



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council
DATE: February 25, 2015
SUBJECT: REVISED - Study Session Agenda for March 2, 2015
PREPARED BY: Don Tripp, 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:

A light dinner will be served in the Council Family Room 6:00 P.M.

CITY COUNCIL REPORTS

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

PRESENTATIONS

6:30 P.M.

1. West-Connect Corridor Coalition – Jefferson County Commissioner Rosier
2. Municipal Court 2014 Annual Report
3. 2015 Annual Comprehensive Plan Update
4. Little Dry Creek Grading Project – Recommended Award of Construction Services Contract Amendment
5. Report from January 12, 2015 City Prosecutor's Office/Court Follow-up Coordination Meeting
6. Discussion of collective bargaining ordinance and possible alternatives to hiring outside legal counsel – *Verbal*

EXECUTIVE SESSION

1. Discuss strategy and progress on negotiations related to economic development matters for the Westminster Urban Center Redevelopment, disclosure of which would seriously jeopardize the City's ability to secure the development; discuss strategy and progress on the possible sale, acquisition, trade or exchange of property rights, including future leases; and provide instruction to the City's negotiators on the same as authorized by WMC Sections 1-11-3(C)(2), (4), and (7) as well as Colorado Revised Statutes, Sections 24-6-402 (4)(a) and 24-6-402(4)(e) - *Verbal*

INFORMATION ONLY ITEMS

1. 2015 Street Cut Impact Fees

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,

Donald M. Tripp
City Manager

NOTE: Persons needing an accommodation must notify the City Manager's Office no later than noon the Thursday prior to the scheduled Study Session to allow adequate time to make arrangements. You can call [303-658-2161](tel:303-658-2161) /TTY 711 or State Relay) or write to mbarajas@cityofwestminster.us to make a reasonable accommodation request.



Staff Report

City Council Study Session Meeting
March 2, 2015



SUBJECT: West-Connect Corridor Coalition

PREPARED BY: Dave Downing, City Engineer

Recommended City Council Action

Listen to the presentation by Jefferson County Commissioner Don Rosier on the efforts of the West-Connect Corridor Coalition to identify and implement transportation solutions for the western portion of the potential beltway around the Denver-metropolitan region; and direct City staff to present the proposed Charter of the Coalition, which includes provisions for City of Westminster membership in the Coalition as an Affiliate Member, to Council for consideration during the March 16, 2015 City Council meeting.

Summary Statement

- For the past 25 or more years, various sponsors have attempted to complete the State Highway 470 circumferential loop around the Denver-metropolitan region. In virtually all of those instances, the efforts were stymied by the failure to gain a consensus from all affected jurisdictions, particularly with respect to the segment of the loop that would be located along the southern portion of State Highway 93 and US Highway 6 within the City of Golden.
- Due to the proximity of the potential beltway to the northwestern reaches of the City of Westminster, City staff has usually participated in meetings of these various sponsorship groups to serve as observers and to protect certain interests of the City.
- In the past, previous Westminster City Councils have identified the protection of the City's water supply in Standley Lake, the provision of convenient access to the beltway for Westminster residents and the preservation of Indiana Street as a non-tolled, public roadway among the most important issues that may be associated with the construction of a major roadway extension within northern Jefferson County.
- In early 2014, Jefferson County began to solicit interest from area jurisdictions and agencies to participate in the West-Connect Corridor Coalition – the latest effort to improve travel within the portion of the loop located within the boundaries of the County.
- County Commissioner Don Rosier will attend the March 2 City Council Study Session to make a presentation to the Council on the efforts, to date, to scope the project, solicit membership in the Coalition and prepare a Charter that could be embraced by the entire membership of the Coalition.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City participate in meetings and discussions of the West-Connect Coalition?

Alternative

The City is under no obligation to become an Affiliate Member of the West-Connect Coalition. However, there is no fee associated with Affiliate Membership, and it would be prudent for City representatives to sit at the table during meetings of the Coalition to ensure that City of Westminster interests are addressed and protected.

Background Information

Attached to this Staff Report is a copy of the most recent communication, dated March 7, 2005, from City staff to the City Council on the subject of the circumferential loop around the Denver-metropolitan region and the conditions under which that Council might endorse such a transportation project. This 10-year old Staff Report is provided simply for Council's information at this time. In the weeks following Commissioner Rosier's presentation on March 2nd. City staff may provide an updated list of issues for Council's consideration. Regardless of Council's decision to participate or not participate in the West-Connect Corridor Coalition, staff will communicate to that group all issues that Council may deem appropriate.

City involvement in an effort to identify and implement transportation solutions within the western portion of the Denver-metropolitan region would support the City Council's goals of participating in *Proactive Regional Collaboration* and could result in *Ease of Mobility* for Westminster citizens.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment – March 7, 2005 Staff Report



WESTMINSTER

Staff Report

City Council Study Session Meeting
March 7, 2005



SUBJECT: Northwest Corridor Environmental Impact Study

PREPARED BY: Dave Downing, City Engineer

Recommended City Council Action

Authorize City Staff to endorse the inclusion of the Northwest Corridor EIS alternative within the northwest quadrant of the Denver-metropolitan region that may not include a high-speed, grade-separated, continuous facility between US 36 and C-470.

Summary Statement

- In November of 2003, the Colorado Department of Transportation (CDOT) commenced work on the preparation of an Environmental Impact Study (EIS) for the Northwest Corridor. The goal of this project, as stated in the "Purpose and Need" section of the draft EIS document, is "...to enhance the connectivity, functionality and capacity of interregional and regional transportation systems in order to accommodate the movement of people, goods and services from the vicinity of US 36 and the Northwest Parkway to the vicinity of SH 58, I-70, or C-470, in Broomfield, Jefferson, and Boulder counties." One obvious alternative to accomplish this goal is to construct a freeway or toll way connection between the two end points. Over the years, this potential connection has been known by many names including W-470 and the Jefferson Parkway.
- While CDOT and the Federal Highway Administration (FHWA) will ultimately approve or deny any recommendation that is generated from the EIS, all cities and counties located within or immediately adjacent to the study area as well as certain environmental groups and other interested parties have been invited to participate in a Technical Support Committee (technical staff) and a Corridor Consensus Committee (elected officials) to provide input to the study.
- Previously, Council affirmed that the City could endorse a connection between Broomfield and Golden under a certain set of conditions. One of those conditions was that the facility be constructed as a high-speed, grade-separated highway.
- Due to highly publicized opposition from the City of Golden, it appears that CDOT will seek a compromise solution that may not include the construction of a high-speed, grade-separated facility for the entire distance between US 36 and C-470.
- Appropriate City Staff will be in attendance at the March 7 City Council Study Session to present the transportation alternatives that are still under consideration and to gain direction from Council with respect to potential compromise solutions.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Is City Council willing to endorse a transportation alternative for the Northwest Corridor EIS that may not include the construction of a high-speed, grade-separated, continuous connection between US 36 in Broomfield and C-470 in Golden?

Alternative

Council could elect to continue to hold fast to the previously established set of conditions for the City's support of a transportation connection between US 36 and C-470, which includes the demand that such a facility be a continuous, high-speed, grade-separated highway. In this event, it is likely that the City of Westminster would be the only area jurisdiction that would not be willing to strike a compromise to satisfy the desires of the City of Golden. In the spirit of intra-jurisdictional cooperation, this alternative is not recommended.

Background Information

For the past 15 months, CDOT and its consulting team, led by the well-known transportation planning firm of Felsburg, Holt & Ullevig, have conducted frequent meetings of representatives of Jefferson, Boulder and Broomfield County jurisdictions and other interested parties to collect input into the preparation of an EIS for Northwest Corridor transportation improvements. The Westminster City Council and Staff applauded the decision by Governor Bill Owens and CDOT Executive Director Tom Norton in the fall of 2003 to have the Department undertake this effort after several attempts by certain private and public interests to finance a toll way connection between US 36 and C-470 met with varying degrees of failure. City officials were particularly pleased to have CDOT in charge of this project because that Department's involvement signaled that an EIS would be required. It is believed that many of the City's concerns, especially those relating to the possible construction of a roadway through City-controlled open space, would be more appropriately addressed in an EIS process.

Westminster representatives to the Technical Support Committee (TSC) and the Corridor Consensus Committee (CCC), which were created to solicit feedback from the governmental entities and affected special interest groups, have used previously established direction from the City Council to guide their participation in the EIS process. In approximately 1992, Council first outlined the set of conditions under which the City could be able to voice support for a transportation connection between US 36 and C-470. Those conditions have been reviewed with Council from time to time, and they were reconfirmed most recently in 2003. The conditions previously endorsed by the City Council are summarized as follows:

- 1) The transportation improvement and subsequent development within the drainage basin that is located immediately upstream of Standley Lake should cause no negative impact upon the City's drinking water supply.
- 2) The facility should not bisect City-controlled open space (located to the east of Indiana Street and to the west of Simms Street).
- 3) The connection between US 36 and C-470 should be a continuous, high-speed, grade-separated facility.
- 4) Convenient access to the facility for Westminster residents should be provided via interchanges at Simms Street in the vicinity of the Jefferson County Airport and at 100th Avenue/96th Avenue in the vicinity of Indiana Street.

- 5) Indiana Street should remain in place as a “free use” roadway so that motorists who do not wish to use a potential toll way will not migrate toward Simms Street adjacent to Countryside Subdivision.

At this time, it appears that all of these conditions are attainable with one notable exception. Due to adamant opposition from the City of Golden against the construction of a freeway or toll way through its city limits, it appears that CDOT and its consultants will attempt to gain consensus acceptance of a compromise solution that consists of the construction of a freeway or toll way between approximately SH 128 and the northern municipal limits of Golden, the construction of “regional arterials” through Golden and to the north of SH 128, and the construction of an additional “regional arterial” along an Indiana Street/McIntyre Street alignment between approximately SH 58 and SH 72 (see attached map). The “regional arterials” would still be relatively high-speed roadways (55 mph design speed), but at-grade, potentially signalized intersections would be allowed at half-mile or, perhaps, one-mile spacing. In short, the third condition listed above would not be honored under this compromise alternative.

Appropriate City Staff will be in attendance at the March 7 City Council Study Session to present all of the alternative transportation solutions that are still under consideration and to seek guidance from Council on the possibility of City support for inclusion of the alternative described above.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Map



WESTMINSTER

2014 ANNUAL REPORT

MUNICIPAL COURT

3030 Turnpike Drive
Westminster, CO 80030



CITY OF WESTMINSTER MISSION STATEMENT

Our job is to deliver exceptional value and quality of life through *SPIRIT*.



MUNICIPAL COURT MISSION STATEMENT

Our mission is to administer equitable, fair, and impartial justice in a timely and courteous manner; protect fundamental rights; promote public safety; and facilitate community reparation through *SPIRIT*.

TO: Mayor and City Council

FROM: John A. Stipech, Presiding Judge
Carol J. Barnhardt, Court Administrator

DATE: March 2, 2015

SUBJECT: 2014 Municipal Court Annual Report

This report is a compilation of the activities of the Municipal Court from January 1 through December 31, 2014.

CASELOAD



City Council Objectives:

- § Excellence in City Services
- § Proactive Regional Collaboration

Performance Measurement Goal: Process cases in a timely and efficient manner. Effective case flow management helps ensure that every litigant receives procedural due process, and equal protection, and is safe within our City.

CASE FLOW

Caseflow Management is the process by which courts move cases from filing to closure. This includes all arraignments, pre-trial phases, motion hearings, trials, sentencings, and events that follow disposition to ensure the integrity of court orders and timely completion of post-disposition case activity.

Effective caseflow management makes justice possible not only in individual cases but across judicial systems and courts. Effective caseflow helps ensure that every litigant receives procedural due process and equal protection.

Summonses are issued by the Westminster Police Officers, and the Court does not have any control over the number of summonses issued.

CASE COMPARISONS OF NEW FILINGS FOR LAST FIVE YEARS

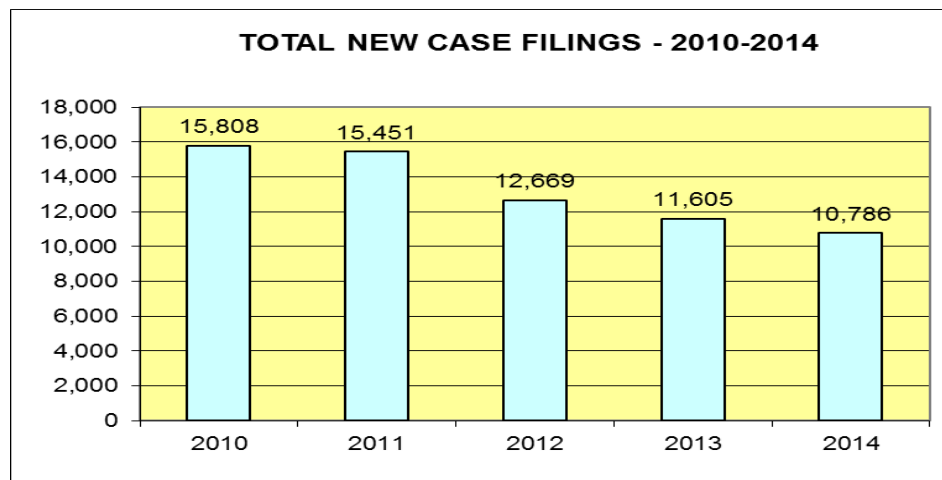
In 2014, overall, we experienced a 7% decrease or 819 fewer new case filings than in 2013. We experienced increased filings in Municipal Ordinance (Criminal) violations and Traffic Mandatory violations. We experienced decreased filings in Domestic Violence, No Proof of Insurance, Traffic Payable and Parking violations. In 2013, there were 333 new Domestic Violence case filings. In 2014, there were 307 new Domestic Violence case filings. This is an 8% decrease or 26 fewer new Domestic Violence cases filed in 2014.

NEW CASES FILED	YTD	YTD	Percent	Number
	Dec-14	Dec-13	Diff	Diff
Municipal Ordinance (aka Criminal)	2,579	2,307	12%	272
Domestic Violence	307	333	-8%	(26)
Total Criminal	2,886	2,640	9%	246
No Proof of Insurance	975	1,255	-22%	(280)
Traffic Mandatory (aka Criminal)	1,973	1,772	11%	201
Traffic Payable (aka Infraction)	4,376	5,298	-17%	(922)
Total Traffic without parking	7,324	8,325	-12%	(1001)
Total Criminal & Traffic w/o parking	10,210	10,965	-7%	(755)
Parking	576	640	-10%	(64)
Court Grand Total	10,786	11,605	-7%	(819)

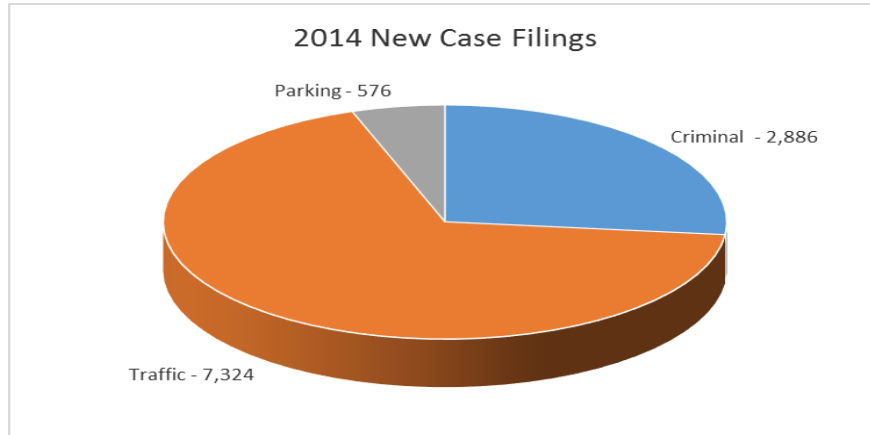
The number of new cases filed per year does not fully explain the Court's workload or time to process cases from filing to conclusion. A new case may contain multiple charges, and additional charges may be added by the Prosecutor at any time prior to trial. These types of cases often result in additional hearings, resulting in additional Judicial and staff time. In addition to the new case filings coming into the system, the Court has approximately 5,800 outstanding or open cases that must be processed. Due to the complexity and fast tracking involved with the Domestic Violence cases and the processing of other serious criminal offenses, Public Defender representation increased, and overall, more hours are required of all Court and Judicial staff, prosecutors, witnesses, victims, private attorneys, and defendants

The Court discontinued issuing bench warrants for failure to pay fines and costs, changed its procedures, and added new Payment Review Hearings when defendants are unable to pay their assessed fines, costs, etc. on the day of sentencing. Legislative changes now require that the defendants be personally served with notices to appear on these type of hearings. These additional hearings increase Judge and staff time for processing and hearings. We have experienced an increase in the number of defendants failing to appear for these particular hearings. Since they were personally served and depending on the type of case, either a warrant is authorized for their arrest for failure to appear or a hold is placed on their license. The majority of these cases are ultimately sent to the collection agency.

The chart below represents a comparison of total new case filings, including criminal, traffic and parking cases, over the last five years.



The pie chart below represents the total new case filings by type. Criminal cases include all Municipal Ordinance and Domestic Violence filings. Traffic cases include Traffic Mandatory (criminal traffic violations such as speed contest, speeding greater than 24 miles per hour, reckless driving, careless driving, compulsory insurance, eluding a police officer, and school bus violations, and all accident violations); all Traffic Payable cases (all other violations not listed in the traffic mandatory category); and all parking violations.



The Westminster Police Department provided the following information regarding the number of summonses written in 2014 that were filed in the Municipal Court.

In regard to the decrease in Traffic Case Filings for 2014, there continues to be zero High Occupancy Vehicle (H.O.V.) tickets being written since the lane essentially does not exist due to the ongoing construction of US 36. The barriers and proper signage do not exist. This endangers both the public and law enforcement officers.

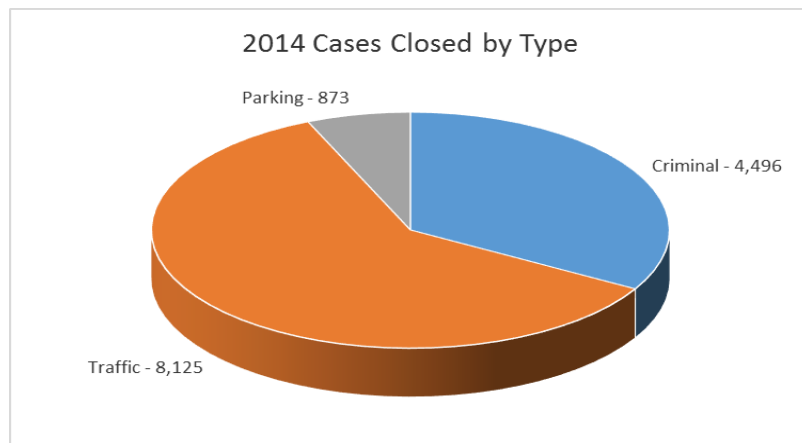
Also, due to the construction of US 36, there is little or no safe place to pull over violators. This endangers both the public and law enforcement officers. Thus, the police are unable to enforce speeding violations. Other factors that contribute to the low case filings are those accidents in which the driver(s) does not have insurance and are cited to the county courts. In addition, the Neighborhood Enforcement Program continues to stretch police resources. The Traffic Officers are monitoring these areas where complaints are made and though they assess problems in those areas, very few violations are actually observed, so very few summonses are written. These type of complaints consist of speeding and stop sign enforcement that limit the officers' ability to enforce a known "hot spot." Lastly, not only was the Patrol Division down from authorized staffing levels but so was the Traffic Section. The Traffic Section was down anywhere between two and four officers as well as one Accident Investigator. At times, Patrol had to cover accidents. Fatal accidents were up 40% compared to 2013, which take up more time and resources to investigate.

CASE COMPARISON OF ALL CASES CLOSED FOR LAST FIVE YEARS

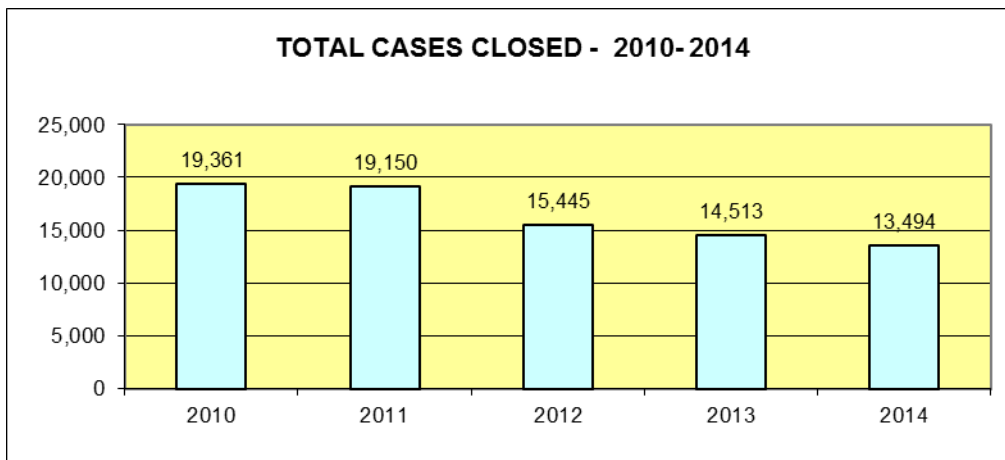
In the chart below, 2014 year-to-date information indicates that 7% or 1,019 fewer cases were closed than for the same period in 2013. The decrease in cases closed correlates to the decrease in filings. The new cases filed measured against the cases closed helps us assess how well cases are being processed from filing to closure.

ALL CASES CLOSED	YTD	YTD	Percent	Number
	Dec-14	Dec-13	Diff	Diff
Municipal Ordinance (aka Criminal)	3,881	3,353	16%	528
Domestic Violence	615	883	-30%	(268)
Total Criminal	4,496	4,236	6%	260
No Proof of Insurance	1,189	1,563	-24%	(374)
Traffic Mandatory (aka Criminal)	2,247	1,921	17%	326
Traffic Payable (aka Infraction)	4,689	5,844	-20%	(1155)
Total Traffic without parking	8,125	9,328	-13%	(1203)
Total Criminal & Traffic w/o parking	12,621	13,564	-7%	(943)
Parking	873	949	-8%	(76)
Court Grand Total	13,494	14,513	-7%	(1019)

The pie chart below represents the total cases closed by type.



The chart below represents a comparison of total cases closed including criminal, traffic and parking cases over the last five years. These closed cases include cases that were originally filed in 2005 through 2014.



MAJOR PROJECTS AND SUCCESSES

The Court staff has stabilized with the additional hiring of very competent individuals. Our supervisors have implemented policies and procedures in an effort to streamline and make our operation an efficient and effective organization. We strive to continue working with our citizens, other Departments, and the City Manager's Office in achieving the vision and direction set forth by City Council.

The information below details highlights of some of our major projects and successes. More information on projects, challenges, and accomplishments are highlighted towards the end of this report.

Collaboration Meetings - During 2014, a group of stakeholders led by a facilitator met to discuss processes, procedures and philosophies regarding the operations of the Court and the City Prosecutor's Office. Stakeholders included a City Councillor, City Manager's Office representative, Court administrative staff, lead Prosecutorial staff, the Public Defender, a private attorney, and Police staff. During the year, follow up meetings were held with the Court administrative staff and lead Prosecutorial staff to evaluate and discuss what improvements still need to be made. Overall, some improvements on both sides have been made, and the group continues to strive to improve both operations.

Public Defender and Security Service Contracts – Staff prepared Requests for Proposals and participated in both the Public Defender and Security Service interviews. Both contracts were completed by December 2014. These are one-year contracts with renewals up to four years.

The Public Defender services are provided to indigent defendants in cases where jail time may be imposed if the defendant is convicted. Two individuals submitted proposals and a six-member selection panel conducted interviews in September. David Rockwell was recommended. An agenda memo and contract was submitted to Council in November 2014. City Council approved the recommendation.

The Security Officers screen the public entering the Court building for weapons and provide a variety of other security-related services. Three companies submitted proposals and a five-member selection panel conducted interviews in October. G4S Secure Solutions was recommended. An agenda memo and contract was submitted to Council in December 2014. City Council approved the recommendation.

Five-year Strategic and Vision Plan for Court for 2014-2018 – Staff prepared a five-year "Strategic and Vision Plan" to provide a comprehensive and clear document to communicate the Court's priorities, strategies, directions and plans for the next five years. This plan is intended to guide the Court through the planning and implementation process throughout the timeframe.

CIP Projects for 2014 and CIP Budget Requests for 2015-2016 – In 2014, Court administrative staff contracted with the National Center for State Courts (NCSC) to conduct a security assessment of the facility. The assessment report will assist the Court and City in achieving best practices in various areas of security by developing corrective steps that can be implemented in phases. This approach will be useful to the Court as we strive to implement Courthouse security. The NCSC conducted a security assessment for the Court in 1995, and since that time the Court has been diligent, based on the recommendations contained in that report and available CIP funding, in making steady improvements in Court security.

Projects for 2014 were to replace existing cameras, add more cameras, and replace the internal alarm system. Completed in 2014 was the replacement and enhancement of the internal alarm system.

A contract was signed in December 2014 to move forward with replacement and enhancements of the camera system.

During the two year budget process for 2015-2016, additional funding was requested for upgrades and/or enhancements to security systems and building and/or furniture upgrades. Funding was approved and upgrades and enhancements will be in the upcoming planning stages.

Open File Audits - Five separate audits were conducted by staff comparing numerous open files and records in the Records Management System to information in the open files, and in CBI (Colorado Bureau of Investigations). The audits included open files, collections cases, open protection orders, open warrants, and open probation cases. These audits help protect the City and citizens from possible false arrests, and protects the City from potential liability suits. The audits maintain the accuracy of both the records system and the actual files.

Defendant Calling Project - This project began in November 2014 in an attempt to reduce the number of defendants that fail to appear on their court dates. Every week a Court Clerk programs the system to make an automated phone call to defendants with court dates set for the following week. This includes calling all defendants with all types of hearings and all probation clients. Statistics indicate that in 2013, there were 14,670 hearings scheduled with 2,856 defendants failing to appear or approximately a 19% failure to appear rate. For 2014, there were 15,272 hearings scheduled with 3,072 defendants failing to appear or approximately a 20% failure to appear rate.

We believe that the implementation of this program has improved our customer service. Numerous defendants provided positive feedback to staff that they appreciated the reminder calls and are grateful to receive them. The weekly program takes limited staff time versus a Court Clerk making individual calls which equates to better use and efficiency of staff work time. While the Failure to Appear rate along with our number of hearings increased, this program is aimed at reminding the defendants of their upcoming Court dates with a secondary interest in reducing the Failure to Appear rate, if possible. We feel this program has been successful.

Four New Employees - Four new employees were hired in 2014 – one Probation Officer and three Deputy Court Clerks. The team did an outstanding job of working together to ensure that all necessary tasks were completed and citizens received quality service.

Performance Enhanced Partnership (PEP) - This project began in 2012 and is a joint effort between Human Resources staff, the Judges, Court Administrator, Supervisors, all the Court Clerks, and the Probation Officers. The goal is to continue to build a collaborative team environment. A community service project was completed in August 2014. In all, 23 employees volunteered approximately 69 volunteer hours. (More information later in this report).

Clerk Shadowing Project - Several Deputy Court Clerks shadowed Records and Dispatch employees to observe and better understand the operations of those divisions and how they relate to the Court and our processes. A few of the Records and Dispatch employees also shadowed the Court Clerk and courtrooms to observe our processes to better understand how the Court operation relates to their duties and tasks. The groups came away with a better understanding and appreciation for all of the duties and tasks that each other perform, and how the processes and procedures impact both operations.

2014 General Services Employee Survey - The Court team met in August 2014 to review, evaluate, and discuss the results of the April 2014 General Services Employee Survey. A written report was prepared for the General Services Director that detailed what the information told us and identified our areas for improvement. A group agreement was reached on how to move forward and what our focus will be for the next year. Overall, the Court employee survey was positive in all aspects.

Deputy Court Clerk Desk Rotations - In late summer and early fall, several of the Deputy Court Clerks rotated desk positions. This process provided growth opportunity for staff by cross training on other desk duties and increasing job knowledge. We find that through cross training, we are able to cover all positions for vacations, illnesses, vacancies, or any issues that arise. The clerks enjoy learning the various positions, and it also provides them with a more in-depth understanding of our overall operation.

COLLECTION EFFORTS

The Court's reputation, integrity, and public trust depend in part on how well Court orders are observed and enforced in cases for non-compliance. In particular, restitution for crime victims and accountability for enforcement of monetary penalties imposed by the Judges are issues of concern. The Court enforces its orders and payment in full is due at the time of sentence. If defendants are deemed to be indigent or financially unable to pay, the Court may impose sentences such as community service, or may reduce or waive fines and fees.

When defendants do not pay as required, the case is referred to the private collection agency and the defendants incur an additional 25% fee based on the amount owed. There is no expense to the City. Monitoring delinquent accounts supports the integrity of Court orders and holds the defendants accountable to pay the judgments imposed by the Court.

Collection Summary

Staff reported that for the year 2014, a total of 1,037 cases were electronically exported to the collection agency. Total payments received from collection efforts were \$97,535. Of that amount, \$19,507 was the fee sent to the collection agency. The Court collected \$78,028 in payment of fines, costs, restitution and other fees with the assistance of the collection process.

JURY TRIALS, WITNESS AND JURY FEES

Jury trials are scheduled every Thursday in Courtroom B and every other Thursday in Courtroom A. This schedule enables the Court to dispose of up to six jury cases per month. We have been able to process cases as timely as possible and avoid dismissals as a result of speedy trial timelines.

JURY STATUS CONFERENCES AND JURY TRIALS

Every Wednesday, jury status conferences are held for all cases scheduled for jury trial that week. At this scheduled hearing, the defendant and/or his/her attorney are required to attend. Witnesses do not appear at this hearing. The purpose of this hearing is to rule on pending motions, to accept a plea, or to continue a case, if necessary. The jury status conference reduces calling in jury panels unnecessarily, and resolves preliminary matters before the jury trial date. The total number of potential jurors appearing during the 2014 year for jury services was 1,195.

At the conclusion of jury trials, the jurors serving on a panel are given a Jury Exit Questionnaire asking them to voluntarily rate their jury experience in the areas listed below. Jurors may also provide comments on the form. The responses are addressed to the General Services Director and her staff compile the responses. At the beginning of each month, the compiled responses are forwarded to the General Services Director, Judges, Court Administrator and the Court staff for their information and review. Below is a compilation of the information from the Jury Exit Questionnaires.

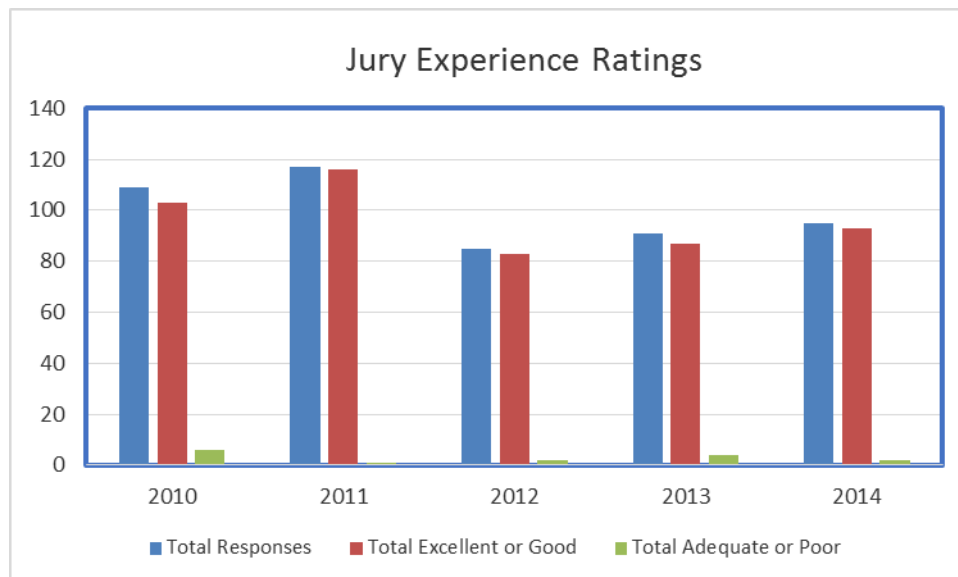
Westminster Municipal Court - Jury Service Exit Questionnaire Summary

January 1 through December 31, 2014

RATINGS ON THE FOLLOWING:	Excellent	Good	Adequate	Poor
Initial Notification Process	56	37	1	1
Orientation (video presentation)	52	39	4	0
Treatment by Court Personnel	85	9	1	0
Overall Jury Trial Experience	66	27	2	0

The information and chart below represent a five-year comparison of the jurors' responses and their overall Jury Trial experience. We are very proud of our employees for their continual professionalism and outstanding customer service as reflected in the ratings below.

NUMBER OF JUROR RESPONSES	Total Responses	Total Excellent or Good	Total Adequate or Poor
2010	109	103	6
2011	117	116	1
2012	85	83	2
2013	91	87	4
2014	95	93	2



GENEROUS JUROR INFORMATION

The Generous Juror Program began in 2002 offering jurors the opportunity to donate their jury service fees to a City selected charity. City Ordinance W.M.C. 1-22-12 establishes the juror fee at \$3.00 per day for jurors called in to serve, and \$6 per day for jurors that are selected and serve on the jury panel. Annually, a new charity is selected by City Council.

Organizations chosen include:

- Have-A-Heart Project (July 2002 to September 2003)
- The Link (October 2003 to December 2004)
- Westminster Burn Fund (2005)
- Light for Life / Yellow Ribbon Foundation (2006)
- District 50 Education Foundation (2007)
- Have-A-Heart Project (2008)
- Westminster Legacy Foundation for use as scholarship funds for Armed Services Memorial Garden bricks for veterans (2009)
- Have-A-Heart Project (2010)
- Westminster Legacy Foundation (2011)
- Growing Home (2012)
- Have-A-Heart Project (2013)
- The charity selected for 2014 was Hope House. The total amount donated to the charity for 2014 was \$3,699.
- The charity selected for 2015 is A Precious Child.

In response to many jurors failing to appear for service and the potential of having inadequate jury panels, in 2010, Deputy Court Clerks began making reminder calls. To reduce staff time spent calling jurors, technological support was researched. In 2011, the Court, in partnership with the Department of Information Technology, implemented the Court Partnership Calling Project (CPCP). This partnership established an automated calling system to prospective jurors. Jurors receive an automated phone call on Monday evenings between 6 p.m. and 8 p.m. reminding them of their upcoming jury service. Jurors are instructed to call the Court the Wednesday evening before their scheduled Thursday jury trial service to confirm that their services will be required.

For 2014, there were 59 cases set for jury trial with 52 actual trials being heard by jurors. Seven of these cases either pled to the original charges, were continued, or were dismissed before the jury was selected. Of the 59 cases, there were 37 cases that were represented by the public defender.

GENERAL INFORMATION ABOUT JURY TRIALS

YEAR	NUMBER OF JURY TRIALS SCHEDULED WITH JURORS APPEARING	NUMBER OF JURY TRIALS ACTUALLY HELD
2010	59	45
2011	61	49
2012	51	38
2013	51	42
2014	59	52

WITNESS FEES AND JUROR EXPENSES

YEAR	BUDGETED EXPENSES	ACTUAL EXPENSES
2009	\$8,068	\$8,261
2010	\$7,568	\$7,785
2011	\$7,568	\$7,193
2012	\$7,568	\$6,253
2013	\$7,568	\$6,760
* 2014	\$7,568	*\$7,576

* 2014 budget totals not finalized at the time of this report.

PUBLIC DEFENDER INFORMATION

Public Defender services are provided to indigent defendants in cases where jail time may be imposed if the defendant is convicted. The Judges can appoint a Public Defender when justified by a defendant's lack of financial resources.

The Public Defender confers with defendants to determine the issues involved in the case. The Public Defender explains the elements the prosecution must prove, and the consequences of a guilty plea to the original charge(s) or other possible charge(s). Public Defender representation ends upon sentencing. If a defendant appeals or has probation revocations, the defendant must reapply and qualify for representation.

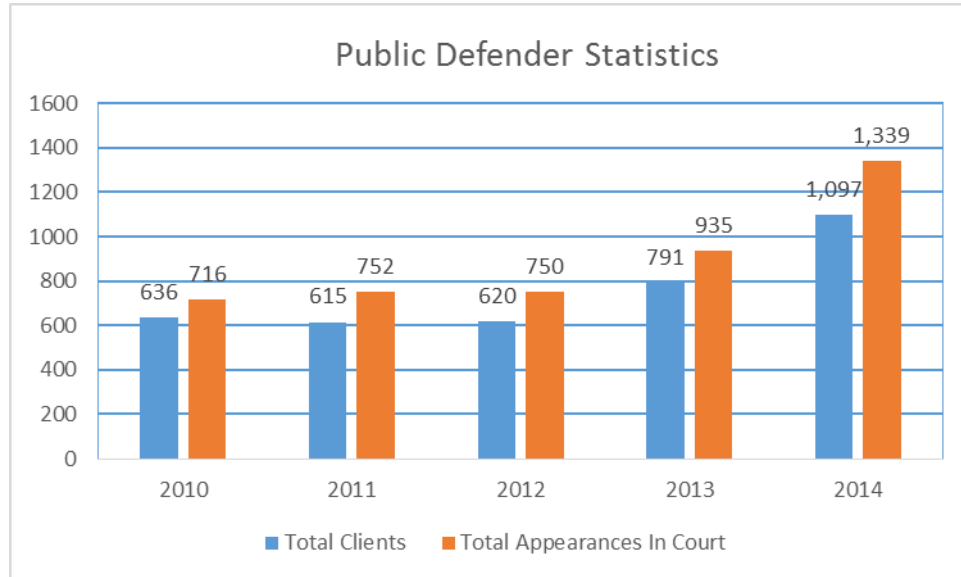
The Public Defender is scheduled every Wednesday. Hearings are scheduled at 8:00 a.m. for arraignments, pre-trials, hearings and in-custody matters. An afternoon docket starts at 1:00 p.m. and consists of pre-trials, Trials to the Court, and Jury Status Conferences. Public Defender services are also required in Court on the Thursdays when Public Defender cases are scheduled for jury trial(s). Double jury trials are scheduled every other Thursday. Additional Public Defender coverage is required in the event two Public Defender jury cases proceed to jury trial. The Public Defender is responsible to provide additional coverage for double jury trial days. The Public Defender dedicates additional work hours to client interviews, discovery, case development and preparation.

The complexity of the municipal ordinance cases and the domestic violence cases, along with recent legislative changes, have increased the workload of the current Public Defender. It appears that with societal changes and anticipated ongoing legislative changes, what the Court has experienced in late 2013 through 2014 may now be the new "norm."

The Public Defender is solely responsible for the performance of all legal duties of his contract, however, the Public Defender may use comparably qualified attorney(s) approved by the Municipal Court Administrator for emergency and backup services such as vacations or illness or additional services on double jury days. Subsequent to filing a Motion To Appoint Conflict Public Defender, and obtaining a Court Order, the Public Defender has authority to engage the services of a conflict Public Defender. The conflict Public Defender is retained by the Public Defender as an independent subcontractor to the Public Defender.

Since 2010, David Rockwell has provided public defender services for the Municipal Court. Mr. Rockwell provided the following statistical information for the last five years regarding the number of clients (defendants) and number of appearances in Court. It should be noted that the total number of

appearances includes clients (defendants) who may have multiple cases. This number is unrepresentative of the number of conflict cases that were handled by other public defenders. There were 19 cases represented by conflict counsel. Mr. Rockwell reports that he meets with approximately 30 individuals each Wednesday, and has six to eight+ Jury Status Conference and/or Jury Trials per week, plus Trials to the Court, Probation Revocation Hearings, numerous other types of Hearings, and Sentencings. He also meets with his additional coverage and/or conflict counsel to brief them on these cases.



APPEALED CASES

An appeal is a request usually filed by a defendant and filed in the Adams County 17th Judicial District Court requesting the Appellate Court to review the ruling of a Westminster Municipal Court Judge. The review is based solely on the record of the hearing or trial held and is not a new trial.

Appeals must follow State Statutes, Colorado Municipal Court Rules and Procedures, Rule 237, and Colorado Rules of Criminal Procedures Rule 37.

During 2014, there were 13 cases in appeal status. One case was affirmed (Appellate Judge agreed with Municipal Judge's decision); seven cases are pending decisions in the Appellate Court; and five cases were dismissed by the Appellate Court for defendants' failure to perfect the appeals.

PROBATION SECTION - CASELOAD



City Council Objectives:

- § Excellence in City Services
- § Proactive Regional Collaboration

Performance Measurement Goal: To effectively supervise criminal offenders by reducing recidivism and increasing successful completion of probation.

Westminster Municipal Court Probation Section provides a myriad of services to individuals, the Court, the Prosecutor's Office, and defendants from pre-sentence information to supervision of probationers. Failure to comply with probation terms and conditions may result in the revocation of probation and the imposition of sentences including the possibility of a jail sentence. Juveniles face up to ten days in detention and up to a \$2,500 fine. Adults can receive up to one year in jail and up to a \$2,500 fine. Costs are assessed in addition to fines.

A Pre-Sentence Investigation (PSI) is ordered when a Judge requests more information about a defendant before imposing sentence. A Probation Officer interviews the participants in the incident, checks the defendant's prior criminal record and personal background, compiles the information in a report and provides a sentencing recommendation to the Judge. The Probation Clerk schedules the date the defendant is to attend the pre-sentence interview and the date for the sentencing. During 2014, the Probation Section completed 51 Pre-Sentence Investigations at the request of the Judges.

The Judges have the option of sentencing a defendant to supervised probation or unsupervised probation. Supervised probation is a more intensive option that requires defendants to report in person to their Probation Officer a minimum of one time per month for adults or every other week for juveniles. Unsupervised probation requires defendants to attend a 45-day review, and if they are in compliance, they are allowed to report via monthly reporting forms that they return to the Probation Section.

The Probation Section has a volunteer program that allows interested citizens to apply to become Volunteers In Probation (VIP), to learn to supervise cases and gain experience in the probation field while giving back to the community. Training for new VIPs is held each spring and fall, as needed, and involves 16 hours of initial training followed by monthly training and staffing.

The Probation Section collaborates with regional State and Municipal Probation Departments on a regular basis. They often have defendants who are on probation in other jurisdictions and in an effort to provide continuity and eliminate redundant services probation officers will coordinate supervision, treatment, and monitoring with the other jurisdictions. This is a benefit of time for the Probation Officers involved as well as a savings of time and money for the defendants. The Probation Section also collaborates and shares successes and challenges with other municipalities on a quarterly bases through their MAPO (Municipal Association of Probation Offices) meetings. These meetings involve Aurora, Boulder, Colorado Springs, Denver, Lakewood, Longmont, Westminster, and Wheat Ridge.

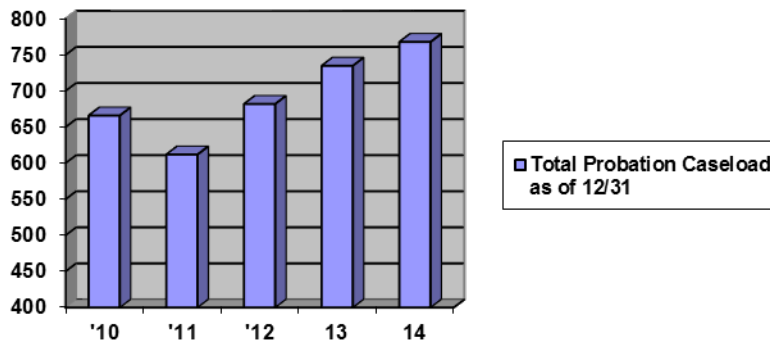
Caseload statistics are tracked on a monthly basis instead of a year-to-date basis to most accurately reflect the current workload of the Probation Section by documenting the number of active probation cases at the end of each month. This number changes daily as new probationers are placed on probation while others successfully or unsuccessfully complete probation.

During 2014, the Probation Section responded to violations of probationers in two days or less, 79% of the time, which is below their target of 95%. An increase in supervised caseloads has influenced a drop in response time. While not within the two day period, the majority of violations were handled within the week that they occurred. Stabilization of staffing in the Probation Officer position is expected to increase efficiency and response time performance in 2015. In 2014, the Probation Section had a 58% successful completion rate for cases that closed. This is just below their target success rate of 60%.

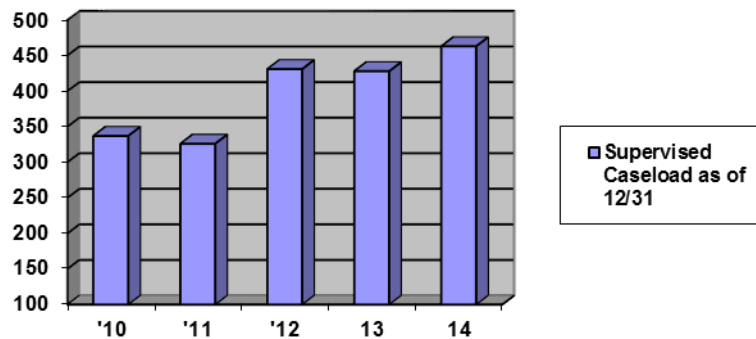
Petitions to Revoke Probation: The Probation Section started to track revocations filed in March 2014. From March through December 2014 there were 546 Petitions to Revoke Probation filed. This is a difficult number to quantify as it includes the number of cases that revocations were filed in and some defendants may have up to seven cases open at one time while on probation. It also may not accurately reflect success or a lack of success in a case because revocations are filed for several reasons. Some revocations are filed to prompt a probationer to become compliant with the terms and conditions of probation, and then the revocation may be withdrawn once compliance occurs. Some petitions are filed to keep a case open at the end of probation to allow a probationer to complete requirements and then the petition is withdrawn and the case closes successfully. Many revocations result in a probationer being reinstated back on probation and given another opportunity to succeed and potentially close their case successfully.

The total probation caseload, consisting of both supervised probation and unsupervised probation, as of December 31, 2014, was 768, which was at its highest level in five years and above the five year average of 693. The supervised probation caseload increased 8% to 463 cases, above the average of 397 cases over the past five years.

Graphical and statistical information for the Probation Section follows. The first chart is a historical reflection of the total number of both supervised and unsupervised probation cases.



The second chart is a historical reflection of the total number cases that are on Supervised Probation.



The month-end statistical data for the Probation Section follows.

	MTD	MTD	
PROBATION	Dec-14	Dec-13	Difference
Total active caseload in probation	768	735	4%
Total active DV on probation	238	251	-5%
Number of active VIP	5	7	-29%
Cases currently supervised by VIPs	2	7	-71%
Supervised probation caseload	463	428	8%
Unsupervised probation caseload	303	300	1%
Total adult caseload	657	584	13%
Total juvenile caseload	111	151	-26%

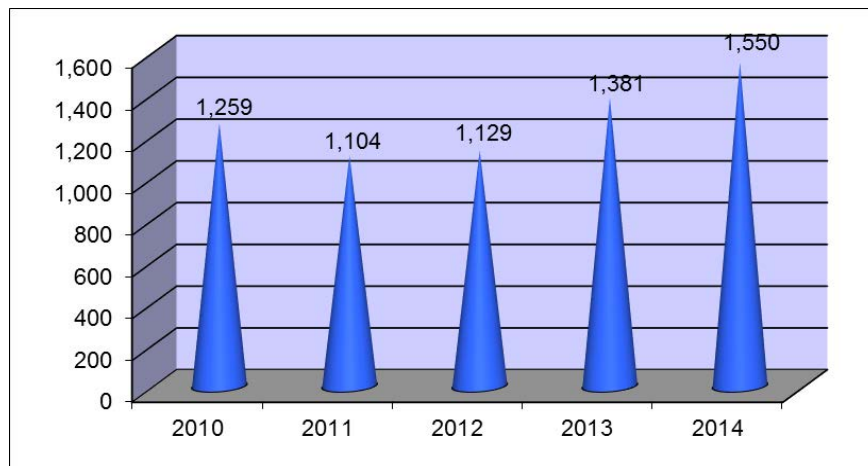
JAIL TRANSPORTS

Every business day, the three Court Marshals (Westminster Police Officers assigned to the Court) transport prisoners arrested on new charges or original warrants, bench warrants, or are in-custody from other jurisdictions that have to appear at our Court. The Court Marshals are highly trained and experienced officers that substantially contribute to the smooth functioning of the judicial system.

The caseload and necessity to transport numerous prisoners impacts every aspect of the Court operation. It also directly impacts the Prosecutor's Office, the Victim Advocate, the Court Marshals, and the Court's dockets including interpreter hearings and Public Defender cases and appearances.

The total transports for 2014 were 1,550. The chart below indicates an increase of 12% or 169 more total transports in 2014 than in 2013. This statistical information was provided by the Lead Court Marshal.

JAIL TRANSPORTS - FIVE YEAR COMPARISON



SECURITY



City Council Objectives:

§ Excellence in City Services

Performance Measurement Goal: Staff, citizens and customers are safe and secure when at the Court building.

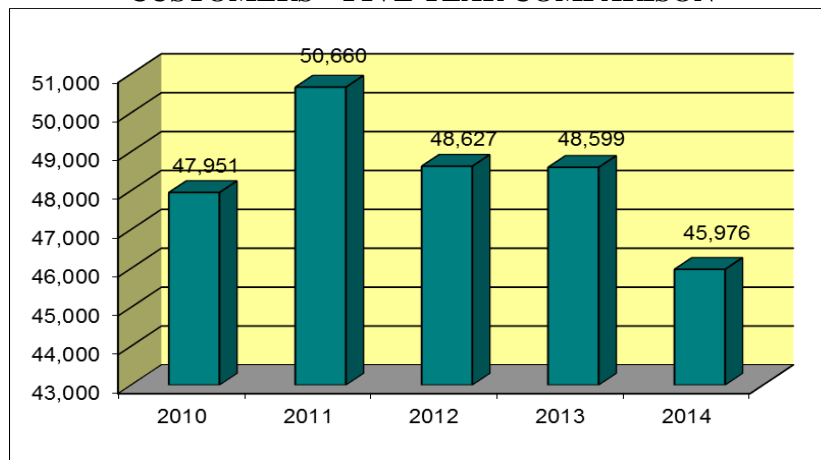
Our customer service includes a security screening process conducted by a private security company. All individuals entering the Court facility must pass through a metal detector, must have all bags and coats checked, and are hand scanned, if necessary. The security guards also check for contraband, weapons and other prohibited items or paraphernalia as part of their screenings. This process is similar to airport security and most other court facilities.

We continue to work together with the security company and the security guards to make certain that they demonstrate and embrace our SPIRIT values in their contacts with our customers. A new training component was added in 2014 with security guards attending a SPIRIT service workshop with City employees.

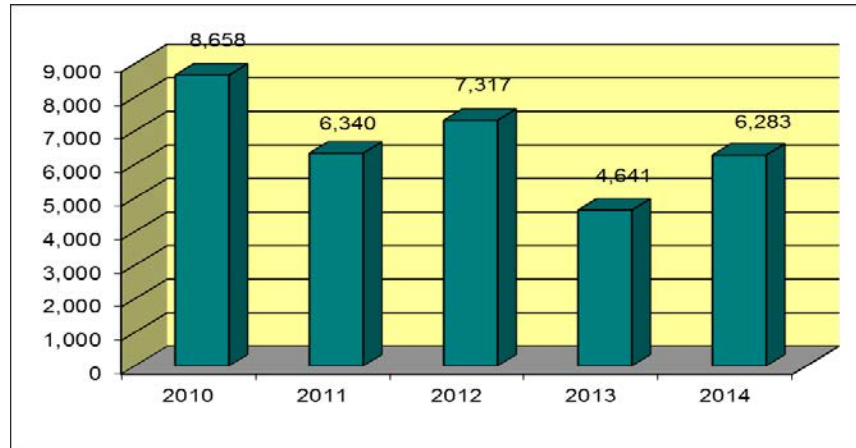
The agreement for security services ended in 2014, and in the fall City Staff prepared a Request For Proposals to obtain competitive bids. Three vendors submitted bids. The selection panel recommended to City Council to retain the services of G4S Secure Solutions (USA) Inc. to ensure that staff and citizens are safe while at the Court facility. City Council approved the recommendation and G4S Secure Solutions remains our security contractor.

The three charts below give a historical comparison for the past five years.

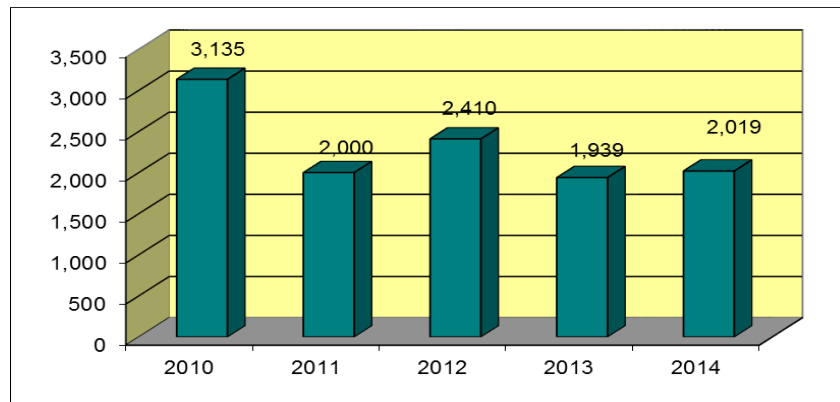
CUSTOMERS – FIVE YEAR COMPARISON



HAND SCANS – FIVE YEAR COMPARISON



CONFISCATED ITEMS – FIVE YEAR COMPARISON



CONFISCATED ITEMS BY CATEGORIES

The following information is a breakdown, by category, of the different types of items that were confiscated or returned to the customers' vehicle.

The one weapon and 10 rounds of ammunition belonged to a Homeland Security Officer, and one shotgun shell was found in a purse. The Homeland Security Officer was given the options to either lock the weapon in the Court Marshal lock boxes or to return the weapon and ammunition to his vehicles. The shotgun shell was confiscated.

Knives	339	Handcuffs	2
Scissors	36	Handcuff keys	21
Screwdrivers	20	Firearms	1
Razors	35	Ammunition	11
Mace Canisters	72	Cameras	60
Tools or clubs	90	Other prohibited items (nail files, sharpies, alcohol, glass, recorders, drugs, tools, Tasers, knitting needles, etc.)	1,202
Chains	130		

CUSTOMER SERVICE

Our top priority is to service the public in the most professional, efficient, and effective manner possible. The Court is different from other City departments or divisions. Usually, individuals appear at City facilities because they are seeking information or a service. Those appearing at Court have either been issued a summons or a subpoena to appear. We realize that few individuals want to appear at Court and we attempt to make the experience as pleasant as possible, if not enjoyable.

Our primary concern is to assure that customers have a fair Court experience. Our customers include citizens, jurors, defendants, witnesses, victims, victim advocates, police officers, attorneys, parents, children, service providers, volunteers, consulting agencies, the Judges and staff. We strive to have everyone feel they were treated with respect and dignity.

Language interpreters are scheduled, when necessary, for the arraignments, pre-trial conferences, probation conferences, dispositions, and trials. In order to facilitate the large number of Spanish speaking individuals, we schedule every other Monday afternoon for Interpreter Hearings in Courtroom B. The Court also utilizes the services of a telephonic interpreter company that can provide interpreters for approximately 165 languages. Some of the various languages interpreted are American Sign Language, Hmong, Laotian, Russian, German, Polish, Vietnamese, Chinese, and various other languages.

SENTENCING OPTIONS

The Court attempts to consider alternative sentencing options. Listed below are the sentencing options utilized by the Judges:

- Fines, fees and costs (may be assessed and then suspended)
- Restitution to the victim(s)
- Community Service (may be assessed in lieu of fines and/or costs, with services provided either with the City or a non-profit agency)
- In-Home Detention for non-aggressive and/or first time offenders
- Jail (straight time or authorized work release)
- Probation (supervised or unsupervised)
- Evaluations (Alcohol, Substance Abuse, Mental Health)
- Domestic Violence Counseling (mandatory on pleas and /or convictions). Effective September 1, 2010, all defendants sentenced to Domestic Violence Counseling are required to complete an evaluation with a certified domestic violence counselor to determine the level of treatment. From this assessment they will be placed in varying groups based on their individual needs. The minimum length of treatment is four months as long as all competencies have been met.
- Substance Abuse Counseling
- Anger Management Counseling
- Mental Health Counseling
- Monitored Sobriety such as: SCRAM (Secure Continuous Remote Alcohol Monitor), which is a 24 hours transdermal alcohol monitoring system, Antabuse (medication to help control alcohol use), BAs (Breathalyzer that tests blood alcohol), UAs (Urinalysis)
- Alive at 25
- Online Traffic School
- ISAE (Institute for Substance Abuse Education) for Adams County offenses or NCTI (National Correctional Training Institute) for Jefferson County offenses offer a one-day (Theft, Conflict

Management, Decision Making, Traffic, Animal Management) or a two-day (Theft and Conflict Management) educational classes

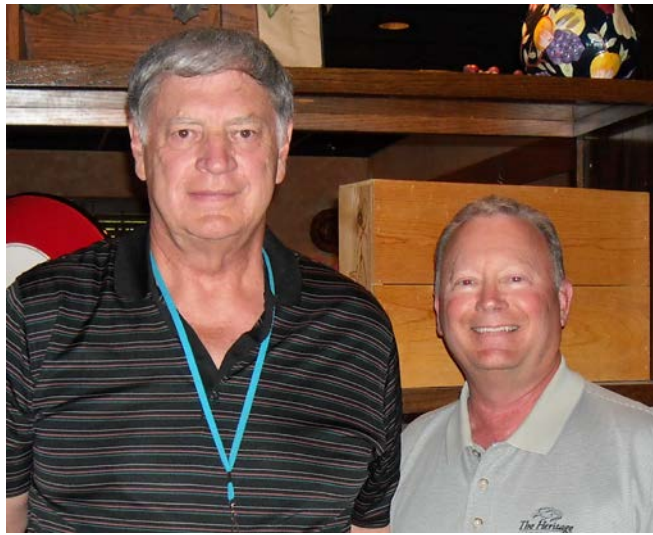
- Diversion Programs for defendants under 21 charged with first offense drug and/or alcohol violations. Providers are: North Metro Youth Diversion Program for Adams County and Y-DAP (Youth Drug Abuse Prevention) for Jefferson County
- Essays about the class or the crime
- Apology letters
- School or GED requirements
- Job search or employment requirement
- Specific research papers
- Order to Comply (such as with another probation order, possess no graffiti paraphernalia, maintain a specific grade average at school, obey the rules at home, etc.)
- Trespass Orders (usually for a retail establishment)

EMPLOYEE RECOGNITIONS

LENGTH OF SERVICE

The City hosts luncheons to recognize employees who have reached 5, 10, 15+ years of service with the City. At the luncheon, each department head recognizes employees in their department with a short recap of what they have accomplished at the City and the individuals' hobbies and interests outside of work. All employees receive a certificate and a pin designating the number of years they have been with the City.

35 Year Recognition



Honorable John Stipech, Brent McFall
Recognized June 11, 2014

10 Year Recognitions



Debbie Mitchell, Gail Reynolds, Brent McFall
Recognized on June 11, 2014



Debbie Mitchell, Vanessa Hamilton, Brent McFall
Recognized on October 29, 2014

COMMUNITY SERVICE PROJECT



The afternoon of Monday, August 4, we continued with our Court PEP (Performance Enhanced Partnerships) training, continued to build our partnerships, teamwork, and communication skills. This was a fantastic opportunity to focus on our PEP *and* also to help others.

Our community service project this year was to assist at *A Precious Child*. A Precious Child is devoted to making a positive impact in the lives of disadvantaged and displaced children and families in Colorado by improving their quality of life. They provide basic essentials to children in need to empower them to succeed in school. Essentials include: clothing, coats, shoes, sports equipment, backpacks, school supplies, and toiletries. Children and families in eight local counties are served: Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Weld. This was an eye-opening experience for many, and a reality check on how fortunate and blessed we are in our lives.

Our first tasks were to fill backpacks. We filled 650 backpacks. When that part of the project was completed, some of the group filled two vehicles with 200 backpacks and delivered them to Centennial Elementary School - Adams 12 – 5 Star schools; some of the group filled a van with another 350 backpacks; and others sorted and hung up various items of clothing in another part of their facility. For the last hour, the group met in a nearby park for refreshments and socialization.

In all, 23 employees volunteered approximately 69 volunteer hours. Participants were the Court staff, including both Judges, two Court Marshals, one Victim Advocate, and two security guards.

We are grateful and thankful for this opportunity, and appreciate the support of the City Manager Brent McFall, Assistant City Manager Steve Smithers, and General Services Director Debbie Mitchell who allowed us to close our facility for the afternoon to participate in this project.

JUDICIARY

The Court has one full-time Judge, one .8 FTE Judge, and four Pro-Tem Judges. The Pro-Tem Judges are available to cover for vacations, illnesses, conferences, meetings, and other situations as needed.

- The Honorable **John A. Stipech** has served as Presiding Judge since 1996.
- The Honorable **Paul Basso** has served as Associate Judge since February 2003.

PRO TEM JUDGES

- The Honorable **Jeffrey Cahn** (current Boulder Municipal Judge) has served as Pro-Tem Judge since April 2003.
- The Honorable **Randall Davis** (former Broomfield County Judge) has served as Pro-Tem Judge since December 2006.
- The Honorable **Emil Rinaldi** (former Adams County Judge) has served as Pro-Tem Judge since January 2009.
- The Honorable **Dennis Wanebo** has served as Pro-Tem Judge since January 2011.

COURT ADMINISTRATOR AND SUPERVISORS

The Court Administrator, supervisors, support staff and volunteers are outstanding individuals who continue to go above their assigned duties to promote customer service and exemplify SPIRIT.

The administration of the Court is led by Court Administrator **Carol Barnhardt** within the General Services Department, reporting to the General Services Director **Debbie Mitchell**. The Court Administrator's supervisory team includes Deputy Court Administrator **Debbie Caldwell**, Financial/Technical Supervisor **Debbie Olguin**, and Probation Supervisor **Brian Poggenklass**.

The Court team works in partnership with all City departments. They have an excellent working relationship with the Judges and have been invaluable in conducting the day-to-day proceedings and operations.

DEPUTY COURT CLERKS

The Court is staffed with well trained and skilled employees who work diligently to process the caseload. The Deputy Court Clerks are assigned and cross-trained on the following responsibilities: probation clerk, cashiers, data entry clerks, overdue clerk, motions clerk, phone and jury clerk, CBI (Colorado Bureau of Investigations) clerk, criminal clerk, and courtroom clerks.

The Deputy Court Clerks, in alphabetical order, are:

- **Stevee Casey**
- **Debbie Clayton**
- **Amber Creasey**
- **Kathryn Gamelin**
- **Vanessa Hamilton**
- **Tanya Navarro**
- **Jennifer Ragan**
- **Gail Reynolds**
- **Grace Salinas** (probation clerk)
- **Heather Statler**
- **Judy Smith**
- **Regina Stephenson**
- **Bernadette Tedesco**

- **Carol Jones** is a temporary Deputy Court Clerk. Mrs. Jones covers the front cashier counter and answers phones for approximately two hours per month for our monthly staff meetings.

PROBATION SECTION

- **Brian Poggenklass**, Probation Supervisor (Adult cases)
- **Tracy Cutshaw**, Probation Officer (Domestic Violence cases)
- **Jesse Vialpando**, Probation Officer (Juvenile and Adult cases)
- Probation Clerk is a rotating Deputy Court Clerk position

COURT VOLUNTEERS

We are very appreciative of all of our volunteers and the hours they donate. The volunteers are very dedicated to their tasks. For 2014, the Court and Probation volunteers donated a total of **251.50** hours of service.

- **Doree McCall** assisted with pulling court files for the upcoming week. Ms. McCall has been a volunteer since September 1992. For 2014, Ms. McCall donated **76.25** hours of service.

VOLUNTEERS IN PROBATION

For 2014, the Probation Section had eight Volunteers in Probation (VIPs) who donated a total of **175.25** hours of service. These volunteers help enforce Court orders and provide limited mentoring to probationers and monitor compliance with the terms and conditions of probation by meeting with probationers twice per month at the Court. The volunteers also write brief reports and attend monthly hearings and trainings. We again are very appreciative of the time, effort and energy expended by these individuals.

The volunteers are listed in alphabetical order below:

- **Tammie Badjar**
- **Vikki Ehrhart**
- **Shana Hall**
- **Christina Hagopian**
- **Amanda King**
- **Patricia Murphy**
- **Hannah Reynolds**
- **Carole Schultz**

REVENUES AND OPERATING EXPENSES

The revenues and operating expenses for 2010 through 2014 are listed below.

REVENUES

	2010	2011	2012	2013	2014
Projected Revenue	\$2,050,000	\$2,120,000	\$1,950,000	\$2,095,000	\$2,000,000
Actual Revenue	\$1,875,617	\$2,087,893	\$1,861,668	\$1,723,726	** \$1,449,164

OPERATING EXPENSES

	2010	2011	2012	2013	2014
Projected Expenses	\$1,503,280	\$1,480,381	\$1,508,373	\$1,533,424	\$1,538,116
Actual Expenses	\$1,445,023	\$1,409,499	\$1,424,189	\$1,433,770	**\$1,488,734

** It should be noted that at the time of this report, 2014 actual revenue and expenses have not been finalized.

ADDITIONAL 2014 PROJECTS, CHALLENGES, AND ACCOMPLISHMENTS



City Council Objectives:

- § Excellence in City Services
- § Proactive Regional Collaboration

The following projects are in addition to the Major Projects and Successes listed earlier in the report.

- **Adams County Jail Issues** – Since August 2011, this continues to be a time-consuming and laborious issue, and the outcome is crucial to our Court and City operations. The daily lists are verified and monitored by either the Court Administrator or one of the three supervisors. An Inter-Governmental Agreement (IGA) was reached with the Sheriff this fall, and beginning October 4, 2014, the Sheriff’s daily report was updated to reflect the new soft cap of 65 available municipal beds, and a reallocation of bed spaces among the nine cities. Our specific bed space increased from five beds to 10 beds.
- **FullCourt Enterprise Upgrades and Enhancements** - Court employees tested and IT employees upgraded FullCourt Enterprise Records Management System to Version 5.4. Both groups continue to work together with uploading and testing new releases from the vendor.
- **FullCourt Enterprise User Group** – This group was original established in approximately 2004 when several metro Courts began using FullCourt. This group was re-established in 2014 as

various courts in the metro area began converting or upgrading to FullCourt Enterprise. During 2014, two meetings were held with our group hosting one of the meetings. This group meets quarterly to discuss the Records Management software, and to share ideas and suggestions regarding the system. Meetings include supervisors and clerks, and is a valuable tool and asset to all participants and the vendor.

- **FullCourt Enterprise Demonstrations** - The Probation Supervisor provided demonstrations on the FullCourt Records Management System Probation Section to Boulder and Lakewood Municipal Courts. The Deputy Court Administrator, Financial Supervisor and a Court Clerk provided a demonstration to Arvada and Boulder Municipal Courts on the overall functionality of FullCourt and the Court operation in general.
- **Failure to Pay procedures** - In February, meetings were held with an Assistant City Attorney, both Judges, the Court Administrator, and the three Court Supervisors to review and revise Failure to Pay procedures. This is an on-going process and we continue to review and streamline procedures.
- **Legislative Changes** - Reviewed and implemented appropriate changes to overall operations based on numerous legislative changes this year. Requested legal opinions from City Attorney's Office on some of the legislative changes.
- **ACLU Requests** – The Court Administrator completed requests regarding fines and costs payments.
- **Jury Module** – The Court Administrator, Deputy Court Administrator, Financial Supervisor, a Court Clerk, a GIS employee, and IT staff worked collaboratively to update the Court's Jury Module with new names and updated policies and procedures.
- **Laserfiche** - The Deputy Court Administrator, Financial Supervisor, and two IT staff collaborated to implement upgrades to the Laserfiche system, implement new procedures and streamlined this process.

2015 OUTLOOK

We will approach and proceed into 2015 with a positive and proactive attitude. The *major projects and goals* we will be working on in 2015 are:

Objectives for 2015

- Continue to implement security and facility upgrades with allocated funding – CIP Needs Management
- Continue to conduct audits on all open cases, open warrants, collections, protection orders, and probation cases
- Research possibility of on-line probation reporting through FullCourt Enterprise
- Implement on-line phone payments as an additional payment tool for customers
- Review and update Court website information
- Review and update Court Emergency Procedures Guide
- Review Court Mission Statement
- Develop and monitor customer service surveys or feedback to continue to evaluate the services of the Judges and Court staff. Explore the possibility of an on-line evaluation survey tool.
- Continue to work collaboratively with other City staff to improve and enhance service delivery and impacts on the overall Court operation.
- Add another Pro Tem Judge to our list to enhance and increase availability of Judges when needed.

SUMMARY

The Court and staff would like to acknowledge City Manager Brent McFall for his outstanding leadership, and for his support and guidance directed to the Municipal Court. We appreciate his efforts and direction in guiding the City through some difficult times, and for always smiling and providing positive leadership. We will miss him, and will always be appreciative for his time and service with us. Don Tripp has been chosen as the new City Manager, and we are confident that the foundation Brent established will be a solid base that our new City Manager and City Council can build upon to make this City an even greater community.

We are fortunate to have very highly qualified individuals join our team, and we are fully staffed at the time of this report. During this past year, the City Attorney's Office and City Prosecutor's Office have been working to develop a better working relationship with the Court in delivering quality service.

We received outstanding support from General Services Director Debbie Mitchell and the General Services Department, the City Manager's Office, City Attorney's Office, Building Operations & Maintenance Division, Finance Department, the Police and Fire Departments, and other City departments. Numerous City employees from various departments or divisions have continued to provide outstanding support and assistance to meet our needs.

We continue to be prepared to provide outstanding services to our citizens in a fair and impartial manner. It is our goal to provide a fair venue and experience to all citizens, litigants, witnesses, jurors, attorneys, and other customers appearing before the Court, and arrive at decisions based only upon the law and the evidence presented at the various hearings and trials.

We are appreciative of the continued support of City Council, and are receptive to any concerns that Council may have. We look forward to 2015 and will continue partnering with various departments, agencies and entities.



Staff Report

City Council Study Session Meeting
March 2, 2015



SUBJECT: 2015 Annual Comprehensive Plan Update

PREPARED BY: Sarah Nurmela, Senior Urban Designer, AICP

Recommended City Council Action

Staff will provide background and give a presentation on the Comprehensive Plan. City Council is requested to provide input to staff on proposed Comprehensive Plan updates and direct staff to prepare an ordinance for adoption by City Council regarding the proposed Comprehensive Plan revisions for 2015.

Summary Statement

The Comprehensive Plan, adopted in 2013, provides guidance for all physical planning efforts within the City, establishing policies for land use, economic development, transportation and circulation, urban design, parks, recreation and public facilities, and public services and utilities. The Comprehensive Plan is the product of extensive analysis, which included tabulation of existing conditions for land use, development, public facilities and infrastructure in the City; a citywide economic market study; identification of opportunity sites for potential new and redevelopment; and build-out projections and evaluation by all departments in the city. Key policy considerations that were incorporated into the Plan include:

- Ensuring that development in high profile locations in the City maximizes opportunity for economic growth, community identity and quality of life;
- Planning for sufficient parks and amenities to serve higher-intensity development and a growing, more diverse population;
- Ensuring the City's circulation network accommodates all modes of travel, transit and increased walkability, particularly in higher intensity areas;
- Recognizing and addressing the needs and demands created by the increasing urbanization of the City and the Denver Metropolitan area; and
- Ensuring that land use, development intensity and water supply—as well as other infrastructure and services—are monitored, evaluated and designed to balance supply and demand.

The Comprehensive Plan is considered a “living” document and is thus updated on an annual basis. These annual updates ensure that information and policies presented in the plan coincide with other planning efforts throughout the City, and reflect physical and land use changes made over the course of each year. (These updates have already been adopted by City Council, such as adoption of open space or a specific plan.) The updates also offer the opportunity to provide clarity on specific language

in the plan, ensuring that the document is easy to read, understand, and implement. Annual updates are minor in scope; major, cohesive updates are planned for every five to seven years.

The 2015 Comprehensive Plan Update includes both text and graphics edits, with the majority of text edits directed toward providing clarification of key land use concepts (intensity and density calculations and uses allowed by each land use classification). No substantive changes are proposed. Additional edits to the plan reflect the adoption of the Downtown Specific Plan, new open space, and minor text edits and updates to several chapters. A list of the proposed changes is provided in **Attachment A** and actual changes are highlighted in red (for text) or included (for updated graphics) in **Attachment B**.

The proposed changes to the document are minor in nature and reflect Staff's desire to maintain the Comprehensive Plan as both a current and long range planning tool. Significant policy-related changes that may result from future study sessions with City Council will be incorporated into the Comprehensive Plan if they occur in the future.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City move forward with proposed clarifications and updates to the Comprehensive Plan?

Alternatives

The City could choose to not support all or some of the revisions to the Comprehensive Plan. There are several types of changes proposed that include minor word edits, map and table edits, and clarifications and terminology for land use classifications and calculations. If the proposed changes do not move forward, retaining the Plan as is will have varying impacts, which include the following:

- Minor text edits: these edits will not significantly impact the document, although a few could impact the clarity or intent of the information being presented;
- Map and table edits: these edits are primarily to update Figure 2-2: Land Use Diagram with open space purchases and changes already adopted by Council, so the impact of not completing these will mean the document does not reflect existing conditions accurately which would create confusion for readers; and
- Clarifications to land use classifications: none of the proposed edits change the information or policies existing in the Comprehensive Plan. They do, however, provide greater clarity on how development intensity and density are calculated and on the description of land uses appropriate within each classification. In not approving these clarifications, there may be some ambiguity or lack of clarity within the land use section that could result in potential misinterpretation or misunderstanding by project applicants.

The City could also propose alternative solutions to individual suggested changes to the Plan. The impact will likely depend on a few key factors: the significance of the proposed change (whether a word or clarification edit versus a major policy change) and general consistency with the policies and direction of the adopted Comprehensive Plan.

Background Information

The Comprehensive Plan is the City's primary regulatory document for land use and physical development within the City. The document provides cohesive policy direction for all aspects of physical planning in the City, including parks and open space, community design, economic development, transportation and utility infrastructure, and resource management. The goals and policies of the Plan are aligned with the City's Strategic Plan and outline a direction for development, infrastructure improvements, and community building over the next 20 years. In laying out a strategic vision for the City, the Plan itself is an important communication tool for both the wider Westminster community and between City staff and departments.

The current Comprehensive Plan was adopted in 2013, and reflects a significant shift in planning paradigm. The document preceding the Comprehensive Plan was focused on land use—the Comprehensive Land Use Plan—and did not integrate strategic planning efforts or policy formation from other important functions of the City. The intent of a more robust and inclusive Comprehensive Plan was to ensure that all planning efforts in the City were aligned and informed. This more cohesive approach to planning is essential to a growing community of 110,000 residents with finite resources and infrastructure.

The Comprehensive Plan is the product of extensive analysis, which included tabulation of existing conditions for land use, development, public facilities and infrastructure in the City; a citywide economic market study; identification of opportunity sites for potential new and redevelopment; and build-out projections and evaluation by all departments in the City. This cohesive update to the Comprehensive Plan also provided the City the opportunity to become more proactive and responsive to the local and regional economic and development trends by establishing new land uses, designating specific areas in the City for employment creation and transit-supportive development as well as for a wide range of residential development. The expanded Comprehensive Plan also establishes strong ties between key resources, like land, water, sewer, and transportation infrastructure. The land use designations throughout the city are reflective of evaluation of water supply and availability (currently reflecting a very close balance between demand and supply at buildout), utility capacity, and infrastructure.

Key policy considerations that were incorporated into the Plan include:

- Ensuring that development in high profile locations in the City maximizes opportunity for economic growth, community identity and quality of life;
- Planning for sufficient parks and amenities to serve higher-intensity development and a growing, more diverse population;
- Ensuring the City's circulation network accommodates all modes of travel, transit and increased walkability, particularly in higher intensity areas;
- Recognizing and addressing the needs and demands created by the increasing urbanization of the City and the Denver Metropolitan area; and
- Ensuring that land use, development intensity and water supply—as well as other infrastructure and services—are monitored, evaluated and designed to balance supply and demand.

Although the Comprehensive Plan is a long range planning document, it is also a living document that must be responsive to an ever-evolving physical, economic and social environment. The effectiveness of the Comprehensive Plan as a planning tool relies on its ability to remain relevant to and reflective of changes in policy and physical changes over time. Annual updates to the Comprehensive Plan (even when minor in scope and nature), such as this 2015 Update, are an important part of ensuring the document is up-to-date and in alignment with changes to the Westminster Municipal Code, adoptions and acquisitions of new open space, and updates to other planning documents for the City, such as the Roadway Master Plan or Water Supply Master Plan. The updates also provide an opportunity for clarification of existing policies and regulations in order to make implementation more straightforward.

2015 Update to the Comprehensive Plan

The 2015 Update comprises minor edits and clarifications that have been identified over the course of the past year. The edits and proposed changes to the Comprehensive Plan are described below, outlined in **Attachment A**, and shown in redline form (for text changes) in **Attachment B**.

Any additional edits that may arise from subsequent study sessions with City Council through the course of the year (2015) will be addressed as policy changes, which are typically not tied to this annual “maintenance” update. At this time, Staff does not anticipate any significant changes to the Comprehensive Plan.

Text Edits

The text edits proposed for this update include minor word edits distributed throughout several chapters as well as more targeted edits reflecting the adoption of the Downtown Specific Plan and refinement of definitions and terminology within Chapter 2: Land Use. The changes in Chapter 2 are focused in Section 2.2 Land Use Framework. The intent of the proposed changes in this section is to eliminate ambiguity for (1) calculation of density and intensity (floor area ratio, or FAR), and (2), terminology within land use classification descriptions. (It is important to note that the latter changes do not represent a new interpretation by Staff; the changes below are consistent with implementation and interpretations since the terminology was introduced in the 2004 Comprehensive Land Use Plan was adopted.)

(1) *Density and Intensity*: Although the terms of density and intensity were defined and illustrated in the original adopted Comprehensive Plan, more guidance on how these measures are calculated has been provided. An additional text sidebar and graphic explain and illustrate “gross” site acreage and area as well as the applicability of minimum and maximum density and intensity measures, when and if prescribed as part of a land use classification.

(2) *Land Use Classification*: In this subsection, the terminology used to describe allowances for land use within each classification is modified. The adopted plan uses “*Primary*” and “*Secondary*” to describe land uses that are allowed on all sites or that may be limited by the development review process. However, the meaning of these original terms has also been construed as “*Primary*” uses being preferred and “*Secondary*” uses being acceptable alternatives or allowed as a portion of a project. In order to better clarify the intent of each land use classification, the “*Primary*” and “*Secondary*” uses are replaced by “*Allowed*” and “*Limited*.” As a result, the changes proposed in this subsection include an expanded explanation in the introduction to further clarify these new terms as well as changes to the Development Standards table in each of the land use classifications, where the terms are replaced. The new introductory text is quoted below:

“This section describes each of the land use classifications shown in Figure 2-2: Land Use Diagram. Each classification is described by representative images and text, with a “Development Standards” table that addresses land use and development characteristics. Within the table, land uses are listed as:

- ***Allowed.*** *Uses that are permitted on all sites designated with such classification.*
- ***Limited.*** *Uses that are permitted but limited, such as in overall building area or proportion of a project, or by the development review process.*
- ***Potentially Prohibited.*** *Uses that may or may not be permitted, depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the development review process.*

Development characteristics in the table include maximum and minimum densities and/or floor area ratios (FARs), minimum lot size (for residential uses), and distribution of uses.”

An additional caveat added to this introductory text includes: “*Land uses may also be subject to additional review or permitting processes as required by the Zoning Code.*”

This new introductory text allows for the elimination of a footnote in several of the tables that describes “*Potentially Prohibited*” uses, which was already a term used in the Plan. Additionally, those tables that referenced “*Potentially Prohibited*” commercial uses as part of a footnote were amended to list the uses directly, in order to eliminate ambiguity caused by the reference. This change

is made in the tables for the following land use categories: Mixed Use, Mixed Use Center, Office, Office/R&D Low Intensity, Office/R&D High Intensity, and Flex/Light Industrial. Finally, the “*Site Characteristics*” description was removed from the Development Standards table for the Retail Commercial and Service Commercial classifications. (The descriptive text was moved to the description for Retail Commercial and was already in the Service Commercial description.)

Map and Table Edits

Map edits to the Comprehensive Plan are made in two places—first in the City’s GIS database after changes to the Plan have been adopted, and second, in the Comprehensive Plan document in concert with an annual update. The map edits proposed are within the Plan document and include new open space acquisitions, and two changes in land use approved over the last year by City Council (for Circle Point and the Moorings annexation). All maps will be edited as appropriate, depending on the information shown (the open space/parks layer is included in the base layer of many of the maps in the document). Table edits reflect open space acquisitions and new parks as adopted by the Downtown Specific Plan.

Next Steps

Based on City Council feedback, the proposed changes to the Comprehensive Plan will be finalized and presented to the Planning Commission. Following direction by the Planning Commission, Staff will return to City Council with an ordinance for adoption of the proposed Comprehensive Plan revisions.

The Comprehensive Plan update supports City Council’s Strategic Plan goals of Beautiful, Desirable, Environmentally Responsible City, Excellence in City Services, Ease of Mobility, Visionary Leadership and Effective Governance, and Vibrant and Inclusive Neighborhoods.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments

Attachment A: Summary of Proposed 2015 Update Changes to Comprehensive Plan

Attachment B: Proposed 2015 Update Changes to Comprehensive Plan

Summary of Proposed 2015 Update Changes to Comprehensive Plan

<i>Type of Change</i>	<i>Description</i>
<i>Text Changes/Clarifications</i>	
1-13	Remove text regarding Northeast Area Mobility Study, as the study has been completed.
2-8	Adding additional text and graphics to explain and clarify the calculation of gross density and FAR (floor area ratio).
2-11	Adding additional general description of what each land use classification provides; and clarifying text addressing approval of public/quasi-public uses in second paragraph.
	Adding text to explain development standards table contents.
2-12 to 2-27	Change "Primary" and "Secondary" uses to "Allowed", "Limited" and "Potentially Prohibited". Removed references to other land use classifications for Potentially Prohibited uses in order to provide greater clarity. Both changes result in redlines to the Development Standards table and corresponding footnotes.
3-4	Add text regarding adoption of Westminster Downtown Specific Plan
3-7	Reference added to policy F-P-1 to the land use and regulatory plan for the Downtown Specific Plan
6-9	Removed "high-intensity" from description of Brookhill Shopping Center to be consistent with land use designation.
Chapter 7 (throughout)	update numbers to reflect current number of patrons, acreages, etc.
7-5	update Table 7-1 and corresponding text with 15.3 acres added by the Specific Plan
7-8	Update Planned Improvements text to reference Downtown Specific Plan new park acreage and amend reference to the Little Dry Creek Drainage and Open Space project. Update Needs Assessment text regarding Community Survey timing.
7-12	Update Table 7-3 and corresponding text with 20 acres of added open space
7-14	Update Policies PRLO-P-16 and 17 regarding timing of plans.
8-3	minor word edits and number update.
9-6	Add "Adopted Specific Plans include: Downtown Specific Plan"
<i>Drawing Edits</i>	
All maps	Update parks & open space layer, if shown, to reflect open space added since the 2014 update and new streets, parcels, and platted (undeveloped) park space in the downtown; revised city boundary.
Figure 2-1	Updating with Moorings project and annexation and showing addition of new parks within the Downtown area.
pages 3-5, 3-9, 3-10 and 3-11	replacing images with more updated graphics from the Downtown Specific Plan and the Westminster Station plaza and Little Dry Creek Drainage and Open Space projects.
Appendix C maps	Updated to match 2-1 Land Use Diagram



Church Ranch just north of the Shops at Walnut Creek. Westminster Station is funded as part of RTD's Eagle P3 project and will be an end-of-line station until funding/financing becomes available for the remainder of the Northwest rail corridor. Commuter rail service to this station is anticipated to begin in 2016. The City of Westminster will continue to aggressively pursue efforts to extend the commuter rail line through downtown Westminster and Church Ranch.

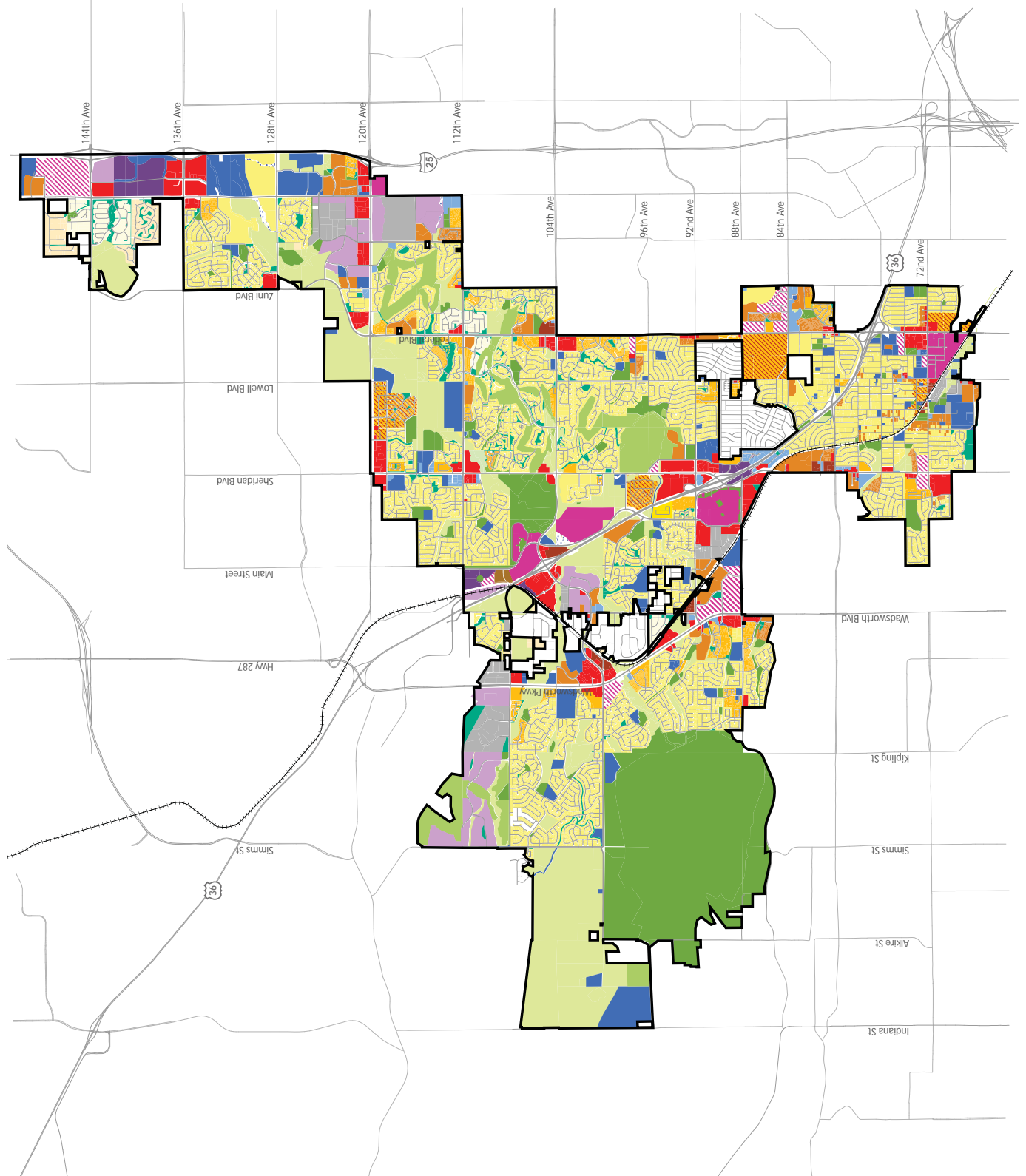
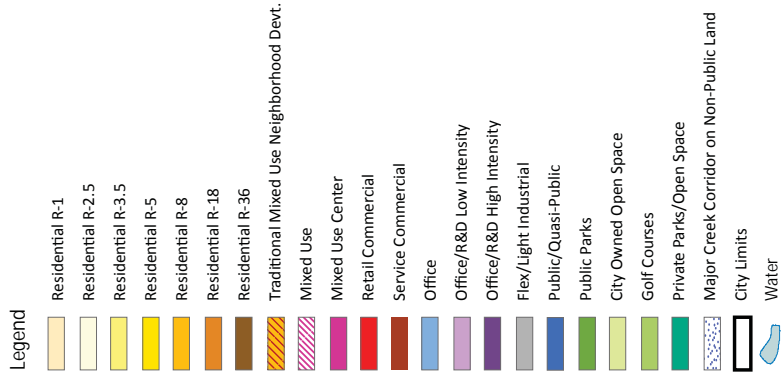
~~The improvements to the US 36 Corridor (commuter rail and BRT) will be refined and prioritized upon completion of the Northwest Area Mobility Study (NAMS). The study's goal is to develop consensus between RTD, CDOT, corridor stakeholders and local jurisdictions on short and long-term transit improvements in the corridor. Specific timing for completion of these improvements will be based on priorities identified by NAMS, which will be finalized in early 2014.~~

Rocky Mountain Metropolitan Airport and Master Plan

The Rocky Mountain Metropolitan Airport is located in Jefferson County just northwest of Westminster's city limits, between Simms Street and Wadsworth Parkway. Jefferson County owns and operates the airport, and recently completed an update to the airport's master plan in 2011. The master plan is an advisory document for local municipal jurisdictions within the Airport Influence Area. The master plan provides projections for airport operations and development on airport-owned land as well as land use guidance for lands within its Airport Influence Area, and most importantly, within its Instrument Critical Zone. The City of Westminster will continue to work with Jefferson County as land use decisions are made for property within the Instrument Critical Zone (see Figure 1-2).

The airport's master plan projects an annual 1.8 percent increase of airport operations through 2030. The increased activity will be coupled with slightly larger aircraft utilizing the airport. With this increased activity, the master plan proposes approximately 180-220 acres of development of airport-related commercial and industrial uses to the southwest of the existing runways. The master plan also identifies the need for an expanded terminal, airport operation facilities and improved circulation with a redirection of Simms Street and an extension of Jefferson Parkway along the northwest portion of the airport.

Figure 2-2: Land Use Diagram



Updated 2/4/15

Calculation of Density & FAR

Calculation of both density and FAR is based on the gross site. See graphic below.

The calculation of FAR only includes gross building area; parking structure area is excluded.

Minimum Densities & FARs

Where required, the overall density or FAR of a site must meet the minimum. If a phased project, the first phase must meet the minimum; subsequent phases must maintain the minimum across all phases.

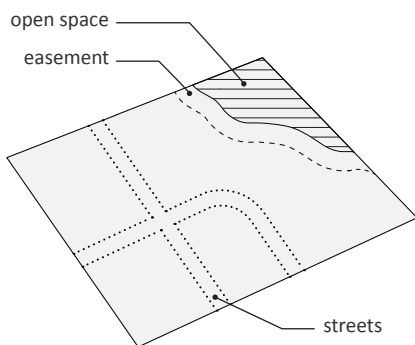
Maximum Densities & FARs

The maximum density or FAR may not be achievable on all sites due to site constraints such as topography or site area.

Density and Intensity

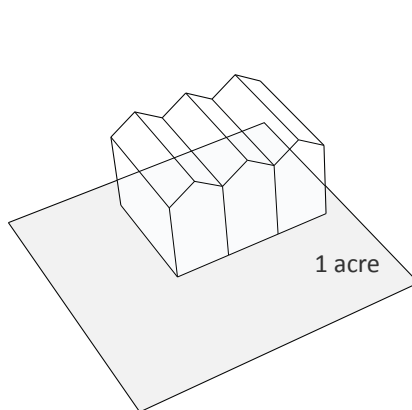
The Comprehensive Plan establishes density and intensity standards for each type of land use. Residential densities are expressed as dwelling units (du) per gross acre (ac), including land for public streets, storm drainage and other rights of way or dedications. This does not include land located within a designated 100-year flood plain (designated as Major Creek Corridor on Non-Public Land). It should be noted that maximum density may not be achievable on all sites due to specific site constraints such as topography, drainage patterns, floodplains, wetlands, required rights-of-way, the city’s adopted design guidelines, public land dedication, or other public improvements. Thus, the maximum density listed for each category is not “guaranteed.” The permitted density will be determined during the development review process taking into consideration the above constraints and enforcing the city’s residential design guidelines for each residential type.

A maximum permitted floor area ratio (FAR) is specified for mixed use and non-residential uses. FAR expresses the ratio of total building square footage to land square footage. For example, an FAR of 2.0 means that for every square foot of land, a developer may build two square feet of building space. Where an FAR is specified for mixed use classifications, the FAR applies to both residential and non-residential building space, excluding structured or surface parking. Similar to residential densities, maximum FARs may not be achievable due to site constraints.



Gross Site Acreage/Area

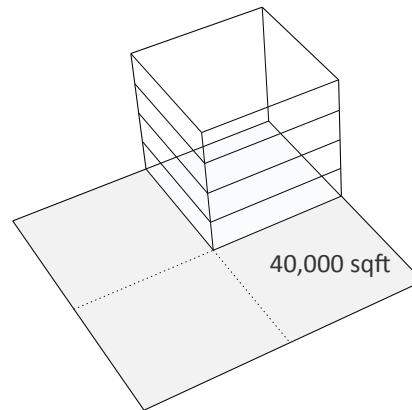
The gross site acreage (or area) encompasses the entire site, including area dedicated for open space, streets, and public easements, as illustrated above. The full acreage of the site (gray area above) is used in the calculation of density or FAR.



Density

$$\frac{\text{Dwelling Units}}{\text{Total Site Acres}} = \frac{3 \text{ du}}{1 \text{ acre}}$$

Shown above, 3.0 du/acre, where 3 dwelling units (du) sit on one acre of gross site acreage.



Floor Area Ratio (FAR)

$$\frac{\text{Total Building Area}}{\text{Total Site Area}} = \frac{40,000 \text{ sqft.}}{40,000 \text{ sqft.}}$$

Shown above, an FAR of 1.0, where a building with 4 floors of 10,000 sqft. each (40,000 sqft. total) sits on a parcel of 40,000 sqft. gross site area.



Land Use Classification

Land use designations are the tools used to define the city’s vision and intent for development throughout the city. They provide overarching direction for land use on a specific site. For the majority of the city’s land area, more specific uses are delineated on a property’s approved Planned Unit Development (PUD), which must be consistent with the property’s Comprehensive Plan land use designation. For properties that are straight zoned (such as Commercial C-1, Business B-1, etc.), the Municipal Code provides greater detail on specific uses permitted within each zoning district. In order to develop, all properties, whether zoned by PUD or **straight individual zoned** district, must be developed in accordance with the Comprehensive Plan.

This section describes each of the land use classifications shown in Figure 2-2: Land Use Diagram. Each classification is described by representative images and text, with a “Development Standards” table that addresses land use and development characteristics. Within the table, land uses are listed as:

- **Allowed.** Uses that are permitted on all sites designated with such classification.
- **Limited.** Uses that are permitted but limited, such as in overall building area or proportion of a project, or by the development review process.
- **Potentially Prohibited.** Uses that may or may not be permitted, depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the development review process.

Development characteristics in the table include maximum and minimum densities and/or floor area ratios (FARs), minimum lot size (for residential uses), and distribution of uses.

In addition to the uses described in each classification to follow, public/quasi public uses—including government offices, police and fire stations, public schools and places of assembly—are permitted in all land use classifications except for park and open space classifications, subject to **the development review process**. Land uses may also be subject to additional review or permitting processes as required by the Zoning Code.



New high density residential and mixed use categories create opportunity for transit-supportive development and vibrant, mixed-use districts.



New office development categories create opportunity for higher intensities of employment development in key areas in the city.



Service, flex and light industrial uses are designated throughout the city in areas of greatest compatibility and synergy.

R-1 Residential

Under 1.0 Dwelling Unit per Acre



This designation is intended to provide for single family detached residences developed at densities lower than typically found in urban areas. R-1 Residential is generally appropriate in areas distant from activity centers where development characteristics are more rural.

Development Standards	
	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Single Family Detached Residences
Limited Secondary Uses	Non-commercial Recreational Uses
Development Characteristics	
Density	Maximum 1.0 du/acre
Minimum Lot Size	17,500 square feet
Distribution of Uses	30% of overall site must be preserved as common open space



R-2.5 Residential

Up to 2.5 Dwelling Units per Acre



This designation is intended to provide for single family detached residences located away from activity centers where land use and development characteristics are suburban or in areas that serve as a transition between rural and urban areas.

Development Standards	
	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Single Family Detached Residences
Limited Secondary Uses	Non-commercial Recreational Uses
Development Characteristics	
Density	Maximum 2.5 du/acre
Minimum Lot Size	10,000 square feet

R-3.5 Residential

Up to 3.5 Dwelling Units per Acre



This designation is intended to provide **primarily** for single family detached residences ~~and duplexes~~. This category is generally appropriate in locations outside urban activity centers in areas where development characteristics are suburban.

Development Standards	
	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Single Family Detached Residences Duplexes (may be allowed depending on location and design)
Limited Secondary Uses	Non-commercial Recreational Uses Duplexes
Development Characteristics	
Density	Maximum 3.5 du/acre
Minimum Lot Size	7,000 square feet (for single family detached dwellings)



R-5 Residential

Up to 5.0 Dwelling Units per Acre



This designation is intended to provide for single family residences (detached and attached), duplexes, patio homes, townhomes and condominiums. This category is generally appropriate outside of urban activity centers in areas of moderate density.

Development Standards

	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Single Family Detached Residences Single Family Attached Residences Duplexes Patio Homes Townhomes Condominiums
Limited Secondary Uses	Non-commercial Recreational Uses Senior Housing Facilities (1)
Development Characteristics	
Density	Maximum 5.0 du/acre
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	

R-8 Residential

Up to 8.0 Dwelling Units per Acre



This designation accommodates a mix of housing types from single family residences (attached and detached) and duplexes to townhomes, condominiums and walk-up apartments. This designation is appropriate in close proximity to activity centers and to areas that can be served by transit.

Development Standards	
	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Single Family Detached Residences Single Family Attached Residences Duplexes Patio Homes Townhomes Condominiums
Limited Secondary Uses	Non-commercial Recreational Uses Senior Housing Facilities (1)
Development Characteristics	
Density	Maximum 8.0 du/acre
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	

R-18 Residential

Up to 18.0 Dwelling Units per Acre



This designation accommodates a mix of higher density housing types including townhomes, apartments and condominiums. R-18 Residential shall be located along arterial streets, near transit centers or available transit, and within or near activity centers with a mix of supportive uses.

Development Standards	
	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Apartments Condominiums Townhomes Single Family Residences
Limited Secondary Uses	Non-commercial Recreational Uses Senior Housing Facilities (1)
Development Characteristics	
Density	Maximum 18.0 du/acre
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	

R-36 Residential

18.0 to 36.0 Dwelling Units per Acre



This designation accommodates a range of higher density housing types from townhomes to apartments, condominiums and similar higher density typologies. R-36 Residential shall be located along arterial streets near transit and activity centers, where supportive neighborhood-serving uses and transit are within a 5- to 10-minute, or half-mile, walk.

Development Standards	
	Requirement
Land Use	
Allowed Primary Uses	Apartments, Condominiums, Lofts and Townhomes
Limited Secondary Uses	Non-commercial Recreational Uses
	Senior Housing Facilities (1)
Development Characteristics	
Density	Minimum 18.0 du/acre
	Maximum 36.0 du/acre
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	

Traditional Mixed Use Neighborhood Development (TMUND)
Up to 18.0 Dwelling Units per Acre and 1.0 Commercial FAR



This designation is intended for inclusive neighborhoods with a mix of residential and supportive non-residential uses in a walkable, pedestrian-oriented, urban village development pattern. Housing types could range from medium and small-lot single family homes to multifamily apartments and lofts. Mixed or non-residential uses could include offices, personal/business services, retail and live/work development. An interconnected grid of streets, pedestrian connections and parks is emphasized. The maximum density and intensity for this designation may be applied to the entire TMUND master planned development as opposed to specific sites.

All new development shall be consistent with the TMUND Design Guidelines, which provide greater detail for site, building and landscape design. (Bradburn Village is an example of a successful TMUND project.)

Development Standards

	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Apartments, Condominiums, Lofts and Townhomes Single Family Residences (attached or detached) Offices, Personal Services, Retail Commercial, Live/Work
Limited-Secondary Uses	Non-commercial Recreational Uses Senior Housing Facilities (1), Child Care
Limited or Potentially Prohibited Uses (2)	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services

Development Characteristics

Density	Maximum 18.0 du/acre (23)
Floor Area Ratio	Maximum 1.0 for Commercial uses

(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.
 (2) Uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city.
 (23) Greater densities may be allowed if approved by the Planning Commission and City Council.

Mixed Use

8.0 to 36.0 Dwelling Units per Acre and Maximum Combined FAR of 1.5



This designation is intended to foster development with a mix of residential and commercial uses. Stand-alone commercial use or a combination of residential and commercial use is permitted. Where residential development is proposed, a vertical mix of uses (such as residential or office use above ground floor retail) is required with a minimum 0.10 FAR of commercial use (retail, offices or personal/business services). Parking should be located behind buildings, below grade or in structures to ensure active uses face onto public streets. Auto-oriented uses and drive-throughs are strongly discouraged as part of residential mixed-use projects.

Development Standards

	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Apartments, Condominiums, Lofts and Townhomes Offices, Personal Services, Retail Commercial (1) , Live/Work (1)
Limited or Potentially Prohibited Uses (12)	Auto-oriented uses Stand-alone uses with vehicle drive-throughs
Potentially Prohibited Uses	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
Development Characteristics	
Density	Minimum 8.0 du/acre, when provided Maximum 36.0 du/acre, when provided
Floor Area Ratio	Minimum 0.10 Commercial when Residential is provided Maximum 1.5 Combined Residential and Commercial

(1) Uses may not be permitted as part of a mixed-use project that includes both residential and commercial uses. Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial classification for a list of Limited or Potentially Prohibited Uses.

(2) Applicable to mixed-use projects with both residential and commercial uses.



Mixed Use Center

Minimum FAR of 0.75 and Maximum Combined FAR of 2.0*



This designation establishes key activity centers in the city, typically to be located with access to transit. Uses may include a mix of residential, retail, office and hotel uses. Along pedestrian-oriented street frontages, ground floor uses should be active, such as retail stores, restaurants and cafes. A vertical mix of uses is encouraged with retail at the ground level and office, hotel and/or residential on upper floors. Parking is strongly encouraged to be structured or below grade, with minimal surface parking—which should be located away from public view. Auto-oriented uses and new standalone uses with drive-throughs are not permitted.

Development Standards

	<i>Requirement</i>
Land Use	
Allowed Primary Uses (1)	Apartments, Condominiums, Lofts and Townhomes Offices, Personal Services, Retail Commercial (1) , Live/Work (1)
Potentially Prohibited Uses	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services

Development Characteristics

Density	Minimum 18.0 du/acre, when provided
Floor Area Ratio	Minimum 0.75 Combined Residential and Commercial (23) (34) Maximum 2.0 Combined Residential and Commercial (23) (34) (45)

(1) Auto-oriented uses and stand-alone uses with vehicle drive-throughs are prohibited. However, formerly-established drive through uses may be permitted as a component of new development, subject to the development review process. Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial classification for a list of Limited or Potentially Prohibited Uses.

(2) The Combined Floor Area Ratio (FAR) is calculated with both residential and commercial building area.

(3) Calculation of FAR for master planned developments excludes rights-of-way.

(4) Greater Maximum FAR may be permitted if otherwise determined by preliminary development plan (PDP) or other regulatory plan.

Retail Commercial

Maximum FAR of 0.35



This designation serves a variety of neighborhood and regional commercial needs and can be comprised of retail stores, eating establishments, banks, supermarkets and business and professional offices. **Retail commercial uses are generally limited to arterial street intersections at one or two corners. Neighborhood commercial development is allowed on collector streets.** Auto service stations, convenience stores, drive-through facilities and other similar uses may be limited and may not be allowed in areas that directly abut residential districts, public/quasi-public or institutional uses or public space. When permitted, such facilities shall use enhanced architectural design to be compatible with surrounding uses. Design of all retail commercial development must be consistent with the Retail Commercial Design Guidelines.

Development Standards	
	Requirement
Land Use	
Allowed Primary Uses	Retail stores, eating establishments, banks, supermarkets, and business and professional offices
Limited Uses	Auto-oriented uses Stand-alone uses with vehicle drive-throughs
Limited or Potentially Prohibited Uses ⁽¹⁾	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
Development Characteristics	
Floor Area Ratio	Maximum 0.35
Site Characteristics	Generally limited to arterial street intersections to one or two corners. Neighborhood commercial development is allowed on collector streets.
<i>(1) Uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city.</i>	



Service Commercial
Maximum FAR of 0.35



This designation accommodates auto-oriented and general commercial uses including auto sales and service, nurseries and wholesale establishments. Retail commercial uses may also be located within this designation. Development is generally limited to arterial streets away from major intersections.

Development Standards	
	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Auto-related sales and services, convenience stores, wholesale, nurseries Retail stores, eating establishments, banks, supermarkets, and business and professional offices
Development Characteristics	
Floor Area Ratio	Maximum 0.35
Site Characteristics	Generally limited to arterial street intersections to one or two corners. Neighborhood commercial development is allowed on collector streets.

Office

Maximum FAR of 0.35



This designation accommodates offices for medical, legal, banking, insurance and similar professional office uses. This designation is intended to be compatible with abutting residential and other sensitive uses. A limited amount of retail uses integrated into the office building is permitted as a portion of the project gross floor area, or GFA (see below for requirements).

Development Standards	
	Requirement
Land Use	
Allowed Primary Uses	Professional and commercial offices (medical, business, real estate, law and consulting offices)
Limited Secondary Uses	Support Commercial including eating establishments, pharmacies, personal business services, office supply (1) (2)
Potentially Prohibited Uses	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
Development Characteristics	
Floor Area Ratio	Maximum 0.35
Distribution of Uses	Maximum 15% of GFA Support Commercial or 10,000 sqft, whichever is less (23) (34)
<p><i>(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office buildings.</i></p> <p><i>(2) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial classification for a list of Limited or Potentially Prohibited Uses.</i></p> <p><i>(3) Commercial building area shall not exceed 50 percent of the ground floor of any one building.</i></p> <p><i>(34) Support commercial uses may be further constrained by parking availability.</i></p>	

Office/R&D Low Intensity
Maximum FAR of 1.0



This designation is intended for campus-like development with offices, research and development facilities, medical facilities and supportive uses. Manufacturing and mass production space is limited to less than 30 percent of gross floor area on a lot. Accessory or small-scale supporting retail or personal/business services integrated into office buildings are also permitted up to 10 percent of gross floor area. Strategically located hotel uses that support employment uses may be permitted by PUD.

Development Standards

	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Professional offices, research and development labs, medical facilities
Limited Secondary Uses	Hotel Manufacturing, warehouse, production Support Commercial including eating establishments, pharmacies, personal business services, office supply (1)(2)
Potentially Prohibited Uses	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
Development Characteristics	
Floor Area Ratio	Maximum 1.0
Distribution of Uses	Maximum 10% of GFA Support Commercial or 15,000 sqft, whichever is less (23) Maximum 30% of GFA Manufacturing, Warehouse and/or Production use

(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office/R&D buildings.
 (2) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial classification for a list of Limited or Potentially Prohibited Uses.
 (3) Support commercial uses may be further constrained by parking availability.

Office/R&D High Intensity

Minimum FAR of 0.30 and Maximum FAR of 2.0



This designation identifies areas where higher-intensity employment uses are appropriate. These areas are located along major transportation corridors with high visibility and accessibility. Employment uses are emphasized, including high-rise or campus-like office developments and supportive research and development uses. Manufacturing and mass production space is limited to less than 10% of gross floor area. Accessory or small-scale supporting retail or personal/business service uses integrated into office buildings are also permitted up to 10% of gross floor area. Strategically located hotel uses are permitted by PUD. The desired type of development is multistory buildings served by a mix of structured and surface parking.

Development Standards

	<i>Requirement</i>
Land Use	
Allowed Primary Uses	Professional offices, research and development labs, medical facilities
Limited Secondary Uses	Hotel Manufacturing, warehouse, production Support Commercial including eating establishments, pharmacies, personal business services, office supply (1)(2)
Potentially Prohibited Uses	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
Development Characteristics	
Floor Area Ratio	Minimum 0.3 Maximum 2.0
Distribution of Uses	Maximum 10% of GFA Support Commercial use, or 15,000 sqft, whichever is less (23) Maximum 10% of GFA Manufacturing, Warehouse and/or Production use

(1) May be allowed through city’s development review process when developed in conjunction with, and accessory to, office/R&D buildings.

(2) Support commercial uses may be further constrained by parking availability.

Flex/Light Industrial
Maximum FAR of 0.5



This designation is intended to provide and protect land for flexible employment uses, including manufacturing and assembly, research and product development, warehousing and distribution facilities, and supportive office space. Flexible spaces may include storefront space for offices, sales and customer service. Auto-related service and self storage uses are also permitted. Uses that create objectionable levels of noise, vibration, odor, glare or hazards are not permitted. Outdoor storage must be screened from public right-of-way and non-industrial uses. Support commercial uses integrated into flex/light industrial buildings are also permitted up to 10% of gross floor area. In general, light industrial uses should be located away from residential areas and adequately buffered from other land uses. The city may impose a stricter standard for more intense industrial uses.

Development Standards

Requirement

Land Use

Allowed Primary Uses Flex office space including professional office, research and development labs
 Warehousing, fabrication facilities, repair shops, wholesale distributors and light manufacturing

Limited Secondary Uses Support Commercial including eating establishments, pharmacies, personal business services, studios, office supply (1)(2)

Potentially Prohibited Uses Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services

Development Characteristics

Floor Area Ratio Maximum 0.5
 Distribution of Uses Maximum 10% of GFA Support Commercial use, or 15,000 sqft, whichever is less (23)

(1) May be allowed through the city’s development review process when developed in conjunction with, and accessory to, office/R&D buildings.

(2) Support commercial uses may be further constrained by parking availability.

3.1 DOWNTOWN WESTMINSTER FOCUS AREA

Downtown Westminster is a 105-acre area that constitutes the site of the former Westminster Mall. The area is bounded by Sheridan Boulevard/US 36 and Harlan Street to the east and west, and 92nd and 88th avenues to the north and south. Approximately 95 percent of the site is owned by the Westminster Economic Development Authority (WEDA), which worked to purchase the mall after years of significant vacancy and neglect. Although a few individual buildings remain, most of the mall structures were demolished by the end of 2012 in order to ready the site for redevelopment.



Left: Looking southwest into the site from the northeast corner. Middle: Cottonwoods and Allen Ditch along 88th Avenue. Right: Existing JCPenneys building at the south end of the focus area.



The site is strategically located in the heart of Westminster just 10 miles from Denver's central business district and 15 miles to Boulder. Development in the immediate area is primarily commercial, with some office and industrial flex space to the west. Residential development borders the area to the north, with US 36 and Sheridan Boulevard creating the eastern edge. Also bordering the site to the east is one of the most active RTD park-and-ride bus facilities within RTD's service area. A future RTD FasTracks commuter rail station is planned to the south of the site across 88th Avenue and just east of the Harlan Street alignment. Almost the entire focus area is located within a 10-minute walk of the planned station.

Westminster Mall was once a significant regional and citywide destination as well as an important gathering place for the Westminster community. In keeping with its original role as a community and regional destination, the City of Westminster envisions the focus area as a new downtown and regional hub (Figure 3-2). **As adopted in the Downtown Specific Plan, a high intensity mix of office, retail, residential and hotel uses will serve as the foundation for activity, to be enhanced by an interconnected network of plazas, parks and linear greens. A safe, walkable pedestrian environment will be emphasized along with clear navigation for bicyclists, vehicles and transit throughout the downtown area. A new street grid enhancing connectivity will be implemented, with maximized views to the mountains and downtown Denver. Finally, access and connectivity to existing and future transit will be a focus of future planning—ensuring** that employment and residential uses are connected to the larger metropolitan area.

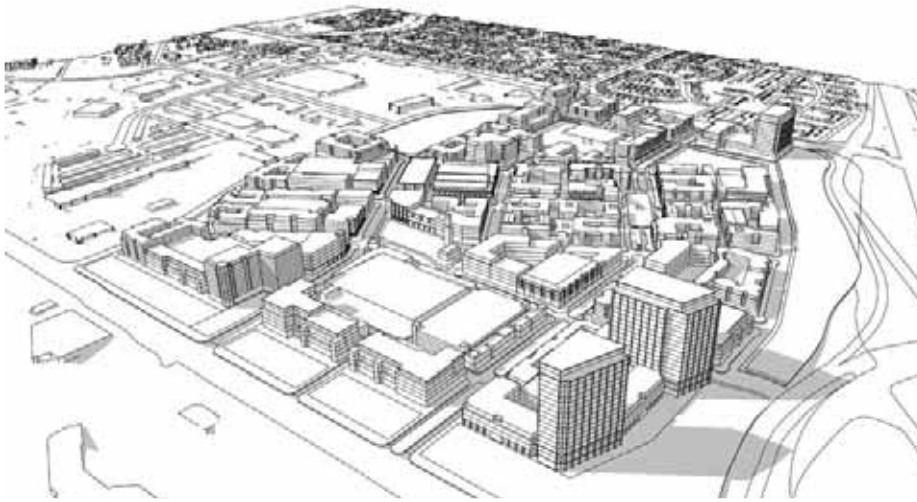


Figure 3-2: Downtown Specific Plan Illustrative Concept





GOALS

- F-G-1** Establish the Downtown Westminster Focus Area as the city’s new downtown.
- F-G-2** Create a vibrant destination that serves as a cultural center for the community and as a regional hub and destination.

POLICIES

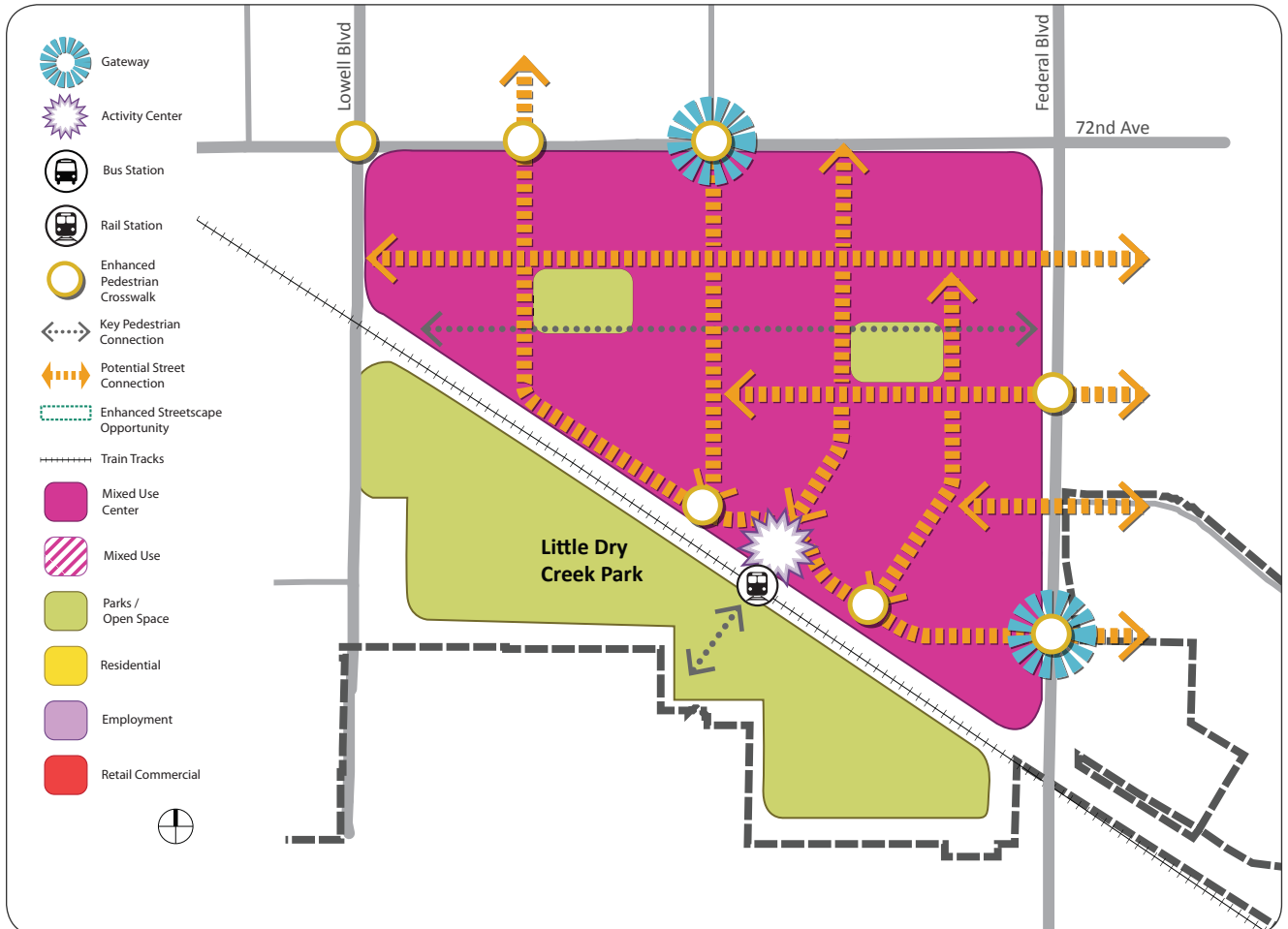
- F-P-1** Foster a synergistic mix of uses that will support transit and an active environment for retail, office and residential uses. **Ensure land uses are consistent with the Comprehensive Plan Land Use Diagram and Downtown Specific Plan Regulating Plan.**
- F-P-2** Encourage a vertical mix of uses throughout the focus area, with ground floor commercial uses and office, residential or hotel uses on upper floors.
- F-P-3** Ensure all development presents an “active frontage” to the street edge, with ample window area, frequent entries and enhanced façade articulation.
- F-P-4** Develop a vibrant public realm with a variety of experiences, public spaces and parks. Various plazas and parks should be designed as unique spaces that create distinct settings and environments throughout the area.
- F-P-5** Provide ample public and green space that will accommodate the needs of new residents, provide venues for community events and gathering, and establish identity for the downtown area.
- F-P-6** Design the street grid to foster connectivity for all modes of travel, with an emphasis on safe and comfortable pedestrian circulation.
- F-P-7** Facilitate direct, convenient access to transit with enhanced pedestrian crossings and connections.
- F-P-8** Ensure the downtown area is easy to access by all modes of transportation. Parking should be easy to find and allow visitors to park once and walk to key activity nodes.
- F-P-9** Enhance and complete trail connections to and within the downtown area, such as the Allen Ditch Trail and US 36 Commuter Bike Trail.





Little Dry Creek Park and Open Space Master Plan

Figure 3-3: Westminster Station Focus Area Illustrative Concept



Attachment B

Westminster Comprehensive Plan - 2013



Above, an illustrative view of the station looking south into the planned Little Dry Creek Drainage and Open Space. Transit riders will need to cross south through the tunnel in order to access the train ticketing and platform. Below, an illustrative view of the north transit plaza that will become a community gathering and event space.



Above, an illustrative view showing conceptual development facing onto the north plaza and along Westminster Station Drive and Hooker Street. Below, an illustrative view showing the relationship of the north and south plaza areas.



Wadsworth Parkway

Wadsworth Parkway, State Highway 121, extends south to Highlands Ranch and to the north as US 287. As a true regional connection, Wadsworth Parkway (Wadsworth Boulevard south of 92nd Avenue) has a significant role in many of the cities it passes through. In Westminster, the character of the street is primarily commercial, with some residential development. Commercial development along the corridor is primarily larger in scale than along Federal or Sheridan boulevards. Retail centers include mid- and large-box anchors that provide both community- and regional-serving retail. Many of these centers are older, have limited visibility due to variations in grade and have persistent vacancies.

The Comprehensive Plan looks to encourage redevelopment of many of these centers with mixed-use or new commercial development. As described in Chapter 2: Land Use, the vision for the 80-acre Brookhill Shopping Center is of a ~~high-intensity~~ mixed-use district with a range of residential and commercial uses. The physical presence of development along the corridor will be emphasized along the street edge, along with unified landscaping and connections to open space, trails and sidewalks. Although a newer street, the corridor could also benefit visually from streetscape improvements like a raised landscaped median and street trees that are closer to the right-of-way. A key opportunity for right-of-way landscape improvements is the west side of the street between 94th and 98th avenues.



Although development along Wadsworth Parkway is relatively newer than that along Sheridan and Federal boulevards, some centers are beginning to show their age. Others will benefit in the future from improvements or infill.



The city's expansive network of open space and parks includes Margaret's Pond, above, and the 205-acre City Park, below.

Overview

Over the past 40 years, the city has acquired or built four award-winning recreation centers, over 50 parks including the 205-acre City Park, two new libraries, two award-winning golf courses, an extensive 100-mile trail system and ~~over 3,000 thousands of~~ acres of open space throughout the community. Today (2013), this system of parks, recreation and open space occupies approximately 32 percent of the city's land area (Figure 7-1). As a result, most residents can easily access the city's network of trails, parks and open spaces within a ten-minute, or half-mile walk. In fact, the Big Dry Creek Trail, one of the most popular trails in the system, is used by an estimated 100,000 people annually. Likewise, recreational, learning and library services are also a key component of city life. In 2012 alone, over 4528,000 patrons visited one of the Westminster library facilities and over 6103,000 people participated in recreation classes.

This update to the Comprehensive Plan marks an important paradigm shift for parks and recreation planning. As the city becomes more densely developed, there will be significantly fewer opportunities to physically expand the park and open space network. Instead, optimizing the use of the city's existing parks, recreation facilities and open spaces will be emphasized. Planning will be focused on improving access, maintaining and improving existing facilities, and enhancing the quality and number of active recreation opportunities in the city. Additionally, the city will identify opportunities for providing high quality, well-designed parks and plazas to serve new residents in higher-intensity, mixed-use urban environments like downtown Westminster and the Westminster Station Area. The Plan provides a framework for ensuring that the city's existing and future parks and open spaces continue to provide a high quality of life and experience in the city.

7.1 PARKS AND RECREATION

Parks and recreation facilities provide opportunities for leisure, informal sports and gathering as well as formal recreation, sports activities and programs. Well-designed park spaces can contribute significantly to a city's identity and sense of place. However, these spaces must be accessible, safe and well-maintained, and must meet the needs of the city's changing demographics, activity trends and expectations for quality programming. As the city shifts its focus from expansion to maintenance of the city's parks, recreation facilities and open space these elements of design and function will be increasingly more significant.



Existing Parks and Recreation

The city currently maintains and operates 53 neighborhood, community and citywide parks, ranging in size from 1.4 to 200 acres and comprising almost 600 acres in total. The city also owns 4560 acres of undeveloped parkland. In addition to the city’s neighborhood and community parks, the city operates the 2,327-acre Standley Lake Regional Park and multiple recreation and sports facilities. Westminster’s Parks and Recreation Master Plan provides a complete inventory of the city’s parks and community facilities, which is summarized in Table 7-1. **The Parks, Recreation, and Libraries Department’s mission for delivering exceptional services focuses on nature, wellness, and literacy.** A major element of the city’s parks and recreation system is the programming of sports and activities for youth, adults, and families. **These Key programs areas include sports leagues, trips for seniors, swimming, arts and crafts, preschool and fitness programs, wellness, outdoor, educational enrichment, swimming, and sports activities.**

Parks and community facilities are classified based on size, function and characteristics, as described in Table 7-2. Aside from the Standley Lake Regional Park, located at the western edge of the city, the majority of park space in the city is classified as neighborhood and community parks. These parks are an integral part of the city’s high quality of life and are utilized by approximately 75 percent of the city’s residents on a daily basis.



Existing parks include the regional Standley Lake Park, above, and neighborhood parks like Faversham Park, middle, and Bishop Square Park, bottom.

Table 7-1: Parks, Recreation and Open Space Inventory

Facility Type	Quantity	Total Acreage
Parks	54	2919.4
Neighborhood Parks	45	259.5
Community Parks*	7	160.0
Citywide Park	1	205.0
Regional Park	1	2327.0
Undeveloped Parklands		4560.36
Special Use Facilities	15	484.0
Recreation Centers**	5	30.0
Sports Facilities	2	10.0
Golf Courses	2	414.0
Other Special Use***	6	30.0
Conservation & Open Space		30792.1
Subtotal Public Parks, Open Space and Golf Course Lands		6,4682.3
Non-City Owned Golf Courses	2	291
Total Parks, Open Space and Golf Course Lands		6,8147.81

*Includes the 205-acre City Park facility.

**City Park recreation and fitness facility acreage is included in the total 205-acre City Park acreage. An additional 11 acres is undeveloped at the Park Centre/Northeast Resource Center.

*** Refer to the City’s Parks and Recreation Master Plan for more detail.



The Jessica Ridgeway Memorial Park is one of the city's most recent park renovations, completed in 2013.



A rendering of the planned Little Dry Creek Park pond, looking east from the south station plaza area towards Federal Boulevard.

Proposed Parks and Improvements

Although the Comprehensive Plan does not specifically designate new parkland, the city will identify sites for potential new parks as part of new and infill development. Provision of well-designed and strategically located new park space ~~will be~~ is a specific focus for the downtown Westminster and Westminster Station areas ~~planning processes~~. Introduction of smaller pocket parks, squares and plazas will be focused in these higher-intensity, more urban areas in order to provide new residents a range of active and passive outdoor spaces within easy walking distance. ~~The Downtown Specific Plan, adopted in 2014, designates 15.3 acres of new parks and public spaces.~~

The most significant parks improvement underway is the new Little Dry Creek ~~Park Drainage and Open Space, which will be a~~ that encompasses 37.5-acres ~~community park~~ just south of the Burlington Northern Santa Fe rail corridor between Federal and Lowell boulevards. Additional new parks and improvements to existing facilities are outlined in the Parks and Recreation Master Plan, which is slated to be updated in 201~~4~~6. Specific improvements to park facilities currently under study include increased native planting areas and reduced potable and reclaimed water consumption. Use of reclaimed water to serve the city's public realm is a priority for the city.

Needs Assessments

In addition to planning for new facilities as development occurs, the city conducts periodic surveys and needs assessments to ensure that trends in active and passive recreation uses in the city are met by its parks and recreation system. The most recent Parks, Recreation and Libraries survey, conducted in April of 2013, indicates that the Westminster community prioritizes:

- Protecting the natural environment and promoting environmental sustainability
- Creating and maintaining a more beautiful community
- Providing green, natural spaces within the community with parks, open space and golf courses
- Providing trails and paths for residents to use for exercise and non-motorized transportation
- Providing opportunities for residents to maintain or improve physical health
- Helping revitalize areas of the community through new or enhanced facilities

To complement the survey, ~~a more thorough needs assessment is planned for 2015, which will help identify opportunities for improvements and optimization of the city's parks and recreation system.~~ an additional Community Survey will be implemented for Parks, Recreation, and Libraries. A more thorough needs assessment will be completed in 2016.



7.2 COMMUNITY FACILITIES AND LIBRARIES

Year-round access to recreation and library services is a key amenity for the Westminster community. The city's active population has a range of indoor and outdoor opportunities for sports and fitness activities as well as educational and enrichment programs. As the city's population increases, maintaining the city's recreational offerings and availability will be essential for ensuring the continued high quality of life that current residents enjoy.

Recreation Facilities

Recreation and Sports Centers

The city operates five recreation centers with a range of uses, including the City Park Recreation and Fitness centers, Swim and Fitness Center, Westview Recreation Center and the MAC Center. These facilities are available to residents and non-residents. Additionally, the city has two sports centers, the Westminster Sports Center indoor soccer facility and the Ice Centre at the Westminster Promenade. The city also has agreements with other organizations and districts to provide residents additional recreational options. These organizations include the Hyland Hills Park and Recreation District, the Adams and Jefferson County Open Space Programs and Great Outdoors Colorado Trust Fund, the Butterfly Pavilion, and the North Metro Arts Alliance to provide recreational and cultural amenities for its citizens and visitors.

Golf Courses

Three public golf courses are located within the city. These include the Heritage at Westmoor Golf Course (18 holes), Legacy Ridge Golf Course (18 holes) and Hyland Hills Golf Course (27 holes). The City of Westminster and Jefferson County developed the Heritage at Westmoor Golf Course in the Westmoor Technology Park, north of 108th Avenue between Wadsworth Parkway and Simms Street in 1999. Development of this course provided a golf amenity in the western portion of the city and accelerated the development of the Westmoor Technology Park as a new major employment center. The Legacy Ridge Golf Course, located south of 104th Avenue between Sheridan and Federal boulevards, provides a high quality golf facility with a regional draw. This course was developed in 1994. Together, these courses comprise 414 acres in the city and accommodate over 7264,000 rounds of golf annually.

Finally, the 230-acre Hyland Greens Golf Course, located at approximately 96th Avenue and Sheridan Boulevard, is owned and operated by the Hyland Hills Parks and Recreation District and open to the Westminster public. Additional private golf courses are located in the city, including the Ranch Country Club and Stoney Creek courses.



Community facilities include the Westview Recreation Center, top; City Park Recreation Center, middle; and the Legacy Ridge Golf Course.



Irving Street Library, above, is the most recent addition to the city's library system. College Hill Library, below, is a shared facility with the Front Range Community College.

Libraries

The city operates two libraries—Irving Street Library and College Hill Library, constructed in 2004 and 1998, respectively. The Irving Street Library is located in South Westminster, adjacent to the Irving Street Park on Irving Street at 74th Avenue. The College Hill Library on 112th Avenue is a joint public and academic facility for the city and Front Range Community College. Both libraries offer a variety of services in addition to media rental, including free wifi, computer access, and a variety of youth and adult services and events. These services reflect the ever-evolving technology and cultural needs of the Westminster community. **Together, these Libraries serve over 420,000 visitors a year.**

Planned Improvements

Planned improvements to city recreational facilities are outlined in the Parks and Recreation Master Plan. Facility improvements are focused on renovation and repair of older facilities, such as the recent improvements to the Swim and Fitness Center in 2012. These improvements included a complete renovation of the locker rooms with the addition of family changing rooms; improved handicap accessibility; improvements to the hot tub and sauna; and the addition of an outdoor patio area and splashpad. Future improvements to existing facilities will be similarly focused, and potentially more frequent as use of the facilities increases with new population.

In order to accommodate future population growth in the city, there may be need for an additional recreation facility to maintain the city's existing level of service for recreational facilities and programs. Likewise, new library or event space may be needed, as trends in technology, media and community meeting space evolve. Assessment of the location and timing of new facilities will be conducted in concert with planning for parks and programming to ensure that adequate space is available to serve the city's recreational needs.



7.3 OPEN SPACE AND TRAILS

Westminster's extensive open space system is a key element of its unique setting and identity as a Front Range community. The city has made preservation and protection of natural environments and habitats a priority, integrating their conservation into the physical development of the city. As a result, Westminster's visual landscape is rich with a variety of open spaces, trails, preserved historic sites and scenic vistas.

The city's extensive open space system began with authorization of an open space sales tax in 1985 to purchase land for preservation and natural habitat protection. Westminster was only the second city in Colorado to enact a sales tax for an open space acquisition program (after Boulder). As part of this effort, the city set a goal of preserving 15 percent of the city's overall land area as open space. With over 14 percent of the city's land area preserved as of 2013, the city has begun to transition efforts from acquisition to ~~the development of an open space~~ management and operations ~~plan~~ that will ensure this vital resource will be preserved and maintained into the future. A more limited open space acquisition program will still continue.

Existing Open Space and Trails

Since 1985, the city has acquired 3,0792 acres of open space to be preserved for passive recreational use and protection of natural wildlife habitat. These open space areas can be found throughout the city, as shown in Figure 7-1, but are concentrated in the city's western area near Standley Lake and along drainage ways and irrigation ditches that cross the community, including Walnut Creek, Big Dry Creek, the Farmers' High Line Canal and Little Dry Creek. Preserved open space by creek and natural corridors is summarized in Table 7-3.

Existing open space in the city provides for protection of sensitive habitat areas and wildlife movement corridors, view corridors and preservation of open and rural landscapes. Additionally, the city's open space system provides recreation opportunities such as hiking, biking, fishing, horseback riding and nature study. Many of the city's open spaces are linear connections that follow major creek corridors or serve as buffers between developments. These linear connections allow for an extensive network of trails that play a vital role in the city, linking neighborhoods, parks, schools and employment areas to a citywide and regional trail system. In all, Westminster currently has over 1065 miles of trails, as shown on Figure 7-1.

The city's open space and trail systems also connect to the larger regional system, particularly to the west of the city where vast areas of open space are preserved in the City of Boulder, Boulder County, Jefferson County and the Rocky Mountain National Wildlife Refuge.



The city's open spaces are a major asset for the community, providing trails (Big Dry Creek, top), wide open spaces for recreation and passive use (Hyland Ponds) as well as habitat for wildlife (Loon Lake, bottom).

Attachment B



Maintenance and improvements to the city's highly-used trail system are a key focus of the open space program.

Table 7-3: Preserved Open Space by Corridor

<i>Corridor</i>	<i>Acres</i>
Big Dry Creek	970:382.8
Little Dry Creek	76:38.5
Walnut Creek	187.2
Farmers' High Line and Niver Canals	147:750.3
Westminster Hills	1,029.2
McKay Lake	134.6
Hyland Ponds and South Hylands Creek	69:18.8
Wadsworth Wetlands	19.3
Vogel Pond	44.7
Natural Areas, Water, Trees & Wildlife	284.2
Other Areas	109:512.5
Total Preserved Open Space	3,0792.1

Source: City of Westminster, ~~October 2013~~ February 2015.

Planned Improvements

~~Two master planning efforts serve the open space system—an Open Space Master Plan, which will be developed in 2014, and the city's Trails Master Plan. The Open Space Master Plan will be periodically updated and In 2014, the City completed the Open Space Stewardship Plan. This plan identifies~~ priorities for land acquisition and open space management. Future acquisitions will be limited and focused on protecting view sheds, preserving unique natural areas and purchasing properties that will improve trail access throughout the city. Enhancement of the city's open spaces will also be pursued including trail improvements and addition of educational areas in order to attract greater use of the system. However, maintenance and operations of the city's existing open space system will be the primary focus of future iterations of this plan, particularly as use of open space and trail facilities will only increase with the city's projected residential and employment population growth.

The Trails Master Plan identifies trails and connection points along the main trail corridors of Walnut Creek, Big Dry Creek, the Farmers' High Line Canal and Little Dry Creek. This plan was last updated in 2011~~4~~ and provides a basis for trail connections in both open space and new development in the city. Almost ~~5~~960 miles of new trail are proposed as part of this plan, as shown in Figure 7-1. These new trail alignments include completion of the Little Dry Creek Trail and other connections to facilitate the Refuge to Refuge Trail. Improvements to the open space and trails system are outlined in these master plans. ~~This plan will be updated in 2014.~~



Provision of sports courts and other active uses will be a focus of the city's needs assessment to ensure that residents have access to a wide range of activities and that parks spaces are maximized.

Parks and Recreation

- PRLO-P-8 Promote the development of park facilities that encourage pedestrian and bicycle access, provide a range of services and meet the needs of a variety of all ages and abilities.
- PRLO-P-9 Plan for new parks near downtown Westminster and Westminster Station that support redevelopment efforts and add to the image of the city.
- PRLO-P-10 Pursue updated master plans for City Park and Standley Lake Regional Park.
- PRLO-P-11 Pursue park landscaping and planting schemes that will reduce water consumption.

Community Facilities

- PRLO-P-12 Review infrastructure needs for recreation, and where appropriate, identify required improvements or new facility needs in the city's Capital Improvement Program.
- PRLO-P-13 Integrate mixed-use library facilities into high-intensity development areas, which should include library functions as well as cultural programs, event and meeting space. Evaluate the opportunity to locate such a facility within the downtown Westminster site.
- PRLO-P-14 Evaluate the possible alternative of locating library kiosks throughout the city to increase library access to all residents.

Open Space and Trails

- PRLO-P-15 Enhance and fund the city's open space properties to provide unfettered public access while preserving the environmental and wildlife integrity of the property.
- PRLO-G-6 Direct more resources to the management and operation of open space, reducing resources to acquisitions.
- PRLO-P-16 ~~Develop an~~ Utilize the 2014 Open Space Stewardship Master Plan for Operations and Maintenance.
- PRLO-P-17 ~~Update and~~ Utilize the Trails Master Plan to develop connections between open space areas.
- PRLO-P-18 Work with proposed development projects to provide new linkages to existing trails and create new trails where feasible.
- PRLO-P-19 Work with the Adams County Open Space Program, the City and County of Broomfield Open Space and Trails Program, Jefferson County Open Space Program and Great Outdoors Colorado Trust Fund as partners in open space programs.



The city will continue to add to the city's open space network. One of the most recent purchases of open space property include a 9.9-acre area south of Big Dry Creek on the southeast corner of 112th Avenue and Sheridan Boulevard.



8.1 WATER SUPPLY

Water supply, treatment and distribution are essential elements of the city's high quality of life and services. Ensuring that all residents and businesses in the city have access to high quality water service, even in periods of drought, is a necessity for both existing and future development in the city. As the city intensifies and builds out, and water costs continue to rise, maintaining a water supply to meet demand will be a key focus of land use and water supply planning.

Water System

The city's water supply is composed of a system of raw water, potable water and reclaimed water (treated recycled water). The water supply system is centered on Standley Lake, which receives raw (untreated) water from several sources including Clear Creek, Coal Creek, and the West Slope via the City of Denver's raw water system. Currently, approximately 23,000 acre-feet of water is diverted to the city's water supply system each year. This **potable** water is treated at one of the city's two **potable** water treatment facilities and then distributed as potable drinking water throughout the city. The city's raw water supply is designed to meet the demand of the city in a drought equal to the most severe recorded drought. With Colorado's arid environment, the city aggressively works to protect existing water supply and ensure sufficient supply to meet future needs.

Reclaimed Water

The city complements its raw water supply by using highly-treated waste water, or "reclaimed water", for use as an irrigation source, while preserving potable drinking water for human consumption. During peak irrigation season, the city's Reclaimed Water Treatment Facility treats up to 10 million gallons per day of waste water from the Big Dry Creek Waste Water Treatment Facility with additional filtering and disinfection. This high quality reclaimed water currently provides an estimated 1,600 acre feet to **99110 permitted** reclaimed water customers, including golf courses, parks, commercial properties, rights-of-way, and common areas of homeowners' associations. By 2035, a projected 3,500 acre feet will be treated and distributed to reclaimed water customers through separate reclaimed water distribution mains during summer irrigation months, significantly reducing the burden on the city's potable water system.



Standley Lake is the primary storage facility for the city's water supply, top. Bottom, the Labrynth Spillway, which is part of Standley Lake Dam.

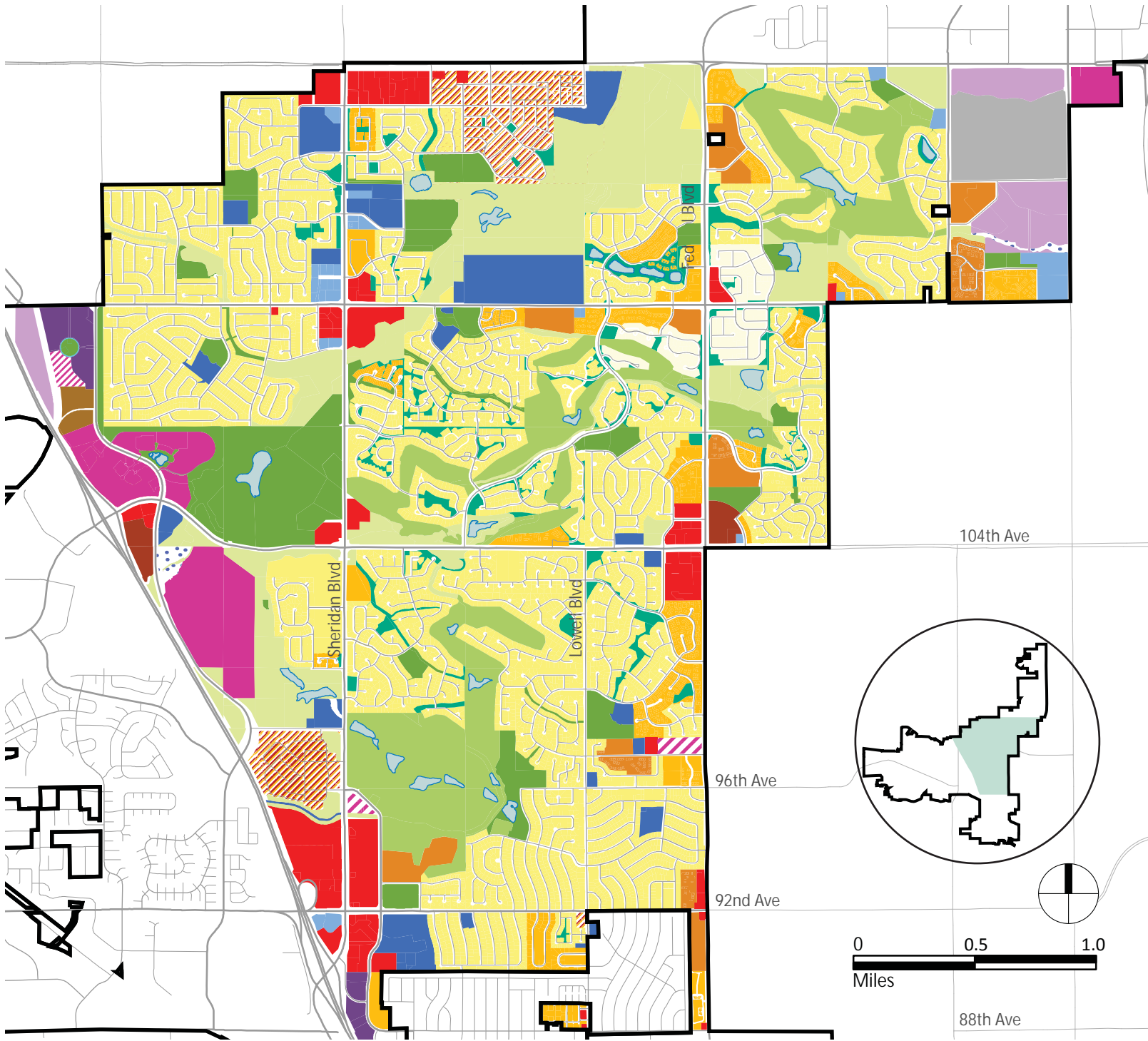
9.3 FOCUS AREA SPECIFIC PLANS

























Specific plans for focus areas identified in this Comprehensive Plan will be completed to provide more detailed direction for future development. The purpose of these plans is to ensure that development is planned and designed cohesively with a synergistic mix of uses; connected, multimodal circulation system; access to transit and public amenities; and adequate provision of public utilities and services. The location and boundaries of each focus area are identified in Figure 3-1. These areas include downtown Westminster, Westminster Station, North I-25, Church Ranch and Brookhill.

Implementation

The City of Westminster will coordinate planning efforts for each focus area and determine the appropriate time for plan preparation. A work program will be prepared to complete the plan, including a schedule for preparation and a program for public outreach. The plans at a minimum will include a cohesive vision for land use, urban design, multimodal circulation, public amenities and adequate utilities and services. Upon completion, each specific plan with associated rezoning or updates to the Comprehensive Plan, if applicable, will be adopted by City Council and incorporated by reference into the Comprehensive Plan. **Adopted Specific Plans include the Westminster Downtown Specific Plan, adopted in 2014.**

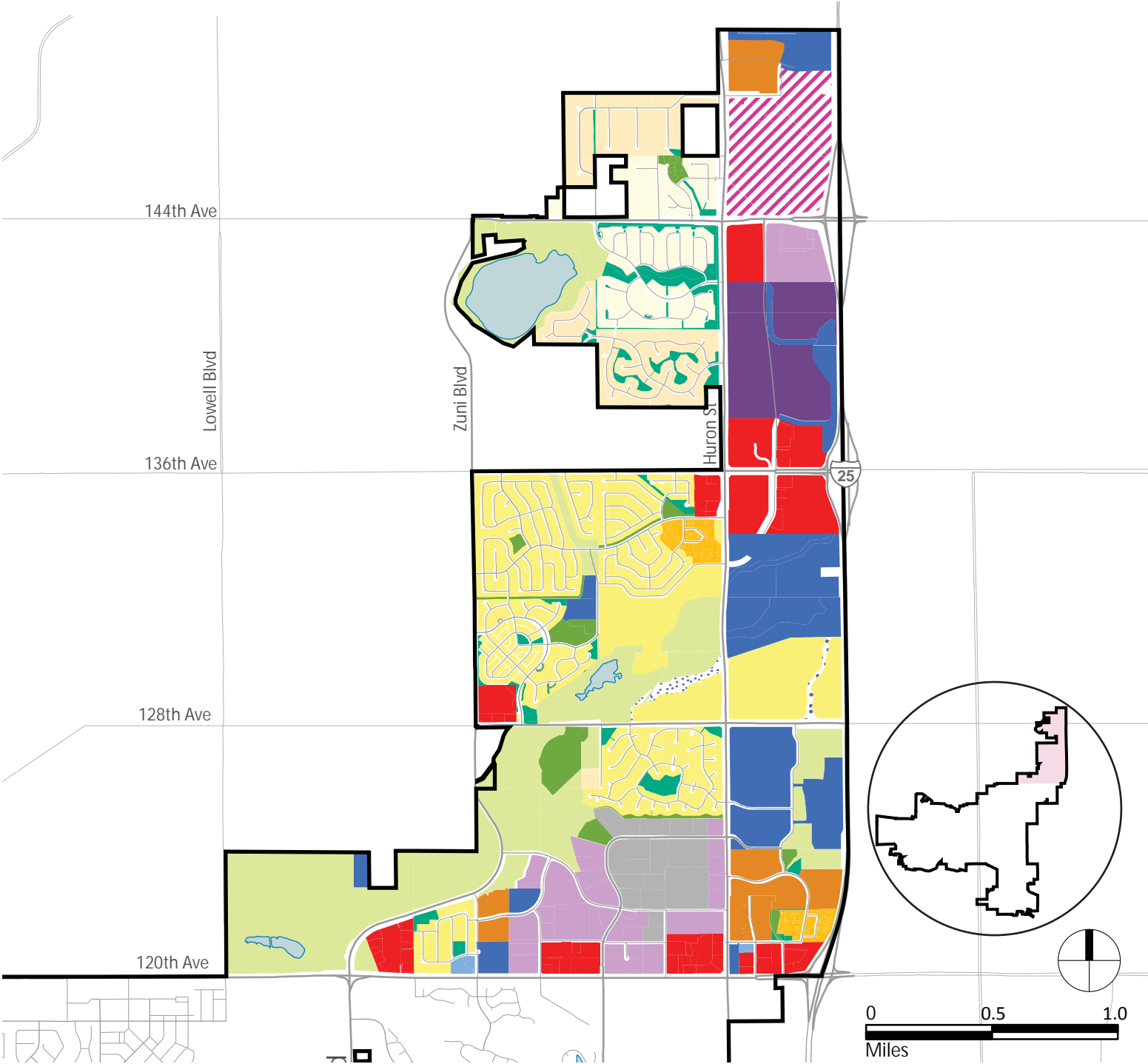
Figure C-1: Central Area Land Use Diagram



- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Updated 2/4/15

Figure C-2: Northeast Area Land Use Diagram



























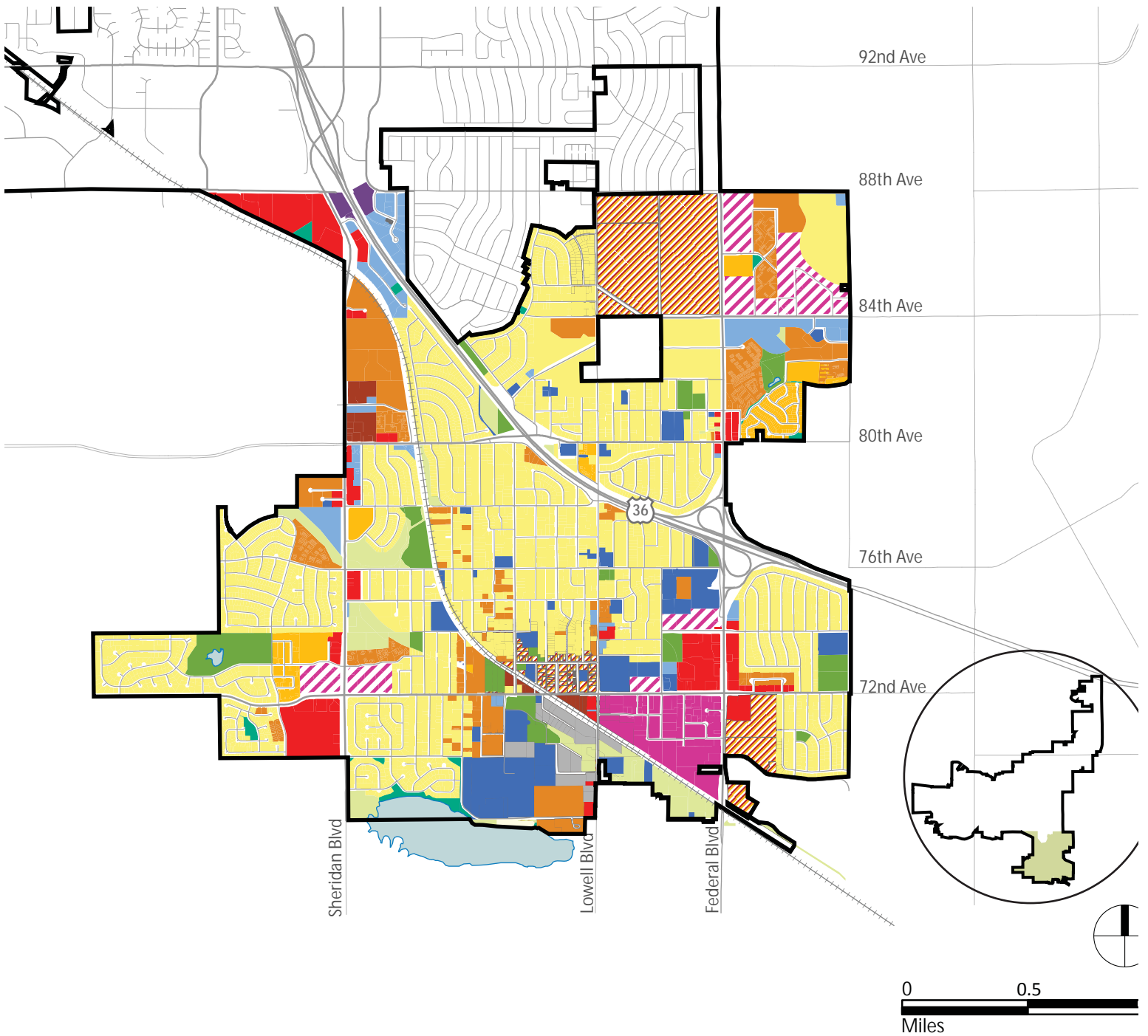
- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Figure C-3: Southeast Area Land Use Diagram



























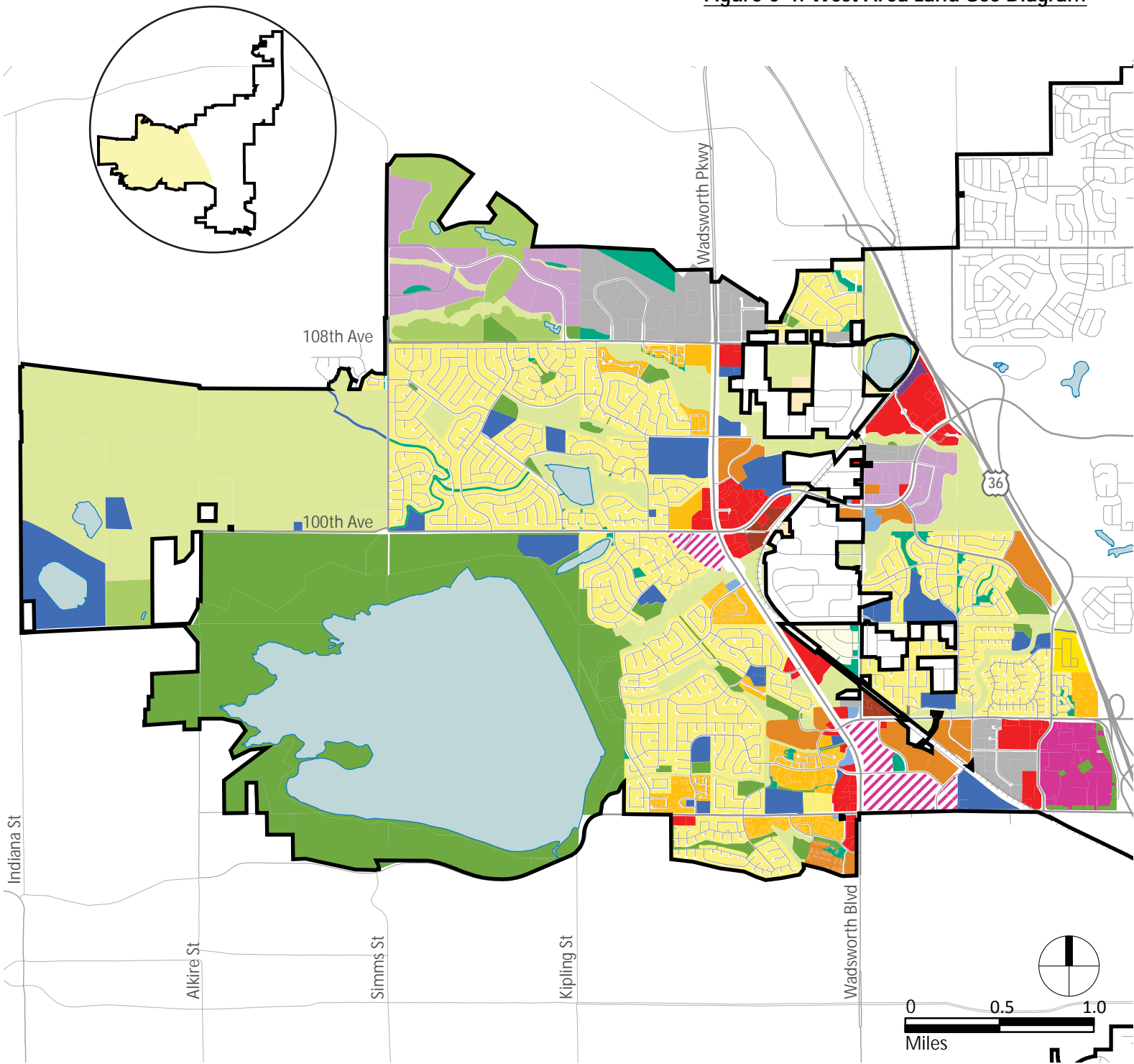
























- | | | |
|---|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public La |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Figure C-4: West Area Land Use Diagram



- | | | |
|--|---|---|
|  Residential R-1 |  Mixed Use |  Public/Quasi-Public |
|  Residential R-2.5 |  Mixed Use Center |  Public Parks |
|  Residential R-3.5 |  Retail Commercial |  City Owned Open Space |
|  Residential R-5 |  Service Commercial |  Golf Courses |
|  Residential R-8 |  Office |  Private Parks/Open Space |
|  Residential R-18 |  Office/R&D Low Intensity |  Major Creek Corridor on Non-Public Land |
|  Residential R-36 |  Office/R&D High Intensity |  City Limits |
|  TMUND |  Flex/Light Industrial |  Water |

Updated 2/10/15



Staff Report

City Council Study Session Meeting
March 2, 2015



SUBJECT: Little Dry Creek Grading Project – Recommended Award of Construction Services Contract Amendment

PREPARED BY: Andrew Hawthorn - Senior Engineer
John Burke, Senior Projects Engineer

Recommended City Council Action

Staff will be in attendance at Monday's Study Session to provide a brief presentation on the Little Dry Creek Grading Project and be in attendance to answer any questions City Council has.

Summary Statement

- On December 8, 2014, the City Council authorized the City Manager to enter into a Construction Manager/General Contractor (CM/GC) contract with Concrete Express, Inc. to perform Pre-Construction services for the Little Dry Creek Grading Project. The CM/GC contract is structured to allow for amendments to the contract for the construction phase of the work. City staff, the City's design team and Concrete Express are currently finalizing the Pre-Construction phase of the project and have negotiated a Guaranteed Maximum Price for the first phase of construction. When the design of the value engineering concepts identified during the Pre-Construction effort is completed and some of the City's risks are reduced, staff will bring a second amendment for the remainder of the drainage work to the City Council for consideration at a future date.
- City staff, Concrete Express and the design team have been working collaboratively on a weekly basis since December 18, 2014 to complete the design drawing set and identify a total project Guaranteed Maximum Price of up to \$10,000,000. Through the CM/GC process, a 5% contingency has been factored into the Guaranteed Maximum Price (GMP). By definition, the GMP should not be exceeded, so the relatively small contingency is adequate for this unique project.
- The first phase of construction and the corresponding, recommended contract amendment will be in the amount of \$7,146,212. The second phase of construction work, currently anticipated to cost up to \$2,853,788, would complete the grading and drainage phase of the Little Dry Creek Project.
- It is necessary to approve the first phase contract amendment in order to accommodate Concrete Express in its efforts to secure sites that will receive exported dirt from the City's project. Concrete Express has entered into separate contracts with other entities whose timeframes to receive the dirt are more critical, and Concrete Express has requested that it be allowed to begin work under a contract with the City for the first phase of construction to accommodate those deliveries of the exported soil to minimize the risk that Concrete Express would lose the ability to deliver the soil to its client which would, in turn, impact the City's project and costs.

- The original Engineer's estimate for this project was \$13,944,534. Through this collaborative approach of utilizing the contractor's expertise and this CM/GC style of contracting, staff was able to reduce the expected cost of this project by \$3,944,534.

Background Information

Since 2009, City staff has been working with the Regional Transportation District (RTD), the Urban Drainage and Flood Control District (UDFCD) and Adams County on the Westminster Commuter Rail Station and TOD area redevelopment. Currently, the 100-year floodplain inundates the railroad tracks by approximately four feet. The Little Dry Creek Drainage Project will lower the floodplain water surface elevation by four feet to below the elevation of the commuter rail tracks. In addition, a critical piece of this site redevelopment is transforming the area south of the tracks to remove fourteen of the homes located within unincorporated Adams County from the floodplain. To achieve this, over 250,000 cubic yards of material must be removed from this site, a new 2.3-acre lake must be constructed and the realignment of Little Dry Creek must occur. Per the Intergovernmental Agreement (IGA) between the City and RTD, the City will receive up to \$2 million in credit toward the City's and Adams County's required Local Agency Contribution of \$3,422,500 for the FasTracks project. This project also prepares the site for construction of future phases of work that include the station transit boarding area, Creekside Drive and Little Dry Creek Park. Any substantial delay in the overall grading of the site will prevent the commuter rail tracks from being removed from the floodplain and impact the revenue service date for commuter train service on the Northwest Rail Line per the IGA with RTD.

Over the past two years, the City has realigned over five thousand feet of sanitary sewer mains, relocated two water lines and bored three new tunnels under Federal Boulevard to prepare for this overall grading project. Per the IGA between the City and RTD, the City is obligated to complete floodplain improvements before the revenue service date, which is scheduled for mid-2016. Given the scale of this project, the City must begin work within the next couple of months in order to achieve this deadline. This grading project is one phase of a multiple phase, multiple year project that will transform this area into a landmark transportation hub.

In order to engage the expertise of a contractor to perform value engineering on the preliminary design plans, a Construction Manager/General Contractor (CM/GC) style of contracting was selected to complete the design. This team approach focused on value engineering by involving the CM/GC in the actual design process and incorporating cost savings that the firm's expertise brings to the project.

The CM/GC contract is structured to provide the City flexibility in engaging Concrete Express in the Pre-Construction phase for a fixed lump sum fee that staff negotiated and the City Council authorized on December 8, 2014. As originally contemplated, this contract is now ready to be amended, with Council approval at a future City Council meeting, to include the negotiated Guaranteed Maximum Price (GMP) for the construction phase of work. Should this first amendment be approved, Staff will continue working with the contractor to refine and finalize the design and costs associated with the second phase of this project, at which time staff will return to City Council for consideration of the second anticipated amendment to this contract.

Staff elected to consider the CM/GC style of contracting after researching the various methods utilized on similar projects in the region. For example, the City of Loveland (Mahaffey Park), the City and County of Denver (South Platte River Habitat Parks) and the City of Thornton (Margaret Carpenter Park) were successful in constructing major parks projects through the use of the CM/GC type of

Staff Report – Little Dry Creek Grading Project – Recommended Award of Construction Services

Contract Amendment

March 2, 2015

Page 3

contract within the past several years. The Colorado Department of Transportation (CDOT) engages in this style of contracting for very large projects such as the Twin Tunnels expansion on I-70 near Idaho Springs.

This CM/GC team process uncovered unknown issues upfront, addressed design assumptions and generally achieved a ‘buy-in’ from the contractor that translated into cost savings for the City by taking advantage of the contractor’s ability to minimize surprises and risks before the project even begins. Furthermore, the contractor’s experience in such matters is playing a large role in setting the schedule and phasing of the grading project.

The CM/GC brought expertise to the design process on items as specialized as the least expensive supplier of landscaping boulders and secured the best nearby locations to export excess dirt. Most importantly, the CM/GC worked with City staff and the design team to identify construction costs before any actual grading commences. The City and the CM/GC are now at a point to agree upon an initial Guaranteed Maximum Price (GMP) for the actual grading work, and, by definition, that cost will not be exceeded. To achieve this, significant regional project funding has been provided, in part, by Urban Drainage and Flood Control District and Adams County through Open Space Grant funds as well as the recent Adams County IGA for the Little Dry Creek Road and Drainage Improvements authorized by City Council January 26, 2015.

Staff recognizes that the CM/GC method of contracting is not nearly as common as the design/bid/build method that is generally used for the majority of the City’s Capital Improvement Projects. But, for a multi-million dollar grading project located within an older portion of the City that revealed numerous buried obstacles, staff is convinced that the early partnership with the contractor was the most beneficial and economical method of handling the project. As a result of this collaborative approach, the contractor’s expertise and this CM/GC style of contracting, staff was able to adjust and refine the scope of work and reduce the expected cost of this project by an estimated \$3,944,534. The original Engineer’s estimate was \$13,944,534.

City Staff, Concrete Express and the design team have been working collaboratively on a weekly basis since December 18, 2014 to complete the initial design drawing set and identify a project Guaranteed Maximum Price of up to \$10,000,000. Through the CM/GC process a 5% contingency has been factored into the Guaranteed Maximum Price.

The first phase of construction and the corresponding contract amendment will have a negotiated Guaranteed Maximum Price (GMP) of approximately \$7,146,212. Staff will continue to refine and negotiate the first phase GMP and this number will likely be adjusted when presented to City Council for consideration of the contract amendment. A second phase of construction work is currently in the final stages of design and is anticipated to have a GMP of up to \$2,853,788.

It is necessary to approve the first phase contract amendment in order to accommodate Concrete Express in its efforts to secure sites that will receive exported dirt from the City’s project. Concrete Express has entered into separate contracts with other entities whose timeframes to receive the dirt are more critical. Concrete Express has requested that it be allowed to begin work under contract with the City in the first phase of construction to accommodate those deliveries of the exported soil to minimize the risk that Concrete Express might lose the ability of delivering the soil to its client that would, in turn, impact the City’s project and costs.

Staff Report – Little Dry Creek Grading Project – Recommended Award of Construction Services

Contract Amendment

March 2, 2015

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For the reasons stated above and the recently competitively bid projects awarded to Concrete Express, Inc., staff is confident that the company will complete this project in a timely, cost effective and professional manner. Staff will be in attendance at Monday's Study Session to answer questions.

Council action on this item meets elements of three goals in the City's Strategic Plan: *Beautiful, Desirable, Environmentally Responsible City; Dynamic, Diverse Economy; and Proactive Regional Collaboration.*

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Site Map



71st Ave

Pomponio Branch

LITTLE DRY CREEK GRADING PROJECT

69th Pl

Lowell Blvd

68th Ave

Federal Blvd



Staff Report

City Council Study Session Meeting
March 2, 2015



SUBJECT: Report from January 12, 2015, City Prosecutor's Office/Court Follow-up Coordination Meeting

PREPARED BY: Hilary Graham, Deputy City Attorney
Kimberly Kaufman, Lead Prosecuting Attorney

Summary Statement

Staff will be present to make a brief presentation and to answer any questions City Council may have.

Background Information

A report about the follow-up coordination meeting that took place on January 12, 2015, with representatives from the City Council, the Municipal Court, the City Prosecutor's Office ("CPO"), the Police Department (including the Victim Advocates), and defense counsel was prepared by the meeting's facilitator, Michael Spangle, Ph.D., and has been previously transmitted to Council. The January 12 meeting's agenda is attached to this Staff Report for your reference.

This Staff Report provides additional feedback about the follow-up meeting, fulfills some of Council's requests made during our June 2014 initial report to Council on this coordination effort, and discusses possible additional next steps toward greater CPO and Court coordination. Staff will be present at the Study Session to discuss the CPO annual report attached hereto, to answer follow-up questions Council may have, and to receive further direction, as needed.

From staff's perspective, the January 12, 2015, follow-up meeting, the initial April 8, 2014, meeting, and all of the preparations and discussions related to both meetings have provided valuable time for the various Municipal Court stakeholders to reflect and to focus on common goals and shared challenges. Several key points of significance have emerged:

- The stakeholders have acknowledged the need to communicate more effectively and more frequently, and are taking steps to address that need. For instance, court administration and the CPO will be meeting every two months to discuss and revise any processes or procedures that are not optimal. Further, the Municipal Court judges have agreed to meet quarterly with CPO to discuss procedural matters. The first topic set for quarterly discussion is the deferred judgment fee imposed by the Court, whether community service can be used as an alternative to paying that fee, and how or if that information will be communicated to defendants by CPO.
- The use of more deferred judgments, as has been adopted by CPO following approval at the April 8, 2014, coordination meeting, has had a corresponding impact on CPO and Court

staff time and resources. As a result, more time is now being spent by the Court and CPO administering deferred judgments. Deferred judgments are periods of time during which the offender must comply with certain requirements imposed by the prosecutor and the court. A review hearing is held approximately six weeks after entry of the deferred judgment to determine whether the offender is compliant with those terms. If they are not, a second review hearing is scheduled by the court. The case remains open during the pendency of the period. Thirty days prior to the end of the period, the court again processes the file to confirm final compliance with the requirements and sends the case to CPO for review and, if needed, follow-up for revocation of the deferred judgment. At that time a full criminal history is run and research is completed through several criminal history systems to determine if the offender has remained compliant with the law. The appropriate motions are filed as a result of these findings. This may or may not result in additional hearings. Deferred judgments have increased approximately four-fold with the new approach to case dispositions. Court time and prosecution resources dedicated to handling these cases has increased proportionately.

- The decision to no longer seek contempt charges against a victim who fails to appear as a witness in a domestic violence case, implemented at roughly the same time through recommendation of the stakeholder group, may have consequences for the success of the City's domestic violence program. CPO will continue to monitor the situation. While the number of case dismissals due to an uncooperative victim currently remains roughly the same at approximately four percent (4%), it is expected that the number of dismissals will increase as it is learned throughout the community that the failure of a victim to appear for trial results in a dismissal of the case. The victim can now be subjected to increased pressure by the offender to absent themselves from court, as they no longer have the protection of enforcement of the subpoena. Of more immediate concern is the increase in continuances the prosecution must seek to convince the victim to participate in the trial.
- Survey feedback is a valuable tool. CPO administered a survey of internal customers (Court, PD, Finance, and Community Development) in late 2013 and again roughly a year later in November 2014. An executive summary of the 2014 survey results is attached here. It shows improved satisfaction with CPO from last year and an overall approval rating of 8.29 on a scale of 1 to 10. CPO has appreciated and addressed the feedback it received and is considering expanding the survey to include external customers, such as defendants and defense attorneys. It seems these external customers are where lingering dissatisfaction lies. It remains to be seen what types of changes would lead to greater satisfaction among these groups and whether those changes are feasible. Because it has been such a useful tool, CPO would like to encourage the Court to conduct a similar survey of its internal customers.

As requested by Council at the June 2014 post-meeting, CPO has prepared and is submitting with this Staff Report its first annual report to City Council. Because comprehensive annual CPO statistics have consistently been included in the CAO annual report to City Council, which is delivered at year-end to coincide with the City Attorney's performance appraisal, this first stand-alone CPO annual report is less statistically driven and attempts to give a more comprehensive view of the office and its most meaningful accomplishments. To that end, the Assistant Prosecuting Attorneys will be in attendance at the Study Session to allow City Council to get a feel for the office as a whole and to

foster more dialogue between CPO and Council. CPO welcomes Council's feedback as to the content of the annual report and will make adjustments going forward to meet Council's needs.

Also as discussed at the June 2014 post-meeting, CPO has been keeping a list of topics on which additional City Council direction or input may be needed. If any of these items are of interest to Council, CPO will prepare and submit a follow-up Staff Report for additional discussion.

- Increase theft and criminal mischief jurisdiction? A municipal court's jurisdiction over theft and criminal mischief property damage cases was increased by the state legislature in 2007 to a possible maximum of \$1,000. The City has not exercised the authority to increase its limits for these offenses and, instead, has kept its jurisdictional limit on these cases capped at \$500, per Westminster Municipal Code, Title VI, Chapter 3. When increasing theft and criminal mischief jurisdiction has been discussed in the past, it has raised concerns with the Court as to additional workload. This is not a decision that can be made without considering its full potential impact on all City operations. Staff will be happy to talk through potential pros and cons on Monday night, and to follow-up with additional information as needed.
- Prosecute auto theft as a municipal charge? Similar to raising theft jurisdiction, adding auto theft as a municipal charge would allow for more filings in our Municipal Court, police officer convenience, and better control over dispositions. Again, the full potential impacts must be assessed. Staff will be happy to talk through potential pros and cons on Monday night, and to follow-up with additional information as needed.
- Relax traffic disposition policy? At the direction of a prior City Councils, CPO has enforced a policy of not offering point reductions to drivers with traffic tickets when that driver has received a prior traffic citation within the past twenty four (24) months. That policy is harsher than many other jurisdictions, which only look back on a driver's history for twelve (12) months. CPO would like Council's feedback on whether to continue or revise the current policy.

Finally, at the request of Councillor Pinter - and for Council's future consideration - CPO has given initial consideration to the types of specialized courts discussed in the June 2014 Staff Report. These would be difficult, at best, to implement with current resource levels.

Specialty courts addressing teens, mental health, substance abuse, or homelessness are gaining attention in state courts, so it seems a reasonable approach for municipal courts to take as well. However, in the context of our Municipal Court, each shares an unfortunate distinction: none can be transacted without a significant increase in the current staffing of the prosecutor's office and the Municipal Court. Teen Court has previously been attempted in Westminster in the early 1990s, but after about six years of effort, the Court was discontinued. Its failure appears to relate mostly to Westminster Schools not dedicating staff who could refer teens needing services, suggest remedial options, monitor ordered remedial measures for completion, and remain engaged when those measures are not completed. In 2007, the Teen Court concept was re-evaluated by the Court, and a staff report from that time, recommending not pursuing the concept due to a lack of resources - is attached. In the case of mental health, substance use, or homelessness, a social worker would have to be employed who is committed to finding and allocating services. Since many participants in these specialty proceedings would be eligible for financial assistance, it is likely that the City would need to

invest in providing no- or low-cost counseling services or waivers to allow participants to get necessary treatment from other providers at no or low cost. Additionally, for every half day of specialty proceedings, the prosecutor, defense attorney, and social worker would need to spend a minimum of an additional half day preparing the case load. Assuming a social worker was available, such a dedication of resources would certainly negatively impact the prosecutor's ability to manage the current caseload, and is impossible under the current agreement with the public defender. That said, CPO is certainly willing to explore these possibilities in more detail with the knowledge that additional resources would be needed to make specialty court(s) a reality.

CPO's continued effort to coordinate with the Municipal Court and other stakeholders to improve policies and outcomes and to communicate more regularly with City Council to confirm an accurate understanding of Council's current priorities furthers Council's strategic plan goal of Excellence in City Services.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments: January 12, 2015, Meeting Agenda
2014 CPO Survey - Executive Summary
CPO Annual Report
2007 Staff Report re: Teen Court

AGENDA

Prosecution/Court Policy Review

January 12, 2015

1:00 p.m. – 5:00 p.m.

Public Safety Center, Police Chief's Conference Room (2nd Floor)

Michael L. Spangle, Ph.D., facilitating

Attendees: Carol Barnhardt, Court Administrator; Gene Boespflug, Police Commander; Mark Brostrom, Assistant City Prosecutor; Loren Brown, Esq.; Debbie Caldwell, Deputy Court Administrator; David Frankel, City Attorney; Alberto Garcia, Westminster City Councillor; Hilary Graham, Deputy City Attorney; Kimberly Kaufman, Lead Prosecutor; Barb Lamanna, Victim Services Coordinator; Brian Poggenklass, Probation Supervisor; David (Rocky) Rockwell, Esq.; Steve Smithers, Assistant City Manager; Joy Tallarico, Code Enforcement Supervisor; Mark Watters, Senior Police Officer

1. Welcome and Recap of Efforts since April 8, 2014, meeting 1:00 p.m.
 - a. New Participants
 - b. City Council Study Session, June 23, 2014
 - c. Review of 2014 Survey Data

2. Discussion: 1:30 – 4:00 p.m.
 - a. Where have we made progress/ Where do you want more?
 - b. What does cooperation look like to each of us?
 - c. What does success look like to each of us?
 - d. Where is there healthy tension / Where is there unhealthy tension?

3. What hasn't been covered? 4:00 – 5:00 p.m.
 - a. What do we need to address and coordinate?
 - b. City Council report date - March 2, 2015, study session
 - c. Next check-in with this group?

Additional Instructions:

Access within the Public Safety Center is secured. Please meet in the lobby before 1:00 p.m. to be escorted upstairs. **Thank you for your participation!**

Executive Summary
November 2014 CPO Survey

The text of the survey's 10 questions is set forth below. *Results and commentary are denoted by italics.*

1. Please indicate the approximate number of contacts you have had with the City Prosecutor's Office during the past 12 months.

Responses ranged from none to more than daily interactions. Only respondents reporting at least one contact within the past 12 months were tabulated. This resulted in the tabulation of just under 60 responses for 2014.

For the same sample size in 2013 and 2014 (approximately 300 invited to participate both years), response rate was down considerably from over 100 in 2013 (33% responding) to just under 60 in 2014 (20% responding).

Please rate on a scale of 1-10 your agreement with the following statements, with 1 being "Disagree Completely," 5 being "Neither Agree or Disagree," and 10 being "Agree Completely."

2. The City Prosecutor's Office represents the City and its citizens in a professional manner.

2013 Average Response: 7.9

2014 Average Response: 8.3

3. The City Prosecutor's Office effectively advances the goals and objectives of City Council's Domestic Violence Program.

Average Response: 7.7

2014 Average Response: 8.2

4. The services and staff of the City Prosecutor's Office reflect the City's SPIRIT values.

Average Response: 8.0

2014 Average Response: 8.2

5. The prosecution policies of the City Prosecutor's Office are evenly applied without regard to the defendant's gender, race, national origin or other protected status.

Average Response: 8.8

2014 Average Response: 8.7

6. The prosecution policies of the City Prosecutor's Office are appropriate for our City's municipal court.

Average Response: 7.5

2014 Average Response: 8.0

7. The City Prosecutor's Office furthers City Council's strategic plan goals of a "Safe and Secure Community."

Average Response: 8.0

2014 Average Response: 8.1

8. The City Prosecutor's Office accords defendants, defense counsel, victims, and other external participants in the Municipal Court process with an appropriate degree of courtesy, dignity and respect.

Average Response: 7.9

2014 Average Response: 8.5

9. The City Prosecutor's Office effectively collaborates with other departments within the City to reach a common goal.

Average Response: 7.6

2014 Average Response: 7.7

2013 Overall Survey Average Response: 7.91

2014 Overall Survey Average Response: 8.29

- *4.6% improvement*
- *Only six (or about 10%) of the respondents' average responses were under 6.0*
- *Forty-four (or about 77%) of the respondents' average responses were 8.0 or better*
- *A handful remain quite dissatisfied while a large majority are satisfied*

10. Please use the space below for any additional comments you may wish to provide concerning the City Prosecutor's Office.

In addition to Question 10's request for comments, each question was followed by an opportunity to provide additional detail. In 2013, the results were mixed with an equal number of respondents providing positive and negative additional feedback.

In 2014, positive comments outnumbered negative comments, with 20 respondents offering comments. Of those, 10 were positive comments, 6 were negative comments, and 4 were comments that were neutral or both positive and negative.

WESTMINSTER CITY PROSECUTOR'S OFFICE

Annual Report, March 2, 2015

I. Overview.

The Westminster City Prosecutor's Office ("CPO") is made up of four full-time attorneys, one full-time Legal Secretary, and one half-time Secretary. Together, we typically have contact with, on average, 15,000 to 16,000 cases per year, although the last two years have shown a decrease in case filings due to several factors, including highway and street construction, jail space limitations, and an overall decrease in crime nationally.

Every member of the CPO came to the office with a wealth of experience. Three of the four prosecutors worked in district attorney's offices handling felony level caseloads prior to working in Westminster. The fourth was a municipal prosecutor in Colorado Springs. Our Legal Secretary worked for the Westminster Municipal Court as a clerk for many years, and our Secretary was a valued employee of the Broomfield City and County Attorney's Office.

Each prosecutor has responsibility for his or her own caseload, although everyone in the office is familiar with the entire body of pending work. This allows for a collective effort in determining strategy, appropriate plea offers, and legal discussions. As a result, the CPO offers high quality legal representation to the victims of crime and the citizens of Westminster.

General duties of the prosecutors include reviewing and amending summonses for accuracy in charging, case preparation, including gathering of evidence, conducting witness interviews, legal research, motions preparation, criminal history searches, plea negotiation with the defendant or their counsel, follow up investigations, communication with other law enforcement agencies, and presentation at trial before the court or jury. The office handles 40 to 50 jury trials in any given year, in addition to approximately 300 hundred trials to the court. The prosecutors are also responsible for handling all appellate matters, including the associated legal research, C.R.C.P. 35(c) hearings, and brief writing. Almost all of the work on appellate issues must be done on a prosecutor's personal time, as there is little time during the busy daily dockets to dedicate to it. The office prepared five appellate answer briefs in 2014. All rulings received to date have been favorable to the City.

Lead Prosecutor Kimberly Kaufman, in an effort to further represent the City and the office, is a voting member of the Jefferson County Youth Drug and Alcohol Diversion Program ("YDAAP") board, which meets quarterly to discuss the drug and alcohol counseling program offered to substance abuse offenders under the age of twenty-one. Participation in the program qualifies the offender for dismissal of pending court charges.

Additionally, Ms. Kaufman represents all Adams County municipal prosecutors on the Adams County Criminal Justice Coordinating Committee ("CCJC"), which meets bi-monthly to discuss a number of issues related to improving the criminal justice system. Topics addressed by the committee include standardized bonds, pretrial services, the implementation of the Evidence-Based Practices Model for no bond release, and the establishment of an Adams County Veterans Court and a Mental Health Court.

Ms. Kaufman also participates as a member of a subcommittee of the CCJC funded by a federal grant to create an information system tying in all municipal courts to the state court information system, in order to give access to information regarding offenders to law enforcement professionals. The implementation of the program will require a financial commitment by the City to participate in the program, so this issue will be presented to City Council for consideration as progress is made toward bringing all municipalities online.

II. Typical Cases Handled.

Comprehensive CPO statistics are compiled and reported monthly and annually in separate communications to City Council and, therefore, will not be restated in detail here. However, for Council's ease of reference, a few relevant statistics from the 2014 City Attorney's Office Annual Highlights are included in this report. During the 2014 reporting period (October 1, 2013, through September 30, 2014), CPO represented Westminster in over 8,000 Municipal Court appearances in which a prosecutor personally met with a defendant or his or her counsel. Approximately 3,300 of these meetings were first appearances on the traffic docket. This number is 6% lower than the same time period last year. Among the ordinance violations were 334 domestic violence related matters. This is a 30% increase over the numbers for the last two reporting periods, and may reflect an increase in recidivism caused, at least in part, by a relaxation of policies toward victim witnesses who fail to appear for trial.

Most case filings are associated with criminal ordinance violations under Westminster Municipal Code, Title VI – Police Regulations, and Title X – Traffic, which adopts the Model Traffic Code for Colorado. While ordinance cases can be anything from noise complaints to dogs running off leash, cases of theft, domestic violence related offenses, and unruly behavior such as fighting in public and obstructing police officers make up the majority of the docket.

Domestic Violence. Domestic violence can involve physical violence or verbal harassment and stalking-type behavior. These are the most difficult of cases handled by the CPO, as the victim is often uncooperative with the process. The offender is a person with whom he or she is emotionally involved and reluctant to part ways. Financial ties and children bind the victim to the offender and result in a relationship characterized by the victim's dependency and the offender's control. Once the emotions of the offense dissipate, victim commitment to participation in the process is hard to obtain. It is imperative that the prosecutor have regular contact with the victim to ensure he or she remains a willing participant in the proceedings. These cases are a significant portion of the trial docket (approximately half) because they are consistently difficult cases to resolve. The offender relies on the victim to absent themselves from court, causing multiple continuances due to witness unavailability, or to change their testimony to minimize the offender's actions, causing inconsistent witness testimony and, at times, acquittal. In spite of court orders to have no contact with the victim, it is extremely common that the offenders call the victim or move back into the household. Domestic violence case filings range from approximately 300 to 350 cases per year on average. In 2014, there were 305 cases filed with the office.

Theft. Thefts are often a serial crime, meaning that the offenders tend to steal repeatedly. The value of the item(s) taken is often indicative of the experience of the offender in committing the crime. The more often the offender successfully steals, the more comfortable they become with the act. The value and number of the items taken the next time increases as a result. Thieves also move from one city to another, making it difficult to determine their true criminal history. The prosecutors of the CPO conduct metro records searches to accurately assess the appropriate plea offer. Understanding the patterns of theft and the reason for the commission of the crime is invaluable to the prosecutors in

determining equitable plea offers that take into account the characteristics of the offenders and the needs of our retail community. Repeat offenders (generally 4 or more thefts) receive a jail sentence to deter them from returning to our jurisdiction for their next theft.

Graffiti. Graffiti cases also receive a great deal of attention by the CPO and the court. In 2014, there were 19 defendants charged with 101 cases, with a total of 236 charges. The dispositions of these cases included 1,475 days of imposed jail time. The hard-line approach to these cases has resulted in a reduction of graffiti in Westminster of approximately 150,000 linear feet since the adoption of the graffiti ordinances in 2008.

III. Other Prosecutorial Services.

While the majority of the cases that come through the office are related to the typical criminal and traffic offenses normally handled in Municipal Court, we are also available to a variety of City departments to assist them with issues important to their particular concerns. Cases relating to atypical sections of the Code include sales tax, environmental issues such as illegal dumping, spillage of chemical substances, and release of noxious odors, rental housing issues, and zoning violations. Legal issues can relate to the First Amendment, hoarding, land use, and building and fire code violations, as well. Examples of some of the more unusual cases handled by the office are described below.

Zoning /Land Use. Medical Marijuana Dispensary: In 2010, a business license was issued by the city for a general retail business to be located at 3200 W. 72nd Avenue. The business that opened at that location was Herbal Remedies, a medical marijuana dispensary. City Council was firm that the City would have no dispensaries, so the CAO and the CPO took legal action to have the dispensary leave. Over 730 criminal land use violations were filed into court by the CPO. The possibility of more than 730 years in jail and \$730,000 in possible fines convinced the dispensary owner to leave the City within months.

Rental Housing. 7130 Lowell Blvd: The eighteen-unit apartment complex located at this address is privately owned by two individuals who have little interest in ongoing maintenance. This results in substandard housing for the tenants who reside there. City Rental Housing Inspectors have been dealing with this property for 16 years, and have filed multiple cases into the Municipal Court. One owner was recently convicted of 48 counts of substandard housing violations by a jury, and awaits sentencing at this time. The City is seeking a jail sentence, despite the on-going shortage of Adams County jail bed space, as the problem has perpetuated for years and is an extreme drain on City resources.

Environmental issues. A parking lot in a shopping center on 120th is the location of a national restaurant chain. A large food grease spill was found in the parking lot and had traveled into the local storm drains and into the local stream in that area. The City arranged for cleanup of the grease at city expense. The restaurant denied responsibility and claimed the grease supplier caused the spill. The funds were eventually collected through a case filing to reimburse the City the more than \$6,000 it expended for the cleanup.

IV. Conclusion.

CPO welcomes the opportunity to share more of its work with City Council, and looks forward to at least annual discussions on pending policy issues. CPO believes it does important work for the City and takes great pride in that work. Moving forward with more coordination and communication with City Council will ensure that CPO's work meets the goals and expectations of City Council. Thank you for

your interest in our work, and please feel free to request additional or different information in future reports.

REPORT ON TEEN COURT PROGRAMS

Prepared by: Westminster Municipal Court Administrative Staff

DATED: October, 2007

Earlier in this year, Councillor JoAnn Price had asked the Court to research the feasibility of the possible implementation of a Teen Court Program. The Judges and Administrative staff have researched the matter and make the following report.

A Brief History of Teen Courts

The concept of a court for juvenile offenders or Teen Court originated in Odessa, Texas in 1972 when a judge decided to implement a program to try and reach first-time offenders of misdemeanor crimes. The program proved to be a successful alternative in handling young offenders. Programs began spreading throughout the United States based on the Texas model. Names of various programs include Teen Court, Your Court, Peer Court or Student Court.

Teen Courts are staffed by youth volunteers who serve in various capacities within the program acting in the role of jurors, lawyers, bailiffs, clerks and judges. Teen Courts function in cooperation with local juvenile courts, middle and high schools and community organizations, such as the YMCA.

Administration of Teen Court Programs

- **Juvenile Justice System-Based Programs.** These programs are administered directly by juvenile courts or juvenile probation departments.
- **Community-Based Programs.** These programs are administered by law enforcement agencies or private/non-profit organizations.
- **School-Based Programs.** These programs offer teachers and school administrators with an alternative disciplinary action that can be used in place of suspension.

Teen Court Models

Four different program models exist for Teen Courts. These models vary greatly in their case-handling procedures, courtroom models, and the sanctions they use to hold the juvenile offender accountable. Program characteristics are as follows:

- **Adult Judge Model.** An adult serves as judge and rules on legal terminology and courtroom procedures. Youth serve as attorneys, jurors, clerks, bailiffs, etc.
- **Youth Judge Model.** This model is similar to the adult judge model, except youths serve as judge.

- **Youth Tribunal Model.** Young attorneys present the case to a panel of three youth judges who decide the appropriate disposition for the defendant. A jury is not used.
- **Peer Jury Model.** This model does not use youth attorneys; the case is presented to a youth jury by a youth or adult. The youth jury then questions the defendant directly.

While some courts have had success with the Teen Court programs, many have discontinued and/or re-delegated responsibilities for the oversight and running of these programs. Various reasons for the discontinuances are listed below:

- Funding was unavailable to hire coordinators to implement and oversee program.
- Funding unavailable for purchase of necessary office supplies and incentives for volunteers.
- Funding unavailable to maintain security in building when used after normal working hours.
- Recruiting, securing, training and maintaining volunteers to run the program is often difficult.
- Time commitment is substantial.
- Enforcement issues arise when sentencing is not completed by offenders.
- Offenders fail to appear.
- Lack of sustained interest from the school and other participants.
- Lack of cases.
- Normal court procedures are more efficient and cost effective with enforcement tools available if offenders do not comply.

Based on our research, contacts and communication with other local jurisdictions and review of the impact on our operation, we would not recommend undertaking a Teen Court Program due to lack of resources, volunteer commitment, time and financial considerations.



Staff Report

Information Only Staff Report
March 2, 2015



SUBJECT: 2015 Street Cut Impact Fees
PREPARED BY: Dave Downing, City Engineer
Dave Cantu, Street Operations Manager

Summary Statement

This report is for City Council information only and requires no action by City Council.

Background Information

City Code (WMC 9-2-8) (attached) provides for Street Cut Impact Fees to be amended by the City Manager when deemed appropriate and upon recommendation by the City Engineer.

The Street Cut Impact Fees effective January 1, 2015 are as follows:

Street Cut Impact Fees	2014 Fees	2015 Fees	Percent Increase
Street Cut Permit	\$50.00	\$50.00	0%
Longitudinal Trenches	\$2.24/square foot	\$2.46/square foot	10%
Transverse Trenches	\$13.34/square foot	\$14.67/square foot	10%

Street Cut Impact Fees were established in 2003 to cover the effects of long-term damage to the street pavement created over time by cuts primarily related to utility repairs and service connections. The fees established in 2003 were not adjusted until 2010, resulting in a 54% increase in that year. Staff was subsequently directed to review and adjust Street Cut Impact Fees annually, if warranted, in order to avoid large increases in the future. The 2015 fees reflect no increase to the cost of a Street Cut Permit and a 10% increase in the fee per square foot over 2014 to reflect current market costs for asphalt.

In accordance with City Code the fees are doubled for streets that have been resurfaced within the current year and the past four calendar years, or sealcoated within the current year and the past two calendar years. In addition, the fees are waived for streets scheduled for total pavement reconstruction within the current year and the following two years.

Fee collections over the past five years have ranged from \$215,551 in 2010 to \$236,868 in 2014. Annual fees collected are dependent on the number of street cut permits issued, and the size and number of open cut projects in a particular year.

Staff Report – 2015 Street Cut Impact Fees

March 2, 2015

Page 2

The makeup of the 2014 Street Cut Impact fees collected consisted of \$146,318 from City of Westminster Utilities projects including water line replacements, water breaks and sewer repairs; \$16,843 from Xcel Energy, \$2,397 from CenturyLink/Qwest, and \$71,310 from 128 private contractors performing a variety of projects, for which 219 street cut permits were obtained.

The 2015 fee increase supports the City Council's Strategic Plan Goal of "Ease of Mobility" by investing in well-maintained and sustainable City infrastructure and facilities.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: City Code (WMC 9-2-8)

CHAPTER 2
RIGHT-OF-WAY PERMITS

- 9-2-1: PERMIT REQUIRED**
- 9-2-2: SAFETY APPLIANCES AND BARRICADES REQUIRED**
- 9-2-3: UNLAWFUL TO REMOVE SAFETY APPLIANCES OR BARRICADES**
- 9-2-4: BACKFILLS**
- 9-2-5: HINDERING OR OBSTRUCTING WORK PROHIBITED**
- 9-2-6: LIABILITY FOR DAMAGE**
- 9-2-7: ENFORCEMENT**
- 9-2-8: STREET CUT IMPACT FEES**

9-2-1: PERMIT REQUIRED: (2100 2598 3599)

(A) It shall be unlawful for any person to dig up, open, excavate, construct or to cause to be dug up, opened, excavated or constructed, any street, alley, sidewalk, or other public right-of-way in the City without first having secured a right-of-way permit from the City.

(B) The City Engineer shall establish regulations and specifications for excavation and construction in public rights-of-way for the protection of the rights-of-way and the protection of persons and property, and may place conditions on any permit as he shall deem necessary. It shall be unlawful for any person to excavate or construct in public rights-of-way in violation of such regulations and specifications or the terms and conditions of the permit.

(C) Applications for a permit shall indicate the exact location, depth, extent, nature, and purpose of the work, including a sketch or plan as necessary, and the time required for the work. Applicants shall also pay a fee to the City before the issuance of a right-of-way permit. The amount of the fee shall be established, on an annual basis, by the City Manager upon recommendation of the City Engineer, as follows:

- (1) The fee shall be reasonably related to the costs directly incurred by the City in providing services relating to the granting and administration of the permit, including inspection costs; and
- (2) The fee may be graduated depending upon the scale and location of the project; and
- (3) If the proposed excavation or construction project requires Construction Drawing Review, the fees related to such review as provided in section 11-1-6, W.M.C. shall be charged in addition to the right-of-way permit fee; and
- (4) Printed copies of the fee schedule, as amended from time to time, shall be on file in the Office of the City's Community Development Department.

(D) A separate permit shall be required for each excavation or construction project. A permit shall be required at least two (2) working days prior to commencement of the work. The permit shall be kept at the site of the work and shall be exhibited upon request to any law enforcement officer or the City Engineer or his authorized representative.

(E) The City Engineer shall establish a time limit for work to be accomplished under a right-of-way permit.

(F) A right-of-way permit must be obtained by a Class D Public Way Contractor with a contract for work affecting public property or grounds, utility systems, or work within any street right-of-way, utility easement, or other public property.

9-2-2: SAFETY APPLIANCES AND BARRICADES REQUIRED: (A2100)

(A) It shall be unlawful for any person to dig or cause to be dug any hole, drain, ditch or any other excavation in any street, alley, sidewalk or other public place within the City without providing during the nighttime sufficient red lights, to be placed with a suitable barricade or temporary fence around such hole, drain, ditch or other excavation in order to prevent injury to persons or property.

(B) During the daytime the barricade shall be maintained but warning lights are not required.

(C) Every excavation shall be protected at all times by traffic safety appliances as prescribed by "the Manual on Uniform Traffic Control Devices," latest edition, and in such a manner as to minimize the disruption of the flow of traffic in the vicinity of the excavation.

9-2-3: UNLAWFUL TO REMOVE SAFETY APPLIANCES OR BARRICADES: (A2100) It shall be unlawful to damage, displace, remove or interfere with any barricade, warning light or any other safety appliance which is lawfully placed around or about any street, alley, sidewalk or other excavations or construction work in the City.

9-2-4: BACKFILLS: (A2100)

(A) Backfills shall be made in accordance with the plans and specifications furnished or approved by the City Engineer.

(B) Such plans and specifications shall be in conformance with City specifications, and shall be specifically adapted to the particular conditions of travel, load requirements, terrain, subsoil and moisture where the backfill is to be effected.

(C) In the event of settlement or subsidence of a particular excavation or part thereof, the permittee who had performed the excavation work shall be responsible for all repaving and repair costs occasioned thereby.

9-2-5: HINDERING OR OBSTRUCTING WORK PROHIBITED: (A2100) It shall be unlawful to hinder or obstruct any paving operations or excavations conducted in conformance with the provisions of this Chapter.

9-2-6: LIABILITY FOR DAMAGE: (1307 2100) Any person who shall undertake work pursuant to a permit issued under the provisions of this Chapter shall be answerable for any damage occasioned to persons, animals or property by reason of carelessness and negligence connected with such work.

9-2-7: ENFORCEMENT: (2100)

(A) **PUBLIC NUISANCE:** Any excavation or construction in any street, alley, sidewalk, or other public right-of-way in the City (with or without a permit as required by this Chapter) which constitutes an emergency presenting imminent danger of serious injury to persons or property is hereby declared to be a public nuisance which may be summarily abated pursuant to Sections 8-4-4 and 8-4-5, W.M.C.

(B) **VIOLATION:** Any person found to be in violation of this Chapter shall be punished as provided in Section 1-8-1, W.M.C.

(C) **ADDITIONAL REMEDIES:** In addition to the penalties established above, violations of this Chapter shall be cause for the City to proceed against any surety, to commence an action in a court of competent jurisdiction for appropriate legal and equitable relief, and any other action permitted by law. Such failure shall be grounds for revocation or suspension of permits, licenses and registrations held by the violator.

9-2-8: STREET CUT IMPACT FEES: (3072 3599)

(A) In addition to the right-of-way permit fee described in Section 9-2-1, above, no person or entity shall cut the pavement of any City street prior to the payment to the City of a street impact fee, to cover the effects of long-term damage to the street pavement created over time by intermittent street cuts. Such fees shall be paid before the issuance of a right-of-way permit.

(B) The street cut impact fee will be established annually by the City Manager, upon recommendation of the City Engineer, and shall be based upon the following factors:

- (1) Whether the cut is a longitudinal trench or a transverse trench.
- (2) Whether the street was resurfaced within the current year and the last four (4) years or seal coated within the current year and the last two (2) years.
- (3) Whether the street is earmarked for total reconstruction within the current year and the next two (2) years in the City's 5-year pavement management master plan for street improvements.
- (4) Normally, fees will be doubled for streets that have been resurfaced within the current year and the past four (4) calendar years, or seal coated within the current year and the past two (2) calendar years.
- (5) Normally, fees will be waived for streets scheduled for total pavement reconstruction within the current year and the following two (2) years.

Printed copies of the fee schedule, as amended from time to time, shall be on file in the Office of the City's Community Development Department.