



CITY COUNCIL AGENDA

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 (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
7. Citizen Communication (5 minutes or less)

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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. Asphalt and Crackseal Materials Contract
 - B. 2010 General Motors Light and Medium Duty Truck Purchase
 - C. 120th Avenue & Zuni Street Traffic Signal Construction Contract
 - D. Second Reading of Councillor's Bill No. 4 re Economic Development Assistance Agreement with Scottrade, Inc.
 - E. Second Reading of Councillor's Bill No. 5 re Open Space Acquisition Grants Supplemental Appropriation
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Allocation of Funds as an Irrevocable Pledge for the Shoenberg Farm Barn Rehabilitation Loan into a Reserve Account
 - B. Colorado Historical Foundation Revolving Loan for Shoenberg Farm Barn Rehabilitation Project
 - C. Councillor's Bill No. 6 re Shoenberg Farm Barn Rehabilitation Loan Supplemental Appropriation
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JANUARY 25, 2010 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, staff and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, and Scott Major, were present at roll call. Councillor Faith Winter joined the meeting in progress at 7:08 p.m. Councillor Mary Lindsey was absent. J. Brent McFall, City Manager, Marty McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Briggs moved, seconded by Kaiser, to approve the minutes of the regular meeting of January 11, 2010, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall announced that following this meeting, City Council would convene a meeting of the Westminster Economic Development Authority Board of Directors. At the conclusion of that meeting, Council would meet in executive session to consult with the City Attorney concerning potential litigation pursuant to Westminster Municipal Code Sections 1-11-7(C)(3) and (8) and Colorado Revised Statute §24-6-402(4)(b) and (e); and to discuss strategy and progress on potential sale, acquisition, trade or exchange of certain water rights and the City's position relative thereto, pursuant to Westminster Municipal Code Sections 1-11-3(C)(2) and (C)(7), and Colorado Revised Statute §24-6-402(4)(a) and (4)(e).

CITY COUNCIL COMMENTS

Councillor Briggs congratulated Mayor McNally's team for outstanding bowling in the annual Youth Advisory Panel/City Council bowling tournament. Everyone had a fun-filled evening.

CITIZEN COMMUNICATION

Shirley Perrault, 7841 Raleigh Street, requested that Council reconsider amending the Westminster Municipal Code to allow backyard chickens, noting they would not pose a health hazard or create noise in residential neighborhoods. Backyard chickens did not require roosters to lay eggs, and more and more people in the community were becoming interested in having them.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the December 2009 Financial Report; accept the 4th quarter 2009 Insurance Claims Report; authorize the purchase of rock salt from the two low-quote vendors, Independent Salt Company and Envirotech Services, Inc., in an amount not to exceed \$324,000; based on the City Manager's recommendation, find that the public interest would be best served by a negotiated contract with a single vendor, BoundTree Medical, for the purchase of disposable medical supplies and authorize the Fire Department to purchase, as needed, disposable medical supplies from BoundTree Medical during calendar years 2010 and 2011, subject to 2011 Budget appropriations, in an amount not to exceed \$108,000 per year; based on the results of the Colorado State Bid, award the bid for four Toyota Prius hybrids totaling \$89,048 to Go Toyota; award the bids for the purchase of Ferric Chloride to PVS Technologies in an amount not to exceed \$319,000, the purchase of 12.5% Sodium Hypochlorite to DPC Industries in an amount not to exceed \$154,500, the purchase of Polymer to Polydyne Inc. in an amount not to exceed \$52,820, and based on the City Manager's report and recommendation, determine that the public interest would be best served by awarding Lime to Mississippi

Lime Company in an amount not to exceed \$85,760, and 25% of the annual usage of Sodium Hypochlorite to Treatment Technologies in an amount not to exceed \$40,500; award the bid for 12 Police Department patrol vehicles to Spradley Barr Ford in the amount of \$275,472.72; based on the City Manager's recommendation, determine that the public interest would be best served by awarding a contract to Baker and Taylor for the purchase of library books in an amount not to exceed \$150,000 in 2010; authorize payment of \$83,991.28 to Table Mountain Animal Center for the City's 2010 assessment for animal shelter services; authorize the City Manager to execute a contract with Professional and Recreational Officials of Sports, Inc. for officiating and related services in an amount not to exceed \$85,000 annually; authorize the City Manager to execute a contract with Brannan Construction Company in the amount of \$215,570 for construction services related to the 75th Avenue waterline and authorize a 10% construction contingency in the amount of \$21,557 for a total construction budget of \$237,127; authorize the City Manager to execute a contract for 2010 with options for two additional one-year renewals (2011 and 2012) for concrete replacement to the low bidder, Keene Concrete, Inc., in the amount of \$1,396,908 and authorize a contingency of \$106,165 for a total project budget of \$1,503,073; authorize the Department of Community Development to pursue two grants with Adams County Open Space during the 2010 spring cycle for the acquisition of Lot 11 at Park Centre located at 122nd Avenue and Park Centre Drive for open space, and for the implementation of the master plan for Metzger Farm located at the northwest corner of 120th Avenue and Federal Parkway; authorize the transfer of \$7,629,154 to the Westminster Economic Development Authority fund from the General Capital Improvement Fund for the City's participation in the Westminster Center Urban Reinvestment Plan project; final passage of Councillor's Bill No. 1 on second reading making revisions to the Westminster Municipal Code regarding uses by Special Permit and various conforming changes to procedures, definitions, use categories, special regulations and enforcement; final passage of Councillor's Bill No. 2 on second reading authorizing a supplemental appropriation of \$137,723 from 2008 Adams County Transportation Tax carryover funds into the capital project account for the 80th Avenue/Federal Boulevard project account; and final passage of Councillors Bill No. 3 on second reading establishing recovery payments owed to the City for costs incurred in constructing improvements to 112th Avenue, Federal Boulevard to Huron Street.

No requests were made to remove any items from the consent agenda for discussion purposes or separate vote. It was moved by Mayor Pro Tem Dittman and seconded by Councillor Major to approve the consent agenda as presented. The motion carried unanimously.

2010 APPOINTMENTS TO ROCKY FLATS STEWARDSHIP COUNCIL

Councillor Major moved, seconded by Mayor Pro Tem Dittman, to reappoint City Councillor Bob Briggs as the City's representative to the Rocky Flats Stewardship Council and Special Projects Coordinator Ron Hellbusch as alternate representative. The motion passed unanimously.

RESOLUTION NO. 4 ALLOCATING HOME FUNDING FOR PANORAMA POINTE SENIOR HOUSING

It was moved by Councillor Briggs and seconded by Mayor Pro Tem Dittman to adopt Resolution 4 allocating \$400,000 of the City's Federal HOME funds towards construction of the Panorama Pointe Senior Apartments. At roll call, the motion passed unanimously.

Clerk's Note: Councillor Winter entered the Council Chambers and joined the meeting in progress.

COUNCILLOR'S BILL NO. 4 RE SCOTTRADE, INC. ECONOMIC DEVELOPMENT ASSISTANCE

Councillor Major moved to pass Councillor's Bill No. 4 on first reading authorizing the City Manager to execute and implement an Economic Development Agreement for Scottrade, Inc. The motion was seconded by Councillor Kaiser and passed unanimously at roll call.

COUNCILLOR'S BILL NO. 5 RE SUPPLEMENTAL APPROPRIATION OF GRANTS TO BUY OPEN SPACE

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Kaiser, the Council voted unanimously on roll call vote to pass Councillor's Bill No. 5 on first reading appropriating funds received from Adams County in the amounts of \$550,000 and \$1,085,000 for the Savory Farms and Hawn-Hewit acquisitions for open space.

ADJOURNMENT

There being no further business to come before the Council, it was moved by Councillor Major, seconded by Kaiser, to adjourn. The motion passed unanimously, and the meeting adjourned at 7:11 p.m.

ATTEST:

City Clerk

Mayor



Agenda Item 8 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 8, 2010



SUBJECT: Asphalt and Crackseal Materials Contract

Prepared By: Ray Porter, Street Operations Manager

Recommended City Council Action

Award the bid for purchase of asphalt materials to Asphalt Specialties Company, and for the purchase of crackseal materials to Deery American Corporation at the unit prices indicated on the bid tabulation on an as-needed basis in an amount not to exceed \$500,000 for asphalt and \$60,000 for crackseal materials.

Summary Statement

- City Council approved funds in the 2010 Street Operations budget to purchase hot mix asphalt and crackseal materials.
- Hot mix asphalt material is used for all types of street maintenance repairs including; pothole patching, surface replacement, trench patching after water main replacements and preparation of streets earmarked for 2010 and 2011 improvements.
- Rubberized cracksealing material is used to seal moisture from asphalt pavements citywide.
- City Crews will need an estimated 14,000 tons of hot mix asphalt material, and 139,500 lbs. of rubberized crackseal material to be purchased on an as-needed basis throughout 2010.
- 2010 bids were solicited through MAPO (Multiple Assembly of Procurement Officials) with Asphalt Specialties and Deery American being the low bidders for asphalt and crackseal materials respectively.

Expenditure Required: \$560,000

Source of Funds: General Fund – 2010 Street Division Operating Account

Policy Issue

Should the City accept the 2010 MAPO bid for asphalt materials from Asphalt Specialties Company and Deery American Corporation for crackseal materials?

Alternative

City Council could choose to execute a bid for just the City of Westminster’s materials requirements, rather than join the MAPO bid. This alternative is not recommended because the smaller quantities would increase the costs.

Background Information

The results of the 2010 MAPO bidding were as follows:

2010 MAPO Hot Mix Asphalt Bids

	Asphalt Specialties Company	Premier Paving	Aggregate Industries	Colorado Asphalt Specialties
Grading “SX” ½” material per ton	\$35.25	\$36.25	\$45.36	\$47.00

Asphalt Specialties Company is the 2010 low bidder for hot mix asphalt material and staff has confirmed that they will guarantee 2010 pricing through the 1st quarter 2010. The MAPO bid allows for quarterly price adjustments pending substantial and agreed upon justification. The plant is fully automated and the mix design meets City specifications. Street Operations Division Staff successfully purchased hot mix asphalt material during 2009 from this plant.

2010 MAPO Rubberized Crackseal Material Bid

	Deery American Corporation	Denver Industrial	Maxwell Products
Cost per pound – delivered	\$0.43	\$0.485	\$0.52

Deery American Corporation is the 2010 MAPO low bidder for crackseal material. City street maintenance crews have utilized this crackseal material successfully over the past ten years on roadways throughout the city.

The 2010 asphalt materials bid reflects a 2.5% increase over the 2009 4th quarter price. The 2010 crackseal materials bid reflects no increase. The asphalt materials increase can be attributed to the volatile oil market. City Staff surveyed other metro area entities who have secured 2010 bids or negotiated costs and prices for asphalt increased from 5% to 10%, while crackseal material prices increased between 1% and 5%.

Purchasing these materials through the MAPO bid process helps achieve City Council’s goals of “Financially Sound City Government” and “Vibrant Neighborhoods and Commercial Areas” by meeting the following objectives:

- Well maintained City infrastructure and facilities
- Maintained and improved neighborhood infrastructure

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 8, 2010



SUBJECT: 2010 General Motors Light and Medium Duty Truck Purchase

Prepared By: Jeffery H. Bowman, Fleet Manager

Recommended City Council Action

Award the bid for seven GMC light and medium duty trucks for \$178,766 to Transwest GMC, the firm submitting the lowest bids for all three vehicle classes.

Summary Statement

- City Council action is requested to award seven light and medium duty truck purchases based on the City of Westminster bids for these vehicles. Five trucks will be for the Parks Division Maintenance, one for Public Works and Utilities, Streets Division, and one for Public Works and Utilities, Water Construction.
- The City solicited bids for General Motors vehicles in addition to the Colorado State Bid, in those cases where the State awarded vehicles other than General Motors.
- The seven General Motors vendors solicited in the City bid process were: Dellenbach Chevrolet, Emich Chevrolet, Mike Shaw Chevrolet, Century Chevrolet, Go Chevrolet and Transwest GMC and Johnson Auto Plaza GMC.
- All vehicles recommended for purchase have been previously approved and are within the amount authorized by City Council in the 2009 Budget.

Expenditure Required: \$ 178,766

Source of Funds: General Capital Outlay Replacement Fund - \$154,741
Utility Fund - \$24,025

Policy Issue

Should the City approve the use of the City of Westminster Bids for purchase of the trucks outlined in this agenda memorandum?

Alternatives

1. Reject the City of Westminster bids and instruct City Staff to re-bid vehicles. This is not recommended because where vehicle classes were not awarded to a General Motors vendor on the State Bid, the City solicited front-range General Motors dealerships.
2. Do not purchase some or all of the proposed replacement vehicles in 2009. This is not recommended because all of these vehicles have a maintenance history that makes it impractical to keep them in regular service, based on Fleet Maintenance recommendations.

Background Information

As part of the 2010 Budget, City Council approved the purchase of these seven light and medium duty trucks in 2008. The light duty vehicles to be replaced are outlined in the chart below. The maintenance costs do not include accident repairs or fuel costs. These vehicles are used to transport crews, tools and material to job sites around the City. These vehicles have reached a point where it is no longer economically reasonable to maintain them in service. Information regarding each old vehicle being replaced and the replacement recommendation is as follows:

DEPARTMENT	OLD UNIT #	YEAR	OLD MAKE/MODEL	MILES	MAINTENANCE COSTS (LTD)	NEW MAKE/MODEL	PRICE	AWARD
Parks & Recreation	7038	1997	GMC ¾ Ton PU 2X4	84,220	\$16,658	¾ Ton 2X4 PU	\$21,209	Transwest GMC
Parks & Recreation	7039	1997	GMC ¾ Ton PU 2X4	96,371	\$20,498	¾ Ton 2X4 PU	\$21,209	Transwest GMC
Parks & Recreation	7064	1998	GMC ¾ Ton PU 2X4	102,096	\$13,654	¾ Ton 4X4 PU	\$21,209	Transwest GMC
Parks & Recreation	7721	1998	GMC ¾ Ton PU 4X4	114,931	\$22,441	¾ Ton 4X4 PU	\$24,025	Transwest GMC
Parks & Recreation	7066	1998	GMC ¾ Ton PU 4X4	77,433	\$14,554	¾ Ton 4X4 PU	\$24,025	Transwest GMC
PW&U Streets	6203	1995	GMC ¾ Ton PU 4X4	93,307	\$17,817	¾ Ton 4X4 PU	\$24,025	Transwest GMC
PW&U Water Construction	9797	1992	GMC 1 Ton PU 2X4	33,933	\$19,898	2 ½ Ton 2X4 CC	\$43,064	Transwest GMC

The City operates a standardized GM fleet of light duty vehicles whenever practical. This saves on parts inventory and personnel training. The Colorado State Bid does not always award vehicles to General Motors. In cases where General Motors was not selected by the State of Colorado, Westminster held a separate bid for light duty vehicles between seven front-range dealerships. The following are the bid tabulations for the GMC 2500 pickup trucks and C5500 Cab/Chassis:

Three (3 ea.) 9200 GVW ¾ Ton 2X4 PU

Contractor Name	Mike Shaw Chevrolet	Transwest GMC	Emich Chev.	Johnson Autoplaza GM	Dellenbach Chev.	Century Chev.	Go Chev.
Price w/ Discounts	\$21,329	\$21,209	\$22,328	\$21,780	\$21,535	No Bid	No Bid
Warranty	3/36 – 6/100	3/36 – 6/100	3/36 – 6/100	3/36 – 6/100	3/36 – 6/100	No Bid	No Bid
Delivery Time	Approximately 60 days	90 days	60 – 75 days	60 – 90 days	45 – 75 days	No Bid	No Bid
Brake Controller	Included	Included	Included	Included	Included	No Bid	No Bid
Limited Slip Diff.	Included	Included	Included	Included	Included	No Bid	No Bid
Factory Tow Pack.	Included	Included	Included	Included	Included	No Bid	No Bid
Total Cost to COW	\$21,329	\$21,209	\$21,546	\$21,780	\$21,535	No Bid	No Bid

Three (3 ea.) 9200 GVW ¾ Ton 4X4 PU

Contractor Name	Mike Shaw Chevrolet	Transwest GMC	Emich Chev.	Johnson Autoplaza GM	Dellenbach Chev.	Century Chev.	Go Chev.
Price w/ Discounts	\$23,347	\$23,625	\$27,253	\$24,389	\$23,890	No Bid	No Bid
Warranty	3/36 – 6/100	3/36 – 6/100	3/36 – 6/100	3/36 – 6/100	3/36 – 6/100	No Bid	No Bid
Delivery Time	Aprox. 60 days	90 days	60 – 75 days	60 – 90 days	45 – 75 days	No Bid	No Bid
Snow Plow Prep.	\$280	Incl.	Incl.	Incl.	Incl.	No Bid	No Bid
Brake Controller	Incl.	Incl.	Incl.	Incl.	Incl.	No Bid	No Bid
Limited Slip Diff.	Incl.	Incl.	Incl.	Incl.	Incl.	No Bid	No Bid
Factory Tow Pack.	\$703	\$400	Incl.	Incl.	\$780	No Bid	No Bid
Total Cost to COW	\$24,330	\$24,025	\$24,204	\$24,389	\$24,670	No Bid	No Bid

One (1 ea.) 19,500 GVW 2 ½ Ton Cab Chassis *

Contractor Name	Mike Shaw Chevrolet	Transwest GMC	Emich Chev.	Johnson Autoplaza GM	Dellenbach Chev.	Century Chev.	Go Chev.
Price w/ Discounts	No Bid	\$43,064	No Bid	No Bid	No Bid	No Bid	No Bid
Warranty	No Bid	2/Unlimited – 6/100	No Bid	No Bid	No Bid	No Bid	No Bid
Delivery Time	No Bid	90 days	No Bid	No Bid	No Bid	No Bid	No Bid
Brake Controller	No Bid	Included	No Bid	No Bid	No Bid	No Bid	No Bid
Limited Slip Diff.	No Bid	Included	No Bid	No Bid	No Bid	No Bid	No Bid
Factory Tow Pack.	No Bid	Included	No Bid	No Bid	No Bid	No Bid	No Bid
Total Cost to COW	No Bid	\$43,064	No Bid	No Bid	No Bid	No Bid	No Bid

*Transwest is the only dealer carrying this particular model of truck.

The total cost of these purchases is within the amount that City Council previously approved for these nine vehicles. This project meets Council’s Strategic Plan goals of Safe and Secure Community, Financially Sustainable City Government and Beautiful City by maintaining a cost effective, dependable fleet of vehicles.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 8, 2010



SUBJECT: 120th Avenue & Zuni Street Traffic Signal Construction Contract

Prepared By: Greg Olson, Transportation Systems Coordinator

Recommended City Council Action

Award the bid and authorize the City Manager to execute a contract with DKS Enterprises, Inc. in the amount of \$218,054 for the installation of a traffic signal at 120th Avenue and Zuni Street; and authorize a 15% contingency of \$32,709.

Summary Statement

- With the pending opening of the new Cornerstone Christian Academy, to be located within the existing Arabian Horse Registry building at the northeast corner of the intersection of 120th Avenue and Zuni Street, the intersection will meet warrants established by the City and the Colorado Department of Transportation (CDOT) for the installation of a traffic signal.
- CDOT representatives have approved the installation of the traffic signal, but the intersection ranks in the lower half of the Department’s traffic signal priority list. Therefore, State funding for the installation would not be available until 2020 or later.
- In accordance with terms of the Municipal Code, the developer of the property located at the northwest corner of the intersection previously paid to the City an approximate 25% share of the cost of the installation. The developer of the new Cornerstone Christian Academy has also agreed to pay to the City his 25% share of the construction costs. That payment has not yet been received, but it is anticipated that it will be made within the next week.
- Sufficient funds exist within the New Traffic Signals Capital Improvement Project (CIP) to pay for the City’s 50% share (i.e. the southeast and the southwest corners of the intersection) of the expense. Furthermore, adequate funds would be available in this same CIP to cover the Cornerstone Christian Academy portion of the cost of the signal until such time that payment is received from this developer. Due to the favorable bid that was received from DKS Enterprises, Inc. for the installation of the traffic signal, it is recommended that Council award the bid at this time. Staff will approach Council with a request for the supplemental appropriation of the Cornerstone Christian Academy share of the funding into the New Traffic Signals CIP with a future quarterly supplemental appropriation.

Expenditure Required: \$250,763

Source of Funds: General Capital Improvement Fund
- New Traffic Signals Capital Improvement Project

Policy Issue

Should the City proceed with the construction of a new traffic signal at the intersection of 120th Avenue and Zuni Street at this time, which will require the City to front the share of the total cost that is owed by the developer of the Cornerstone Christian Academy?

Alternatives

One alternative is to delay the award of a construction bid until the payment from Cornerstone Christian Academy has actually been received by the City. City staff began the process of soliciting bids for the construction of the signal in October 2009, in anticipation of the need for the traffic signal to be operational by the time the school opens for the fall semester of 2010. A very favorable bid was received from DKS Enterprises, Inc., and staff would like to take advantage of that situation. Unfortunately, the developer of the Academy has not progressed through the entitlement process as promptly as staff anticipated, and the developer has withheld the payment of his share of the signal expense until that process is completed. That payment is expected to be delivered to the City within the next week. In the meantime, the traffic signal bid that was received last November will officially expire on February 10, 2010. Therefore, if an award of the bid is not made by Council on February 8, the project would have to be rebid and a higher cost to the City could result. For this reason, the alternative of delaying the award of the bid is not recommended.

A second alternative is to wait for CDOT funding to become available to pay for the construction of this traffic signal. Since it is likely that State funding would not be forthcoming until 2020 or beyond, this alternative is not recommended.

Background Information

The potential installation of a traffic signal at the intersection of 120th Avenue and Zuni Street was the subject of much discussion during the public hearing that was conducted for the proposed Cornerstone Christian Academy on September 14, 2009. Residents of The Ranch Subdivision attended the public hearing to express their great desire for this signal, and many of them later wrote letters to the State Highway Commission to request CDOT approval of the signal installation. By October, CDOT representatives did inform City staff that a traffic signal would be allowable at this location, and staff moved swiftly to prepare for the construction of the traffic control device.

The design of the traffic signal was prepared in-house by Engineering Division personnel, and construction bids were solicited. The results of the November 12, 2009 bid opening are as follows:

Contractor	Bid Amount
DKS Enterprises, Inc.	\$218,054
Sturgeon Electric, Inc.	\$219,709
W.L. Contractors, Inc.	\$220,893
Interface Communications, Inc.	\$255,345

The low bidder, DKS Enterprises, Inc., has satisfactorily performed traffic signal construction for the City in the past. Due to the nature of this project, a 15% construction contingency of \$32,709 would be appropriate, thus yielding a total project budget of \$250,763. Once funds have been received from Carlson Associates, staff will submit for City Council consideration a supplemental appropriation of \$62,691 for reimbursement into the General Capital Improvement Fund.

SUBJECT:

120th Avenue & Zuni Street Traffic Signal Construction Contract

Page 3

The following chart represents Staff's anticipated schedule for completing the traffic signal project, assuming City Council awards the contract on February 8:

February 8 th	City Council awards the contract
February 9 th	Issue Notice of Award to the contractor
February 26 th	Issue Notice to Proceed to the contractor
Late June	Completion of the traffic signal project

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 8, 2010



SUBJECT: Second Reading for Councillor’s Bill No. 4 re Proposed Economic Development Assistance Agreement with Scottrade, Inc.

Prepared By: John L. Hall, Business Development Officer

Recommended City Council Action

Pass Councillor’s Bill No. 4 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement for Scottrade, Inc.

Summary Statement

- This Councillor’s Bill was passed on first reading on January 25, 2010.
- Scottrade, Inc. (Scottrade) is a family-owned business headquartered in St. Louis, Missouri, that provides online stock brokerage services.
- The company is purchasing a 200,000 square foot building in the Westmoor Technology Park located northeast of 108th Avenue and Simms Street (10955 Westmoor Drive).
- Scottrade intends to locate an operations center at the Westmoor location, including 100 employees at move-in, and increasing to 385 employees within five years. Salaries will average approximately \$52,000 per year.
- The proposed assistance is based on the City’s desire to fill existing office space and to attract basic employers to Westminster. The Economic Development Agreement (EDA) totals \$196,215, which includes \$65,715 in permit fee rebates, \$77,400 in construction use tax rebates and \$53,100 in equipment use tax rebates.
- Should Scottrade relocate outside of Westminster within 5 years of approval of this EDA, the assistance would have to be paid back to the City by the company.
- Scottrade also considered sites in St. Louis and Phoenix.

Expenditure Required: Approximately \$196,215 (Rebates)

Source of Funds: The EDA with Scottrade will be funded through revenue received from permit fees, construction use tax, and use tax on furniture, fixtures, and equipment.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **4**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

Major - Kaiser

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT
WITH SCOTTRADE, INC.**

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, Scottrade, Inc. (Scottrade) plans to purchase and occupy 200,000 square feet in Westmoor Technology Park in Westminster; and

WHEREAS, a proposed Economic Development Agreement between the City and Scottrade 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 CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Economic Development Agreement with Scottrade 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 25th day of January, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of February, 2010.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Exhibit "A"

**ECONOMIC DEVELOPMENT AGREEMENT FOR
SCOTTRADE, INC. IN THE CITY OF WESTMINSTER**

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this _____ day of _____, 2010, between the CITY OF WESTMINSTER (the "City"), and the SCOTTRADE, Inc., an Arizona corporation ("Scottrade").

WHEREAS, the City wishes to provide assistance to Scottrade to aid in the relocation and expansion of this company in the City; and

WHEREAS, Scottrade plans to purchase, and furnish and occupy 200,000 square feet of office space in Westmoor Technology Park, thus providing primary job growth within the City; and

WHEREAS, City Council finds the execution of this Economic Development 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 Scottrade agree to the following:

1. Building Permit Fee Rebates. Over a period of five years from the execution date of this agreement the City shall rebate to Scottrade 60% of the building permit fees, that are otherwise required under W.M.C. Section 11-10-3 (E). This rebate excludes water and sewer tap fees. The permit fee rebate will be approximately \$65,715.

2. Use Tax Rebate- Construction. Over a period of five years from the execution date of this agreement the City shall rebate to Scottrade 60% of the Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on the construction materials, collected from Scottrade that are otherwise required under W.M.C. Sections 4-2-9 and 4-2-3. The rebate will be approximately \$77,400.

3. Use Tax Rebate- Furniture and Fixtures. The City will rebate 60% of the City's Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishings and equipment purchased during the period three months prior to the date Scottrade obtains a final Certificate of Occupancy for their new facility and for the subsequent five year period of time. This rebate will be approximately \$53,100.

4. Payments of Rebates. The rebates to Scottrade by the City shall be paid in quarterly installments from revenue actually collected and received by the City in connection with the move by Scottrade into the new facility. Payments of each quarterly installment shall be paid to Scottrade by the City within twenty (20) days following the end of each calendar quarter. [All payments by the City shall be made electronically to Scottrade's designated financial institution or other account.](#)

5. Entire Agreement. This Agreement shall constitute the entire agreement between the City and Scottrade 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. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if Scottrade has not moved into the Westmoor offices by January 1, 2011 or should Scottrade not comply with the City regulations or code following written notice of non-compliance from the City.

7. Business Termination. In the event Scottrade ceases business operations within the City at any time prior to January 31, 2015, then Scottrade shall pay to the City the total amount of fees and taxes that were paid by or for Scottrade to the City and were subsequently rebated by the City to Scottrade pursuant to this Agreement.

8. 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 bond 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.

9. Annual Appropriation. 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 Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

10. Governing Law: Venue. 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 experienced 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 Jefferson County, Colorado.

SCOTTRADE, INC.

CITY OF WESTMINSTER

By: _____
Print Name: _____
Its: _____

By: _____
J. Brent McFall
City Manager

ATTEST:

Linda Yeager
City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Adopted by Ordinance No.



Agenda Item 8 E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 8, 2010



SUBJECT: Second Reading of Councillor's Bill No. 5 re Savory Farms and Hawn-Hewit Open Space Acquisition Grants Supplemental Appropriation

Prepared By: Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 5 on second reading appropriating funds received from Adams County in the amounts of \$550,000 and \$1,085,000 for the Savory Farms and Hawn-Hewit acquisitions for open space.

Summary Statement

- This Councillor's Bill was passed on first reading on January 25, 2010.
- City Council action is needed to appropriate these grant funds.
- In order to complete these acquisitions, the City was required to contribute a cash match of up to \$550,000 for the Savory Farms acquisition and up to \$1,085,000 for the Hawn-Hewit acquisition, which came from the City's Parks, Open Space and Trails bond funds.

Expenditure Required: \$1,635,000

Source of Funds: Parks, Open Space and Trails Bond Funds- Land Purchases

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **5**

SERIES OF 2010

INTRODUCED BY COUNCILLORS
Dittman - Kaiser

A BILL

FOR AN ORDINANCE AMENDING THE 2010 BUDGET OF THE PARKS, OPEN SPACE AND TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2010 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2010 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3432 is hereby increased by \$1,635,000. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$1,635,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10C, dated January 25, 2010 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Parks, Open Space and Trails Fund	<u>\$1,635,000</u>
Total	<u>\$1,635,000</u>

Section 3 – 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 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. 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 25th day of January, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of February, 2010.

ATTEST:

Mayor

City Clerk



Agenda Item 10 A-C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 8, 2010



SUBJECT: Councillor's Bill No. 6 re Shoenberg Farm Barn Rehabilitation Loan Supplemental Appropriation, Allocation of an Irrevocable Pledge for the Loan, and Approval of Loan from the Colorado Historical Foundation

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

1. Authorize reallocation of funds from three Capital Improvement Project accounts into an account that will hold reserves as an irrevocable pledge for the loan, pursuant to the requirement of Article X, Section 20, Colorado Constitution.
2. Authorize the City Manager to execute all documents necessary to close a loan in the amount of \$117,000, to be provided by the Colorado Historical Foundation Revolving Loan Fund, which documents shall be in a form approved by the City Attorney.
3. Pass Councillor's Bill No. 6 on first reading appropriating loan proceeds for the City's rehabilitation of the Shoenberg Farm barn.

Summary Statement

- City Council approved an intergovernmental agreement (IGA) with the State Historical Fund on January 26, 2009, that awarded a grant to the City in the amount of \$300,000 for the rehabilitation of the Shoenberg Farm barn, located at the 5202 West 73rd Avenue west of Sheridan Boulevard.
- In order to complete this project as contracted with the State, the City is required to contribute a cash match of up to \$117,000, which will be borrowed from the Colorado Historical Foundation Revolving Loan Fund. Annual debt service for this loan was included in the 2010 Budget.
- The project is ready to be bid and completed. The loan must be closed and certain requirements must be met as provided in the state constitution.
- City Council action is needed to appropriate the loan proceeds.

Expenditure Required: Annual debt service of interest-only payments equal to 3% of the loan principal was budgeted in Community Development's 2010 Administration Division Budget. Principal is due in five years.

Source of Funds: Debt service to be paid from Shoenberg Farm Capital Improvement Project Account; Reserves to be transferred from the following accounts to a reserve holding account as the irrevocable pledge for the loan:

- GIS CIP Account \$71,000
- 128th Avenue Bridge CIP Account \$25,000
- 104th Avenue & Sheridan Blvd CIP Account \$21,000

Policy Issue

Should City Council authorize the City Manager to close a loan provided by the Colorado Historical Foundation Revolving Loan Fund that provides the cash match for a grant awarded to rehabilitate the Shoenberg Farm barn?

Alternatives

Do not proceed with borrowing from the Colorado Historical Foundation and direct Staff to continue investigating other funding opportunities and potential financing options. Staff does not recommend any action that delays the completion of the barn rehabilitation project because the City has entered into an intergovernmental agreement that requires the work to be done in 2010.

Background Information:

Since 2002 through December 1, 2009, the City has received \$1,342,085 in grants for historic preservation purposes from the State Historical Fund, the Colorado Historical Society and the Westminster Legacy Foundation. These grants have funded archeological and structure assessments, the exterior restoration of the Westminster Grange Hall, the Semper Farmhouse, and the Rodeo Super Market, and reconnaissance and intensive historical resource surveys throughout the City.

These awards include a grant in the amount of \$300,000 from the State Historical Fund for the Shoenberg Farm barn rehabilitation, located at 5202 West 73rd Avenue, west of Sheridan Boulevard. In order to complete this acquisition, the City is required to contribute a cash match to the project of up to \$117,000. The plan has been to borrow the cash match from the Colorado Historical Foundation Revolving Loan Fund, which has entered into a loan commitment letter that offers the loan at 3% interest, with interest-only payments, and payment of the principal in five years. The debt service for this loan was budgeted for 2010 in Community Development's Administration Division Budget through the budget amendment in October 2009.

After the rehabilitation project is complete, the City will be negotiating with potential end users to plan for an adaptive reuse of the barn as a commercial building. The goal will be to repay this construction loan as part of an agreement with an end user.

In order to enter into a multi-year fiscal obligation, the Colorado Constitution allows the City to designate cash reserves to back the loan. In order to enter into this loan, City Council is requested to reallocate funds from existing Community Development capital improvement projects to stand as reserves as an irrevocable pledge for the loan. These funds will be released when the loan principal is paid. These projects (GIS CIP Account \$71,000; 128th Avenue Bridge CIP Account \$25,000; and 104th Avenue & Sheridan Blvd CIP Account \$21,000) either no longer need these funds as they are nearing completion and/or they have sufficient funding to complete the current scope of work.

Construction documents and specifications have been completed for the barn rehabilitation and the project is ready to be bid. After a contractor is selected, the project will take about four months. It will include foundation stabilization, masonry repair, window and door restoration, insulation and a new standing-seam metal roof, stairs to the second floor, and opening of a mezzanine area on the second floor to allow visual access to the upper regions of the barn from the ground floor. Drainage and grading improvements will protect the barn from water damage. This project will not provide interior finishes or mechanical, plumbing or electrical systems, which will be provided by a future end user.

Appropriation of the loan proceeds will amend the General Capital Improvement Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Note Proceeds	7500.46010.000	\$0	<u>\$117,000</u>	\$117,000
Total Change to Revenues			<u>\$117,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Shoenberg Farm Restoration CIP	80875030834.80400.8888	\$305,727	<u>\$117,000</u>	\$422,727
Total Change to Expenses			<u>\$117,000</u>	

The recommended City Council actions address Council’s Strategic Plan goal of Vibrant Neighborhoods and Commercial Areas by making progress toward the rehabilitation and preservation of the historic Shoenberg Farm dairy barn.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Councillor’s Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **6**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2010 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2010 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2010 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3432 is hereby increased by \$117,000. This appropriation is due to the receipt of loan proceeds.

Section 2. The \$117,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10 A-C, dated February 8, 2010 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$117,000</u>
Total	<u>\$117,000</u>

Section 3 – 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 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. 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 8th day of February, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of February, 2010.

ATTEST:

Mayor

City Clerk