



WESTMINSTER
COLORADO
AGENDA

APRIL 26, 1999
7:00 P.M.

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

- 1. Pledge of Allegiance – Cub Scout Pack 405 Den 2**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
 - A. Proclamation re National Teacher Appreciation Day May 4. Representatives of Adams District 50 Schools, Adams District 12 Schools and JeffCo R-1 Schools will accept proclamations
 - B. National Drinking Water Week May 3-9, 1999
 - C. Proclamation re Appreciation of Lysle Dirrim, FHL Attorney
 - D. Presentation of 25 Years of Service Bonus Checks to Patrick Casey, Jim Kautz; Joe McArdle; Mike McLoughlin and Jim Powell
- 5. Citizen Communication (5 minutes or Less in Length)**
- 6. Report of City Officials**
 - A. City Manager's Report
- 7. City Council Comments**

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

- 8. Consent Agenda**
 - A. Bids for 1999 Traffic Signal Projects totalling \$147,208
 - B. Bids and Lease Purchase of Golf Course Maintenance Equipment for Legacy Ridge Golf Course
 - C. Bids re Lease Purchase Financing of 33 Passenger Bus for Parks and Recreation programs
 - D. Utica Street Reconstruction to Diamond Contracting Corp for \$78,000 for Storm Sewer Construction \$106,000 to Concrete Express and \$5,000 for landscape restoration
 - E. Big Dry Creek Trail at Wadsworth Boulevard Underpass Consultant Services with TranSystems Corp for \$25,260
 - F. 92nd Avenue Project Change Order for Westminster Mall Circulation Road Improvements to Lawrence Construction Company for construction of the road for \$896,400, and JR Engineering \$40,000 for design
 - G. Councillor's Bill No. 13 on second reading Establishing Cost Recoveries for Westminster Boulevard Improvements between 104th Avenue and 112th Avenue (Merkel-Atchison)

9. Appointments and Resignations

None

10. Public Hearings and Other New Business

- A. TABLED - Intergovernmental Agreement with City of Arvada addressing issues of Northwest Parkway, cleanup of Rocky Flats, annexation boundaries, revenue sharing and Standley Lake Regional Park
- B. TABLED - Councillor's Bill No. 14 re Establishing Cost Recoveries for 128th Avenue and Huron Street Project
- C. TABLED - Resolution No. 26 Adoption of Revised Standards for Design and Construction
- D. Sale of the Northwest Business Park 65 acres located south of 112th Avenue between Westminster Boulevard and US 36
- E. Special Legal Counsel re Sale of Northwest Business Park
- F. Councillor's Bill No. 16 re Lucent Technologies Assistance Package for the new 480,000 square foot building to be built at 120th Avenue and Huron Street
- G. Purchase of Open Space Along Big Dry Creek south of 99th Avenue and west of Wadsworth Boulevard 4 acre parcel for \$272,000
- H. Resolution No. 28 North Metro Drug Task Force Mutual Aid Agreement to included Commerce City
- I. Councillor's Bill No. 17 re 1999 Budget Appropriation Amendment moving funds to the Heritage Golf Course Enterprise Fund
- J. Councillor's Bill No. 18 re Vacation of Right-Of-Way north of US 36 and 104th Avenue
- K. Parks, Recreation and Libraries Office Renovations to Facilitate Office Furniture Systems for \$44,000
- L. Establish Deadline for Boards and Commission Applications for current year pool to fill vacancies

11. Business and Passage of Ordinances on Second Reading

- A. Councillor's Bill No. 15 on second reading re Hunting Fishing and Wildlife regulations at Standley Lake with amendments (Merkel-Atchison)

12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business

- A. Financial Report for March, 1999
- B. City Council
- C. Request for Executive Session

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 26, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Heil led Council, Staff and the audience in the Pledge of Allegiance.

Mayor Heil asked for a moment of silence in memory of the Columbine High School tragedy.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Hicks and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michael Allen, Deputy City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Allen to accept the minutes of the meeting of April 12, 1999 with no additions or corrections. Councillor Smith requested to abstain as she was not present at the meeting. The motion carried with 6 aye votes and Councillor Smith abstaining.

A motion was made by Atchison and seconded by Allen to accept the minutes of the special meeting of April 19, 1999 with no additions or corrections. Mayor Pro Tem Merkel requested to abstain as she was not present at the meeting. The motion carried with 6 aye votes and Mayor Pro Tem Merkel abstaining.

PRESENTATIONS:

Mayor Heil and Councillors presented proclamations proclaiming May 4, 1999 as Teacher Appreciation Day in the City to Adams County School District 12 representative, Mark Mavrogianes, Northglenn High School Teacher of the Year nominee, and Adams County School District 50 representatives Sandy Hisamoto, Ranum High School Assistant Principal, Mel Haller, Ranum High School Social Studies Teacher; Michael Gradoz, Scott Carpenter Middle School, Principal; Deb Coffee, Scott Carpenter Middle School Science Teacher; Heidi Shriver, Vista Grande Elementary School, Principal, and Donna McCarthy, Vista Grande Elementary School Special Education Teacher. Representatives for Jefferson County School District were unable to attend the meeting due to the tragic incident at Columbine High School and previously scheduled commitments.

Mayor Heil presented a proclamation to Steve Ramer, Water Plant Laboratory Analyst, proclaiming the week of May 2-8, 1999 as National Drinking Water Week in the City of Westminster.

Mayor Heil, Councillors and Ron Hellbusch, Director of Public Works and Utilities, presented a proclamation to Lysle Dirrim, former General Counsel for the Farmers Highline Canal and Reservoir Company, in recognition and appreciation of his 40 years of leadership and cooperation to the City.

Mayor Heil and Councillors presented \$2,500 checks to Patrick Casey, Jim Kautz, Joe McArdle, Mike McLoughlin and Jim Powell in recognition of their 25 years of service to the City.

Mayor Heil recognized Boy Scouts of Troop 484 who were in attendance at the meeting.

CITIZEN COMMUNICATION:

Tom Atkins, 1110 12th Street, Judy Denison, 1027 9th Street, Wanda Blackburn, 1708 W. 17th Street, Edie Gail, 1053 Cottonwood Circle, Marjie Harbrecht, 1010 Meadow Run, Susan Blansett, 1000 19th Street and Dick Sugg, 1230 Wyoming Street, all residents of Golden, addressed Council concerning the Northwest Parkway study and intergovernmental agreement.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher announced there would be a Special City Council meeting at 7:00 P.M., May 3, 1999 to consider an Intergovernmental Agreement regarding the Northwest Quadrant Feasibility Study.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Merkel commented on the doll display at the Bowles House, and Councillor Dixion thanked the Police Officers and the Victim Advocates for their involvement during the Columbine High School crisis.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Bids for 1999 Traffic Signal Projects – Authorize the City Manager to execute a contract with the low bidder, Rocky Mountain Signal Inc., in the amount of \$73,105 for the construction of the 1999 Traffic Signal Projects; authorize the expenditure of \$21,789 to Valmont Industries for traffic signal poles and mast arms; authorize the expenditure of \$34,097 to Econolite Control Products, Inc. for traffic signal controllers and cabinets; authorize the expenditure of \$3,595 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize a total project budget of \$147,208 which includes \$14,622 for a 20% construction contingency; and charge these expenses to the appropriate project account in the General Capital Improvement Fund; Bid and Lease Purchase of Golf Course Maintenance Equipment – Award the bid for the Legacy Ridge equipment bid to the following low bid vendors: LL Johnson Distributing for \$263,280; Mile High turf equipment for \$86,679; Colorado Golf and Turf for \$45,995; H2O Power Equipment, Inc. for \$47,365; Adams fertilizer Equipment for \$17,750; Sportsturf Equipment Company for \$5,253; JMI Turf Inc. for \$2,093; Gardner Denver for \$3,386; and Kanox Inc. for \$5,273 for a total lease/purchase price of \$477,074; and authorize the City Manager to execute a seven-year lease/purchase agreement with the financial institution deemed most appropriate by the Finance Department; Bids for Lease/Purchase Financing of a 33 passenger Bus – Award the bid to Intermountain Coach for the purchase of a Thomas 33 passenger bus at the cost of \$110,145, authorize the City Manager to execute a lease/purchase agreement with the financial institution deemed most appropriate by the Finance Department, which results in a lease/purchase with ownership at the end of the agreement; Utica Street Reconstruction –Award a contract to Diamond Contracting Corporation in an amount not to exceed \$78,000 for storm sewer construction in Utica Street, authorize a change order of up to \$106,000 to the City's contract with Concrete Express Inc, authorize \$5,000 for landscape restoration along with a contingency of \$11,000 and charge the total \$200,000 to the appropriate General Capital Improvement Fund project account; Big Dry Creek Trail at Wadsworth Boulevard Underpass Consultant Services – Authorize the City Manager to sign a change order with TranSystems Corporation in the amount of \$25,260 to complete design services for Big Dry Creek Trail – Wadsworth Underpass, authorize a 15% project contingency of \$3,800, and charge this expense to the appropriate account in the 1999 General Capital Improvement Project Fund. Staff closely evaluated the additional fee request and believes these additional consultant fees are appropriate and acceptable; 92nd Avenue Project Change Order for Westminster Mall Circulation Road Improvements – Authorize the City Manager to execute a change order to the 92nd Avenue Project with Lawrence Construction company in an amount not to exceed \$896,400 for the construction of the Westminster Mall “Circulation Road” Improvements; authorize the City Manager to execute a change order to JR Engineering's current contract in an amount not to exceed \$40,000; and charge these expenses to the appropriate project account in the General Capital Improvement Fund; and Councillor's Bill No. 13 re Cost Recoveries for Westminster Boulevard Improvements.

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

A motion was made by Allen and seconded by Merkel to adopt the Consent Agenda items as presented. The motion carried unanimously.

TABLED COUNCILLOR'S BILL NO. 14 – 128TH AVENUE AND HURON STREET COST RECOVERIES:

A motion was made by Merkel and seconded by Allen to remove from the Table and pass Councillor's Bill No. 14 on first reading which establishes cost recoveries on the City's 128th Avenue and Huron Street Intersection Improvement Project. Upon roll call vote, the motion carried unanimously.

TABLED RESOLUTION NO. 26 – ADOPTION OF STANDARDS FOR DESIGN AND CONSTRUCTION:

A motion was made by Atchison and seconded by Hicks to remove from the Table and adopt Resolution No. 26 which adopts the revised City's Standards for Design and Construction; set the initial fee for purchasing a copy of the revised Standards at \$40; authorize the City Manager to make future fee adjustments as warranted; authorize the City Engineer to issue future revisions to the Standards to reflect changes in City policy and technological advances in the construction industry. Upon roll call vote, the motion carried unanimously.

SALE OF NORTHWEST BUSINESS PARK:

A motion was made by Smith and seconded by Dixon to authorize the City Manager to execute a Purchase and Sale Agreement with the Catellus Development Corporation as described in the memorandum and in substantially the same form as the draft agreement, subject to City Attorney's approval, for the sale of approximately 65 acres at the southwest corner of 112th Avenue and Westminster Boulevard. Greg Strectch, representing Catellus Development Corporation, was present to address Council. The motion carried unanimously.

SPECIAL LEGAL COUNSEL FOR CATELLUS PROJECT AT NORTHWEST BUSINESS PARK:

A motion was made by Atchison and seconded by Dixon to authorize the City Manager to execute a fee agreement with Ms. Barbara Banks with the law firm of Banks and Imatani for special counsel real estate services related to the purchase and sale of the Northwest Business Park property with a top set amount of \$2,000. The motion carried unanimously.

COUNCILLOR'S BILL NO. 16 – LUCENT TECHNOLOGIES ASSISTANCE PACKAGE:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 16 on first reading authorizing the City Manager to execute, fund, and implement in substantially the same form, a Business Assistance Agreement with Lucent Technologies for the construction of the research and development facility and remodeling of the manufacturing facility. Colin Cameron, representing Lucent Technologies, was present to address Council. Upon roll call vote, the motion carried unanimously.

PURCHASE OF OPEN SPACE ALONG BIG DRY CREEK:

A motion was made by Merkel and seconded by Allen to authorize the City Manager to sign all the necessary documents necessary to achieve the purchase for open space and other public purposes, approximately 4 acres of land at a cost of \$272,000 from the Lang family, and charge the expense to the Open Space Fund. The motion carried unanimously.

RESOLUTION NO. 28 – NORTH METRO DRUG TASK FORCE MUTUAL AID AGREEMENT:

A motion was made by Allen and seconded by Atchison to adopt Resolution No. 28 authorizing the Mayor to sign the Third Amendment to the Mutual Aid Agreement to add Commerce City as a member of the North Metro Task Force. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 17 – 1999 HERITAGE GOLF COURSE BUDGET APPROPRIATION:

A motion was made by Atchison and seconded by Allen to pass Councillor's Bill No. 17 on first reading amending the appropriations of the 1999 City Budget whereby \$1,500,000 in revenues and expenditures are transferred from the General Capital Improvement Fund to the Heritage Golf Course Fund. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 18 – VACATION OF ROW ADJACENT TO RYAN PROPERTY:

A motion was made by Allen and seconded by Merkel to pass Councillor's Bill No. 18 on first reading vacating an unnecessary public right-of-way located to the north of the intersection of U.S. 36 and 104th Avenue. Upon roll call vote, the motion carried unanimously.

PARKS, RECREATION & LIBRARIES OFFICE RENOVATION:

A motion was made by Dixon and seconded by Hicks to Waive City Charter bidding requirements, authorize the purchase of Haworth furniture in the amount of \$44,000 from Facilitek Office Furniture Systems plus a contingency of \$4,000 based on a finding that the purchase with Facilitek Office Furniture Systems will best serve the public interest. The motion carried unanimously.

BOARDS AND COMMISSIONS POOL:

A motion was made by Allen and seconded by Merkel to establish the deadline of June 4, 1999 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City Government.

A motion was made by Allen and seconded by Hicks to amend the main motion to extend the deadline to June 11, 1999. The motion carried unanimously. The main motion as amended carried unanimously.

ORDINANCE NO. 2670 – HUNTING, FISHING AND WILDLIFE REGULATIONS:

A motion was made by Hicks and seconded by Merkel to adopt Councillor's Bill No. 15 on second reading, as amended, amending the Westminster Municipal Code, Title 13, Chapter 1, to include fishing, hunting, and wildlife regulations to enable authorized City Staff to issue summonses for violations of said regulations. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for March, 1999.

ADJOURNMENT:

The meeting was adjourned at 8:27 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Proclamation re National Teacher's Day, May 4, 1999
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to proclaim Tuesday, May 4, 1999 as National Teacher's Day in the City of Westminster.

Summary

Tuesday, May 4, 1999 will be the designated day to recognize all teachers within the community. Adams County School Districts 12 and 50 and Jefferson County School District have all been invited to have representatives present at Monday night's meeting.

Adams County School District #50 representatives to accept the proclamation will be Dick Werpy, Ranum High School Principal, Mel Haller, Ranum High School Social Studies Teacher; Michael Gradoz, Scott Carpenter Middle School, Principal; Deb Coffee, Scott Carpenter Middle School Science Teacher; Heidi Shriver, Vista Grande Elementary School, Principal, and Donna McCarthy, Vista Grande Elementary School Special Education Teacher. This representation covers all three levels of schools in School District #50. The teachers accompanying the principals will be featured in a district public "Focus on Excellence" and all City Councillors will receive a copy of this publication which will be released during Teacher Appreciation Week.

Because of the tragedy within Jefferson County School District on Tuesday, Staff was unable to determine if representatives from Jefferson County School District will be present at Monday night's meeting to accept this proclamation. Adams County School District #12 representatives have been unable at this time to determine if someone will be present. They will let us know prior to Monday night's meeting.

Staff Recommendation

Proclaim Tuesday, May 4, 1999 as Teacher Appreciation day in the City of Westminster and present proclamations to the school district representatives present.

Background Information

This Proclamation is a way to recognize the teachers within our community for their dedication and devotion to their work.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

WHEREAS, Teachers serve in partnership with the parents of our community's children; and

WHEREAS, Teachers strive to instruct students to read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings; and

WHEREAS, Teachers teach our community's children to know and apply the core concepts and principles of mathematics; social, physical and life sciences; civics and history; geography; arts; health and fitness; and

WHEREAS, Teachers inspire students to think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgements and solve problems; and

WHEREAS, Teachers help our students understand the importance of work and how performance, effort, and decisions directly affect career and educational opportunities; and

WHEREAS, The City of Westminster supports the Teachers and Staff of Adams County School District 12, Adams County School District 50 and Jefferson County R-1 School District in their mission to educate the children of our community.

NOW, THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim Tuesday, May 4, 1999 as

TEACHER APPRECIATION DAY IN THE CITY OF WESTMINSTER

And call on all others within the community to join us in personally thanking and recognizing all of the teachers within the community for their dedication and devotion to their work.

Signed this 26th day of April, 1999.

Nancy M. Heil, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Proclamation re National Drinking Water Week
Prepared by: Steve Ramer, Laboratory Analyst/Program Coordinator

Introduction

City Council is requested to present a proclamation proclaiming the week of May 3-9, as "National Drinking Water Week" in the City of Westminster. Steve Ramer, Water Plant Laboratory Analyst and Program Coordinator for the Westminster Water Week Program will be at the City Council meeting to accept the proclamation.

Summary

National Drinking Water Week focuses on the importance and limited nature of our Nation's water supply. The objective of this week is to educate and inform the public of the importance of a safe, reliable public water source, the need for water conservation and protection, and to encourage each local water utility to involve its citizens in water promotion activities.

Staff Recommendation

Proclaim the week of May 2-8, 1999 as "National Drinking Water Week" in the City of Westminster.

Background

The Public Works and Utilities Water Facility Division will coordinate the City program scheduled for the week of May 2-8. A booth and display will be set up at the Westminster Mall on May 6-8. The display will include a tabletop display on water treatment; a TV/VCR unit for viewing water related films, handouts and brochures on water conservation, water treatment, and water quality. A drawing will also be held for a gift certificate from Builder's Square.

In conjunction with this activity, classroom presentations will be offered to Elementary and Junior High School students. There will be a poster contest for elementary students and an essay contest for Junior High students, all of which will be displayed at the Kings Mill Library and Recreation Center. The winning posters and essays will be on display at the Semper Water Treatment Facility for the remainder of the year.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Proclamation

WHEREAS, Our health, comfort and standard of living depend on an abundant supply of safe, high quality water, and

WHEARAS, The problems and challenges of meeting future water supply needs are many and growing in complexity, and

WHEREAS, The ever increasing need for domestic water makes expansion of storage, supply and distribution facilities, the water quality monitoring and continued training of skilled personnel essential.

NOW, THEREFORE, The City Council of the City of Westminster, Colorado, does hereby proclaim the week of May 2-8, 1999 as

National Drinking Water Week

In the City of Westminster and ask all citizens to join in extending our appreciation to the dedicated men and women of our Westminster Municipal water system, and urge that Westminster citizens participate in National Drinking Water Week activities and become more informed about Westminster's water supply and system.

Signed this 26th day of April, 1999.

Mayor Nancy M. Heil



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: Proclamation of Appreciation to FHL Attorney, Lysle Dirrim

Prepared by: Ron Hellbusch, Director Public Works and Utilities

Introduction

City Council is requested to recognize attorney Lysle Dirrim of Brighton who has served as General Counsel for the Farmers Highline Canal and Reservoir Company (FHL) since 1959 and who has worked very closely with the City of Westminster over these forty years on various water supply and water quality projects and programs; and who retired as General Counsel for the FHL April 1, 1999.

Summary

Lysle Dirrim has served as General Counsel for the FHL since 1959 and during these forty years has extended his cooperation and support to the City of Westminster in a variety of ways that has enhanced both the operations of FHL and the City of Westminster. Lysle Dirrim retired as FHL General Counsel April 1, 1999, and will be missed by both the FHL stockholders, Board of Directors and the City of Westminster. Lysle Dirrim has always been a creative partner in seeking new and innovative ways to utilize and conserve and protect the water rights under the FHL system, both for agriculture users and the municipalities that own and utilize FHL water stock. It is appropriate to recognize and acknowledge Lysle Dirrim's friendship and role in the City of Westminster's water supply program over the many years he has represented the FHL and its stockholders.

Staff Recommendation

Present proclamation in Recognition and Appreciation to Lysle Dirrim for forty years of leadership, creativity and cooperation to the City of Westminster as General Counsel to the Farmers Highline Canal and Reservoir Company.

Background

The City of Westminster acquired its first share of FHL stock in the 1950s when the City's growth and development required a shift from ground water supply through wells, to a surface water supply and treatment facilities. Today the City owns 49% ownership in the FHL. For most of this period of time Lysle Dirrim has served as the FHL General Counsel and has been an advocate, innovator, supporter and strong representative of sound management of the FHL water resources, both for the agriculture users and the cities such as Westminster, that became major stockholders over the past nearly half century. Lysle graduated from Midland College in Nebraska in 1950, obtained his law degree from Denver University in 1952, joined the Brighton law firm of Gaunt and Bryne in 1953; becoming a managing partner in 1965. Lysle Dirrim was appointed General Counsel of FHL in 1959, during which time he also represented the Fulton Ditch Company, Signal Reservoir Company and the Consolidated Ditches as General Counsel.

Lysle Dirrim was appointed attorney for the South Adams Water and Sanitation District in 1970 and served that entity until retirement. He also served on the Brighton, Colorado, City Council 1965 – 1971.

During his tenure as FHL General Counsel he participated in the City of Westminster's innovative "FHL water exchange program" wherein the City took first use of the FHL water and returned it to the agriculture users from the Big Dry Water Reclamation Facility, and numerous other creative and cooperative water management projects that benefited not only the City of Westminster, but all stockholders both agricultural and municipal.

The leadership and cooperation extended by Lysle Dirrim to the City of Westminster and all FHL stockholders has been unique and extremely beneficial to the City of Westminster and appreciated by both Staff and City Council over the forty years of service.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Proclamation

WHEREAS, Attorney Lysle Dirrim has served as the Farmer's Highline Canal and Reservoir Company (FHL) General Counsel for the past 40 years beginning in 1959; and

WHEREAS, the City of Westminster has been a major stockholder and participated actively in the business and operation of the Farmer's Highline Canal; and

WHEREAS, over the forty years of legal guidance and innovative leadership by Lysle Dirrim, the City of Westminster has benefitted significantly in developing and utilizing its Farmer's Highline Canal water resources to serve Westminster Utility customers; and

WHEREAS, Lysle Dirrim has played a significant leadership role in numerous regional agricultural and municipal water supply organizations during his career, including

- Service as General Counsel for the Fulton Ditch Company; the Signal Reservoir Company and the Consolidated Ditches Association,
- General Counsel for the South Adams Water and Sanitation District,
- Partner in the Brighton law firm of Gaunt, Dirrim, and Coover,
- Active member of the Adams County and Colorado Bar Association and numerous water associations,
- Member of the Brighton City Council; and

WHEREAS, Lysle Dirrim has now retired from his full time legal practice and as General Counsel for the Farmer's Highline Canal and other water organizations, effective April 1, 1999; and

NOW, THEREFORE, The Westminster City Council and City Staff do hereby extend the City's sincere and heartfelt appreciation for the leadership and cooperation extended to the City over the past forty years, and

Be it further proclaimed that the City of Westminster extends to Lysle Dirrim and his wife Lois, the City's best wishes, good health, and continued friendship as he enters a new chapter in his life.

Signed this 26th day of April, 1999.

Mayor Nancy Heil



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: Presentation of 25 Years of Service Awards

Prepared by: Dan Montgomery, Chief of Police

Introduction

City Council action is requested to present \$2500 checks to five members of the Police Department Staff in recognition of their 25 years of service to the City of Westminster. Funds have been specifically allocated in the 1999 Police Department General Fund for this expense. The employees receiving these checks are: Patrick Casey; Jim Kautz; Joe McArdle; Mike McLoughlin; and Jim Powell.

Summary

In 1986, City Council passed a resolution to award individuals who have given 25 years of service to the City with a \$2,500 check. Under this program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City of Westminster. Five members of the Police Department were hired on March 1, 1974: Lieutenant Pat Casey, Detective Jim Kautz, Detective Joe McArdle, Lieutenant Mike McLoughlin, and Senior Police Officer Jim Powell. The purpose of this Agenda Memorandum is to recognize their 25 years of outstanding service to the City of Westminster.

Staff Recommendation

Mayor present the checks in the amount of \$2500 to: Patrick Casey; Jim Kautz; Joe McArdle; Mike McLoughlin; and Jim Powell.

Background Information

Pat Casey:

On March 1, 1974, Pat Casey began his career as a Police Officer with the City of Westminster. Pat came to the City with seven years of police experience with the California Highway Patrol. In 1976, Pat was selected as the first motorcycle officer on the Westminster Police Department. Pat was promoted to Sergeant in 1980 and held this position for the next five years. During this time, he supervised patrol officers and the traffic unit. Pat received the Westminster Elk's Lodge "Lawman of the Year" award in 1982 for his dedication to the police profession. On January 1, 1985, Pat was promoted to the rank of Lieutenant and he graduated from the prestigious FBI National Academy on June 12, 1987.

In addition to his position at the City, Pat is involved in a variety of City and community activities and personal interests, including:

- Race course director for the City's annual Holy COW 5K-10K DARE Stampede.
- Certified and active State Police Motorcycle Instructor.
- Member of the Rocky Mountain Chapter FBI National Academy Associates. Pat currently holds the office of Second Vice-President with this association.
- Avid long distance runner. Participates in numerous races and fund-raising activities each year.

Jim Kautz:

On March 1, 1974, Jim Kautz became employed as a Police Officers in the Police Department. In 1976, Jim was assigned to the D.E.A. (Drug Enforcement Association) for one year. On March 1, 1977, he was promoted to Senior Police Officer. Jim Kautz was assigned to the Investigation Services Division in April of 1977, where he is a core detective working auto theft cases, including the theft of heavy equipment. Jim is also an expert in motorcycle gangs and motorcycle gang intelligence. He also is a certified Vehicle Identification Number Inspector for the State of Colorado. Jim serves as the Editor of the Colorado Auto Theft Investigators Association newsletter, and he is a member of the association Executive Board, and a past officer of the association. Jim served as acting Sergeant in the Investigation Services Division from September 1, 1997 to December 5, 1997. He is highly respected among his peers in law enforcement as a result of his skill and expertise in auto theft investigation.

Joe McArdle:

Joe McArdle was hired on March 1, 1974 as a Police Officer in the Police Department. On March 1, 1977, he was promoted to Senior Police Officer. Joe was assigned to the Investigation Services Division in January of 1996, where he is a core traffic detective. Joe is responsible for investigating fatal, and serious injury motor vehicle accidents. He is also responsible for filing felony cases arising out of motor vehicle collisions, and habitual traffic offender filings. Joe investigates hit and run accidents, and is a member of the Police Department Serious Injury Accident Investigation Team. He is a certified Intoxilyzer Breath Analyzer instructor. Joe is highly respected among his peers in law enforcement as a result of his skill and expertise in motor vehicle accident investigation.

Mike McLoughlin:

On March 1, 1974, Mike McLoughlin began his career as a Police Officer with the City of Westminster. Mike is a Vietnam Veteran and came to the City with a Bachelor of Science degree in Criminology. In 1980, Mike was promoted to Sergeant and held that position for the next five years. During this time, he became the department's Tactical Team Commander, a position he held until 1992. As commander of the Tactical Team, Mike received the WPD Valorous Service Award and was the Denver Police Department's Officer of the Year for his actions taken on November 14, 1986 at the scene of a barricaded gunman. On May 6, 1985, Mike was promoted to Lieutenant.

In addition to his position at the City, Mike is involved in a variety of City activities and personal interests, including:

- Implementation of the Department's Officer Survival Training Program in 1982, which provides annual training to every police officer.
- Implementation of the Critical Incident Program in 1986, which provides moral peer support to officers involved in life threatening situations.
- Avid outdoorsman, to include fishing, hunting, hiking, camping, biking, snow and water skiing.
- Talented cabinet maker and woodworker.

Jim Powell:

On March 1, 1974, Jim Powell began his career as a Police Officer with the City. Jim came to the City from Mesa College. Jim was promoted to Senior Police Officer in 1977. Jim was subsequently assigned as a Field Training Officer and has been responsible for shaping the early careers of many officers and supervisors who still work for the department today. In early 1980, Jim transferred to the Traffic Unit and subsequently was assigned as a motorcycle officer. In 1987, Jim was involved in a serious motorcycle accident while on duty and the injuries he sustained nearly ended his law enforcement career. In 1986, Jim received the City of Westminster Meritorious Service Award for his life-saving efforts at a local restaurant. This effort also received recognition in a nationally published FBI journal. Jim has served as an acting supervisor on numerous occasions and he has volunteered for many committees and task forces.

He has excelled in his chosen specialty of traffic enforcement and is considered an expert witness in DUI enforcement for the State of Colorado. He has instructed classes and has frequently been a speaker at the Washington and Arapahoe House alcohol treatment facilities. He has also provided instruction to numerous elementary and high school students about the negative effects of alcohol and driving. Jim holds several instructor certifications, to include: Intoxilyzer Instructor, Emergency Vehicle Operation, Horizontal Gaze Nystagmus, DUI and Field Training.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Bids for 1999 Traffic Signal Projects
Prepared by: Greg Olson, Transportation Systems Coordinator

Introduction

City Council action is requested to award a construction contract for the 1999 Traffic Signal Projects and authorize the purchase of traffic signal poles, mast arms, controllers, cabinets, vehicle detection components and emergency vehicle pre-emption equipment. Funds are available and were specifically allocated in the 1999 General Capital Improvement Fund for this expense.

Summary

As part of the 1999 budget preparation process, priorities were established for traffic signal needs in the City. The contract to be awarded and the equipment being purchased is for the installation of the top ranked projects identified in the 1999 priority listing -- a mast arm type traffic signal at the 112th Avenue and Legacy Ridge Parkway/King Street intersection and a temporary span wire pedestrian signal on Huron Street south of 124th Avenue.

Formal bids for the construction contract were solicited and opened on April 12. Also, price quotes were obtained from suppliers of traffic signal poles, mast arms, controllers, cabinets, vehicle detection components and the emergency vehicle pre-emption equipment. Direct purchase of the signal equipment outlined above allows for a more timely installation of signal projects and produces cost savings by eliminating the traditional markups by traffic signal contractors when they order the equipment.

Staff Recommendation

Authorize the City Manager to execute a contract with the low bidder, Rocky Mountain Signal Inc., in the amount of \$73,105 for the construction of the 1999 Traffic Signal Projects; authorize the expenditure of \$21,789 to Valmont Industries for traffic signal poles and mast arms; authorize the expenditure of \$34,097 to Econolite Control Products, Inc. for traffic signal controllers and cabinets; authorize the expenditure of \$3,595 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize a total project budget of \$147,208 which includes \$14,622 for a 20% construction contingency; and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

Background

Prior to the 1999 budget preparation process, City Staff evaluated the traffic signal needs within the City and established a prioritization of the potential projects for installation in 1999. The proposed 1999 traffic signal project is the installation of a mast-arm type traffic signal at the intersection of 112th Avenue and Legacy Ridge Parkway/King Street and a temporary span-wire pedestrian signal on Huron Street south of 124th Avenue.

City Staff solicited bids for the installation of the proposed project outlined above. The scope of work included the labor costs for installing City supplied traffic signal controllers and cabinets, vehicle detection components, emergency vehicle pre-emption equipment, traffic signal mast arms and poles and labor and material costs for traffic signal indications, underground conduits and wiring.

Four bidders obtained project plans and submitted bids as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Rocky Mountain Signal, Inc.	\$73,105.00
W.L. Contractors	84,535.50
Kimsey Electric	87,863.00
Sturgeon Electric	92,398.00

Rocky Mountain Signal, Inc., the low bidder, is qualified to do the work. Rocky Mountain Signal, Inc. is currently the City's traffic signal maintenance contractor and has constructed new traffic signals at other locations in the City within the past eight years.

The following represents Staff's anticipated schedule for completing the traffic signal projects, assuming City Council awards the construction contract and authorizes the purchase of the necessary traffic signal equipment.

April 26th	City Council awards the construction contract and authorizes the purchase of the traffic signal equipment
April 27th	Order traffic signal equipment
May 11th	Issue Notice to Proceed to the contractor
September 18 th	Completion of the traffic signal project

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: Bid and Lease Purchase of Golf Course Maintenance Equipment

Prepared by: Richard Dahl, Park Services Manager
Lance Johnson, Golf Course Superintendent

Introduction

City Council action is requested to approve the lease/purchase of golf maintenance equipment for Legacy Ridge Golf Course in the amount of \$477,074 to replace the existing maintenance fleet, purchase related golf maintenance equipment, and authorize the City Manager to execute a lease/purchase agreement with an appropriate financial institution to fund the purchase of the new equipment. A list of specific vendors for these purchases are in the background section of this report. The acquisition of this replacement equipment and lease/purchase financing has been specifically anticipated in the 1999 operating budget for Legacy Ridge Golf Course.

Summary

The existing mowing equipment used at Legacy Ridge was purchased in the summer of 1993 and has been in daily operation during the golf season since that time. The grow-in portion of golf course construction (the first two years of operation) are especially hard on equipment due to rocks, debris and uneven terrain caused by settling of the ground created during development. This, combined with the extremely close and precise mowing heights, takes a heavy toll on the equipment and the maintenance needed to keep them operational.

Based on the Legacy Ridge Golf Course operating budget approved by City Council for 1999, a \$477,074 seven year lease/purchaser agreement for the turf maintenance fleet is proposed with yearly lease payments of \$82,000 being projected for each budget year. This financing option was reviewed by Finance staff and deemed to be the most economical way to proceed for purchasing the equipment.

In accordance with City Charter bidding requirements, formal equipment bids were issued to a minimum of three vendors and received back on April 2, 1999. From each bid Staff selected the lowest bid price for every piece of equipment which resulted in the lowest price to the City and allowed the vendors an opportunity to receive part of the bid based on their best product line and service delivery.

Alternatives

1. Reject the Staff recommendation require Staff to re-bid the purchase of this equipment in hopes of a lower bid. Staff recommends against this action as it will delay the delivery of the equipment n time to be used for 1999 operations.
2. Take no action. Staff does not recommend this approach as it could jeopardize the golf course Staffs' ability to effectively maintain Legacy Ridge to its' high standards and such action could adversely effect revenue.

Staff Recommendation

Award the the Legacy Ridge equipment bid to the following low bid vendors: LL Johnson Distributing for \$263,280; Mile High turf equipment for \$86,679; Colorado Golf and Turf for \$45,995; H2O Power Equipment, Inc. for \$47,365; Adams fertilizer Equipment for \$17,750; Sportsturf Equipment Company for \$5,253; JMI Turf Inc. for \$2,093; Gardner Denver for \$3,386; and Kanox Inc. for \$5,273 for a total lease/purchase price of \$477,074; and authorize the City Manager to execute a seven-year lease/purchase agreement with the financial institution deemed most appropriate by the Finance Department.

Background Information

The current equipment was acquired on a lease/purchase agreement in the summer of 1993 with the final payment being made in December 1998. This equipment has been used extensively throughout the six year period which has included a grow-in and nearly 300 days of play per year since the opening of Legacy Ridge.

When Legacy Ridge was first built staff acquired a “golf maintenance equipment package” (heavy and light mowing equipment such as tractors, rough mowers, greens mowers and related machinery) from John Deere Equipment Company. At the time John Deere was making a big push into the golf maintenance market and offered substantial discounts on their equipment packages. Almost immediately the machinery began to break down due to electrical and hydraulic sensor failures that impacted mower operation and staff’s ability to effectively utilize the machinery. There were also routine adjustment problems with the “height of cut” for the mowing decks which caused them to change while the mower was in operation. Representatives from the local distributor, and John Deere Engineers from their home office in Illinois, came to Legacy Ridge numerous times in 1993 and 1994 to address the reoccurring equipment breakdowns. It was apparent to Staff that John Deere had not fully tested their equipment in the field and had some major engineering design faults which could not be rectified without major modifications to the overall design. Although most of the problems were eventually “fixed” some of the machinery has never operated at 100% and maintenance staff continued to experience down time due to the high use of the equipment on a daily basis.

Golf course Staff have selected from the low bidders a mixture of equipment from Toro and Jacobsen Textron, the leading manufacturer’s of golf maintenance equipment, which have strong reputations for reliability and distributor support in servicing their customers. The following are the vendors that Legacy Ridge will use to replace it’s major equipment fleet and the additional related maintenance equipment required. Due to the specialty of equipment used in golf operations none of the vendors submitting bids were able to bid on every piece of equipment in the equipment package and this allowed Staff to pick individual pieces of machinery from various suppliers based on their low bid.

Equipment

Quantity

LL Johnson Distributing, Denver, CO

Reelmaster 5400-D Lightweight Fairway Mower	3
Greensmaster 3100 Riding Triplex	2
Tri-Rollers with Weight Kit	1
Greensmaster 1600 Walk Behind Mowers	4
Greensmaster 1000 Walk Behind Mowers	4
Transport Trailers	6
Workman 3300-D Utility Vehicle	2
1800 Topdresser	1
Remote Hydraulic Control	2
Core Harvester	1

Core Harvester Adapter	1
Sand Pro 3020	2
40" Dozer Blade	1
Commercial 37" Walk Behind Mower	1
Electric Start	1
Express Dual 2000 Spin Grinder	1
Lift Table Attachment	1
Anglemaster 2000 Bedknife Grinder	1
Tanaka Backpack Blowers	4
Recycler 21" Push Mower	2
Tanaka String Trimmers	8
Flymo	10
Ryan Sod Cutter	1
Ryan MataWay Seeder	1
Tanaka Trash Pump	1
450-D Fairway Unit	1

Total bid from LL Johnson Distributing **\$263,280**

Total bid from Turf Equipment and Irrigation No Bid

Total bid from Mid-West Turf and Irrigation No Bid

Mile High Turf Equipment, Frederick, CO

11' Rotary Rough Mower	2
Buffalo Blower 20 HP	1

Total bid from Mile High Turf Equipment **\$86,679**

Colorado Golf and Turf No Bid

JMI Turf Inc. No Bid

Colorado Golf and Turf, Englewood, CO

JD 1500 Aerator	1
JD 4500 4WD with Loader/Backhoe	1
Aerway Turf Slicer	1

Total bid from Colorado Golf and Turf **\$45,995**

Mile High Turf Equipment No Bid

JMI Turf Inc. No Bid

H2O Power Equipment, Inc., Commerce City, CO

Mi-T-M Bioremediation System	1
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Total bid from H2O Power Equipment **\$47,365**

(equipment unavailable through other suppliers)

Adams Fertilizer Equipment, Dewitt, AR

Hi/Low Scissor Dump Trailer	2
Total bid from Adams Fertilizer Equipment	\$17,750

Colorado Golf and Turf	\$20,325
Mile High Turf Equipment	\$24,440

Sportsturf Equipment Company, Indianapolis, IN

Greensgroomer Topdressing Brush	2
Total bid from Sportsturf Equipment Company (equipment unavailable through other suppliers)	\$5,253

JMI Turf Inc., Frederick, CO

Cart Path Edgers	4
Stick Edgers	2
Back Pack Sprayers	2
Total bid from JMI Turf Inc.	\$2,093

Colorado Golf and Turf	Incomplete Bid
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Gardner Denver, Denver, CO

Air Compressor 7.5 HP	1
Total bid from Gardner Denver	\$3,386

Ingersoll Rand	\$3,548
Granger, Inc.	\$3,663

Kanox Inc., Denver, CO

Millermatix 250x Welder	2
Plasma Cutter PCM-1125	1
Total bid from Kanox Inc.	\$5,273

US Welding	\$5,294
Air Products	\$6,069

TOTAL EQUIPMENT PACKAGE	\$477,074
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During the 1998 golf season Staff demonstrated numerous different types of equipment from various vendors and is confident the equipment selected will last the length of the lease/purchase agreement while still possessing substantial trade in values.

Staff would prefer to keep the more reliable pieces of the John Deere equipment scheduled to be replaced for use as backup equipment in emergency situations as needed, while the less dependable units are to be traded in to help reduce the cost of the replacement equipment.

If this proposal is approved by City Council, the Finance Department will send invitations to financial institutions including, but not limited to, the following: Key Bank, Banc One Leasing Corp., Norwest Bank and US Bancorp Leasing & Financial for lease/purchase proposals. The Finance staff will pursue the possibility of combining this bid with the Recreation Programs Division on their purchase of a new 33 seat passenger bus to help lower the interest rate.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: Bids re Lease/Purchase Financing of a 33-Passenger Bus

Prepared by: Kate Amack, Recreation Supervisor – Senior Center

Introduction

City Council action is requested to award the bid for a 33-passenger bus to Intermountain Coach and authorize the City Manager to sign a lease/purchase agreement with an appropriate financial institution to fund the purchase. This method of lease/purchase financing has been specifically allocated in the 1999 Parks, Recreation and Libraries Department budget for the first years lease payment.

Summary

City Council approved the purchase of a 33-passenger bus in the 1999 operating budget through a lease/purchase agreement.

Formal bids in accordance with City Charter bidding requirements were met. Four bus contractors obtained Bid Documents and two bids were received. Intermountain Coach is the low bidder at \$110,145.

Once the purchase is approved by Council, the Finance Department will send invitations to financial institutions including, but not be limited to, the following: Key Bank, Banc One Leasing Corp., Norwest Bank, and US Bancorp Leasing & Financial for lease/purchase proposals. The Finance Staff will pursue the possibility of combining this bid with the Golf Course on their purchase of a new golf cart fleet.

Alternative

Purchase the new 33-passenger bus in the amount of \$110,145 and avoid lease payments and interest charges. This sum of money (\$110,145) is not currently available and approval has been previously received for the lease/purchase of this vehicle.

Take no action on this item which will mean that staff will continue to operate at its current level on this issue.

Staff Recommendation

Award the bid to Intermountain Coach for the purchase of a Thomas 33-passenger bus at the cost of \$110,145. Authorize the City Manager to execute a lease/purchase agreement with the financial institution deemed most appropriate by the Finance Department, which results in a lease/purchase with ownership at the end of the agreement.

Background Information

The Parks, Recreation and Libraries Department currently operates two 15-passenger vans for programs offered to all age groups. These vans are currently in use almost daily for recreation programs and trips. Due to the popularity of these programs, a larger vehicle is necessary to accommodate waiting lists and ensure excellent customer service. With the purchase of a 33-passenger bus, the Parks, Recreation and Libraries will continue to operate one 15-passenger van with the other being pulled from service by Fleet Maintenance. Van #7703, the van being pulled from service to the public, will be utilized by Recreation Program Staff for transporting supplies to special events, concerts in the parks, recreation centers, and delivering flyers to schools, playground, and teen programs.

City Council approved funds in the 1999 Parks, Recreation and Libraries Department budget for the first year of a lease/purchase of a 33-passenger bus. Extensive research was done to prepare specifications for the request for bids for this vehicle. Frank Grasmugg and Kate Amack test-drove buses from Bluebird and Thomas, two bus manufacturers. Other metro recreation departments having the same type of buses were contacted to see how the vehicle has performed mechanically and how it met their recreation needs. All those contacted were pleased with the bus that they had purchased. Staff met with Summit County Transportation Services to discuss the maintenance schedule required on these types of buses. Maintenance reports were very favorable. Staff learned that these buses have 10 to 15 years of service. Staff contacted other businesses that run bus fleets. The most helpful information came from RTD. RTD's fleet consists of different size buses. They range from people movers (20-25 passengers) to articulated buses. RTD has found that within four to seven years, the smaller "people movers" have chassis damage as well as structural damage and that the braking system needs to be replaced often. Feedback on the larger 33-passenger bus was that it remains structurally sound and the brake system is very reliable. The bid specifications for the bus were taken from Foothills Park and Recreation District and RTD, with additional specifications for the City recreation program use.

Intermountain Coach	\$110,145
Blue Bird	\$113,197
Davey Coach	No bid
Metrotrans Corporation	No Bid

Respectfully Submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Big Dry Creek Trail at Wadsworth Boulevard Underpass Consultant Services
Prepared by: Julie Meenan Eck, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to sign a change order with TranSystems Corporation Consultants in the amount of \$25,260 to for engineering design services for the Big Dry Creek Trail at Wadsworth Boulevard Underpass and authorize a 15% project contingency of \$3,800. Funds for this expense are available from the 1999 General Capital Improvement Fund, Big Dry Creek Trails – Jefferson County account.

Summary

TranSystems was hired in 1996 to design both the Wadsworth Parkway trail underpass and the railroad trail underpass. In the summer of 1997 Jefferson County notified the City that funding for the Trails 2000 program has been suspended indefinitely. TranSystems at the time had completed the 75% design and was informed by Staff to stop the project. The change order fees are required to update and complete the Wadsworth Parkway trail underpass design, apply for a groundwater discharge permit and prepare documents for an IGA with CDOT. Staff closely evaluated the additional fee proposal by the consultant and determined these fees are appropriate to finish the contract.

The City has received a \$500,000 Transportation Efficiency Act 21st Century (TEA-21) grant from the Federal Government for this portion of the project. In addition, City Council appropriated \$300,000 in 1999 and \$900,000 in 1998 Capital Improvement Project (CIP) Fund for the development of Big Dry Creek Trails in Jefferson County of which \$424,000 of these funds will be used to match this TEA-21 grant

The project start up and splitting the original scope in two phases has generated increased fees to complete the design for the project. The first phase, construction documents for under the BNSF Railroad, was completed in April 1999 and will go out for bid in the fall of 1999.

Alternatives

City Council could decide not to authorize the additional funds for design services to TranSystems, however, this would leave us with an unfinished set of construction documents and we would loose the TEA-21 grant.

Staff Recommendation

Authorize the City Manager to sign a change order with TranSystems Corporation in the amount of \$25,260 to complete design services for Big Dry Creek Trail – Wadsworth Underpass, authorize a 15% project contingency of \$3,800, and charge this expense to the appropriate account in the 1999 General Capital Improvement Project Fund. Staff closely evaluated the additional fee request and believes these additional consultant fees are appropriate and acceptable.

Background Information

Jefferson County Open Space established the Trails 2000 program to provide funding for trail development throughout Jefferson County. In 1993, the Jefferson County Commissioners and Jefferson County Open Space agreed to place the Big Dry Creek Trail system on their list of priority projects. An estimate for this project was prepared by Westminster and Jefferson County Staff identifying \$1.3 million for design and construction of the trail. TranSystems Corporation Consultants was chosen in 1996 to design the piece from the Burlington Northern Santa Fe Railroad Culvert to the Wadsworth Boulevard underpass.

Based on the withdrawal of construction fees from Jefferson County and TEA-21 monies not available at the time the original contract was nearing completion, Staff halted the project. Staff has since requested TranSystems to split the project into two phases. TranSystems continued to develop construction drawings for phase one under the BNSF Railroad, but has been sitting on Phase Two, the Wadsworth Underpass. Staff had received notice that the TEA-21 funds are now available and we must get the project under construction by fall in order to be eligible for the budgeted funds. The first phase set of construction documents were completed in April of 1999. This second Phase will finish out the original scope and complete this portion of the project.

TranSystems work will progress from where the project was stopped in 1997. Construction documents were approximately 75% complete. The goal is to develop a Phase II construction document package which includes all earthwork, grading, traffic control Wadsworth Underpass, and the concrete trail. The projected is expected to begin this fall.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: 92nd Avenue Project Change Order for Westminster Mall Circulation Road” Improvements

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize a change order on the 92nd Avenue, Harlan Street to Sheridan Boulevard Project to Lawrence Construction Company in an amount not to exceed \$896,400 for “circulation road” improvements within the parking lot of the Westminster Mall. Council action is also requested to authorize a change order to JR Engineering in an amount not to exceed \$40,000 for the Construction Engineering Services associated with the circulation road improvements. Funds for this expense are available in the appropriate project account in the General Capital Improvement Fund.

Summary

On March 1, 1999, Council authorized the award of the construction contract for the 92nd Avenue Project to Lawrence Construction Company. Since that time, Staff requested a price from Lawrence Construction Company for circulation road improvements to the Westminster Mall parking lot. The majority of the cost was established using the unit bid prices from the 92nd Avenue Project. The total cost for the requested change order is \$896,400.

The only way to construct the circulation road improvements this year is to perform the work as a change order to the 92nd Avenue Project. Bidding this project is not an option given the time frame, since it would add 45 days to the process and, in addition, the price would likely not be any less since the unit prices used to prepare the circulation road estimate are based on competitively bid prices from the recently bid 92nd Avenue Project.

The current project contingency of \$750,000 that was approved by Council at the March 1, 1999, meeting is sufficient for the circulation road improvements, as well. Therefore, no additional contingency is requested.

The requested additional fee of \$40,000 for JR Engineering is for Construction Engineering Services associated with the circulation road improvements. This additional fee is approximately 4.5% of the cost of construction and is a fair amount.

The circulation road improvements represent a trade with the Westminster Mall owners. The additional right of way needed for both the 88th Avenue and 92nd Avenue street widening projects have been conveyed to the City at no cost based on the City doing the circulation road improvements.

Staff Recommendation

Authorize the City Manager to execute a change order to the 92nd Avenue Project with Lawrence Construction company in an amount not to exceed \$896,400 for the construction of the Westminster Mall “Circulation Road” Improvements; authorize the City Manager to execute a change order to JR Engineering’s current contract in an amount not to exceed \$40,000; and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

Background

In January, 1995, Staff hired the transportation engineering firm of Felsburg, Holt & Ullevig (FHU) to study the area bounded by Harlan Street, Sheridan Boulevard, 92nd Avenue and 88th Avenue, as well as the interchange from Sheridan Boulevard and 92nd Avenue to US 36 and the Harlan Street extension from 94th Avenue to 112th Avenue. The purpose of this study was to determine a prioritization of projects within the study area to improve traffic flow adjacent to the Westminster Mall and environs.

The results of this study were presented to Council at the August 15, 1995, Study Session. This report identified the widening of 88th Avenue, 92nd Avenue, Sheridan Boulevard and improvements to the 88th Avenue and Sheridan Boulevard intersection and the internal circulation of the Westminster Mall parking area (“the Circulation Road”) as some of the most effective solutions of the alternatives studied.

As a result of this study, Council asked the citizens of Westminster to approve a \$15,000,000 bond issue to fund these improvements, which the voters approved in 1996. The schedule for implementing these projects was to construct the 88th Avenue improvements in 1997, construct the 92nd Avenue improvements in 1999, construct the Mall circulation road in 1999 and 2000; and construct the Sheridan Boulevard improvements as soon as possible thereafter. This multi-phase schedule was established to create projects that could be constructed in less than one year each, thus minimizing the disruption to the traveling public, especially during the busy holiday shopping season.

The 92nd Avenue project includes widening 92nd Avenue from four lanes to six lanes starting west of the intersection with Harlan Street and extending to Yates Street, including the bridge over US 36. The objective of the 92nd Avenue project is to provide increased roadway capacity from the current non-holiday season volume of 36,000 vehicles per day to an anticipated future volume of 49,000 vehicles per day and to improve the turning capacity at the Westminster Mall entrance, Harlan Street and Sheridan Boulevard intersections by adding double left-turn lanes at these intersections. This project is also designed to accommodate the future 92nd Avenue/Sheridan Boulevard/US 36 interchange movements. In addition, the bridge over US 36 includes architectural enhancements such as a stone appearance look on all walls; lighted tower elements at the four corners of the bridge; upgraded pedestrian railing in lieu of chain link fence; and structural steel archway elements on the bridge. All of these enhancements will serve as a unique landmark for the Westminster Center area.

The attached drawing shows the extent of the Westminster Mall “Circulation Road” Improvements (also called the “North Area Parking Lot Reconstruction”). Staff has been working on this plan for the past year and just recently obtained approval from the Mall owner and Mervyns Department Store to construct these improvements.

The only feasible way to complete the construction of these improvements is to have Lawrence Construction Company do the improvements as a change order to the 92nd Avenue Project. Since the majority of the 92nd Avenue Project unit prices were established through a competitive bidding process and these prices are being used to establish the price for the circulation road project, Staff believes that this price is fair.

The only alternative to this requested action is to postpone the circulation road improvement project until 2000. Staff cannot recommend this action given the dynamics of securing future approvals from the Mall owner and Mervyns.

JR Engineering is currently the construction engineer on the 92nd Avenue Project. Staff believes that it is necessary to retain them for the circulation road project to maintain the continuity on both projects and the need to coordinate the interfacing of both projects. JR’s additional fee of \$40,000 is approximately 4.5% of the cost of construction and is a very reasonable fee compared to percentages paid on other capital projects for this same type of work.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: TABLED Councillor's Bill No. 14 re: Cost Recovery for 128th Avenue and Huron Street Project

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to remove this item from the table and take action on the attached Councillor's Bill regarding the establishment of cost recoveries due to the City for costs incurred in constructing the 128th Avenue and Huron Street Intersection Improvement Project. The areas that will be subject to the proposed ordinance are shown on the attached Exhibit C.

Summary

At the April 12 Council meeting, Council tabled this item and directed Staff to formally notify the owners affected by this Ordinance. On April 15, Staff sent registered letters to the owners informing them of this proposed action at the April 26 Council meeting. Staff also telephoned the affected owners to make sure that they were aware of this meeting.

The 128th Avenue and Huron Street Improvement project was completed by the City in 1997. This project included the construction of 128th Avenue and Huron Street intersection and roadway improvements in all directions approaching the intersection.

The actual total construction cost of the project was \$2,168,329.58.

In addition to the construction cost for the project, recoverable right-of-way acquisition costs paid by the City totaled \$92,000.

Staff is proposing that cost recoveries for the 128th Avenue and Huron Street Intersection Improvement project be established to compensate the City for a portion of the costs as provided for in the City Code.

Staff Recommendation

Remove Councillor's Bill No. 14 from the Table and then Pass Councillor's Bill No. 14 on first reading, which establishes cost recoveries on the City's 128th Avenue and Huron Street Intersection Improvement Project.

Background Information

The City Code provides for a means for the City to collect a portion of the cost for the installation of public improvements that may benefit future developers of property in the vicinity of the improvements. On roadway widening projects such as the 128th Avenue and Huron Street Intersection Improvements Project, the general formula defined in the Code allows the City to assess recovery costs against adjacent, undeveloped parcels for that portion of the project cost that exceeds the cost of improvements to the middle 20 feet of an arterial street (i.e., the City's "responsibility").

These recovery costs are collected at such time that a developer or property owner requests the approval of a subdivision plat or a building permit on an abutting, undeveloped parcel. Recovery costs are not assessed against owners of currently developed land.

The attached Councillor's Bill sets the unit recovery costs to be assessed against the future developers of the property adjacent to the 128th Avenue and Huron Street Intersection Improvements Project. The recovery costs for Area 1 (see Exhibit C) are \$259.26 per linear foot of frontage, and \$92,000 for the cost of the right-of-way that the City had to acquire to build the project, plus interest. The recovery cost for Area 2 is \$259.26 per linear foot of frontage plus interest. The two affected property owners for these recoveries are Huron 128th Partnership and Kent Carlson.

With the adoption of Ordinance No. 1430, Series of 1984, the City Code requires that cost recoveries on City projects be established by ordinance. This necessitates City Council action on the attached Councillor's Bill regarding the establishment of cost recoveries for the project mentioned above.

The attached Councillor's Bill summarizes the overall costs of this project and the formulas for determining the apportioning of these costs.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1999

COUNCILLOR'S BILL NO. ____
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ESTABLISHING RECOVERIES DUE THE CITY FOR COSTS INCURRED ON THE 128TH AVENUE AND HURON STREET INTERSECTION IMPROVEMENTS PROJECT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Improvements for the 128th Avenue and Huron Street Intersection Improvements Project:

A. "Schedule of Construction Costs" shall be \$2,168,329.58 in accordance with Exhibit A, attached hereto and incorporated herein by reference.

B. "Schedule of Participation Costs" shall be \$637,922.56 in accordance with Exhibit A.

C. The "Schedule of Recoverable Costs" for Area 1 of attached Exhibit C shall be \$259.26 per linear foot abutting 128th Avenue and Huron Street plus \$92,000 plus interest. The "Schedule of Recoverable Costs" for Area 2 shall be \$259.26 per linear foot abutting plus interest. Interest shall be calculated from the date of Second Reading at the rate established annually by City Council

D. The areas responsible for paving the recovereries are shown on attached Exhibit C.

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 26th day of April, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of May, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: TABLED Resolution No. 26 re Adoption of Standards for Design and Construction

Prepared by: Lonnie Henderson, Capital Projects Inspector

Introduction

City Council action is requested to remove this item from the table and take action to adopt the attached Resolution establishing revised Standards for Design and Construction of Public Improvements; authorizing the City Manager to establish the fee for the purchase of these Standards and authorizing the City Engineer to issue future revisions as necessary.

Summary

In 1995, City Council authorized funding for the update of the City's Standards for Design and Construction. Staff has completed this update and are now requesting adoption of these standards by Council. These standards have been reviewed by the Home Builders' Association, several design consultants and general contractors. Their review comments, where appropriate, were incorporated into the document.

An option to this recommendation is to continue using the City's current standards. Since the current documents are 18 years old and do not reflect current technology, Staff does not recommend this alternative.

Staff Recommendation

Remove this Resolution from the Table and adopt Resolution No. 26 which adopts the revised City's Standards for Design and Construction; set the initial fee for purchasing a copy of the revised Standards at \$40; authorize the City Manager to make future fee adjustments as warranted; authorize the City Engineer to issue future revisions to the Standards to reflect changes in City policy and technological advances in the construction industry.

Background

The last update to the City's Standards and Specifications for Design and Construction took place in 1982. Advances in technology, changes in City policy and increasing environmental concerns since that time have rendered the existing Standards inadequate in many areas. An example of a technological change is discontinuing the use of asbestos concrete pipe for water line construction. Similarly, clay pipe is no longer allowed in the construction of sanitary sewer.

In 1995, City Council authorized an Engineering Design Contract with Felsburg, Holt & Ullevig (FHU) to update and revise the existing Standards. FHU, in conjunction with City Staff, has completed the necessary research and has updated each section of the existing Standards.

In addition to updating the existing sections, new sections, including "Earthwork, Erosion Control and Seeding", "Traffic Control", "Trenching Backfill and Compaction" and "Acceptance Requirements" were added to the Standards.

The Standards are the result of a review of other cities' documents to verify that the final document is not significantly more restrictive than those cities. In addition, the Standards were prepared using the City's Water Master Plan, Sewer Master Plan and industry standards, such as the Colorado Department of Transportation's Specifications.

Once a draft copy was completed, extensive in-house reviews by appropriate City Departments were completed. Outside entities representing contractors, professional associations and consulting engineers were also consulted in assembling the final product. These entities include: the Home Builders' Association, HDR Engineering, Inc., Martin/Martin, Western Paving, TARCO, Inc. and the Colorado Contractor's Association. Their comments and suggestions, when appropriate, were incorporated into the final product.

City Staff believes that the finished product is a complete (322-page) yet user-friendly document that clearly presents the City's expectations and requirements for design and construction within the City of Westminster.

A survey was performed of other municipalities within the metro area to determine an appropriate fee for a copy of the Standards. These fees range from \$40.00 to \$75.00. Based on this information, Staff believes it is fair to charge \$40.00 for the purchase of these Specifications. This fee is intended to cover the cost of reproduction, binders and Staff time.

The addition of the Standards to the City's Internet/Intranet Page would allow City employees, developers, engineers and contractors twenty-four hour electronic access to the Standards and help reduce production costs.

Staff believes that the adoption of these Standards will help consulting engineers in the development review process by providing more clear direction of the City's requirements. It will also help contractors by providing clear construction requirements and finally, it will help Staff by eliminating the need to "negotiate" a standard. This will reduce the time necessary to review development proposals since these new specifications more clearly define the expectations of the City.

This Resolution was originally before City Council on April 12, 1999. At that time, City Council tabled the matter due to concerns with the title of the document and specific language in Section 1.22.00, Pre-Construction Meetings and Section 1.23.01, Emergency Work. The title has been changed from "Standard Specifications for Design and Construction of Public Improvements" to "Standards for Design and Construction of Public Improvements". Both section have since been revised to address City Council's concerns.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

ADOPTION OF STANDARDS FOR DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS

WHEREAS, it has been determined that the current City Standards for Design and Construction of Public Improvements have not been updated for 18 year; and

WHEREAS, City Council previously budgeted funds for the revision of said Standards; and

WHEREAS, the authorized revision has been completed.

NOW, THEREFORE, be it resolved that:

1. The Standards for the Design and Construction of Public Improvements dated April 1, 1999, are hereby adopted by this reference.
2. Authorize the City Manager to establish an initial fee of \$40.00 for the purchase of said Standards.
3. Authorize the City Manager to adjust the fee from time to time as may be warranted.
4. The City Engineer is hereby authorized to issue addenda and revisions to said Standards, as the City Engineer deems necessary to reflect changes in City policy or technological advances in the construction industry.
5. The addition of said Standards to the City of Westminster Intranet/Internet page is hereby authorized.

Passed and adopted this 26th day of April, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Sale of the Northwest Business Park
Prepared by: John Carpenter, Director of Community Development

Introduction

City Council is requested to approve a Purchase and Sale Agreement between the Catellus Development Corporation and the City of Westminster to sell 65 acres owned by the City. The land is within the proposed Northwest Business Park property which is located south of 112th Avenue between Westminster Boulevard and US 36. Catellus is proposing to construct approximately one million square feet of high quality office park space on the property.

Summary

The City of Westminster acquired the undeveloped land known as the Northwest Business Park in April 1996 as a part of a foreclosure action to collect assessment payments owed on the City's 104th Avenue Special Improvement District. A portion of the land acquired was used as right of way for the construction of Westminster Boulevard and a greenbelt buffer area abutting the Sheridan Green Subdivision. The remaining parcel is 65 acres in size.

In summer 1998, Staff sent Requests for Proposals for the sale of the City-owned land to a number of office park developers. As a result of that process, City Council selected Catellus as the company with which to negotiate a final purchase and sale agreement. That agreement is now ready for approval and includes the following key provisions:

- The City will sell 65 acres to Catellus, a portion of which will be used for street right of way, private park and greenbelt areas.
- Catellus will build a high quality "class A" business park of approximately one million square feet of multi-story office space. The site plan features many "neotraditional" design features including three office buildings surrounding a three-acre circular park.
- The City will receive up to \$16.5 million in payments for the land over a seven-year period.
- Catellus will pay the City approximately \$392,543 in principal plus accrued interest for the recoveries owed on Westminster Boulevard as well as approximately \$809,376 owed for the 104th Avenue Special Improvement District.
- Catellus agrees to build, at least one 120, 000 square foot speculative office building within 18 months of the execution of this agreement.
- All of the office buildings in this business park will feature an overall complimentary and consistent architectural design theme with similar exterior building materials.

Staff Recommendation

Authorize the City Manager to execute a Purchase and Sale Agreement with the Catellus Development Corporation as described in the memorandum and in substantially the same form as the draft agreement, subject to City Attorney's approval, for the sale of approximately 65 acres at the southwest corner of 112th Avenue and Westminster Boulevard.

Background

The approximately 1,000,000 square foot office park that Catellus is proposing to develop includes: A north-south road to connect the Westminster Promenade and proposed Reed Street on the south to 112th Avenue on the north; An east-west road to extend from Westminster Boulevard to near US36 and feature a bridge over the Burlington Northern Santa Fe Railroad line; A 3-acre park in the middle of where the two access roads converge; Three office buildings encircling the park providing a dramatic urban design character; A restaurant to be located in the park (similar to Central Park's Tavern on the Green); and then additional office buildings will line the north-south access road and also be located along US36.

High quality architecture and exterior building materials are planned for the project. Staff believes that this project will be the highest quality office park in the City and integrate well with the adjacent Westminster Promenade project.

This land sale and proposed office park is a significant step forward in addressing City Council's goal of primary job creation. The Catellus Development Corporation's plan of 1.0 million square feet of office development represents a projected work force of 4,000 to 4,500 employees at full coupled with the new occupancy. This development coupled with the new Lucent Technology building creates major momentum for new primary job creation.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Special Legal Counsel for Catellus Project at Northwest Business Park
Prepared by: Marty McCullough, City Attorney

Introduction

City Council action is requested to approve the retention of Ms. Barbara Banks with the law firm of Banks & Imatani for review of the Promissory Note and Deed of Trust related to the financing for the Purchase and Sale of the Northwest Business Park property. Funds are available in the City Attorney's Office budget for this expense.

Summary

A proposed Purchase and Sale Agreement between the City and Catellus Development Corporation for the 65-acre Northwest Business Park property appears elsewhere on tonight's agenda for City Council's consideration. Given the \$16.5 million in owner financing involved in this transaction, the City Attorney's Office believes it is appropriate to have special legal counsel review the Promissory Note and Deed of Trust for this financing prior to closing.

Staff Recommendation

Authorize the City Manager to execute a fee agreement with Ms. Barbara Banks with the law firm of Banks and Imatani for special counsel real estate services related to the purchase and sale of the Northwest Business Park property with a top set amount of \$2,000.

Background Information

Ms. Barbara Banks is an experienced attorney specializing in real estate law. Ms. Banks is a current member and past Chairman of the Real Estate Section of the Colorado Bar Association. Ms. Banks' expertise in commercial real estate will assist the City in reviewing the Promissory Note and Deed of Trust related to the sale of the Northwest Business Park property to Catellus Development Corporation.

The Purchase and Sale Agreement provides for a purchase price of \$16.5 million to be paid over six years, subject to being reduced if paid earlier. Catellus's payment obligations are to be secured by a note and deed of trust, the initial drafts of which have been prepared by Catellus's legal counsel.

Ms. Banks is proposing an hourly rate of \$190 per hour, which is well within the rates charged by similar specialists in the Denver Metropolitan Area. A "top set" of \$2,000 will be contained in the Agreement for these additional services.

Respectfully submitted,

William M. Christopher,
City Manager
Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this _____ day of April, 1999, by and between BANKS & IMATANI, P.C., Attorneys at Law (the "Firm") and the CITY OF WESTMINSTER, COLORADO (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services related to the purchase and sale of the Northwest Business Park property.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall review and advise the City concerning the note and deed of trust for the sale of the Northwest Business Park to Catellus Development Corporation (the "Services").
2. Barbara Banks of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the hourly rate of \$190 per hour.
5. This Contract may be terminated by the City with or without cause.
6. Payments pursuant to this Contract shall not exceed \$2,000.00 without further written authorization by the City.
7. This Contract was approved by the Westminster City Council on April 26, 1999.

BANKS & IMATANI, P.C.

By _____

CITY OF WESTMINSTER, COLORADO

By _____



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Councillor's Bill No. re Lucent Technologies Assistance Package
Prepared by: Susan F. Grafton, Economic Development Manager

Introduction

City Council action is requested to approve the attached Councillor's Bill on first reading approving a business assistance package for Lucent Technologies which provides \$900,000 in Use Tax rebate and \$100,000 to assist with moving expenses. The new 480,000 square foot building is to be built at the southwest corner of 120th Avenue and Huron Street. This new facility will house Bell Laboratories, the development arm of Lucent Technologies, as well as the presentation center. Funds for the \$100,000 assistance will be included in the 2000 Budget and the Use Tax will be rebated from taxes paid by Lucent Technologies.

Summary

Lucent Technologies is building a state of the art 480,000 square foot research center in front of the existing manufacturing facility on 120th Avenue. The Official Development Plan for the project was approved on April 13, 1999. The total package of \$1,000,000 is only 23% of the \$4,289,000 estimated to be collected in Permit Fees, Building Use Tax, Use tax on equipment, and Property Tax revenue projected from this project during the first 5 years of operation.

There were three alternatives considered when reviewing the business package with City Council. The alternatives were as follows:

- 1) Provide no assistance to Lucent Technologies. Though the City might not lose the project if assistance was not provided, the result might be that the City will not be strategically positioned for consideration for future Lucent Technologies expansions. A positive relationship is desirable for future development and is an important investment in business retention.
- 2) Provide only a portion of the recommended assistance. Again, it might not drive the company away, but the assistance being recommended is only a small percentage of the over all project cost.
- 3) Approve the recommended assistance package that has been agreed to by Lucent Technologies. Lucent Technologies will use the funds to defray moving expenses and to reduce expenses on equipment purchased.

Staff Recommendation

Pass Councillor's Bill No. on first reading authorizing the City Manager to execute, fund, and implement in substantially the same form as the attached Business Assistance Agreement with Lucent Technologies for the construction of the research and development facility and remodeling of the manufacturing facility.

Background Information

Lucent Technologies is a telecommunications company which spun off from AT&T. Lucent, formerly AT&T and Western Electric) originally located in Westminster in 1970. It remains the City's largest employer. Lucent Technologies manufactures computer and support equipment in Westminster, as well as the switches for phone system networks. Bell Labs, which provides the research and development functions for Lucent, is also located in Westminster. Lucent Technologies considered expanding in Westminster and South Denver. The expansion of this facility in Westminster, in Staff's opinion is, in part, a result of regular retention visits the City has held with representatives of Lucent Technologies and the City's philosophy to financially assist expansion of an existing business.

City Staff has been meeting and communicating regularly with representatives from Lucent Technologies on this expansion since April 1997. The company plans to remodel its existing manufacturing facility, as well as build a new 480,000 square foot "signature" office complex. The new building will be located on the land owned by Lucent Technologies on the south side of 120th Avenue between Pecos and Huron Streets. As planned, Lucent Technologies will undertake a \$22.8 million remodel effort to the existing manufacturing facility to provide for additional growth. The new office building, which will house primarily the research and development functions of Lucent Technologies, will cost an estimated \$136 million to develop. The total project represents an investment of \$158.8 million by Lucent Technologies. This is the largest private investment in Westminster's history of a primary job related corporation

According to Lucent Technologies, when the new facilities open, they will have a total workforce of 4,800. That will include 2,000 occupational associates earning an average of \$31,200 per year, and 2,800 management associates with an average salary of \$51,000 per year. Total annual payroll for the 4,800 employee is estimated to be approximately \$229.9 million. Lucent Technologies plans to move into the new facilities by August, 2000.

Recommended Assistance

City Staff recommends an assistance package in the amount of \$1,000,000 for this project. This assistance will help defray moving, construction and equipment costs at the Westminster facility. Staff recommends that the assistance be provided to this project as follows:

<u>Moving Assistance</u>	\$100,000
Within 30 days of receipt of the Certificate of Occupancy for the new facility, the City will provide \$100,000 to Lucent Technologies to defray moving expenses.	
<u>Use Tax Rebate</u>	\$900,000
100 % of the Use Tax collected by the City, up to a maximum of \$900,000, will be rebated. This rebate is to help defray road improvement costs and general use tax obligation.	
Total Assistance	\$1,000,000

Lucent Technologies is a leading high-tech company in the growing telecommunications and information technologies industries. The company is providing high salaries and is anticipating growth. It is expected that the City's investment in this company will reap much greater long-term benefits for the City.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

ASSISTANCE AGREEMENT
FOR THE EXPANSION AND REMODELING
OF LUCENT TECHNOLOGIES IN THE
CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 1999, between the CITY OF WESTMINSTER (the "City"), and LUCENT TECHNOLOGIES, INC. (LUCENT).

WHEREAS, the City wishes to provide certain assistance to Lucent Technologies, to aid in the construction and remodeling of facilities within the City; and

WHEREAS, the proposed space is projected to generate over \$4.3 million in fees and tax revenues during the first 5 years of operation; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Lucent Technologies, agree as follows:

1. The City shall provide \$100,000 to Lucent Technologies within 30 days of the issuance of the Certificate of Occupancy (CO), to assist in defraying the cost of moving.

2. The City shall rebate to Lucent Technologies an amount not to exceed \$900,000 (the "Rebate"). Such rebate shall be payable exclusively from tax revenues collected by the City of Westminster from the Lucent Technologies facility in Westminster and attributable to the imposition of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax). Quarterly installments equal to 100% of the Use Tax collected and received by the City from Lucent shall be made within 20 days following the close of each calendar quarter. The first rebate installment shall occur at the close of the quarter in which the CO is issued for the new office facility in Westminster.

3. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Technologies has not completed construction and moved into its new building by August 1, 2001.

4. In the event Lucent Technologies ceases business operations within the City within three (3) years after the new operations commence, Lucent shall pay to the City the total amount of all funds provided to Lucent Technologies pursuant to this Agreement.

5. This instrument shall constitute the entire business assistance agreement between the City and Lucent Technologies and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bonded indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

7. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

8. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Adams County, Colorado.

LUCENT TECHNOLOGIES, INC.

CITY OF WESTMINSTER

By _____
Lucent Technologies, Inc.

William Christopher
City Manager
4800 West 92nd Avenue
Westminster, CO 80030

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH LUCENT TECHNOLOGIES:

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, the Lucent project is projected to generate \$4.3 million in fees and taxes in the first five (5) years of operation; and

WHEREAS, Lucent Technologies will construct approximately 480,000 square feet of office space estimated at a cost of \$136 million; and will remodel existing facilities at a cost of \$23 million; and

WHEREAS, a proposed Assistance Agreement between the City and Lucent Technologies is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No.53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Lucent Technologies, in substantially the same form as the one attached as Exhibit "A," and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of April, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Purchase of Open Space Along Big Dry Creek
Prepared by: Lynn Wodell, Open Space Acquisition Agent

Introduction

City Council action is requested to authorize the City Manager to purchase approximately 4 acres of land near Big Dry Creek south of W. 99th Avenue and west of Wadsworth Boulevard for open space purposes (see attached map). City Open Space funds are available to purchase this property.

Summary

The City of Westminster acquired open space along Big Dry Creek just east of "Old" Wadsworth Boulevard in 1992, and additional open space as public land dedication from the Westcliff development, including the natural area along the stream and a key trail link. This provides a nice "window" to the creekside open space looking east from the arterial roadway. However, no open space has been preserved to date along the west side of "Old" Wadsworth Boulevard in unincorporated Jefferson County.

Staff has been maintaining contact with several landowners in this area for many years, as well as working with Jefferson County Open Space to continue the open space corridor into the unincorporated area. The Lang family now proposes to sell approximately 4 acres to the City, at a cost of \$272,000. The property is already formally subdivided into four residential lots by Jefferson County, which are available for immediate building. These lots command a high price. The agreed upon value is a fair price. If the City wishes to preserve this area as open space, the purchase should be completed quickly. This acquisition also would allow the yet unbuilt segment of the Big Dry Creek trail to be located on the site as well as a possible trailhead facility.

Alternatives to the Proposed Action:

1. Do not acquire the property. The City currently has an open space corridor and trail along Big Dry Creek east of Wadsworth Boulevard, within the City limits. The funds could be expended toward other priority open space purchases. However, this alternative would fall short of the Open Space Advisory Board's recommendation to preserve the broader floodplain and view corridor.
2. Attempt to acquire a smaller portion of the property and shift the balance of funds to other priority open space purchases. However, the owners are agreeable to the larger sale, and the 4-acre proposal provides the City with an opportunity to preserve a "window" of open space along both sides of Wadsworth Boulevard.
3. Delay purchase until some future date. In this case, it is likely that the property would be lost to development. The owners are elderly and motivated now. Both land and funding are available now, but may not be available in the future. Another offer has been extended to the landowner for the property for development.

In light of the benefits of acquiring this property, with increasing land values and immediate development pressure, Staff does not recommend the alternatives.

The Open Space Advisory Board (OSAB) has recommended acquisition of this property. This property was included in the list of properties for potential funding from the Jefferson County Open Space SOS Bond funds. This purchase may be reimbursed in the future, but the City should move quickly to acquire the property, “up front”, before it is lost to development.

Staff Recommendation

Authorize the City Manager to sign all the necessary documents necessary to achieve the purchase for open space and other public purposes, approximately 4 acres of land at a cost of \$272,000 from the Lang family, and charge the expense to the Open Space Fund.

Background Information

The proposed acquisition fits the Criteria for the selection of open space sites very well, as follows:

< **AESTHETICS:** This land lies along Big Dry Creek, is highly visible from W. 99th Avenue and Wadsworth Boulevard, and would preserve a wide-open view corridor on the west side of Wadsworth Boulevard to complement the existing open space on the east side.

< **PROTECTION AND PRESERVATION:** Acquiring the property would protect the “open feeling”; allow for trees and native areas to grow in order to expand the wildlife habitat, and avoid encroachment of development. Preserving occasional upland grassy areas along the creek adds habitat diversity for many songbirds and small mammals, and broadens the variety of wildlife that may be seen along the creek as the City builds out.

< **LOCATION:** Properties along Big Dry Creek are important links in a central natural corridor throughout the City and would preserve the open space adjacent to existing roadways, preserve the views of the creek corridor, provide an area for the trail to cross Wadsworth Boulevard, provide for a possible trailhead facility in the future, and demonstrate the value that the City of Westminster places on open space preservation.

< **USE POTENTIAL:** The lands along Big Dry Creek provide an ideal City-wide open space and trail corridor which will link Standley Lake, City Park, Front Range Community College, College Hill Library and many other local parks and trails. This acquisition would protect the watershed, and would minimize need for expensive storm drainage improvements by generally maintaining the floodplain in a natural condition.

< **NEED FOR IMMEDIATE ACTION and ACQUISITION CONSIDERATION:** If the City wishes to preserve the property, now is the time to do so. The owners are willing sellers, they have received another offer and contract, the price they ask for the property at this time is reasonable, and funds are available for the purchase. It is possible that Jefferson County Open Space will reimburse some or all of the purchase at a future date.

Respectfully submitted,

William M. Christopher, City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: Resolution No. re North Metro Drug Task Force Mutual Aid Agreement

Prepared by: Matt Raia, Captain; and Dan Montgomery, Chief of Police

Introduction

City Council action is requested to adopt the attached Resolution authorizing an amendment to the Mutual Aid Agreement between the Cities of Thornton, Northglenn, Federal Heights, Brighton, Adams County Sheriff's Department, and the City of Westminster to include the City of Commerce City as a member of the North Metro Drug Task Force. This Resolution and the amendment to the IGA has been reviewed by the City Attorney, and approved as to legal from.

Summary

Since 1992, the police agencies in Adams County have been participating in the North Metro Drug Enforcement Task Force. The Westminster City Council approved the participation of the Westminster Police Department in this Task Force in 1996. This resolution would add Commerce City as a task force member.

There will be no cost to the existing participants for Commerce City to join. Commerce City will be required to pay to become a part of the Task Force, as each entity did when they joined. With Commerce City being a member of the Task Force, the operational costs for the year 2000 will be less for each of the participants, because there will be one more participant to share the expenses. However, when seizure funds are distributed, Commerce City will be factored in so there will be more participants that will share in the funds.

Staff Recommendation

Adopt Resolution No. authorizing the Mayor to sign the attached Third Amendment to the Mutual Aid Agreement to add Commerce City as a member of the North Metro Task Force.

Background

In 1992 a Mutual Aid Agreement establishing the North Metro Drug Task Force was ratified by the Adams County Board of County Commissioners, the City Councils of the Cities of Thornton, Northglenn, Federal Heights, Brighton, and Commerce City.

In 1996 the City Council of the City of Westminster authorized the Westminster Police Department to become a participant in this Task Force, and in 1997, Commerce City withdrew from the Task Force. Commerce City now desires to once again participate in the Task Force.

The North Metro Task Force is under the control of a Board of Directors, of which Chief Montgomery is a member. The Board meets periodically to evaluate the Task Force's progress, set policy, identify and solve problems, and plan for future trends and needs of the Task Force.

Because drug trafficking recognizes no city boundaries, enforcement efforts are much more effective with a combined agency task force approach than by each agency maintaining their own separate drug enforcement sections.

The Westminster Police Department currently has two detectives assigned to the North Metro Task Force, and two detectives assigned to the West Metro Drug Enforcement Task Force. Also, one Police Sergeant is assigned as a working supervisor to the West Metro Drug Enforcement Task Force, and serves as a liaison between the West Metro Task Force, the North Metro Task Force, and the Westminster Police Department.

This task force approach is extremely effective, and Staff recommends that City Council approve the attached Resolution and Amendment to the Intergovernmental Agreement Establishing the North Metro Drug Task Force.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Resolution and Amendment to IGA

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILORS

SERIES OF 1999

RESOLUTION AMENDING THE MUTUAL AID AGREEMENT BETWEEN THE CITIES OF THORNTON, NORTHGLENN, FEDERAL HEIGHTS, WESTMINSTER, BRIGHTON, AND THE ADAMS COUNTY SHERIFF'S DEPARTMENT (COLLECTIVELY REFERRED TO HEREIN AS THE "PARTIES") WHICH ESTABLISHES THE NORTH METRO TASK FORCE TO INCLUDE THE CITY OF COMMERCE CITY

WHEREAS, intergovernmental agreements to provide functions or services including the sharing of costs of such services or functions, by political subdivisions of the State of Colorado are specifically authorized by Section 29-1-203. C.R.S. and,

WHEREAS, the parties have entered into a mutual aid agreement dated November 14, 1991 for the establishment of the North Metro Task Force ("Agreement"); and,

WHEREAS, the City of Westminster became a party to the November 14, 1991 agreement on November 11, 1996; and,

WHEREAS, the City of Commerce City desires to join the North Metro Task Force; and,

WHEREAS, this Amendment is necessary for the health, safety and general welfare of the citizens of the Parties.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Westminster, State of Colorado, that the Amendments to the Mutual Aid Agreement between the Cities of Thornton, Northglenn, Federal Heights, Brighton, Westminster, and the Adams County Sheriff, a copy of which is attached hereto and incorporated herein by this reference, is hereby approved and the Mayor is authorized to execute said amendment.

Passed and adopted this 26th day of April, 1999

ATTEST:

Mayor

City Clerk

**THIRD AMENDMENT TO THE
MUTUAL AID AGREEMENT ESTABLISHING
THE NORTH METRO TASK FORCE**

THIS THIRD AMENDMENT to the Mutual Aid Agreement establishing the North Metro Task Force is entered into between the County of Adams, Colorado, and the following Colorado municipalities: Thornton; Northglenn; Federal Heights; Westminster; Brighton; and Commerce City (hereinafter referred to as the "Parties"), pursuant to § 29-1-203, C.R.S.

WHEREAS, on March 4, 1992, a Mutual Aid Agreement ("Agreement") establishing the North Metro Task Force ("task Force") was ratified by the Adams County Board of County Commissioners; and,

WHEREAS, in 1995, the First Amendment to the Agreement was adopted, whereby the documentation and reporting procedure under paragraphs 4(g) and (h) of the Agreement were amended; and,

WHEREAS, in January, 1997, the Second Amendment to the Agreement was adopted, whereby Commerce City withdrew as a member of the Task Force and Westminster joined the Task Force; and,

WHEREAS, it is in the best interests of the health, safety, and welfare of the citizens of the units of local governments that are members of the Task Force that Commerce City again joins and becomes a member of the Task Force.

NOW, THEREFORE, the Parties agree as follows:

1. The municipality of Commerce City agrees to abide by all of the obligations, responsibilities, and provisions set forth in the original Mutual Aid Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.
2. The Agreement is hereby amended to include Commerce City as a member of the Task Force. Each Party represents and warrants that it has the power and ability to enter into this Third Amendment, to grant the rights granted herein, and to perform the duties and obligations hereunder.
3. Except as modified by the First, Second, and Third Amendments, the terms and conditions of the Agreement shall remain in full force and effect.
4. This Third Amendment shall become effective on the date it is executed by the Adams County Board of County Commissioners.

IN WITNESS WHEREOF the parties hereto have caused their names to be affixed hereto:

Chair
Adams County Board of County Commissioners

Date: _____

WITNESS:

Approved as to form:

Deputy Clerk

Adams County Attorney's Office

Mayor:
City of Thornton

Date: _____

Mayor:
City of Northglenn

Date: _____

Mayor:
City of Federal Heights

Date: _____

Mayor:
City of Westminster

Date: _____

Mayor:
City of Brighton

Date: _____

Mayor:
City of Commerce City

Date: _____



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: Councillor's Bill No. Re 1999 Heritage Golf Course Budget Appropriation Amendments

Prepared By: Cherie Sanchez, Accountant

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 1999 Budget appropriation in the General Capital Improvement Fund and the Heritage Golf Course segment of the Golf Course Fund. These changes are housekeeping in nature.

Summary

The 1999 City Budget in the General Capital Improvement Fund includes funds for the Heritage Golf Course capital project construction budget. These funds need to be budgeted in the Heritage at Westmoor segment of the Golf Course Fund rather than in the General Capital Improvement Fund.

Staff Recommendation

Pass Councillor's Bill No. on first reading amending the appropriations of the 1999 City Budget whereby \$1,500,000 in revenues and expenditures are transferred from the General Capital Improvement Fund to the Golf Course Fund.

Background

In the 1999 budget process, \$1,500,000 in revenues and expenditures were budgeted in the General Capital Improvement Fund for the Heritage at Westmoor Golf Course capital project. City Council previously established an enterprise fund for the golf course construction and operations. Therefore, it is more appropriate to budget funds for the Heritage Golf Course construction project in the Golf Course Enterprise Fund.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. _____

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO DECREASE THE 1999 BUDGET IN THE GENERAL CAPITAL IMPROVEMENT FUND AND INCREASE THE 1999 BUDGET IN THE GOLF COURSE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby decreased by \$1,500,000 which, when added to the fund balance as of the City Council action on April 26, 1999 will equal \$12,659,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This decrease is due to a correction of the 1999 budget appropriations.

Section 2. The \$1,500,000 decrease in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	(\$ Decrease)	Final Budget
REVENUES			
Intergovernmental - Open Space Jefferson County			
75-0420-020	\$ 1,500,000	<u>(\$1,500,000)</u>	\$0
Total Change to Revenues		<u>(\$1,500,000)</u>	
EXPENSES			
Heritage Golf Course Construction			
75-50-88-555-227	\$1,800,000	<u>(\$1,500,000)</u>	\$300,000
Total Change to Expenditures		<u>(\$1,500,000)</u>	

Section 3. The 1999 appropriation for the Golf Course Fund, initially appropriated by Ordinance No. 2654 in the amount of \$2,305,785 is hereby increased by \$1,500,000 which, when added to the fund balance as of the City Council action on April 26, 1999 will equal \$3,805,785. The actual amount in the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a correction of the 1999 budget appropriations.

Section 4. The \$1,500,000 increase in the Golf Course Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
REVENUES			
Other Sources – Loan Proceeds 23-1484-000	\$0	<u>\$1,500,000</u>	\$1,500,000
Total Change to Revenues		<u>\$1,500,000</u>	
EXPENSES			
Heritage Golf Course Construction			
23-50-88-555-227	\$ 9,252,250	<u>\$1,500,000</u>	\$10,752,250
Total Change to Expenditures		<u>\$1,500,000</u>	

Section 5. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of April 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of May, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

Subject: Councillors Bill No. _____ re Vacation of ROW Adjacent to Ryan Property

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to pass Councillors Bill No. _ on first reading to accomplish the vacation of a public right-of-way in the vicinity of the Ryan property, which is located north of the intersection of US 36 and 104th Avenue.

Summary

In the 1920's, a 30-foot wide right-of-way running along a north-south section line to the north of the intersection of US 36 and 104th Avenue (see attached map) was dedicated to Jefferson County via the Mandalay Gardens subdivision plat. This right-of-way was dedicated at that time to accommodate the future construction of a public street, but the subsequent construction of US 36 and the lack of development within this general area until recent years rendered the construction of such a street needless.

Approximately 27 years ago, the Ryan family purchased a parcel of land located immediately east of the subject right-of-way. In 1996, the City acquired the Northwest Business Park property, which included the area located immediately west of the subject right-of-way.

In 1997, the City determined that it was necessary to acquire a portion of the Ryan property in order to construct a public parking lot that would serve the Westminster Promenade development. The City offered to purchase the land that was desired for the parking lot, but the Ryans made a counter-offer to trade the land that the City wanted in exchange for the southern portion of the Northwest Business Park. After some negotiations to define the exact boundaries of the parcels to be traded, the Ryans and the City reached an agreement on this proposal.

As a result of the land trade, the majority of the subject right-of-way is now surrounded by holdings of the Ryan family. One condition of the Real Estate Exchange Agreement that formalized the land trade between the City and the Ryans included a commitment by the City to annex the subject right-of-way and vacate it. Prior to entering into this agreement, City Staff reviewed the traffic circulation plan for the entire area and determined that there would be no need to retain the old right-of-way. By State law, the ownership of a vacated right-of-way reverts to the adjacent property owners. In this instance, the Ryans will assume the ownership of approximately 0.31 acres of the old right-of-way that is surrounded by land that they now own, and the City will gain ownership of the remainder of the old right-of-way located between the Ryan parcel and US 36.

By City code, rights-of-way must be vacated by an Ordinance of the City Council. The attached Councillors Bill will accomplish this vacation.

Staff Recommendation

Pass Councillors Bill No. _____ on first reading to accomplish the vacation of an unnecessary public right-of-way located to the north of the intersection of US 36 and 104th Avenue.

Background

The Ryan family has advised City Staff that they are currently involved in negotiations regarding the possible sale of the entire 11.32-acre tract (including the land covered by the subject right-of-way) that they own. At such time that a developer of this property begins to prepare detailed development plans for the site, City Staff will ensure that appropriate public access is accommodated by the provision of all necessary rights-of-way and/or public access easements. Any new rights-of-way or easements will be dedicated with a subdivision plat of the parcel.

According to City code, City Staff is to receive input from adjoining or nearby property owners as may be deemed necessary to formulate a recommendation to Council. In this case, the Ryans and the City of Westminster are the adjoining or nearby property owners. Naturally, both of these parties are in favor of the proposed vacation.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1999

COUNCILLOR'S BILL NO. _____
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY WITHIN MANDALAY GARDENS, TRACT 46 AND TRACT 45.

WHEREAS, a certain right-of-way was dedicated to Jefferson County by the plat of Mandalay Gardens, recorded with the County at Reception No. 194693; and

WHEREAS, land including this right-of-way was annexed into the City of Westminster by Ordinance No. 2605, Councillor's Bill No. 32A, Series of 1998, passed and enacted on second reading on August 24, 1998; and

WHEREAS, the right-of-way is no longer needed to serve the public access purpose for which it was originally intended; and

WHEREAS, the vacation of the right-of-way is necessary to fulfill the terms of a previous Real Estate Exchange Agreement between the City of Westminster and Donald James Ryan, Donald D. Ryan, Trustee and Mary Irene Ryan, Trustee, entered into on July 28, 1997 and recorded with Jefferson County at Reception No. F0460651.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds and determines that the public convenience and welfare require the vacation of the right-of-way described in Section 2 hereof.

Section 2. (Legal Description of Right-of-Way)

A parcel of land being a portion of a 30.00 foot wide right-of-way as dedicated by Mandalay Gardens plat, recorded at Reception No. 194693 located in the southeast quarter of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado, being more particularly described as follows:

Commencing at the northeast corner of the southeast one-quarter of said Section 11;

Thence S89°40'24"W, a distance of 658.42 feet to the northwest corner of Tract 45 as shown on Mandalay Gardens Plat recorded at Reception No. 194693 and the True Point of Beginning;

Thence departing north line of the southeast quarter of said Section 11 and along the west line of said Tract 45 S00°24'01"W, a distance of 440.30 feet;

Thence departing said west line S74°51'00"W, a distance of 31.30 feet to a point on the east line of Tract 46 as shown on said Mandalay Gardens Plat;

Thence along said east line of Tract 46 N00°24'02"E, a distance of 448.83 feet to a point on the north line of the southeast one-quarter of said Section 11;

Thence departing said east line and along said north line of the southwest one-quarter of said Section 11 N89°40'24"E, a distance of 30.00 feet to the True Point of Beginning.

Said parcel contains 0.31 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of April, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 1999.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: PR&L Office Renovation
Prepared by: Bill Walenczak, Director of Parks Recreation and Libraries

Introduction

City Council action is requested to authorize the purchase of Haworth modular office furniture and wall systems in the amount of \$44,000 from Facilitek Office Furniture Systems, with a 10% contingency of \$4,000. This expense is intended to be funded with Parks, Recreation and Libraries Department operating carryover funds from 1998 that are to be acted on by City Council in May.

Summary

The carpet for the Parks, Recreation & Libraries Department is due to be replaced the beginning of next month. Renovating the Parks, Recreation & Libraries office arrangement makes sense to accomplish at this time since only one disruption would be required for break down and reassembling of the cubicle offices. Facilitek is the office furniture supplier and installer for City Hall's Hayworth office furniture system. Parks, Recreation & Libraries Administration Staff have outgrown their existing office furniture arrangement. City Staff and Facilitek have been working over the past several months to develop a floor plan to accommodate the current employee staffing level, and future growth and seasonal variances. This renovation provides three additional work spaces, an updated reception area, re-fabricating of all the aging cubical panels, data wiring, and electrical service. The furniture to be purchased is from the Haworth Co, which is the standard furniture used in City Hall for the past ten years. It has proved to be reliable, flexible and durable.

Alternative

City Council could reject the proposal to renovate the Parks, Recreation & Libraries Department at this time. However, staff levels have outgrown the present configuration and since the carpet is already scheduled to be replaced, reconfiguration at this time would lessen the disruption in the office.

Staff Recommendation

Waive City Charter bidding requirements, authorize the purchase of Haworth furniture in the amount of \$44,000 from Facilitek Office Furniture Systems plus a contingency of \$4,000 based on a finding that the purchase with Facilitek Office Furniture Systems will best serve the public interest.

Background Information

The office space plan reallocation for the Parks, Recreation & Libraries City Hall Staff is sorely needed and part of the Citywide effort to more efficiently utilize space at City Hall. Each City department has or is in the process of renovating their areas.

City Staff have assessed various floor plan alternatives with the assistance of the design staff at Facilitek to determine the most efficient use of space within the Department. After the floor plan was decided upon, an inventory of existing workstations was made to determine what new Haworth products would need to be purchased.

The anticipated costs of \$48,000 for Haworth products, include panels, worksurfaces, overhead storage, file drawers, shelves, and installation during business hours. Funds are available in 1998 carryover funds for the department for this expense.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Boards and Commissions Pool
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to establish a deadline to solicit applications from Westminster residents for the next cycle of the Boards and Commissions "Pool".

Summary

In November, 1998, City Council requested applications from residents interested in serving on the various City Boards and Commissions where vacancies may occur during the year, with 9 citizens applying for the pool. Currently the pool has only 5 citizens, and City Council has directed Staff to solicit for more citizens to be included within the pool.

After the deadline to receive applications has passed, City Council would then need to interview each individual.

Staff would suggest that the deadline of June 4 be established, with interviews being scheduled in June or July.

Staff Recommendation

Establish the deadline of June 4, 1999 to receive applications from citizens interested in the next cycle of the Boards and Commissions "Pool" and advertise this opportunity to become involved in the Westminster City government.

Background Information

Once a deadline has been established, a press release for the various newspapers will be prepared with a brief description of each of the Board's responsibilities. A copy of the press release will be sent to all the homeowner associations within the City and to Neighborly News, which distributes information within 32 subdivisions within the City. This information and the application form will also be available on the Internet and this information will also appear in the May issue of "City Edition". In addition, all of the Council applicants, not currently serving on a Board or Commission will be contacted.

This recruitment will also include information about the Mayor's Youth Commission which is in the process of being created.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999

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Subject: Councillor's Bill No. re Hunting, Fishing and Wildlife Regulations

Prepared by: Mark Reddinger, Standley Lake Coordinator

Introduction

City Council action is requested to adopt the attached Councillor's Bill on second reading as amended. This ordinance amends the General Parks and Community Building Regulations to include fishing, hunting, and wildlife regulations to be enforced by authorized City Staff. Subsection 13-1-6 (D) is being amended to designate the violation of any section as a criminal offense, so that arrests may be made if necessary, rather than limiting enforcement to issuing a summons.

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Summary

This ordinance will adopt several of the State wildlife and boating regulations into the City's Municipal Codes, allowing Standley Lake Park Rangers and other authorized personnel to issue summonses based on boating and safety violations and wildlife resource protection issues. Adopting this ordinance will give the Park Rangers at Standley Lake the authority to enforce the State boating statutes, and several of the State wildlife regulations, the violation of which has become an increasing problem at Standley Lake Regional Park. The positive aspect of adopting this ordinance is expanding Westminster's authority in public safety and wildlife resource protection at Standley Lake and other open space sites, and the money generated by these fines would remain with the City. There would be no increase in costs to enforce these regulations since Staff is already on-site to deal with these issues.

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The amendment on second reading has been suggested by the Police Department. Although arrests are not anticipated on a regular basis, the authority to arrest may be needed, such as an out-of-state violator, who may indicate he will not appear, or an uncooperative violator who refuses even to give his name so that a summons can be issued.

Alternative

Council could reject this proposal, and enforcement of boating safety and wildlife protection statutes would remain solely with the State.

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Staff Recommendation

Pass Councillor's Bill No. on second reading as amended regarding the Title 13, Chapter 1, to include fishing, hunting, and wildlife regulations to enable authorized City Staff to issue summonses for violations of said regulations.

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Background Information

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There has been a documented increase in boating safety violations at Standley Lake, such as skiing without an observer and failure to have personal flotation devices (PFDs) on board. Violations such as these relate directly to an increase in deaths statewide at water-based recreation areas. This is clearly a public safety issue and a concern in managing Standley Lake.

There has also been an increase in violations of Division of Wildlife regulations, such as illegal fishing and the number of fish over the legal limit. Already this year, Standley Lake Staff has had several contacts at City Park Pond and Standley Lake concerning these violations, and has been unable to write the necessary code summons. If these violations were to continue without some control, it could eventually impact and deplete wildlife resources.

The proposed ordinance would increase the authority of the City's Rangers, Staff, and other authorized personnel to enforce boating safety and wildlife resource protection regulations. The City would no longer have to wait for several hours for assistance from State Wildlife and Parks personnel, which would increase the effectiveness of authorized City Staff and present a more professional public image. Public safety and wildlife resource protection would be enhanced, and the City would be more consistent with enforcement strategies employed by other agencies with similar facilities. In addition, the fine money generated by these violations will stay with the City instead of going to the State agency involved in the regulations and there would be no increase in costs to enforce these regulations.

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Hunting, Fishing and Wildlife
Regulations¶
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Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE PROVIDING FOR ENFORCEMENT OF COLORADO BOATING REGULATIONS AND COLORADO DIVISION OF WILDLIFE RULES AND REGULATIONS

Whereas, Section 8.6 of the Westminster City Charter, Section 1-1-4 of the Westminster Municipal Code, and Section 31-16-202 of the Colorado Revised Statutes authorize City Council to adopt by reference any statutes or regulations promulgated by state statute and state agencies; and

Whereas, City Council hereby determines that it is necessary to protect the health, safety and welfare of the citizens of the City to exempt this ordinance from the provisions of Section 31-16-202 C.R.S., specifically Subsections 203, 204, and 205 thereof, as such subsections are duplicative or in conflict with the requirements of City Charter and City Code for the enactment of City ordinances.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The following are Section 13-1-6 is hereby created entitled FISHING, HUNTING, WILDLIFE AND BOATING REGULATIONS.

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Subsection 13-1-6(A) Statues and Regulations of the Westminster Municipal Code, is hereby adopted by this reference:

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1. Article 13 (Vessels) of Title 33 (Wildlife and Parks and Outdoor Recreation) of the Colorado Revised Statutes;

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2. The Rules and Regulations promulgated by the state of Colorado pursuant to Section 33-1-106, C.R.S., regulating the taking, possession and use of wildlife and fish; and

3. The Rules and Regulations promulgated by the state of Colorado pursuant to Section 33-1-106, C.R.S., regulating the use, operation, and equipment of vessels.

Section 2. Chapter 1 of Title 13, W.M.C., is hereby amended by the addition of the following Sections:

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13-1-6(B): Fishing Hunting, Wildlife Regulations: It shall be unlawful for any person to fail to comply with the following:

1. Any person sixteen years of age or over who fishes for or takes fish, amphibians, mollusks, or crustaceans shall have a proper and valid fishing license, issued by the state of Colorado, on his or her person. Persons under sixteen years of age are not required to have a fishing license but shall be entitled to only one-half the bag or possession limit set by the State.

2. Any person, regardless of age, who hunts or takes wildlife shall procure a proper and valid license therefor, issued by the state of Colorado, and shall have the valid license on his or her person when exercising the benefits it confers.
3. No person shall alter, transfer, sell, loan, or assign his or her own or another person's lawfully acquired license to another person.
4. No person shall hunt, take, or have in such person's possession any wildlife that is the property of the state as provided in Section 33-1-101, C.R.S., except as permitted by statutes or Rule and Regulation.
5. No person shall hunt or take any wildlife or fish outside the season establish by or in an area closed by Rule or Regulation.
6. No person shall fail to immediately dress or care for and provide for human consumption the edible portions of any game wildlife, including fish.
7. Colorado Rules and Regulation for the taking, possession or use of wildlife or fish.

13-1-6(C): Regulation of the Use, Operation, and Equipment of Vessels. It shall be unlawful for any person to fail to comply with the following:

1. Colorado Rules and Regulations for the use, operation, and equipment of vessels.
2. Colorado statutes regulating the use, operation, and equipment of vessels.

~~13-1-6(D) PENALTIES. ANY VIOLATION OF THIS SECTION IS A CRIMINAL OFFENSE, PUNISHABLE BY A FINE OF NO LESS THAN FIFTY DOLLARS (\$50) OR IMPRISONMENT, OR BOTH, AS PROVIDED IN SECTION 1-8-1 OF THIS CODE. VIOLATION OF ANY PROVISION SHALL BE A SEPARATE VIOLATION AND EACH DAY OF A CONTINUING VIOLATION SHALL BE A SEPARATE OFFENSE.~~

Deleted: 13-1-6(D): Penalties. Upon conviction, a violation of any provision of this Section 13-1-6 shall be punished by a fine of no less than Fifty Dollars (\$50.00). Each provision and each day shall be a separate violation.¶

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 12th day of April, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of April, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 26, 1999
Subject: Financial Report for March 1999
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1999 transactions through March 1999.

Summary

There are three sections to the attached report:

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

General Fund revenues represent 25% of the total budget estimate while General Fund expenditures and encumbrances represent 25% of the 1999 appropriation.

Utility Fund revenues represent 26% of the total budget estimate. Utility fund expenditures and encumbrances represent 23% of the 1999 appropriation.

The Sales and Use Tax Fund revenues represent 28% of the total budget estimate, while expenditures and encumbrances in that fund represent 25% of the 1999 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 22% from the same period last year and increased 12% year-to-date.

The Open Space Fund revenues represent 27% of the total budget estimate while expenditures and encumbrances in that fund represent 19% of the 1999 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 10% of the total budget estimate while operating expenditures and encumbrances represent 20% of the 1999 appropriation. The Heritage reflects the \$1,500,000 loan from Jefferson County. There are no operating expenses for the Heritage as all expenses being incurred by the Fund are related to the construction of the golf course.

Theoretically, 25% of revenues and expenditures should be realized after three months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, April 26, 1999.

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Hicks and Smith. Absent none.

The minutes of the meetings of April 12 and April 19, 1999 were approved with no additions or corrections.

The Mayor and Council presented proclamations to Adams County School Districts No. 12 and No. 50 representatives proclaiming May 4, 1999 as Teacher Appreciation Day; proclaimed the week of May 2-8, 1999 as National Drinking Water Week; and presented a proclamation to Lysle Dirrim in recognition for his 40 years of cooperation to the City as General Counsel to the Farmers Highline Canal and Reservoir Company.

The Mayor presented checks to employees in recognition of their 25 years of service to the City.

Council approved the following: Bids for 1999 Traffic Signal Projects; Bid and Lease Purchase of Golf Course Maintenance Equipment; Bids for Lease/Purchase Financing of 33 passenger bus; Utica Street reconstruction; Big Dry Creek Trail Wadsworth Boulevard Underpass Consultant Services; 92nd Avenue Project Change Order for Westminster Mall Circulation Road; Sale of Northwest Business Park; Special Legal Counsel for Catellus Project at Northwest Business Park; Purchase of Open Space along Big Dry Creek; PR&L Office renovation and set deadline of June 11, 1999 to receive applications for the Boards and Commissions Pool.

The following Councillor's Bills were introduced and passed on first reading:

A BILL FOR AN ORDINANCE ESTABLISHING RECOVERIES DUE THE CITY FOR COSTS INCURRED ON THE 128TH AVENUE AND HURON STREET INTERSECTION IMPROVEMENTS PROJECT. Purpose: Establish compensation due the City for portion of costs incurred.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH LUCENT TECHNOLOGIES. Purpose: Agreement for construction of the research and development facility.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO DECREASE THE 1999 BUDGET IN THE GENERAL CAPITAL IMPROVEMENT FUND AND INCREASE THE 1999 BUDGET IN THE GOLF COURSE FUND. Purpose: Transfer golf course appropriation to Golf Course Enterprise Fund.

A BILL FOR AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY WITHIN MANDALAY GARDENS, TRACT 46 AND TRACT 45. Purpose: Vacate unnecessary public right-of-way.

The following Councillor's Bills were passed and adopted on second reading:

A BILL FOR AN ORDINANCE ESTABLISHING RECOVERIES DUE THE CITY FOR COSTS INCURRED ON THE WESTMINSTER BOULEVARD PROJECT.

A BILL FOR AN ORDINANCE PROVIDING FOR ENFORCEMENT OF COLORADO BOATING REGULATIONS AND COLORADO DIVISION OF WILDLIFE RULES AND REGULATIONS as amended.

The following Resolutions were adopted:

Resolution No. 26 – Adoption of Standards for Design and Construction.

Resolution No. 28 – North Metro Drug Task Force Mutual Aid Agreement.

At 8:27 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window May 6, 1999.