



**WESTMINSTER  
COLORADO**

**March 4, 2002**

**7:00 P.M.**

**AGENDA**

**NOTICE TO READERS:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
  - A. Presentation of Employee Service Awards
- 5. Citizen Communication (5 minutes or less)**
- 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. 2002 Concrete Replacement Project Bids
  - B. 2002 Chipseal Project Award
  - C. CB No. 3 re Former Hawn Property Annexation (Hicks-Dixon)
  - D. CB No. 4 re Former Hawn Property Zoning (Hicks-Dixon)
  - E. CB No. 5 re Former Lang Property Annexation (Dittman-McNally)
  - F. CB No. 6 re Former Lang Property Zoning (Dittman-McNally)
- 9. Appointments and Resignations**
  - A. Resolution No. 14 re Human Services Board Resignation and Appointment
- 10. Public Hearings and Other New Business**
  - A. Resolution No. 15 and 16 re New Residential Competitions
- 11. Old Business and Passage of Ordinances on Second Reading**
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
  - A. City Council
  - B. Executive Session
- 13. Adjournment**

## **GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, MARCH 4, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro Tem Atchison, Councillors Dittman, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent Dixon.

CONSIDERATION OF MINUTES:

Mayor Pro-Tem Atchison moved, seconded by Dittman to accept the minutes of the meeting of February 25, 2002 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Moss recognized the following employees and presented Employee Service awards and pins to Don Hauptmann for 40 years; to David Marquez for 25 years; and to Michael Barr, Brent Earhart, Joseph Hastings, John Hollick, Gary Knapp, John Korab, Stephen MacDonald, Stephan Norwood, Ruthie Rogers, Ken Watkins, and Tim Woodard for 20 years.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: 2002 Concrete Replacement Bid to Citywide Enterprises, Inc., for \$746,719; and 2002 Chipseal Project Award with A-1 Chipseal Company for \$586,603; CB No. 3 re Former Hawn Property Annexation; CB No. 4 re Former Hawn Property Zoning; CB No. 5 re Former Lang Property Annexation; and CB No. 6 re Former Lang Property Zoning.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

Mayor Pro-Tem Atchison moved, seconded by Dittman to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 14 RE HUMAN SERVICES BOARD RESIGNATION AND APPOINTMENT

Councillor Dittman moved, seconded by McNally to adopt Resolution No. 14 formally accepting the resignation of Ariane Kirby from the Human Services Board and appointing Dennis White to the Human Services Board. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 15 RE CATEGORY B-2 SERVICE COMMITMENTS

Councillor Hicks moved, seconded by Kauffman to adopt Resolution No. 15 awarding Category B-2 Service Commitments to two new single-family attached residential projects: The Highlands at Westbury and Westview Heights. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 16 RE CATEGORY E SERVICE COMMITMENTS

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 16 awarding Category E service Commitments to the Westminster Retirement Residence senior housing project. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:15 P.M.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 4, 2002

**Subject:** Presentation of Employee Service Awards

**Prepared by:** Michele Kelley, City Clerk

**Summary Statement:**

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20<sup>th</sup>, 25<sup>th</sup> and 40<sup>th</sup> anniversary of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting. .
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There is one employee celebrating 25 years of service, and he will be presented with a check for \$2500, less income tax withholding.

**Expenditure Required:** \$2,500

**Source of Funds:** Public Works Operating Budget Account

**Recommended City Council Action:**

Council present service pins and certificates of appreciation to employees celebrating 20, 25 and 40 years of service with the City, and providing special recognition to our 25 year employee with the presentation of a \$2,500 bonus.

**Policy Issue(s):**

Should Council continue to recognize City employees for years of service?

**Alternative(s):**

Council could decide that this recognition before City Council is not warranted. This alternative is not recommended, since employees value the recognition from City Council and this is a prestigious event for employees and their families.

**Background Information**

The following 20 year employees will be presented with a certificate and service pin:

Michael Barr	Police Department	Senior Police Officer
Brent Earhart	Police Department	Police Sergeant
Joseph Hastings	Police Department	Senior Police Officer
John Hollick	Parks, Recreation & Libraries	Electromechanic Specialist
Gary Knapp	Fire Department	Fire Fighter II
John Korab	Fire Department	Fire Engineer
Stephen McDonald	Police Department	Senior Police Officer
Stephan Norwood	Fire Department	Fire Engineer
Ruthie Rogers	Parks, Recreation & Libraries	Recreation Supervisor
Ken Watkins	Fire Department	Battalion Chief
Tim Woodard	Public Works & Utilities	Lead Plant Operator IV

The following 25 year employee will be presented with a certificate, service pin and check for \$2,500 minus amounts withheld for Federal and State income taxes:

David Marquez	Public Works & Utilities	Plant Operator IV
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**David Marquez** joined the City of Westminster on January 20, 1977 as a trainee at Big Dry Creek. David received his “D” license within the first six months and continued to work towards his “A” license in October 1986. He has not only received his “A” license in wastewater, but has also received his “D” license in water treatment and his “C” license in industrial wastewater.

David has seen the Big Dry Creek Wastewater Treatment Facility grow from a six person operation to the current 19 person operation and has seen the plant grow from less than a 1 million gallon per day plant to today’s 7.5 million gallon per day plant.

David became responsible for the training of all new plant operators. He has trained all but two of the present and past operators. Training was a natural fit for David; it was a skill he learned as a sergeant in the Marine Corps.

David has volunteered as a Cub Scout and Boy Scout leader for his son, he has been a gymnastic coach for his daughter’s school and was on the marching band board for his daughter at Northglenn High School. He is active in his church and currently is president of his homeowner’s association. He enjoys traveling with his wife. They have also been a host family to several French students.

The following 40 year employee will be presented with a certificate, and service pin

Don Hauptmann	Police Department	Equipment Services Assistant
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**Don Hauptmann** was hired as a City of Westminster Police Officer in October 1959. He rose through the ranks to the position of Police Captain, and was in command of every division within the Police Department multiple times during his tenure. He retired after 39 years of service and has since returned to the City in his current part time position.

He is known and revered for his commitment to the ideals of professional policing, his sense of humor, strong desire to provide effective customer service, and his willingness to contribute his time and energies to the betterment of the Westminster community.

Don's community and professional involvement activities included the Adams County Jail Task Force, the Westminster Citizen Awareness Action Team, the Westminster Elk's Lodge, the FBI National Academy Associates, several Police Commander Associations, the Greater Westminster Area Quality of Life Commission, the Adams County Community Corrections Screening Committee, Westminster Pride Day Volunteer and COG Coordinator. Don is especially proud of the years he spent as a member of the Adams County Community Corrections Screening Committee.

Don enjoys traveling and cooking, and can always be counted upon to have a travel adventure, or to share a good recipe with you.

As a result of Don's affection for the City of Westminster, its employees, and the Westminster Police Department he decided to return to a part time position with the Police Department. He found that since his wife, Janelle, is still working, the amount of traveling he was able to do was somewhat limited, and he got tired of sitting home watching television. (Janelle got tired of him sitting at home watching television too.) Also, he figured that he would come back to work for the City to see if he could set the record for the longest tenure as a City employee.

On March 6, the City Manager will host an employee awards luncheon at which time 9 employees will receive their 15 year service pin, 6 employees will receive their 10 year service pin and 6 employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 20<sup>th</sup>, 25<sup>th</sup> and 40<sup>th</sup> anniversary. This is the first of four luncheons for 2002 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 510 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 4, 2002

**SUBJECT:** 2002 Concrete Replacement Project Bids

**Prepared by:** Ray Porter, Infrastructure Improvements Division Manager

**Summary Statement**

City Council action is requested to award the bid for the 2002 Concrete Replacement Project.

- City Council approved funds in the 2002 Infrastructure Improvements Division budget to replace 25,000 linear feet of deteriorated curbs, gutters, sidewalks, crosspans and curb ramps.
- Project concrete replacement will be done on 25 streets earmarked for reconstruction or resurfacing and at 267 locations from the “Citizen’s Request for Concrete Replacement Priority List.”
- Participating in this year’s project are Adams County School Districts #12 and #50 for sidewalk, curb, and gutter replacement at various school sites.
- Formal bids were solicited from seven contractors with six responding.
- The low bidder, Citywide Enterprises, Inc., meets all of the City bid requirements and has successfully completed concrete replacement projects in Westminster during the past ten years, including 2001.

**Expenditure Required:** \$ 796,719

**Source of Funds:** General Fund; Department of Public Works and Utilities - Infrastructure Improvements Division operating budget, and Adams County School Districts’ #12 and #50 funds (\$65,700).

**Recommended City Council Action:**

Authorize the City Manager to sign a contract with the low bidder, Citywide Enterprises, Inc., in the amount of \$746,719; authorize a \$50,000 contingency amount; and charge the expense to the appropriate 2002 Department of Public Works and Utilities Infrastructure Improvements Division budget account.



**Policy Issue**

Should this bid be awarded to the low bidder, Citywide Enterprises, Inc. for the replacement of concrete curbs, gutters and sidewalks as specified in the contract documents for this project.

**Alternatives**

Alternatives to this project include:

- Not replacing concrete on streets earmarked for reconstruction or resurfacing.
  - a) Available dollars for asphalt work could increase by \$180,000.
  - b) The asphalt improvements would not realize full life expectancy, due to accelerated deterioration where damaged gutters are left.
  - c) The backlog of concrete replacement requested by citizens would increase.
  - d) Service level would fall lower than the norm in the Metro Area.
  
- Not replacing concrete at the citizens' requests.
  - a) Available dollars for asphalt work could increase by \$500,000.
  - b) Service level would fall more in line with other metro entities.
  - c) Citizens would experience a decrease in service and be responsible for any hazards that exist per City ordinance.
  
- Separate the bids for curb, gutter and sidewalk replacement on isolated citizen requests and street improvements.
  - a) Two bids would be necessary instead of one.
  - b) Some smaller contractors may be able to bid the smaller projects, however the past two years have not resulted in a substantial savings when doing two separate bids.
  - c) If two different contractors acquire the bids, the construction time may be decreased.
  - d) Administrative time and costs would double due to another bid being prepared and administered.

**Background Information**

City Council approved funds in the 2002 Infrastructure Improvements Division budget to replace 25,000 linear feet of deteriorated curbs, gutters, sidewalks, crosspans and curb ramps at 25 locations earmarked for street reconstruction or resurfacing and at 267 isolated locations from the "Citizens Request for Concrete Repairs" priority list.

Also participating in this bid were Adams Country School Districts #12 and #50. The School Districts' portion of this bid is \$65,700 for curb, gutter and sidewalk replacement at nine (9) school sites. An Intergovernmental Agreement with the School Districts will need to be authorized for the City Manager's execution once the Asphalt Pavement Rehabilitation Project bids are presented for City Council approval. The intergovernmental agreement will address the asphalt and concrete projects in one document.

The following sealed bids were received:

1. Citywide Enterprises, Inc.	\$746,719
2. New Design Construction	754,612
3. Quality Paving Company	792,036
4. Concrete Express, Inc.	800,369
5. Asphalt Specialties Company	813,094
6. Stockholm Development & Construction Company	832,714

City Staff Estimate \$827,279

City Staff estimated a cost increase of 3% due to the rising cost of cement. Citywide's bid averages an 8.5% decrease in costs when compared to 2001 prices. This bid is an indication of concrete contractors needing the work due to the current economic slow down.

The cost breakdown for this project is as follows:

• Citizen's request priority list	\$450,000
• 50/50 City/Citizen cost sharing	10,000
• Crossspan replacement (8 locations)	40,000
• Street improvement concrete replacement	181,019
• Adams County School Districts #12 & #50	65,700
• Project Contingency	<u>50,000</u>
<b>TOTAL:</b>	<b>\$796,719</b>

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 4, 2002

**SUBJECT:** 2002 Chipseal Project Award

**Prepared By:** Ray Porter, Infrastructure Improvements Division Manager

**Summary Statement**

City Council action is requested to authorize the City Manager to sign a contract with A-1 Chipseal Company for the 2002 Chipseal Project.

- City staff negotiated project costs with A-1 Chipseal Company for 338,245 square yards of chipseal and 130,000 pounds of cracksealer to be applied to 87 Westminster City streets.
- A-1 Chipseal has successfully completed chipseal projects in the City of Westminster for the past five years (1997 – 2001) without another company bidding.
- 2002 negotiated unit prices for chipseal are 2% lower than the 2001 bid price.
- Reasons for the lower chipseal price are as follows:
  - a) Liquid asphalt costs have decreased slightly
  - b) Bid quantity for this year's project increased by 38% over the 2001 quantity.
- 2002 negotiated crackseal price remained the same as the 2001 bid price at \$1.20 per pound.
- 2002 crackseal quantity increased by 22% and the rubberized crackfill material is of a higher quality than previously used.

**Expenditure Required:** \$620,000

**Source of Funds:** General Fund – Infrastructure Improvements Division Operating Budget.

**Recommended City Council Action**

Authorize the City Manager to sign a contract for the 2002 Chipseal Project to the sole source contractor, A-1 Chipseal Company, in the amount of \$586,603; and authorize a \$33,397 contingency amount. Charge the expense to the appropriate 2002 Department of Public Works and Utilities, Infrastructure Improvements Division budget account.

**Policy Issue(s)**

Should the City accept the negotiated costs with A-1 Chipseal Company. This company has been and remains the sole contractor in the metropolitan area for chipseal construction.

**Alternative(s)**

1. Bid the chipseal work with the annual Street Reconstruction/Resurfacing Project
  - A double profit margin would be realized once A-1 Chipseal becomes a sub-contractor. Costs would increase by an estimated 15% minimum.
  - Only one contract would be necessary.
  - A-1 Chipseal Company would still be performing the work.
2. Resurface these streets with a thin overlay of hot-mix asphalt (HMA).

With this alternative the cost would increase by 175% and the strength of the pavement structure would increase by less than 5%. The pavement's flexibility would not increase as it does with the polymerized asphalt used with a sealcoat. Thus, within two to three years the pavement surface would need a sealcoat.

**Background Information**

The 2002 Chipseal Project represents a total of 48 lane miles of pavement surface improvements at 87 locations throughout the City of Westminster. This chipsealing project is recommended by Staff after each street segment was carefully analyzed through the computerized Pavement Management process. It has been determined through years of experience, that this preventative maintenance strategy is the most cost effective.

In an effort to respond to citizen concerns, Staff will again be sending a letter to affected residents explaining the process of the chipseal application and what to expect during the curing period. Special attention will be given to consistent and timely inspection during the construction process and sweeping will be scheduled the day after the chipseal is applied. The new process, which utilizes a sealing process after sweeping was performed successfully in 1992 and in 1994 to 2001.

The sole contractor, A-1 Chipseal Company, has successfully completed chipseal projects over the past five (5) years in Westminster and the cities of Denver, Aurora, Frederick, Lakewood, Arvada, Golden, Northglenn, Loveland, Estes Park, Adams County, Douglas County, Jefferson County, Elbert County, and the Colorado Department of Transportation (CDOT). A-1 Chipseal's owner has been in the business since 1981 and the City of Westminster has been chipsealing City streets since 1976.

The chipseal application price of \$1.23 per square yard decreased 2% from the 2001 price. Included in this project is 130,000 pounds of rubberized cracksealing on every street earmarked for chipseal in 2002 and repainting of all traffic control lane lines, crosswalks and pavement markings following the chipseal application.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 4, 2002

**SUBJECT:** Resolution No. 14 re Human Services Board Resignation and Appointment

**Prepared by:** Michele Kelley, City Clerk

**Summary Statement**

- City Council recently received the resignation of Ariane Kirby from the Human Services Board.
- Currently, City Council has a list of persons within the “pool” to be considered when vacancies occur during the year.
- Council action is now requested to adopt the attached resolution formally accepting the resignation of Ariane Kirby and making appointment of Dennis White to serve on the Human Services Board.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Recommended City Council Action**

Adopt Resolution No. 14 formally accepting the resignation of Ariane Kirby from the Human Services Board, and appointing Dennis White to the Human Services Board.

**Policy Issue**

Should City Council appoint a new member to the Human Services Board since the City has received a resignation?

**Alternative(s)**

Council could decide not to appoint a member to the Human Services Board at this time.

**Background Information**

Ariane Kirby has recently resigned from the Human Services Board due to current changes in her job and family. (See attached letter of resignation.)

Ariane was appointed to the Human Services Board on February 9, 1998 and has served continually since that time.

Council reviewed the chart of citizens within the 2002 “pool” and have directed Staff to prepare the Resolution appointing Dennis White.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **14**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

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CITY OF WESTMINSTER HUMAN SERVICES BOARD

WHEREAS, A resignation has been received from Ariane Kirby from the Human Services Board; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Ariane Kirby from the Human Services Board and appoint the following individual to the City of Westminster Human Services Board vacancy as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Dennis White	Human Services Board	December, 2002

Passed and adopted this 4<sup>th</sup> day of March, 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 4, 2002

**SUBJECT:** Resolution No. 15 and 16 re New Residential Competitions

**Prepared By:** Shannon Sweeney, Planning Coordinator

**Summary Statement**

- City Council action is requested to adopt the attached resolutions awarding Category B-2 Service Commitments (SCs) to two new Single-Family Attached (SFA) projects and Category E SCs to one new senior housing project. These resolutions relate to the City’s Growth Management Program and are based on the findings established in Section 11-3-1 of the Westminster Municipal Code.
- The City received six applications (see attached map for locations) for the three competitions authorized by City Council. One application was received for the senior housing competition, five applications for the SFA competition, and no applications for the SFD competition. (Please see the table in the Background Information section for a list of projects submitted).
- City Council had allocated 28 SCs for the SFA competition for one or two new projects. Staff recommends awarding to the two highest scoring projects for the following reasons:
  - The number of SCs requested for 2002 for the two highest scoring projects (25.2) does not exceed the total allocation of 28 SCs set aside for this competition in 2002.
  - The applicant of the second project has chosen incentive items totaling 3,125 points, which is 475 points greater than the highest scoring project in last year’s SFA competition.
  - The second SFA project is a much smaller project than the top-scoring project (48 units versus 213), and smaller projects sometimes have difficulty financially justifying the same level of incentives larger projects are able to offer.
  - The average number of new SFA units awarded in the last four SFA competitions is 154 units per competition. While awarding to both projects would allow a larger number of new units (261) than the average, City Council had intended to award to one or two new SFD projects in 2002 as well, but none were submitted.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Recommended City Council Action**

1. Adopt Resolution No. 15 awarding Category B-2 Service Commitments to two new single-family attached residential projects: The Highlands at Westbury and Westview Heights.
2. Adopt Resolution No. 16 awarding Category E Service Commitments to the Westminster Retirement Residence senior housing project.



**Policy Issue(s)**

Should the City award Service Commitments to the two highest-scoring single-family attached projects in the new residential competition process? The City Council had previously endorsed one or two new single-family attached projects.

**Alternative(s)**

- Direct staff to draft a revised resolution awarding Category B-2 Service Commitments to only the highest scoring single-family attached project. Because City Council had previously determined one or two new single-family project(s) would be awarded Service Commitments, this alternative also follows Council's previous action. This option would award 14 of the 28 Service Commitments set aside for the competition for 2002. The unused remainder would be placed back in the Service Commitment supply figures at the beginning of next year. While there is a significant difference in the point total (1,825) between the first and second place projects, the second project is much smaller (48 units versus 213), and it is sometimes more difficult for smaller projects to offer the same amenities.
- Direct staff to draft a revised resolution awarding Category B-2 Service Commitments to the three, highest scoring single-family attached projects. This option would allow the Ambiance Townhome project to also proceed to the development review process. However, because this is another large project, this would more than double the number of single-family attached units awarded in this competition. The total number would increase from 261 new units to 547. The Service Commitments needed would increase for the year 2002 from 25.2 for the two highest-scoring projects to 60.2 for all three, and the total needed for build-out would be 382.9 instead of 182.7 with two projects.

**Background Information**

The intent of these Service Commitment competitions is to provide a limited number of new residential projects to proceed to the City's development review process. The focus of these new residential competitions is on the score sheets submitted by each applicant and the total points received by each project. Each project must meet all of the minimum requirements in the City's Residential Design Guidelines, and projects receive points by providing "incentive" items the applicants choose, which are also listed in the Guidelines. If an applicant chose to provide an incentive item on the score sheet, that item will be required if that project is awarded Service Commitments whether or not it was shown on the sketch plan submitted for the competition. Incentive substitutions may be considered during the development review process, but the substitutions must meet or exceed the score received in the competition.

In December 2001, City Council allocated Service Commitments to be awarded on a competitive basis to one or two new single-family detached (SFD) projects, one or two new single-family attached (SFA) projects, and one new senior housing project. For 2002, thirty SCs (30 new units) were allocated for the SFD competition, 28 SCs (40 new units) for the SFA competition, and 11 SCs (30 new units) for the senior housing competition. Please see the summary of the six applications received below. (Recommended projects are indicated in shaded rows).

<u>Project/Location</u>	<u>Developer</u>	<u>Acres</u>	<u>Units</u>	<u>du/a*</u>	<u>Score</u>	<u># SCs Requested</u>					
						<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Total</u>	
<b><u>Single-Family Detached:</u></b>											
No applications submitted											
<b><u>Single-Family Attached:</u></b>											
1. The Highlands at Westbury NEC 112th & Pecos	Century Communities	26.77	213	7.95	<b>4950</b>	14.0	46.9	46.2	42.0	<b>149.1</b>	
2. Westview Heights SEC 86th & Federal	Discovery Place Inv.	6.16	48	7.8	<b>3125</b>	11.2	22.4	0.0	0.0	<b>33.6</b>	
<b>SUBTOTALS (recommended SFA projects)</b>			<b>261</b>			<b>25.2</b>	<b>69.3</b>	<b>46.2</b>	<b>42</b>	<b>182.7</b>	
3. Ambiance Townhomes** N. & s. of 72nd at Depew	Equinox	35.63	286	8.03	<b>2950</b>	35.0	98.0	67.2	0.0	<b>200.2</b>	
4. Prairie Ridge SWC 104th & Sheridan	Cessna	25.8	189	7.3	<b>2600</b>	0.0	44.8	44.8	42.7	<b>132.3</b>	
5. Ambiance** S. of 72nd at Depew	Not listed on application	17.29	159	9.2	<b>1900</b>	25.9	25.9	25.9	33.6	<b>111.3</b>	
<b>TOTALS (SFA)</b>			<b>895</b>			<b>86.1</b>	<b>238</b>	<b>184.1</b>	<b>118.3</b>	<b>626.5</b>	
<b><u>Senior Housing:</u></b>											
1. Westminster Retirement Residence	Holiday Retirement		130 (beds)	10	<b>1975</b>	11.0	29.25	0.0	0.0	<b>40.25</b>	
<b>TOTALS (all recommended projects)</b>			<b>261 (+130 beds)</b>			<b>36.2</b>	<b>98.55</b>	<b>46.2</b>	<b>42.0</b>	<b>222.95</b>	
<b>TOTALS (all competitions-all projects)</b>			<b>895 (+130 beds)</b>			<b>97.1</b>	<b>267.25</b>	<b>184.1</b>	<b>118.3</b>	<b>666.75</b>	

\*dwelling units per acre

\*\*Two applications were submitted for the Ambiance project (Shoenberg Farms Planned Unit Development). As City Council is aware, SCs had previously been set aside for this project per an agreement established with the prior property owner. The developer for the project, Frontier Development, submitted plans for review in 1999. Frontier Development did not complete their plans in a timely manner (and in fact was also not able to complete the Hollypark Subdivision as agreed to), and as of January 1, 2002, the SCs set aside for Ambiance expired.

The senior housing project listed in the table above was submitted for the approximately 13-acre parcel at the northeast corner of 113<sup>th</sup> Avenue and Sheridan Boulevard within the Green Acres Planned Unit Development. This site is designated Office/Residential in the City’s Comprehensive Land Use Plan (CLUP). While a senior housing project would be permitted within Office/Residential, and the density proposed did not exceed the 10 dwelling units per acre maximum established for that land use, the application did not accurately reflect existing conditions related to the site, and the proposed changes raised some concerns:

- The sketch site plan submitted showed subdivision of the approximately 13-acre site that is not legally subdivided into two lots. The senior housing project was proposed for the northern half of the parcel, and the southern half was labeled “Future Commercial Development.” Commercial is not a permitted use for the site under the Office/Residential designation. Commercial support uses may be allowed only as conditional uses and only if developed in conjunction with and accessory to office uses. The applicant has agreed to change the label to read “Future Office/Residential Development.”
- City Staff was also concerned the remaining, vacant parcel would be too small for a viable office or residential project in the future without a site-specific plan. Utilizing the whole parcel would, in Staff’s opinion, allow a feasible residential, office, or combination office/residential development. Awarding Service Commitments to this project does not indicate Staff support or City approval of the proposed lot split. Staff has indicated to the applicant that this proposed subdivision would be carefully reviewed during the development review process and a final determination on the subdivision of the property would follow at that time.

- The Office/Residential designation establishes a 2 1/2-story maximum building in order to be compatible with the adjacent residential area. The proposed senior housing project showed a three-story structure. This site is adjacent to an existing single-family detached neighborhood directly to the east, and the construction of a three-story structure would increase the impact on the neighborhood. The applicant has since agreed to reduce the proposed building to a two-story structure.

Applicants for each of the submitted projects chose various incentive items to incorporate should the projects receive SCs as part of these competitions. Because of the larger size (greater than 100 units) of most of these projects, all but one project is required to provide a swimming pool. (As Council may recall, only smaller projects are given an incentive to provide a pool, because it is more difficult for smaller projects to provide). Some of the amenities the applicants chose, for each of the projects submitted, include the following:

- The Highlands at Westbury (SFA): (Recommended for service commitments)  
Additional arterial or collector street right-of-way; all parking within attached garages; two hard-surface courts, two volleyball courts, and two play equipment areas; increased building setbacks; buildings include no more than six units; tile roofs on all buildings; at least 75% of all sides of primary buildings finished with brick or stone; between 40% and 45% private landscaped area; street medians/landscaped islands at entranceway; detention area designed as permanent water feature; and additional plant materials in right-of-way landscaped areas.
- Westview Heights (SFA): (Recommended for service commitments)  
All parking within attached garages; pool and restroom facilities (incentive for this smaller project); one hard-surface court and one play equipment area; buildings include no more than six units; street medians/landscaped islands at entranceway; 50% or more private landscaped area; and additional plant materials in right-of-way landscaped area.
- Ambiance Townhomes (SFA): (Not recommended for service commitments)  
At least 75% parking within attached garages; two hard-surface courts and two play equipment areas; buildings include no more than six units; 45% to 50% private landscaped area; and additional plant materials in right-of-way landscaped areas.
- Prairie Ridge (SFA): (Not recommended for service commitments)  
Additional arterial or collector street right-of-way; at least 75% parking within attached garages; tile roofs on all buildings; 50% or more private landscaped area; and additional plant materials in right-of-way landscaped area.
- Ambiance (SFA): (Not recommended for service commitments)  
At least 50% parking within attached garages; one hard-surface court and one play equipment area; buildings include no more than six units; and 50% or more private landscaped area.
- Westminster Retirement Residence (Senior Housing): (Not recommended for service commitments)  
Additional arterial or collector street right-of-way; 50% or more private landscaped area; additional plant materials in right-of-way and private landscaped areas; minimum six-foot wide internal sidewalks; and landscaped island at the entranceway.

Because detailed, site development plans are not reviewed as part of this competition process, and significant changes typically occur during the development review process, the sketch plans submitted for these competitions are not reviewed with City Council as part of these competitions. Developers of these projects have been informed that presentations will not be scheduled for the City Council meeting on March 4, 2002, since the developers would tend to focus on site plans not yet reviewed with the City. All developments must follow the required Preliminary and Official Development Plan review process.

**SUBJECT:** Resolutions re New Residential Competitions

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Notification letters were mailed to the applicants who submitted projects for these competitions. The letters detail the final scores within the competitions and the Staff recommendation for Service Commitment awards for the March 4, 2002 City Council meeting. Developers were also notified that, while it is not required for them to attend the City Council meeting (since no presentations are scheduled), they are welcome to attend.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 15

INTRODUCED BY COUNCILLORS

SERIES OF 2002

CATEGORY B-2 (NEW SINGLE-FAMILY ATTACHED RESIDENTIAL)  
COMPETITION AND SERVICE COMMITMENT AWARDS

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded in Category B-2 (new single-family attached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new single-family attached development is limited, and the City of Westminster has previously adopted Resolution No. 94, Series of 2000, specifying the various standards for new single-family attached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has previously allocated 28 Service Commitments for the year 2002 for use in servicing one or two new single-family attached residential projects based on the criteria set forth in Section 11-3-1 of the Westminster Municipal Code; and

WHEREAS, five applications were received for the single-family attached competition with a total of 626.5 Service Commitments requested over the next four years for the total build-out of the 895 total single-family attached units proposed; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

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

- 1. Category B-2 Service Commitment awards are hereby made to the specific projects listed below as follows:

<u>Project</u>	<u>Location</u>	<u># Service Commitments per Year</u>				
		<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>Total</u>
The Highlands at Westbury	NEC 112th Ave. & Pecos St.	14	46.9	46.2	42	149.1
Westview Heights	SEC 86th Ave. & Federal Bl.	11.2	22.4	0	0	33.6
		25.2	69.3	46.2	42	182.7

- 2. These Service Commitment awards to the projects listed above are conditional and subject to the following:

- a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
- b. Service Commitment awards for the projects listed above, if approved by the City, may only be used within the project specified above.

- c. These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
- d. Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
- e. The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of property involved in this Category B-2 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-2 award.
- f. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
- g. The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
- h. Awards shown for the year 2002 are effective as of the date of this Resolution (March 4, 2002). Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year provided the Service Commitments have not expired.
- i. In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
  - 1) The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2005, or the entire Service Commitment award for the project shall expire.
  - 2) The project must be issued at least one building permit within one year of Official Development Plan approval, or the entire Service Commitment award for the project shall expire.
  - 3) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any consecutive 12-month period.
- j. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.

3. The Category B-2 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

Passed and adopted this 4<sup>th</sup> day of March, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

RESOLUTION

RESOLUTION NO. **16**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

CATEGORY E (NEW SENIOR HOUSING)  
COMPETITION AND SERVICE COMMITMENT AWARD

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded for new senior housing in Category E on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new senior housing development is limited, and the City of Westminster has previously adopted Resolution No. 39, Series of 1998, specifying the various standards for new senior housing projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has previously allocated 11 Service Commitments for the year 2002 for use in servicing one new senior housing project based on the criteria set forth in Section 11-3-1 of the Westminster Municipal Code; and

WHEREAS, one application was received for the senior housing competition with a total of 40.25 Service Commitments requested over the next two years for the total build-out of the 130-bed senior housing project proposed; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

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

- 2. A Category E Service Commitment award is hereby made to the specific project listed below as follows:

<u>Project</u>	<u>Location</u>	<u># Service Commitments per Year</u>		
		<u>2002</u>	<u>2003</u>	<u>Total</u>
Westminster Retirement Residence	E. of Sheridan Bl. at 114th	11	29.25	<b>40.25</b>

- 2. The Service Commitment award to the project listed above is conditional and subject to the following:
  - k. The applicant must complete and submit proposed development plans for the project to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
  - 1. The Service Commitment award for the project listed above, if approved by the City, may only be used within the project specified above.

- m. This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
- n. This Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of the project, proposed density, and proposed number of units.
- o. The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of property involved in this Category E award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category E award.
- p. Any project that does not receive City approval is not entitled to the Service Commitment award, and the Service Commitments shall be returned to the water supply figures.
- q. The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
- r. Awards shown for the year 2002 are effective as of the date of this Resolution (March 4, 2002). Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year provided the Service Commitments have not expired.
- s. In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
  - 1) The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2005, or the entire Service Commitment award for the project shall expire.
  - 2) The project must be issued at least one building permit within one year of Official Development Plan approval, or the entire Service Commitment award for the project shall expire.
  - 3) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any consecutive 12-month period.
- t. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.

3. The Category E Service Commitment award shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

Passed and adopted this 4<sup>th</sup> day of March, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, March 4, 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Hicks, Kauffman, and McNally. Absent Dixon.

The minutes of the February 25, 2002 meeting was approved.

Employees with 20, 25, and 40 years were recognized.

Council approved the following: 2002 Concrete Replacement Bid to Citywide Enterprises, Inc., for \$746,719; and 2002 Chipseal Project Award with A-1 Chipseal Company for \$586,603.

Council accepted the resignation of Ariane Kirby from the Human Services Board and appointed Dennis White to the Human Services Board.

The following Councillor's Bills were adopted on second reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 13, TOWNSHIP 2 SOUTH, RANGE 69 WEST, SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 13, TOWNSHIP 2 SOUTH, RANGE 69 WEST, SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

The following Resolution were adopted:

Resolution No. 14 re Human Services Board Resignation and Appointment

Resolution No. 15 re Category B-2 Service Commitments Awards

Resolution No. 16 re Category E Service Commitment Award

At 7:15 P.M. the meeting was adjourned.

By order of the Westminster City Council  
Michele Kelley, CMC, City Clerk

Published in the Westminster Window on March 14, 2002.