.39) "Future Land Use Categories" revise the Average Density descriptions for "Single Family Attached" to read as follows:

"Up to 10 du's per acre"

- f. In the same Table 4-4 revise the Average Density description for "Multi-Family" to read as follows:

"Up to 18 du's per acre."

- g. In the same Table 4-4 revise the Average Density description for "Office/Residential" to read as follows:

"Up to 10 du's per acre for residential uses."

Section 2. Severability: 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 deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of January, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of February, 1998.

ATTEST:

Mayor

City Clerk

Date: January 26, 1998

Subject: Councillor's Bill No. re Animal Control

Prepared by: Steve Peterson, Sergeant
Dan Montgomery, Chief of Police

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading which amends Title 6, Chapter 7 of the Westminster Municipal Code which pertains to animal control matters.

Summary

Council will find that most of the recommended changes to Title 6, Chapter 7 of the Westminster Municipal Code are "housekeeping" in nature. Wording changes have been included to coincide with the Colorado State Statutes; references to the Westminster Animal Shelter are deleted; and designated shelter facilities added. A short synopsis of the proposed changes are as follows:

- * 6-7-1: The definition of a vicious animal has been broadened and coincides with the Colorado Revised Statutes description of a dangerous animal.
- * 6-7-2: Allows for the recognition of rabies vaccinations that are valid for more than one year, and prohibits the killing of an animal during a quarantine period.
- * 6-7-4: Allows for the annual licensing of dogs with extended certified vaccination certificates, and eliminates mandatory annual vaccinations in these cases.
- * 6-7-5(c): Adds the words "or Private" property for purposes of impounding sick or injured animals. This paragraph also provides for statutory authority for a police officer or an animal control officer to euthanize. This authority has in the past been "assumed" as a job function.
- * 6-7-7(B)(1): "The Barking Dog Ordinance" requirements essentially stay the same, however a written warning has been added, and subsection (2) provides the officer some additional enforcement flexibility in unique cases.
- * 6-7-8(A): Broadens the statutory description of a vicious animal violation.
- * 6-7-13(A): Cruelty to animals incorporates the description of offense as in State Statute(s).
- * 6-7-14(A): Gives statutory authority and broadens a Police Officer's or Animal Control Officer's authority to enter upon private property (including vehicles) to remove "at risk" animals. This section specifically does not include "Private Buildings." This area, in part, has been assumed by Animal Control Officer's as a job function without statutory protection or authority.

Staff Recommendation

Pass Councillor's Bill No. on first reading pertaining to Title 6, Chapter 7 of the Westminster Municipal Code which addresses animal control matters.

Background Information

On January 1, 1997, the City entered into an Intergovernmental Agreement (IGA) with seven other Jefferson County jurisdictions to house impounded animals at Table Mountain Animal Center in Golden. Staff has found this arrangement to be very successful and has resulted in a significant cost savings to the City. Staff has recommended continuance of the Intergovernmental Agreement through 1998, and has found a need to amend WMC 6-7 in order to change references to the City Shelter and Staff to the contract agency. Staff also saw this as an opportunity to enhance animal control enforcement authority and bring the Code into alignment with State Statutes.

The City Attorney's office provided the legal assistance in drafting the attached ordinance revisions, and Staff's perspective with regard to these proposed revisions is that the changes are timely and are more of a "housekeeping-update" nature.

Animal Control Staff will be present at the City Council meeting to answer any questions that may arise regarding these proposed changes.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 7 of Title 6 is amended as follows:

6-7-1: DEFINITIONS: When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

ANIMAL CONTROL OFFICER: An employee or agent of the City authorized by the Chief of Police to enforce the provisions of this chapter. ~~including, but not limited to, the Animal Warden and Peace Officers.~~

ANIMAL SHELTER: THE ANIMAL SHELTER DESIGNATED BY CONTRACT FOR CARE AND SHELTER OF ABANDONED OR NEGLECTED ANIMALS OR ANIMALS IMPOUNDED BY THE CITY, AND AUTHORIZED BY THIS CHAPTER TO PROVIDE OTHER SERVICES FOR ANIMALS ON BEHALF OF THE CITY. THE DESIGNATED SHELTER IS, UNTIL CHANGED BY THE CITY OR THE SHELTER, THE TABLE MOUNTAIN ANIMAL CENTER.

RABIES VACCINATION: Inoculation of a domestic animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a licensed veterinarian. THE VACCINATION SHALL BE VALID FOR THE PERIOD OF TIME SPECIFIED IN WRITING BY THE VETERINARIAN FOR THE SPECIFIC VACCINE USED.

VICIOUS ANIMAL: Any unprovoked animal at any place within the City WHICH, REGARDLESS OF THE PRESENCE OR ABSENCE OF THE OWNER:

1. Bites or attacks a person or other animal OR THAT THREATENS TO ATTACK A PERSON OR OTHER ANIMAL; OR
2. HAS DEMONSTRATED TENDENCIES THAT WOULD CAUSE A REASONABLE PERSON TO BELIEVE THAT THE ANIMAL MAY INFLICT INJURY UPON OR CAUSE THE DEATH OF ANY PERSON OR OTHER ANIMAL; OR
3. HAS ENGAGED IN OR BEEN TRAINED FOR ANIMAL FIGHTING AS DESCRIBED AND PROHIBITED IN SECTION 18-9-204, C.R.S.

6-7-2: RABIES CONTROL:

(A) Vaccinations: It shall be unlawful for any owner of a dog or cat four (4) months of age or older to fail to have such animal vaccinated against rabies. All dogs and cats shall be vaccinated at four (4) months of age and revaccinated ~~annually~~ thereafter AT THE EXPIRATION OF THE VALIDITY OF THE VACCINE USED, AS SHOWN ON THE WRITTEN DOCUMENT PREPARED BY A LICENSED VETERINARIAN. The vaccination shall be valid for THE PERIOD SHOWN ON THE DOCUMENT. ~~one year from the date of vaccination.~~ Any person moving into the City from a location outside the City shall comply with this Section within thirty (30) days after having moved into the City, BY HAVING THE ANIMAL VACCINATED OR SHOWING PROOF OF CURRENT, VALID VACCINATION. If the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after a ten (10) day observation period.

6-7-3: REPORTING ANIMAL BITES:

(E) Removal of Animals from Confinement: It shall be unlawful for any person to KILL, remove or release any animal which has been confined, impounded, or is in the custody of the City or its agents as authorized under this chapter without the consent of the City or the impounding agency.

6-7-4: LICENSING OF DOGS:

(A) License Required: Any owner of a dog four (4) months of age or older shall procure a license for said dog. All dog licenses issued hereunder shall BE VALID FOR ONE YEAR, BEGINNING ON THE DATE OF VACCINATION, AND MUST BE RENEWED EACH YEAR. ~~expire one year from the date of the most recent rabies vaccination.~~ A grace period of 30 days will be authorized for renewing licenses beyond the actual expiration date. Upon proof of current, VALID rabies vaccination signed by a licensed veterinarian, the City shall issue a dated and numbered receipt stating the name and address of the owner, rabies receipt number, or issuing veterinarian's name, description of the dog and a City license tag stamped with a serial number and year. There shall be no charge for a City dog license. It shall be a violation of this Section for an owner to fail to comply with this licensing provision.

6-7-5: ANIMALS RUNNING AT LARGE:

(C) Sick or Injured Animals: Sick or injured animals found on public OR PRIVATE property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the animal is significantly injured or sick such that recovery is improbable, the animal may be euthanized, without liability to the City, the Animal Shelter, their employees, officers, or agents, or to any veterinarian examining, diagnosing, or treating the animal. AN ANIMAL CONTROL OFFICER OR POLICE OFFICER MAY HUMANELY DESTROY ANY ANIMAL THE OFFICER REASONABLY BELIEVES TO BE SO SICK OR INJURED THAT RECOVERY IS IMPROBABLE EVEN IF VETERINARY CARE COULD BE PROVIDED, IN ORDER TO AVOID FURTHER PAIN AND SUFFERING BY THE ANIMAL, WITHOUT LIABILITY TO THE CITY OR THE OFFICER. If the injured animal is treated or impounded, the owner of such animal shall be liable for all expenses of the treatment or impoundment.

6-7-7: DISTURBANCE; PUBLIC NUISANCE:

(A) It shall be unlawful for any owner of any animal to allow the animal to disturb any person by barking, howling, yelping, or other audible sound. In addition being a violation of this Section, the same is hereby declared to be a public nuisance which may be abated Pursuant to the provisions specified in Chapter 4 of Title VIII of this code.

~~(B) No citation shall be issued, nor any person convicted, for a violation of subsection 6-7-7(A) above except upon complaint and testimony of two or more persons unrelated to each other or from different households, except in those circumstances where there is only one reasonably close occupied residence at the time of the violation.~~

(B) 1. NO PERSON SHALL BE CHARGED WITH VIOLATING THIS SECTION UNLESS A WRITTEN WARNING WAS GIVEN TO THE OWNER OR PERSON IN CUSTODY OF THE ANIMAL BY AN ANIMAL CONTROL OFFICER OR POLICE OFFICER WITHIN TWELVE (12) MONTHS PRECEDING THE FIRST DATE ALLEGED AS A DATE OF VIOLATION IN THE COMPLAINT. A WARNING IS GIVEN UNDER THIS SUBSECTION IF IT IS PERSONALLY GIVEN TO THE OWNER OR PERSON IN CUSTODY OF THE ANIMAL OR IT IS POSTED UPON THE PROPERTY OF THE OWNER OR PERSON IN CUSTODY OR MAILED FIRST CLASS TO SUCH PERSON. SUCH RECORDS ARE PRIMA FACIE EVIDENCE THAT SUCH WARNINGS WERE GIVEN.

2. NO SUMMONS SHALL BE ISSUED AND NO PERSON SHALL BE CONVICTED AT TRIAL FOR VIOLATING THIS SECTION UNLESS TWO OR MORE WITNESSES FROM DIFFERENT HOUSEHOLDS TESTIFY TO THE LOUD AND PERSISTENT OR LOUD AND HABITUAL NATURE OF THE NOISE, OR UNLESS THERE IS OTHER EVIDENCE CORROBORATING THE TESTIMONY OF A SINGLE WITNESS. AN ANIMAL CONTROL OFFICER OR A POLICE OFFICER WHO CAN CORROBORATE THE ELEMENTS IN THIS SECTION MAY ISSUE SUMMONS AND TESTIFY AS THE SECOND WITNESS.

(C) It shall be unlawful for any owner to fail to exercise proper control of the animal to prevent it from becoming a public nuisance. In addition to public nuisance declared in other provisions of this Code, the following shall be deemed a public nuisance:

1. An animal harassing passersby by encroaching on public or private property, including snarling or growling while leaning on, over, OR THROUGH fences or walls.

2. Unattended animals chained or tied in public places, or on private property open to the public, or on the common grounds of condominiums, town homes, apartment complexes and mobile home parks.

6-7-8: VICIOUS ANIMALS AND GUARD DOGS:

(A) It shall be unlawful for any person to own or harbor a vicious animal within the City. Any animal which has bitten or attacked a person or other animal OR WHICH HAS DEMONSTRATED TENDENCIES THAT WOULD CAUSE A REASONABLE PERSON TO BELIEVE THAT THE ANIMAL MAY INFLICT INJURY UPON OR CAUSE THE DEATH OF ANY PERSON OR OTHER ANIMAL may be summarily impounded when the animal control officer reasonably believes the animal is a present threat to the health or safety of the community. Such animal is hereby declared to be a public nuisance, which may be abated by the Court in proceedings brought under the procedures established in this Code for the abatement of nuisances. If impoundment of said animal cannot be made with safety to the animal control officer or other persons, the animal may be destroyed by an animal control officer or peace officer without notice to the owner or harborer.

(C) The animal CONTROL SUPERVISOR ~~warden~~ is authorized to establish rules and regulations for the keeping of guard dogs. A copy of such rules and regulations shall be available at the WESTMINSTER POLICE DEPARTMENT ~~Animal Shelter~~ and furnished upon request.

6-7-9: IMPOUNDED ANIMALS:

~~(C) Unwanted Animal: Any unwanted animal voluntarily relinquished by its owner need not be impounded for any minimum period of time, but may be immediately euthanized or placed for adoption at the discretion of the Animal Shelter, unless the animal has recently bitten a person in which case the animal shall be confined in accordance with Section 6-7-3 (D). Voluntary relinquishment does not relieve the owner or render the owner immune from any impoundment fees, boarding fees, veterinary care charges, or any other costs associated with impoundment, nor, if held for court proceedings, from the decision of the court or from any fines or penalties imposed by the court.~~

~~(D) Adoption: Animals eligible for adoption may be adopted after agreement to the animal control adoption policy, and payment of the adoption fee, and applicable veterinary charges.~~

~~(E)~~(C) Disposition of Impounded Animal Being Held Pending Court Proceedings: If an animal is impounded, and is being held pending court proceedings for any violation of the provisions of this Chapter, the animal may not be released except on the order of the Court. The Court may, upon making a finding that such animal is vicious and that it represents a clear and present danger to the citizens or other animals in the community, order said animal to be euthanized in a humane manner. Any animal which remains unclaimed for five (5) days after its release has been ordered by the court may be euthanized or placed for adoption at the discretion of the Animal Shelter.

~~(F)~~(D) Sale: Animals impounded and kept for five (5) days in a pet store with a Class (B) license, which have not been claimed by an owner shall be deemed abandoned and may, at the discretion of the pet shop, be retained on the sixth day of impoundment and sold in lieu of reimbursement for all applicable boarding costs and veterinary fees.

6-7-10: KENNELS:

(B) Licenses: Issuance; Renewal: Kennel licenses shall expire on the thirty-first (31st) day of December each year. No kennel license shall be issued until an inspection certificate has been issued by the Animal CONTROL SUPERVISOR ~~Warden~~ or Designee. The license issued shall specify the maximum number of animals permitted. It shall be unlawful for the licensee to keep any number of animals in excess of the maximum specified on the license. All applicants for a kennel license within the City, if required to be licensed by the Colorado Department of Health, must have a valid license issued by said Department to qualify for licensing by the City. The possession of a State license, however, shall not in itself assure that a City license will be granted to anyone. Standards and regulations affecting kennels may be adopted by the City which are more restrictive than applicable State standards.

6-7-13: CARE AND TREATMENT:

(A) Cruelty to Animals: It shall be unlawful for any person KNOWINGLY OR WITH CRIMINAL NEGLIGENCE, TO OVERLOAD, OVERWORK, TORTURE, TORMENT, DEPRIVE OF NECESSARY SUSTENANCE, UNNECESSARILY OR CRUELLY BEAT, NEEDLESSLY MUTILATE, NEEDLESSLY KILL, CARRY OR CONFINE IN OR UPON ANY VEHICLE IN A CRUEL OR RECKLESS MANNER, OR TO OTHERWISE MISTREAT OR NEGLECT ANY ANIMAL, OR, HAVING THE CHARGE OR CUSTODY OF ANY ANIMAL, FAIL TO PROVIDE IT WITH PROPER FOOD, DRINK, OR PROTECTION FROM THE WEATHER, OR TO ABANDON IT. ~~to commit or cause to be committed, any act of cruelty, harassment or torture to any animal or cause such animal to be mutilated or inhumanely killed.~~ Ownership of the animal or the commission of such acts on private property shall not be a defense to prosecution for violation of this Section.

6-7-14: CAPTURING ANIMALS:

(A) An animal control officer or peace officer is authorized to enter IN OR upon private property, INCLUDING MOTOR VEHICLES AND FENCED AREAS BUT NOT PRIVATE BUILDINGS, to apprehend an animal running at large, a vicious animal, ~~or~~ an animal suspected of being infected with rabies, OR AN ANIMAL WHICH THE OFFICER REASONABLY BELIEVES IS NEGLECTED, SICK, OR INJURED SO THAT THE ANIMAL FACES A SERIOUS RISK OF DEATH OR IS SUBSTANTIALLY SUFFERING.

~~The officer may enter a fenced area with or without permission of the owner or possessor thereof, where the officer reasonably believes an animal poses an immediate danger to the public, including but not limited to, a vicious animal or an animal suspected of being infected with rabies. (1973)~~

(D) It shall be unlawful for any person to set or cause to be set any steel-jaw leg hold trap, snare, or any trap other than a humane trap for the purpose of capturing an animal whether wild or domestic, excepting a licensed or recognized business which has been given permission by the Colorado Division of Wildlife, THE COLORADO DEPARTMENT OF HEALTH, or the animal CONTROL SUPERVISOR ~~warden~~ to trap problem wildlife. ANY TRAPPING AUTHORIZED UNDER THIS CHAPTER MUST BE IN COMPLIANCE WITH THE COLORADO CONSTITUTION AND STATUTES.

6-7-15: FEES: Fees for license, impound, adoption, and other services rendered under this Chapter shall be as listed below. Fees are in addition to any fines or penalties imposed in court proceedings.

(A) Licenses:

Kennel License	\$ 25.00
Pet Shop License - Class "A"	25.00
Pet Shop License - Class "B"	500.00

(B) Impound Fees, BOARDING FEES, ADOPTION FEES, RELINQUISHMENT FEES, AND FEES FOR VETERINARY CARE SHALL BE AS ESTABLISHED BY THE ANIMAL SHELTER.

~~:- Each Offense ————— \$ 10.00~~

~~(C) Boarding Fees: Per day, per animal: ————— \$ 5.00~~

~~(D) Adoption Fees: Per animal \$ 15.00~~

~~(E) Relinquishment Fees, per animal:~~

~~————— If brought to Shelter ————— \$ 10.00~~

~~————— If picked up by Animal Control \$ 20.00~~

~~(F) Veterinary Care Fee: per animal ————— \$ 40.00~~

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of January, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of February, 1998.

Mayor

ATTEST:

City Clerk

Date: January 26, 1998

Subject: College Hill Library/Transfer of Technology Funds

Prepared by: Kathy Sullivan, Library Services Manager

Introduction

City Council action is requested to authorize the transfer of \$86,000 from the New Library Unauthorized Account (555) to the New Library Computer Hardware Software Account (405) and authorize the expenditure to pay for personal computers, printers, and other peripheral computer equipment for the College Hill Library. Funds for this expense are available in the New Library Capital Improvement Fund.

Summary

In September 1997, Council authorized the expenditure of \$46,535 for software, licenses, and telecommunications equipment to expand and enhance the City's Ameritech Dynix Library system to include the holdings of Front Range Community College. The process of connecting the College to the City's system has been recently completed.

Construction of College Hill is proceeding on schedule and internal wiring will be installed beginning approximately mid-January through mid-February. Staff is now ready to order the personal computers, printers, and other equipment necessary to provide access for Staff and patrons at College Hill to the library's catalog, various electronic databases, and the Internet. Staff is planning to install 41 PCs, 29 printers, and 41 surge protectors for a total cost of \$99,164. In addition to the \$86,000 allocated from the New Library Capital Fund, Staff will expend \$13,164 from the Library Division's 1998 Computer Software/Hardware account for this purpose, leaving \$7,836 in that account for miscellaneous wiring, cabling, software, and other expenses after opening.

Most computer equipment purchased by the City for the College Hill Library will be installed on the first level of the library for public use in accessing the Library's collection, and in Westminster Library Staff work areas. The City will also provide half the equipment for the Library's shared Reference area on the second floor (one staff and three public PCs). The College will provide the other half of the equipment in Reference, all other public workstations on the second floor, personal computers for its staff, and up to 11 personal computers for the Library Instruction Room. The Library Instruction room is a computer classroom which will be used to provide formal instruction for students or residents in searching the library's catalog, the Internet, and other library resources. It will also be available as an open computer lab during hours when no formal instruction is being offered. Outside funding is being sought to bring the total number of personal computers in this room to 22.

Staff Recommendation

Authorize the City Manager to transfer \$86,000 from the unauthorized New Library Capital Improvement Project Fund to the New Library Computer Hardware/Software account.

Background Information

The City Manager's Office has approved a PC standard for all departments. Data Processing does all the bidding for computer hardware/software to ensure the best price, comparable equipment, and compatibility with other equipment used in the City. Therefore, Library Staff was not required to take these purchases through separate bid process.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 26, 1998
Subject: Change Date for Council Meeting in March
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to change the date of the first City Council meeting in March at this time.

Summary

The first City Council meeting of March would normally be held on Monday, March 9th. A majority of the City Council members will be at the National League of Cities legislative meeting and therefore, it is requested to formally change the date of the first Council meeting in March to Monday, March 2nd.

Staff Recommendation

Change the date of the first Council meeting in March from March 9th to March 2nd.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 26, 1998
Subject: Semper Water Treatment Facility Rehabilitation
Prepared by: Ron Hellbusch, Director of Public Works and Utilities
Allen Moles, Utilities Project Engineer

Introduction

City Council action is requested to authorize the City Manager to sign a contract with CH2M Hill, Engineers, in the amount of \$69,991, plus \$7,000 contingency for a total of \$76,991 for the design of repairs to the masonry walls of the High Service Pump Station and the evaluation of the ventilation system of the bulk chemical and lime feed buildings. City Council is also requested to authorize the City Attorney to sign an additional services contract with Robert B. Douglas for continuing special legal services related to this project through trial at a cost not to exceed \$215,000.

Summary

Proposals for the design of the repairs to the masonry walls and evaluation of the ventilation system were requested from CH2M Hill, Engineers; CDM; and Burns & McDonnell. Staff is requesting authorization for the City Manager to sign a contract with CH2M Hill, Engineers, for the design of the repairs to the masonry walls of the High Service Pump Station and the chlorine storage room and the evaluation of the ventilation system for the bulk chemical and lime feed buildings. The cost for the contract is \$69,991, plus \$7,000 contingency, for a total of \$76,991. The summary of bids is as follows:

CH2M Hill	\$ 69,991
CDM	\$126,177
Burns & McDonnell	\$239,000

Additional authorization is also requested for the City Attorney to execute an agreement with Special Counsel Robert B. Douglas for continued special legal services related to this project through trial. The estimated cost of remaining legal fees is not expected to exceed \$215,000. If the case can be settled before trial, then not all of this expense would be incurred.

Staff Recommendation

Authorize the City Manager to sign a contract with CH2M Hill, Engineers, in the amount of \$69,991, for the design of the repairs to the masonry walls of the High Service Pump Station and the chlorine storage room and the evaluation of the ventilation system for the bulk chemical and lime feed buildings, plus a \$7,000 contingency for a total of \$76,991; and further authorize the City Attorney to execute an additional contract for legal services with Robert B. Douglas in an amount not to exceed \$215,000 for legal services through trial, and charge all of these expenses to the Utility Fund, Semper Water Treatment Facility Rehabilitation Capital Improvement Project (CIP) account.

Background Information

The High Service Pump Station is a critical facility used for pumping water from the Semper Water Treatment Facility to the potable water distribution system. Without the High Service Pump Station in service, the City will not be able to utilize the expanded Facility capacity and provide sufficient water to meet the 1998 summer demands of the distribution system unless the City uses the temporary interconnections with other cities. Inspections of the masonry walls and a review of the reinforcing shop drawings for the High Service Pump Station and the chlorine storage room has raised concerns about their structural integrity and safety.

In the chlorine storage room of the bulk chemical building, the hoist system used to move the 4,000 pound chlorine containers does not appear to be structurally sound; therefore, a temporary supplemental support system has been installed. There is also concern about the ventilation system in the bulk chemical building and lime feed building.

The recommended contract with CH2M Hill, Engineers, will be for design of the repairs to the masonry walls at the High Service Pump station and chlorine storage room and the evaluation of the ventilation systems for the bulk chemical and lime feed buildings. CH2M Hill, Engineers, has already performed a preliminary inspection of the masonry walls of the High Service Pump Station and the chlorine storage room. Because of the several different types of chemicals that are stored in this facility. The engineering report will include an analysis of the entire ventilation system.

Alternatives to awarding this engineering design contract at this time are to (1) not proceed with repair work and wait until the lawsuit is heard and settled, or (2) continue to negotiate in an attempt to require the original consultants and contractors to make all repairs. Both alternatives would present a critical risk of not having the pump station operable in May, during the period of high summer water demand. In addition, extensive past efforts over the last year by Staff and Special Legal Counsel has not given any promise of bringing the original consultants and contractors to a point of accepting responsibility and moving ahead with repairs in the critical demand period this spring and summer.

The continued special legal services agreement with Robert B. Douglas and the City Attorney's Office is needed in order to pursue the City's claims against the responsible parties for costs associated with the repair of the facilities and completion of the project. Mr. Douglas has filed a lawsuit on behalf of the City to recover those costs.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 26, 1998
Subject: Quarterly Insurance Report
Prepared By: Nancy Winter, Risk Management Specialist

Introduction

The following is a list of third party claims filed with the City from October 1, 1997 through December 31, 1997. No Council action is required at this time.

Summary

The information provided on each claim includes the claim number, date of loss, claimant's name and address, a brief summary of the claim and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. All of the claims listed in this report are in compliance with City Ordinance No. 1411 of 1984.

Staff Recommendation

Staff is not recommending any action at this time.

Background Information

The Risk Management Division received the following claims during the fourth quarter of 1997:

1. WS16687049 Date of Loss: August 4, 1997. Paul and Christine Zajac, 7298 Winona Court, Westminster, CO 80030. Claimants allege the City is responsible for damage done to their basement when a sewer backup caused the basement to flood. CIRSA settled the claim for \$1,939.74 pursuant to the City's no-fault sewer back-up policy.
2. WS10347050 Date of Loss: September 22, 1997. Michael Drito, 2788 Fernwood Circle, Broomfield, CO 80020. Claimant alleges that his son's car was rear-ended by a Westminster Police Officer driving a City patrol car. CIRSA settled the claim for \$856.94.
3. WS16687051 Date of Loss: April 27, 1997. Jamie and Paul Meyer, 1311 West 133rd Way, Westminster, CO 80234. Claimants allege that the City is responsible for damage done to their driveway, sidewalk and yard. Claimants allege that a sunken utility trench caused the damage. The claim has been referred to Luxor Homes, the project developer.
4. WS13597052 Date of Loss: October 15, 1997. Duane Breuklander, 4167 West 76th Avenue, Westminster, CO 80030. Claimant alleges that a City construction crew caused a sewer back-up which damaged claimant's property. CIRSA settled the claim for \$768.05 pursuant to the City's no-fault sewer back-up policy.

5. WS14627053 Date of Loss: October 25, 1997. Bernadette Trejo, 7251 Alan Drive, Denver, CO 80221. Claimant alleges she drove her vehicle over a pot hole at 76th Avenue and Stuart Street, and that the City is responsible for approximately \$170 in repairs for the damage to her vehicle's muffler. CIRSA is investigating the claim.
6. WS13597054 Date of Loss: October 22, 1997. Randi Masterson, 11217 Grant Drive, #A-4, Northglenn, CO 80233. Claimant alleges a water line cap left in the street caused damage to her vehicle. CIRSA denied the claim because the City has yet to take over responsibility for the maintenance of the roadway on which the damage occurred.
7. WS03117055 Date of Loss: Unspecified. Serpentix Conveyor Corporation, 9085 Marshall Court, Westminster, CO 80030. Claimant alleges the City is responsible for erosion damage to claimant's property and seeks an unspecified amount in damages from the City. CIRSA is investigating the claim.
8. WS11477056 Date of Loss: November 7, 1997. Charles Webster, c/o 911 Communication, 3095 South Pecos Street, #A, Aurora, CO 80014. Claimant alleges a City employee driving a Street Division vehicle was driving recklessly and caused rocks to fall out of the bed of the truck or spray up from the road (claimant was unsure of how rocks became airborne), and hit claimant's vehicle. CIRSA denied the claim.
9. WS13597057 Date of Loss: August 26, 1997. Oasis Apartments, 11420 Navajo Street, Westminster, CO 80234. Claimant alleges the City is responsible for damage to irrigation and electrical lines and landscaping due to work done to repair a water break. CIRSA settled the claim for approximately \$6,000.
10. WS10347058 Date of Loss: May 21, 1997. Sherri Coleman and Anthony Roe, c/o Paula Ison, Attorney, 700 North Colorado Boulevard, #314, Denver, CO 80206. Claimants allege police misconduct, violation of civil rights, and negligence occurred during an incident which occurred with a Westminster Court Marshal on May 21, 1997, in Aurora. CIRSA is investigating the claim.
11. WS14627059 Date of Loss: January 2, 1997. Regina Liscum, 7893 Allison Way, #303, Arvada, CO 80005. Claimant alleges the City is responsible for damage done to her vehicle when she drove into an unmarked ditch on Yates Drive. CIRSA denied the claim.
12. WS16687060 Date of Loss: September 19, 1997. Country Buffet, 8685 North Sheridan Boulevard, Westminster, CO 80030. Claimant alleges the City is responsible for loss of business caused when the water to the restaurant was shut off due to a water main break.
CIRSA settled the claim for \$1,345.81.
13. WS12507061 Date of Loss: November 12, 1997. Rose Ohanesian, c/o Neal K. Dunning, Esq., 1020 Ptarmigan Place, 3773 Cherry Creek Drive North, Denver, CO 80209. Claimant alleges the City failed to remove snow on a sidewalk near the Swim and Fitness Center, and thereby caused the claimant to fall and sustain injuries. CIRSA is investigating the claim.

14. WS10357062 Date of Loss: December 16, 1997. Louis Shakin and Esther Rotello, 7750 West 90th Drive, Westminster, CO 80021. Claimants allege the City is responsible for damage done to their vehicle when a Westminster Police Officer ran a red left turn arrow while responding to a call. Claimants hit the officer's vehicle broadside as they proceeded straight through a green light. CIRSA is investigating the claim.

Respectfully submitted,

William M. Christopher
City Manager

Date: January 26, 1998
Subject: Financial Report for December 1997
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1997 transactions through December, 1997.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs Appropriations
3. Sales Tax Detail

Several of the funds have not reached 100% of revenues and/or expenditures. This is due to year-end additions and adjustments, relevant to December, but made in January after the amounts are known. In addition, bond proceeds are deducted in certain funds in order to determine operating revenues and expenditures.

General Fund revenues represent 96% of the total budget estimate while General Fund expenditures and encumbrances represent 95% of the 1997 appropriation.

Utility Fund revenues represent 123% of the total budget estimate. Utility Fund expenditures and encumbrances represent 92% of the 1997 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment. Of the total budget increase of \$15.1 million between 1996 and 1997, \$13.2 million is due to the Reclaimed Water Project of 1997 and the bonded loan through Colorado Water Power Authority.

The Sales and Use Tax Fund revenues represent 102% of the total budget estimate, while expenditures and encumbrances in that fund represent 93% of the 1997 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 15% from the same period last year and increased 7% year-to-date.

The Open Space Fund revenues represent 133% of the total budget estimate while expenditures and encumbrances in that fund represent 87% of the 1997 appropriation. In March, the City issued \$23,350,000 in bonds; \$12.2 million was allocated for open space land purchases which will be spent later in 1997 - 1998.

The Golf Course Fund operating revenues represent 99% of the total budget estimate while operating expenditures and encumbrances in that fund represent 95% of the 1997 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures. In March, a portion of the 1992 Sales & Use Tax Revenue bonds were refunded. A portion of those bonds were used to finance construction of Legacy Ridge.

The large revenue and expense is the golf course's portion of bond proceeds which were, in turn, expensed to the escrow agent for refunding.

Theoretically, 100% of revenues and expenditures should be realized after twelve months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments