



CITY COUNCIL 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 (Section 7) is reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Employee Service Awards
7. Citizen Communication (5 minutes or less)

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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. 2011 Assistance to Firefighter Grant Application
 - B. City Park Recreation Center Elevator Modernization
 - C. Fire Department Cumulative Purchases Over \$50,000 in 2011
 - D. Fleet Maintenance Cumulative Purchases Over \$50,000 in 2011
 - E. Little Dry Creek Interceptor Sewer Relocation Project – Final Design
 - F. Second Reading of Councillor's Bill No. 29 re 2011 2nd Quarter Budget Supplemental Appropriation
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Meeting on the Adopted 2012 City Budget
 - B. Councillor's Bill No. 30 re Kings Mill Park Expansion Supplemental Appropriation
 - C. Resolution No. 26 re Set a Compliance Hearing for the Westminster High School Property Annexation
 - D. Resolution No. 27 re DRCOG Application for Sustainable Communities Regional Planning Grant
 - E. Public Hearing re Amendments to the W.M.C. Chapter 1, Title X, re Adoption of the 2010 Model Traffic Code
11. Old Business and Passage of Ordinances on Second Reading
 - A. Second Reading of Councillor's Bill No. 28 re Amend the W.M.C. to Adopt the 2010 Model Traffic Code
12. Miscellaneous Business and Executive Session
 - A. City Council
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.



WESTMINSTER
Strategic Plan
2011-2016
Goals and Objectives

FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Institutionalize the core services process in budgeting and decision making
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



STRONG, BALANCED LOCAL ECONOMY

- Maintain/expand healthy retail base, increasing sales tax receipts
- Attract new targeted businesses, focusing on primary employers and higher paying jobs
- Develop business-oriented mixed use development in accordance with Comprehensive Land Use Plan
- Retain and expand current businesses
- Develop multi-modal transportation system that provides access to shopping and employment centers
- Develop a reputation as a great place for small and/or local businesses
- Revitalize Westminster Center Urban Reinvestment Area



SAFE AND SECURE COMMUNITY

- Citizens are safe anywhere in the City
- Public safety departments: well equipped and authorized staffing levels staffed with quality personnel
- Timely response to emergency calls
- Citizens taking responsibility for their own safety and well being
- Manage disaster mitigation, preparedness, response and recovery
- Maintain safe buildings and homes
- Protect residents, homes, and buildings from flooding through an effective stormwater management program



VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY

- Develop transit oriented development around commuter rail stations
- Maintain and improve neighborhood infrastructure and housing
- Preserve and restore historic assets
- Have HOAs and residents taking responsibility for neighborhood private infrastructure
- Develop Westminster as a cultural arts community
- Have a range of quality homes for all stages of life (type, price) throughout the City
- Have strong community events and active civic engagement



BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY

- Have energy efficient, environmentally sensitive city operations
- Reduce energy consumption citywide
- Increase and maintain greenspace (parks, open space, etc.) consistent with defined goals
- Preserve vistas and view corridors
- A convenient recycling program for residents and businesses with a high level of participation



Mission statement: We deliver exceptional value and quality of life through SPIRIT.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 22, 2011, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, staff and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. J. Brent McFall, City Manager, Marty McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Mayor Pro Tem Dittman moved, seconded by Councillor Lindsey, to approve the minutes of the regular meeting of August 8, 2011, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported there would be meetings of the Westminster Economic Development Authority, the Westminster Housing Authority, and the Orchard Park Place North General Improvement District immediately following adjournment of this City Council meeting. No Council meetings were scheduled during the next two weeks because next Monday was the fifth in the month and Labor Day was the following Monday. City offices would be closed in observance of the Labor Day holiday.

Last Wednesday and Thursday the City's Management Team worked with Brothers Redevelopment to help paint homes of low-income senior citizens in South Westminster. The work was gratifying to the Management Team and deeply appreciated by the homeowners. It had been a good team-building exercise and visible evidence of the Team's SPIRIT.

In conclusion, Mr. McFall reported that the circulation period for City Council Nomination Petitions ended at 6 p.m. this date. Official candidates were Herb Atchison, Bob Briggs, Beau Martin, Mike Melvin, Jennifer Shannon, and Faith Winter. They would vye for three seats on City Council at the November 1 election. Terms of office were four years.

COUNCIL REPORTS

Councillor Briggs recognized Dr. Pam Swanson, District 50 Superintendent of Schools, who was in the audience. Dr. Swanson would participate in an upcoming Centennial Lecture Series and speak about the history of District 50.

Councillor Winter reported that tickets were on sale for the Public Safety Banquet to be held at the Conference Center on September 8. Public Safety Officers would be recognized and honored for their heroic actions during the year. She hoped to see lots of citizens there.

PROCLAMATIONS

Mayor McNally proclaimed September 5 through 8 to be Employee Appreciation Week in recognition of City employees' contributions to the overall success of the organization and the quality of life in Westminster. On September 7 employees would be treated to the 22nd annual employee appreciation breakfast prepared by the City Manager, Assistant City Manager, City Attorney, Presiding Municipal Judge, and City Department Heads. A gift from City Council would be distributed at the breakfast and several other activities would be included in

the week to express appreciation to City employees. The Mayor read the proclamation and presented it with gratitude to Paul Newton of the Police Department; Angie Williams, Veronica Smith and Will Leo of Parks, Recreation, and Libraries; Michelle McLaughlin of Community Development; and Lisa Chrisman and Nicki Leo of General Services.

CITIZEN COMMUNICATION

Dr. Pam Swanson, District 50 Superintendent of Schools, advised that the school term had begun this date amid much student, teacher and parent excitement. She was present to formally introduce Michael Lynch, the new Principal of Westminster High School and one of Westminster's newest residents. Also in attendance were Dr. Marilyn Flachman, Marge Rinaldi, and Vicky Marshall, members of the District 50 Board of Education.

Herb Atchison advised Council that a grant application would be filed later in the week to obtain matching funds for the Public Safety Memorial to be constructed in front of the Public Safety Building.

CONSENT AGENDA

The following actions were submitted for Council's consideration on the consent agenda: accept the July 2011 Financial Report; based on the City Manager's recommendation, find that the public interest would best be served by authorizing the City Manager to execute a professional services agreement with Hatch Mott MacDonald, Inc., for the Standley Lake Bypass Study in the amount of \$223,972 and authorize a 10% contingency of \$22,397 for a total project budget of \$246,369; authorize the City Manager to sign a Water Lease agreement for up to eight acre feet of water per year over a 20-year period to the City of Black Hawk; authorize the City Manager to execute a contract change order with Keene Concrete, Inc. in the amount of \$95,300 for additional concrete replacement in 2011; based on the City Manager's recommendation, find that the public interest would best be served by authorizing the City Manager to execute a sole source crossing surface installation agreement with Burlington Northern Santa Fe Railway Company for replacement of existing crossing surfaces at Lowell Boulevard and at West 88th Avenue, in an amount not to exceed \$145,861; authorize the City Manager to execute a second contract amendment with Dohn Construction, Inc. for the Swim and Fitness Center Renovation Project to increase the Guaranteed Maximum Price from \$1,515,000, to \$1,622,580 to include an additional \$107,580 for major capital improvements to the facility that were items the Building Operations and Maintenance Division has identified as being outside the scope of the initial renovation project; authorize the City Manager to execute a contract amendment with Jacobs Engineering Group in the amount of \$76,389 for environmental evaluations required for the Bradburn Boulevard/Raleigh Street Realignment project with a \$3,811 contingency for a total of \$80,200; authorize the City Manager to execute an Intergovernmental Service Agreement with the Westminster Orchard Park Place North General Improvement District, in substantially the same form as distributed with the agenda, regarding the payment of a service fee to the City by the District; final passage on second reading of Councillor's Bill No. 27 amending portions of Westminster Municipal Code Section 1-22-24 regarding settlement of traffic infractions by mail.

There were no items removed from the consent agenda and Councillor Major moved to approve the consent agenda as presented. Mayor Pro Tem Dittman seconded the motion, and it carried.

COUNCILLOR'S BILL NO. 29 RE 2011 2ND QUARTER BUDGET SUPPLEMENTAL APPROPRIATION

Mayor Pro Tem Dittman moved, seconded by Councillor Kaiser, to pass on first reading Councillor's Bill No. 29 providing for a supplemental appropriation of funds to the 2011 budget of the General and General Capital Improvement Funds. The motion carried unanimously on roll call vote.

RESOLUTION NO. 25 RE 2011 PRIVATE ACTIVITY BONDS

It was moved by Councillor Winter and seconded by Councillor Kaiser to adopt Resolution No. 25 authorizing the assignment of the City's 2011 private activity bond allocation of \$5,169,425 to the Westminster Housing Authority for the qualified purposes set forth in the resolution and authorize the Mayor to execute the necessary documents. On roll call vote, the motion passed unanimously.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Councillor Kaiser and seconded by Councillor Major to adjourn. The motion carried and the meeting adjourned at 7:16 P.M.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Presentation of Employee Service Awards

Prepared By: Debbie Mitchell, Human Resources Manager
Dee Martin, Human Resources Administrator

Recommended City Council Action

Present service pins and certificates of appreciation to employees celebrating 20 or more years of service with the City and in five year increments thereafter.

Summary Statement

- 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 the fifth grouping of 2011, employees with 20, 25, and 30 years of service will be recognized tonight.
 - Presentation of 20-year certificates and pins – Councilor Bob Briggs
 - Presentation of 25-year certificate, pin and check – Mayor Nancy McNally
 - Presentation of 30-year certificates and pins – Councilor Scott Major

Expenditure Required: \$ 2,500

Source of Funds: General Fund – Finance Operating Budget



Policy Issue

None identified

Alternative

None identified

Background Information

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

| | | |
|------------------|------------------------------|-------------------------------|
| Susan Grafton | Economic Development Manager | CMO |
| Debra Harmon | Guest Relations Clerk II | Parks, Recreation & Libraries |
| Duane Linkus | Fire Paramedic | Fire |
| Timothy Reisbeck | Fire Engineer | Fire |

The following 25-year employee will be presented with a certificate and service pin:

| | | |
|---------------|------------------------------|---------|
| Karen Creager | Accountant-Special Districts | Finance |
|---------------|------------------------------|---------|

The following 30-year employees will be presented with a certificate and service pin:

| | | |
|-----------------|-----------------------|--------------------------|
| Paul Newton | Senior Police Officer | Police |
| Johnny Pinkston | Lead Plant Operator | Public Works & Utilities |
| Steve Ramer | Chemist | Public Works & Utilities |

On September 14, 2011 the City Manager will host an employee awards luncheon. Five employees will receive their 15 year service pin, seven employees will receive their 10 year service pin, and five employees will receive their 5 year service pin. Recognition will also be given to those celebrating their 20th, 25th, and 30th anniversaries. This will be the fifth luncheon in 2011 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees for the fifth luncheon is 385 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.

The recognition of employee's years of service addresses Council's Strategic Plan goal of Financially Sustainable City Government Providing Exceptional Services as part of the overall recognition program developed to encourage and recognize employee commitment to the organization. Recognition efforts have long been recognized as an important management practice in organizations striving to develop loyalty, ownership and effectiveness in their most valuable resource – employees.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 A

Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: 2011 Assistance to Firefighter Grant Application

Prepared By: Doug Hall, Fire Chief
Lee Birk, Chief of Police
Russ Bowers, Communications Administrator

Recommended City Council Action

Ratify the Fire Department pursuing the 2011 Assistance to Firefighter Grant in the amount of \$379,600, in partnership with Police Department for the purpose of replacing, enhancing and modernizing Fire personnel portable radios.

Summary Statement

- In 2011, the radio system the City shares with the City of Arvada will be 19 years old and is the same proprietary radio protocol and system designed and implemented in 1992. This radio system serves both emergency and non-emergency radio users in both cities, to include Police, Fire, Emergency Medical Services, Public Works and Utilities, Community Development, and Parks, Recreation and Libraries. Eventually, the radio system and equipment will reach an end of life status and will not be replaceable because of technology enhancement and the unavailability of replacement parts. The cost of such replacement makes the pursuit of grants an attractive option to address the costs.
- On November 22, 2010, City Council authorized Staff to submit a grant request for a Department of Homeland Security (DHS) grant offered through the Urban Area Security Initiative (UASI) program to fund the replacement of the radio system. At the time of the grant submittal, Staff did not anticipate that DHS would award funding to the City in 2011 but would award funding in subsequent years as the City's grant submission moved up the priority list. However, since then the DHS grant funding was cut by 50%. This leads Staff to believe that the probability of receiving funding for this project is even more unlikely in 2011 or anytime in the near future.
- With the UASI funding likely to diminish, the Fire and Police Department joined efforts to apply for 2011 Assistance to Firefighter Grant (AFG). On August 9, 2011, the DHS Federal Emergency Management Agency (FEMA) posted the 2011 AFG documents. The grant funding for 2011 will require 20% matching funds for the purchase of 73 portable radios for Fire personnel.
- The grant submittal deadline was September 9, 2011. Due to the short turnaround time, the grant application was submitted before City Council could be briefed on this issue.



SUBJECT: 2011 Assistance to Firefighter Grant Application

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- With authorization from City Council, staff will continue to pursue this grant opportunity. Should City Council direct staff to withdraw the application, staff will follow up.

Expenditure Required: \$75,920 (required match)

Source of Funds: General Fund – Various Operating Budget Accounts

Policy Issue

Should the City of Westminster Fire Department, in conjunction with the Police Department, continue with their submission of the application for the 2011 AFG to fund the replacement and upgrade of the Fire Department's portable radios?

Alternatives

Direct Staff to withdraw the submission of the 2011 AFG. This option is not recommended because that would require the continued servicing of aging and soon to be obsolete portable radios and will not alleviate the City's need to ultimately provide funding for the replacement of the radios.

Background Information

With the UASI funding likely to diminish, the Fire and Police Department joined efforts to apply for 2011 Assistance to Firefighter Grant (AFG). On August 9, 2011, the DHS, FEMA posted the 2011 AFG documents. The grant submittal deadline was September 9, 2011. Due to the short turnaround time, the grant application was submitted before City Council could be briefed on this issue.

Since 2001, AFG has helped firefighters and other first responders to obtain critically needed equipment, training, and other resources to protect the public and emergency personnel from fire and related hazards. The AFG grant program focuses on firefighter health and safety as well as the safety of the public the firefighters serve. The primary goal of the grant program is to meet the firefighting emergency response needs of fire departments and non-affiliated emergency medical service organizations.

The AFG grant process is highly competitive and it is important that the City apply for consideration at this time in order to secure the possibility of receiving grant funding in the near future. It is important to note that the anticipated replacement of the current system would entail new and improved technology to encompass improved interoperability and a simulcast transmission system (P25 Simulcast Radio System Technology). These enhancements represent state of the art and best practice radio technology to ensure that multiple radio users with diverse radio systems and equipment can effectively communicate with each other. By applying for the AFG grant program, it will allow for the purchase of 73 portable radios (\$379,600) for Fire personnel. The portable radios will have P25 Simulcast Radio System Technology (P25 SRST) also known as P25 that provides improved interoperability and ensures that Fire can effectively communicate with multiple radio users with diverse radio systems.

Ultimately, it will be necessary to replace the entire radio system with P25 SRST, which would include additional equipment, portables and mobile radios for all users. P25 SRST addresses the issue of "radio dead zones" that are currently being experienced by emergency and non-emergency personnel who are unable to receive or transmit radio communications. Besides the obvious inefficiencies, these dead zones can pose lack of communication scenarios that can be life threatening. The City's current system is approaching end of life status with vendors and our radio coverage continues to be a challenge. The best solution for these anticipated radio issues is to eventually migrate to a P25 SRST within the next three to five years. The City could still support the existing radio system through third party vendors beyond that time. However, it is evident that this technology will eventually go away and the City must prepare for the transition to a P25 SRST.

SUBJECT: 2011 Assistance to Firefighter Grant Application

Page 4

This Grant is requesting portable radios for Fire Personnel at an estimated cost of \$379,600, which would reduce the eventual total replacement costs (currently estimated at \$2.2 million for the City's share) accordingly. AFG grant funding for 2011 requires matching funds of 20%, which is \$75,920. Funds are available in various General Fund Operating Budget radio maintenance accounts to meet matching requirements.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: City Park Recreation Center Elevator Modernization

Prepared By: Thomas Ochterski, Energy and CIP Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with KONE, Inc., at the City Park Recreation Center for the upgrade and modernization of the existing elevator in the amount of \$59,200.

Summary Statement

- The existing elevator at the City Park Recreation Center is twenty-five years old and no longer meets building codes. The modernization and replacement of elevator controls will bring the elevator up to current building codes.
- The modernization and replacement of controls of the elevator will decrease the number of emergency issues and their associated maintenance costs.
- The retrofit project will include the replacement of most of the moving parts, controls, and life-safety features and increase the reliability of the elevator.
- Funding for elevator modernization is available in the Building Operations and Maintenance Capital Improvement Major Maintenance budget.

Expenditure Required: \$59,200

Source of Funds: General Capital Improvement Fund
- Building Operations and Maintenance Major Maintenance



Policy Issue

Should Council authorize modernization of the elevator at City Park Recreation Center?

Alternative

Council could choose to delay the modernization of the elevator. This is not recommended as continued use of the existing elevator will result in more emergency issues at that facility and possible violation of Americans with Disabilities Act of 1990.

Background Information

The elevator at City Park Recreation Center was installed in 1986 with the construction of the recreation center. The elevator has a high rate of use as it is the primary manner in which individuals with mobility issues are able to make use of the lower level programs and amenities. On a number of occasions, the elevator has had to be taken out of service for up to a week at a time. There have been an increasing number of maintenance issues, including some emergencies involving individuals being temporarily stuck on the elevator. The elevator is at the end of its useful life and is in need of upgrades beyond the typical preventative maintenance.

On August 8, 2011, the Request for Bids on the elevator modernization project was sent to the four major elevator companies (Otis, Schindler, Thyssenkrupp, and KONE) resulting in three submittals. The chart below shows the results of the bids:

| Elevator Modernization | |
|-------------------------------|--------------|
| Otis | Unresponsive |
| Schindler | \$66,811 |
| KONE | \$59,200 |

The bid from Otis, Inc., was deemed unresponsive when it was discovered that the bid was incomplete. Otis, Inc. has recognized their error and has formally requested that their bid be withdrawn.

The authorization for the modernization of the elevator at City Park Recreation Center meets Council's Strategic Plan goals of Financially Sustainable City Government Providing Exceptional Services and Safe and Secure Community by keeping the City's Recreation Center available for use by all members of the community.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 C

Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Fire Department Cumulative Purchases Over \$50,000 in 2011

Prepared By: Bill Work, Deputy Fire Chief
John O'Brien, Fire Captain

Recommended City Council Action

Based on the recommendation of the City Manager, determine that the public interest will be best served by approving expenditures with American Safety Associates of Colorado in an amount not to exceed \$75,000.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council for authorization. Staff has taken a conservative approach in interpreting this requirement to include transaction where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- The Westminster Fire Department requires a variety of pieces of personal protective equipment including bunker gear on a regular basis. Bunker gear is the protective equipment worn by firefighters to fight fires and for carrying out the other hazardous duties of their jobs. It was determined that American Safety Associates of Colorado could provide this bunker gear at the best value to the City. American Safety Associates also provides the Fire Department with other personal protective equipment in addition to bunker gear. This additional equipment includes such items as structural firefighting boots, gloves, helmets and other safety related items. American Safety Associates has always provided excellent customer service to the Fire Department.
- Purchasing the bulk of the protective equipment needs from this one vendor is recommended due to pricing and the exceptional service and quality of product.
- Adequate funds were previously appropriated in the 2011 Budget and are available in the Fire Department's operating budget.

Expenditure Required: Not to exceed \$75,000

Source of Funds: General Fund - 2011 Fire Department Operating Budget



Policy Issue

Should the Westminster Fire Department continue to purchase necessary personal protective equipment primarily from a single vendor?

Alternatives

1. Split the purchase of additional protective equipment with other vendors, reducing expenditures to under \$50,000 for one vendor. This alternative is not recommended. Research has determined the unit costs would increase due to separate, smaller orders. Most of the other vendors are out-of-state. Experience has shown that the out-of-state vendors cannot provide local representatives trained in performing the necessary sizing and fit testing of bunker gear. Other vendors also cannot respond as quickly to problems or delivery of product. American Safety Associates of Colorado has been providing the City competitive pricing for a number of years.
2. Purchase the additional protective equipment in 2012. This alternative is not recommended since the Fire Department has the budget approved funds available to purchase this equipment in 2011.

Background Information

Predicting the actual wear and tear and failure rates for various protective clothing is often difficult. A single incident can accelerate the need to replace protective clothing. All of the firefighter's personal protective clothing and equipment is inspected every year to assure it meets recognized safety standards. These safety standards also can include a "life expectancy" requirement that requires replacement after the designated life span. Assuring that firefighting personnel are supplied with the proper safety equipment that meets the recognized standards of the National Fire Protection Agency (NFPA) is an on-going process every year. The Fire Department is fortunate to have a local vendor that not only provides very competitive pricing, but also provides great customer service in terms of turn-around time, response to problems, and stocks a variety of the needed protective equipment that makes up an entire firefighter ensemble.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 D

Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Fleet Maintenance Cumulative Purchases of Over \$50,000

Prepared By: Jeffery Bowman, Fleet Manager

Recommended City Council Action

Determine that the public interest will be best served by approving Fleet Maintenance cumulative purchases in 2011 with Front Range Fire Apparatus, Tire Centers Inc. and Wireless Advanced Communications for purchases not to exceed \$95,000 for each of the three vendors.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- The Fleet Maintenance Division uses a number of vendors to provide parts and/or services required to maintain City of Westminster vehicles. Total aggregate purchases from three of these vendors, Front Range Fire Apparatus, Tire Centers Inc. (TCI) and Wireless Advanced Communications, either have, or will likely exceed \$50,000 each during 2011. Staff is asking for approval of purchases not to exceed \$95,000 for each of the three vendors through 2011.
- Adequate funds were previously appropriated in the 2011 Fleet Maintenance Commodities Fund and are available for the needed purchases.

Expenditure Required: \$285,000

Source of Funds: 2011 Fleet Maintenance Fund



Policy Issue

Should Council approve the cumulative purchase of vehicle parts and services from various vendors that total over \$50,000 per vendor, but not to exceed \$95,000 in 2011?

Alternative

Do not approve the expenditures as recommended. While it could be argued that each transaction represents a separate purchase, City Staff believes that a more prudent approach is to treat the smaller transactions as cumulative larger purchases with the vendors that are subject to Council approval.

Background Information

The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceed \$50,000. Fleet Maintenance has identified three vendors where the total cumulative purchases or expenses will exceed \$50,000 for the year 2011 and thus require Council authorization. Staff is seeking approval for these expenditures for the calendar year 2011. Funds are available in the Fleet Maintenance Commodities accounts.

Fleet Maintenance uses a variety of part and service vendors to provide maintenance and repair on City vehicles by Fleet personnel. The 2011 Fleet Maintenance Commodities budget contains \$1,000,329 in line items for vehicle fuel, parts, tires and repair services. These on-going purchases include routine, competitively bid parts and services. Some are sole-source purchases since the needed item(s) are only stocked by either sole vendors or a limited number of vendors in our area.

To date, Fleet Maintenance has identified three vendors that are used on a regular basis that will accumulate over \$50,000 in orders during 2011. These vendors are: Front Range Fire Apparatus, TCI Tire Centers and Wireless Advanced Communications. Front Range Fire Apparatus is the sole provider for Pierce Fire Equipment parts and service. Engine work, pump parts and normal repair parts for the City Fire fleet make up the cumulative purchases. TCI Tire Centers has the State Bid on the Michelin tires used for the City's Fire apparatus and is the most frequently used vendor for recap tires for heavy duty trucks. Wireless Advanced Communications installs the lighting packages on Police vehicles with the reduction of one FTE in Fleet Maintenance.

At this point in the year, one vendor; Wireless Advanced Communications has just exceeded the \$50,000 purchasing threshold. Staff anticipates that it will be purchasing additional materials and services from Wireless, TCI and Front Range Fire companies in the remainder of the year that will surpass \$50,000 each, but not exceed \$95,000 each. The City's approach to these types of collective purchases from a single vendor is to assure that purchases in excess of \$50,000 are identified in advance and brought to City Council for approval.

This approach helps achieve the City Council's Strategic Plan Goals of "Safe and Secure Community" and "Financially Sustainable City Government Providing Exceptional Services" by meeting the following objectives: maintaining well equipped Police and Fire Departments and spending tax dollars in a responsible manner.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Little Dry Creek Interceptor Sewer Relocation Project – Final Design

Prepared By: Andy Walsh, Senior Engineer
Steve Grooters, Senior Projects Engineer

Recommended City Council Action

Based on the recommendation of the City Manager, find that the public interest would best be served by authorizing the City Manager to execute a contract with URS Corporation in the amount of \$289,387 to provide final design engineering services for the Little Dry Creek Interceptor Sewer Relocation Project and authorize a 10% contingency in the amount of \$28,939 for a total budget of \$318,326.

Summary Statement

- A significant City-owned utility that is planned to be relocated as part of the RTD FasTracks project is the Little Dry Creek Interceptor Sewer (LDCIS) near Federal Boulevard and West 71st Avenue.
- In November of 2010, the Utilities Planning and Engineering Division issued a request for proposals to five consulting firms to evaluate alignment alternatives for the relocation of the LDCIS and to prepare design documents.
- Of five proposals received, Staff believes URS Corporation (URS) provides the best value to the City based on their qualifications, cost-competitive fee schedule, and previous experience on FasTracks related work for RTD.
- An evaluation of alternatives for the LDCIS was completed in April of this year by URS and established the City’s Preferred alignment (see the attached figure).
- The segment of the LDCIS from Federal Boulevard to the east end of the project is directly impacted by proposed RTD construction and will be relocated by RTD at their expense.
- The segment of the LDCIS from Lowell Boulevard to Federal Boulevard is not directly impacted by proposed RTD construction. However, the timing is ideal to replace this segment due to its poor condition and need for upsizing.
- Staff has negotiated a scope of services and a competitive fee with URS for final design of the relocated LDCIS and adequate funds exist in the South Westminster TOD Utilities capital account to fund this contract.
- Completion of the LDCIS design is anticipated in spring of 2012 with construction anticipated to commence in summer.

Expenditure Required: \$318,326
Source of Funds: Utility Fund – South Westminster TOD Utilities capital account



Policy Issue

Should Council proceed with awarding the final design engineering contract to URS Corporation?

Alternatives

1. City Council could decline to approve the contract and place the project on hold. This is not recommended since it would result in delaying relocation of the Little Dry Creek Interceptor Sewer and could result in increased expenses to the City, delays to the Little Dry Creek Park project, or delays for the FasTracks project.
2. City Council could choose to award the contract to one of the other consultants that previously submitted proposals for the alternatives analysis. This is not recommended as Staff believes that URS Corporation provides the best value for this project. They are familiar with the City’s infrastructure through their past projects with the city, and their proposed team is intimately familiar with the FasTracks project. This experience will help streamline key project tasks.

Background Information

The RTD FasTracks project is currently developing in south Westminster and includes a spur rail to the proposed South Westminster commuter rail station near Irving Street and West 71st Avenue. The introduction of the new station and railroad alignment requires the relocation of several City utilities. One such utility is the LDCIS that conveys sewer flows for the southern quarter of the city to the Metro Wastewater Reclamation District for treatment.

In April of 2010, Staff developed and evaluated several potential routes for the LDCIS on the north side of the railroad. Since that time, RTD indicated a potential change of plans to relocate the LDCIS south of the railroad. Staff responded by initiating an engineering study in November 2010, to confirm appropriate southern pipeline routes. Due to the specialized nature of the project and the corresponding engineering expertise required, Staff sent a Request for Proposals (RFP) to five engineering firms specialized in evaluating large pipeline routing and design. The intent of this competitive selection process was to select a firm to complete the alternative analysis and subsequently negotiate a final design contract upon successful completion of the alternative analysis.

URS Corporation was selected based on their response to the following criteria as outlined in the Request for Proposals:

- Approach that clearly indicates understanding of the project scope and City’s goals and expectations.
- Firm’s specialized experience in large-diameter sewer design (including waterway crossings and borings).
- Recent project experience in the Colorado region on similar work.
- Positive reference feedback regarding past project performance and the performance of individuals proposed for the project, including experience of each of the members of the team.
- Project schedule that demonstrates their ability to meet the City’s targeted completion dates.
- Fee relative to the proposed approach.

The five consultants that submitted proposals and hourly rate ranges for their key staff were as follows:

| | |
|---|-------------------|
| The Engineering Company (TEC) | \$75 - \$150 /hr |
| S.A. Miro, Inc. | \$81 - \$172 /hr |
| URS Corporation | \$90 - \$200 /hr |
| Kennedy/Jenks Consultants | \$105 - \$200 /hr |
| Burns & McDonnell Engineering Company, Inc. | \$115 - \$186 /hr |

In addition to URS' favorable response to the criteria outlined in the City's RFP, they were familiar with the LDCIS from their past work with the city. Furthermore, URS has been involved with pre-design work for RTD on the FasTracks project and is familiar with the area utilities, proposed construction and RTD's timeline for key project milestones.

URS completed an evaluation of the alignment alternatives for the LDCIS in April of this year. This effort considered a variety of RTD decision scenarios and established the preferred alignment for the relocated LDCIS. As shown on the attached map, the preferred alignment includes segments of sewer between Lowell Boulevard and Federal Boulevard and a segment from Federal to the east end of the project, south of West 64th Avenue. Portions of the segment of the LDCIS from Federal Boulevard to the east end of the project are directly impacted by proposed RTD construction. Staff is working with RTD to relocate these segments in accordance with agreements already in place. The segments of the LDCIS between Lowell Boulevard and Federal Boulevard are not directly impacted by proposed RTD construction, but the timing is ideal to replace these sewers in parallel with the FasTracks project for the following reasons:

- 1) The LDCIS is currently in poor condition and replacement has been identified as a priority;
- 2) Replacement of the LDCIS will provide an opportunity to upsize the pipeline and as a result will increase available capacity that can support future build-out of development in the sewer basin;
- 3) The existing segment of LDCIS between Lowell Boulevard and Federal Boulevard will need to be relocated with the construction of the Little Dry Creek Park project, and implementing the project with Little Dry Creek Park improvements will reduce overall city costs; and
- 4) Relocating the LDCIS allows RTD to make several smaller sewer connections in locations more favorable to the city.

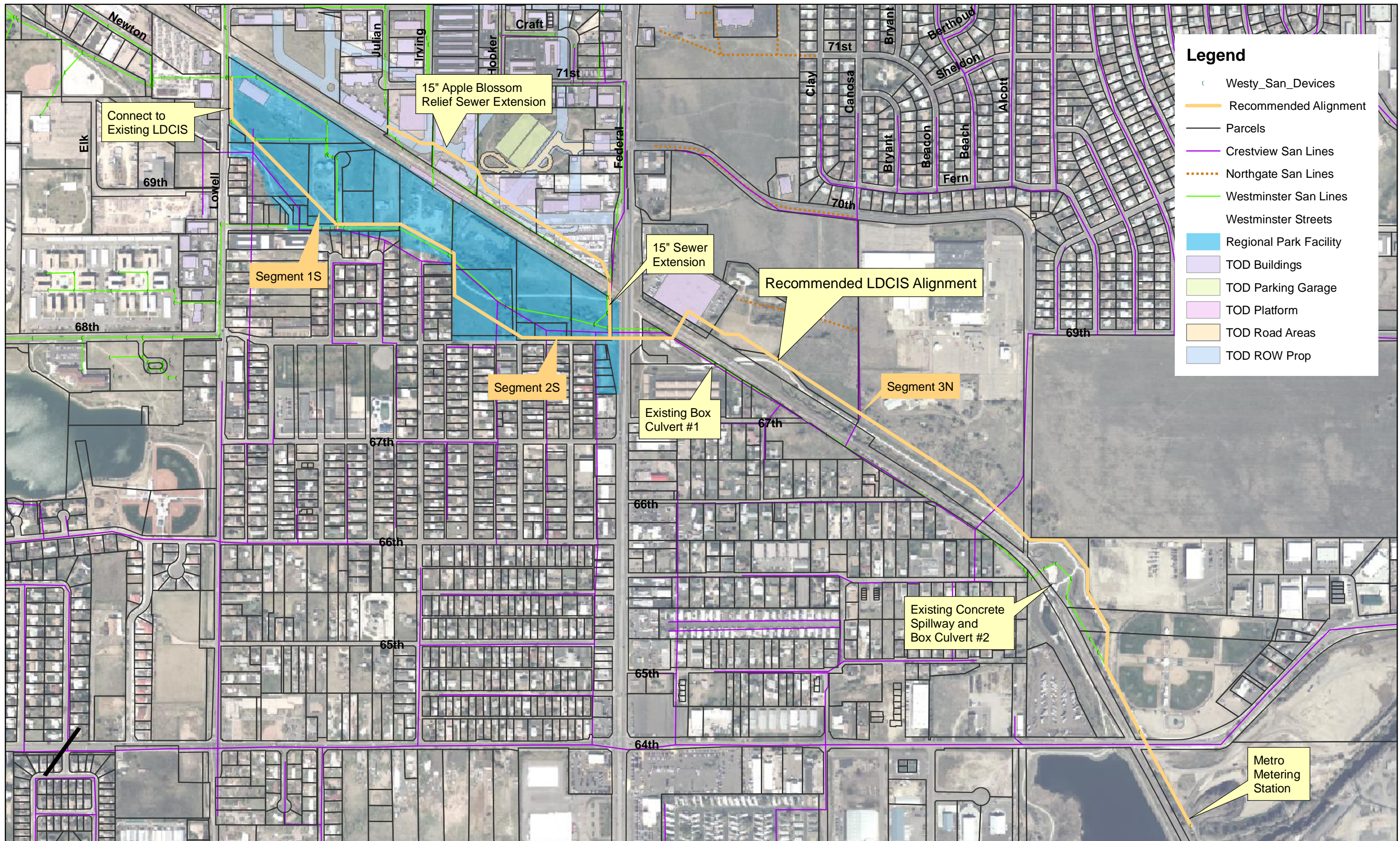
Staff negotiated a scope of work and fee for final design of the relocated LDCIS with URS that resulted in a contract amount of \$289,387. Staff believes retaining the URS team to complete the final design documents will result in a better end product and provide the best value to the city. Existing funds in the South Westminster TOD Utilities capital account are sufficient to fund this contract and no new funds are requested.

Final Design of the Little Dry Creek interceptor sewer helps achieve the City Council's Strategic Plan Goal of "Financially Sustainable City Government" by contributing to the objective of well-maintained City infrastructure and facilities.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: map





Agenda Item 8 F

Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Second Reading Councillor's Bill No. 29 re 2011 2nd Quarter Budget Supplemental Appropriation

Prepared By: Karen Barlow, Accountant

Recommended City Council Action

Pass Councillor's Bill No. 29 on second reading providing for a supplemental appropriation of funds to the 2011 budget of the General and General Capital Improvement Funds.

Summary Statement

- City Council action is requested to adopt the attached Councillor's Bill on second reading authorizing a supplemental appropriation to the 2011 budget of the General and General Capital Improvement Funds.
 - General Fund amendments total: \$83,893
 - General Capital Improvement Fund amendments total: \$1,795,901

Expenditure Required: \$1,879,794

Source of Funds: The funding sources for these budgetary adjustments include reimbursements, grants, developer participation, and transfers.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **29**

SERIES OF 2011

INTRODUCED BY COUNCILLORS
Dittman - Kaiser

**A BILL
FOR AN ORDINANCE AMENDING THE 2011 BUDGETS OF THE GENERAL AND
GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL
APPROPRIATION FROM THE 2011 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2011 appropriation for the General and General Capital Improvement Funds initially appropriated by Ordinance No. 3550 are hereby increased in aggregate by \$1,879,794. This appropriation is due to the receipt of funds from reimbursements, grants, transfers and developer participation.

Section 2. The \$1,879,794 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10A dated August 22, 2011 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

| | |
|----------------------------------|--------------------|
| General Fund | \$83,893 |
| General Capital Improvement Fund | <u>\$1,795,901</u> |
| Total | <u>\$1,879,794</u> |

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of August, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of September, 2011.

ATTEST:

Mayor

City Clerk



Agenda Item 10 A

Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Public Meeting on the Adopted 2012 City Budget

Prepared By: Barbara Opie, Budget & Special Projects Manager

Recommended City Council Action

Hold a public meeting on the Adopted 2012 City Budget and receive citizen comments.

Summary Statement

- The 2012 Budget was adopted in October 2010 with the official adoption of the two-year budget by City Council. As part of the two-year budget process, the public is provided an opportunity to receive a financial update and make requests prior to moving into the second year of a two-year adopted budget. At Monday night's meeting, Staff will present a brief update on the City's finances and an overview of the Adopted 2012 Budget to be followed by any citizen comments and/or requests.
- Public meetings regarding the 2011 and 2012 Budget were held on June 14 and July 26, 2010. A public hearing on the 2011 and 2012 Budget was held on September 13, 2010.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

None identified

Alternative

City Council could choose not to conduct a public meeting on the 2012 budget since the budget is already adopted by City Council. Staff does not recommend that based on the original parameters agreed to with City Council to ensure the public continues to have the ability to provide feedback concerning the second year's budget and the fact that City Council will be considering an amendment to the Adopted 2012 Budget based on the review to be conducted on September 26.

Background Information

Council officially adopted the 2011 and 2012 Budgets in October 2010. As part of the two-year budget process, a financial update/budget review is to be conducted in September 2011 to review any recommended modifications to the 2012 Adopted Budget, review any new citizen requests, and address any miscellaneous financial issues that Staff or Council wishes to raise.

City Council is scheduled to hold a public meeting to receive input on the 2012 Adopted Budget at the City Council meeting on Monday, September 12. Staff will make a brief presentation at Monday night's City Council meeting on the 2012 Adopted Budget and the City's current financial status. This public meeting is intended to receive citizen requests, comments and suggestions for 2012.

In April 2010, City Council identified the goals for 2011 and 2012; these goals were revisited and re-confirmed by City Council in June 2011. The City Council Goals are listed below:

- Financially Sustainable City Government Providing Exceptional Services
- Strong, Balanced Local Economy
- Safe and Secure Community
- Vibrant Neighborhoods in One Livable Community
- Beautiful and Environmentally Sensitive City

The direction provided by City Council through these goals assisted City Staff when they prepared the 2011 and 2012 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain core services and existing service levels and citizen/neighborhood input.

In November of 2000, Westminster voters approved a City Charter amendment that allows the City Council to adopt a formal two-year budget. Staff prepared a two-year budget for several years prior to this Charter amendment; however, City Council could only officially adopt the first year of the two-year budget. With the adoption of the 2003/2004 Budget, City Council officially adopted the City's first two-year budget. The Adopted 2011/2012 Budget represents the City's fifth officially adopted two-year budget.

The Adopted 2011/2012 Budget document has been available to the public in the City Clerk's Office since January 1, 2011. Monday's public meeting was advertised in the *Westminster Window*, *Westsider*, and *Weekly Edition*; on cable Channel 8 and the City's website; and at various public meetings. Public meetings regarding the 2011 and 2012 Budget were held on June 14 and July 26, 2010. A public hearing was held on September 13, 2010.

Any requests submitted at Monday's public meeting on the Adopted 2012 Budget will be reviewed and researched by Staff. Staff will return with follow up and recommendations at the City Council Budget Review on September 26. Any proposed amendments that result from City Council's Budget Review on September 26 will be presented to City Council for final consideration at the October 10 City Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Councillor's Bill No. 30 re Kings Mill Park Expansion Supplemental Appropriation

Prepared By: Becky Eades, Landscape Architect II

Recommended City Council Action

Pass Councillor's Bill No. 30 on first reading authorizing a supplemental appropriation in the amount of \$150,000 reflecting the City's receipt of a Jefferson County Joint Venture Grant for Kings Mill Park.

Summary Statement

- In November 2010 Staff received City Council's approval to apply for a Jefferson County Joint Venture Grant for renovation work at Kings Mill Park, located at 9018 Field Street.
- In March 2011 the Jefferson County Board of County Commissioners awarded the City \$150,000 toward the Kings Mill Park Renovation.
- Matching funds are available within the 2009 carryover appropriation of \$250,000, which was designated for the demolition of the Kings Mill building and pool and expansion of the existing park at this location, per City Council direction received by Staff on August 16, 2010.
- Demolition of the pool and building was completed in the spring of 2011; construction of the park expansion is expected to be completed in early 2012.

Expenditure Required: \$150,000

Source of Funds: Jefferson County Joint Venture Grant



Policy Issue

Should the City accept the grant and contribution to help pay for the Kings Mill Park Expansion?

Alternatives

1. City Council could decline the grant and eliminate some of the features of the Kings Mill Park Expansion. Staff does not recommend this, however, as the scope of the park expansion and elements to be included in it were requested at a neighborhood meeting held in November of 2011.
2. City Council could choose not to move forward with the Kings Mill Park Expansion at this time. Staff does not recommend this as commitments were made to the neighborhood when the decision to remove the public pool was announced.

Background Information

The Department of Parks, Recreation and Libraries has been successful in applying for and receiving grants for the development of parks, trails, and open space from a variety of sources in the past. The City has developed a strong partnership with Jefferson County and has successfully used grant funds for many projects throughout the City. Recent Jefferson County Joint Venture Grants received by the City include a 2010 grant in the amount of \$150,000 for the City Park Playground; a 2009 grant in the amount of \$300,000 for renovation of the aquatics area of the City Park Recreation Center; a 2008 grant for \$250,000 for the renovation of the Westminster Sports Center; and a \$41,407 grant for the Heritage Golf Course restrooms.

As part of the 2009 carryover appropriation, \$250,000 was designated for the addition of park amenities and the demolition of the Kings Mill building and pool, located at 9018 Field Street, per City Council direction received on August 16, 2010. The demolition included the former Head Start building and the swimming pool, which was necessary due to significant structural and grading costs that would be required to repair the existing facilities. The cost of the demolition was \$27,000. The remaining project funds will be utilized to add additional park amenities, including a skatespot, climbing boulders, spinners and swing elements and a picnic shelter, to the existing tennis courts and toddler playground. (See attached plan) The Jefferson County Joint Venture Grant of \$150,000 will take the total project budget to \$400,000 minus the demolition costs.

This project supports the City’s Strategic Plan Goals of “Financially Sustainable City Government Providing Exceptional Services” and “Beautiful and Environmentally Sensitive City.”

These appropriations will amend General Capital Improvement Fund revenue and expense accounts as follows:

REVENUES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|-----------------|----------------|------------------|----------------|
| OS Grant JeffCo | 7501.40630.0020 | \$0 | <u>\$150,000</u> | \$150,000 |
| Total Change to Revenues | | | <u>\$150,000</u> | |

EXPENSES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|------------------------|----------------|------------------|----------------|
| Kings Mill Park | 81175050964.80400.8888 | \$0 | <u>\$150,000</u> | \$150,000 |
| Total Change to Expenses | | | <u>\$150,000</u> | |

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Councillor's Bill
- Kings Mill Park Layout

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **30**

SERIES OF 2011

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2011 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2011 ESTIMATED REVENUES IN THIS FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2011 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 3550 is hereby increased by \$150,000. This appropriation is due to the receipt of an Jefferson County Joint Venture Open Space Grant.

Section 2. The \$150,000 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10 B dated September 12, 2011, (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

| | |
|----------------------------------|------------------|
| General Capital Improvement Fund | <u>\$150,000</u> |
| Total | <u>\$150,000</u> |

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of September, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of September, 2011.

ATTEST:

Mayor

City Clerk

Kings Mill Park Expansion Conceptual Layout





Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Resolution No. 26 re Set a Compliance Hearing for the Westminster High School Property Annexation

Prepared By: Jana Easley, Principal Planner

Recommended City Council Action

Adopt Resolution No. 26 accepting the annexation petition submitted by Adams County School District No. 50, and make the findings required by State Statute on the sufficiency of the petition. This resolution sets the date of October 24, 2011, for the annexation hearing.

Summary Statement

- The Westminster High School property consists of 6.1463 acres and is located at the northeast corner of West 68th Avenue and Utica Street.
- The property is owned by Adams County School District No. 50, and Westminster High School is located on the property.
- The Westminster High School campus encompasses approximately 43 acres, most of which is located within the City of Westminster; however, this 6-acre site remained in unincorporated Adams County while the high school was built. As a part of the Intergovernmental Agreement between the School District and the City dated December 21, 2009, the School District was required to petition the City for annexation of the subject property.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

Should the City annex the Westminster High School property?

Alternative

Make a finding that there is no community of interest with the School District 50 property and take no further action. If this course is taken, the property will remain unincorporated, leaving a portion of the high school within the City and a portion within unincorporated Adams County. This alternative is not recommended because the majority of the high school site is already located within the City and the high school receives full City services.

Background Information

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with §31-12-107(1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary;
2. An allegation that the requirements of §31-12-104 and §31-12-105 C.R.S. have been met; (these sections are to be reviewed by the Council at the formal public hearing)
3. Signatures and mailing addresses of at least 50% of the landowners owning at least 50% of the land; (in this case, the School District owns 100% of the land to be annexed)
4. The legal description of the land to be annexed;
5. The date of each signature; and
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements. Although the petition for annexation was received from the School District last year, finalizing the necessary documents required additional time.

The proposed annexation meets Council's goal of "Vibrant Neighborhoods in One Livable Community."

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date recommended to be October 24, 2011, at which time the Council will review the merits of the proposed annexation.

Respectfully Submitted,

J. Brent McFall
City Manager

Attachments

- A – Annexation Resolution
- B – Annexation Map
- C – Adams County School District No. 50 Petition for Annexation
- D – Legal Description of area to be annexed

RESOLUTION

RESOLUTION NO. **26**

INTRODUCED BY COUNCILLORS

SERIES OF 2011

**RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF A PETITION
FOR ANNEXATION OF THE ADAMS COUNTY SCHOOL DISTRICT NO. 50 PROPERTY**

WHEREAS, there as been filed with the City Clerk of the City of Westminster a petition, a copy of which is attached hereto as Exhibit A and incorporated by reference, for the annexation of certain territory therein-described to the City;

WHEREAS, the City Council has been presented evidence by the City’s Staff that the petition and accompanying map are in substantial compliance with Subsection 31-12-107(1), Colorado Revised Statutes, as amended;

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

1. City Council finds said petition and annexation map to be in substantial compliance with all state statutory requirements, including Subsection 31-12-107(1), C.R.S.
2. City Council hereby establishes October 24, 2011, 7:00 p.m., at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by Subsection 31-12-108(1), C.R.S.
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with Subsection §31-12-108(2), C.R.S.

PASSED AND ADOPTED this 12th day of September, 2011.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

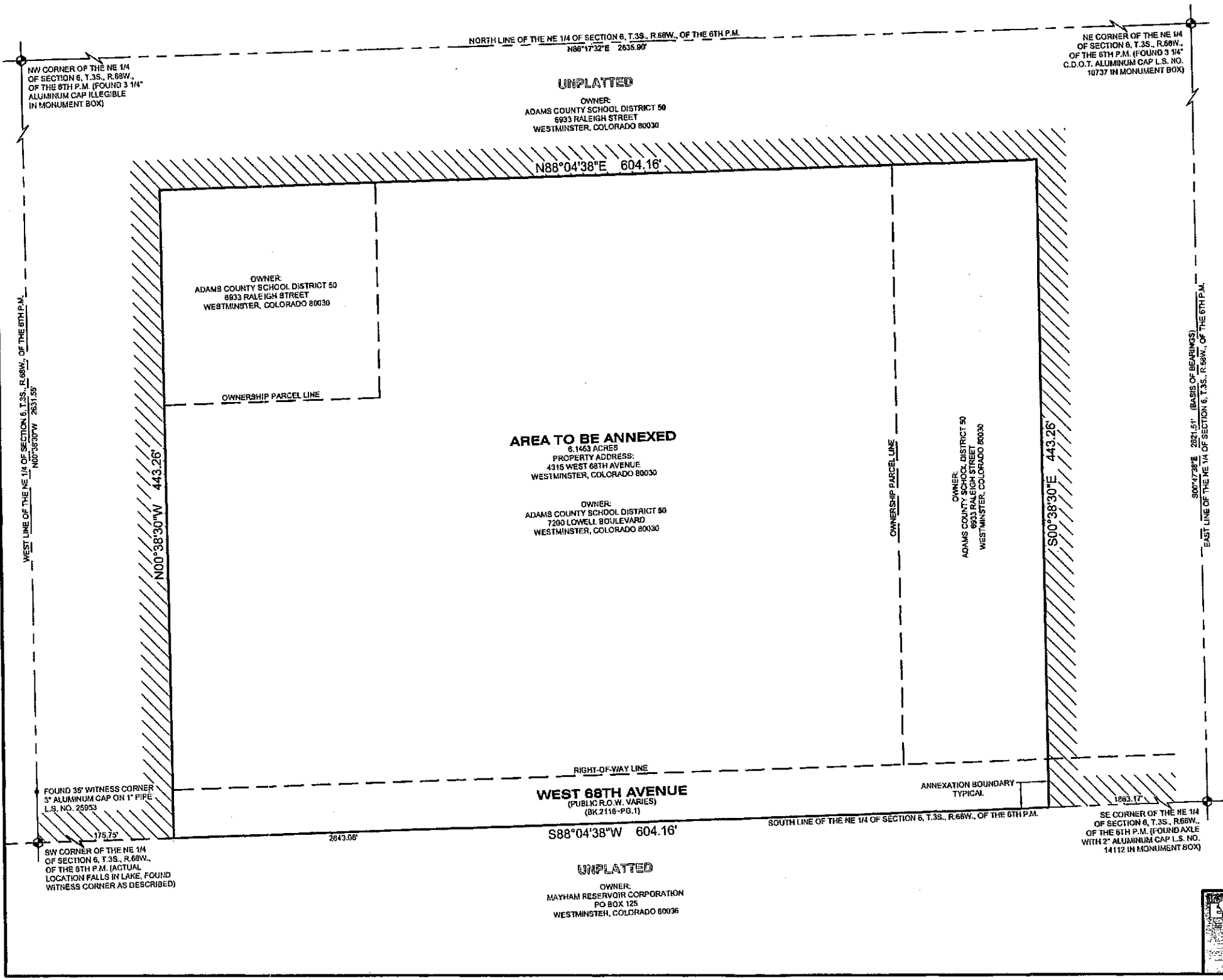
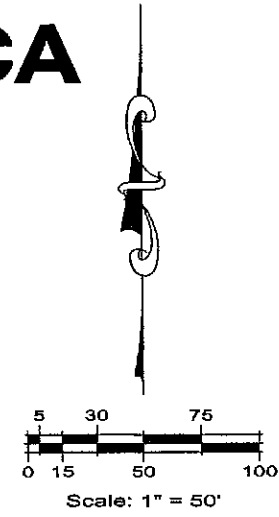
City Attorney’s Office

ANNEXATION MAP

SCHOOL DISTRICT 50 - 68TH & UTICA

TO THE CITY OF WESTMINSTER

A PART OF THE NE 1/4 OF SECTION 6, T.3S., R.68W., OF THE 6TH P.M.
 COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 2 OF 2



| LEGEND | |
|-----------------------|---|
| | EXISTING CITY LIMITS |
| ANNEXATION DATA: | |
| TOTAL PERIMETER: | 2094.84' |
| CONTIGUOUS PERIMETER: | 1490.68' |
| AREA OF ANNEXATION: | 267,732 SQUARE FEET 6.1483 ACRES MORE OR LESS |
| PERCENT CONTIGUOUS: | 71% |

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| | | |
|---------------------|------------------------------------|--------------------------------------|
| Drawn No.: F-211 | Date of Preparation: 07/26/2010 | Date of Last Revision: 08/24/2011 |
|---------------------|------------------------------------|--------------------------------------|



WESTMINSTER

| | | |
|---------------|---------|----|
| Date Received | 9-28-10 | JE |
| File No. | | |

Community Development Department Annexation Petition

The undersigned hereby petition the City Council of the City of Westminster to annex the territory described herein and shown on the map, filed herewith, designated "Westminster High School Annexation."

In support of this petition, the Petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Westminster.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
 - a. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
 - b. A community of interest exists between the territory proposed to be annexed and the City of Westminster;
 - c. The territory sought to be annexed is urban or will be urbanized in the near future; and
 - d. The territory sought to be annexed is integrated or is capable of being integrated with the City of Westminster.
 - e. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, shall be divided into separate parts or parcels of real estate without the written consent of the land owner or land owners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.
 - f. In establishing the boundaries of any area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, shall be included within the territory proposed to be annexed without the written consent of the land owners, unless such tract of land is situated entirely within the outer boundaries of the annexing municipality as they exist at the time of annexation. In the application of this paragraph, contiguity shall not be affected by a dedicated street, road or other public way.
 - g. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a city other than the City of Westminster and is not presently a part of any incorporated city, city and county, or town.
 - h. The territory proposed to be annexed will not result in the detachment of the territory from any school district; or a resolution of the board of directors of the school district to which such area will be attached approving the proposed annexation is attached hereto; and
 - i. The proposed annexation would not have the effect of extending the boundary of the Westminster city limits by more than three (3) miles in any direction in any one year.

3. The signer(s) of this petition comprise(s) the landowners of more than fifty percent (50%) of the territory to be annexed, excluding public streets and alleys.

4. Accompanying this petition are the original and ten (10) copies* of an annexation map containing the following information: [*Four copies required by State statute, but the City needs 10 sets for the review]

- a. A written legal description of the boundaries of the area proposed to be annexed.
- b. A map showing the boundary of the area proposed to be annexed.
- c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks.
- d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

e. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the City of Westminster.

f. An approval block for the City of Westminster in form and substance as provided in the City's most current Plan Submittal Guidelines.

Signature of Petitioner
 X *Vicky Marshall* **
 Name Vicky Marshall
 Title President, Board of Education
 Organization: Adams County School District No. 50 ***

Mailing address of signer
6933 Raleigh Street
Westminster, CO 80030

Date of Signing 9/14/10

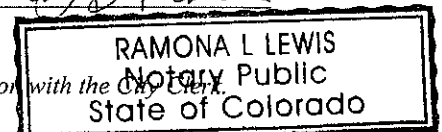
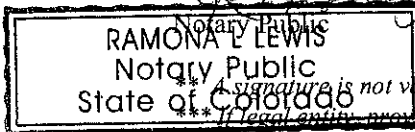
Subscribed and sworn to before me this 14
 day of September, 2010.
 Witness my hand and Official Seal.
 My Commission expires March 29, 2013

Signature of Petitioner
 X *Sharon Whitehair* **
 Name Sharon Whitehair
 Title Secretary, Board of Education
 Organization: Adams County School District No. 50 ***

Mailing address of signer
6933 Raleigh Street
Westminster, CO 80030

Date of Signing 9/14/10

Subscribed and sworn to before me this 14
 day of September, 2010.
 Witness my hand and Official Seal.
 My Commission expires March 29, 2013



Attachments:

- Exhibit A - Affidavit of Circular (required)
- Exhibit B - Written legal description(s) of the land owned by each Petitioner (required)
- Exhibit C - Fire District Withdrawal Petition (if applicable)



LEGAL DESCRIPTION

WESTMINSTER HIGH SCHOOL ANNEXATION

A PARCEL OF LAND BEING A PART THE NE1/4 OF SECTION 6, T.3S., R.68 W., OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF THE NE1/4 OF SECTION 6, T.3S., R.68W., OF THE 6TH P.M.; THENCE S88°04'38"W ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 6 A DISTANCE OF 1863.17 FEET TO THE POINT OF BEGINNING; THENCE S88°04'38"W ALONG SAID SOUTH LINE A DISTANCE OF 604.16 FEET; THENCE N00°38'30"W A DISTANCE OF 443.26 FEET; THENCE N88°04'38"E A DISTANCE OF 604.16 FEET; THENCE S00°38'30"E A DISTANCE OF 443.26 FEET TO THE POINT OF BEGINNING.

SAID ANNEXATION PARCEL CONTAINS (267,732 SQUARE FEET) 6.146 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND ENCUMBRANCES OF RECORD.



Agenda Item 10 D

Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Resolution No. 27 re DRCOG Application for Sustainable Communities Regional Planning Grant

Prepared By: Jana Easley, Principal Planner

Recommended City Council Action

Adopt Resolution No. 27 supporting the submittal of a comprehensive joint application for the Sustainable Communities Regional Planning Grants Program by the Denver Regional Council of Governments.

Summary Statement

- On June 16, 2009, the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA) announced the Partnership for Sustainable Communities (The Partnership) to reshape the Federal government's role in helping achieve economically prosperous, healthy, environmentally sustainable and opportunity-rich communities.
- In conjunction with the Federal effort, HUD recently announced that it will award \$67 million in grants as part of the Sustainable Communities Regional Planning Grant program.
- Grants from the program are to be directed toward regional planning efforts to develop sustainable community policies and programs pertaining to development, transportation and environmental stewardship.
- The Denver Regional Council of Governments (DRCOG) is facilitating a region-wide discussion with a wide range of stakeholders to develop a regional application to this grant program.
- The grant funding would support 1) efforts to fine-tune the Metro Vision Plan to more fully integrate the federal Livability Principles; and 2) the preparation of more detailed execution plans and programs that further Metro Vision goals.
- DRCOG is seeking a resolution in support of the application given the City of Westminster has been a strong, committed member of the Denver Regional Council of Governments and is committed to regional cooperation.

Expenditure Required: \$ 0

Source of Funds: N/A



Policy Issue

Should the City support the DRCOG in its efforts to secure Federal funding to conduct regional planning relative to future development, transportation improvements and environmental stewardship?

Alternative

The City Council could choose not to adopt the resolution; however, this could impact DRCOG's competitiveness in obtaining a planning grant from HUD.

Background Information

In June of 2009, HUD joined with the EPA and DOT to form a "Partnership for Sustainable Communities." This federal partnership is focused on improving access to affordable housing, providing more transportation options, and lowering transportation costs while protecting the environment in communities nationwide. The partnership is governed by a set of six "Livability Principles" as follows:

1. Provide more transportation choices;
2. Promote equitable, affordable housing;
3. Enhance economic competitiveness;
4. Support existing communities;
5. Coordinate and leverage federal policies and investment; and
6. Value communities and neighborhoods.

Several funding opportunities have emerged from the federal partnership, including HUD's \$67 million Sustainable Communities Regional Planning Grant (SCRPG) Program. This grant program will support multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments.

DRCOG, Colorado Tomorrow Alliance (CTA), Metro Mayors Caucus (MMC) and Metro Area County Commissioners (MACC) have taken the lead in bringing together a wide variety of partners to develop a joint application for the SCRPG. This grant program provides a valuable opportunity for the Denver region to leverage investment in FasTracks and to build on the success of Metro Vision, the metro area's shared vision for the future that establishes a framework for coordinated land use, transportation and environmental planning across the region.

Specifically, DRCOG, CTA, MMC and MACC are working with their partners to develop a "Centers and Corridors" proposal to fund the planning, financing, and implementation of transit-oriented development (TOD) and urban centers throughout the region, key elements of Metro Vision. The proposal builds on the draft Metro Vision goal of accommodating 50% of new housing and 75% of new employment in urban centers throughout the region, which in turn will support other current and draft Metro Vision goals including improving air quality, reducing vehicle miles traveled per capita, reducing greenhouse gas emissions, and conserving water. The proposal identifies two main tasks:

1. Augmenting Metro Vision for the purposes of:
 - a) Addressing the range of housing, economic development, environmental and other factors that are critical for successful transit-oriented and urban center development throughout the region; and,
 - b) Engaging a wide variety of stakeholders and create broad support for the regional vision, and more fully integrate the federal Livability Principles and serve to direct federal funding toward regional priorities.

2. Focusing resources on local implementation efforts. Many local governments are struggling with challenges associated with successful transit-oriented and urban center development, such as providing the urban infrastructure necessary to support compact development, preserving or creating affordable housing, and connecting residents with employment, shopping, recreation and other opportunities. Through the establishment of a stable and enduring “Metro Vision Implementation and Action Partnership,” this grant would bring a wide variety of resources to bear on the overarching mission of helping local governments transform the vision into reality.

To be eligible to apply for the SCRPG, DRCOG must demonstrate a commitment of support from local jurisdictions representing at least 50% of the region’s population. A successful application will make the region more competitive for future funding opportunities emerging from the federal partnership, by earning the region “preferred status.” The grant announcement makes it clear that future funding will be tied to the planning efforts and implementation programs completed under the SCRPG. The SCRPG is part of a larger shift away from formula-based funds to a nationally-competitive funding process. This competitive focus requires greater regional coordination and prioritization of potential projects going forward. Support and input from all of DRCOG’s diverse membership will help ensure that grant-funded activities focus on the region’s highest priorities and create widespread benefits for local communities throughout the region. Strong partnerships are crucial not only to the development of a successful grant application, but also to successful completion of the work plan laid out in the application, and ultimately to the achievement of Metro Vision goals.

DRCOG is asking local governments to pass resolutions that support DRCOG’s submittal of a comprehensive joint application for the SCRPG, and commit to continue working collaboratively with DRCOG and stakeholders from across the region to refine and implement Metro Vision to achieve the outcomes envisioned in the Federal Livability Principles.

Should DRCOG be successful in obtaining a Sustainable Communities Grant from HUD, the resulting planning effort involving the City could have favorable benefit towards the City meeting its strategic plan goals and objectives relative to:

- VIBRANT NEIGHBORHOODS AND COMMERCIAL AREAS;
- STRONG, BALANCED LOCAL ECONOMY; and,
- BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Resolution

RESOLUTION

RESOLUTION NO. **27**

INTRODUCED BY COUNCILLORS

SERIES OF 2011

**A RESOLUTION OF THE CITY OF WESTMINSTER SUPPORTING
THE DENVER REGION'S APPLICATION TO THE US DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT'S SUSTAINABLE COMMUNITIES
REGIONAL PLANNING GRANT PROGRAM**

WHEREAS, on June 16, 2009, the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA) announced the Partnership for sustainable Communities (The Partnership) to coordinate federal housing, transportation, water, and other infrastructure investments to make neighborhoods more prosperous, allow people to live closer to jobs, save households time and money, and reduce pollution; and

WHEREAS the Partnership is governed by the following Livability Principles:

1. Provide more transportation choices;
2. Promote equitable, affordable housing;
3. Enhance economic competitiveness;
4. Support existing communities;
5. Coordinate policies and leverage investment;
6. Value communities and neighborhoods; and

WHEREAS the Denver Regional Council of Governments' Board of Directors adopted a resolution on May 19, 2010 affirming its support for the Partnership and agreeing to integrate the Livability Principles into ongoing and future Metro Vision discussions; and

WHEREAS, the Partnership recognizes the need to support metropolitan scale, multi-jurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation and infrastructure investments; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) recently announced that it will award \$67 million in grants as part of the Sustainable Communities Regional Planning Grant program; and

WHEREAS the Denver Regional Council of Governments is facilitating a region-wide discussion with a wide range of stakeholders to develop a regional application to this grant program; and

WHEREAS, the grant funding would support 1) efforts to fine-tune the Metro Vision Plan to more fully integrate the federal Livability Principles; and, 2) the preparation of more detailed execution plans and programs that further Metro Vision goals; and

WHEREAS the City of Westminster is a strong, committed member of the Denver Regional Council of Governments and is duly proud of the region's long history of collaborative action on matters of regional concern for the collective betterment of the region as a whole.

NOW, THEREFORE, BE IT RESOLVED the City of Westminster strongly supports submittal of the Denver region's application for the Sustainable Communities Regional Planning Grants Program by the Denver Regional Council of Governments and commits to continue working collaboratively with the Denver Regional Council of Governments and stakeholders from across the region to refine and implement Metro Vision to achieve the outcomes envisioned in the Federal Livability Principles.

PASSED AND ADOPTED this 12th day of September, 2011.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:



Agenda Item 10 E & 11 A

Agenda Memorandum

City Council Meeting
September 12, 2011



SUBJECT: Public Hearing and Second Reading of Councillor's Bill No. 28 to Amend Westminster Municipal Code Chapter 1, Title X, re Adoption of the 2010 Model Traffic Code

Prepared by: Alan Wilson, Traffic Commander
Carol Barnhardt, Court Administrator
Hilary Graham, Assistant City Attorney

Recommended City Council Action

1. Conduct a public hearing, as required by statute, on amendments to Westminster Municipal Code, Chapter 1, Title X, concerning adoption of the 2010 Model Traffic Code.
2. Pass Councillor's Bill No. 28 on second reading amending certain sections of Chapter 1 of Title X of the Westminster Municipal Code to adopt by reference the 2010 edition of the Model Traffic Code for Colorado.

Summary Statement

- The City of Westminster, along with numerous other cities in Colorado, has historically adopted by reference the Model Traffic Code, which is promulgated and published by the Colorado Department of Transportation ("CDOT").
- The Model Traffic Code provides comprehensive traffic control regulations for Colorado municipalities that are consistent with state law. The City, pursuant to its home rule status, may add, delete or modify sections of the Model Traffic Code to meet local needs.
- The City is currently enforcing traffic laws under the 2003 Model Traffic Code. While there was a 2009 edition, many jurisdictions, including Westminster, decided not to adopt it due to the substantial number of errors it contained. The 2010 edition of the Model Traffic Code corrected most of those errors and incorporates changes to the traffic laws by the Colorado General Assembly since the 2003 edition.



- Councillor's Bill No. 28 regarding the Model Traffic Code amends select sections of Chapter 1 of Title X of the Westminster Municipal Code to adopt the 2010 Model Traffic Code, amend it as necessary, and to provide further traffic regulations consistent with state law.
- State statute requires the City conduct a public hearing following introduction of the adopting ordinance and before adoption of the Model Traffic Code, which is why there is a public hearing on second reading for this item. Legal notice requirements for this hearing have been met by publication in the *Westminster Window* on August 25, 2011, and September 1, 2011.
- The adoption of this Councillor's Bill, locally adopting the 2010 Model Traffic Code, will help protect the public's health and safety.
- This Councillor's Bill was passed on first reading on August 8, 2011.
- The Ordinance's effective date of November 15, 2011, permits CDOT review, which is required by statute but is generally house-keeping in nature.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **28**

SERIES OF 2011

INTRODUCED BY COUNCILLORS
Briggs - Major

A BILL

FOR AN ORDINANCE AMENDING PORTIONS OF CHAPTER 1 OF TITLE X OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE REGULATION OF TRAFFIC BY THE CITY OF WESTMINSTER, COLORADO; ADOPTING BY REFERENCE THE 2010 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO"; ADOPTING MODIFICATIONS AND ADDITIONS THERETO; AND ADOPTING PENALTIES FOR VIOLATIONS THEREOF

THE CITY OF WESTMINSTER ORDAINS:

Section 1: The index for Chapter 1 of Title X, W.M.C., is hereby AMENDED to read as follows:

CHAPTER 1

TRAFFIC CODE

10-1-1: ADOPTION

10-1-1.5: DEFINITIONS

10-1-2: DELETIONS

10-1-3: ADDITIONS OR MODIFICATIONS

10-1-4: PENALTIES

10-1-5: APPLICATION

10-1-6: VALIDITY

10-1-7: REPEAL

10-1-8: INTERPRETATION

10-1-9: CERTIFICATION

10-1-10: REPRINTING

10-1-11: REGULATION OF COMMERCIAL VEHICLES

10-1-12: PARKING RESTRICTIONS

10-1-13: ~~GROSS WEIGHT OF VEHICLES AND LOADS~~ OPERATION OF REGISTERED MOTOR VEHICLES

10-1-14: ~~OPERATION OF MOTORCYCLES AND OTHER VEHICULAR DEVICES~~ UNLICENSED VEHICLES

10-1-15: DRIVING THROUGH PRIVATE PROPERTY OR DRIVEWAYS

10-1-16: PARKING PERMITS

10-1-17: IMPOUNDMENT OF VEHICLES; AUTHORITY; PROCEDURE

10-1-18: CRUISING

Section 2. Section 10-1-1, W.M.C., is hereby AMENDED as follows:

10-1-1: ADOPTION:

(A) Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 20032010 edition of the "Model Traffic Code for Colorado," promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City of Westminster. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. ~~Three (3)~~ At least one copies of the Model Traffic Code

adopted herein ~~are~~is now filed in the office of the City Clerk ~~of the City of Westminster, Colorado,~~ and may be inspected during regular business hours.

(B) Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference the "Manual on Uniform Traffic Control Devices for Streets and Highways" (the "Uniform Manual"), as adopted by the Colorado General Assembly at C.R.S. § 42-4-104, and as amended from time to time. At least one copy of Uniform Manual adopted herein is now filed in the office of the City Clerk and may be inspected during regular business hours.

(C) Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference the "Colorado Supplement to Manual on Uniform Traffic Control Devices for Streets and Highways" (the "Supplement"), as adopted by the Colorado Department of Transportation, and as amended from time to time. At least one copy of the Supplement adopted herein is now filed in the office of the City Clerk and may be inspected during regular business hours.

Section 3. Chapter 1 of Title X, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SUBSECTION 10-1-1.5 to read as follows:

10-1-1.5: DEFINITIONS:

(A) The following terms shall have the meanings when used in this Title.

(1) "UNLICENSED VEHICLE" means any motor vehicle required by state law to be registered pursuant to article 3 of title 42, C.R.S., that is not properly registered, and also includes toy vehicles, go-karts, all terrain vehicles, off-highway vehicles, snowmobiles, electric personal assistive mobility devices ("EPAMDs"), golf cars, low-power scooters, and any other vehicle or device powered by an electric motor or internal combustion engine that is not generally and commonly used to transport persons and property over streets and highways, but the term does not include wheelchairs or electric assisted bicycles.

(2) When used in this Code, terms defined in C.R.S. § 42-1-102 shall have the meaning provided therein, as may be amended from time to time.

Section 4. Section 10-1-2, W.M.C., is hereby AMENDED to read as follows:

10-1-2: DELETIONS: (2432 3052) The ~~2010~~2003 edition of the Model Traffic Code is adopted as if set out at length save and except the following ~~articles and/or~~ sections ~~which that~~ are expressly deleted:

~~Section 117. Personal mobility devices.~~

~~Section 235.— Minimum standards for commercial vehicles.~~

~~Section 508.— Gross weight of vehicles and loads.~~

~~Section 615. School zones – increase in penalties for moving traffic violations.~~

Section 1202. Parking or abandonment of vehicles.

Section 1408. Operation of motor vehicles on property under control of or owned by parks and recreation _____ districts.

~~Section 1701. Traffic offenses and infractions classified – penalties – penalty and surcharge schedule – repeal.~~

~~Section 1702. Counties – traffic offenses classified – schedule of fines.~~

Section 5. Section 10-1-3, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

10-1-3: ADDITIONS OR MODIFICATIONS: The 2010 edition of the Model Traffic Code is subject to the additions or modifications as set forth in this Chapter 1 of Title X of the Westminster Municipal Code, including the following:

- (A) In Section 110, “Provisions uniform throughout jurisdiction,” subsection (4) is amended to read: “The Westminster Municipal Court shall have jurisdiction over violations of traffic regulations enacted or adopted by the City Council.”
- (B) Section 221, “Bicycle and personal mobility device equipment,” is amended so that the title reads, “Bicycle equipment” and each reference to “EPAMD” in the body of the section is deleted.
- (C) In Section 223, “Brakes,” all references to "section 235(1)(a)" in subsection (1), are modified to read "section 42-4-235(1)(a), C.R.S."
- (D) Section 225, “Mufflers – prevention of noise,” in subsection (1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
- (E) Section 225, “Mufflers – prevention of noise,” in subsection (3), the reference to "section 205(5.5)(a)" is modified to read "section 43-4-205(5.5)(a), C.R.S."
- (F) Section 228, “Restrictions on tire equipment,” in subsection (5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
- (G) Section 229, “Safety glazing material on motor vehicles,” in subsection (4), the reference to "section 219" is modified to read "section 42-3-219, C.R.S."
- (H) Section 236, “Child restraint system required – definitions – exemptions,” in subsection (1)(a), the reference to "Code 6" is modified to read "Article 6."
- (I) Section 237, “Safety belt systems – mandatory use – exemptions – penalty,” in subsection (3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
- (J) In Section 239, “Misuse of a wireless telephone – definitions – penalty – preemption,” subsections (5)(a) and (b) are omitted.
- (K) Section 509, “Vehicles weighed – excess removed,” in subsection (2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."
- (L) In Section 613, “Failure to pay toll established by regional transportation district,” the reference to "Code 4" is modified to read "Article 4."
- (M) In Section 710, “Emerging from or entering ally, driveway, or building,” subsection (3) is modified to read as follows:
- (3) No person shall drive any vehicle other than a bicycle, electric assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway and except as permitted in Sections 10-1-13 and 10-1-14, W.M.C.
- (N) Section 805, “Pedestrians walking or traveling in a wheelchair on highways,” in subsection (5), the reference to "section 110" is modified to read "section 42-4-110, C.R.S." and the reference to "section 111" is modified to read "section 42-4-111, C.R.S."
- (O) In Section 1010, “Driving on a divided or controlled access highway,” subsection (3) is modified to read as follows:
- (3) Local authorities may by ordinance consistent with the provisions of section 43-2-135(1)(g), C.R.S, with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory regulations, local authorities, or their designees, shall install official traffic control devices in conformity with the standards established by sections 601 and 602 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices.
- (P) Section 1012, “High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes,” in subsection (2.5)(c), the reference to September 1, 2003, is deleted.
- (Q) Section 1012, “High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes,” in subsection (3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "section 42-4-1701(4)(a)(I)(K), C.R.S."
- (R) Section 1105, “Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions,” subsection (7)(c) is modified to read as follows:
- (c) The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an 'abandoned vehicle,' as defined in section 1802(1)(d) and section 42-4-2102(1)(d), C.R.S., and subject to the provisions of part 18 of this Code and part 21 of article 4 of

Title 42, C.R.S., whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or section 42-4-2108(2)(a.5), C.R.S.

(S) Section 1105, "Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions," subsection (8)(b) is modified to read as follows:

(b) No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by subsection (7) of this section. Nothing in this subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with the provisions of part 18 of this Code or part 21 of Article 4 of Title 42, C.R.S.

(T) In Section 1204, "Stopping, standing, or parking prohibited in specified places," subsection (2)(a) is amended to read as follows:

(a) within five feet (5') of a public or private driveway; except this subsection shall not apply to Franklin Square Subdivision nor the bulb portion of a cul-de-sac anywhere in the City.

(U) In Section 1204, "Stopping, standing, or parking prohibited in specified places," new subsections (4)(d) and (e) are added and read as follows:

(d) Subsection (1) shall not apply to official law enforcement or emergency vehicles in the course of performing law enforcement duties or providing emergency services.

(e) Paragraph (a) of subsection (1) shall not apply to authorized service vehicles parked by public employees or their agents in the course of providing public service functions.

(V) In Section 1208, "Parking privileges for persons with disabilities – applicability," all references to "section 204(2)" are modified to read "section 42-3-204(2), C.R.S."; all references to "section 204(1)" are modified to read "section 42-3-204(1), C.R.S."; all references to "section 204(1)(b)" are modified to read "section 42-3-204(1)(b), C.R.S."; all references to "section 204" are modified to read "section 42-3-204, C.R.S."; and all references to "section 102(17)" are modified to read "section 42-1-102(17), C.R.S."

(W) In Section 1208, "Parking privileges for persons with disabilities – applicability," subsection (6) is modified to read as follows:

(6) Any person who is not a person with a disability and who exercises the privilege defined in subsection (2) of this section or who violates the provisions of subsection (5) or subsection (10) of this section commits a class B traffic infraction and shall receive the maximum fine thereunder. Any person who violates this subsection (6) by parking a vehicle owned by a commercial carrier, as defined in section 42-1-102(17), C.R.S., shall be subject to an enhanced fine.

(X) In Section 1208, "Parking privileges for persons with disabilities – applicability," subsection (7) is modified to read as follows:

(7) Any person who is not a person with a disability and who uses a license plate or placard issued pursuant to section 42-3-204, C.R.S., to receive the benefits or privileges available to a person with a disability under this section commits a class B traffic infraction and shall be subject to an enhanced fine.

(Y) In Section 1208, "Parking privileges for persons with disabilities – applicability," subsection (11) is modified to read as follows:

(11) Any person who knowingly and fraudulently obtains, possesses, uses, or transfers a placard issued to a person with a disability pursuant to section 42-3-204, C.R.S., is guilty of a misdemeanor. Any person who knowingly and willfully receives remuneration for committing a misdemeanor pursuant to this subsection (11) shall be subject to twice the civil and criminal fine that would otherwise be imposed.

(Z) Section 1401, "Reckless driving – penalty," in subsection (1), the reference to "section 127" is modified to read "section 42-2-127, C.R.S.," and subsection (2) is deleted in its entirety.

(AA) Section 1402, "Careless driving – penalty," in subsection (1), the reference to "section 127" is modified to read "section 42-2-127, C.R.S.," and subsection (2) is deleted in its entirety.

(BB) In Section 1406, "Foreign matter on highway prohibited," subsection (5)(b)(II), specifying a \$500 penalty, is deleted.

(CC) In Section 1409, "Compulsory insurance – penalty – legislative intent," subsection (4)(a) is replaced and shall read in its entirety as follows: "Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a criminal traffic offense." Subsections 4(b) and (c) are deleted.

(DD) In Section 1409, "Compulsory insurance – penalty – legislative intent," subsection (9) is deleted in its entirety.

(EE) In Section 1412, "Operation of bicycles and other human powered vehicles," all references to "section 111" are modified to read "section 42-4-111, C.R.S."; the reference to "Code 10" is modified to read "Article 10"; and all references to "section 127" are modified to read "section 42-2-127, C.R.S."

(FF) In Section 1805, "Appraisal of abandoned motor vehicles – sale," the reference to "part 1 of Code 6 of this title" is modified to read "part 1 of article 6 of title 42, C.R.S."; and the reference to "Code 6 of title 12, C.R.S." is modified to read "article 6 of title 12, C.R.S."

Section 6. Section 10-1-4, subsections (B) and (C), W.M.C., are hereby AMENDED to read as follows:

10-1-4: PENALTIES:

(B) Any violation of this Code ~~that~~which is a noncriminal traffic infraction shall be punishable by a fine of not more than five hundred dollars (\$500). As authorized by Section 1-22-24 of the Westminster Municipal Code, the Municipal Court may, by order, establish a schedule of fines for violations eligible for payment through the Violations Bureau.

(C) Any ~~defendant charged with a~~ violation of any of the following provisions of the Model Traffic Code for Colorado Municipalities, as adopted and amended by the City, and any violation of section 10-1-11 of this Code, shall be ~~a criminal traffic offense punished~~punishable by a fine or by imprisonment or by both as specified in section 1-8-1 of this Code.

~~1. Section 1903, School buses – stops – signs – passing;~~

~~(1)2.~~ Section 1101, Speed limits, but only when the speed alleged is greater than 24 miles per hour over the reasonable and prudent speed;

~~(2)3.~~ Section 1105, Speed contests;

~~(3)4.~~ Section 1401, Reckless driving;

~~(4)5.~~ Section 1402, Careless driving;

~~(5)6.~~ Section 1409, Compulsory insurance;

~~(6)~~ Section 1413, Eluding or attempting to elude a police officer; and

~~7. Section 1409, Compulsory Insurance.~~

~~(7) Section 1903, School buses – stops – signs – passing.~~

Section 7. Section 10-1-11, W.M.C., is hereby AMENDED to read as follows:

10-1-11: REGULATION OF COMMERCIAL VEHICLES:

(A) No person or motor carrier shall operate a commercial vehicle, ~~as defined in subsection (B) of this section,~~ on any street within the City unless such vehicle is in compliance with C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder, concerning minimum standards for the operation of commercial vehicles promulgated by the Colorado State Patrol, 8 C.C.R. 1507-1, as the same may from time to time be amended, which are hereby adopted by reference pursuant to Section 1-1-4 of this Code, subject to any deletions, amendments and additions contained in this Section. ~~The incorporation by reference of 8 C.C.R. 1507-1, as revised on November 8, 1995, does not include later amendments to or editions of the incorporated materials in this code.~~

~~(B) DEFINITIONS:~~

~~1. "COMMERCIAL VEHICLE" means any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating (GVWR) of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of the State or is used to transport sixteen or more passengers including the driver or is used to transport hazardous materials in a quantity requiring placarding under State or Federal law.~~

~~2. "MOTOR CARRIER" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in this Subsection.~~

~~(CB)~~ This section may be enforced by any City Police Officer or Firefighter who meets the inspector qualifications set forth in C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder, the Federal Regulations referenced by the Colorado State Patrol Regulations adopted in subsection (A) of this Section.

~~(DC)~~ It shall be unlawful for any person to operate a motor vehicle in violation of subsection (A) of this section. ~~Violation of this Section is a noncriminal traffic infraction, punishable as provided in Section 1-8-1 of this Code.~~

~~(E) Copies of the State Regulations adopted by reference in this Section are available for inspection at the office of the City Clerk.~~

Section 8. Section 10-1-13, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

10-1-13: OPERATION OF REGISTERED MOTOR VEHICLES:

(A) Motor vehicles properly registered pursuant to Article 3 of Title 42, C.R.S., may be operated within the City only on streets and highways; public ways and alleys; parking lots open to the public; and on private property, but only with the private property owner's consent.

(B) Section (A) shall not apply to motor vehicles operated by public employees in the course of performing official law enforcement duties or providing emergency services. In addition, section (A) shall not prohibit operation of authorized service vehicles on public property by a public employee or agent for the purpose maintaining, repairing, surveying, or patrolling the property.

Section 9. Section 10-1-14, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

10-1-14: OPERATION OF UNLICENSED VEHICLES: ———

It shall be unlawful for any person to operate an unlicensed vehicle in the City as follows:

(A) On highways, except that a person operating a toy vehicle or golf cart may go upon a highway when crossing the highway in a designated crosswalk and when so crossing shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

(B) Unless the property is posted by the owner to allow such use, use of unlicensed vehicles is prohibited in the following locations:

1. On City-owned property, including but not limited to City-owned parking lots, City-owned park property, and City bike or pedestrian paths and trails;
2. On publicly held or controlled park or recreational property;
3. On school district owned property or any public school grounds or campus;
4. On private property, including privately owned parking lots open to public use.
5. It shall be an affirmative defense to an alleged violation of this Section (B) if written permission has been granted by the property owner to the specific person operating the unlicensed vehicle.

(C) On sidewalks, except that except that toy vehicles may be operated on a sidewalk adjacent to private property or on a sidewalk adjacent to any public street that is not a state highway.

Section 10. The sections of Chapter 1 of Title X, Westminster Municipal Code, not amended by this Ordinance shall remain unchanged and in full force and effect.

Section 11. 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.

Section 12. This ordinance shall take effect November 15, 2011.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 8th day of August, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 12th day of September, 2011.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office