



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: March 29, 2006

SUBJECT: Study Session Agenda for April 3, 2006

PREPARED BY: J. Brent McFall, City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

The April 3, 2006 Study Session will take place in the Multi Purpose Room located on the lower level of City Hall.

A light dinner will be served in the Council Family Room

6:00 P.M.

CONSENT AGENDA

None at this time.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

PRESENTATIONS

6:30 P.M.

1. Briefing with Boards and Commission Chairs and Vice Chairs
2. Revised Design Guidelines for Traditional Mixed Use Neighborhood Development
3. Mitigation of Water Quality Impacts to Standley Lake from Future Development (Attachment)

EXECUTIVE SESSION

1. Discuss strategy and progress on potential sale, acquisition, trade or exchange of certain water rights and the City's position relative thereto, pursuant to WMC 1-11-3 (C)(2) and 1-11-3 (C)(7)
2. Discuss strategy and progress on potential sale, acquisition, trade or exchange of certain City owned real property and the City's position relative thereto, pursuant to WMC 1-11-3 (C)(2) VERBAL

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
April 3, 2006



SUBJECT: Council Briefing with Chairs and Vice-Chairs of the City's Boards and Commissions

PREPARED BY: Mary Joy Barajas, Executive Secretary

Recommended City Council Action:

Meet with the Chairs and Vice-Chairs from the various Boards and Commissions.

Summary Statement

- After City Council's Board and Commission interview sessions on February 23 and 24, 2006, City Council directed staff to schedule a briefing with the Chair and Vice-Chair from each of the City's 14 Boards and Commissions.
- City Council requested this briefing to meet face-to-face with the leaders of each of the boards or commissions to discuss any concerns, suggestions or observations.
- Staff scheduled this briefing for the April 3 Study Session and has contacted the Chair and Vice-chair from each board to request their attendance.
- As of the drafting of this Staff Report, Staff has received confirmation from 12 of the Boards or Commissions that the Chair and/or Vice-Chair will be in attendance.
- The briefing will be held in the Multi Purpose Room in the basement of City Hall to accommodate the Board and Commission representatives.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified.

Alternative

None identified.

Background Information

City Council has requested the Chairs and Vice-chairs of the City’s advisory Boards and Commissions to attend a briefing with Council. Staff has schedule this briefing for the April 3, 2006 Study Session at 6:30pm.

Staff has attached a copy of the “Boards and Commission – General Information” document to provide background information. At the time this staff report was created, Staff had received confirmation that there will be representation of 12 of the Boards and Commissions at this scheduled briefing.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER

BOARDS AND COMMISSION – GENERAL INFORMATION

APPOINTMENT OF MEMBERS; TERMS:

To be eligible for appointment to a Board, a person must be a resident of the City for at least one year immediately prior to the date of appointment and be a registered elector of the City on the date of appointment and throughout the appointee's tenure in office.

No person appointed to a Board shall hold other City of Westminster office either appointive or elective during his term of service on the Board.

Each regular and alternate member is appointed by majority vote of City Council for a term of two (2) years. All terms expire on December 31 and terms are staggered. Any vacancy which occurs prior to the end of a term shall be filled by Council within forty-five (45) days after the vacancy occurs, and the appointee shall complete the term of the member or alternate member whose term became vacant.

COMPENSATION:

All Board and Commission members serve without compensation.

City Council recognizes Board and Commission members' contributions of their time by providing gift certificates or similar recognition to members.

Occasionally, complimentary tickets are forwarded to the Board and Commission members for various events occurring in the City.

CHAIRPERSON AND VICE CHAIR OF BOARD:

Biennially, at its first regular meeting of each odd-numbered year, each Board will elect one of its members to be Chairperson and one of its members to be vice chair, each for a term of two years. In the event either position becomes vacant before the end of the term, the Board shall elect a regular member to serve as acting Chairperson or Vice Chair until the end of the term. No member shall be eligible for election as Chairperson or Vice Chair unless that member has previously served at least one year as a member of the Board provided, however, that if no member is so eligible, the Board shall elect the member it deems best qualified. This section shall not apply to the Election Commission.

ROLE OF ALTERNATES:

The alternate members of the Board shall endeavor, to follow the same rules of conduct as regular members. The alternate members of the Board shall attend the meetings of the Board and shall have all of the rights and powers of the regular members; except that, the alternate member shall not vote or otherwise participate in a matter before the Board unless fewer than all regular members are in attendance at the meeting. If the alternate member attends a meeting in a voting capacity, and the public hearing on a matter is continued, the alternate member shall vote on the matter unless the regular member whose place was taken by the alternate listens to the tape of the prior public hearing, reviews the exhibits, and has become familiar with the matter before the Board. If a different regular member is absent at the hearing to which the public meeting has been continued, the alternate may vote on the matter in the absent member's place. The alternate may not vote on a matter in which the public hearing has been continued unless the alternate has listened to the tape of the prior public hearing, reviews the exhibits, and has become familiar with the matter before the Board.

VACANCIES OF OFFICE:

The office of any member of any Board shall be declared vacant by the City Council:

- For any reason specified by Statute or by City Charter as creating a vacancy in office;
- If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of the City Charter.
- If such officer shall miss four (4) consecutive regular meeting of such Board, or twenty-five (25) percent of such meetings in any fiscal year of the City, unless such absences shall be excused by such Board at the time of each absence.
- If the officer is removed from office by the City Council in accordance with the provisions of Section 2-1-5.

REMOVAL OF MEMBERS:

Members of any Board may be removed from office for any reason specified by Statute for removal of City officers or for any act declared by the City Charter to constitute misconduct in office or to create a vacancy. Alternate members may be removed from office without cause.

CONDUCT OF MEETINGS:

The Boards of the City shall conduct closed executive sessions pursuant to the standards adopted in 1-11-3(C), (D), (E), and (F) of this Code, and only for the purposes stated therein. No final action may be taken in a closed executive session.

Notice to the public of the meetings of Boards shall be given as may be required by the individual by-laws adopted by each Board.

Any Board which conducts a public hearing shall record such hearing electronically. A written transcription of the record shall be made upon the request of any person and payment in advance of the estimated cost of production of the transcript. The action of a Board shall not be invalidated by any mechanical or other malfunction in the recording process.

No member of a Board shall vote on any question in which he has a conflict of interest, other than the common public interest. On all other questions put to vote, each member who is present shall vote either “yes” or “no”, unless excused by the unanimous consent of the remaining members present. Application to be excused from voting must be made before the vote is called by the presiding officer. The member shall briefly state the reason for his request to be excused and the decision thereon shall be made without debate.

LEGAL ADVISOR: Any Board, upon request, may be represented by the City Attorney's office.

ATTENDANCE

DEFINITION: For the purposes of City Charter Section 5.3 concerning vacancies in Board and Commission offices, whether an absence is “excused” or “unexcused” shall be determined as follows:

EXCUSED ABSENCE – An absence may be excused in instances of family emergency, work related commitments, medical necessity or vacation outside of the Denver metropolitan area involving the Board/Commission member.

UNEXCUSED ABSENCE – An absence will be defined as “unexcused” when no prior notification is provided to the chair or Staff liaison. An absence can also be deemed unexcused when notification is provided to the chair of Staff liaison, but the reason for absence does not meet the requirements of an excused absence. An absence is unexcused when it is not related to the instances of family emergency, work related commitments, medical necessity or vacation outside of the Denver metropolitan area involving the Board/Commission member.

In order for an absence from a meeting to be termed “excused” the member shall provide notification to the chair or Staff liaison, by telephone or in written form, at least twenty four hours in advance of any regular or special meeting. Such notification may be excused by the chair, only in extenuating circumstances, which shall be considered on a case by case basis. The member will be required to provide a reason for the requested absence, which will be reviewed by the chair and declared at the meeting as an excused or unexcused absence by the chair. Upon motion by any unaffected member of the Board, at the same or next following meeting, the decision of the chair as to whether the absence is excused or unexcused, may be reviewed and either sustained or overturned by a vote of the entire Board. A record of this decision shall be made in the minutes of the meeting.

Alternate members are encouraged to attend the meetings on a regular basis. This is a good way for the alternate member to become familiar with the scope of duties of the Board as well as being available for a quorum if there are not sufficient regular members in attendance.



WESTMINSTER

Staff Report

City Council Study Session Meeting
April 3, 2006



SUBJECT: Revised Design Guidelines for Traditional Mixed Use Neighborhood Development (TMUND)

PREPARED BY: John Quinn, Planner II

Recommended City Council Action:

Direct Staff to prepare a resolution for adoption by City Council on May 8, 2006, regarding the revised Traditional Mixed Use Neighborhood Development (TMUND) guidelines.

Summary Statement

- The City of Westminster adopted the current Traditional Mixed Use Neighborhood Development (TMUND) guidelines on September 27, 1999. The revised design guidelines for TMUNDS as proposed reflect changes based on Staff's experience with the Bradburn development and field visits to other similar projects in the Denver Metro area, and comments from the Architectural/Urban Design firms that participated in the review. The reformatting of the guidelines has been done to make the document easier to understand. The Background section of this memorandum includes a summary of the proposed revisions to the Design Guidelines for TMUNDS. A copy of the existing guidelines with proposed changes shown in italics is attached.
- The proposed guidelines provide development standards for new TMUND developments.
- The Planning Staff reviewed the proposed revisions to the Design Guidelines for TMUND projects with the Planning Commission at their March 14, 2006 meeting. The Planning Commission approved a motion to recommend City Council approve the revised Design Guidelines for Traditional Mixed Use Neighborhood Development (TMUND) with the additional recommendation that wood fencing be prohibited within TMUND developments.
- City Staff will review the proposed revisions with the City Council at their April 3, 2006 Study Session. The proposed revisions to the Design Guidelines for TMUND projects are tentatively scheduled for City Council adoption on May 8, 2006.
- The revised guidelines draft was sent out to the Denver Metro Homebuilders Association and no comments were received.

Expenditure Required: \$0

Source of Funds: N/A

Background Information

City Council adopted the guidelines by Resolution on September 27, 1999.

The first development project to use the TMUND Guidelines was Bradburn developed by Continuum Partners LLC on the south side of 120th Avenue west of Lowell Boulevard. This project has served as a working case study in how new urbanism projects function and the problems that can occur once a project is in place. The proposed changes to the TMUND guidelines are based on lessons learned during the development of Bradburn and field visits to other similar projects in the Denver Metro area.

Summary of Proposed Revisions

The changes listed below summarize the major points of revision to the existing guidelines. (See specified pages in the attached TMUND guidelines.)

Page 11 and 12

The developer is required to provide 3.5 to 5% of the developable land for private parks for his project. The guidelines now specify the types of recreational facilities that have to be provided in the private parks based on the number of dwelling units within the project. These criteria were not in the previous guidelines. Bradburn incorporates about 4.33 percent private parks and private open space. Also, the City's single-family design guidelines have a similar private park guideline.

Page 15

Trash enclosures are required to be constructed of the same materials as the main buildings and must have metal gates. Underground utilities (electrical, TV, telephone, transformers and similar service equipment) must be located in the alleys, and are prohibited in the front yards. These criteria were not in the previous guidelines.

Page 17

Building materials:

- Builders should strive to achieve a “Built Green” designation for the project.
- Masonry should be the predominant building material for commercial, townhomes, and multi-family buildings.
- Single-family homes shall have the equivalent area of 30% brick on the front of all of the individual buildings on a streetscape. Using this formula some homes on the street will have some brick on the front, some will have no brick on the front, and some homes will have brick to the top of the first floor of the home.
- These three criteria were not in the previous guidelines.

Page 20

A parking plan is required to determine the parking needs for each land use category and how the requirement will be met in the overall parking plan. Single-family detached homes require two spaces in the garage and two spaces on-site or off-site. Accessory dwelling units require an additional on-site parking space. These criteria were not in the previous guidelines.

The parking requirements in the “existing” guidelines for single-family homes stated each unit was required to have two cars parked in the garage and one on-street parking space. From observation at Bradburn and other similar projects in the metro area it is apparent that more parking was needed. The new requirement of providing two spaces in the garage and two on-site or off-site is similar to the requirement in the Design Guidelines for Single-Family Residences. The parking requirement for accessory dwelling units remains unchanged.

Page 21

Street Right of Way cross-sections are shown for four specific applications.

- The 44' cross-section is a one-way street with parking on one-side.
- The 50' cross-section is a one-way street with parking on both sides of the street, or a two-way street with parking on one-side of the street.
- The 54' cross-section permits parking on both sides of the street and two-way traffic.
- The 70' cross-section is a minor collector permitting parking on both sides of the street and two-way traffic.
- Street cross-sections were in the previous guidelines, however they provided a range of street cross-sections, sidewalk and tree lawn widths. These were continually debated by developers and City Staff and were difficult to understand.

Page 23 and 24

The sketches provide clear and concise diagrams of the design of an alley and the separation between the garage doors. Alley designs in the original Design Guidelines did not match the needs that were based on actual field experience.

Page 25

This section sets out specific lot sizes, building separation, building setbacks and porch criteria. Some of this material was in the previous Guidelines, but was scattered in several places.

Minimum lot sizes were increased based on City Staff and previous comments from New Town Builders at Bradburn concerning the difficulty of meeting open yard requirements, building setbacks and building separations between garages and living units. Porch depths were increased to eight-feet based on previous experience in the 117th Avenue development that had six-foot porch depths and a usable depth of less than five feet. This narrow depth results in a porch of limited usability. All of the porches in Bradburn are eight feet in depth.

Page 26

This section provides specific requirements for garage sizes for single-family developments in a TMUND project. These requirements assure that a garage will be a usable size for most types of vehicles and allow for some storage. The requirements are the same as those in the residential design guidelines. These were not part of the requirements in the previous Design Guidelines.

Page 27

This section was rewritten and specifically focuses on setbacks, building separations, roof and window encroachments into side yards, and private yard requirements for single-family dwelling units. Some of the material was in the existing Guidelines; however most of the material is new.

Page 29

The Townhouse and Row House Design Criteria section specifies front setbacks, lot depth, and minimum open areas between the garage and living unit and rear deck requirements. This section is new material that was added to the Design Guidelines based on experience at Bradburn.

Page 30

Parking/Garages, and Build-to-Lines, Setbacks and Building Separations are new sections added to the Design Guidelines. These sections were added based upon experiences with the Bradburn development.

Page 31

Minimum requirements for Private Yards and Fences were added to the TMUND Guidelines based on the City’s experience with Bradburn where drainage issues and the placement of air conditioning units severely limited the usability of the yard area available to the residents.

Page 33

The Parking/Garages criteria were added to the TMUND Guidelines to provide the same requirements as those found in the Design Guidelines for Multi-Family residential units.

Page 38

Signage, Build-to-Lines, and Setbacks were added to this section of the TMUND Guidelines in Commercial areas to clarify questions and issues that were raised as part of the development of the Commercial area in Bradburn. These requirements were not in the original Guidelines.

Page 41

These comments were added to include a few of the requirements found in the City’s Commercial Design Guidelines.

Nature of Request

Planning Staff is presenting to City Council the revised Design Guidelines for Traditional Mixed Use Neighborhood Development for review, discussion, and comment prior to bringing them before City Council for adoption at the City Council meeting on May 8, 2006.

Public Comment

The proposed TMUND Guidelines were sent to several Architectural/Urban Design firms and builders with experience in the “New Urbanist” field for review and comment. Several copies of the draft guidelines were sent to the Denver Metro Home Builders Association; however no comments were received from them. Redline comments from the design firms were made throughout the document and returned to Staff for consideration and possible inclusion in the final draft. Overall the comments received were favorable. However, there were some concerns regarding specific requirements. All of the comments were given consideration by Staff and some of the changes were incorporated in the preparation of the final revision of the TMUND Guidelines.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

- Revised Design Guidelines for the Traditional Mixed Use Neighborhood Development (TMUND)



WESTMINSTER

Staff Report

City Council Study Session Meeting
April 3, 2006



SUBJECT: Mitigation of Water Quality Impacts to Standley Lake from Future Development

PREPARED BY: Dan Strietelmeier P.E., Water Resources Engineering Coordinator
Mary Fabisiak, Water Quality Administrator
Mike Happe P.E., Water Resources and Treatment Manager

Recommended City Council Action

Staff will be present at the Study Session to provide an overview of a proposed agreement with Arvada to mitigate impacts from stormwater flow from future development in the Standley Lake drainage basin.

Summary Statement

- Discussions between Arvada, Jefferson County, the Standley Lake Cities of Northglenn, Thornton, and Westminster, and the Church Ditch Water Authority regarding a stormwater management plan for the area west of Standley Lake have been ongoing since the early 1990's.
- The City of Arvada has several developments proposed for the approximately 4,400 acres that drain directly to Standley Lake.
- Development of the Standley Lake drainage basin could increase pollutant loads to Standley Lake, degrading the water quality of this essential drinking water source of over 220,000 residents in the Northwest Denver Metropolitan area.
- Arvada and the Standley Lake Cities Staff have negotiated a draft agreement to mitigate the water quality impact from the proposed development through the construction of new structures in the Church Ditch that flows around the west side of Standley Lake between the lake and the proposed development.
- The proposed agreement requires Arvada and its developers to fund certain facilities totaling approximately one million dollars.
- The City of Arvada will contribute up front capital costs for Church Ditch capacity improvements and seven percent of Church Ditch Water Authority operation and maintenance annual expenses.
- The Standley Lake Cities will fund certain facilities (totaling approximately \$900,000) out of funds previously earmarked for Standley Lake water quality protection as part of the 1998

Standley Lake land purchase. These funds are currently held in escrow by the Farmers Reservoir and Irrigation Company (FRICO).

- If approved, it is anticipated the facilities would be constructed during the winter of 2006-2007.

Expenditure Required: Approximately \$900,000

Source of Funds: Escrow Fund established from 1998 Standley Lake Land Sale (currently held by FRICO)

Policy Issue

Should Westminster and the other Standley Lake Cities (Northglenn, Thornton) take proactive measures to protect Standley Lake from adverse water quality impacts from development in the direct drainage basins west of Standley Lake and move forward with the proposed agreement as worked out by Arvada, Westminster, Northglenn and Thornton Staff?

Alternative

1. The City can decide to not pursue this agreement and accept the stormwater from these new developments into Standley Lake. This alternative is not recommended as it is likely that the stormwater from this future development will have adverse water quality impacts on Standley Lake resulting in numerous issues including increased treatment costs and reduction of the quality of service provided to Westminster water customers.
2. The City can try and force Arvada and its developers to make unilateral water quality improvements through the enforcement of water quality laws and watershed protection ordinances. This alternative is not recommended as Staff has been able to avoid this conflict by negotiating a mutually beneficial agreement that is acceptable to the parties. This alternative would likely lead to expensive litigation with uncertain outcomes.

Background Information

As noted above, discussions and meetings among all the parties have been ongoing over a long period of time. The issues such as cost sharing, long term ditch maintenance, Northglenn's Watershed Protection Ordinance, and liability were difficult to resolve. With the timeframe for the impending Arvada development getting closer, all parties have been working hard to reach an agreement, addressing all outstanding issues as contained in a proposed Intergovernmental Agreement (IGA).

The proposed Church Ditch project offers significant water quality benefits from a pollutant loadings control standpoint and hazardous spill protection. Previous analysis has shown that this solution is superior to other alternatives such as in lake aeration and sedimentation ponds. The proposed solution is the most efficient, cost effective and certain solution for protecting Standley Lake water quality from these Arvada developments. The direct drainage area west of Standley Lake that Arvada is anticipating developing in the near future is the last remaining undeveloped area where significant stormwater issues impacting Standley Lake have been unresolved. Stormwater from other developed areas in Arvada that drain to the canals feeding Standley Lake have been, for the most part, bypassed due to the diligence of the canal companies and Standley Lake Cities.

This proposed project will include construction of a new Church Ditch delivery structure for Northglenn, Thornton and Westminster on the south side of Standley Lake, thereby avoiding the input of pollutants from the new developments that occur downstream of the new Church delivery structure. Construction of three stream separation facilities in the Church Ditch will allow conveyance of the stormwater around Standley Lake to the Dry Creek Valley Ditch (see attached map). The Church Ditch and Dry Creek Valley Ditch users below Standley Lake use water in the Church Ditch for irrigation. As part of the Project, the City of Arvada also agreed to require their developers to provide over-detention of stormwater in order that a two-year storm event in the drainage basin would be released at a lower rate that could be intercepted and safely carried in the Church Ditch. These "first flush" storms occur at such frequency that most of the pollutant loadings are carried in these events. Larger storm events will continue to flow over the Church Ditch and into Standley Lake.

The new structures that Arvada and its developers will be responsible for constructing include:

- Last Chance/Twin Lakes Basin Overflow Structure
- North Big Dry Creek Basin Overflow Structure
- Smart Drainage/Church Pond Overflow Structure
- Church Ditch Improvements to achieve 125 cubic feet per second capacity throughout the reach west of Standley Lake

It is estimated that the costs to Arvada and developers to construct these facilities will be approximately one million dollars.

In addition, Arvada has agreed to contribute seven percent of the Church Ditch Water Authority operating budget annually for the additional operation and maintenance required for these new structures.

The new Church Ditch delivery facilities will be funded by the Standley Lake Cities from the one million dollars earmarked for water quality protection that was set aside from FRICO's proceeds of the 1998 sale of land for recreational uses. These facilities include:

- New Church Ditch Diversion into Standley Lake located on the south side of Standley Lake
- New Church Ditch control structure on the north side of Standley Lake

These two structures are necessary for delivery of the Standley Lake Cities' Church Ditch water and to provide the Church Ditch Water Authority an emergency delivery structure to the new Standley Lake spillway. The cost estimate for the Standley Lake Cities' delivery and control structures is \$900,000, which will be covered by the FRICO escrow funds. It is not anticipated that there will be any additional out-of-pocket costs to the Standley Lake Cities.

The schedule calls for the IGA to be submitted to the City Councils of Arvada, Northglenn, Thornton, Westminster and the Church Ditch Water Authority (Northglenn, as a two-thirds member and Westminster a one-third member), in the May through June timeframe.

In addition, the Standley Lake Cities also plan to present a separate IGA to the respective City Councils at the same time that will approve the use of one million dollars from FRICO for construction of the Church Ditch delivery and control structures.

Finally, the City Councils of Northglenn and Westminster will be asked to modify the establishing contract documents for the Church Ditch Water Authority to allow for the discharge of stormwater

SUBJECT: Church Ditch Water Quality Project
April 3, 2006
Page 4

into the ditch. Currently stormwater flows under the ditch through culverts to Standley Lake. Upon completion of the new structures by Arvada and the developers, the culverts will be eliminated and this flow will be directed into Church Ditch. The Church Ditch Water Authority will continue to operate and maintain the Church Ditch, including the Project section. If approved by all parties, construction of the new facilities would be scheduled for November 2006 through March 2007.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

Church Ditch Water Quality Project

New Structure Locations

