



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: July 27, 2011

SUBJECT: Study Session Agenda for August 1, 2011

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.

CITY COUNCIL REPORTS

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

PRESENTATIONS

1. Meeting with Rosemary Rodriguez on behalf of Senator Michael Bennet
2. Adoption of the 2010 Model Traffic Code
3. Amending Mail-In Compromise Provision for Traffic Tickets to Offer Point Reduction
4. Water Tanks Major Repair and Replacement Project Update

6:30 P.M.

EXECUTIVE SESSION

None at this time.

INFORMATION ONLY ITEMS

None at this time.

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

Information Only Staff Report
August 1, 2011



SUBJECT: Meeting with Rosemary Rodriguez on behalf of Senator Michael Bennet
PREPARED BY: Rachel Harlow-Schalk, Environmental and Administrative Services Officer

Summary Statement:

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

United States Congressman Michael Bennet's State Director Rosemary Rodriguez will be in attendance at the August 1, 2011 Study Session to discuss with Council the City's Federal Legislative priorities and answer any questions Council may have on Federal legislative issues. This is also an opportunity for Council to thank the Senator's office for recognizing the City's 100th Anniversary on the Senate floor.

Background Information:

In recent years, the City has increased its monitoring of Federal legislative matters and increased its communications with members of Congress and their staffs. Maintaining ongoing communications with elected representatives in Washington, D.C. is clearly in the City's short and long-term interests.

For Council's convenience, Staff has included a copy of the City's current Federal Legislative Issues Guide for discussion with Ms. Rodriguez. Council may want to split up the issues to discuss with Senator Bennet.

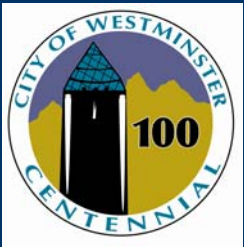
The City Council's interactions with members of Colorado's Congressional delegation relate directly to all five of the City's Strategic Plan Goals given the impacts, both positive and negative, that Federal legislation can have on the City operations and infrastructure.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment





2011 Federal Legislative Issues Guide City of Westminster

2011 FEDERAL PRIORITIES

Transportation Funding

Collective Bargaining

Internet Sales Taxation

Energy Economy

Community Development
Block Grant Funding



WESTMINSTER

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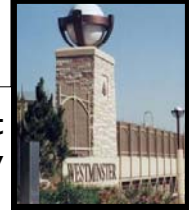
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DELIVERING EXCEPTIONAL VALUE AND QUALITY OF LIFE

Transportation Funding



The City of Westminster Urges our delegation to support significant funding for FasTracks, U.S. 36 and north Interstate 25 highway improvements in the next Transportation Authorization Act.

U.S. 36 and I-25 Corridor Congestion Relief Funding

The US 36 and North I-25 corridors represent two of the worst traffic congestion challenges facing one of the fastest-growing metropolitan areas in the western states. These major transportation corridors have experienced unprecedented levels of growth over the last 15 years. Significant growth is impeding the movement of people and goods along these corridors as adjacent communities evolve from rural to urbanized areas.

- The City believes strongly that FasTracks needs to be built as the complete system that was approved by the Regional Transportation District (RTD) voters in 2004.
- Significant milestones were achieved last year when the Obama Administration announced a \$300 million Federal loan for Denver Union Station and a Full Funding Agreement for \$1 billion for the East and Gold lines which includes a Northwest commuter rail segment to south Westminster. Year 2010 revenue and expenditure projections show that RTD still needs \$2.45 billion to complete the entire FasTracks System. Unfunded corridors include the Northwest and North Metro Rail lines, two commuter lines that will significantly benefit north area communities. The City urges our delegation to support measures that will assist in allowing Federal funds to be used to supplement voter-approved FasTrack monies.
- Both the US 36 Environmental Impact Study (EIS) and Record of Decision (ROD) were completed in late 2009. This milestone and the significant time and energy that the Colorado Department of Transportation (CDOT) has devoted to making this program “shovel ready,” position this as a viable project for major Federal funding.
- CDOT and the US 36 Mayors/Commissioners Coalition (US 36 MCC) previously submitted grant applications for congestion relief along this corridor. The cities along the corridor are delighted with the TIGER Grant award and the opportunity that CDOT has to apply for Federal-guaranteed loan through TIFIA. With funding from the U.S. Department of Transportation through these grants, Colorado State funding through the Regional Transportation District and toll revenue, significant reductions in congestion could be possible. The City urges our delegation to support these and other grant applications submitted for US 36.
- Interstate 25 in the northern suburbs of Denver carries some of the highest traffic volumes in the Denver-metro area. Yet, the long term plans for the corridor improvements fall short of addressing the present and projected congestion along this stretch of highway. CDOT is currently initiating an accelerated environmental review process that will ultimately provide the clearances needed to begin funding, design and construction of improvements on I-25 from US 36 to E-470. The City requests that our Congressional delegation support funding for improvements along this very important Interstate highway corridor.

Collective Bargaining



The City of Westminster urges our Congressional delegation to respect the long-standing principal of non-interference in matters involving employee-employer relations that exists between federal, state and local governments. The City of Westminster urges Colorado Representatives to vote “no” on actions that will impact these relations and other local control matters.

Non-interference in Employee-Employer Relations

Given that different communities across the country have very different needs, municipalities should be free to mold their policies to their communities’ specific circumstances. The City of Westminster supports the principle of local control in employee-employer relations.

- In April of 2010 S. 3194 was introduced into the Senate and in July 2010 the Public Safety Employer-Employee Cooperation Act was added as an amendment to H.R. 4899, but was removed before the bills final passage later that month. Finally, in December 2010 the Senate failed, in a vote, to invoke cloture on S. 3991, falling five votes shy of bringing the bill to a final vote for passage. These actions would have mandated collective bargaining for all police, fire and emergency medical workers in communities throughout the country. Periodically, attempts are made in Congress to mandate how we must address employment issues with our employees. These mandates are an unwelcome and unnecessary intrusion into local affairs.
- Westminster maintains the highest levels of communication and cooperation between management and frontline personnel, and works to resolve issues with fair, reasonable, and equitable actions. We listen to each employee and do not need a federally mandated single voice to speak on behalf of all public safety employees.
- Federal legislation in this area relies on an erroneous underlying assumption that, in general, local governments shortchange employees on wage and hour issues. Local governments including Westminster, have been providing quality work environments with exceptional compensation packages for many years.
- Westminster has spent many years developing a performance management system that has resulted in improved services to our citizens and clear and fair expectations of our employees. This system of employment is undermined by a collective bargaining system where promotions are based on seniority versus performance.
- The City of Westminster urges our delegation to vote “no” on federal mandates on collective bargaining. Local employment decisions should be made at the local level and the votes of citizens in municipalities should not be superseded or overwritten by Federal legislation. There are other more productive ways to show support for these fine individuals who serve our communities.



Internet Sales Taxation



The City of Westminster urges our Congressional delegation to pass enabling legislation permitting state and local governments to require Internet retailers collect sales taxes, and refrain from enacting and/or supporting the repeal of legislation that “federalizes” state and local sales tax systems.

Stop the unfair advantage internet businesses have over main street

Independent businesses work to bring economic and cultural enrichment to civic life. They support local economies by making purchases from other local businesses, providing employment opportunities to residents, and banking at local banks. Many Internet businesses evade these responsibilities, which are critical to the survival of communities and local economies. In addition, it is discriminatory when one class of business must collect taxes for selling the same products and services to the same people in the same markets as another “protected” class.

- Sales and use tax revenue is the primary source of funding for City of Westminster services and operations. Sales and use tax revenues provide close to 65% of Westminster’s general fund revenues. Like other governments, the City has been under tremendous budgetary pressure for the past eight years, struggling to maintain services despite declining revenues. General sales and use tax collections in 2009 were 11% below 2001 collections. During the same period, the City’s population grew by 8%.
- The increase in electronic commerce continues to erode Westminster’s sales tax revenue base. Even in the current economic climate, online sales continue to be healthier than traditional retail sales. The U.S. Census Bureau reports that total retail sales for 2009 decreased by 7.0% from 2008, while e-commerce sales increased by 2.0% over the same period. E-commerce sales in 2009 accounted for 3.7% of total sales.
- Existing Federal Legislation prohibits local government from imposing sales and use taxes on Internet access charges and satellite television services. This preemption from taxation is no longer necessary to promote the growth of these two ubiquitous industries. In addition, the satellite television exemption creates an inequity in the pay television industry by applying the tax differently when an identical service is delivered through different means. As consumption moves from a product based to more service based, local governments must retain flexibility in their taxing authority to continue to generate critical revenues.
- Westminster continues to work with other Colorado municipalities and the Colorado Municipal League to standardize and streamline sales and use tax practices for businesses. Past efforts include the creation of standardized definitions and uniform administrative practices, and Westminster City Council approval of “hold harmless” protection for vendors utilizing a State of Colorado certified address database. The City has also been a leader in applying technology to sales and use tax collections, developing the first municipal online sales tax filing service in the State of Colorado. This service simplifies and makes tax collection significantly more convenient for businesses.
- The City of Westminster strongly supports appropriate legislation allowing state and local governments to require businesses to collect sales and use taxes on items purchased over the Internet. The City of Westminster opposes legislation that preempts local authority to impose and collect sales and use taxes, including tax on Internet sales, Internet access charges, and other goods and services.



Energy Economy



The City of Westminster is grateful for all of the work put in to passing the American Recovery and Reinvestment Act that included significant funds for energy efficiencies and the creation of a new energy economy. The City believes the Colorado delegation has an exciting opportunity to assist economic development in Colorado by providing additional opportunities for the creation and utilization of new energy resources such as wind power, solar power and biomass energy in the Centennial state.

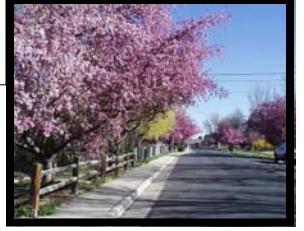
Energy Resource Development Supports Economic Development

The City of Westminster is grateful for all of the work put into passing the American Recovery and Reinvestment Act that included significant funds for energy efficiencies and the creation of a new energy economy. The City believes that the Colorado delegation has an exciting opportunity to assist economic development in Colorado by providing additional opportunities for the creation and utilization of new energy resources such as wind power, solar power, and biomass energy in the Centennial state.

- Colorado is positioned to lead this new economy because of its great energy resources. Top research institutions are located near each other, creating a critical mass of learning, advancement, and research. The State continually gains new residents who are willing and able to work in this new sector of the economy, and other resources, both natural and man-made, are readily available.
- The City has taken various steps over recent months to increase its efforts in greening City operations and City services, including the establishment of an internal “Green Team.” This group works to provide educational opportunity and information to staff and Council, and to provide suggestions for operational and policy changes that will result in a much more energy efficient local government.
- In addition, the City has effectively utilized funds from the American Recovery and Reinvestment Act to increase energy efficiency in City facilities; increased use of residential rebates for efficiency measures; supported local businesses with efficiency incentives; created long-term plans for alternatives to fossil fuel consuming automobiles; stimulated the use of public transportation and carpooling; and helped to educate the public with an array of outreach, classes, and hand-on training toward better efficiency in the commercial and residential sectors.
- While a new energy economy is more of a journey rather than a destination, it is important to continue and enhance current efforts to change the way Americans and Coloradans receive and use energy. The Colorado delegation can help make our state the centerpiece of the new energy era by building on existing resources such as NREL to help ensure that advancements in the new energy economy start at home, in Colorado. All of these efforts are vital to strengthening the economic health of the citizens of this State.



Community Development Block Grant Funding

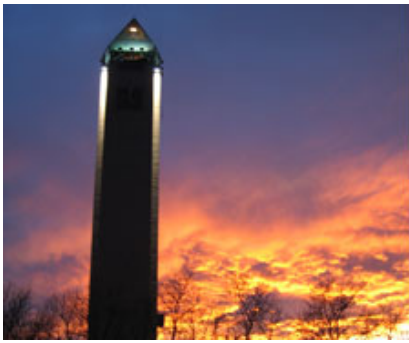


The City of Westminster appreciates recent efforts to maintain funding available to local governments through the Community Development Block Grant program. This section contains a few examples of projects that used CDBG funds and requests the delegation protect current CDBG Funding levels.

Protect the Community Development Block Grant Program

The City of Westminster strongly supports protecting current levels of Community Development Block Grant (CDBG) funding. CDBG has proven to be a very effective program in addressing the economic and social issues of neighborhood revitalization in Westminster. While the City recognizes the challenges of allocating scarce resources, we strongly believe that CDBG is a priority program that eliminates blight, increases affordable housing stock, and generates economic investment.

- CDBG funding has provided the City with a significant source of funding to address increasingly pressing social and infrastructure needs in the oldest neighborhoods, which are home to the highest percentages of low-income residents. The City has used annual CDBG funding to plan, design and build new street and pedestrian infrastructure, parks, community gathering places, and a new library. The City has also utilized CDBG funds to restore historic landmarks. In many projects, CDBG funding is leveraged with other funding contributions from a variety of other local and state sources.
- Streetscape improvements in the southern part of Westminster represent a great example of the utilization of CDBG funds. Those improvements have spurred the development of the first new affordable housing in the area in 35 years. Without the CDBG funds, the developer, Community Builders, Inc. would not have proceeded with the project providing 62 townhouse units and 12,000 square feet of commercial space in the City's historic center. Because of CDBG, the City was able to make the necessary improvements.
- The City's CDBG program provides invaluable funding for its Emergency and Minor Home Repair program that provides grants to low-income households. The funds leverage other sources of funds from a participating non-profit community services group.
- A clear additional benefit created by these CDBG expenditures at the local level is the support these dollars provide for private sector jobs.



City of Westminster Strategic Plan Goals



Financially Sustainable City
Government Providing
Exceptional Services



Safe and Secure
Community



Vibrant Neighborhoods In One
Livable Community



Strong, Balanced Local
Economy



Beautiful and Environmentally
Sensitive City

Thirty-three square miles in size, and the seventh largest City in Colorado by population, the City of Westminster is located in both Jefferson and Adams counties. The City is home to a well-educated workforce, excellent public schools, and four colleges. Dramatic mountain views and generous open space, trails, parks, and golf courses capitalize on Colorado’s outdoor-oriented lifestyle. Westminster fosters a sense of community through its recreation and community centers, libraries, and programs/classes.

Westminster’s progressive council/manager form of government adopted by its citizens in 1958 is consistently recognized for excellence in management and delivery of municipal services to businesses and residents, without the need for additional service districts and taxing authorities. The City provides police, fire, parks, recreation, library, streets, water, and wastewater services.

Westminster enjoys some of the highest bond ratings in the state with consistent A and AA bond ratings from the leading national rating agencies. Due to the second recession within a decade, Westminster’s budget for 2011 is 6.4% less than the 2010 budget and totals \$160 million, excluding contingency and reserves. In order to balance the 2011 budget, the City had to reduce staffing by 72.833 FTE (or –7.4%). The City continues to budget conservatively and works to provide exceptional services within limited financial resources. The City’s property tax mill levy remains unchanged for the nineteenth consecutive year at 3.65 mills, one of the lowest in Colorado.

Increasing and preserving green space is a high priority in Westminster. In November 2006, Westminster voters approved an extension of the Parks, Open Space, and Trails 1/4th cent sales tax, allowing the City to issue \$20 million in bonds for the maintenance and expansion of the City’s existing 63 miles of trails, 2,928 acres of open space, and 65 community parks and facilities.

Westminster is well planned with beautiful residential neighborhoods and streetscapes, enhanced landscaping, and interesting architectural details. With three distinct shopping districts, Westminster has one of the largest concentrations of retail development in the region from large department stores to boutique shopping, as well as exciting entertainment venues and restaurants.

With the approval of RTD’s FasTracks program, the City is planning Transit Oriented Developments (TOD) at rail stations that will be located in South Westminster, City Center (adjacent to the Westminster Urban Reinvestment Area site), and at Walnut Creek. The planned rail stations in South Westminster and at the Westminster Urban Reinvestment Area both promise to provide exciting opportunities for major redevelopment at those sites.

A recipient of the International Livable Communities Award and noted as one of *Money Magazine’s* “Top 100 Places to Live,” Westminster is a great place to live, work, and play. The City has been named one of the most digitally savvy, cutting edge communities in the nation, recognized for its extensive use of information technology to deliver quality service to its citizens. In 2007, the City of Westminster’s Parks, Recreation and Libraries Department won for the third time the Grand Award Gold Medal presented by the American Academy for Park and Recreation Administration and the National Recreation and Park Association for excellence in parks and recreation management.





WESTMINSTER

Staff Report

City Council Study Session Meeting
August 1, 2011



SUBJECT: Proposed Ordinance Adopting the 2010 Model Traffic Code

PREPARED BY: Alan Wilson, Traffic Commander
Carol Barnhart, Court Administrator
Hilary Graham, Assistant City Attorney

Recommended City Council Action:

Direct Staff to place on City Council's Agenda a proposed ordinance adopting by reference the 2010 edition of the Model Traffic Code for Colorado.

Summary Statement:

- The City, along with numerous other cities in Colorado, has historically adopted by reference the Model Traffic Code, which is promulgated and published by the Colorado Department of Transportation. Adoption of the Model Traffic Code by reference requires a specific process that includes a public hearing.
- The City is currently enforcing traffic laws under the 2003 Model Traffic Code. While there was a 2009 edition, many jurisdictions, including the City, decided not to adopt it due to the substantial number of errors it contained. The 2010 edition of the Model Traffic Code corrected most of those errors and incorporates changes to the traffic laws by the Colorado General Assembly since the 2003 edition.
- The City, pursuant to its home rule status, may add, delete or modify sections of the Model Traffic Code to meet local needs, and will do so in the proposed adopting ordinance.
- Staff believes it is important to adopt the 2010 Model Traffic Code to bring the City into compliance with current State law and to help protect the public's health and safety.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue:

Should the City Council adopt the 2010 edition of the Model Traffic Code for Colorado?

Alternative:

Do not adopt the 2010 edition of the Model Traffic Code and continue to enforce the 2003 edition previously adopted by reference by the City. This alternative is not recommended because the 2010 edition takes into account seven years of changes made to Colorado traffic laws.

Background Information:

The Model Traffic Code was developed to make available a specimen set of motor vehicle and traffic regulations that track state law. The Model Traffic Code for Colorado was originally adopted by the Colorado Department of Transportation in 1952, and was subsequently revised in 1962, 1966, 1970, 1973, 1974, 1977, 1995, 2003, 2009, and 2010. Many jurisdictions, including the City, determined not to adopt the 2009 edition due to its many errors. The 2010 edition of the Model Traffic Code corrected most of those errors and has been adopted by the Colorado Transportation Commission and many jurisdictions. It reflects changes to the traffic laws by the Colorado General Assembly since the 2003 edition, the latest version adopted by the City.

To meet the City's specific needs, it will be necessary to make several deletions, additions, and modifications to the 2010 Model Traffic Code through the proposed adopting ordinance. According to State law, those changes must be specifically set forth in the adopting ordinance, and they appear as W.M.C. Section 10-1-2 and W.M.C. Section 10-1-3.

W.M.C. Section 10-1-2: DELETIONS

In W.M.C. Section 10-1-2, Staff is proposing four new deletions since the 2003 Model Traffic Code:

- Section 117 of the Model Traffic Code, which regulates personal mobility devices such as Segways, will not be adopted because the City separately regulates those devices in W.M.C. Section 10-1-13.
- Section 615 of the Model Traffic Code, which establishes special fines for traffic violations committed in school zones, will not be adopted because the City separately establishes such fines in its own fine schedule.
- Section 1701 of the Model Traffic Code, which classifies and sets penalties for traffic offenses, will not be adopted because the City separately establishes its own penalties in W.M.C. Section 10-1-4.
- Section 1702 of the Model Traffic Code, which establishes traffic offenses for counties, will not be adopted because it is irrelevant to the City.

Two model traffic code sections (Sections 235 and 508 regarding gross vehicle weights and commercial vehicles) that were deleted in 2003 have since been revised in the Model Traffic Code.

Since Staff has determined that they now meet the City's needs, they will be adopted as part of the 2010 Model Traffic Code.

W.M.C. Section 10-1-3: ADDITIONS OR MODIFICATIONS

The proposed amendments to the Model Traffic Code in W.M.C. Section 10-1-3 can generally be characterized as house-keeping changes. All but a few proposed amendments of the Model Traffic Code simply strike references to fines or penalties, which the City separately addresses under the City Code in W.M.C. Section 10-1-4, or correct erroneous citations to State law. However, Staff is proposing three new substantive deviations from the Model Traffic Code since the City's adoption of the 2003 Model Traffic Code:

- Section 221 of the Model Traffic Code – the City is deleting references to EPAMDs (personal mobility devices such as Segways) in this section, which establishes requirements for bicycle equipment, because the City generally prohibits EPAMDs in W.M.C. Section 10-1-14.
- Section 710 of the Model Traffic Code – the City is revising this section, which regulates operation of devices on sidewalks, to be consistent with the City's treatment of unlicensed vehicles in W.M.C. Section 10-1-14.
- Section 1204 of the Model Traffic Code – the City is adding exceptions to parking restrictions to allow police cars or emergency vehicles to park in otherwise restricted areas in certain circumstances and to allow City service or utility vehicles similar access to perform work or maintenance.

One other notable change since adoption of the 2003 Model Traffic Code is found in the proposed ordinance at W.M.C. Section 10-1-11, regarding regulation of commercial vehicles. Since 2003, State law has evolved on this topic, and the City no longer needs to create its own local regulations on the matter. Accordingly, in the proposed ordinance, W.M.C. Section 10-1-11 simply references and adopts State law.

W.M.C. Section 10-1-4: PENALTIES

According to state law, the City's penalties must be separately addressed in the Westminster Municipal Code. The City's penalties appear as W.M.C. Section 10-1-4, which is being amended to recognize the Municipal Court's authority to establish its own fine schedule. Generally, traffic violations are deemed non-criminal traffic infractions under the City Code. Yet, and consistent with the current City Code, violations of the following specific sections are treated as criminal offenses: Section 1101 (speeding, but only when the speed alleged is greater than 24 miles per hour over the speed limit), Section 1105 (speed contests), Section 1401 (reckless driving), Section 1402 (careless driving), Section 1409 (compulsory insurance), Section 1413 (eluding or attempting to elude a police officer), and Section 1903 (failing to stop for or passing a loading bus). The proposed ordinance simply re-orders these violations so that they appear in numerical sequence.

A public hearing on the adoption of the 2010 Model Traffic Code will be required after introduction of the ordinance on first reading, but before adoption on second reading. Specific forms of public notice are required. Staff will coordinate the notice and hearing requirements to comply with State law.

Adoption of the 2010 edition of the Model Traffic Code, as amended to fit the City's specific needs, will further the Strategic Plan goal of a safe and secure community by updating the traffic laws that help protect the public's health and safety.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 2011

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

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

CHAPTER 1

TRAFFIC CODE

10-1-1: ADOPTION

10-1-1.5: DEFINITIONS

10-1-2: DELETIONS

10-1-3: ADDITIONS OR MODIFICATIONS

10-1-4: PENALTIES

10-1-5: APPLICATION

10-1-6: VALIDITY

10-1-7: REPEAL

10-1-8: INTERPRETATION

10-1-9: CERTIFICATION

10-1-10: REPRINTING

10-1-11: REGULATION OF COMMERCIAL VEHICLES

10-1-12: PARKING RESTRICTIONS

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

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

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

10-1-16: PARKING PERMITS

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

10-1-18: CRUISING

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

10-1-1: ADOPTION:

(A) Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the ~~2003~~2010 edition of the “Model Traffic Code for Colorado,” promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City of Westminster. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. ~~Three (3)~~At least one copyies of the Model Traffic Code adopted herein ~~are is~~ now filed in the office of the City Clerk ~~of the City of Westminster, Colorado,~~ and may be inspected during regular business hours.

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

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

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

10-1-1.5: DEFINITIONS:

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

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

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

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

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

~~Section 117. Personal mobility devices.~~

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

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

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

Section 1202. Parking or abandonment of vehicles.

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

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

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

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

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

(A) In Section 110, “Provisions uniform throughout jurisdiction,” subsection (4) is amended to read: “The Westminster Municipal Court shall have jurisdiction over violations of traffic regulations enacted or adopted by the City Council.”

(B) Section 221, “Bicycle and personal mobility device equipment,” is amended so that the title reads, “Bicycle equipment” and each reference to “EPAMD” in the body of the section is deleted.

(C) In Section 223, “Brakes,” all references to "section 235(1)(a)" in subsection (1), are modified to read "section 42-4-235(1)(a), C.R.S."

(D) Section 225, “Mufflers – prevention of noise,” in subsection (1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

(E) Section 225, “Mufflers – prevention of noise,” in subsection (3), the reference to "section 205(5.5)(a)" is modified to read "section 43-4-205(5.5)(a), C.R.S."

(F) Section 228, “Restrictions on tire equipment,” in subsection (5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

(G) Section 229, “Safety glazing material on motor vehicles,” in subsection (4), the reference to "section 219" is modified to read "section 42-3-219, C.R.S."

(H) Section 236, “Child restraint system required – definitions – exemptions,” in subsection (1)(a), the reference to "Code 6" is modified to read "Article 6."

(I) Section 237, “Safety belt systems – mandatory use – exemptions – penalty,” in subsection (3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."

(J) In Section 239, “Misuse of a wireless telephone – definitions – penalty – preemption,” subsections (5)(a) and (b) are omitted.

(K) Section 509, “Vehicles weighed – excess removed,” in subsection (2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."

(L) In Section 613, “Failure to pay toll established by regional transportation district,” the reference to "Code 4" is modified to read "Article 4."

(M) In Section 710, “Emerging from or entering ally, driveway, or building,” subsection (3) is modified to read as follows:

(3) No person shall drive any vehicle other than a bicycle, electric assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway and except as permitted in Sections 10-1-13 and 10-1-14, W.M.C.

(N) Section 805, “Pedestrians walking or traveling in a wheelchair on highways,” in subsection (5), the reference to "section 110" is modified to read "section 42-4-110, C.R.S." and the reference to "section 111" is modified to read "section 42-4-111, C.R.S."

(O) In Section 1010, “Driving on a divided or controlled access highway,” subsection (3) is modified to read as follows:

(3) Local authorities may by ordinance consistent with the provisions of section 43-2-135(1)(g), C.R.S, with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory regulations, local authorities, or their designees, shall install official traffic control devices in conformity with the standards established by sections 601 and 602 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices.

(P) Section 1012, “High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes,” in subsection (2.5)(c), the reference to September 1, 2003, is deleted.

(Q) Section 1012, “High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes,” in subsection (3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "section 42-4-1701(4)(a)(I)(K), C.R.S."

(R) Section 1105, “Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions,” subsection (7)(c) is modified to read as follows:

(c) The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an 'abandoned vehicle,' as defined in section 1802(1)(d) and section 42-4-2102(1)(d), C.R.S., and subject to the provisions of part 18 of this Code and part 21 of article 4 of Title 42, C.R.S., whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or section 42-4-2108(2)(a.5), C.R.S.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10-1-4: PENALTIES:

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

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

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

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

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

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

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

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

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

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

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

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

10-1-11: REGULATION OF COMMERCIAL VEHICLES:

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

~~(B) DEFINITIONS:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 11. The title and purpose of this ordinance shall be published prior to its consideration on first reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 12. This ordinance shall take effect thirty (30) days following its publication in full on _____, 2011.

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

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

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



WESTMINSTER

Staff Report

City Council Study Session Meeting
August 1, 2011



SUBJECT: Proposed Ordinance Amending Mail-In Compromise Provision
for Traffic Tickets to Offer Point Reduction but Not Fine Reduction

PREPARED BY: Carol Barnhardt, Court Administrator
Alan Wilson, Traffic Commander
Hilary Graham, Assistant City Attorney

Recommended City Council Action:

Direct Staff to place on City Council's Agenda a proposed ordinance amending portions of Westminster Municipal Code Section 1-22-24 that establish the process for mail-in compromises on traffic tickets.

Summary Statement:

- Westminster Municipal Code Section 1-22-24, subsection (B), provides for the reduction of fines and points for early mail-in payment of ticket fines. Staff is recommending this provision be amended so that only the points associated with traffic infractions are reduced when a plea by mail to a lesser charge is accepted.
- This change will bring the City in line with the current practice in eight surrounding municipalities and will make offering an online ticket payment system more feasible in the near future.
- Currently, accepting a plea by mail to a lesser charge results in reduced points as well as a reduced fine.
- Staff is also recommending a minor house-keeping change to the language of Westminster Municipal Code Section 1-22-24, subsection (D), regarding default judgments as shown in the attached proposed ordinance.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue:

Should the City Council amend Westminster Municipal Code Section 1-22-24, as recommended?

Alternative:

Do not amend Westminster Municipal Code Section 1-22-24, as recommended, and continue to follow the ordinance as written. This is not recommended. As discussed below, the current ordinance creates difficulties for Police Officers in the field.

Background Information:

The proposed change to Westminster Municipal Code Section 1-22-24 is prompted by Staff's observation that the current ordinance is difficult for Police Officers in the field who are constantly working among three different fine schedules and three different summons systems: the Westminster Municipal Court system, and the Adams and Jefferson County Court systems. Because the City fine schedule is relatively complicated, in order to calculate in the field what the reduced fine for early payment would be, the Officers are forced to complete each summons as a "math problem," and they must also take into account a point reduction. This leaves room for error and confusion.

Ten surrounding cities were surveyed regarding early fine reduction and early point reduction. Eight cities responded and none of those cities offer early fine reductions; yet, all offer some type of point reduction for early disposition. Staff believes that, even with elimination of a fine reduction, citizens will continue to take advantage of the early point reduction and will continue to mail in payments before their court dates. The reduction of points is very important to citizens, as it lessens the impact to their driver's licenses and insurance rates. A system that continues to allow for a point reduction but maintains fines at the original violation level will mean the Court can retain revenues while still encouraging drivers to reach an early disposition of their ticket through a reduction in points. The proposed change would also allow elimination of complicated wording on the summonses, which will make them more "user friendly" for the customers, the Court and the Officers.

The elimination of the early fine reduction has the additional benefit of potentially streamlining an online fine payment process, which is a possibility the Municipal Court is researching for the near future. Keeping fine reductions for early disposition in place would necessitate special programs to be created by the software vendor at a substantial cost to the Court.

The proposed ordinance would put the City in line with surrounding cities and eliminate confusion for the Officers while still providing the benefit to citizens of point reductions for mail-in pleas. In addition, the proposed ordinance will further the Strategic Plan goals of a financially sustainable City government and a safe and secure community by providing a more effective and efficient way to collect fines as part of the enforcement of traffic laws.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 2011

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING SECTION 1-22-24 OF THE WESTMINSTER MUNICIPAL
CODE CONCERNING SETTLEMENT OF TRAFFIC INFRACTIONS BY MAIL

THE CITY OF WESTMINSTER ORDAINS:

Section 1: W.M.C. Section 1-22-24 is hereby AMENDED to read as follows:

**1-22-24: VIOLATIONS BUREAU; PLEAS AND PAYMENT BY MAIL; FINE SCHEDULES;
DEFAULT JUDGMENT:**

(A) There is hereby created a Violations Bureau within the Court. The Court is authorized to establish by Order the procedures by which a person may answer a charge of violation of a City ordinance by paying a fine, pleading guilty in writing, and waiving a hearing. The Court is authorized to establish by Order such violations as are appropriate to be handled by the Violations Bureau.

(B) The Court is authorized to establish by Order a system for the compromise and settlement of traffic infractions by mail. The Court shall identify those traffic infractions for which a mail-in compromise and settlement is appropriate, and shall establish the terms upon which said compromise and settlement shall be accomplished, including, but not limited to, reductions in assessed points ~~and fines~~ upon a written plea of guilty to an amended charge. Such program shall not disqualify any person from ~~meeting personally with prosecutors appearing on the scheduled court date~~ nor in any way limit a person's right to a hearing.

(C) The Court is authorized to establish by Order a schedule of fines for violations of City ordinances which are eligible for payment at the Violations Bureau or by use of the mail-in system.

(D) 1. The Court shall enter judgment by default against a person charged with a traffic infraction who fails to answer the charge by appearing at the Violations Bureau and paying the fine or by compromising and settling the charges by mail, and who fails to appear in the Municipal Court to answer such charges

on the date and time listed on the ~~Notice or~~ Summons. The record of such judgment, including points assessed, shall be forwarded to the Colorado Division of Motor Vehicles.

2. The amount of the judgment shall be the fine, outstanding judgment fee, and costs assessable for such charges upon conviction or plea of guilty.

3. The Court may set aside a judgment entered under this Section on a showing of good cause or excusable neglect by the defendant, or a showing that the Court did not have jurisdiction over the subject matter of the alleged infraction or over the person of the alleged violator. The Court shall have no jurisdiction to set aside a judgment unless a motion has been filed within seven calendar days after entry of judgment.

Section 2. This ordinance shall take effect thirty (30) days following its publication in full on _____, 2011.

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

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

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



Staff Report

City Council Study Session
August 1, 2011



SUBJECT: Water Tanks Major Repair and Replacement Project Update

PREPARED BY: Dan Strietelmeier, Senior Engineer
Steve Grooters, Senior Projects Engineer

Recommended City Council Action:

Staff is seeking City Council direction to bring back for official action the recommended alternative for water storage tank improvements, and the next steps for the final design contract of near-term tank improvements.

Summary Statement:

- The 2006 Utility System Infrastructure Master Plan identified the need for several improvements to the City's water storage tanks to extend the life of the tanks and improve reliability within the distribution system. Necessary improvements include structural rehabilitation, adding access manholes and modifications to the overflow piping at several tanks to conform to Colorado Department of Public Health and Environment (CDPHE) regulations.
- The Water Tanks Major Repair and Replacement project was initiated in 2010 to address these items. This project incorporates three main tasks: 1) Perform a thorough evaluation of each tank and develop recommendations for specific capital improvements, 2) Design recommended improvements, and 3) Construction of improvements.
- Carollo Engineers, Inc. under a contract approved by City Council on August 9, 2010, performed preliminary engineering services including a review of existing tank reports, site visits, tank inspections and a regulatory requirements audit. A maintenance program with recommended repair and replacement items for each tank was also developed.
- Preliminary engineering recommendations placed the tanks into three groups based on the priority for repairs. Four tanks were placed in the highest priority group based primarily upon the extent of rust and corrosion on the roof and roof support beams observed through the inspections. These four tanks include the two Northridge and two Wandering View tanks.
- Supplemental dry tank inspections were performed on the four priority tanks and it was confirmed that the most cost effective method for improving the two Northridge tanks is roof and roof support replacement. Recommended improvements to the Wandering View tanks include replacement of selected roof supports only.



Staff Report – Water Tanks Major Repair and Replacement Project Update

August 1, 2011

Page 2

- Given the potential expense of improving the City's existing storage tanks, Staff researched the life cycle implications of possibly replacing existing tanks with new tanks. As part of this effort, Staff contracted with URS Corporation to perform hydraulic modeling of the City's current and future water storage tank needs. This effort confirmed some additional storage is warranted near term and at buildout. Potential sites and tank elevations were investigated and preliminary recommendations made.
- Scenarios for funding and phasing tank repairs and new tank construction are presented in the attachments and will be discussed at the Study Session. Staff is seeking direction on the potential implementation scenarios and input regarding next steps for contracting final design engineering.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues:

1. Should the City select and proceed with an implementation scenario for water tank improvements and proceed with Task 2- Final Design Engineering for the Water Tanks Repair and Replacement project?
2. Should Staff proceed with negotiating a contract for final design engineering with Carollo Engineers, Inc. and present it to City Council for approval at a future meeting?

Alternatives:

Do not proceed with the design phase for Water Tanks Repair and Replacement. This is not recommended due to the critical near-term improvements recommended to maintain the reliability of the water tanks and the City's water distribution system.

City Council could choose to request proposals for the design task. This is not recommended as Staff believes that the Carollo Engineers, Inc. team provides the best value for this project. In addition, they were selected through a competitive process for this project that anticipated all three project tasks. Their project team has familiarity with the City's water tanks that will streamline key project tasks and provide the best value to the City.

Background Information:

The Water Tanks Major Repair and Replacement Project began with an initial inspection and evaluation of each of the City's water tanks. This initial Task 1 effort was necessary to develop and prioritize recommendations for completing tank improvements. Carollo Engineers, Inc. (Carollo) completed the work for Task 1 of the Water Tanks Major Repair and Replacement project. The scope of work for the Carollo team included review of previous inspection reports, tank dive inspections, tank site evaluations and preparation of a report with recommendations for tank repair and replacement. The primary focus of the evaluations was to:

- Identify conditions that might potentially result in contamination of the water
- Address issues related to tank access, safety and security
- Evaluate the adequacy of the overflow at each tank and confirm overflow piping conforms to CDPHE regulations
- Summarize the current condition of each tank structure and state of their protective coatings
- Provide a program for maintenance at each tank in checklist form
- Identify and prioritize a list of necessary tank upgrades and improvements

It became apparent during tank dive inspections and supplemental dry tank inspections, that the condition of the roof and supports is the driving factor in prioritizing tanks for repair and improvements. The degree of corrosion in the roof framing has increased since the last tank inspections and is now necessitating the need for repairs/improvements. While all of the items identified in the initial evaluations are important, addressing the roof framing corrosion is the most critical in order to prevent possible roof damage. Therefore, this issue was the key driver in prioritizing repairs for the City's tanks. The four tanks of relatively higher priority are:

- Northridge West
- Northridge East
- Wandering View South
- Wandering View North

These four tanks have more corrosion and metal loss in their roof structure than the other tanks and require near-term repair and/or replacement of corroded elements. Corrosion of the roof supports was most notable at the Northridge Tanks. For these two tanks, full roof replacement is more cost-effective than point repairs. Corrosion of the roof supports was also notable for the Wandering View tanks, but was isolated to selected roof supports only. For these two tanks, replacement of only a portion of the roof supports is recommended.

Given the potential expense of improving the City's existing storage tanks, Staff researched the life cycle implications of possibly replacing existing tanks with new tanks. As part of this effort, Staff contracted with URS Corporation to perform hydraulic modeling of the City's current and future water storage tank needs. This analysis took into account the total gravity storage required for the City's water distribution system including the three main storage categories listed below. These storage volumes are additive and are used to manage risk associated with system emergencies, some of which could simultaneously generate a demand for stored water.

1. Operational storage is the amount of water required to meet short-term periods of high consumer demand.
2. Emergency storage is storage required to address the possibility that the primary source of water supply or treatment facilities may be interrupted by a large scale emergency.
3. Fire flow storage is required to meet the maximum fire flow demands under conditions where no additional supply is presumed to be available. This assumption for Westminster assumes a large scale emergency interrupting water supply occurring simultaneously with two large fires in commercial areas of the City.

Modeling results showed that the City's distribution system would need an estimated additional storage capacity of 3 million gallons to meet this worst case scenario.

Due to the size and scope of recommended construction activities anticipated for this project, improvements to the tanks will require a multi-year effort to spread out project costs and limit the number of tanks that are offline at any given time. Staff developed three implementation scenarios for timing of the tank repairs and potential new tank construction. The attachments show funding requirements and possible phasing for the tank improvements and/or new tank construction. The scenarios are as follows and will be reviewed as part of the Study Session:

1. Implementation Scenario 1 - Make necessary improvements on all tanks in order of their existing condition. No new storage.
2. Implementation Scenario 2 - Make necessary improvements to all tanks in order of their existing condition and build a new storage tank in 2016.

3. Implementation Scenario 3 - Completing repairs at the Wandering View tanks in 2012, first to prevent irreparable corrosion of their roof structure. Next, build additional storage at the Northridge site in 2013. This new tank would bring existing storage up to recommended volumes. More importantly, this new tank would enhance system reliability and provide flexibility in the timing of taking the existing Northridge tanks off line for roof replacement or potential tank replacement.

Staff is recommending implementation of Scenario 3 as the most prudent strategy that addresses both the short and long term water storage needs of the City.

As reported to City Council previously, the intent of this overall project is to negotiate subsequent contracts with Carollo as the project progresses and to present those contracts to City Council for approval. Because Carollo's performance has been successful and because their cost of services is competitive, Staff recommends continuing work with the Carollo team with Task 2 of the project. Task 2 will include final design of improvements for the selected implementation scenario. The negotiated contract with Carollo will be presented to City Council for approval at a later date. The design work is anticipated to commence in September with construction of the repairs during the 2011/2012 and 2012/2013 winter seasons when water demands are relatively low. Funding requests for the construction portion of this work will be submitted for approval as part of the 2012 Capital Improvement Plan Budget.

The Water Tanks Major Repair and Replacement Project helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government" and "Vibrant Neighborhoods and Commercial Areas" by contributing to the objectives of well-maintained City infrastructure and facilities and maintaining neighborhood infrastructure.

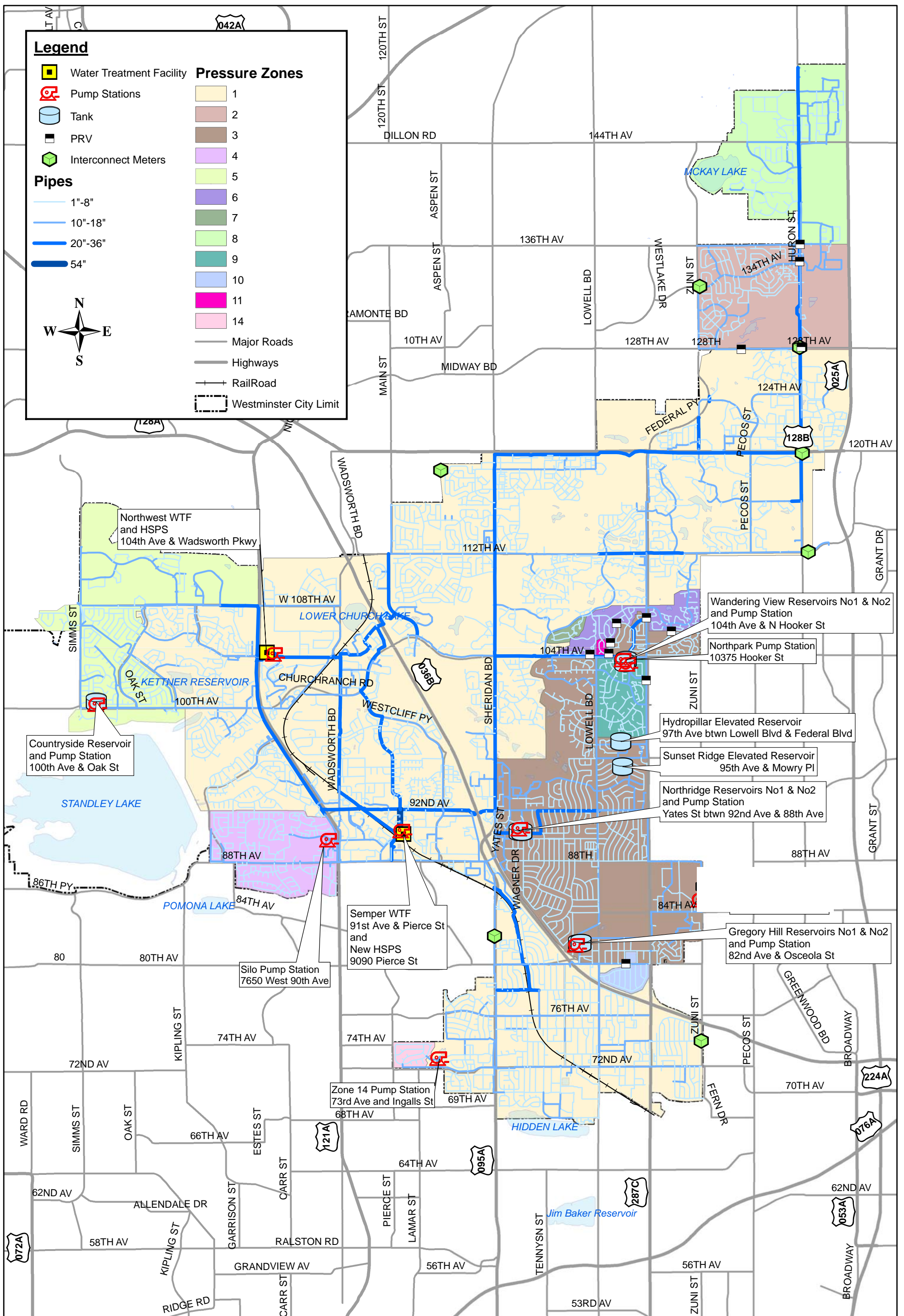
Respectfully submitted,

J. Brent McFall
City Manager

Attachments: Tank Repair and Replacement Implementation Scenarios
Overall Water Distribution System Map

Scenario II- Priority Repairs Based on Severity of Corrosion with New Storage Construction

81120035960		2012	2013	2014	2015	2016	5 Yr Total	Out Years
Water Tank - Major Repair and Replacement	New Additional Storage (MG)	\$4,850,000	\$3,000,000	\$2,200,000	\$2,200,000	\$7,000,000	\$19,250,000	\$10,300,000
Detailed Inspections of Countryside, Hydropillar, and Sunset Ridge Tanks		\$250,000						
Northridge (2 MG) West Ground Storage Tank Improvements		\$2,300,000						
Northridge (2 MG) East Ground Storage Tank Improvements		\$2,300,000						
Wandering View South (5 MG) Grnd Storage Tank Improvements			\$1,500,000					
Wandering View North (3 MG) Grnd Storage Tank Improvements			\$1,500,000					
Countryside (3 MG) Ground Storage Tank Improvements					\$1,200,000			
Northwest (2 MG) WTF Ground Storage Tank Improvements				\$1,000,000				
Gregory Hill East (2 MG) Ground Storage Tank Improvements				\$1,200,000				
Gregory Hill West (2 MG) Ground Storage Tank Improvements					\$1,000,000			
Hydropillar (2 MG) Storage Tank Improvements						\$1,500,000		
Sunset Ridge (.6 MG) Elevated Storage Tank Improvements						\$1,000,000		
Northridge Reclaimed (.2 MG) Ground Storage Tank Improvements								\$300,000
New Storage Tank(s) Construction	8					\$4,500,000		\$10,000,000



Overall Water Distribution System Map