

December 15, 1997

7:00 PM

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

1. **Pledge of Allegiance** - Cub Scout Pack #405 Den 2
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**  
None
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
  - A. City Manager's Report
7. **City Council Comments**

The "**Consent Agenda**" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. **Consent Agenda**
  - A. Special Use Permit Renewal, 4354 Apex Lane
  - B. Church Ranch Blvd Contract Amendment
  - C. MSC Gasoline Recovery System Modifications
  - D. CB No. 77 re Martin Property Annexation (Merkel-Atchison)
  - E. CB No. 78 re Martin Property Zoning (Merkel-Allen)
  - F. CB No. 79 re Comp Land Use Plan Amendment (Scott-Atchison)
  - G. CB No. 80 re Sheridan Blvd Cost Recovery (Smith-Scott)
  - H. CB No. 81 re Fleet Maintenance Supplemental Appropriation (Dixion-Merkel)
  - I. CB No. 82 re Police Department Supplemental Appropriation (Atchison-Dixion)
  - J. CB No. 83 re Graffiti Equipment Appropriation (Dixion-Scott)
  - K. CB No. 84 re 1998 Appropriations (Allen-Merkel)
  - L. CB No. 85 re Sign Code Amendment (Dixion-Atchison)
  - M. CB No. 86 re Federal Block Grant Appropriation (Atchison-Dixion)
  - N. CB No. 87 re VALE Funded Position (Allen-Dixion)
  - O. CB No. 88 re Special Event Permits (Atchison-Dixion)

9. **Appointments and Resignations**

- A. Resolution No. 74 Reappointments to Boards & Commissions

10. **Public Hearings and Other New Business**

- A. Public Hearing re Wandering View 3rd Amended PDP
- B. 3rd Amended Preliminary Development Plan Wandering View
- C. Councillor's Bill No. 89 re Growth Management Program
- D. Resolution No. 75 re Service Commitment Allocation
- E. Resolution No. 76 re Single Family Detached Guidelines
- F. Resolution No. 77 re Traffic Fines
- G. Councillor's Bill No. 90 re Supplemental Approp re PD Grant
- H. Resolution No. 78 re Operation Buckle Down Grant
- I. Heritage at Westmoor Architectural Contract
- J. Resolution No. 79 re Parks & Recreation Master Plan
- K. Land Trade with Bruchez Farms
- L. Resolution No. 80 re JeffCo Open Space re Countyside Ballfields
- M. Resolution No. 81 re Countyside Ballfields Service Commitments
- N. Cobblestone Park Construction Contract
- O. Councillor's Bill No. 91 re Cobblestone Park Supplemental Approp
- P. Resolution No. 82 re Cobblestone Park Service Commitments
- Q. WEDA Cooperation Agreement
- R. Resolution No. 83 re WEDA Replenishment

- S. W&WW CB No. 4E re Revised Utility Fund Loan
- T. Federal Heights Water Contract Amendment
- U. Semper Water Treatment Facility Rehabilitation
- V. Resolution No. 84 re Council Rules & Procedure Amendments

- 11. Old Business and Passage of Ordinances on Second Reading**  
None
- 12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. Financial Report for November, 1997
  - B. City Council
  - C. Request for Executive Session
- 13. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, DECEMBER 15, 1997 AT 7:25 P.M.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Allen to accept the minutes of the meeting of December 1, 1997 with no additions or corrections. Mayor Pro Tem Merkel requested to abstain as she was not present at the meeting. The motion carried with 6 aye votes and Mayor Pro Tem Merkel abstaining.

CITY COUNCIL COMMENTS:

Councillor Scott reported on the rail tour he took last Friday with Burlington Northern Railroad and State Transportation Officials. The rail ride began at 33rd & Pearl in Boulder and ended at Union Station. Councillor Allen reported on the breakfast meeting and tour of North Metro Community Services, which he attended this past week.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: **Special Use Permit Renewal** - Approve the renewal of the residential care facility special use permit for Dennis and Twila Bonser, for 6 elderly persons to be located at 4354 Apex Lane for a one year period; **Church Ranch Blvd Contract Amendment** - Authorize the City Manager to sign a contract amendment with Felsburg, Holt & Ullevig in the amount of \$42,000 to extend construction administration services for the Church Ranch Boulevard Extension Project, and charge the expense to the appropriate project account in the General Capital Improvement Fund; **MSC Gasoline Recovery System Modifications** - Authorize the City Manager to execute a contract with Delta Environmental Consultants, Inc., to perform modification improvements to the Gasoline Recovery System at the Municipal Service Center; and authorize a project budget of \$35,000, with the expenses to be charged to the appropriate accounts in the General Services Administration, General Fund, and the Fleet Maintenance fund; **Councillor's Bill No. 77** - Martin Property Annexation; **Councillor's Bill No. 78** - Martin Property Zoning; **Councillor's Bill No. 79** - Comprehensive Land Use Plan Amendment; **Councillor's Bill No. 80** - Sheridan Boulevard Cost Recovery; **Councillor's Bill No. 81** - Fleet Maintenance Supplemental Appropriation; **Councillor's Bill No. 82** - Police Department Supplemental Appropriation; **Councillor's Bill No. 83** - Graffiti Equipment Appropriation; **Councillor's Bill No. 84** - 1998 Appropriations; **Councillor's Bill No. 85** - Sign Code Amendment; **Councillor's Bill No. 86** - Federal Block Grant Appropriation; **Councillor's Bill No. 87** - VALE Funded Position; and **Councillor's Bill No. 88** - Special Event Permits.

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

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

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Atchison and seconded by Allen to adopt Resolution No. 74 making reappointments to the following Boards and Commissions: Board of Adjustment - Gerald Nordmark, William Wendt and Rex Wiederspahn; Board of Building Code Appeals - Brian Barngrover, Jonathan Talbott and Farlin Ward (Alternate); Election Commission - Denis DuFresne, Jeanne Nearing and Bill Nooning; Environmental Advisory Board - Steve Wagner (Alternate); with all terms of office to expire on December 31, 1999.

PUBLIC HEARING ON WANDERING VIEW THIRD AMENDED PDP:

At 7:31 P.M. the meeting was opened to a public hearing on the rezoning on a parcel of land in the Wandering View Subdivision, generally located at the southwest corner of 107th Place and Grove Street, from Multi-family residential to single family detached residential. Planning Manager David Shinneman entered a copy of the Agenda Memorandum, Planning Commission Recommendation and other related items as exhibits. Bernie Lash, representing the developer, was present to address Council and speak in favor of this application. No one spoke in opposition to the request. At 7:40 P.M. the public hearing was declared closed.

WANDERING VIEW PUD THIRD AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Atchison and seconded by Merkel to approve the Third Amended Wandering View Preliminary Development Plan changing the zoning from multi-family residential to single-family detached residential. The motion carried unanimously.

GROWTH MANAGEMENT PROGRAM REVISIONS:

A motion was made by Merkel and seconded by Allen to pass Councillor's Bill No. 89 on first reading revising Chapter 3 of Title XI of the Westminster Municipal Code pertaining to the City's Growth Management Program.

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 75 allocating 1998 Service Commitments to the various categories of the Growth Management Program and reserving 272 Service Commitments for Categories A and L in 1999.

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 76 amending the Single-Family Detached Residential Design Guidelines.

Upon roll call vote, the motions carried unanimously.

RESOLUTION NO. 77 - INCREASED TRAFFIC FINES:

A motion was made by Merkel and seconded by Smith to adopt Resolution No. 77 which sets forth a minimum \$100 fine for red light violators and speeders who are apprehended in designated schools zones. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 90 - APPROPRIATION OF GRANT FUNDS:

A motion was made by Allen and seconded by Atchison to pass Councillor's Bill No. 90 on first reading appropriating \$1,531 from grant funds to reimburse the Supplies Account in the Police Department Community Services Division account for the purpose of purchasing materials and equipment for the Citizen Police Academy. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 78 - OPERATION BUCKLE DOWN GRANT:

A motion was made by Smith and seconded by Merkel to adopt Resolution No. 78 which formally states the City of Westminster's support to use State grant funds for the purpose of enhanced seatbelt education and enforcement and authorizes the Police Chief to sign a contract with Colorado Department of Transportation for this program. Upon roll call vote, the motion carried unanimously.

THE HERITAGE AT WESTMOOR ARCHITECTURAL CONTRACT:

A motion was made by Atchison and seconded by Scott to authorize the City Manager to sign a contract with Odell Architects P.C. in the amount of \$137,000 plus reimbursables and a 10% contingency for the design, construction drawings, and bid documents for a new clubhouse and maintenance building at The Heritage at Westmoor Golf Course; authorize an increase in the contract of 7.2% if the construction budget should exceed \$1,900,000; and charge the expense to the appropriate account in the General Capital Improvement Fund. Otis Odell, representing Odell Architects, was present to address Council.

The motion carried unanimously.

RESOLUTION NO. 79 - PARKS AND RECREATION MASTER PLAN:

A motion was made by Allen and seconded by Merkel to adopt Resolution No. 79 adopting the City of Westminster Master Parks and Recreation Plan dated December 15, 1997 as a planning guide for future parks and facilities development and acquisition projects in the City. Upon roll call vote, the motion carried unanimously.

LAND EXCHANGE WITH BRUCHEZ FARMS:

A motion was made by Merkel and seconded by Scott to authorize the City Manager to execute the necessary documents for a land exchange between the City of Westminster and Bruchez Farms Development Limited Liability Company. Art Bruchez of Bruchez Farms Development LLC, was present to address Council. Mayor Heil and Councillor Allen requested to abstain as they each had received more than \$100 in campaign contributions from parties involved in this land trade. The motion carried with aye votes by Atchison, Merkel, Scott and Smith, and Mayor Heil and Councillor Allen abstaining.

COUNTRYSIDE YOUTH LITTLE LEAGUE BALLFIELDS:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 80 requesting a reimbursement of \$160,000 from Jefferson County Open Space for the Countryside Youth Little League Ball Fields project.

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 81 allocating 36.0 Category F Water Service Commitments to Countryside Youth Little League Ball Fields.

Upon roll call vote, the motions carried unanimously.

COBBLESTONE PARK DEVELOPMENT:

A motion was made by Allen and seconded by Atchison to authorize the City Manager to sign a contract with Environmental Concerns, Inc. in the amount of \$552,649 for the construction of Cobblestone Park Phase One; authorize \$4,688 for a Public Service Company transformer and lighting; \$2,500 for geotechnical testing and a \$14,086 contingency for a total Phase One budget of \$574,013.

A motion was made by Allen and seconded by Atchison to pass Councillor's Bill No. 91 on first reading for a supplemental appropriation in the amount of \$71,845 from the General Fund Contingency into the Cobblestone Park account in the General Capital Improvement Fund.

A motion was made by Allen and seconded by Atchison to adopt Resolution No. 82 allocating 37 Category F Water Service Commitments to Cobblestone Park. Upon roll call vote, the motions carried unanimously.

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to execute a Cooperation Agreement with the Westminster Economic development Authority to allow for the Authority's repayment to the City, out of any available tax increment after debt service is paid, of funds paid by the City to replenish bond funds, for prior Authority expenses, and for future staffing and expenses related to urban renewal efforts.

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 83 which provides the City's non-binding moral obligation, subject to annual appropriation, to provide credit enhancement to the WEDA bonds.

A motion was made by Atchison and seconded by Merkel to adopt Water & Wastewater Utility Enterprise Bill No. 4E as an emergency ordinance approving revisions to the \$3.6 million loan agreement between the Enterprise and the Westminster Economic Development Authority and authorizing the President of the Water and Wastewater Enterprise to sign the loan agreement. Upon roll call vote, the motions carried unanimously.

FEDERAL HEIGHTS WHOLESALE WATER CONTRACT AMENDMENT:

A motion was made by Smith and seconded by Merkel to authorize the City Manager to sign a contract with Federal Heights approving rates for 1997 at \$2.18 per thousand gallons, and for January through June, 1998, at \$2.02 per thousand gallons. The motion carried unanimously.

SEMPER WATER TREATMENT FACILITY REHABILITATION:

A motion was made by Allen and seconded by Scott to Table action on the Semper Water Treatment Facility Rehabilitation. The motion carried unanimously.

RESOLUTION NO. 84 - REVISIONS TO COUNCIL RULES AND PROCEDURES:

A motion was made by Scott and seconded by Smith to adopt Resolution No. 84 revising the Council Rules and Procedures pertaining to public hearing procedures and other housekeeping changes. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for November, 1997.

ADJOURNMENT:

The meeting was adjourned at 8:05 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** December 15, 1997  
**Subject:** Review of Special Use Permit, 4354 Apex Lane  
**Prepared by:** Michele Kelley, City Clerk

### **Introduction**

In accordance with City Code requirements, Council review and approval of all Special Use Permits on an annual basis is required.

City Council action is requested at this time on the Residential Care Facility Special Use Permit for elderly care of 6 people, located at 4354 Apex Lane.

### **Summary**

In October, 1975, City Council initially approved this residential care facility special use permit for 6 elderly persons, to be located at 4354 Apex Lane. Since 1975 the ownership of this residential care facility has changed several times. Since 1975 this license has been reviewed annually and there have been no problems with this residential care facility.

In June of 1993, Council approved the transfer of the Residential Care Facility Special Use Permit, located at 4354 Apex Lane to Dennis and Twila Bonser who are the current operators of this facility.

### **Staff Recommendation**

Approve the renewal of the residential care facility special use permit for Dennis and Twila Bonser, for 6 elderly persons to be located at 4354 Apex Lane for a one year period.

### **Background Information**

A recent visit by Code Enforcement shows this home current has 5 elderly persons residing there. A review of Code Enforcement files reveals no complaints associated with this residential care facility.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** December 15, 1997

**Subject:** Contract Amendment for Church Ranch Boulevard Project Management

**Prepared by:** Stephen C. Baumann, Assistant City Engineer

### **Introduction**

City Council action is requested to authorize an amendment in the amount of \$42,000 to the City's Agreement with Felsburg, Holt & Ullevig for construction observation and management services for the Church Ranch Boulevard Extension Project. Funds sufficient to cover the expense are available in construction contingency in the project account.

### **Summary**

When City Council awarded the \$4.6 million contract for construction of Church Ranch Boulevard to Edward Kraemer and Sons in February of 1996, an agreement for construction management services with Felsburg, Holt & Ullevig (FHU) was also approved. The construction management contract was priced at \$580,000 and was intended to extend to August of 1997. Due to delays caused in part by design changes, construction of the project was not finished until mid-October.

A portion of the cost of the project was provided under the Intermodal Surface Transportation Efficiency Act (ISTEA) which necessitates rigorous bookkeeping and project oversight to insure compliance with Federal requirements. The extension of contract time has affected the Felsburg, Holt & Ullevig budget for construction management and they have requested that their agreement be extended and the compensation amount increased by \$42,000.

Alternatives to the proposed contract amendment include having City Staff assume the responsibility for close-out activities. A smaller scale contract amendment with FHU would still be necessary to make the transition in contract management. Since this is an ISTEA project and project audits can be expected, this approach is not recommended. Maintaining continuity in project management activities is critical to meeting the Federal requirements and maximizing the benefits of ISTEA.

### **Staff Recommendation**

Authorize the City Manager to sign a contract amendment with Felsburg, Holt & Ullevig in the amount of \$42,000 to extend construction administration services for the Church Ranch Boulevard Extension Project; and charge the expense to the appropriate project account in the General Capital Improvement Fund.

### **Background Information**

In February of 1996, City Council awarded a contract for construction of Church Ranch Boulevard to Edward Kraemer and Sons, Inc. (Kraemer).

The \$4.6 million project extends Church Ranch Boulevard from old Wadsworth Boulevard to Wadsworth Parkway by constructing two grade-separation structures which allow the street to go underneath Zephyr Drive and the Burlington Northern Railroad tracks. Work began shortly thereafter and was intended to be completed in August of 1997.

At the same meeting, Council authorized a contract with Felsburg, Holt & Ullevig (FHU) for construction engineering and project management activities in the amount of \$580,000. Since the project utilizes Federal funding made available under the Intermodal Surface Transportation Efficiency Act (ISTEA), project administration and bookkeeping must meet Federal standards and be reviewed by the Colorado Department of Transportation (CDOT) and Jefferson County. The County was the City's partner in pursuing the project and has the necessary certification to sponsor projects utilizing Federal Aid. This all necessitates rigorous record keeping and administrative efforts which are much more extensive than most capital projects that the City undertakes. FHU has been performing these activities quite well through the course of the project.

During construction, several design changes were necessary. Most notably, the underdrain system which intercepts shallow level ground water to protect roadway structures was expanded. The underdrain system had been designed based on information from exploratory borings done prior to the start of construction. It was to underlay approximately 1,000 linear feet of the roadway where the excavations are deepest. Once the excavation was done and preparation of roadway subgrade began, the ground water was observed seeping from the roadway side cut areas. This necessitated a revision of the original design to deal with the previously unknown condition. These changes were in part responsible for delays of Kraemer's work allowing completion to slip from mid-August to mid-October.

Similarly, the observation and project administration budget of FHU reached its limits as a result of the extended construction time. Although construction is now complete, significant project administration activities remain, including finalizing contract requirements with Kraemer for processing final payment. FHU has estimated that their budget will need to be augmented by \$42,000 to complete these activities. In addition, the Federal Aid aspect of the project will necessitate assembling the overall project records and reviewing this with the State of Colorado and Jefferson County for compliance with Federal guidelines. The importance of these follow-up activities cannot be exaggerated since the Federal funding hinges on meeting those compliance criteria.

While City Staff might be able to complete project close-out, it would take a greater amount of time than that of FHU, who have been doing the record keeping from the very start. City Staff would need to get familiar with those activities and review the record to date. It would also tax Staff to take on those added responsibilities and draw resources from other priority projects, including capital projects scheduled for 1998. Most importantly, though, is the continuity of project management that retaining FHU provides. To make a change in that responsibility at this stage of the project would be unwise for a project of this size and complexity, and which relies on Federal funding for most of its support.

Although construction went beyond the scheduled completion date, total construction costs will be slightly under the project budget.

Sufficient surplus funds will be available in the construction sub-account to cover the estimated additional cost of project administration by Felsburg, Holt & Ullevig. It is recommended that Council authorize an expenditure of \$42,000 for that purpose and approve an amendment to FHU's contract to do it.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** December 15, 1997

**Subject:** Municipal Service Center Gasoline Recovery System Modifications

**Prepared by:** Robert L. Booze, Utilities Services Supervisor  
Susan Nachtrieb, Environmental Compliance Coordinator

### **Introduction**

City Council action is requested to award a Contract to Delta Environmental Consultants, Inc., for the purpose of performing modification improvements to the Gasoline Recovery System at the Municipal Service Center; authorize the City Manager to execute a Contract between the City of Westminster and Delta Environmental, Inc.; and, authorize a budget of \$35,000 for the project. Funds are available for these services in the General and Fleet Maintenance Funds.

### **Summary**

The Department of Public Works and Utilities in cooperation with the General Services Department Fleet Maintenance Division Staff is recommending modification improvements be performed on the gasoline recovery system at the Municipal Service Center. The modification improvements are necessary to bring the gasoline recovery system into compliance with the State Discharge Permit, Fire Code, Building Code, Electrical Code, and to address worker safety issues. Delta Environmental Consultants, Inc., has been contracted to provide operations and maintenance services on the gasoline recovery system. Delta's efforts have included:

routine (and frequent) cleaning of the equipment,  
performing maintenance on the system,  
installing a second air stripper,  
monitoring the ground water and treated water, and  
performing the day-to-day operations of the system.

Even with the on-going maintenance and small enhancements to the system, the system continues to be very labor-intensive and must be monitored and cleaned constantly. The following is a summary of the recommended improvements:

- replacement of a telemetry system;
- replacement of a deteriorated gate valve and installing a check valve;
- installation of controls to automatically de-activate the sump pump during treatment malfunctions;
- replacement of the level switch in the gas product tank with a dip stick;
- relocation of components of the treatment system outside of the heated storage building, so the system will be in compliance with the Class One, Division One Electrical Codes.

These system modification improvements will address the compliance issues and will improve the overall efficiency of the system.

Delta Environmental Consultants, Inc. were hired earlier this year to address deficiencies in the Gasoline Recovery System (GRS) operations that were resulting in violations of our State issued discharge permit. After initial evaluation and changes in operations, Delta completed a comprehensive review of the GRS that identified various areas of concern which required further action to comply with codes and regulations related to operating the system safely and effectively. In the recommendation made to the City, Delta offered, at no cost to the City, treatment equipment that they owned and successfully used at similar gasoline remediation sites. This would save the City thousands of dollars in equipment costs and time for delivery if it would have to be ordered.

Delta has the familiarity, experience and technical knowledge to continue the modification work to the GRS, as well as the confidence of Staff in completing this type of work. Also, Delta is currently completing a Feasibility Study, approved by City Council in October, that will identify long-term solutions and accelerated clean up options for this site. The final report from this study will be available in early 1998 and alternatives will be discussed to allow possible project identification in conjunction with the 1999 Budget. For these reasons, Staff believes Delta should be awarded the modifications contract without bidding this work out for other firms to consider.

### **Staff Recommendation**

Authorize the City Manager to execute a contract with Delta Environmental Consultants, Inc., to perform modification improvements to the Gasoline Recovery System at the Municipal Service Center; and authorize a project budget of \$35,000, with the expenses to be charged to the appropriate accounts in the General Services Administration, General Fund, and the Fleet Maintenance fund.

### **Background Information**

On October 27, City Council approved Delta Environmental Consultants, Inc., to perform a Feasibility Study at the Municipal Service Center. Performing a feasibility study will evaluate the potential options to accelerate remediation of the Municipal Service Center gasoline product. The treatment of the groundwater and gasoline product will still need to be performed through the entire recovery process. The current gasoline recovery treatment system is not in compliance with Fire Code, Building Code, Electrical Code, and worker safety may be affected. Also, meeting the State Discharge Permit is very costly and labor intensive.

A meeting was held between Delta and all Departments and Divisions who are impacted by the operations of the gasoline recovery system to ensure all concerns by all Departments are being addressed and to communicate the efforts underway to bring the gasoline recovery system into compliance with the various Codes and regulations.

During our work to bring the gasoline recovery system into compliance, it became apparent that key elements of current system are aging, have become expensive to operate, and are unreliable. It is strongly recommended that the current system be enhanced to utilize newer technology.

An alternative to performing the system modification improvements would be to continue the treatment process with no changes or improvements. However, even with the on-going maintenance and small modifications to the system, the gasoline recovery system continues to produce treated water which is still periodically violating the benzene standard in the City's Discharge Permit.

One of the problems is the presence of high amounts of salts in the ground water which forms scale on the treatment equipment and reduces its efficiency. The air strippers must be cleaned frequently to keep them at the needed 99.9 percent efficiency level. This is an extremely labor intensive process, but helps to keep the discharged water in compliance.

The Public Works and Utilities Department and Fleet Maintenance Division Staff believe it is in the interest of the City to perform the recommended modification improvements to the gasoline recovery system. Along with the anticipated favorable options to accelerate the site clean-up following the current Feasibility Study, these system improvements will bring the Municipal Service Center Gasoline Recovery System to current standards utilizing new technology for better efficiency and effectiveness. These modifications would not duplicate or distract from the long-term options forthcoming from the Feasibility Study.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** December 15, 1997

**Subject:** Resolution No. Reappointments to Boards and Commissions

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

### **Introduction**

City Council action is requested to consider the third set of reappointments to the various Boards and Commissions where terms of office will expire on December 31, 1997.

### **Summary**

In 1993, Council implemented a performance feedback system in conjunction with the consideration of reappointment of individual Board and Commission members when terms of office were to expire. The Chairperson and Vice Chair of each Board were requested to give performance feedback to Council. This information has previously been submitted to City Council.

Beginning in 1994, Council has considered the various reappointments over several Council meeting periods beginning in November. This set of reappointments is the last of three.

At this time, Council is considering reappointments to the Board of Adjustment, Board of Building Code Appeals, Election Commission and Environmental Advisory Board. Each individual whose term will expire in 1997 was contacted and asked if they were interested in being reappointed to the Board, if Council so desires. The reappointments are for two years.

### **Staff Recommendation**

Adopt Resolution No. making reappointments to the Board of Adjustment, Board of Building Code Appeals, Election Commission and Environmental Advisory Board with all terms to expire on December 31, 1999.

### **Background Information**

The terms of office of three of the Board of Adjustment members will expire on December 31, 1997. Gerald Nordmark, William Wendt and Rex Wiederspahn have all indicated that they are interested in being reappointed to the Board.

The terms of office of four of the Board of Building Code Appeals member terms will expire on December 31, 1997. Brian Barngrover, Jonathan Talbott and Farlin Ward (alternate) are all interested in being reappointed to the Board if Council so desires. Mario Portocarrero (alternate) could not be reached.

Appointments to Boards

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The terms of office of all four of the Election Commission members will expire on December 31, 1997. Denis DuFresne, Jeanne Nearing, Bill Nooning and Jennifer Street are all interested in being reappointed to the Board if Council so desires.

The terms of office of four of the existing Environmental Advisory Board members will expire on December 31, 1997. Steve Wagner (Alternate) is interested in being reappointed to the Board. Rich Holston and James Franks will be moving out of the City and Joyce Lingenfelter does not wish to be reappointed.

Currently the City has 16 citizens within the 1997 "pool" to fill vacancies on the various Boards and Commissions. It is recommended that Council only make reappointments at this time. After all reappointments have been made, and Council has had an opportunity to interview all of the new applicants for the 1998 "pool" new appointments can be scheduled.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

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CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, The City Council has established a review process for members of the various Boards and Commissions prior to expiration of the current term of office; and

WHEREAS, City Council has reviewed evaluations of the current Board and Commission members for the Board of Adjustment, Board of Building Code Appeals, Election Commission and Environmental Advisory Board; and

WHEREAS, City Council has also reviewed attendance records for each of the Board of Adjustment, Board of Building Code Appeals, Election Commission and Environmental Advisory Board; and

WHEREAS, Each member whose term is to expire on December 31, 1997 has been contacted and asked if they wish to be reappointed to the Board where they are currently serving; and

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby reappoint the following individuals to the City of Westminster Board or Commission listed below with the terms of office to expire December 31, 1999.

**NAME**

**BOARD/COMMISSION**

Gerald Nordmark  
William Wendt  
Rex Wiederspahn

Board of Adjustment  
Board of Adjustment  
Board of Adjustment

Brian Barngrover  
Jonathan Talbott  
Farlin Ward (alternate)

Board of Building Code Appeals  
Board of Building Code Appeals  
Board of Building Code Appeals

Denis DuFresne  
Jeanne Nearing  
Bill Nooning

Election Commission  
Election Commission  
Election Commission

Steve Wagner (Alternate)

Environmental Advisory Board

Passed and adopted this 15th day of December, 1997.

ATTEST:

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Mayor

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City Clerk

**Date:** December 15, 1997  
**Subject:** Wandering View PUD Third Amended Preliminary Development Plan  
**Prepared by:** Mark E. Geyer

### **Introduction**

City Council action is requested to hold a public hearing and take action on a rezoning on a parcel of land in the Wandering View subdivision from multi-family residential to single family detached residential.

### **Summary**

The applicant, Richmond Homes, wishes to complete an in-fill development in the Wandering View Subdivision. Due to the past and current Growth Management limitations on service commitments for multi-family residential projects, and the recently adopted Comprehensive Land Use Plan, the applicant is proposing to rezone property to single-family detached residential. Richmond Homes is de-emphasizing their multi-family residential operations in order to concentrate on single-family projects. The applicant competed successfully in the service commitment competition for 1997 and has been awarded commitments for this project.

Applicant/Property Owner Richmond American Homes of Colorado, Inc.

Location Southwest corner of 107th Place and Grove Street (one block west of Federal Boulevard). (See attached vicinity map).

Size of site 6.84 acres

Description of Proposed Use The applicant proposes to construct 24 single-family detached residential homes on lots averaging 9,267 square foot in size. An Official Development Plan (ODP) is being reviewed administratively in conjunction with this Preliminary Development Plan (PDP) amendment.

### Major Issues -

1. Compliance with the Comprehensive Plan.
2. Compliance with the applicant's competition submittal and design guidelines.

### **Planning Commissioner Recommendation**

Planning Commission, at their November 25th regular meeting, voted unanimously to recommend to City Council the approval of the Third Amended Wandering View Preliminary Development plan changing the zoning from multi-family residential to single-family detached residential. There was no testimony given in favor or opposition to the request.

### **Staff Recommendation**

1. Hold a public hearing.
2. Approve the Third Amended Wandering View Preliminary Development plan changing the zoning from multi-family residential to single-family detached residential.

### **Background Information**

The applicants had first applied for rezoning of this property in 1995. However, due to the Growth Management restrictions at that time, which did not allow for new project applications, Staff could not review the request. Since that time, City Council has authorized a competition for new single-family residential projects. The applicants had submitted for and received approval of a plan to build a 24 lot subdivision that meets and exceeds the design guidelines for single-family detached residential development in 1997.

### Discussion of Major Issues

1. Compliance with the Comprehensive Plan: The Comprehensive Land Use Plan identifies this parcel as Single-Family Detached-Medium Density. This designation requires a average lot size of 7,000 square feet and a maximum of 3.5 dwelling units per acre. The applicant's proposal specifies a minimum lot size of 7,448 square foot and has a density of 3.5 dwelling units per acre.

2. Compliance with the Service Commitment Competition and the Design Guidelines: The applicant has successfully competed for service commitments for 24 single-family detached homes. As part of this competition, all design guidelines were met and the following incentives were promised:

- \* additional right-of-way dedication
- \* greater side setbacks between houses (12')
- \* fencing columns spaced 75' apart
- \* offsets on the perimeter fencing
- \* horizontal offsets on all housing models
- \* roof breaks on all models
- \* useable front porches (80 square foot) on 50% of models
- \* projecting windows
- \* 30% brick on the front facade
- \* prohibition of accessory structures
- \* landscaping in the Grove Street right-of-way (ROW)
- \* larger trees in the ROW and additional trees in the lots greater than 10,000 square foot
- \* developer-installed front and side irrigation and landscaping.

### Architectural/Building Materials

The applicant's ODP proposes four separate models, each with three to five variations in the front elevations. All models are two stories and three models will offer a three-car garage. All models will have a minimum of 30% brick on the front elevation (the non-window and garage portion), with the remainder in lap siding. The applicant is prohibiting accessory structures and second story decks.

### Public Land Dedication, Parks/Trails

The public land dedication requirements of the City were satisfied in the original Wandering View and Autumn Chase subdivisions.

### Access and Circulation

Access to the site is provided by existing Grove Street and 107th Place. As part of the ODP, the developer will dedicate and install Grove Court to provide individual access to each lot.

### Site Design

The ODP is designed with a looped street (Grove Court) providing access off of the collector street (Grove Street). No access from individual lots will be allowed onto Grove Street. A 15 foot to 20 foot landscape strip is being provided along Grove Street to add buffering of the houses along this right-of-way. The developer is proposing a subdivision which pre-determines the models to be located on each lot.

### Comprehensive Land Use Plan Compliance

The Comprehensive Land Use Plan designates this parcel as single family detached - medium density. This allows a maximum density of 3.5 dwelling units per acre. The proposed PDP amendment adheres to all requirements of this designation. The applicant's ODP meets the density minimums and all requirements of the Single Family Detached Design Guidelines.

### Signage

The ODP provides for a monument sign at each end of Grove Court which will identify the subdivision name.

### Service Commitment Category

This project was awarded services commitments through the B-1 category competition process conducted earlier this year.

### Public Comments

The applicant has held several community meetings with residents of Wandering View and Autumn Chase. The proposed rezoning is supported unanimously. The housing design was an issue in that the neighbors desired models which would compliment the existing housing stock of Wandering View and would sell for the same price as their properties. Several residents thought that three car garages should be offered. Staff recommended this addition to the applicant and, as a result the ODP now offers three models with this option. The proposed Richmond homes in this subdivision will range from 1,506 square feet to 2,056 square feet in floor area, and selling prices from \$150,000 to \$170,000\*. These home sizes and sale prices are comparable to those of the existing housing stock in the existing Wandering View subdivision.

\*Selling prices are based on comparable Richmond homes in the Highlands Ranch area. Variables, including larger lots, more brick, and the three-car garage option at Wandering View, may increase these base prices.

One response was received, via a telephone call, from neighborhood resident Terri Dittmer. She supports the rezoning request.

Surrounding Zoning

The property is located abutting the existing Wandering View single-family residential subdivision (to the west and north) and an existing Autumn Chase townhome development to the east. The property to the south is zoned for office and commercial uses, and to the southeast as retail commercial. All of these zoning designations are within the Wandering View PUD. The Comprehensive Plan designations for surrounding property include single family detached to the west, north and south, and multi-family (existing) and retail commercial to the east.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** December 15, 1997

**Subject:** Growth Management Program Revisions

**Prepared by:** Shannon Sweeney, Planner II

### **Introduction**

City Council action is requested to approve a series of actions concerning the City's Growth Management Program. Those actions include; adoption of the attached Councillor's Bill on first reading amending the current Growth Management Program which includes a provision allowing Service Commitment awards to new senior housing projects on a competitive basis; adopt the attached Resolution allocating 1998 Service Commitments to various categories within the Growth Management Program; and adopt the attached Resolution amending the Single-Family Detached Design Guidelines.

### **Summary**

At the November 17 City Council Study Session, City Staff outlined some recommended changes to the current Growth Management Program. After discussion of these items, City Council directed Staff to prepare the necessary Growth Management Program Ordinances and Resolutions for City Council consideration. The program, as proposed, includes the following elements:

- > Authorize a competition in 1998 for 1-2 new single-family detached (Category B-1) projects and allocate 60 Service Commitments (60 units) for Category B-1 which would serve one development with building activity comparable to the Home Farm project currently under construction. Alternatively, 60 Service Commitments could also suffice for two smaller projects such as the most recent filings of the Lexington or Countryside subdivisions which develop at a slower pace. If authorized by Council, Staff would conduct this competition early in 1998 and anticipates that Service Commitment award recommendations would be ready for Council consideration in March.
- > Allow the current moratorium on new senior housing projects to expire on December 31, 1997 and revise the Growth Management Program to allow Service Commitments for new senior housing projects to be awarded on a competitive basis. With the existing Growth Management Program, Service Commitments for all senior housing (whether considered an "active" project or new) are awarded on a first-come, first-served basis from Category E (Senior Housing).

Currently, there are five existing senior housing projects which are under construction or have future phases to complete. These all meet the definition of "Active Senior Housing Developments" as specified in the Program and receive Service Commitment awards on a first-come, first-served basis from Category E. Because there are many units (approximately 540) yet to be developed within these projects, Staff recommends that all new senior housing projects proposed compete for a limited number of Service Commitments in 1998. A portion of the Category E allocation each year could be designated for new senior housing development if desired by Council.

The attached Ordinance amending the Growth Management Program includes language allowing competitions for new senior housing projects. In addition, the Ordinance amendment specifies that Active Senior Housing Developments (which would continue to be issued Service Commitments on a first-come, first-served basis) must continue development activity to maintain "active" status. In the past, developers have expressed concern that active projects could "hoard" Service Commitments and prevent new projects from developing. The amendment stipulates that if a building permit for at least one new dwelling unit is not issued during any two successive calendar years (beginning January 1, 1998), the development will lose "active" status.

With the recently-adopted changes to Title XI revisions to the Growth Management Program adopted by City Council in December 1996 were inadvertently omitted. Therefore, the previously-adopted language has been re-inserted in this Ordinance amendment. This includes definitions for "Active Senior Housing Development" and "Build-out Development" which were previously approved by Council.

- > Authorize a new senior housing competition in 1998 for one new senior housing project and allocate an additional 21 Service Commitments for new senior housing which would accommodate a 60-unit senior housing project. (Senior housing units are calculated at .35 Service Commitments per unit). This would accommodate a project similar in size to the Church Ranch assisted living project previously approved by the City.

Because no competitive system is currently in place for new senior housing projects, guidelines and criteria must be developed to prepare for a competition in 1998. Staff estimates that these guidelines could be completed for City Council review mid-1998, and a competition could be scheduled in the fall following Council approval of the guidelines and criteria. This will also give developers and builders interested in competing for the available Service Commitments adequate time to prepare for a competition to be held later in 1998.

- > Allocate 1,164 Service Commitments (SC's) to Categories A (A-1, A-2, and A-3) and L (Legacy Ridge); 60 Service Commitments to Category B-1 (New Single-Family Detached Residential), 548 SC's to C (Non Residential), 75 SC's to D (Outside City Contracts), 161 SC's (21 of these for new senior housing) to E (Senior Housing), and 268 SC's to F (Public Usage) for the period beginning January 1, 1998 through December 31, 1998. Staff also recommends reserving an allocation of 272 Service Commitments for 1999 for awards in the Active Residential Categories (A and L) in 1999. Any Service Commitments remaining at the end of 1997 (from the 1997 allocations) will be returned to the Service Commitment supply figures. These Service Commitment allocation figures match the allocations discussed with City Council at the November 17 Study Session.
- > Revise the single-family detached residential competition criteria and guidelines in preparation for a 1998 Category B competition. In the process of judging the residential projects submitted for the 1997 Category B-1 competition, Staff identified various areas within the design guidelines and competition system which could be improved to encourage higher-quality projects and aesthetic qualities important to the City. The revised document is attached for Council review, and the major proposed changes include the following:

- > Adding language regarding bus bench and shelter provisions
- > Adding incentive criteria to encourage:
  - > Detached residential sidewalks where not already required
  - > Masonry elements separating garage doors
  - > Windows in garage doors that match the windows in the structure
  - > Providing clubhouse/meeting facilities
- > Reconfiguring the competition point system to:
  - > Give more points for higher priority items (e.g. greater front setbacks, private open space, etc.)
  - > Reduce bias toward larger-scale projects by eliminating "per segment" or "per item" point values
  - > Establish a maximum point system
- > Clarifying procedures for calculating residential densities
- > Changing Comprehensive Land Use Plan conformance and view corridor incentive items to minimum requirements
- > Elaborating on neighborhood notification requirements

### **Staff Recommendation**

1. Pass Councillor's Bill No.        on first reading revising Chapter 3 of Title XI of the Westminster Municipal Code pertaining to the City's Growth Management Program.
2. Adopt Resolution No.        allocating 1998 Service Commitments to the various categories of the Growth Management Program and reserving 272 Service Commitments for Categories A and L in 1999.
3. Adopt Resolution No.        amending the Single-Family Detached Residential Design Guidelines.

### **Background Information**

Each year, in preparation for recommending Service Commitment allocations to City Council, Staff reviews development activity in the current year and projects future demand for services. In analyzing this information, City Staff identified issues for Council consideration which were discussed with Council at the November 17 Study Session. The background research given below has been updated (as of 12/1/97) and is attached for Council information.

Table I below illustrates the 1997 Service Commitment allocations approved by Council in December 1996. It also updates the number of SC's awarded to new development this year (as of 12/1/97), the number available year-to-date, as well as the 1998 recommended allocations for each category. 1998 projections for Categories C, D, and F were used to determine the recommended Service Commitment allocations for next year.

**Table I**  
SERVICE COMMITMENT SUMMARY

<u>Cat.</u>	<u>Description</u> <u>Allocation</u>	<u>NUMBER OF SERVICE COMMITMENTS</u>		
		<u>1997</u> <u>Allocation</u>	<u>1997</u> <u>YTD</u> <u>Awards</u>	<u>Available</u> <u>as Recommended</u> <u>of 12/1</u> <u>1998</u>
A-1	Active SFD	1093.2*	408.0	473.0
A-2	Active SFA	*	108.0	242.0
A-3	Active MF	*	26.0	97.0
L	Legacy Ridge	*	78.2	277.0
B-1	New SFD	60.0	0.0	60.0
B-2	New SFA	56.0**	0.0	56.0
B-3	New MF	0.0	0.0	0.0
C	Non Residential	785.0	273.4	511.6
D	Outside Contracts	210.0	174.0	36.0
E	Senior Housing	115.0	40.3	74.8
F	Public Usage	<u>245.0</u>	<u>25.4</u>	<u>219.6</u>
<b>TOTAL</b>		<b>2564.2</b>	<b>1133.2</b>	<b>1431.0</b>
				<b>2276.0</b>

\*2,000 Service Commitments were allocated for all Category A and L projects for a two-year period (1996 and 1997). The figure listed for the A-1 allocation is the amount remaining from that total which was carried over into 1997.

\*\*Includes a 1997 supplemental allocation of 31 Service Commitments added to the original allocation of 25 SC's to accommodate two new SFA projects awarded SC's through the 1997 Category B-2 competition

Year-to-date in 1997, 1,133.2 Service Commitments have been awarded for new development projects leaving a total of 1,431 available for the remainder of 1997. Service Commitments remaining in any of the categories at the end of 1997 will not be carried over in 1998 and will be transferred back into the water supply figures.

The Public Works and Utilities Department and Parks, Recreation & Libraries Department Staff are currently discussing possible options to serve several of the 1998 public (Category F) projects as part of the first phase of the reclaimed water system. If this can be accomplished, the 1998 demand in Category F would be lower than estimated.

The figures shown in Table I of 60 Service Commitments for New Single-Family Detached (B-1), 0 for New Single-Family Attached (B-2), and 0 Service Commitments for New Multi-Family (B-3) do not represent total 1998 projected demand in each of these categories. These figures are Staff's recommendation for 1998 allocations to allow a limited number of new residential projects to compete. These proposed allocation levels would allow only 1-2 new single-family detached projects to be awarded through a new project competition.

In reviewing average demand for single-family detached projects, the 60-Service Commitment allocation (60 units) for Category B-1 should be sufficient to serve the development of a single-family detached project comparable to the Home Farm subdivision currently under construction in the City. Alternatively, these Service Commitments could serve two, smaller developments which do not require greater than 30 Service Commitments per year (such as the most recent filings of the Lexington and Countryside subdivisions).

As discussed with Council at the November 17 Study Session, due to the following reasons no 1998 Service Commitment allocations are recommended for Categories B-2 (New SFA) and B-3 (New MF) in 1998:

1. The high number of active SFA and MF units yet to develop for projects already approved by the City. Currently there are approximately 490 SFA units to be built within the active SFA developments, and approximately 440 MF units have been approved for construction within active MF projects.

2. Westminster has a significantly larger portion of its housing stock in renter-occupied units, primarily apartments, than most of its neighbors in the Denver metro area. In 1990, census data revealed that more than one-third (34.8) of all occupied housing units in Westminster were renter occupied. This proportion was the highest among Denver's northern suburbs, with the lone exception being Northglenn with 36.5 percent renter occupied.

3. According to the 1990 U. S. Census, nearly 30 percent of Westminster's housing units (not including single-family attached housing, such as townhomes) were multi-family units, and several new multi-family projects have been completed since 1990. Westminster led the northern metro area suburbs in the proportion of its housing mix in multi-family units, and is second among Denver metro cities with 8 percent of its total housing stock in townhomes (per 1990 census data). Thus, altogether, nearly 40 percent of Westminster's housing units in 1990 consisted of single family attached and apartment units. This percentage of townhomes and apartments was greater in Westminster in 1990 than in any other northern suburb in the Denver metro area, higher only in the cities of Denver and Boulder.

4. Goal C3 of the Westminster Comprehensive Plan states "New multi-family development should be limited, in order to maintain the City's housing balance."

Water supply figures provided by Water Resources staff show a total of approximately 4,741 Service Commitments currently available for future development (which includes the 1,431 available for the remainder of 1997). After deducting the estimated 50 Service Commitments projected for December 1997 and the 2,276 service commitments projected for 1998 from the supply figure (as of 12/1/97), a total of approximately 2,415 Service Commitments would be available for new development in 1999 and future years. This figure would assume that no additional water is acquired in the interim.

The City is continually pursuing new sources of water. However, currently none of the new sources can be relied on as an additional source of supply. Also, the City is continuing to examine water demands as part of the HBA (Home Builders Association) Study and is updating the water supply models which could change the number of available service commitments. The results of this study should be available in March 1998. On the demand side, the City will explore opportunities to serve new development with reclaimed water for irrigation purposes which will help reduce the demand for potable water and Service Commitments.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1997

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM FOR THE PERIOD JANUARY 1, 1990, THROUGH DECEMBER 31, 2000

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-3-2, Westminster Municipal Code, is hereby AMENDED as follows:

**11-3-2: DEFINITIONS:** For the purpose of this article, certain terms and words are hereby defined as follows:

(A) ACTIVE RESIDENTIAL DEVELOPMENTS:

1. Active Residential Development means:

(a) A residential project with an approved Official Development Plan and Plat which was issued building permits on or after January 1, 1994; or

(b) Any newly approved residential project which received Official Development Plan approval in the 24-month period following January 1, 1994, if at least one building permit for the project was or is issued on or before December 31, 1996; or

(c) any residential project formally submitted for technical review which meets all of the following criteria:

1. The project has an approved Official Development Plan.
2. The plat and construction drawings were formally submitted to the City for development review within the 12-month period prior to February 12, 1996.
3. No public hearings are required for the project.
4. The project meets all residential design guidelines.

2. Notwithstanding the foregoing, a residential development will not be deemed on active residential development if a building permit for at least one new dwelling unit is not issued during any two successive calendar years.

(B) ACTIVE SENIOR HOUSING DEVELOPMENT: A SENIOR HOUSING PROJECT WHICH MEETS THE FOLLOWING SPECIFICATIONS:

1. ALL OF THE CRITERIA AND REQUIREMENTS ESTABLISHED IN 11-3-4(E) CATEGORY E, ACTIVE SENIOR HOUSING DEVELOPMENTS, ARE MET; AND

2. THE PROJECT RECEIVED OFFICIAL DEVELOPMENT PLAN (ODP) APPROVAL ON OR AFTER JANUARY 1, 1994; OR, A PRELIMINARY DEVELOPMENT PLAN (PDP) AMENDMENT REQUESTING SENIOR HOUSING LAND USE WAS FORMALLY SUBMITTED FOR THE TECHNICAL REVIEW PROCESS PRIOR TO NOVEMBER 18, 1996 AND THE PDP AND ODP ARE ULTIMATELY APPROVED BY THE CITY COUNCIL.

NOTWITHSTANDING THE FOREGOING, A SENIOR HOUSING DEVELOPMENT WILL NOT BE DEEMED AN ACTIVE SENIOR HOUSING DEVELOPMENT IF A BUILDING PERMIT FOR AT LEAST ONE NEW DWELLING UNIT IS NOT ISSUED DURING ANY TWO SUCCESSIVE CALENDAR YEARS BEGINNING JANUARY 1, 1998.

ANY SENIOR HOUSING PROJECT WHICH DOES NOT MEET THE CRITERIA LISTED ABOVE FOR ACTIVE SENIOR HOUSING DEVELOPMENT SHALL BE CONSIDERED A NEW SENIOR HOUSING DEVELOPMENT.

~~(B)~~ (C) ATTACHED SENIOR HOUSING UNIT: An attached residential dwelling unit within a housing project restricted to persons 60 years of age or over, or as may otherwise be determined by Council.

(D) BUILD-OUT DEVELOPMENT: A PROPOSED RESIDENTIAL DEVELOPMENT WHICH DOES NOT MEET THE ACTIVE RESIDENTIAL DEFINITION BUT DOES MEET ALL OF THE FOLLOWING:

1. THERE IS AN EXISTING, CITY-APPROVED OFFICIAL DEVELOPMENT PLAN AND PLAT FOR THE SITE; AND
2. THE PROPOSED LAND USE COMPLIES WITH THE COMPREHENSIVE LAND USE PLAN MAP; AND
3. THE PROJECT IS LOCATED ON LAND WITHIN A PLANNED UNIT DEVELOPMENT WHICH IS AT LEAST 75% DEVELOPED; AND
4. THE UNDEVELOPED SITE FOR THE PROPOSED DEVELOPMENT DOES NOT EXCEED THREE (3) ACRES.

EACH BUILD-OUT DEVELOPMENT SHALL BE SUBJECT TO STAFF REVIEW FOR COMPLIANCE WITH THE ADOPTED RESIDENTIAL DESIGN STANDARDS AND GUIDELINES. IF THE EXISTING OFFICIAL DEVELOPMENT PLAN DOES NOT MEET THE DESIGN REQUIREMENTS, AN OFFICIAL DEVELOPMENT PLAN AMENDMENT (BRINGING THE PROJECT INTO COMPLIANCE) AND PLAT MUST BE SUBMITTED FOR REVIEW AND ARE SUBJECT TO CITY MANAGER APPROVAL. IF THE PROJECT IS UNABLE TO MEET ALL OF THE DESIGN REQUIREMENTS, THE PROJECT WILL BE SUBJECT TO PLANNING COMMISSION REVIEW AND APPROVAL OR DENIAL.

~~(C)~~(E) CUSTOM RESIDENCE: A single-family detached residence which has interior plans and exterior elevations which are unique as compared to the other single-family residences within the same subdivision as determined by the Chief Building Official.

~~(D)~~(F) CUSTOM RESIDENTIAL DEVELOPMENT: A single-family detached residential development consisting exclusively of custom residences.

~~(E)~~(G) INFILL RESIDENCE: A custom residence which is not part of an active residential development and which is constructed on a vacant site in an area where less than 10% of the residential land is vacant.

~~(F)~~(H) SERVICE COMMITMENT: The measure of City service required is determined by the average service provided to one single family detached dwelling unit. Adequacy of a Service Commitment for a structure shall be determined in accordance with the following schedule:

Single Family Detached Dwelling Unit or Mobile Home Unit	1.0 Service Commitment
Single Family Attached Dwelling Unit	0.8 Service Commitment
Apartment Dwelling Unit	0.5 Service Commitment
Attached Senior Housing Unit	0.35 Service Commitment
Non Residential -	To be determined on a case by case basis, based upon the specific plan presented.

Section 2. Section 11-3-5, Westminster Municipal Code, is hereby AMENDED as follows:

**11-3-5: ALLOCATION AND ISSUANCE OF SERVICE COMMITMENTS:**

(A) City Council shall periodically allocate by resolution a number of service commitments to be available for Category A and B development.

(B) Service Commitments for infill and active custom residential development shall be included as part of the Category A allocation

(C) All building permits and service Commitments issued for any Category A or B dwelling unit shall be deemed as expired in the event an approved foundation inspection has not occurred within sixty (60) days following the date of issuance of the permit. In such event, both the building permit and the associated service commitment shall be deemed null and void. No refund or credit shall be given for any building permit which expires pursuant to this section. A service commitment for any Category A or B project shall be deemed as issued when a corresponding building permit has been issued by the Building Division.

(D) At the time any building permit is issued for any Category A residential dwelling unit, the following statement must be signed by the recipient: "Service Commitments in Category A-1 and B-1 are available on a first-come, first-served basis. Once the allocation for any given year is exhausted, no other service commitments or building permits will be available. In any given year there may be fewer service commitments in Category A than necessary to meet the market demands for single-family detached residences." This standard statement shall also be included on any new or amended preliminary development plan or official development plan or any subdivision plat for single-family detached residential development.

(E) Any projects eligible to compete for service commitments in Categories B-1, B-2, ~~and~~ B-3, AND NEW SENIOR HOUSING must at a minimum comply with the City's adopted Baseline Standards and Design regulations. Nothing herein shall be construed as limiting the City's right to require a development to exceed such baseline standards as a condition to development plan approval.

(F) Categories B-1, B-2, ~~and~~ B-3, AND NEW SENIOR HOUSING service commitments shall be awarded on a competitive basis in accordance with criteria adopted periodically through resolution of City Council. City Council shall by resolution determine the weight to give to various standards and criteria based on their impact on the City's utility system and the health, safety and welfare of the community. City Council may establish a minimum number of points to be obtained in the award criteria to be eligible for a Category B service commitment.

(G) No preliminary development plan, official development plan, plat or construction drawings for a new Category B OR NEW SENIOR HOUSING project shall be processed by City Staff until ~~Category B~~ service commitments have been awarded to the project.

(H) CATEGORY E SERVICE COMMITMENTS SHALL BE ALLOCATED PERIODICALLY BY CITY COUNCIL RESOLUTION. SAID RESOLUTION SHALL SPECIFY THE TOTAL CATEGORY E ALLOCATION AND SPECIFY ANY AMOUNT OF SERVICE COMMITMENTS RESERVED FOR NEW SENIOR HOUSING DEVELOPMENT. SERVICE COMMITMENTS FOR NEW SENIOR HOUSING PROJECTS SHALL BE AWARDED ON A COMPETITIVE BASIS IN ACCORDANCE WITH CRITERIA ADOPTED PERIODICALLY THROUGH CITY COUNCIL RESOLUTION. THE REMAINDER OF THE CATEGORY E ALLOCATION SHALL BE AWARDED TO ACTIVE SENIOR HOUSING DEVELOPMENTS ON A FIRST-COME, FIRST-SERVED BASIS. NEW SENIOR HOUSING PROJECTS AWARDED SERVICE COMMITMENTS THROUGH A COMPETITION RECEIVE ACTIVE SENIOR HOUSING DEVELOPMENT STATUS FOLLOWING ISSUANCE OF ONE OR MORE BUILDING PERMITS.

~~(H)~~(I) Service Commitments shall be allocated periodically by resolution of City Council based on the criteria set forth in section 11-3-1. Said resolution shall establish the number and distribution among the categories contained in section 11-3-4. The distribution among the categories shall take into account any limitations on the City's ability to provide municipal services including, but not limited to, the City's wastewater capacity in the Little Dry Creek basin and the Big Dry Creek basin. If for any reason City Council fails to make an allocation for any specific category on or before December 31 of the year in which the previous allocation is to expire, the previous year's allocation for such category shall automatically become the new allocation for the following year for that category until such time as City Council determines to make a different allocation.

~~(H)~~(J) All service commitments shall be used only in the development for which the commitments were originally granted and are not transferable.

~~(H)~~(K) For any non-residential project or development approved administratively by the City Manager in accordance with Chapter 5 of this Title, the City Manager may in conjunction therewith authorize the issuance of service commitments for the project or development insofar as service commitments are available in the applicable category.

~~(K)~~(L) In the event any service commitment is allowed to expire under the provisions of this section, no refund shall be made of any building permit fees or tap fees paid to the City as a condition to the issuance of said service commitment.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 15th day of December, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of January, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

ALLOCATING 1998 SERVICE COMMITMENTS PURSUANT TO THE CITY'S  
GROWTH MANAGEMENT PROGRAM AS SET FORTH IN CHAPTER 3, TITLE XI OF THE  
WESTMINSTER MUNICIPAL CODE

WHEREAS, the City of Westminster has adopted by Ordinance a Growth Management Program for the period 1990-2000; and

WHEREAS, The City's Growth Management Program as set forth in Chapter 3, Title XI of the Westminster City Code calls for the periodic determination of the availability of Service Commitments and allocation of such Service Commitments among various categories of potential users; and

WHEREAS, the City Council of the City of Westminster has, with the aid of detailed factual reports and expert opinions from its Staff and consultants, examined the raw water supply, the sewage treatment capacity, the water treatment capacity, and other factors affecting the availability of Service Commitments; and

WHEREAS, the City Council of the City of Westminster has previously determined, in connection with its adoption of Chapter 3 of Title XI of the Westminster Municipal Code, that the City's ability to award Service Commitments is restricted; and

WHEREAS, the demand of different land uses on the City's ability to provide utilities and other services vary due to density and intensity of the particular use; and

WHEREAS, City Council has previously determined that the Comprehensive Land Use Plan adopted in 1997 shall assist the City in making future decisions concerning the desired mix of land uses at build-out of the City; and

WHEREAS, it is the intent of City Council to recognize the many factors influencing demand for new water and sewer service, while remaining cognizant of the large capital investments in land and public improvements made by developers with projects that are already started, and recognizing the efficiencies inherent in encouraging the completion of existing development projects which can use existing public capital facilities before approving new ones.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that in accordance with Sections 11-3-4, and 11-3-5 of the Official Code of the City of Westminster, the City Council hereby determines that:

1. Based on all of the information available to the City Council on this date, for the period beginning January 1, 1998 through December 31, 1998, the City can make available to Categories A (A-1, A-2, and A-3) and L, 1164 Service Commitments ("SC's"), to Category B-1 60 SC's, to Category C 548 SC's, to Category D 75 SC's, to Category E 161 SC's (which includes 21 Service Commitments for new senior housing), and to Category F 268 SC's without adverse effect on existing water users and without in any way endangering the health, safety, and welfare of the citizens of Westminster and of other persons dependent upon the operation of a safe and efficient public water and sanitation system by the City.

2. This Resolution supersedes and replaces all previous allocation Resolutions by City Council.
3. No Service Commitments will be awarded to Category B-2 for new single-family attached residential projects at this time.
4. No Service Commitments will be awarded to Category B-3 for new multi-family residential projects at this time.

Passed and adopted this 15th day of December, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

REVISED SINGLE-FAMILY DETACHED RESIDENTIAL DESIGN GUIDELINES

WHEREAS, in Chapter 3 of Title XI, the City of Westminster has adopted a Growth Management Program for the period 1990 through 2000; and

WHEREAS, W.M.C. 11-3-4(A) and (B) and 11-3-5 provide that Service Commitments for single-family detached residential projects shall be awarded in Category A on a first-come, first-served basis and Category B-1 on a competitive basis; and

WHEREAS, the compliance with such guidelines is required by W.M.C. 11-3-5(E) for Category B Projects; and

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

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

1. In accordance with Chapter 3 of Title XI of the Westminster Municipal Code, City Council hereby adopts as revised the attached Single-Family Detached Residential Design Guidelines for New Single-Family Detached Residential developments which shall govern the award of Service Commitments within Category B-1 projects as defined in W.M.C. Section 11-3-5.

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

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

4. Compliance with the Comprehensive Land Use Plan shall be required for new residential development through the residential competition process.

5. The Comprehensive Land Use Plan shall be used to guide future development in the City.

Passed and adopted this 15th day of December, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

SINGLE-FAMILY DETACHED  
RESIDENTIAL DESIGN GUIDELINES  
City of Westminster, Colorado

PURPOSE AND INTENT OF SINGLE-FAMILY DETACHED DESIGN GUIDELINES

The following Design guidelines have been prepared to provide minimum criteria for single-family detached developments. These minimum standards are intended to establish quality appearance, compatibility of character, variety of design, and enhanced community values. These standards may be modified in the case of quality single-family developments containing new or innovative planning concepts or housing types (for criteria, see Section I, #9c of this document). All new and in-fill single-family detached subdivisions shall be in conformance with the Westminster Comprehensive Land Use Plan.

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

The City of Westminster Growth Management Program establishes various service commitment categories for all types of new development, and each year, City Council allocates service commitments to the different categories. Category B-1 is the category designation for all new single-family detached residential projects. Any service commitments allocated to Category B-1 must be awarded through a competitive system based on criteria adopted periodically through City Council resolution. These Design Guidelines are the basis for the competitions held periodically for new single-family detached projects.

All minimum requirements in the Design Guidelines must be met in order to be eligible to compete for service commitments, and no points are given in the competition for these items. Competition applicants receive points through the competition by agreeing, in advance, to provide certain incentive items listed in the design guidelines. The applicant determines which incentive items will be offered as part of a proposed project, and the total of these items is the score designated to that project through the competition. The Growth Management Program does not permit City Staff to process any development plans, plats, construction drawings, etc. unless City Council has awarded service commitments to the project through the competition process.

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

I. SUBDIVISION PLANNING AND SITE DESIGN

A. There shall be a limit of one hundred (100) lots in any single-family detached plat filing. City Council may, at its discretion, increase this number if the 100-lot limitation causes undo hardship upon the developer. Subsequent filings of the Planned Unit Development shall be approved only in conjunction with a subsequent Single-Family Detached Service Commitment Competition award, and amendment to the Official Development Plan.

Subsequent filings within a Planned Unit Development shall not be approved by the City until 75% of the lots of all preceding filings have received building permits for residences upon those lots.

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

1. Land Use Compatibility

Compatibility is achieved when adjacent land uses differing in function, scale, and intensity do not create adverse effects upon one another. In areas where different uses abut, a variety of measures may be employed to ensure

compatibility including: the use of adequate setbacks, landscaping, barriers or transition zones, and building height considerations.

Minimum:

Residences shall be setback a minimum of 50' from the common property line when adjacent to a non-residential use, and 30' from the common property line when adjacent to a residential use. Mixed uses within the same Planned Unit Development may be reviewed on an individual basis.

2. Conformance with the Westminster Comprehensive Land Use Plan

Minimum:

Proposed project shall conform with the Westminster Comprehensive Land Use Plan including maximum net residential densities. To calculate the net residential density for a project, deduct 20% from the total acreage. This percentage figure is based upon the requirements for collector and arterial rights-of-way, public land dedication, and detention acreages. Typically these requirements will range from 15 to 30 percent or more of a development.

3. View Preservation

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

Minimum:

View corridors as identified in the Westminster Comprehensive Land Use Plan shall be preserved as indicated in the Plan. The intent is to preserve the magnificent views that can be seen from public streets.

4. Drainageways

Significant drainageways shall be incorporated in site development as aesthetic amenities, open space/trail corridors, and wildlife areas. In most cases, drainageways should be left in as natural a state as possible without channelization or engineered structures unless required to prevent erosion or other special circumstances, or as required by other agencies. On a case-by-case basis, the City may require landscaping and irrigation in these areas.

5. Circulation, Access, and Parking

The City's circulation system is a hierarchy network of arterial, collector, and local streets which provide access to residential developments, but which isolate higher traffic volumes from residential developments. (See City Street Cross-Sections for right-of-way requirements). For collector streets, developers may be required to provide a 100' right-of-way to provide a park-like boulevard setting with ample landscape area and detached sidewalks, avoid a "tunnel" effect with backyard fencing, create a "trail" rather than a "sidewalk" atmosphere; and enhance the aesthetics of the main street into the subdivision. One example of this design in the City is Legacy Ridge Parkway in the Legacy Ridge subdivision.

To as great an extent as possible, alignments of collector streets, local streets, and private drives in sloping areas shall conform to the natural contours of the land. This increases developable ground by reducing the amount of cut and fill, as well as construction costs.

City Council has adopted a "traffic-calming" policy designed to objectively prioritize and evaluate neighborhood traffic problems and resolve existing and potential problems. New subdivisions shall be designed to mitigate potential problems (speeding, "cut-through" traffic, etc.).

Landscaped street medians within subdivision collector streets and landscape islands in the center of cul-de-sacs are strongly encouraged. Please note that utilities may not be placed beneath any landscaped medians and turning radii requirements for emergency vehicle access must be met.

Bus benches and shelters may be required for all existing and proposed bus stops adjacent to and within the site boundaries of a proposed development. City Staff will review this on a case-by-case basis. Any required bus benches and shelters shall be installed by the developer and maintained by the home owners association.

Minimum:

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

b. If installed, landscaped medians in collector streets shall be a minimum of 10' wide. Medians shall be maintained by the developer or home owner's association. All landscape medians shall conform to the City site triangle criteria.

Incentive:

a. Landscaped street medians (other than entrance medians) will be installed in collector streets (10' min. width): 100 points

b. Landscaped islands will be installed in cul-de-sacs within the project: 75 points

6. Street Lighting

Adequate street lighting shall be provided in all residential neighborhoods.

Minimum:

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

Incentive:

"Specialty" lighting with ornamental bases, armatures, fixtures, etc. relating to the architectural theme of the development will be installed along collector and/or local streets: 75 points

7. Right-of-Way Dedication

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

Incentive:

a. Additional arterial or collector street right-of-way (beyond amount required) will be provided for berming and additional landscape area: 100 points per additional 3' strip added to right-of-way section (500 max. points)

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

8. Entrance Features

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

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

Minimum:

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

Incentive:

- a. Entry signage will be mounted on a masonry wall (4' min. height, 6' max. height, 20' min. length): 75 points
- b. Entry landscaping exceeds the minimum required (1 tree and 3 shrubs per 550 s.f.) in the right-of-way area: 50 points
- c. Street medians/landscape islands (10' min. width, 25' min. length) will be provided at entranceways: 75 points

9. Lot Sizes

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

Minimum:

- a. Lot sizes shall be consistent with the Comprehensive Land Use Plan. Average lot sizes for single-family detached developments vary by area of the City as illustrated in the Comprehensive Land Use Plan, and the residential density maximums specified in the Plan shall not be exceeded.
- b. In each of the above listed areas, the minimum lot size shall be 15% less than the average lot size provided that no more than one-third of the total number of lots in the subdivision shall be reduced below the average lot size in the area stipulated. (For example, if the average lot size shown on the Comprehensive Plan is 10,000 sf, and there are 60 lots in the subdivision, the breakdown might be: 10 lots at 11,500 sf, 30 lots at 10,000 sf, and 20 lots at 8500 sf)
- c. Lot sizes may be reduced in quality single-family developments which display new or innovative housing types or community design concepts such as "cluster" or "courtyard" homes. Developments referred to as cluster, courtyard or patio home type developments must include abundant private open space which is visible and accessible from the majority of units within the project as well as unique project planning including many of the following innovative design features: internal greenbelts; amply landscaped streetscapes including periodic open space; siting of buildings and actual building footprints creating intimate enclaves; privacy for individual lots; road hierarchy minimizes traffic on local streets; pedestrian oriented local roads; architecture is developed to create variety and interest and maximize view opportunities; juxtaposition of buildings creates interesting outdoor areas; enhancement of natural features, etc.

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

10. Setbacks

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

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

Minimum: Primary Structure

Front setback: 25'  
(or side yard abutting  
public local street)

Front setback for  
side-loaded garage: 15'

Side setback for  
one story residence: 7.5'

Side setback for  
two story residence: 10'

Rear setback: 25'

Side or rear setback  
abutting collector street: 32'

Side or rear setback  
abutting arterial street: 50'

Setback from highway: 100'  
(U.S. 36, I-25)

Incentive:

a. Front setbacks greater than the 25-foot min. will be provided for all structures: 30 points per each 1-foot increment above the 25-foot front setback (600 max. points)

b. 10-foot or greater min. side setbacks for all one-story residences will be provided: 125 points

c. 12-foot or greater side setbacks for all two-story residences will be provided: 125 points

Minimum: Decks

Rear: 15'

Side for one story house: 7.5'

Side for two story house: 10'

Minimum: Accessory Buildings (when allowed)

Rear: 10'

Side: Same as residence

#### 11. Pedestrian/Bicycle Paths

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

Minimum:

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

Incentive:

- a. Streetside detached or off-street concrete path (where not already required) will be installed: 100 points
- b. Five-foot wide sidewalks detached 5' from the curb will be provided and street trees (deciduous, shade trees with 40-foot max. spacing) will be planted in this area along a min. of 75% of the local street lengths on both sides of the streets: 500 points

#### 12. Private Open Space

In addition to the minimum public land dedication required of residential development by the City, private parks, open space, and recreational facilities are encouraged in single-family neighborhoods. Private open space does not include right-of-way and detention pond areas. Private open space areas can provide focal points for the neighborhood and desirable green space to accommodate local recreation needs and pedestrian/bicycle circulation for the neighborhood and the general public. Private open space areas can also be enjoyed by all City residents if such open space abuts or is visually related to the public right-of-way or public open space.

Private open space shall be formally landscaped unless abutting a natural greenbelt area (these areas will be reviewed by the City on a case-by-case basis, and formal landscaping and irrigation may be required). Maintenance of private open space areas is the responsibility of the homeowner's association.

Incentive:

- a. Land (other than public land dedication, right-of-way areas, and detention pond areas) will be set aside for private open space: 30 points per each percent (of the total site) provided (900 max. points)
- b. Private open space (other than public land dedication, right-of-way areas, and detention pond areas) will provide a focal point (area accessible from all areas of the project with seating as well as area for active recreation) for the subdivision: 75 points
- c. Environmentally-sensitive areas (such as wetlands) will be maintained as private open space: 50 points

#### 13. Public Open Space or Park Land

Public Land Dedication shall be made to the City in conjunction with residential development for use as parks, schools or other public purposes. (See Westminster Municipal Code Section 13-4-3(E) for amount due). Acceptance of public lands shall be subject to review by the City. If the City determines a land dedication would not serve the public interest, the City may require payment in lieu of dedication.

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

Incentive: (Public Open Space):

Public Land Dedication will exceed the minimum requirement for:

\*Non-floodplain land: 50 points per each percentage point over minimum required (500 max. points)

\*Floodplain land: 10 points per each percentage point over minimum required (100 max. points)

#### 14. Recreation Facilities

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

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

Incentive: (For subdivisions under 100 acres)

- a. Clubhouse/meeting facilities will be provided: 500 points
- b. Development will share a clubhouse with a pre-existing development: 75 points
- c. Swimming pool (20' x 40' min.) and cabana will be provided: 500 points
- d. Development will share a pool with a pre-existing development: 75 points
- e. Play equipment areas or outdoor gathering areas w/ seating (8,000 s.f. min. area) will be provided: 75 points for each area provided (225 max. points)

#### 15. Fencing

All lot fencing within a residential development shall be a uniform design for each type of fence provided. (See Westminster Municipal Code regarding privacy fencing and fencing abutting public or private open space).

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

Minimum:

- a. When used, perimeter fencing is to be constructed in accordance with City standards and is to include masonry, painted concrete or stucco columns (2' minimum width) spaced a maximum of 65' apart. In some cases, such as adjacent to parks or in special streetscape situations, the fence may be modified to include low profile, split rail, or wrought iron fencing.
- b. All horizontal supporting structures of all solid wood fencing shall be constructed toward the interior of the project or lot to reduce visibility of the support structures from streets and other public areas.

Incentive:

- a. Masonry columns spaced 55' (or less) apart: 100 points
- b. Landscaping and berming used to provide screening and buffer in place of fencing: 200 points
- c. Offsets in perimeter wall for landscaping every 200' or less for at least a distance of 400': 150 points
- d. Open fencing (such as split rail) will be used in conjunction with landscaping in place of typical 6' high wood fencing: 75 points

16. Mitigation of Environmental Effects

Screening or buffering will be required for all proposed residential developments along U.S. 36, I-25, and major arterial streets. Developer-installed fencing, earth berming, and landscaping will be required, and in certain circumstances, further mitigation measures may be required to reduce adverse environmental effects on the residential development.

17. Neighborhood Notification

The City of Westminster places high priority and importance on contact with adjacent property owners and existing neighborhoods that could be effected by a new development proposal. Developers are required to contact the surrounding neighborhoods regarding their proposed developments and are responsible for all public notifications, researching and providing property ownership information, and if applicable, organizing and conducting neighborhood meeting(s). (See Neighborhood Contact Requirements hand-out for more information). The extent of the neighborhood notification must be discussed and approved with City Staff.

II. ARCHITECTURAL DESIGN

The architectural design of the single family homes within developments should create visual variety, and at the same time, promote an integrated character for the neighborhood. Providing "variety" with "continuity" to avoid "monotony" is the objective. Homes within the development should be of similar type and size and be designed so that streetscapes are unified and similar. However, all proposed models shall be distinguished with different exterior elevations which meet at least two of the "distinctly-different" criteria listed below. Architectural styles, roof forms, building forms, complimentary colors and materials unify the streetscape and the overall development.

1. Anti-Monotony Criteria

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

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

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

- \* Have a different number of stories

Note: Changing roof or siding materials and colors, adding garages, providing "mirror images" of models, or different elevations of the same model do not constitute distinctly-different models.

Minimum:

No single family dwelling unit of the same model shall be built on adjacent lots\*, nor shall there be built more than 30% of the same model in any streetscape. Exceptions to these standards may be made, at the City's discretion, in cases of hardship (such as infill projects where very few lots remain to be developed).

\*Note: Adjacent lots are any lots which adjoin or share any side lot line or lots whose front elevations face each other, although separated by a street, have their property lines overlap by more than 30%.

2. Exterior Design Elements

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

a. Recessed and Projecting Elements

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

Minimum:

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

Incentive:

Offsets (4' minimum) on all dwelling units on all front elevations: 50 points.

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

Minimum:

Roof slopes shall be at a minimum pitch of 5:12. All roofs shall have a 1-foot minimum overhanging eaves. Exceptions may be made, at the City's discretion, for unique architectural designs.

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

Incentive:

Roof breaks occur all approved models: 50 points

c. Outdoor Living Areas

Usable front porches (80 s.f. minimum with 5-foot minimum depth) and side or rear yard patios (120 s.f. minimum) are strongly encouraged.

Incentive:

Usable front porches (80 s.f. minimum with 5-foot minimum depth) will be provided on at least 50% of the approved models, and side or rear patios (120 s.f. minimum) will be provided with all residences: 75 points

d. Bay or Box Windows:

Minimum:

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

Incentive:

Windows (min. 5-foot width) will project a minimum of 2' from the facade on 75% or more of units within a streetscape: 50 points.

e. Garages:

Minimum:

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

Incentive:

(1) Side or rear loaded garages occur on at least 20% of the models: 125 points

(2) Side or rear loaded garages occur on 100% of the models: 500 points

(3) Garage doors will be separated with masonry elements: 100 points

(4) Garage door windows will be incorporated in the design of all models, and the window design will match the style of the structure windows: 75 points

3. Exterior Materials and Colors

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

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

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

Incentive:

(1) 30% or more masonry will be installed on front elevations (exclude window and door area from percentage calculation) abutting streets, open space, trails, or parks: 100 points

- (2) 30% or more masonry on side or rear elevations abutting streets, open space, trails, or parks: 100 points
- (3) Masonry is used on the entire lower level of walk-out units which are visible from the street: 75 points
- (4) 30% or more masonry on all four sides of the residence: 200 points

c. Accessory structures:

Minimum:

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

Incentive:

The Official Development Plan for the project and the Homeowners Association covenants will prohibit all accessory structures: 75 points

III. LANDSCAPING DESIGN

Landscaping plays a significant role in the overall quality, appearance, and value of residential neighborhoods. Landscaping standards included herein consist of public rights-of-way, private open space, and individual residential lots. (See the City's Landscape Regulations for further information).

1. Right-of-Way Landscaping

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

Although fencing between the right-of-way of arterial and collector streets and residential developments is often proposed to provide privacy and buffering, the use of landscape materials and earth berming either in lieu of, or in conjunction with, fencing is highly preferred and shall be required in most instances. The maximum slope of berms shall not exceed 4:1.

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

Minimum:

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

Incentive:

A minimum of one (1) shade tree and three (3) shrubs per 500 square feet of landscaped area or greater is provided within the right-of-way: 100 points

2. Detention Pond Area Landscaping

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

Minimum:

The developer is responsible for landscaping the detention pond (sod only) and other common areas at a rate of one (1) tree and three (3) shrubs per 550 square feet of landscaped area.

Incentive:

Landscaping will be provided in the detention pond (sod only) and other common areas at a rate of at least one (1) tree and three (3) shrubs per 500 square feet of landscaped area: 100 points

3. Size of Plant Material for Right-of-Ways and Common Areas

Minimum:

The minimum sizes required in the right-of-way and common areas are: deciduous trees: 2-1/2" caliper; ornamental trees: 2-1/2" caliper; evergreens: 6' height. Twenty percent of the trees are to be 3" min. caliper for deciduous and ornamental and 8' min. height for evergreens.

Incentive:

a. Thirty percent or more of the trees in the right-of-way and common areas are 3" min. caliper for deciduous and ornamental and 8' min. height for evergreens: 50 points

b. Thirty percent or more of the trees in the right-of-way and common areas are 3-1/2" min. caliper for deciduous or ornamental and 10' min. height for evergreens: 100 points

4. Single-Family Home Landscaping

The required number of trees listed below shall be installed by the developer prior to certificate of occupancy, or if homeowner installation is preferred, a credit in the amount of the required trees (including installation) shall be posted by the developer with a local nursery for use by the homeowner. Whenever possible, the shade tree should be installed approximately 7' from the front property line in order to create a streetscape appearance.

Minimum:

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

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

Incentive:

a. For residential lots up to 10,000 square feet in size, two trees or more shall be installed in the front yard: 75 points

b. For residential lots larger than 10,000 square feet in size, a minimum of three (3) trees or more shall be installed in the front yard: 75 points

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

5. Size of Plant Material for Single-Family Homes

Minimum:

The minimum sizes required for front-yard landscaping are as follows: deciduous and ornamental trees: 2-1/2" caliper; evergreens: 6' height.

Incentive:

Trees installed in the front yards are 3" min. caliper for deciduous and ornamental and 8' min. height for evergreens: 50 points

**Date:** December 15, 1997

**Subject:** Councillor's Bill No. re Supplemental Appropriation re Grant

**Prepared by:** Dan Montgomery, Chief of Police and Sgt. Darrell Tygart

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating \$1,531 to the Police Department Community Services Division. This appropriation reflects funds received from the Colorado Consortium for Community Policing (CCCP) Line Officer Grant Program to assist the Westminster Police Department in purchasing materials and supplies for a Citizen Police Academy.

### **Summary**

In July 1996, the Police Department applied for a Line Officer Grant from the Colorado Consortium for Community Policing (CCCP). The grant was approved for the amount of \$1,531 and designated to purchase materials and equipment for a Citizen Police Academy. An element to the grant was that the Police Department cover the expense for providing employee instructors, and several of the operating expenses.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading appropriating \$1,531 from grant funds to reimburse the Supplies account in the Police Department Community Services Division account for the purpose of purchasing materials and equipment for the Citizen Police Academy.

### **Background Information**

In July of 1996, the Police Department applied for a Line Officer Grant to partially cover expenses incurred from establishing and operating a Citizen Police Academy. The Citizen Police Academy serves as a vital community relations program and provides citizens of Westminster with an insight into the operations of the Police Department.

The original grant period for this award was from July 1996 to January 1997. However, due to changes in personnel in the Community Services Division, an extension to this grant was approved and the grant period was extended to September 30, 1997.

The first Citizen Academy classes began on September 23, 1997, with 26 members enrolled. The Police Department purchased materials for the Citizen Academy with funds from the Police Department's 1997 general fund budget. In November 1997, the CCCP issued a reimbursement check to the Police Department in the amount of \$1,531. City Council approval is required to authorize these grant funds to be used as reimbursement intended by the CCCP.

Respectfully submitted,

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1997

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Fund, initially appropriated by Ordinance No. 2473 in the amount of \$45,304,273 is hereby increased by \$1,531 which, when added to the fund balance as of the City Council action on December 15, 1997, will equal \$46,046,237. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a Colorado Consortium for Community Policing Line Officer Grant Program to assist the Westminster Police Department in purchasing materials and supplies for a Citizen Police Academy.

Section 2. The \$1,531 increase in the General Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Intergovernmental 10-0426-000	\$56,662	\$1,531	\$58,193
<u>EXPENSES</u>			
Supplies 10-20-27-321-000	\$35,000	<u>\$1,531</u>	\$36,531

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 15th day of December, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of January, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** December 15, 1997

**Subject:** Resolution No. re Operation Buckle Down Grant

**Prepared by:** Dan Montgomery, Chief of Police  
Mike Simmons, Research and Analysis Coordinator

### **Introduction**

City Council action is requested to adopt the attached Resolution in support of the Police Department using grant funds to assist with enforcement of seatbelt restraint laws within the City of Westminster, and allowing the Chief of Police to enter into a contract with the Colorado Department of Transportation for participation in the Occupant Protection TWIST Campaign.

### **Summary**

Earlier this year, the Police Department applied for a grant with the Colorado Department of Transportation (CDOT) to participate in a statewide campaign to more proactively enforce seatbelt laws within the City. The effort, known as the Occupant Protection TWIST Campaign, encourages police departments to issue traffic citations for violations of Colorado's occupant restraint laws with an emphasis on the primary child passenger law. The Westminster Police Department was recently notified that it had been approved for a grant of up to \$6,000, which will be used to pay officer overtime expenses during the proactive enforcement phase of the project. The project would start in January 1998 for a period of six months.

### **Staff Recommendation**

Adopt Resolution No. which formally states the City of Westminster's support to use State grant funds for the purpose of enhanced seatbelt education and enforcement and authorizes the Police Chief to sign a contract with Colorado Department of Transportation for this program.

### **Background Information**

On November 12, 1997, the City was notified by the State Department of Transportation that it had been approved for a grant, not to exceed \$6,000, to be used to pay for enforcement of seatbelt laws as part of the State's Occupant Protection TWIST Campaign. Although front seat driver and passenger seat belt usage has increased from 50% to 60% over the past five years, more Colorado children die each year from motor vehicle crashes than from any other cause of injury. In 1996, children riding without car seats and seat belts accounted for 78% of the deaths for child passengers under the age of sixteen in Colorado. Thus, the TWIST campaign will involve proactive education and enforcement by local law enforcement agencies with a goal of reducing traffic fatalities and increasing seatbelt use statewide.

The basic components of the grant are as follows:

1. Participate in four designated seatbelt enforcement waves within the following time frames:  
January 16-20, 1998  
February 13-17  
March 24-28  
May 22-26
2. Conduct informal pre and post enforcement safety belt usage surveys of 100 drivers and 100 passengers to be completed on CDOT forms
3. Submit an Activity Evaluation Report to CDOT after each scheduled enforcement wave

The grant will not exceed \$6,000 and will be used to pay for officer overtime incurred during enforcement of the seatbelt laws. The Police Department will be reimbursed for overtime expenses at the conclusion of the TWIST campaign, and will prepare a supplemental appropriation for City Council's approval at that time.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

\_\_\_\_\_

A RESOLUTION APPROVING THE OCCUPANT PROTECTION TWIST CAMPAIGN CONTRACT

WHEREAS, the City of Westminster, on behalf of the Westminster Police Department, has contacted the Colorado Department of Transportation, Office of Transportation Safety to receive Occupant Protection TWIST Campaign funding for the promotion of seat belt and child safety seat use in Colorado and the enforcement of laws pertaining to use of occupant protection restraints, and

WHEREAS, the State has approved the Occupant Protection TWIST Campaign and has prepared the Contract with the City of Westminster, and

WHEREAS, the Occupant Protection TWIST Campaign Contract with the City of Westminster, in an amount not to exceed \$6,000, has been presented to the City of Westminster for approval, and

WHEREAS, the City of Westminster understands that this Resolution is intended to approve the participation of the City in the program, and

WHEREAS, a resolution by the City of Westminster formally approving the Occupant Protection TWIST Campaign Contract and authorizing the Contract is required by the State of Colorado.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the City of Westminster hereby approves the terms, conditions and obligations of the Occupant Protection TWIST Campaign Contract NA25, and hereby authorizes the appropriate authority to sign the Contract on behalf of the City.

Passed and adopted this 15th day of December, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** December 15, 1997

**Subject:** The Heritage at Westmoor Architectural Contract

**Prepared by:** Bill Walenczak, Director of Parks, Recreation and Libraries

### **Introduction**

City Council action is requested to authorize the City Manager to sign a contract with Odell Architects P.C. in the amount of \$137,000 plus 10% contingency for designs, specifications, and bid documents for a new clubhouse and maintenance building to be located at the City's new golf course, the Heritage at Westmoor.

### **Summary**

At the September 10 City Council Study Session, City Staff reviewed with City Council some options for hiring a clubhouse and maintenance building architect for the City's new golf course. City Council concurred with Staff's recommendation to hire Odell Architects along with the firm of Sink, Combs, Dethleffs as the project architect team. The original proposal from Odell was based on a project construction budget of \$1,000,000. Based on feedback from our private development partner, Westfield Development, as well as from City Staff and City Council, it is recommended to increase the construction budget for the clubhouse and maintenance building to \$1,900,000. The original intent was to build a rather full-service clubhouse of approximately 5,000-6,000 square feet that could be added on to in the future. Features that would have been omitted included a full service restaurant, bar, small pro shop, and customer lockers and showers.

Our private development partner, Westfield, Inc., has approached City Staff to encourage the consideration of building a full service pro shop that would include a restaurant, bar, possible meeting room pro shop, and locker/shower rooms. Westfield believes that offering such service amenities would make economic development prospects for the business park all the more likely to select Westmoor as their place to locate. Likewise, Staff has learned from experiences operating Legacy Ridge Golf Course that the additional amenities are what our customer base is desirous to experience.

The original budget for building the clubhouse and maintenance building was set at \$1,000,000. This was done because of conservative pro forma projections by Staff. City Staff did not want to have the City commit to a capital construction debt that would make it difficult to operate the golf course as an enterprise fund. In order to more accurately reflect actual operating and revenue projections, the City hired the planning firm of THK to do a professional market pro forma. THK's final report projected much higher revenue predictions than what Staff had originally thought, which will allow the City to issue a larger revenue bond for construction of the golf course. This, in turn, will provide increased funding for the City to build a much nicer clubhouse, along with other golf course amenities.

At the present time, Staff believes that the City can comfortably issue between \$4.8 million-\$5.0 million in revenue bonds for the new golf course. This compares to original bond projections of approximately \$2.5 million.

Odell Architects' original fee (\$75,000 and reimbursables) was based on a total construction budget of \$1,000,000, which equates to approximately 7.5% of the construction costs. Odell has agreed to hold a rate of 7.2% for any increases that the City may decide for the construction budget. Therefore, it is Staff's recommendation to increase Odell's architectural services contract to \$137,000 (7.2%+) based on a budget of \$1,900,000 for both the clubhouse and maintenance building. In addition, at Staff's request, the firm of Sink, Combs, Dethleffs has been added to the design team to enhance the design talent of the overall team. Andy Barnard of Sink, Combs, Dethleffs is the lead architect on the City's new companion facility, and has impressed Staff with his creative talents as a designer. Mr. Barnard will assist Odell with preliminary design schemes of the clubhouse. The cost of adding Sink, Combs, Dethleffs to the team has been absorbed in the proposed Odell fee of \$137,000. The architect will be responsible for hiring a geotechnical testing firm to do soils testing, the cost of which will be in addition to the architect's fee, and will come from the project construction budget.

### Alternatives

Approve the contract with Odell Architects in the amount of \$137,000 for the design of the new clubhouse and maintenance building at the Heritage at Westmoor Golf Course.

Reject Staff's recommendation to hire Odell/Sink, Combs, Dethleffs architects and re-issue the clubhouse architectural services RFP and re-interview qualified architectural firms, and bring back a recommendation to City Council to hire a new firm. Staff estimates that it would take 90-120 days to go through an RFP process and an additional 30 days to process a contract.

Reject Staff's recommendation to hire Odell Architects and hire one of the other finalists that was interviewed in the original RFP (BBB Architects or Knudson Gloss Architects). Although these firms were qualified to handle this project, their fees were higher than those quoted by Odell.

Staff would prefer to start the design process now, so that the maintenance building can be designed and constructed for the turf grow-in, which is scheduled for September 1998. There is currently \$97,000 available in the Golf Course Capital Improvement account to cover initial contract work. The City will be receiving its second loan installment of \$1.5 million from Jefferson County after January 1, 1998, as well as issuing golf course revenue bonds sometime in March. The full amount of the contract will be more than covered by these actions.

### **Staff Recommendation**

Authorize the City Manager to sign a contract with Odell Architects P.C. in the amount of \$137,000 plus reimbursables and a 10% contingency for the design, construction drawings, and bid documents for a new clubhouse and maintenance building at The Heritage at Westmoor Golf Course. Further authorize an increase in the contract of 7.2% if the construction budget should exceed \$1,900,000. Charge the expense to the appropriate account in the General Capital Improvement Fund.

## Background Information

In October 1996, City Staff issued a "Request for Proposals" (RFP) for qualified consultants to submit formal proposals to the City to provide design specifications and construction documents for the new clubhouse (including site plan) and new maintenance building for the City's proposed golf course located partially on the Westmoor business park and partially on the Jefferson County Airport property. Several proposals were submitted by some very qualified architects. An interview team composed of Jack Jewell, member of the Parks and Recreation Advisory Board; Dave Gordon, Executive Director of the Jefferson County Airport Authority; Max Ruppeck, Planner in the Community Development Department; and Bill Walenczak, Director of Parks, Recreation and Libraries, interviewed three of the firms. The firms that were interviewed were the following:

BBB Architects - Denver, Colorado  
Knudson Gloss Architects - Boulder, Colorado  
Odell Architects - Evergreen, Colorado

After careful evaluation of each proposal, the interview team was prepared to recommend that the City hire Odell Architects for this project. Not only did this firm submit the lowest bid for this work, but the firm's principal, Otis Odell, had been involved in designing the Firethorn clubhouse in Lincoln, Nebraska, and Southridge Greens clubhouse in Ft. Collins, Colorado. Firethorn is a 20,000 s.f. building and Southridge Greens is a 7,000 s.f. building.

Approximately at the same time these RFPs on the clubhouse were being evaluated, the City began experiencing difficulty in concluding the land lease negotiations with the Jefferson County Airport Authority. Rather than binding the City to an architectural services contract on the clubhouse, Staff decided to wait on this item until land lease negotiations were completed with the Airport Authority. As it turned out, negotiations with the Airport Authority took several months to complete and only as of September 8, when City Council authorized the signing of the lease agreement, were the negotiations formally concluded. In the meantime, the clubhouse architect's contract has been put on hold. With the approval of the land lease, Staff would like to address this issue once again.

Odell Architects, at the request of City Staff, has brought on an additional design team member, Andy Barnard of Sink, Combs, Dethleffs, Inc. This is the same design team that is working on the companion facility at City Park. It is Staff's opinion that this team has provided some very creative design alternatives for the companion facility and the addition of Andy Barnard to the clubhouse design team brings additional design creativity and strengthens the overall team. Otis Odell has agreed to hold the same design fee percentages that he quoted in his RFP dated October 1996. That proposal included a base fee of 7.5% plus a 10% contingency based on an estimated project budget of \$1,000,000 for both the clubhouse and maintenance building.

The golf course is projected to open September 1999. It would be desirable to have the maintenance building completed by September 1998 to begin the turf grow-in. A late start on the architectural design of the building may make that completion date a tight time frame to keep.

The original RFP that was advertised for the new clubhouse and maintenance building had assumed a clubhouse building of approximately 5,000-6,000 s.f. and a maintenance building of 4,000 s.f. with a parking lot capacity of 180 cars.

The total cost of the project was estimated to be \$1,000,000 for both buildings, site work, and landscaping. As a comparison, Legacy Ridge clubhouse is approximately 10,000 s.f. with a full restaurant and bar.

The assumption for the new facility was that it would provide only limited snack bar services with no formal dining area. However, the City's private developer partner, Westfield, has encouraged City Staff to evaluate a full-blown restaurant service in the new building. Westfield believes the restaurant will be a nice marketing tool for the office park. City Council has discussed this and indicated support for the expansion. In addition the site for the new building is now fixed, which will likely result in additional costs to the project. For example, a drainage ditch (approximately 8-10' deep) runs through the clubhouse site and needs to be piped.

Originally, it was thought that cart storage could go under the clubhouse building, but because of a relatively flat site, a separate cart storage building may need to be built. Also, preliminary soils reports have now been submitted that show very poor soils that will in all likelihood require structural floors be built for the clubhouse. Staff would also like to evaluate the possibility of installing a men's and women's locker room and a conference room in the new clubhouse. This would increase the size to approximately 10,000 s.f.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

**Date:** December 15, 1997

**Subject:** Resolution No. re Parks and Recreation Master Plan

**Prepared by:** Bill Walenczak, Director of Parks, Recreation and Libraries

### **Introduction**

Formal action by City Council is requested on the attached Resolution to adopt the City of Westminster's Parks and Recreation Master Plan dated December 15, 1997.

### **Summary**

The first draft of the City of Westminster's Park and Recreation master plan was presented to City Council for review and discussion at the December 8 Study Session. Staff has taken note of the various comments and requested changes by Councillors and incorporated that input into the final document. Therefore, the plan that is before City Council this evening reflects the comments that City Council provided at the December 8 Study Session meeting.

Staff is hopeful that City Council finds this document reflective of their vision and policy direction in guiding the City's development of future parks, trails, and facilities, and the land acquisition programs from the present to buildout of the community.

### **Alternatives**

City Council could reject approving this master plan document and could elect to have Staff plan year to year for major park acquisition and development strategies.

City Council could reject approving this master plan document and direct Staff to draft a new plan with a whole different format and policy direction.

### **Staff Recommendation**

Adopt Resolution No. adopting the City of Westminster Master Parks and Recreation Plan dated December 15, 1997 as a planning guide for future parks and facilities development and acquisition projects in the City.

### **Background Information**

City Staff, along with our consultants MDG, Inc., have been working on comprehensive revisions to the City's Parks and Recreation Master Plan. Initially, MDG did the original draft of the plan, but it was put on hold pending the completion and adoption of the City's Comprehensive Land Use Plan. Since the Comprehensive Land Use Plan was officially adopted by City Council earlier this year in June, City Staff believes it is now appropriate to present the Parks and Recreation Master Plan to City Council for its formal adoption.

The Parks and Recreation Master Plan now reflects the very important population and buildout projections that were formulated in the Comprehensive Land Use Plan. This has allowed Staff to make fairly accurate predictions as to the need for additional park land, open space, and facility development. The plan is intentionally structured to be used as a flexible tool in guiding the City's Parks and Recreation program into the new millennium and until buildout of the City. The plan is also intended to create a vision and idea forum for what the City's parks and recreation program could achieve in the future.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

\_\_\_\_\_

ADOPTION OF PARKS AND RECREATION MASTER PLAN

WHEREAS, City Council authorized preparation of a Parks and Recreation Master Plan; and

WHEREAS, City Council is very supportive of the quality of life enhancements offered by the Parks and Recreation programs, facilities, parks, trails, open space, and amenities; and

WHEREAS, the Parks and Recreation Master Plan will provide direction and be used as a planning guide in the City of Westminster for the development of parks, facilities, trails and acquisition of property; and

WHEREAS, City Council recognizes the importance of the adoption of the Parks and Recreation Master Plan as a planning guide in delivering leisure services to the citizens of Westminster into the new millennium and beyond until City buildout;

WHEREAS, the Master Plan, using the adopted Comprehensive Land Use Plan as a guide, describes projected desires for acquisitions and/or development of parks, recreational facilities, and open spaces, contingent upon funding for these potential projects,

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Westminster, Colorado formally endorses the recommendations and conclusions of the Parks and Recreation Master Plan and hereby adopts the subject Master Plan, to be used as a planning guide for current and future parks and recreation development, acquisition and planning projects.

Passed and adopted this 15th day of December, 1997

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** December 15, 1997  
**Subject:** Land Trade with Bruchez Farms  
**Prepared by:** Richard Dahl, Park Services Manager

### **Introduction**

City Council is requested to authorize the City Manager to execute the necessary documents for a land exchange between the City of Westminster and Bruchez Farms Development Limited Liability Company (see attached exhibit).

### **Summary**

As new Filings are platted around the Legacy Ridge Golf Course, there are opportunities to adjust land boundaries to accommodate additional needs for both the City and the Bruchez Farms Development Company. To date all land exchanges agreed to by Bruchez Farms and the City have resulted in increased public access along trails and related scenic corridors or additional land added to the golf course.

One piece of this exchange (attachment) involves a parcel of land that the City owns along the west side of fairway #1. The City will add approximately 10-15' depth to the housing lots that have been already platted. The second piece is at hole number 2 adjacent to the tee and is land the City also owns that will add depth to the housing lots to be built in this filing. The third piece, at the north end of the driving range, will be given by the Bruchez Farms Development Company to add an additional buffer zone between the driving range and future home sites.

Staff also believes this land exchange is a win-win transaction for the two parties, with safer golf operations and adjacent property owners being the beneficiaries.

### **Staff Recommendation**

Authorize the City Manager to execute the necessary documents for a land exchange between the City of Westminster and Bruchez Farms Development Limited Liability Company, per the attached exhibits.

### **Background Information**

Currently, the City owns property, as part of the Legacy Ridge Golf Course, adjacent to the west side of hole number one and along the northern boundary of hole number two (attachment). Staff is recommending that a total of 7,768 square feet of these two areas be conveyed to Bruchez Farms Development Limited Liability Company in exchange for 11,348 square feet of land to be conveyed to the City by Bruchez Farms Development Limited Liability Company adjacent to north side edge of the driving range. This additional land is needed to provide a safety zone in the landing area of the driving range.

City Staff and Art Bruchez have agreed that adding 11,348 square feet of land to the Driving Range would help minimize golf balls from landing in the yards of adjacent property owners.

The land to be conveyed to Bruchez Farms Development Limited Liability Company would have minimal impact on the playability of the golf course and is well outside of the out-of-bound markers on hole number one and hole number two. The added square footage will make the building lots of Bruchez Farms more marketable, with little impact on the golf operations.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** December 15, 1997

**Subject:** Countryside Youth Little League Ball Fields

**Prepared By:** Becky Eades, Landscape Architect

### **Introduction**

City Council action is requested to adopt the attached Resolution requesting a reimbursement of \$160,000 from the Jefferson County Open Space (Joint Venture grant program) for the Countryside Youth Little League Ball Fields. In addition, City Council action is requested to adopt the attached resolution to award 36 Service Commitments for Countryside Youth Little League Ball Fields.

### **Summary**

The Countryside Youth Little League Ball Field project consists of two little league fields and parking located just north of the Countryside Recreation Center, at the intersection of 106th Avenue and Oak Street. Currently the project construction is 90% complete, and is expected to be completed in the spring when weather permits sod installation on the outfields. The fields should be available for play approximately six weeks after sod installation.

In June, City Council authorized a supplemental appropriation of \$210,000 into the General Capital Improvement Project Fund for the Countryside Ball Field project. A total of \$160,000 of that appropriation was to cover Joint Venture grants awarded by Jefferson County Open Space. The Countryside Ball Field project is near completion and Jefferson County Open Space (JCOS) is requesting that the reimbursement be processed by the end of 1997.

City Council action is also requested to adopt the attached Resolution which awards 36 Service Commitments from Category F required under Section 11-5-4 of the City Code for the irrigation of the little league fields.

### **Staff Recommendation**

1. Adopt Resolution No.        requesting a reimbursement of \$160,000 from Jefferson County Open Space for the Countryside Youth Little League Ball Fields project.
2. Adopt Resolution No.        allocating 36.0 Category F Water Service Commitments to Countryside Youth Little League Ball Fields.

### **Background Information**

The 7.6 acre project site is located at the southeast corner of W. 106th Avenue and Oak Street adjacent to Countryside #13 Open Space.

In November, 1995, Civitas, Inc. was hired through a competitive bid process to develop a master plan and construction documents for the Countryside #13 Youth Little League Ball Fields project. Staff and Civitas have worked closely with American West Little League representatives, in order to meet their needs as well as the City's standard of quality.

In addition, a community meeting was held in May, 1996 to present the project master plan to the neighborhood, prior to the preparation of construction documents. The master plan was well received by the residents at the meeting. The project was advertised and bid according to the City's purchasing ordinance and the contract was awarded in June of 1997. Construction of the project began in July of 1997 and it is now substantially complete.

Jefferson County Open Space (JCOS) initially awarded the Countryside Ball Field project a \$60,000 Joint Venture grant in 1995. When City Staff became aware that the construction costs of the project exceeded the available funding, even with a reduction in the scope of the project, an additional grant application was submitted to JCOS. In 1997 JCOS awarded the Countryside Ball Field project an additional \$100,000, allowing construction to proceed.

Additional grant funding contributions for the project came from the American West Little League, \$35,000, and from Great Outdoors Colorado (GOCO), \$75,000. \$330,000 was available for the project from the City's Capital Improvement Project fund. Project expenditures are as follows:

Design Fees	\$ 40,000
All Phase Landscape (general contractor)	\$366,314
Fence Consulting Services, LLC	\$ 64,981
Public Service	\$ 15,000
Irrigation Tap Fee	\$ 63,000
Geotechnical Testing	\$ 7,475
10% Construction Contingency	\$ 43,130
<b>Total Project Budget</b>	<b>\$600,000</b>

Respectfully submitted,

William M. Christopher  
City Manager

Attachments - Resolutions and Project area map

RESOLUTION

RESOLUTION NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

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REIMBURSEMENT OF JOINT VENTURE GRANT AND ATTRIBUTABLE SHARE FUNDS WITH JEFFERSON COUNTY OPEN SPACE FOR COUNTRYSIDE YOUTH LITTLE LEAGUE BALL FIELDS

WHEREAS, the City of Westminster and Jefferson County Open Space are desirous of providing quality park, open space, trail and recreation opportunities for their citizens; and

WHEREAS, Jefferson County Open Space awarded the City of Westminster two Joint Venture grants, one for \$60,000 in 1995 and one for \$100,000 in 1997 to allow for construction of the Countryside Youth Little League Ball Fields; and

WHEREAS, the City of Westminster has appropriated cash funds of \$330,000 from the Westminster Capital Improvement Project fund, and has recieved grants from American West Little League for \$35,000, and from Great Outdoors Colorado for \$75,000; and

NOW, THEREFORE, the Westminster City Council hereby resolves that the City Manager submit a reimbursement request for:

1995 and 1997 Joint Venture matching grants in the total amount of \$160,000 for Countryside Youth Little League Ball Fields.

Passed and adopted this 15th day of December, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

AWARD OF SERVICE COMMITMENTS FOR COUNTRYSIDE YOUTH LITTLE  
LEAGUE BALL FIELDS FROM CATEGORY F

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

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990, through June 30, 2000; and

WHEREAS, within that ordinance there is a provision for an award of Service Commitments to Category F, Contingency and Public Usage; and

WHEREAS, Category F is the category which is appropriate for Countryside Youth Little League Ball Fields; and

WHEREAS, there are 220 Service Commitments available for award in Category F; and

WHEREAS, the City Council has approved the development of Countryside Youth Little League Ball Fields; and

WHEREAS, the City Council is authorized to award Service Commitments by Section 11-5-5(F) of the City Code.

NOW, THEREFORE, be it resolved that:

1. An award of 36.0 Service Commitments is hereby made for use by Countryside Youth Little League Ball Fields.

2. A reduction of 36.0 Service Commitments is hereby made to the total number of Service Commitments available in Category F.

3. This award shall be valid for a period ending December 15, 1997.

4. This shall constitute the resolution required under Section 11-5-4 of the City Code.

Passed and adopted this 15th day of December, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** December 15, 1997  
**Subject:** Cobblestone Park Development  
**Prepared By:** Becky Eades, Landscape Architect

**Introduction**

City Council action is requested to authorize the City Manager to approve a contract with Environmental Concerns, Inc. in the amount of \$552,649 for the Phase I construction of Cobblestone Park, including both park construction and storm sewer improvements north of the park site. Total project budget for Phase One, including geotechnical services, park lighting, and a 2.5 percent construction contingency, is \$574,013. Additionally, City Council action is requested to adopt the attached Resolution to award 37 Service Commitments for Cobblestone Park. Funds for these expenses are available in the Community Development Block Grant program (CDBG) for \$413,000, the Storm Drainage Improvement account for \$89,168, and the 1997 General Fund contingency, for \$71,845.

**Summary**

Cobblestone Park is a 7.5 acre park site located in southeastern Westminster, at West 81st Avenue and Clay Street, just west of Federal Boulevard. This site was dedicated to the City as part of the public land dedication requirements for the surrounding neighborhoods in 1986. In January, 1996, Civitas Inc. was hired to prepare a master plan for the Cobblestone Park site (see attached plan). The park was to be designed as a neighborhood park to serve residents within a walking distance of approximately a 1 1/2 mile radius. The completed master plan was approved by City Council on August 12, 1996. Phase I of Cobblestone Park includes concrete walking trails, an irrigation/detention pond, and a turf grass area designed for informal play. Phase II of the park, which is based on additional CDBG funding becoming available, consists of a picnic shelter with a picnic table, a playground, and additional landscaping.

In conjunction with the construction of the park are storm sewer improvements extending through the property just north of the park, currently owned by Pillar of Fire. These improvements are designed to correct severe erosion problems. Since the storm drainage and park projects overlap, Community Development and Parks Staff have collaborated and have bid these projects together as one project.

The project was advertised and bid according to the City's purchasing ordinance, and seven bids were received on October 30, 1997. The following is the base bid tabulation:

Environmental Concerns, Inc.	\$ 552,649
AJI	\$ 666,877
Urban Farmer, Inc.	\$ 680,600
L & M Enterprises	\$ 678,630
Randall & Blake, Inc.	\$ 681,054
Goodland Construction	\$ 674,460
Hamon	\$ 912,033

The apparent low bid from Environmental Concerns, Inc. for \$552,649 is considered a good bid compared to the Landscape Architects Estimate of Probable Cost of \$680,667. References for similar projects have also verified Environmental Concerns, Inc. as a qualified contractor.

Projected project budget for construction of Phase I, recommended by staff, is as follows:

**Construction Budget:**

Environmental Concerns, Inc.	\$ 552,649
PSCO- Park Lighting and Transformer	\$ 4,688
Geotechnical Testing	\$ 2,500
2.5% Contingency(of construction)	\$ 14,086
<b>TOTAL</b>	<b>\$ 574,013</b>

A supplemental appropriation of funds from the 1997 General Fund contingency account is necessary in order to award the entire base bid for Cobblestone Park. The project bids are actually under the projected project cost; however, \$200,000 which was originally anticipated in the 1997 CDBG Fund to complete the project funding but other CDBG priorities took precedence in 1997. The Contingency funds are needed to make up part of this shortfall.

City Council is also requested to adopt the attached Resolution which awards 37 Water Service Commitments from Category F required under Section 11-5-4 of the City Code for the irrigation of Cobblestone Park.

**Alternatives**

City Council could reject the low bid from Environmental Concerns, Inc. and select the second lowest bid from AJI, however the low bid from Environmental Concerns, Inc. has been determined to be a good bid, and references have been verified.

City Council could decline to approve the supplemental appropriation from contingency funds for \$71,845, which would require a redesign to further downsize the scope of the project.

**Staff Recommendation**

1. Authorize the City Manager to sign a contract with Environmental Concerns, Inc. in the amount of \$ 552,649 for the construction of Cobblestone Park Phase One. Authorize \$4,688 for a Public Service Company transformer and lighting, \$2,500 for geotechnical testing and a \$14,086 contingency for a total Phase I budget of \$574,013.
2. Pass Councillors' Bill No. on first reading for a supplemental appropriation in the amount of \$71,845 from the General Fund Contingency into the Cobblestone Park account in the General Capital Improvement Fund.
3. Adopt Resolution No. allocating 37 Category F Water Service Commitments to Cobblestone Park.

**Background Information**

The project site is located east of Federal Boulevard and north of 81st Avenue, and is bounded on the west side by the Cobblestone townhomes and the Green Briar apartments.

The Panorama Point retirement area is located just east of the northern portion of the park. The Pillar of Fire owns the vacant property just north of the 7.5 acre park site. In January, 1996, Civitas, Inc. was hired through a competitive bid process to develop a master plan for Cobblestone Park. A series of three public meetings were held to involve the neighborhood in the master planning design process to determine the type of park to be developed. Through the public participation process, a master plan was produced which provides a passive park setting. Civitas' preliminary opinion of probable cost priced the passive park concept at \$692,442.

On August 12, 1996 City Council approved the master plan and authorized the City Manager to sign a contract with Civitas to proceed with construction drawings. Staff worked closely with Civitas to ensure that the approved master plan was closely adhered to during the development of construction documents. In order to keep the current construction costs within the project budget, it was necessary to break the construction into two phases, with Phase Two consisting of a second picnic pavilion and picnic tables, benches, soft trail walking paths, and horse shoe area. The revised scope of the project was presented at a meeting scheduled with residents of the surrounding neighborhoods that have shown interest at previous meetings and at a meeting of the Shadow Ridge Homeowner's Association.

During the 1995 budget hearings, representatives from the Pillar of Fire Church requested that the City budget funds to repair erosion damage caused to their property by storm water from upstream developments. The Church agreed to provide any required easements for this work at no cost. Council approved this request by budgeting funds in the 1996 and 1997 Storm Drainage Improvement Project fund in the General Capital Improvement Project account. Wright Water Engineers, Inc. were hired in August of 1996 to design engineered improvements to amend this problem. Since the two projects overlap, they were bid together in order to expedite the bidding and construction process and allow for cost savings in the construction bids.

The project budget currently available for Cobblestone Park Phase One is as follows:

**Phase One:**

CDBG Funding:	
1995	\$124,000
1996	\$177,000
1996 (transfer from Della Villa Park)	<u>\$197,000</u>
	<b>Sub-total \$498,000</b>
Design Fee's	<u>\$-85,000</u>
<b>Remaining CDBG Project Budget</b>	<b>\$413,000</b>
Storm Drainage Improvement Funding:	
1996 & 1997	\$ 89,168
1997 General Fund Contingency	<u>\$ 71,845</u>
<b>Total Phase One Project Funding:</b>	<b>\$574,013</b>

**Phase Two:**

CDBG Funding (not to exceed):	
1998 (if approved by City Council after CDBG budget hearings)	\$125,000

The General Fund Contingency account currently has a balance of \$195,009.

Staff is in the early stages of the CDBG public input process regarding the FY 1998 funding allocation. Staff will be recommending CDBG funds to complete the Phase Two improvements.

Under the current time line, construction will begin on Cobblestone Park in mid December, with completion by the summer of 1998.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO.  
SERIES OF 1997

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

AWARD OF SERVICE COMMITMENTS FOR COBBLESTONE PARK  
FROM CATEGORY F

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

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990, through June 30, 2000; and

WHEREAS, within that ordinance there is a provision for an award of Service Commitments to Category F, Contingency and Public Usage; and

WHEREAS, Category F is the category which is appropriate for Cobblestone Park; and

WHEREAS, there are 184 Service Commitments available for award in Category F; and

WHEREAS, the City Council has approved the development of Cobblestone Park; and

WHEREAS, the City Council is authorized to award Service Commitments by Section 11-5-5(F) of the City Code.

NOW, THEREFORE, be it resolved that:

1. An award of 37 Service Commitments is hereby made for use by Cobblestone Park.
2. A reduction of 37 Service Commitments is hereby made to the total number of Service Commitments available in Category F.
3. This shall constitute the resolution required under Section 11-5-4 of the City Code.

Passed and adopted this 15th day of December, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1997

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the Community Development Block Grant (CDBG) Fund initially appropriated by Ordinance No. 2473 in the amount of \$58,710 is hereby increased by \$71,845 which, when added to the fund balance as of the City Council action on December 15, 1997 will equal \$1,472,555. The actual amount in the CDBG Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a transfer from the General Fund for Cobblestone Park.

Section 2. The \$71,845 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Transfer from General Fund 76-9999-360	\$0	<u>\$71,845</u>	\$71,845
<u>EXPENSES</u>			
95 Grant Participation 76-30-88-608-303	\$513,985	<u>\$71,845</u>	\$585,830

Section 3. The General Fund budget will not change as a result of this ordinance but is included here for clarification purposes only.

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>EXPENSES</u>			
Contingency 10-10-99-999-000 \$123,164	\$195,009	<u>\$(71,845)</u>	
Transfer to CDBG Fund 10-10-95-990-976	\$0	<u>\$71,845</u>	\$71,845

Section 4 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining

provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 6. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 15TH day of December, 1997.

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

ATTEST:

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Mayor

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City Clerk

**Date:** December 15, 1997

**Subject:** Cooperation Agreement with Westminster Economic Development Authority

**Prepared by:** Vicky Bunsen, Assistant City Attorney  
Mary Ann W. Parrot, Finance Director

### **Introduction**

City Council action is requested to approve a cooperation agreement between the City and the Westminster Economic Development Authority ("WEDA" or the "Authority") which provides for the repayment to the City of funds advanced to and on behalf of the Authority from tax increment, if such revenue is available after other debts are paid.

### **Summary**

City Council action is requested to approve a cooperation agreement between the City and the Authority, which provides for the repayment to the City of funds advanced to and on behalf of the Authority from tax increment, if such revenue is available after other debts are paid. This would permit recovery by the City of any amounts paid by the City to replenish reserve and revenue funds held by the trustee bank in connection with the the Authority's bonds which are anticipated to be issued shortly. It also provides for payment of amounts owed by the Authority under a 1991 agreement with the City and repayment of City expenses for the urban renewal area project coordinator and other urban renewal expenses incurred by the City.

### **Staff Recommendation**

Authorize the City Manager to execute a Cooperation Agreement between the City and the Authority, to allow for the Authority's repayment to the City, out of any available tax increment after debt service is paid, of funds paid by the City to replenish bond funds, for prior the Authority expenses, and for future staffing and expenses related to urban renewal efforts.

### **Background Information**

The City and the Authority entered into a cooperation agreement in 1991 that addressed the proposed Trammel-Crow redevelopment and provided for the Authority's repayment to the City of \$202,000 in expenses. It also provided that the Authority would pay the City \$20,000 per year for administration and Staff spent on the Authority business. The latter debt now totals \$100,000.

The 1991 agreement is no longer relevant with the exception of the Authority's debt to the City, which has not been paid. The City is now being asked to approve a nonbinding resolution to replenish certain bond funds held by the trustee bank in order to obtain a letter of credit to support the bond issue. The City's agreement to replenish the reserve accounts, if and when needed, is part of the City's "moral obligation," and is a necessary part of the financing. (Staff does not anticipate the need to draw down the Authority's reserves to make debt service payments. There should be adequate tax increment revenues to make these payments.)

Furthermore, the City has hired a project coordinator who specializes in urban renewal area efforts. Thus, the City will be incurring the ongoing expense of funding an employee to staff the Authority. The expense of salary and benefits for this employee is approximately \$60,000 per year. When revenue is available, the Authority should also reimburse the City for this expense.

**Alternatives**

If the City Council chooses not to enter into the Cooperation Agreement, the amounts advanced by the City on behalf of the Authority will be considered grants instead of loans and the City will not have the right to be repaid by the Authority out of any available tax increment after higher priority debts are paid.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Cooperation Agreement

1997 COOPERATION AGREEMENT  
BETWEEN THE CITY OF WESTMINSTER AND  
THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

THIS AGREEMENT is made and entered into this 15th day of December, 1997, between the CITY OF WESTMINSTER (the "City"), and the WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (the "Authority").

WHEREAS, the City is a Colorado home rule municipality with all the powers and authority granted pursuant to Article XX of the Colorado Constitution and its City Charter; and

WHEREAS, the Authority is a Colorado urban renewal authority, with all the powers and authority granted to it pursuant to Part 1 of Article 25 of Title 31, Colorado Revised Statutes; and

WHEREAS, pursuant to Article XIV of the Colorado Constitution, and Part 2 of Article 1 of Title 29, Colorado Revised Statutes, the City and the Authority are authorized to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each governmental entity; and

WHEREAS, the City has heretofore adopted the Westminster Urban Renewal Plan (the "Plan") which includes as one of its primary goals the redevelopment and revitalization of the Westminster Plaza Shopping Center (the "Project"), a blighted commercial area generally located at the northwest corner of 72nd Avenue and Federal Boulevard in the southeast part of the City; and

WHEREAS, the Project is being undertaken for the public purpose of enhancing employment opportunities, eliminating existing conditions of blight, and improving the tax base of the City; and

WHEREAS, pursuant to section 31-25-112 of the Colorado Urban Renewal Law, the City is specifically authorized to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of the Authority, to enter into agreements with the Authority respecting such actions to be taken by the City, and appropriating funds and making such expenditures of its funds to aid and cooperate with the Authority in undertaking this Project and carrying out the Plan; and

WHEREAS, the Authority is issuing its Tax-Exempt Tax Increment Adjustable Rate Revenue Bonds (Westminster Plaza Urban Renewal Project) Series 1997A, in the original aggregate principal amount of \$2,100,000, and Taxable Convertible Tax Increment Adjustable Rate Revenue Bonds (Westminster Plaza Urban Renewal Project), Series 1997B, in the original aggregate principal amount of \$4,360,000 (the "Bonds") for the purpose of financing the acquisition, construction and equipping of the Project; and

WHEREAS, in Resolution No. 97-\_\_\_\_\_, the City Council has declared its nonbinding intent and expectation that it will appropriate any funds requested, within the limits of available funds and revenues, in a sufficient amount to replenish the Reserve Fund to the Bond Reserve Requirement or the Revenue Fund to the Revenue Fund Requirement, as the case may be (the "Replenishment Resolution"); and

WHEREAS, the City and the Authority entered into a prior Agreement of Cooperation dated November 11, 1991 (the "1991 Agreement"), which obligated the Authority to repay certain debts to the City; and

NOW, THEREFORE, in consideration of the mutual promises set forth below, the City and the Authority agree as follows:

I. LOAN.

a. If the City Council appropriates funds pursuant to the Replenishment Resolution, such funds shall be a loan from the City to the Authority to be repaid as provided herein.

b. The Authority acknowledges that it incurred an obligation under the 1991 Agreement to repay the City a total of \$202,000 in expenses incurred prior to the execution of the 1991 Agreement. This amount is hereby designated a loan from City to the Authority to be repaid as provided herein.

c. The Authority further acknowledges that the City Manager, City Staff and the City Attorney have provided, and will continue to provide, substantial administrative and legal services to the Authority in connection with the activities of the Authority. The Authority acknowledges that it owes the City \$100,000 for services rendered from the date of the 1991 Agreement until the execution of this Agreement. This amount is hereby designated a loan from City to the Authority to be repaid as provided herein.

d. The Authority shall pay \$60,000 annually beginning January 1, 1998, to the City for services rendered to the Authority. To the extent that this annual debt is incurred, this obligation is hereby designated a loan from the City to the Authority to be repaid as provided herein.

e. Any other amounts advanced or loaned to the Authority by the City or payments made or debts incurred by the City on behalf of the Authority may be designated a loan from the City to the Authority to be repaid as provided herein.

II. PAYMENT

a. When Pledged Revenues are available pursuant to the Indenture of Trust dated December 1, 1997, between the Authority and Colorado National Bank, as Trustee, the Authority shall repay the City for all amounts due hereunder.

b. The Authority agrees to pay the City interest in the amount of five percent (5%) on the principal balance of the loan.

III. FURTHER COOPERATION.

a. The City shall continue to make available such employees of the City as may be necessary and appropriate to assist the Authority in carrying out any authorized duty or activity of the Authority pursuant to the Colorado Urban Renewal Law, the Urban Renewal Plan, or any other lawfully authorized duty or activity of the Authority. The 1991 Agreement is hereby superseded except with respect to those provisions that are restated herein.

b. The City agrees to assist the Authority and the Bond Trustee by pursuing all lawful procedures and remedies available to it to collect and deposit on a timely basis any Pledged Revenues. To the extent lawfully possible, the City will take no action that would have the effect of reducing tax collections that constitute Pledged Revenues for the Project.

IV. BUDGETING. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the Authority within the meaning of the Colorado Constitution, Article X, Section 20, and the Authority's obligations hereunder are expressly conditioned upon annual appropriation by the Board of Directors of the Authority.

V. SUBORDINATION. The Authority's obligations pursuant to this Agreement are subordinate to the Authority's obligations for the repayment of any current or future bonded indebtedness. For the purposes of this Agreement, the term "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the Authority, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by revenues of the Authority.

VI. GENERAL PROVISIONS

A. Dispute Resolution. If a dispute arises between the parties relating to this contract, the parties agree to submit the dispute to mediation before filing litigation.

B. Separate Entities. Nothing in this Agreement shall be interpreted in any manner as constituting the City or its officials, representatives, consultants, or employees as the agents of the Authority, nor as constituting the Authority or its officials, representatives, consultants, or employees as agents of the City. Each entity shall remain a separate legal entity pursuant to applicable law. Neither party shall be deemed hereby to have assumed the debts, obligations or liabilities of the other.

C. Third Parties. Neither the City nor the Authority shall be obligated or liable under the terms of this Agreement to any person or entity not a party hereto.

D. Modifications. No modification or change of any provision in this Agreement shall be made, or construed to have been made, unless such modification is mutually agreed to in writing by both parties and incorporated as a written amendment to the Agreement. Memoranda of understanding and correspondence shall not be construed as amendments to the Agreement.

E. Entire Agreement. This Agreement shall represent the entire agreement between the parties with respect to the subject matter hereof and shall supersede all prior negotiations, representations, or agreements, either written or oral, between the parties relating to the subject matter of this Agreement and shall be independent of and have no effect upon any other contracts.

F. Severability. If any provision of this Agreement is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

G. Assignment. This Agreement shall not be assigned, in whole or in part, by either party without the written consent of the other.

H. Waiver. No waiver of a breach of any provision of this Agreement by either party shall constitute a waiver of any other breach or of such provision. Failure of either party to enforce at any time, or from time to time, any provision of the Agreement shall not be construed as a waiver thereof. The remedies reserved in this Agreement shall be cumulative and additional to any other remedies in law or equity.

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

WESTMINSTER ECONOMIC  
DEVELOPMENT AUTHORITY

CITY OF WESTMINSTER

By  
William Christopher  
Executive Director

By \_\_\_\_\_  
William Christopher  
City Manager

ATTEST:

ATTEST:

Michele Kelley  
Assistant Secretary

Michele Kelley  
City Clerk

APPROVED AS TO LEGAL FORM

APPROVED AS TO LEGAL FORM

By  
Martin R. McCullough  
Authority Attorney

By \_\_\_\_\_  
Martin R. McCullough  
City Attorney

## **Agenda Memorandum**

**Date:** December 15, 1997

**Subject:** Resolution No. 83 re Replenishment for WEDA

**Prepared by:** Mary Ann W. Parrot, Finance Director

### **Introduction**

Adoption by the City Council of the attached resolution is required to complete the part of the bonding structure sometimes known as the "moral obligation: behind the bonds issued by the Westminster Economic Development Authority (the "Authority" or "WEDA"). The basis of the resolution is such that if, at any time, the WEDA bonded reserve of \$646,000 and/or the WEDA fund balance of \$300,000 fall below these stated levels, the City will budget, appropriate and transfer to the trustee bank the funds necessary to replenish these reserves.

### **Summary**

By providing its non-binding moral obligation, subject to annual appropriation, the City is providing a further credit enhancement to the Authority's bonds, thus serving to minimize interest costs and improve the marketability of the bonds. Because of the structure of the reserves (there are two "reserve" funds for this issue), Staff does not anticipate the need for the City to actually transfer funds.

### **Alternatives**

City Council could decline to approve the replenishment resolution. Although non-binding, this would not be favorably viewed by the bond investors and the marketplace, and would result in the failure of the bond sale.

### **Staff Recommendation**

Adopt Resolution No. 83, which provides the City's non-binding moral obligation, subject to annual appropriation, to provide credit enhancement to the WEDA bonds.

### **Background Information**

The advent of market acceptance of the value of a promise to pay by a local unit of government is a recent phenomenon. Because the City's credit rating is AA/AA-, the word of the City has merit and can and should be used to reduce the costs and improve the marketability of the Authority's bonds, which are coming to the market for the first time in the Authority's history.

The moral obligation is a promise to pay, but is also subject to annual appropriation, and is non-binding and thus does not constitute a multiple fiscal-year obligation.

The forecasts for the tax increment revenues are for the use of fund balance of approximately \$175,000 to pay for the portion of debt service in 1998 and 1999 which cannot be paid from tax increments; during the next 1-2 years, during construction, tax increment revenues will be at a minimum. The Authority's fund balance at year-end 1996 was \$521,000, and is projected to be approximately \$800,000 by FYE 1997.

Resolution re Replenishment for WEDA

Page 2

Allowing for a minimum fund balance of \$300,000, as required in the bond covenants, the Authority has approximately \$500,000 to allow for assistance in debt service payments and operating expenses over the next two years, during the construction phase of the project.

Starting in the year 2000, after construction has been completed, and the tenants have occupied the stores, tax increment revenues are projected to be greater than the debt service payment; that is the reason Staff does not anticipate the need for the City to replenish the reserve funds. In fact, if tax increment revenues materialize as projected, the Authority will begin to repay the Utility Fund Loan in the year 2000, and retire this obligation, also, over the life of the bonds.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

## RESOLUTION

RESOLUTION NO. 83

INTRODUCED BY COUNCILLORS

SERIES OF 1997

A RESOLUTION CONCERNING THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY AND ITS TAX INCREMENT REVENUE BONDS SERIES 1997, AUTHORIZING AND DIRECTING ACTIONS BY THE CITY MANAGER WITH RESPECT TO THE PREPARATION OF REQUESTS TO THE COUNCIL FOR APPROPRIATION OF FUNDS FOR THE REPLENISHMENT OF CERTAIN FUNDS PERTAINING THERETO.

WHEREAS, The City Council (the "City Council") of the City of Westminster (the "City"), by Resolution No. 40, adopted September 14, 1987 (the "Authority Resolution"), created the Westminster Economic Development Authority (the "Authority"); and

WHEREAS, pursuant to a Cooperation Agreement dated as of December 15, 1997 (the "Cooperation Agreement") between the City and the Authority, the City has agreed, subject to conditions specified in the Cooperation Agreement, to loan funds to the Authority; and

WHEREAS, pursuant to an Indenture of Trust dated as of December 1, 1997 (the "Indenture"), the Authority is issuing its Tax-Exempt Tax Increment Adjustable Rate Revenue Bonds (Westminster Plaza Urban Renewal Project) Series 1997A, in the original aggregate principal amount of \$2,100,000 and Taxable Convertible Tax Increment Adjustable Rate Revenue Bonds (Westminster Plaza Urban Renewal Project), Series 1997B, in the original aggregate principal amount of \$4,360,000 (the "Bonds") for the purpose of financing the acquisition, construction and equipping of the project described in the Indenture (the "Project"); and

WHEREAS, there will be created under the Indenture a revenue fund (the "Revenue Fund") which will be funded initially in the amount of Revenue Fund Requirement (as defined in the Indenture) on the Bonds, and is required to be maintained at such amount to be used in the payment of principal of or interest on the Bonds and in certain other payments; and

WHEREAS, there will be created under the Indenture a reserve fund (the "Reserve Fund") which will be funded initially in the amount of Bond Reserve Requirement (as defined in the Indenture) on the Bonds, and is required to be maintained at such amount to be used as a reserve against deficiencies in the payment of principal of or interest on the Bonds and in certain other payments; and

WHEREAS, the Indenture contemplates that if, on December 2 of any year, the funds available in the Reserve Fund are less than the Bond Reserve Requirement or the funds in the Revenue Fund are less than the Revenue Fund Requirement, the Trustee shall so notify the City Manager, who shall request that the City Council advance sufficient funds pursuant to the Cooperation Agreement to restore the Reserve Fund to the Bond Reserve Requirement or the Revenue Fund to the Revenue Fund Requirement, as the case may be; and

WHEREAS, The City Council wishes to make a non-binding statement of its present intent with respect to the appropriation of funds for the replenishment of the Revenue Fund or the Reserve Fund, as the case may be, and to authorize the direct the City Manager to take certain actions for the purpose of causing requests for such appropriations to be presented to the City Council for consideration.

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

Section 1. Appropriations to Replenish Reserve Fund. The City Manager shall, upon notice from the Trustee that the Reserve Fund is funded at less than the Bond Reserve Requirement or the Revenue Fund is funded at less than the Revenue Fund Requirement, as the case may be, prepare and submit to the City Council a request for an appropriation of a sufficient amount to replenish the Reserve Fund to the Bond Reserve Requirement or the Revenue Fund is funded at less than the Revenue Fund Requirement, as the case may be. It is the present Intention and expectation of the City Council to appropriate such funds as requested, within the limits of available funds and revenues, but this declaration of intent shall not be binding upon the City Council or any future City Council in any future fiscal year. The City Council may determine in its sole discretion, but shall never be required, to make the appropriations so requested. All sums appropriated by the City Council for such purpose shall be deposited by the Authority in the Reserve Fund or the Revenue Fund, as the case may be. Nothing provided in this Section 1 shall create or constitute a debt, liability or multiple fiscal year financial obligation of the City.

Section 2. Repayment of Amounts Appropriated. In the event that the City Council appropriates funds as contemplated by Section 1 hereof, any amounts actually advanced shall be treated as an obligation under the Cooperation Agreement and shall be repaid by the Authority, with interest thereon, but shall be payable from and secured solely by the Pledged Revenues of the Authority, as provided in the Cooperation Agreement, on a basis expressly subordinate and junior to that of the Bonds and any obligations secured on a parity with the Bonds as set forth in the Indenture.

Section 3. Limitation to Bonds and Other Obligations Originally Secured by Indenture. Unless otherwise expressly provided by a subsequent resolution of the City Council, the provisions of this resolution shall apply only to reserve Fund and Revenue Fund originally established in connection with the Bonds and any obligations secured on a parity with the Bonds, and shall not apply to any other additional obligations issued under the Indenture.

Section 4. General Repealer. All prior resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. Effectiveness. This Resolution shall take effect immediately upon its passage.

Passed and adopted this 15<sup>th</sup> day of December, 1997.

ATTEST:

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Mayor

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City Clerk

**Date:** Dec 15, 1997

**Subject:** Councillor's Bill No. E re Loan Agreement Between Water & Wastewater Enterprise and WEDA re Westminster Plaza Redevelopment Project

**Prepared by:** Mary Ann Parrot, Finance Director

**Introduction**

The City Council, acting as Board of Directors of the City's Water and Wastewater Enterprise (the "Enterprise"), is requested to pass the attached emergency Councillor's Enterprise Bill, revising the loan agreement between the Enterprise and the Westminster Economic Development Authority (the "Authority").

If approved, the loan will remain at \$3.6 million. The repayment terms will be changed from an annual amount to an amount to be determined after bond proceeds are repaid. This means the Utility Fund loan, as subordinate to the WEDA Bonds, will be paid off as excess tax increment develops above that required for debt service; Staff projects repayment of the loan will be accomplished over the term of the WEDA Bonds, or twenty years.

In addition, the interest rate on the note should be reduced from 6% currently to 5%, as a reflection of the continued decline in interest rates and the City's cost of capital, currently estimated at 4.8%.

**Summary**

The Authority borrowed \$3.6 million from the Enterprise in May, 1997. Payment terms are shown below, as structured in May, 1997, and proposed as follows, due to revised financing estimates:

TERMS	MAY, 1997	CURRENT
Length:	20 years	20 years
Rate:	6% per annum	5% per annum
Payments:	Semi-annual, commencing 12-01-97 Dec 1, Jun 1 after	Annual, Commencing 12-01-02 as cash flows available as calculated at payment
Amount:	\$155,744.56 P&I	
Amortizatn:	Level; eff int method	Level; eff int method

The Authority has appropriated all these funds and set up a project construction account for the redevelopment.

Redevelopment activities include the purchase of the land, business relocation, clearing of property, and installation of necessary infrastructure (sewer, water, sidewalks, and paving). The developer, Hunt Properties, will finance and build a Safeway anchor store and build and lease other storefronts in the redevelopment project.

State law expressly authorizes cities to assist their urban renewal authorities in implementing urban renewal projects for the benefit of their common constituents. The City's Water and Wastewater Utility Fund maintains a fund balance which, until needed for plant replacement or expansion, is available for other public purposes.

### **Alternatives**

If the terms of the loan agreement are not revised, the interest rate would remain at 6%. Because the original agreement contains language regarding non-appropriation, failure to approve the revised document is not seen as having legal consequences. However, a document would exist which is not an accurate reflection of the reality of the repayment intentions of the Authority, and if, for no other reason, could be a cause of confusion in later years. This alternative is not recommended.

### **Staff Recommendation**

Pass Councillor's Water and Wastewater Utility Enterprise Bill No.

as an emergency ordinance, approving revisions to the \$3.6 million loan agreement between the Enterprise and the Westminster Economic Development Authority and authorizing the President of the Water and Wastewater Enterprise to sign the loan agreement.

### **Background Information**

The Authority was created by an act of City Council on September 14, 1987. Revitalization of this area has been a priority for at least ten years; several attempts have been made to secure an anchor store to secure the potential for success. With the advent of Safeway's commitment, it is vital that the funding for this project be implemented at this time. Staff believes the 5% interest rate to be earned by the Enterprise is a reasonable rate of return. The 5% interest rate is also very close to the current rate of return the Enterprise realizes on these funds.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. \_\_\_\_

COUNCILLOR'S ENTERPRISE BILL NO. \_\_\_\_

SERIES OF 1997

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF WESTMINSTER WATER AND WASTEWATER UTILITY ENTERPRISE AND THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY FOR THE WESTMINSTER PLAZA REDEVELOPMENT PROJECT

WHEREAS, the City of Westminster, Colorado (the "City") has heretofore established the City of Westminster Water and Wastewater Utility Enterprise (the "Enterprise") as an enterprise of the City within the meaning of Article X, Section 20 of the Colorado Constitution; and

WHEREAS, the Enterprise is authorized to have and exercise certain powers in furtherance of its purpose; and

WHEREAS, the City of Westminster (the "City") has heretofore adopted the Westminster Urban Renewal Plan ("the Plan") which includes as one of its primary goals the redevelopment and revitalization of the Westminster Plaza Shopping Center (the "Project"), a blighted commercial area generally located at the northwest corner of 72nd Avenue and Federal Boulevard in the southeast part of the City; and

WHEREAS, the Project is being undertaken for the public purpose of enhancing employment opportunities, eliminating existing conditions of blight, and improving the tax base of the City; and

WHEREAS, the Project will result in the enhancement and expansion of the current level of water and wastewater service and revenues for this location; and

WHEREAS, the Authority intends to develop the area using financing which includes qualified tax increment redevelopment bonds, a loan from the City of Westminster Water and Wastewater Utility Enterprise, proceeds from the sale of rights-of-way to the City and available cash; and

WHEREAS, pursuant to section 31-25-112 of the Colorado Urban Renewal Law, the City is specifically authorized to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of the Authority, to enter into agreements with the Authority respecting such actions to be taken by the City, and appropriating funds and making such expenditures of its funds to aid and cooperate with the Authority in undertaking this Project and carrying out the Plan; and

WHEREAS, the City's Water and Wastewater Utility Fund maintains a fund balance which, until needed for plant replacement or expansion, is available for other public purposes; and

WHEREAS, the City Council, as ex officio Board of Directors of the Enterprise and the Authority, finds that the execution of this Agreement will serve the public purposes outlined above and is in the best interest of both the Enterprise and the Authority.

THE CITY OF WESTMINSTER, COLORADO, WATER AND WASTEWATER UTILITY ENTERPRISE ORDAINS:

Section 1. The President of the Enterprise is hereby authorized to enter into a \$3.6 million Loan Agreement with the Westminster Economic Development Authority in substantially the same form as the one attached as Exhibit "A" and, upon execution of the Agreement, to fund and implement said Agreement.

Section 2. An emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Therefore, this ordinance shall be in full force and effect upon adoption of this ordinance on December 15, 1997, by an affirmative vote of six members, if six or seven members are present, or by an affirmative vote of four members, if four or five members of the Council are present.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 15th day of December, 1997.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

EXHIBIT "A"

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1997, between the CITY OF WESTMINSTER, COLORADO, WATER AND WASTEWATER ENTERPRISE (the "Enterprise"), and the WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (the "Authority").

WHEREAS, the City of Westminster (the "City") has heretofore adopted the Westminster Urban Renewal Plan ("the Plan") which includes as one of its primary goals the redevelopment and revitalization of the Westminster Plaza Shopping Center (the "Project"), a blighted commercial area generally located at the northwest corner of 72nd Avenue and Federal Boulevard in the southeast part of the City; and

WHEREAS, the Project is being undertaken for the public purpose of enhancing employment opportunities, eliminating existing conditions of blight, and improving the tax base of the City; and

WHEREAS, the Project will result in the enhancement and expansion of the current level of water and wastewater service and revenues for this location; and

WHEREAS, pursuant to section 31-25-112 of the Colorado Urban Renewal Law, the City is specifically authorized to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of the Authority, to enter into agreements with the Authority respecting such actions to be taken by the City, and appropriating funds and making such expenditures of its funds to aid and cooperate with the Authority in undertaking this Project and carrying out the Plan; and

WHEREAS, the Authority intends to develop the area using financing which includes qualified tax increment redevelopment bonds, a loan from the Enterprise, proceeds from the sale of rights-of-way to the City and available cash; and

WHEREAS, the City's Water and Wastewater Utility Fund maintains a fund balance which, until needed for plant replacement or expansion, is available for other public purposes; and

WHEREAS, the City Council, as ex officio Board of Directors of the Enterprise and the Authority, finds that the execution of this Agreement will serve the public purposes outlined above and is in the best interest of both the Enterprise and the Authority.

NOW, THEREFORE, in consideration of the mutual promises set forth below, the Enterprise and the Authority agree as follows:

I. LOAN.

a. The Enterprise agrees to loan to the Authority three million six hundred thousand dollars (\$3,600,000.00) (the "Loan" amount) subject to the repayment provisions set forth below.

b. The Authority agrees to repay to the Enterprise the Loan amount over a period of 20 years at 5% interest per annum in annual payments due December 1, commencing approximately December 1, 2000, or as excess tax increments are available after payment of debt service on WEDA Bonds issued December 15, 1997, in accordance with the amortization schedule attached hereto and incorporated herein by this reference.

II. BUDGETING. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the Authority within the meaning of the Colorado Constitution, Article X, Section 20, and the Authority's obligations hereunder are expressly conditioned upon annual appropriation by the Board of Directors of the Authority. The City Manager shall include payments in the annual budget for submittal to the Board of Directors of the Authority for purposes of having funds available to pay debt service that may come due pursuant to this Agreement.

III. SUBORDINATION. The Authority's obligations pursuant to this Agreement are subordinate to the Authority's obligations for the repayment of any current or future bonded indebtedness. The Authority shall meet its obligations under this Agreement by using its annual tax increment revenues to make payments. For the purposes of this Agreement, the term "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the Authority, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by revenues of the Authority.

IV. GENERAL PROVISIONS

A. Dispute Resolution. If a dispute arises between the parties relating to this contract, the parties agree to submit the dispute to mediation before filing litigation.

B. Modifications. No modification or change of any provision in this Agreement shall be made, or construed to have been made, unless such modification is mutually agreed to in writing by both parties and incorporated as a written amendment to the Agreement. Memoranda of understanding and correspondence shall not be construed as amendments to the Agreement.

C. Entire Agreement. This Agreement shall represent the entire agreement between the parties with respect to the subject matter hereof and shall supersede all prior negotiations, representations, or agreements, either written or oral, between the parties relating to the subject matter of this Agreement and shall be independent of and have no effect upon any other contracts.

D. Severability. If any provision of this Agreement is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

E. Assignment. This Agreement shall not be assigned, in whole or in part, by either party without the written consent of the other.

F. Waiver. No waiver of a breach of any provision of this Agreement by either party shall constitute a waiver of any other breach or of such provision. Failure of either party to enforce at any time, or from time to time, any provision of the Agreement shall not be construed as a waiver thereof. The remedies reserved in this Agreement shall be cumulative and additional to any other remedies in law or equity.

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

WESTMINSTER ECONOMIC  
DEVELOPMENT AUTHORITY

CITY OF WESTMINSTER, COLORADO,  
WATER AND WASTEWATER UTILITY  
ENTERPRISE

By  
Nancy Heil  
Chairperson, Westminster  
Economic Development Authority

By \_\_\_\_\_  
Nancy Heil  
President, City of Westminster,  
Colorado, Water and Wastewater  
Utility Enterprise

ATTEST:

ATTEST:

Michele Kelley, Secretary,  
Westminster Economic Development  
Authority

Michele Kelley, Secretary,  
City of Westminster, Colorado,  
Water and Wastewater Utility  
Enterprise

APPROVED AS TO LEGAL FORM

By  
Martin R. McCullough  
City Attorney



**Date:** December 15, 1997  
**Subject:** Federal Heights Wholesale Water Contract Amendment  
**Prepared by:** Mary Ann W. Parrot, Finance Director

City Council action is requested to approve the "Amended and Restated Distributors Contract" with Federal Heights, which has been revised since Council's previous action on October 20, 1997.

### **Summary**

Staff from both jurisdictions met as previously scheduled, and agreed on a rate for the first half of 1998 as well as the 1997 rate which was previously agreed upon. The previous agreement called for negotiations for all of 1998; with this revision, the two staffs will meet in the spring to determine a rate for the remainder of 1998 and to discuss a permanent revision to the contract.

Over the past eleven months, City Staff met with Federal Heights representatives to discuss several areas of mutual interest regarding water rates and the charges according to the contract. Both Staffs agree the contract is being executed correctly, but also understand there are sections in the contract which are more general than specific, and make the contract burdensome to administer, for both organizations. In addition, because of the formulae in the contract, Federal Heights has experienced significant fluctuations in rates from year to year; they are interested in pursuing alternatives they have to "smooth out" fluctuations. Lastly, if a simplified formula could be found, Staff time would be saved, both in annual recalculations, as well as follow-up administration of the contract.

### **Staff Recommendation**

Authorize the City Manager to sign a contract with Federal Heights approving rates for 1997 at \$2.18 Per Thousand Gallons, and for January through June, 1998, at \$2.02 Per Thousand Gallons.

### **Background Information**

The schedule for the wholesale water rates for Federal Heights, set each year in the Fall for the ensuing year, was proposed in November, 1996, as follows:

<u>YEAR</u>	<u>RATE PTG (Per 1,000 Gal)</u>
1997	\$2.303123
1996	\$1.850566
1995	\$1.999960
1994	\$2.066187
1993	\$1.990000
1992	\$1.980000

In November, 1996, when the City of Westminster notified Federal Heights of the increase from 1996 to 1997 (proposed) of 45.3 cents PTG, Federal Heights objected. Federal Heights objected to the inclusion of the effect of the Broomfield water purchase (Church Ditch water rights) prior to the actual use of this water. Also, they objected to passing on to them the effect of the Amendment to Federal Heights Wholesale Contract for 1997 and 1998 the water rate of the debt financing of a portion of this same water rights purchase.

In ensuing discussions held over the next eleven months, Federal Heights and City of Westminster Staffs and attorneys reviewed the rates and the underlying calculations. Together they reiterated the complexity of the calculations and the vague language in certain places in the 1969 contract. They also realized the need for allowing a method to "smooth" out the fluctuations in the annual rates, to enable Federal Heights to better predict and budget for treated water from Westminster.

Because of these discussions, Staff has reached agreement with Federal Heights, subject to approval by the two respective City Councils, to revise the rates for 1997 and for 1998, and to have Staff reconvene in the Spring of 1998, to conduct a comprehensive review of the contract, renegotiate those sections which require clarification, and to attempt to simplify the rate calculation formula. Given the fact that the contract is in perpetuity, such modification would be most beneficial to both parties.

The 1997 Amendment to the existing contract would revise the 1997 rate from \$2.30 PTG to \$2.18 PTG, which would be retroactive to February, 1997, and set the January-June 1998 rate at \$2.02 PTG. Rates for the remainder of 1998 will be reviewed in the Spring, 1998, when the two Staffs reconvene.

Staff determined the difference of \$.12 PTG for 1997 was due to the amortization of the Broomfield water purchase (for one year: \$.13 PTG). The one-year delay in the rate impact of the Broomfield water purchase would be added on to the end of the contract, essentially lengthening the 20-year amortization schedule on the water purchases to 21 years.

The rate of \$2.02 calculated for January-June 1998 is based on estimates of water usage and costs and reflects reinstatement of the method currently used, including charging for the Broomfield water purchase. It is also reflective of increased water consumption during 1996, which is used in the rate computation for 1998. Increased water consumption results in reduced water rates, as costs are spread across more gallons of water.

Lastly, the City has been billing Federal Heights at the 1997 rate of \$2.303123; during this time, Federal Heights has been paying the City for usage but using the 1996 rate of \$1.850566. At the time of the signing of this amendment, the City has agreed to re-bill Federal Heights for the balance remaining at the \$2.18 rate, and Federal Heights has agreed to pay the balance due by December 31, 1997. Those figures are summarized as follows, for the period from early February, 1997, through September 10, 1997:

Original bills @ \$2.303123 PTG	\$ 852,837.23
Revised bills @ \$2.180000 PTG	\$ 807,245.28
Paid to date @ \$1.850566 PTG	<u>\$ 601,042.33</u>
Due from Federal Heights at time of signing amendment	\$ 206,202.95

In summary, Staff believes the rate recommended for 1997, although it is discounted from the proposed rate, is reasonable. Staff also recognized the 1998 rate is fair and relies on the current methodology.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment:

**1997 AMENDMENT  
TO "AMENDED AND RESTATED DISTRIBUTOR'S CONTRACT"**

This 1997 Amendment (the "Agreement") to Amended and Restated Distributor's Contract between the **CITY OF WESTMINSTER, COLORADO** ("Westminster") and the **CITY OF FEDERAL HEIGHTS, COLORADO** ("Federal Heights") is dated \_\_\_\_\_, 1997.

RECITALS

A. Westminster and Federal Heights entered into a contract entitled "Distributor's Contract" dated February 12, 1968, which provided for the sale of treated water by Westminster to Federal Heights. That contract was amended by the parties by a document entitled "Distributor's Contract Amendment," dated November 1, 1982.

B. In 1985, Westminster and Federal Heights executed an "Amended and Restated Distributor's Contract," which contract amended, restated and superseded the 1968 Contract. The 1985 Contract was amended on December 26, 1989, by a document entitled "1989 Amendment to Amended and Restated Distributor's Contract."

C. In 1992, the Contract was again amended by a document entitled "1992 Amendment to Amended and Restated Distributor's Contract." The Amended and Restated Distributor's Contract as amended in 1989 and 1992 is the operative contract under which Westminster has been selling treated water to Federal Heights (the "Contract").

D. On October 30, 1996, Westminster notified Federal Heights that the base rate for the sale of water, as calculated by the method established in section 1.B. of the Contract, would increase from \$1.850566 per thousand gallons ("PTG") to \$2.303123 PTG, effective February 1, 1997. Federal Heights has objected to the interpretation of the Contract and therefore the amount of the increase.

E. Westminster and Federal Heights have entered into negotiations concerning the rate, which negotiations have included discussions of an amendment to the Contract to include a restructuring of the method of calculating the rate to be charged Federal Heights.

F. Until the parties reach agreement on the method of calculating the rate and related issues, the parties have reached an interim agreement on a rate for the years 1997 and 1998. The parties therefore agree as follows:

INTERIM AGREEMENT

1. For the period beginning retroactively on February 3, 1997, for accounts #365-010 and #365-015, and for the period beginning retroactively on February 11, 1997, for account #365-005, and continuing until December 31, 1997, the rate shall be \$2.18 PTG. For the period beginning January 1, 1998 and continuing until June 30, 1998, the rate shall be \$2.02 PTG.

2. The parties agree to negotiate in good faith for the rate for the period beginning July 1, 1998, and continuing until December 31, 1998.

3. The parties agree to continue negotiations in good faith to reach agreement on the method of calculating the rate and related issues, to be incorporated in an amendment or restatement of the Contract.

4. This Agreement supersedes and replaces the method of rate calculation for the base rate contained in section 1.B. of the Contract.

5. Federal Heights hereby waives the requirement of notice from Westminster for the rate to become effective on January 1, 1998.

6. All other provisions of the Contract shall remain in full force and effect.

7. This Agreement shall be valid until December 31, 1998.

**CITY OF WESTMINSTER**

**CITY OF FEDERAL HEIGHTS**

\_\_\_\_\_  
Nancy M. Heil  
Mayor Mayor

\_\_\_\_\_

Attest: Attest:

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

\_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_  
City Attorney City Attorney

\_\_\_\_\_

**Date:** December 15, 1997

**Subject:** Semper Water Treatment Facility Rehabilitation

**Prepared by:** Ron Hellbusch, Director of Public Works and Utilities  
Allen Moles, Utilities Project Engineer

### **Introduction**

City Council action is requested to transfer \$785,631 from the existing Semper Water Treatment Facility Expansion to the Semper Water Treatment Facility Rehabilitation CIP Account for expenses related to repair and make operational the new High Service Pump Station and the Bulk Chemical Building.

Secondly, City Council is requested to authorize the City Manager to negotiate contracts with CH2M Hill, Engineers, and Restruction Corporation for the design and construction of the repairs to the masonry walls for the High Service Pump Station and the Bulk Chemical Building. Thirdly, City Council is requested to authorize the City Attorney to sign an additional services contract with Robert B. Douglas for continuing special legal services related to this project through trial.

### **Summary**

The amount of retainage funds remaining in the Semper Water Treatment Facility Expansion contract with Centric/Jones is \$785,631. City Staff and special consultants have uncovered several problems with the High Service Pump Station, Clearwell, Chlorine Storage Room, and heating and ventilating system for the Bulk Chemical Building. The \$785,631 retainage funds will be used to pay a part of the costs associated with repairing the defects with the masonry. The City Attorney's Office has obtained a legal opinion from outside Counsel and has stated that this transfer is appropriate and that the City can use the retainage funds for the items described above.

Staff is requesting authorization for the City Manager to waive the bidding process and negotiate a contract with CH2M Hill, Engineers, for the design of the repairs to the masonry walls of the High Service Pump Station and the Chlorine Storage Room and the evaluation of the ventilation system for the Bulk Chemical Building. The estimated cost of the design and evaluation contract will not exceed \$60,000.

Additional authorization is requested for the City Manager to negotiate a contract with Restruction Corporation for the construction of the repairs to the masonry walls of the High Service Pump Station and the Chlorine Storage Room. This work will be done on a time-and-material basis. At the present time, the estimated cost of construction is not expected to exceed \$510,000.

This scope of work is time sensitive and the City is under a tight timeline to accomplish the work and have the facility ready for the high demand season in 1998.

The City has in the past worked with CH2M Hill, Engineers, and Restruction Corporation when there were construction problems at City Hall. CH2M Hill, Engineers, as well as Restruction Corporation did the repairs that were not satisfactorily completed by the prior contractor.

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

### **Staff Recommendation**

Authorize the transfer of \$785,631 from the existing Semper Water Treatment Facility Expansion Capital Improvement Project (CIP) Account to the Semper Water Treatment Facility Rehabilitation CIP Account; Authorize the City Manager to negotiate a contract with CH2M Hill, Engineers, for the design of the repairs to the masonry walls of the High Service Pump Station and Chlorine Storage Room masonry walls; and evaluation of the ventilation system for the Bulk Chemical Feed Building; Authorize the City Manager to negotiate a contract with Restruction Corporation for the construction of the repairs to the masonry walls for the High Service Pump Station and the Chlorine Storage Room that will be designed by CH2M Hill, Engineers and charge the expenses to the appropriate capital project account in the Utility Fund; and Authorize the City Attorney to execute an additional contract for legal services with Robert B. Douglas in an amount not to exceed \$215,000 for legal services through trial and charge the expenses to the appropriate capital project account in the Utility Fund.

### **Background Information**

The High Service Pump Station is a critical facility used for pumping water from the Semper Water Treatment Facility to the potable water distribution system. Without the High Service Pump Station in service, the City will not be able to utilize the expanded Facility capacity and provide sufficient water to meet the 1998 summer demands of the distribution system.

Inspections of the masonry walls and a review of the reinforcing shop drawings for the High Service Pump Station and the Chlorine Storage Room by the City's Staff and the City's special consultants has determined that the masonry walls cannot safely support their design loads and, therefore, must be repaired and replaced.

In the Chlorine Storage Room of the Bulk Chemical Building, the hoist system used to move the 4,000 pound chlorine containers is not safely attached to the masonry walls. At the present time, the room has been made temporarily safe for Facility Staff to enter and operate the hoist by the installation of a supplemental support system.

Furthermore, the ventilation system is not operating properly in the Ammonia Storage room of the Bulk Chemical Building, thereby potentially allowing dangerous concentrations of ammonia fumes to occur in the room. The ammonia fume concentration has been measured as high as 250 parts per million, with an allowed limit of 35 parts per million. Because the ventilation system is not operating properly, Facility Staff has been directed to wear supplemental breathing equipment in order to enter the room for routine maintenance and inspection of the equipment.

The \$785,631 is the retainage amount remaining in the Semper Water Treatment Facility Expansion contract with Centric/Jones, because the City has terminated its contract with Centric/Jones.

The retainage amount remaining in the contract consists of 5 percent of construction costs that has been withheld from the construction contract; money to pay for work that Centric/Jones did not complete; and money to pay for work that was completed by Centric/Jones, but the City did not pay for on advice from the City Attorney's Office. The City Attorney's Office has obtained a legal opinion from outside Counsel and has stated that this transfer is appropriate and that the City can use the retainage funds for repair and restoration purposes. These funds will be used to offset some of the costs associated with removing and rebuilding the masonry walls of the High Service Pump Station, the costs associated with repairing of the masonry walls of the Chlorine Storage Room wall, the cost of the City's special consultants, and the cost for having an evaluation of the heating and ventilating system of the Bulk Chemical Building performed.

The requested contract with CH2M Hill, Engineers, will be for design of the repairs to the masonry walls at the High Service Pump Station and Chlorine Storage room and the evaluation of the ventilation system for the Bulk Chemical Building. The estimated cost of the design and evaluation contract will not exceed \$60,000.

CH2M Hill, Engineers, has already performed a preliminary inspection of the masonry walls of the High Service Pump Station and the Chlorine Storage Room. They agree that the masonry walls of the High Service Pump Station should be removed all the way to the foundation and reinstalled with a new design. Also, CH2M Hill, Engineers, agrees that a different design should be used for the attachment of the Chlorine Storage Room hoist to the masonry walls. CH2M Hill further agrees that the ventilation system for the Ammonia Feed Room is not correct nor safe and needs to be evaluated. Because of the several different types of chemicals that are stored in this facility, CH2M Hill has indicated that an analysis of the entire ventilation system should be performed. CH2M Hill has indicated that they are willing to perform this analysis.

Finally, the proposed contract with Restruction Corporation will be for the demolition of the existing masonry walls and the construction of new masonry walls capable of carrying the design loads for the High Service Pump Station and construction of the modifications designed by CH2M Hill, Engineers, to Chlorine Storage Room masonry walls. This work will be done on a time-and-material basis and the estimated cost of construction is expected to exceed \$510,000.

The continued special legal services agreement with Robert B. Douglas is needed because of the continuation of the construction difficulties associated with the New High Service Pump Station, the Bulk Chemical Storage Building and the new Clearwell. The value of all of the construction is in excess of \$2 million and it is unfortunate, but necessary to resort to litigation to protect the City's interest with regard to these serious construction problems.

The \$215,000 estimate is the maximum expected to be needed through trial.

Respectfully submitted,

William M. Christopher  
City Manager

**Date:** December 15, 1997  
**Subject:** Resolution No. re Revisions to Council Rules and Procedures  
**Prepared by:** Michele Kelley, City Clerk

### **Introduction**

City Council action is requested on the attached Resolution which amends the City's public hearing procedures on land use matters.

### **Summary**

City Council previously indicated its desire to revise the City's public hearing procedures on land use matters. The City's existing procedures have worked quite well over a relatively long period of time and are "time tested." The exception has been the "categories" of opportunities to speak at a land use public hearing.

The changes being recommended pertain to the section on persons wishing to speak at the public hearing either to ask questions or speaking either in favor or in opposition. This amendment combines all citizens speaking into one category. This procedure also directs the public on the procedure when approaching the podium to state their name and address for the record and to direct all questions to the Chair.

### **Staff Recommendation**

Adopt Resolution No. revising the Council Rules and Procedures pertaining to public hearing procedures and other housekeeping changes.

### **Background Information**

The Public Hearing procedures to the Rules and Procedures was previously amended in February 1995 to reflect several reorganizational changes. The proposed changes do not represent any substantive change to the current hearing procedures, and will help clarify the procedures for the public.

Other miscellaneous revisions have been included that fall under "housekeeping" changes.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

## RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997 \_\_\_\_\_

### A RESOLUTION AMENDING THE COUNCIL RULES AND PROCEDURES PERTAINING TO PUBLIC HEARING PROCEDURES ON LAND USE MATTERS AND OTHER SPECIFIC SECTIONS

WHEREAS, Chapter VII of the City Charter provides for the procedure and miscellaneous powers and duties of the City Council; and

WHEREAS, The City Council is entrusted with conducting the business of the City in a manner which will be most advantageous to the citizens and voters thereof.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster, hereby adopts the following revision to the Council Rules and Regulations Governing the Conduct of all its meetings.

#### **PART I - COUNCIL MEETINGS**

**2. SPECIAL MEETINGS: (CITY CHARTER SECTION 7.2 - 7.3)** Special Meetings shall be called by the Clerk on the written request of the Mayor, or any two (2) members of the Council, OR BY MOTION OF THE COUNCIL DURING A COUNCIL MEETING. The City Clerk shall prepare a notice of the special session, stating time, place and ~~object~~ TOPIC and this notice shall be served personally upon each member of the Council, and other officers of the City as specified, or left at their usual places of residence, at least twenty-four (24) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately, on written request, to make diligent effort to notify each member of the Council and other persons specified in person, either by telephone or otherwise. Special Meetings may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto and all the members absent file their written consent.

#### **PART II - COUNCIL PROCEDURE**

##### **2. AGENDA PROCEDURES:**

A. On the ~~Friday~~ THURSDAY before each regular Council Meeting, the City Clerk shall cause to be given to each Council member:

1. An itemized copy of the agenda of the meeting, stating therein each matter to be discussed or debated by the Council by title, description and/or synopsis.
2. A copy in its latest form or edition of each ordinance, resolution, order or other written or printed document to be presented at the meeting.
3. A written memorandum on each item appearing on the Agenda, which provides background information and analysis INCLUDING ALTERNATIVE ACTIONS WHEN APPLICABLE, submitted by the City Manager including recommendations to City Council when applicable.
4. A copy of the minutes of the previous meeting(S).

B. Before each regular meeting, the City Clerk shall make available at ~~the~~ City Hall a copy of the agenda for that meeting, and a copy of all AGENDA ITEM MEMORANDA, ordinances, resolutions or other documents mentioned thereon FOR PUBLIC REVIEW.

C. Any City Official, City Employee, City Board or Commission or member thereof desiring to bring a matter before the Council shall be required to file the same with the City Clerk by 1:00 P.M. on the ~~Thursday~~ TUESDAY prior to the meeting. THIS PROCEDURE DOES NOT IN ANY WAY NEGATE THE OPPORTUNITY FOR ANY OF THE ABOVE LISTED INDIVIDUALS TO SPEAK AT THE CITY COUNCIL MEETING.

Any matter not so presented shall be the last order of business unless it is determined by the Mayor to be an emergency in which case it shall be included with the proper item of business on the agenda.

D. Citizens Communication: Although written notification of a citizen's intent to speak is not required, citizens may submit informational material. Copies of this material must be received by the City Clerk before 5:00 P.M. ~~Thursday~~ TUESDAY prior to the Council Meeting if it is to be distributed with City Council Agenda Packets and listed on the agenda. Citizens listed on the agenda under ~~4~~ 5. Citizens Communication" will be allowed a maximum of five minutes to speak. Citizens wanting to make a presentation of more than five minutes and citizens not listed on the agenda will be allowed to speak under "~~4~~ 12. Citizen Communication and Miscellaneous Business".

E. Consent Agenda:

1. The City Manager shall determine those items to be included on the consent agenda but these items shall be limited to the renewal of existing licenses and permits and authorizations for purchases of a routine nature where the purchase has been budgeted and all normal bidding requirements have been satisfied; ~~and appointments to Boards and Commissions with prior concurrence of Council.~~

2. All Councillor's Bills which City Council passed unanimously on first reading shall be listed as part of the Consent Agenda for consideration on second reading. If for any reason the Councillor's Bill is to be removed from the Consent Agenda, it shall necessitate a "yes" and "no" vote by the City Council.

3. Prior to accepting a motion for the adoption of the consent agenda, the Mayor shall ask the Council if they wish to discuss and/or vote on any consent agenda item separately. The Mayor shall also ask if anyone in the audience would like to discuss an item that has been included on the consent agenda. An item shall be taken off the consent agenda upon the request of any Council member ~~reflecting the desire of the Council member~~ or the request of a member of the audience.

~~4-~~ The rest of the consent agenda will then be adopted with A SINGLE ~~one~~ motion AND ~~one~~ vote process. If the vote is not unanimous, each item shall be voted on separately. Items taken off the consent agenda will be acted on after the consent agenda has been adjusted and approved. The removed item(s) will THEN be considered AS THE NEXT ITEM ~~under the New Business portion~~ of the agenda.

#### PART IV - PRESIDING OFFICER

1. **THE MAYOR:** (CITY CHARTER SECTION 4.4) The Mayor, or in THE MAYOR'S ~~his~~ absence, the Mayor Pro-Tem shall take the chair at the hour appointed for the Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present.

~~The Mayor shall be elected at the first regular meeting following the City election for Councilmen. This shall be the first order of business after the new Councilmen are sworn in and it shall be by secret ballot without nomination. In case of a tie, the City Manager, who shall preside until the election of the Mayor, will disclose the names of the tied contestants and another ballot shall be taken. Until one person has received a majority, successive ballots will be taken. In the absence of the City Manager, the City Clerk shall act as temporary chairman.~~

**2. MAYOR PRO-TEM: (CITY CHARTER SECTION 4.4)** The Council shall ~~also~~ choose one of its members as Mayor Pro-Tem FOR A TWO YEAR TERM. ~~who shall be selected in the same manner as the Mayor.~~ THIS SHALL BE THE FIRST ORDER OF BUSINESS AFTER THE NEW COUNCILLORS ARE SWORN INTO OFFICE AND IT SHALL BE BY SECRET BALLOT WITHOUT NOMINATION. IN CASE OF A TIE VOTE, THE MAYOR WILL DISCLOSE THE NAMES OF THE TIED CANDIDATES AND ANOTHER BALLOT SHALL BE TAKEN, UNTIL ONE PERSON HAS RECEIVED A MAJORITY, SECESSIVE BALLOTS WILL BE TAKEN. THE MAYOR PRO TEM ~~He~~ shall serve as Mayor during the absence or disability of the Mayor, and, in case of vacancy in the office of Mayor. ~~pending the selection of a successor at the first regular meeting following such vacancy.~~

## PART VII - MISCELLANEOUS

**1. THE COUNCIL CHAMBERS:** The Council Chambers shall be under the supervision and control of the City Clerk when Council is not in the session. It shall be used solely for the transaction of public business of the City; or as authorized within the intent of Council policy on the use of the Council Chambers AS ADOPTED BY RESOLUTION.

**2. BOARDS AND COMMISSIONS:** The City Council shall receive copies of the minutes of all meetings of City Boards and Commissions ~~of the City Council~~ upon request.

### **22. 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 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 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 the public notice as published in newspaper, all applicable 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) presents slides and describes 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 the 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.

THE FOLLOWING STATEMENT SHALL BE READ BY THE CHAIR AT THE OUTSET OF THE PUBLIC HEARING:

WE WELCOME YOUR INPUT. BECAUSE WE WILL STRIVE TO PROCEED THROUGH THE PUBLIC HEARING IN A TIMELY MANNER, WE REQUIRE THAT ALL PERSONS OBSERVE THE FOLLOWING RULES WITH RESPECT TO COMMENTS AND TESTIMONY:

WHEN YOU ARE RECOGNIZED TO SPEAK, APPROACH THE PODIUM, STATE YOUR NAME AND ADDRESS FOR THE RECORD. ALL COMMENTS AND TESTIMONY SHALL BE MADE FROM THE PODIUM, NO COMMENTS OR TESTIMONY SHALL BE SHOUTED FROM THE AUDIENCE.

COMMENTS AND TESTIMONY ARE TO BE DIRECTED TO THE MAYOR. DIALOGUE AND INQUIRIES FROM THE PERSON AT THE PODIUM TO MEMBERS OF STAFF OR THE SEATED AUDIENCE IS NOT PERMITTED. INQUIRIES WHICH REQUIRE STAFF RESPONSE WILL BE REFERRED TO STAFF BY THE MAYOR THROUGH THE CITY MANAGER.

IT IS OUR DESIRE TO GIVE EVERYONE AN OPPORTUNITY TO SPEAK AND BE HEARD IN A TIMELY MANNER AND WITHIN AN ATMOSPHERE OF RESPECT AND DIPLOMACY. THESE RULES ARE MEANT TO FOSTER THAT ATMOSPHERE. THANK YOU FOR YOUR COOPERATION, AND WE LOOK FORWARD TO HEARING YOUR COMMENTS.

**23. NON-LAND USE PUBLIC HEARINGS, THE FOLLOWING RULES SHALL APPLY:**

Persons wishing to speak may do so whether in favor or opposed. No specified order of those in favor or in opposition will be used.

The presiding officer shall conduct the hearing in such manner as to provide for freedom of speech and expression of opinion of all persons speaking, subject only to the limits of courtesy and respect to other persons and their opinion as long as the subject is related to the public hearing notwithstanding the presiding officer has the authority to limit debate to a reasonable length of time to be equal for both positions.

Any person speaking may be questioned by members of Council or by the City Administration.

The presiding officer shall rule upon all disputed matters of procedure, unless, on motion duly made, he is overruled by a majority vote of Council members present.

**24. APPOINTMENTS MADE BY COUNCIL:**

Positions on Boards and Commission shall be appointed by Council from applicants who have completed the appropriate application form and interview process. Appointments shall be reviewed by Council at a Study Session or post-meeting and then acted upon as part of the ~~consent~~ agenda at the next City Council meeting with a RESOLUTION DRAFTED ~~recommendation~~ as referred by the interview team for the specific Board vacancy.

VACANT Positions on THE CITY Council shall be appointed by Council from applicants who have completed the appropriate application form and interview process. Appointments shall be by written ballot unless this method is suspended by unanimous Council vote. A majority vote is necessary to an appointment. If no single applicant obtains a majority vote after the first ballot, all persons receiving no votes, and the person receiving the smallest number of votes will be removed from nomination. This process will be repeated after each ballot until a majority vote is received by one applicant.

**25. PROCEDURES TO FILL VACANCIES ON CITY ADVISORY BOARDS AND COMMISSIONS:**

1. City Council shall from time to time schedule interviews of all interested Westminster citizens who are eligible and interested in serving on the various City Advisory Boards and Commissions. Interested citizens are to complete a standard application form provided by the City with the citizen indicating his/her TOP THREE preference(s) of ~~which~~ boards and commissions he/she wishes to be considered for appointment. ~~The applicant will be required to provide a recent photograph along with the completed application form.~~

2. City Council shall set a deadline for receiving said applications with said deadline to be published in the appropriate newspapers AND CITY PUBLICATIONS. An interview schedule will be ~~published~~ ESTABLISHED with the Council conducting individual interviews. The interview schedule will be formulated to provide for an efficient approach to achieving the desired interviews.

3. Said applications will be placed on file with the City Clerk and will be considered for a period of one year. These applications will provide a "pool" of applicants for City Council's consideration whenever a vacancy takes place on the Advisory Boards and Commissions.

4. All applicants will be contacted at the end of each cycle to determine if they are interested in having their name considered for vacancies which might occur during the next cycle period.

5. THE CITY COUNCIL SHALL UTILIZE A ROTATION PLAN INVOLVING APPOINTED BOARD AND COMMISSION MEMBERS TO ASSURE A VARIETY OF PERSPECTIVES AND ALLOW AS MANY INTERESTED CITIZENS TO PARTICIPATE IN SERVING ON CITY ADVISORY BOARDS/COMMISSIONS.

PASSED AND ADOPTED THIS 15TH day of DECEMBER, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** December 15, 1997  
**Subject:** Financial Report for November 1997  
**Prepared by:** Mary Ann Parrot, Finance Director

### **Introduction**

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

### **Summary**

There are three sections to the attached report:

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

General Fund revenues represent 88% of the total budget estimate while General Fund expenditures and encumbrances represent 87% of the 1997 appropriation.

Utility Fund revenues represent 80% of the total budget estimate. Utility Fund expenditures and encumbrances represent 83% of the 1997 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment. Of the total budget increase of \$15.1 million between 1996 and 1997, \$13.2 million is due to the Reclaimed Water Project of 1997 and the bonded loan through Colorado Water Power Authority. Appropriations rose from \$21.962 million to \$25.562 million due to the carryover of \$3.6 million, which was subsequently loaned to WEDA.

The Sales and Use Tax Fund revenues represent 93% of the total budget estimate, while expenditures and encumbrances in that fund represent 84% of the 1997 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 6% from the same period last year and increased 6% year-to-date.

The Open Space Fund revenues represent 122% of the total budget estimate while expenditures and encumbrances in that fund represent 81% of the 1997 appropriation. In March, the City issued \$23,350,000 in bonds; \$12,000,000 was allocated for open space land purchases which will be spent later in 1997 - 1998.

The Golf Course Fund operating revenues represent 84% of the total budget estimate while operating expenditures and encumbrances in that fund represent 69% of the 1997 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures. In March, a portion of the 1992 Sales & Use Tax Revenue bonds were refunded. A portion of those bonds were used to finance construction of Legacy Ridge. The large revenue and expense is the golf course's portion of bond proceeds which were, in turn, expensed to the escrow agent for refunding.

Theoretically, 91% of revenues and expenditures should be realized after eleven months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

**Staff Recommendation**

Accept the report as presented.

**Background Information**

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

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

**Date:** December 15, 1997

**Subject:** Resolution No. re Selective Increased Traffic Fines

**Prepared by:** Bill Christopher, City Manager

### **Introduction**

The attached resolution has been prepared for City Council's action regarding the implementation of increased traffic fines in two specific areas. The fine increases pertain to motorists who run red traffic signal lights at intersections as well as speeders who are apprehended in designated school zones.

### **Summary**

There is an evolving problem nationwide pertaining to more aggressive driving habits by motorists which compromises the safety of other motorists as well as pedestrians. With the lack of photo radar being available as a tool in Colorado to address speeding motorists and red light violators, other means are warranted to help mitigate this trend and achieve safer streets for the public.

City Council previously directed staff to prepare the necessary Council action to show support for increasing traffic fines for red light violators as well as speeding violators in designated school zones. The minimum fine would become \$100 with a mandatory court appearance in both situations. Presiding Judge John Stipech has also implemented these "beefed up" fines effective January 2, 1998.

In order to send a clear message to the motoring public that Westminster is taking a hard stand in these situations, the attached Resolution is recommended.

### **Staff Recommendation**

Adopt Resolution No. which sets forth a minimum \$100 fine for red light violators and speeders who are apprehended in designated schools zones.

### **Background Information**

Westminster and the Denver Metropolitan area have not only experienced increase traffic volumes but more aggressive driving habits by some of the motoring public. The aggressive driving patterns in turn can compromise the safety of other motorist as well as pedestrians. A growing trend has been observed of more people running red lights. Rather than slowing down on a yellow light and coming to a stop before the red light, more drivers are speeding up to try and beat the red light. However, as is often the case, the motorist enters the intersection with a red light signal already displayed. Such a tendency invites major vehicular accidents as well as jeopardizing pedestrians in the area.

In the case of the speeding violations in posted schools zones, the safety of school children as well as crossing guards is compromised.

In order to get the attention of motorists that pass through a school zone, some stronger deterrent is warranted. Given the limited options for municipalities to address this concern, the increased fines and mandatory court appearance are recommended.

Currently, the red light violation fine is \$60 and the school zone speeding violation fine varies from \$30 to \$90.

If photo radar was available under a viable set of conditions, both of these described situations could be effectively addressed. While the City Council is supportive of modified State legislation which would allow limited photo radar applications in the case of both red light violations and school zones, it remains to be seen if such legislation will be achieved in this up coming session of the State Legislative. In the meantime, action is requested.

Alternatives to the recommended approach are limited. Council could maintain the status quo by not implementing the increased fines. However, it is thought that this would leave the community where it currently is with the problems already described.

Another alternative would be to mandate yet higher fines than the recommended level. The recommended approach calls for a minimum of a \$100 fine and leaves the discretion to the Municipal Court Judge on a case by case basis. Staff would recommend using this approach rather than setting an automatic higher fine than the minimum \$100 at least at the outset of this enforcement program.

Finally, mandatory community service could be implemented for convicted violators along with the fines and mandatory court appearance.

If City Council adopts the attached Resolution, increased enforcement in the field will be necessary. It is the City Administration's assessment that adequate level of personnel is provided in the 1998 budget to implement the enforcement component of the increased fines.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

\_\_\_\_\_

A RESOLUTION IN SUPPORT OF INCREASING FINES FOR SCHOOL ZONE  
AND RED LIGHT VIOLATIONS

WHEREAS, the City Council finds that speeding in school zones and running red lights are severe traffic violations justifying special penalties in order to articulate City Council's goal of conveying to the public the seriousness of such violations; and

WHEREAS, City Council has previously requested the Municipal Court to amend the Court's Order setting forth the fine schedule to establish a mandatory minimum fine of \$100 for these type of violations; and

WHEREAS, the Municipal Court has established such mandatory minimum fines.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that City Council hereby finds, determines, affirms and ratifies its previous decision that speed violations in school zones and red light violations shall be punishable by a mandatory minimum fine of \$100 and further that such violations shall be subject to a mandatory court appearance.

BE IT RESOLVED FURTHER that nothing in this resolution shall preclude the Court from imposing such higher fines or other penalties as may be allowed by law.

Passed and adopted this 15th day of December, 1997.

ATTEST:

\_\_\_\_\_  
Mayor

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