



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council
DATE: April 28, 2004
SUBJECT: Study Session Agenda for Monday, May 3, 2004
PREPARED BY: J. Brent McFall, City Manager

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

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

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

CONSENT AGENDA

None at this time.

CITY COUNCIL REPORTS

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

PRESENTATIONS

6:30 P.M.

1. Proposed Ordinance re Obstruction of the Seeking of Emergency Assistance - Attachment
2. Lease with Community Reach
3. Municipal Court Public Defender Recruitment Process

EXECUTIVE SESSION

1. Consideration of salary adjustments

INFORMATION ONLY

1. Xeriscape Landscaping Provisions
2. Neighborhood Traffic Mitigation Program

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

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
May 3, 2004



SUBJECT: Proposed Ordinance re: Obstruction of the Seeking of Emergency Assistance

PREPARED BY: Martin R. McCullough, City Attorney
Barb Lamanna, Victim Services Coordinator
Lee Birk, Deputy Police Chief

Recommended City Council Action:

Direct City Staff to schedule for Council consideration the attached ordinance that would amend the Westminster Municipal Code to make it unlawful for a person to knowingly obstruct another person from seeking emergency assistance.

Summary Statement

- The Police Department, the Prosecutor's Office, and the Victim Advocate's Office have all indicated that the proposed ordinance would assist them in the prosecution of domestic violence cases in Municipal Court. The proposed ordinance would also apply to other situations where a person has prevented or attempted to prevent another person from seeking emergency assistance.
- In the context of domestic violence situations, grabbing the telephone, ripping the telephone out of the wall, or throwing a cell phone out of the window of a car are common tactics used by domestic violence perpetrators. Other tactics may include blocking exit routes, physically restraining the victim, or attempting to cancel a 911 call for help.
- The proposed ordinance would also apply to situations where someone has been injured. For example, in a car accident, a driver or another person in the vehicle might attempt to keep an injured party from seeking emergency assistance in order to hide criminal activity.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Whether City Council should adopt an ordinance making it unlawful for a person to obstruct another person from seeking emergency assistance from police, fire, medical, or other emergency assistance providers.

Alternative

Do not adopt the ordinance and rely on criminal mischief and other laws such as the state's telephone obstruction statute. This is not recommended because these laws do not directly address the act of interfering with someone who is seeking emergency assistance. The state telephone obstruction statute is broadly worded and, on its face, could be construed to apply to conduct that would otherwise be considered innocent, such as a parent preventing his or her teenage child from tying up the phone when the parent is expecting an important call. Also, the City's criminal mischief ordinance does not apply in the absence of physical damage.

Background Information

In 2003, the Westminster Municipal Court processed 299 domestic violence offenders through the City's Fast-Track Program. This Program provides an opportunity for early intervention in domestic violence situations in an effort to protect victims from future and potentially more violent acts. Professionals in the domestic violence area often refer to such misdemeanor prosecution programs as a means of homicide prevention.

When there is violence in a relationship, the potential for violent injury escalates when the victim attempts to call for help. The perpetrator may take the phone away, destroy it, throw it, or maintain control over it in an attempt to keep the victim from calling for help. A perpetrator may also find other ways to prevent the victim from calling for help such as blocking exit routes, telling neighbors or passersby that they have misconstrued the victim's intent, or attempting to cancel a victim's 911 call after it has been placed.

Out of anger, and in an attempt to control the victim, a perpetrator may become more violent in the hope that this will dissuade the victim from seeking help in the future. Without a means of contacting emergency assistance, a victim becomes vulnerable to another wave of violent behavior and potential injury.

The state recently passed a law making "telephone obstruction" a misdemeanor, in an effort to address the situation described above where a domestic violence perpetrator is preventing his or her victim from using the telephone. After reviewing this state statute, Staff has concluded that this is a very difficult statute to enforce because it is difficult to define situations where "telephone obstruction" might actually be acceptable, such as when a parent is attempting to control a teenager's use of the telephone for non-emergencies. The City's criminal mischief ordinance only applies to situations where there is evidence of some physical damage to the telephone or surrounding premises. If the phone is not damaged, or if it is the sole property of the defendant, there is presently no appropriate municipal charge. The proposed ordinance would apply not only to domestic violence situations, but to situations where, for example, a car accident occurs and the driver, owner of the vehicle, or perhaps a passenger tries to prevent an injured party from seeking help, in an attempt to avoid criminal charges, financial liability, or other undesirable repercussions.

All participating entities in the administration of the City's Fast-Track Program agree that the Program would be compromised if some elements of a domestic violence case had to be sent to the state court for prosecution. Enacting this ordinance would assist the Program by giving the police, prosecutors, and victim advocates an additional tool to address domestic violence with early intervention and appropriate consequences. It is also consistent with the philosophy that serious physical harm should not have to occur before intervention measures are taken. Seemingly minor incidents, such as obstructing a victim from calling for help, are highly predictive of physical violence, and appropriate intervention measures should be authorized.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment(s)

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapter 3, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW
SECTION to read as follows:

6-2-13: OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE:

(A) IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY OBSTRUCT OR
OTHERWISE INTERFERE WITH ANYONE WHO IS SEEKING MEDICAL, POLICE, FIRE
OR OTHER EMERGENCY ASSISTANCE FROM ANY PERSON OR AGENCY, PUBLIC
OR PRIVATE.

(B) OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE IS A CRIMINAL
OFFENSE, PUNISHABLE BY A FINE OR IMPRISONMENT, OR BOTH, AS PROVIDED IN
SECTION 1-8-1 OF THIS CODE.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on
second reading. The full text of this ordinance shall be published within ten (10) days after its enactment
after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this _____ day of _____, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this _____ day of _____, 2004.

Mayor

ATTEST:

City Clerk



Staff Report

City Council Study Session Meeting
April 5, 2004



SUBJECT: Lease Agreement with Adams Community Mental Health Foundation

PREPARED BY: Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action:

Direct Staff to schedule Council's formal consideration of the lease agreement with Adams Community Mental Health Foundation for the Community Reach Center's use of the recently vacated 76th Avenue Library Building.

Summary Statement

- Since 1974, Community Reach Center, previously known as Adams Community Mental Health, has operated its Westminster clinic out of the Walker Building, a City-owned, former residence at 3200 West 76th Avenue. Both the Center and the City have benefitted by having a satellite office for mental health services located within Westminster.
- In response to a request from the Center in 1999, the City contracted for the design for a major remodel of the Walker Building to improve the structure and increase its usability as clinical offices. At approximately the same time, the decision was made by City Council to pursue another location for the 76th Avenue Library. In Spring, 2000 City Council approved a much-reduced scope for the remodel project with the intent of allowing the Mental Health Center to move into the library building once this was vacated by City Staff.
- An architect has completed preliminary plans to remodel the former library into clinical offices. The estimated cost for the project is \$140,000 to \$170,000, depending on the results of the bid process and the specifications required by the Center. There is currently \$90,000 available in the City's Capital Improvement Fund Walker Building Project Account for this project. It is anticipated that the Adams Community Mental Health Center Foundation would pay for the balance of the costs.
- The City would also share equally with the Center in the expense of replacing the roof, currently estimated at \$30,000.
- The key components of the proposed lease agreement are a 20-year term where the Community Reach Center would be responsible for all maintenance inside the building while the City would be responsible for all exterior and grounds maintenance. The Community Reach Center will be

responsible for all utilities, costs and for providing liability insurance. The lease cost would be a nominal \$1 for the term of the lease.

- With City Council's approval, City Staff will proceed with the scheduling of Council's consideration of the lease agreement for the next Council meeting and proceed with the solicitation of bids for the remodel project.

Expenditure Required: \$105,000 in City funds and \$65,000 to \$85,000 in Adams Community Mental Health Foundation funds.

Source of Funds: General Capital Improvement Fund and outside sources available from the Adams Community Mental Health Foundation.

Policy Issue:

Does the City Council wish to lease the vacated 76th Avenue Library to the Adams Community Mental Health Foundation for the Community Reach Center to operate its Westminster clinic?

Alternatives

Do not lease the former 76th Avenue Library building to the Mental Health Center Foundation and continue to lease the organization its current space in the City's Walker Building. Staff does not recommend this alternative since it does not address the Community Reach Center's desire to expand its facilities in Westminster to serve Westminster area residents.

Identify another location where the Community Reach Center's Westminster Clinic could be located. City Staff believes that given the accessibility of the former library building and its current availability, this would provide an excellent facility for the Mental Health Center offices.

Background Information

Since 1974 the Community Reach Center, previously known as Adams Community Mental Health Center, has operated its Westminster office out of the City-owned former residence known as the Walker Building located adjacent to the City's Swim and Fitness Center at 3200 West 76th Avenue. Westminster citizens have benefitted by having one of several Mental Health Center clinics in close proximity. In addition, City Staff has had over the years a very good working relationship with Community Reach Center Staff. In addition to providing use of the Walker Building at a nominal cost, the City has contributed to the Center each year through its Human Services funding. For 2004, this contribution is \$24,000.

In the late 1990's, it became obvious that the Walker residence had deteriorated to the point where major remodel work was necessary. In addition, changes were needed to improve accessibility to disabled persons and improve the efficiency of space for offices. The remodel project was budgeted at approximately \$181,300. It was anticipated that the Mental Health Center Foundation would pay for \$50,000 of the project with the balance funded with 1999 carryover dollars.

At approximately the same time that Staff was making final plans to award the bids and begin the project, Council was giving preliminary consideration to relocating the 76th Avenue Library to a new site. At City Council's direction, Staff approached the Mental Health Center Staff with the idea of reducing the scope of the remodel project to make just the repairs necessary to make the building usable on an interim basis and converting the library building to Mental Health Center offices. The Mental Health Center Foundation Board and Center Staff were very pleased with this alternative since it provided both a much more desirable facility for its clinical offices and the space to expand its services. The Mental Health Center's move from the Walker Building also provides the City with the option of removing the Walker Building from the site to allow for a potential expansion of the Swim and Fitness Center.

The remodel project cost was subsequently reduced by approximately half, leaving \$90,000 available for the City's share of the future remodel of the library building. The remodel work on the Walker Building was completed in 2000.

In anticipation of the building being vacated by City Staff and its remodel as clinical offices, City and Center Staff retained services of Lewis Himes Associates, Inc., to design office space that would be conducive to the Center's operations. The architect has provided a design that is very workable for the Center for an estimated construction cost of \$140,000 to \$170,000, depending on the final design and the results of the bid process.

The proposed lease agreement, which is attached for City Council's review, has been reviewed with Center Staff and the Adams Community Mental Health Foundation Board that owns or leases all of the facilities used by the Community Reach Center. Both the Center Staff and Foundation Board Members have found that the lease agreement is satisfactory. This agreement, if approved, would replace the lease agreement that is currently in place for the Center's use of the Walker Building. The twenty-year term of the agreement is the same as the current lease, which City Staff believes is reasonable given the Mental Health Center's investment in the property and the desire for the City to have a long-term relationship with this non-profit organization. The agreement calls for the termination of the lease with the mutual agreement of the parties, or at the City's sole discretion in the event of major damage to the facility. The proposed lease differs from the current lease in that the Center would assume major responsibility for the interior of the building including the HVAC, electrical, plumbing, other ongoing maintenance, several repairs and maintenance of the roof. The City would in turn be responsible for other repairs and maintenance to the building exterior including landscaping and the parking lot. The lease rate is a nominal \$1 for the term of the agreement.

City Staff believes that the proposed lease will continue the excellent relationship that the City has had with the Community Reach Center and that it will provide a very worthwhile use of the former library building. This item has been scheduled for discussion at Monday evening's Study Session to obtain City Council's perspective on the proposed lease and proposed remodel project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

LEASE AGREEMENT
BETWEEN THE CITY OF WESTMINSTER AND
ADAMS COMMUNITY MENTAL HEALTH FOUNDATION
FOR USE OF THE 76TH AVENUE LIBRARY BUILDING

THIS AGREEMENT is made and entered this _____ day of _____ 2004, by and between the CITY OF WESTMINSTER, a Colorado home rule municipality (“the City”), and ADAMS COMMUNITY MENTAL HEALTH FOUNDATION (“the Foundation”), a public, non-profit corporation.

Recitals:

WHEREAS, Adams Community Mental Health, now known as the Community Reach Center has operated its Westminster clinic in a City-owned building since 1974; and

WHEREAS, the City and Foundation desire to continue to have the Community Reach Center operate a satellite office in Westminster; and

WHEREAS, many citizens of Westminster benefit by having such a facility within close proximity; and

WHEREAS, the City and Foundation both desire to remodel the former 76TH Avenue Library for use as the Community Reach Center Westminster Office; and

WHEREAS, the City and the Foundation wish to set forth mutually acceptable terms to address the use of the facility by the Foundation and conditions that will assure ongoing maintenance of this building,

NOW, THEREFORE, in consideration of the above premises, the mutual promises set forth below, and for other good and valuable consideration, the City and Foundation hereby agree to the following:

- I. That in consideration of the payment of the rent and the keeping and performance of the covenants and agreements by the Foundation hereinafter set forth, the City hereby leases to the Foundation the main level and the downstairs lounge area of the following described premises situated in the County of Adams and State of Colorado, to wit:

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E ALG S LN 346/78 FT TH NLY ON ANG 89D 32M TO LEFT 449/45 FT M/L TO
SLY BDRY LN DENVER BOULDER TURN PIKE TH NWLY ALG SLY BDRY LN
405/4 FT M/L TO INTERSEC OF SD BDRY LN WITH N LN OF SD SE4 SE4 NW4
TH W 6/3 FT M/L TO NW COR OF SE4 SE4 NW4 TH S 660/94 FT TO POB 4/80A

(Otherwise known as 3031 West 76th Avenue, Westminster, Colorado)

This lease shall become effective at 12:00 o'clock noon of the first day of May 2004, until 12:00 o'clock noon of the first day of May 2024, for a rental for the full term aforesaid of One Dollar (\$1.00) payable in advance.

II. Financial Contributions

- A. The City shall contribute \$90,000 toward the building remodel plus one half of the expense of replacing the building roof.
- B. The Foundation shall fund the balance of the costs of remodeling the former 76th Avenue Library.

III. Building Use

- A. In return for the use of the main level and the lower level of the 76th Avenue Library and the City's contribution toward the remodel, the Foundation agrees to continue to operate the Mental Health Center's Westminster office from this facility for the term of the Agreement unless this Agreement is terminated sooner in accordance with Section VI and VIII.
- B. The City agrees to provide the use of the building by the Foundation on an ongoing basis for the length of this Agreement unless this Agreement is terminated sooner in accordance with Section VI and VIII.
- C. The Foundation shall have the right to increase the size of its present signage in accordance with current City ordinances and regulations.

IV. Maintenance

- A. The City shall maintain, at the City's expense, exterior paint, windows, exterior doors, concrete stairs, hand rails, driveways, and sidewalk; and provide lawn care, irrigation, and snow removal.
- B. The Foundation shall at the Foundation's expense provide maintenance after the completion of the remodel, repair or replace as necessary: the roof, appliances, bulbs and ballasts; interior paint, drywall, baseboard, carpet and tile, interior doors and hardware, locks, window coverings, and mirrors; and valves, washers and internal water closet parts and hardware; and shall provide for all custodial services and shall provide all ongoing HVAC repair and preventative maintenance; shall maintain garbage disposal, the sump pump, and water heater; shall service all circuit wiring, the electrical panel, switches, outlets, and light fixtures.

V. Conditions of Use

- A. Upon termination of this Agreement, the Foundation agrees to surrender and deliver up said premises in as good order and condition as when the same were entered upon, loss by fire, inevitable accident, or ordinary wear excepted.
- B. The Foundation agrees not to sublet any part of said premises, and not to assign this lease or any interest herein, without the prior written consent of the City.

- C. The Foundation shall not use the premises for any purpose prohibited by the laws of the United States or the State of Colorado, or the ordinances of the City of Westminster, or any improper or questionable purpose whatsoever.
 - D. The Foundation shall not permit the premises or the walls or floors thereof to be endangered by overloading or the premises to be used for any purpose which renders the insurance thereon void, or the insurance risk more hazardous.
 - E. The Foundation shall make no major alterations or changes in or upon or about the premises without the written consent of the City.
 - F. The Foundation shall allow the City at any reasonable hour of the day to enter upon and view the premises.
 - G. The Foundation shall pay for all charges for water, sewer, heating, air conditioning, and lighting.
 - H. The Foundation will neither hold or attempt to hold the City liable for any injury or damage, including those occurring in the course of making repairs or alternations, except when such injury or damage is caused by the negligence of City, nor will the Foundation hold or attempt to hold the City liable for the negligence or default of occupants of the Premises or any other persons, nor will the Foundation hold or attempt to hold the City liable for any injury or damage occasioned by defective electric wiring or the breaking or stoppage of plumbing or sewerage upon said premises or upon adjacent premises, whether said breaking or stoppage results from freezing or otherwise.
- VI. Destruction of the Building. If the building is destroyed or substantially damaged by fire or other calamity to the extent that the building is no longer usable for the purposes of the Agreement, the City may terminate this lease and neither party shall have any further obligations to the other party. However, the funds paid by the Foundation for purposes of remodeling shall be refunded to the Foundation, depreciated on a straight-line basis over twenty years. The City shall have absolute discretion to decide whether the building is no longer usable.
- VII. Insurance/Indemnification. The Foundation shall maintain liability insurance coverage on the premises in the amount of \$1,000,000 combined single limit, and shall indemnify and hold the City harmless from any liability to any person, firm or corporation for any cause arising out of Foundation's use of said premises, including the administration of mental health treatment or counseling to any person, or for any other reason.
- VIII. Termination. This Agreement may be terminated prior to the end of the terms of the lease Agreement upon mutual agreement of the parties.
- IX. Dispute Resolution
- A. If either party should retain counsel for the purpose of enforcing or preventing the breach of any provisions of this Agreement or for any other judicial remedy relating to it, then the prevailing party shall be entitled to reimbursement by the losing party for all costs, expenses and witness fees so incurred by the prevailing party, including but not limited to reasonable attorney fees and costs.

B. For any controversy or claim arising out of, or relating to this Agreement, or the breach thereof, the parties agree to mediate any such disputes prior to taking any court action.

THIS AGREEMENT shall supercede all previous agreements between the parties related to the use of the Adams Community Mental Health Foundation aka The REACH Foundation and shall be binding upon the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

CITY OF WESTMINSTER, a Home Rule City of Westminster

(seal)

By _____
Ed Moss, Mayor

ATTEST:

City Clerk

ADAMS COMMUNITY MENTAL HEALTH FOUNDATION

(seal)

ATTEST

By _____

Secretary

APPROVED AS TO LEGAL FORM:

City Attorney



WESTMINSTER

Staff Report

City Council Study Session Meeting
May 3, 2004



SUBJECT: Municipal Court Public Defender Recruitment Process

PREPARED BY: Matt Lutkus, Deputy City Manager for Administration
Carol J. Barnhardt, Court Administrator

Recommended City Council Action:

Select the Mayor or a member of Council to serve on a selection panel and direct Staff to carry out the recruitment process as outlined to fill the Municipal Court Public Defender position.

Summary Statement

- Municipal Court Staff was recently notified by the City's current Public Defender, Beth Ann Faragher, that she would no longer be providing Public Defender services for the Court after July 21, 2004. She and her husband have a new child and the cost of childcare does not make it practical for her to continue her contract with the City.
- In accordance with City Charter provisions regarding the hiring of special legal counsel, it is requested that City Council appoint an individual or firm to fill this upcoming vacancy.
- It is City Staff's recommendation that, similar to the process used in 1995 and 1999, job announcements be sent to Westminster attorneys and the position be advertised in the *Denver Post* and the *Colorado Lawyer*. It is recommended that a selection panel made up of the Mayor or a City Councillor, the Court Administrator, and the Deputy City Manager for Administration be charged with screening the applications, interviewing the top candidates and providing recommendations to City Council.

Expenditure Required \$17,200

Source of Funds General Fund Municipal Court Operating Budget

Policy Issue(s)

Should the City continue to provide Public Defender services on a contractual basis?

Alternative(s)

Negotiate contracts with several attorneys to perform the Public Defender services. Staff does not recommend this process due to the administrative burden and expenses that would be incurred.

Background Information

Public defender services are provided to indigent defendants in Municipal Court in cases where jail time may be imposed if the defendant is convicted. The judge presiding over each case can refer a defendant to the Public Defender when justified by the defendant's financial circumstances.

On April 21, Beth Ann Faragher, the current Municipal Court Public Defender, advised Municipal Court Staff that she would be vacating her position effective July 21, 2004. Formal notice of this resignation is attached for Council's review. Ms. Faragher has provided excellent contract public defender services since February 2000.

Staff believes that in order to select a new Public Defender by the end of July, it is necessary to start the recruitment and selection process in the very near future. It is Staff's recommendation that a process similar to the process used for the recruitment of this position in 1995 and 1999 be used to fill the position. This would involve the appointment of the Mayor or a City Councillor to work with Staff on a screening and interview committee, which would provide the full Council with an appointment recommendation.

The position is currently budgeted at \$17,200 annually for 56 four-hour days up to a maximum of 224 hours annually. The salary is \$13,440 per year for one 4-hour court session per week and \$3,760 is budgeted for jury trial representation. Jury trial representation is billed at \$50 per hour.

This item has been scheduled for discussion with City Council following next Monday evening's City Council meeting to give Council the opportunity to provide direction to Staff on how to proceed with the recruitment and selection process for this position.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER

Staff Report

Information Only Staff Report
May 3, 2004



SUBJECT: Xeriscape Landscaping Provisions

PREPARED BY: Terri Hamilton, Planner III
Rich Dahl, Park Services Manager
Stuart Feinglas, Water Resources Analyst

Summary Statement:

This report is for City Council information only and requires no action. City Council has requested that Staff provide Council with information regarding water conservation measures pertaining to landscape design of City projects and private developments in Westminster.

Background Information

Xeriscape, a landscape design approach that promotes water conservation, has come to the forefront as an area of interest, given the extended drought in Colorado. The City of Westminster desires to promote water conservation in landscape design and has incorporated xeriscaping as identified in this report.

Community Development

- Current Landscape Regulations, which apply to all development projects, require a number of standard xeriscaping measures. The discussion of Xeriscaping in the Landscape Regulations includes soil preparation (organic materials incorporated into the soil to absorb water), mulch (organic or inorganic material such as bark or rock, used to cover bare ground to retard erosion, retain soil moisture, reduce weeds and maintain soil temperatures), irrigation (automatic irrigation assists in plant establishment and longevity), and maintenance (long term maintenance of the landscape). Plant materials that are known to be more drought tolerant are also identified on the Recommended Plant List within the Regulations.
- Revisions to the Landscape Regulations have been prepared by City Staff and are anticipated to be considered by City Council in June. The primary purpose of the revisions is for water conservation. Additional xeriscaping measures are proposed in the landscape regulations. The revisions are currently under review by the Homebuilders Association, The Metro North Chamber of Commerce, The Westminster Business Advisory Group, the Association of Landscape Contractors of Colorado, and several developers that have constructed projects within Westminster.

- Various development projects have incorporated optional xeriscape design approaches in the landscape design by combinations of the following measures: reducing areas of bluegrass turf (a plant material that typically requires high levels of supplemental irrigation in order to maintain a lush green appearance), incorporating a greater use of plant materials that require less water to maintain their health, incorporating increased use of drip irrigation, and using the option of non-potable water for irrigation purposes. Several examples of projects like this are Avaya, Bradburn, Highlands at Westbury, and Fire Station # 2. For instance, Avaya, located at West 120th Avenue between Huron and Pecos Streets has approximately 38% of the property (59 acres) as landscape area. For purposes of water conservation, in addition to required xeriscape measures, Avaya used non-potable water for landscape irrigation, and significant areas of native grasses. Bluegrass turf areas were limited to areas of highest visibility. The Bradburn development, located west of Federal Boulevard along 120th Avenue, incorporated native grasses irrigated with non-potable water along the large drainage ditch that parallels 120th Avenue. The landscape design for Bradburn also incorporates numerous large xeriscape accent grasses, which are drip irrigated.

Parks, Recreation and Libraries

The Parks, Recreation and Libraries Department adheres to the seven design principles of xeriscape landscape as promoted by the Denver Water Board:

- Planning and Design – New park development and existing renovations are planned and managed by the Design/Development Division through in-house design or an outside landscape consultant. Design standards include facility programming, public comment and environmental considerations such as water detention, wetlands, plant selection and wildlife management.
- Soil Improvements – All new park and facility construction include adding organics to the existing soil to improve the nutrient and water holding capability for plant growth. Currently 3 cubic yards of organic material per 1000 square feet of landscaped areas and 5 cubic yards per 1000 square feet of athletic fields are added to soils.
- Efficient Irrigation – The City’s irrigation systems are automated and approximately 50% are controlled by a computer system linked to current and historic weather databases. All systems operate based on evapo-transpiration (ET) rates that scientifically measure solar, humidity, precipitation and soil conditions to recommend irrigation schedules for existing conditions. Under current funding estimates 95% of the City’s irrigation systems operated by the Park Services Division will be computer controlled by 2007.
- Zoning of Plants – Throughout the City’s park and public areas the irrigation systems are designed to separate turf, low use plant/shrub beds and wetland areas so that each can operate independently. This is especially critical in providing adequate moisture for high valued trees and shrubs over turf, which can be more easily replaced if drought conditions require a reduction of water application.
- Mulches – Through the City’s limb chipping program, staff is able to offer it’s citizens hundreds of cubic yards of mulch for home use as well as supply all the needs for public parks in tree planting and moisture retention in shrub and streetscapes areas.
- Turf Alternatives – When appropriate the Park Services Division encourages the use of less maintenance intensive turf that can survive on lower water usage. Current examples of this are at Cobblestone Park (3 acres of bluegrass/4 acres of fescue and native grasses), Ryan Park (7.3 acres of bluegrass/7.7 acres of non-irrigated native grasses) and Foxshire Park (3 acres of bluegrass/2.5 acres of native grass). Athletic and multi-use fields still require turf species that can sustain and recover from sport activities and high traffic use for which they were originally designed.

- Appropriate Maintenance – The Park Services Division has a comprehensive maintenance program that includes regular mowing, weeding, fertilizing, pest control, aeration and mulching as recommended by the Denver Water Board for Xeriscape landscape principals.

Public Works and Utilities

- Much of the landscaping at the Northwest Water Treatment Plant was delayed due to the drought. In 2003, the installation was completed and includes a xeriscape garden, three types of turf to demonstrate options, and a small section of artificial turf.
- Turf areas planned for the clear well project have been reduced and dry land grasses were installed as a water conservation measure.
- As a part of the plans review process, Water Resource Staff continues to make recommendations for new developments to minimize high water landscapes and increase low water landscape areas. Recommendations are also made to increase irrigation system efficiencies through the use of new technologies. These same recommendations are made to developers as a part of the tap fee process. Tap fees for low water landscapes are one-half the cost as for the same square footage of high water landscapes. Developers are, therefore, encouraged to include water saving landscapes and efficient irrigation systems as a part of their plans.
- Letters were sent to all developers active within the City reminding them of the current required soil amendment levels of five cubic yards per 1,000 square feet, and offering guidelines and inspections to help educate installation staff. Several landscape sites have been inspected by Water Resource Staff for the proper application of soil amendments. While not staffed to perform inspection services on a regular basis, Staff does respond to requests from developers or concerns from citizens. As a result of a citizen concern, one developer realized he did not receive the soil amendments he had paid for and then reinstalled the landscape with the required soil amendments.
- Fifteen evapotranspiration (ET) based irrigation clocks have been purchased by Water Resources and will be installed this spring in a pilot program to assess water savings. Five of the controllers will be installed in small city park areas, five will be installed in small commercial accounts, and the remaining five will be installed in residential accounts. Park sites have been identified, as well as approximately one-half of the commercial and residential sites. Installation and system training will be in early May.
- Significant effort has been made in the past year to revise current landscape regulations. While the number of actual xeriscape projects implemented within the City is currently low, it is anticipated that the new regulations will allow and encourage xeriscape to be included in a large number of future projects.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

Information Only Staff Report
May 3, 2004



SUBJECT: Neighborhood Traffic Mitigation Program

PREPARED BY: Michael Normandin, Transportation Engineer

Summary Statement:

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

- At the January 28, 2004, Study Session, City Council placed a nine-month moratorium on new Neighborhood Traffic Mitigation Program projects. The moratorium will allow time for City Staff and City Council to evaluate the effectiveness of the Program and consider alternative means of addressing the issue of speeding within residential neighborhoods.
- At the March 22, 2004, Study Session, City Staff presented a list of active traffic calming projects. The list included projects that are in various stages of the public input or design process. Staff proposed that bids be solicited for some of the projects in 2004 and that the remainder of the projects be placed on hold until after the nine-month moratorium. At the direction of City Council, City Staff has provided additional information on the active traffic calming projects including how long the projects have been in the traffic calming process and the estimated cost for each project. This information is provided in the background section of this Staff Report.
- Staff proposes to move forward with the solicitation of bids for all of the active traffic calming projects to determine how many projects can be constructed in 2004 with available funds. City Council approval of the award of major bid packages will be pursued after bids have been secured.

Background Information

The information below includes a list of active traffic calming projects listed in the chronological order of the dates that neighborhood surveys were conducted, which is the first step of the Neighborhood Traffic Mitigation process. There is also a brief project description and an estimated project cost.

Active Traffic Calming Projects

Map Location/Priority No.	Project
1	<u>Independence Drive west of Wadsworth Parkway – Modification of two temporary traffic circles.</u> The modification of these temporary traffic circles consists of the installation of temporary flexible curbing on the approaches to the traffic circles. The flexible curbing that would be used for these traffic circles is currently being used to test two traffic circles in the Sheridan Green Subdivision. City Staff recommends testing of these traffic circles later on this year when the flexible curbing is available. The estimated cost to install the flexible curbing is \$6,400. The Neighborhood Survey was conducted in May 1999.
2	<u>Home Farm – Installation of a raised pedestrian crosswalk on Home Farm Lane south of 128th Avenue.</u> The estimated cost for this project is \$36,000. The Neighborhood Survey was conducted in January 2001.
3	<u>Installation of speed tables and electronic speed signs on Wolff Street and on 101st Avenue in the Hyland Greens Subdivision.</u> The estimated cost is \$47,000. The Neighborhood Survey was conducted in February 2001.
4	<u>Modification of the existing raised pedestrian crosswalk on Alcott Street at 108th Avenue.</u> The estimated cost is \$12,000. The Neighborhood Survey was conducted in February 2001
5	<u>Construction of a raised pedestrian crosswalk or curb extensions on Alcott Street south of 112th Avenue in the Cedar Bridge neighborhood.</u> The estimated cost is \$68,000. The Neighborhood Survey was conducted in February 2001.
6	<u>Installation of speed humps on Shaw Boulevard between Lowell Boulevard and Circle Drive.</u> The estimated cost is \$2,500. The Neighborhood Survey was conducted in July 2002.
7	<u>Installation of Speed Humps on Kendall Street north of 116th Avenue.</u> The estimated cost is \$2,500. The Neighborhood Survey was conducted in August 2002.
8	<u>Installation of Speed Humps on 116th Avenue between Kendall Street and Main (Pierce) Street.</u> The estimated cost is \$6,750. The Neighborhood Survey was conducted in August 2002.
9	<u>Installation of Speed Humps on 106th Avenue west of Oak Street.</u> The estimated cost is \$6,750. The Neighborhood Survey was conducted in August 2002.

10	<u>Installation of two raised center medians and two temporary traffic circles on Stratford Lakes Drive between Federal Boulevard and 112th Avenue.</u> The next step of the process is to proceed with the design. The estimated cost of the <u>design</u> is \$20,000. The estimated cost of <u>construction</u> is \$134,000. The Neighborhood Survey was conducted in October 2002.
11	<u>Installation of a raised center median and curb extension on Bruchez Parkway/Alcott Street in the vicinity of 107th Avenue.</u> The estimated cost for this project is \$160,000. The Neighborhood Survey was conducted in December 2002.

The total estimated cost of the projects listed above is \$501,900. There is approximately \$300,000 available in the Neighborhood Traffic Mitigation Capital Improvement Project. If the bids for the projects come in near the estimated cost, there would be enough funds available this year to complete Projects one (1) through nine (9) and a portion of Project ten (10). Additional funding would have to be appropriated in 2005 for the completion of Projects 10 and 11.

As mentioned previously, Staff proposes to move forward with the solicitation of bids for all of the active traffic calming projects to determine how many projects can be constructed in 2004 with available funds. City Council approval of the award of major bid packages will be pursued after bids have been secured.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment