



WESTMINSTER
COLORADO

FEBRUARY 9, 2004
7:00 P.M.

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 (item 5) and Citizen Presentations (item 12) are reserved for comments on items **not** contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
5. Citizen Communication (5 minutes or less)
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. Change Date of First and Last City Council Meetings in March
 - B. Agreement with Xcel Energy re 136th Avenue and I-25 Interchange Street Lights
 - C. Fire Engine Contract and Purchase
 - D. Legal Services Contract with Sherman & Howard, LLC and Carlson Hammond & Paddock, LLC
 - E. Golf Cart Fleet Bid and Lease/Purchase
 - F. Asphalt Materials Bid
 - G. CB No. 5 re 4th Quarter 2003 Supplemental Appropriation (Dixon-McNally)
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Resolution No. 11 Multifamily Tax-Exempt Bond Allocation Association Transit Oriented Housing
 - B. Allocation of Assignment to the Colorado Housing Finance Authority
 - C. IGA re Multi-Family Tax Exempt Bond Allocation Association Transit Oriented Housing Pool
 - D. Councillor's Bill No. 7 re Vacation of Rights-of-Way/Easements within Mandalay Town Center
 - E. Resolution No.12 Opposition To Limit Use of Eminent Domain for the Purposes of Urban Renewal
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
 - 1.Land Negotiation
 - 2.Contract Negotiation
 - 3.Economic Development matter - verbal
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 9, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixon, Kauffman and Price were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Richelle Work, Acting City Clerk, were also present. Absent Hicks. Councillor Hicks arrived at 7:21 p.m.

CONSIDERATION OF MINUTES

Mayor Pro-Tem McNally moved, seconded by Dixon to approve the minutes of the meeting of January 26, 2004 with no additions or corrections. The motion carried unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the City of Westminster will be receiving the Government Finance Officers' Association's Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report again this year; and that tonight Council is taking action on purchasing a new Fire Engine using sales tax funds from Ballot measure 2A.

CITY COUNCIL COMMENTS

Mayor Pro-Tem McNally commented on the US 36 Corridor Mayors and County Commissioners group meetings last week in Washington D.C.

Councillor Dixon commented on the RFCLOG meeting coming up on February 23; she attended the CML policy meeting and legislative workshop discussing current legislative issues; and that she attended the changing of the guard for the Hmong community and used a speech prepared by Mayor Moss.

Councillor Kauffman commented on the appointment of Hereford Percy to Jefferson County School Board.

Councillor Dittman commented on Mayor/Council breakfast on February 3, 2004.

Mayor Moss commented that there will be no meeting next week due to Presidents Day.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Change Date of First and Last City Council Meetings in March; Agreement with Xcel Energy re 136th Avenue and I-25 Interchange Street Lights for \$121,818; Fire Engine Contract and Purchase with Front Range Fire Apparatus for \$471,578; Environmental Services Legal Services Agreement with Sherman & Howard and Carlson Hammond & Paddock not to exceed \$7,000; Golf Cart Fleet Bid and Lease/Purchase with Colorado Golf and Turf for \$399,642; Asphalt Materials Bid with Asphalt Specialties for \$261,500; CB No. 5 re 2003 4th Quarter Budget Supplemental Appropriation.

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.

Councillor Dittman moved, seconded by McNally to adopt the consent agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 11 RE MULTI-FAMILY TAX-EXEMPT BOND ALLOCATION

Councillor Kauffman moved, seconded by Dittman to adopt Resolution No. 11 assigning \$500,000 of the City's 2003 Private Activity Bond allocation to the Metro Mayors Caucus Multi-Family Tax Exempt Bond Allocation Association Transit Oriented Housing Pool. Upon roll call vote, the motion carried unanimously.

ALLOCATION OF ASSIGNMENT TO THE COLORADO HOUSING FINANCE AUTHORITY

Councillor Kauffman moved, seconded by Dittman, to authorize the Mayor to sign the Allocation of Assignment agreement applying the assignment to the Colorado Housing Finance Authority (CHFA) serving as agent to the Metro Mayor's Caucus for administration of the Transit Pooled fund. The motion carried unanimously.

IGA RE MULTI-FAMILY TAX EXEMPT BOND ALLOCATION

Councillor Kauffman moved, seconded by Dittman to authorize the Mayor to sign an Intergovernmental Agreement with other cities participating in the Metro Mayors Caucus Multi-Family Tax Exempt Bond Allocation Association Transit Oriented Housing Pool. The motion carried unanimously.

COUNCILLOR'S BILL NO. 7 RE VACATION OF R.O.W. AND EASEMENTS FOR MANDALAY

Councillor Dixon moved, seconded by Price, to pass Councillor's Bill No. 7 as an emergency ordinance, vacating certain rights-of-way and easements within the Mandalay Town Center property. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 12 IN OPPOSITION OF LIMITING EMINENT DOMAIN FOR URBAN RENEWAL

Mayor Pro-Tem McNally moved, seconded by Dixon, to adopt Resolution No. 12 formally opposing House Bill 04-1203, House Bill 04-1209 and other extreme efforts to limit the use of eminent domain for the purposes of urban renewal. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss a land negotiation matter, a contract negotiation, a personnel matter, and an economic development matter.

ADJOURNMENT:

The meeting was adjourned at 7:26 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 9, 2004

SUBJECT: Change Date for First and Last City Council Meetings in March

Prepared By Richelle Work, Acting City Clerk

Recommended City Council Action:

Change the date of the first regular meeting of City Council in March from March 8th to March 15th and the last regular City Council meeting in March from March 22nd to March 29th.

Summary Statement:

City Council action is requested to change the date of the first and last regular City Council meetings in March.

- The majority of City Council members will be attending the National League of Cities meeting in Washington, DC and will not be back in town for the March 8th Council meeting.
- It is requested that City Council formally change the date of the first regular Council meeting in March from March 8th to March 15th.
- The last regular City Council meeting of March would normally be held on Monday, March 22nd. Due to the fact that the first regular meeting of March will be changed to March 15, it is requested that City Council formally change the date of the last regular Council meeting in March to Monday, March 29th.
- City Council Study Sessions would be held on March 1 and March 22.

Expenditure Required: \$0

Source of Funds: n/a

SUBJECT: Change Date for First and Last City Council Meetings in March

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Policy Issue:

No policy issues identified

Alternative:

Council could decide to conduct the Council meetings of March on different dates.

Background Information:

City Council historically has changed the first Council meeting date in March because of the National League of Cities conference. Since the City normally conducts City Council Study Sessions and City Council Meetings on different nights, changing the first and last meetings of March to the above mentioned dates would accomplish this.

Members of the public are aware that Council meetings and Study Sessions are held on Mondays, and therefore, it is logical to reschedule the Council meetings to different Mondays during the month.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 9, 2004



SUBJECT: Agreement with Xcel Energy re 136th Avenue and I-25 Interchange Street Lights

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action:

Authorize the City Manager to execute an agreement with XCEL Energy in the amount of \$121,818 for the installation of street lighting for the 136th Avenue and I-25 Interchange Project.

Summary Statement

- The first construction phase of this project began on February 11, 2002 when Council authorized the City Manager to execute a construction contract for the relocation of Quail Creek and the Bull Canal in advance of the 136th Avenue interchange construction. This work was substantially complete in October 2002.
- The final design and construction documents, environmental reports, all right-of-way acquisitions and all Colorado Department of Transportation and Federal Highway Authority permissions for the Interchange Project were completed in January 2003. Construction began in April 2003 and is expected to be complete in July 2004.
- This request for authorization to pay XCEL Energy relates to the design and installation of all street lights for the project including the pedestrian luminaries on the I-25 bridge, the luminaries on the traffic signals and highway lighting on the interchange ramps. At the March 24, 2003 Council meeting, Council authorized a payment to XCEL in the amount of \$150,000 for street lighting. Since the interchange is remote from any electrical distribution system, it became necessary to use these funds plus \$31,176.35 (a total of \$ \$181,176.35) to install the electric distribution line to serve the lights for the project. This \$181,176.35 is in addition to the \$121,818 for the actual cost of the street lights that is the request of this Agenda Memorandum.
- Funds for this expense are available in the appropriate project account of the General Capital Improvement Fund.
- The overall project is projected to come in on time and under budget.

Expenditure Required: \$121,818

Source of Funds: 136th Avenue Interchange General Capital Improvement Fund

Policy Issues

Does City Council wish to provide street lighting for the 136th Avenue/I-25 Interchange Project?

Alternatives

Delay the installation of the street lighting for this project. This is not recommended because our project “partner”, the City of Thornton, would not support this alternative. Furthermore, this project has the possibilities of luring economic development projects to the north Westminster area and lighting is a major architectural element to help achieve this.

Background Information

In 1998, the cities of Westminster, Broomfield and Thornton collaborated on the investigation and selection of the location for the next new interchange on I-25 north of 120th Avenue. After careful consideration, the three City Councils unanimously selected 136th Avenue as the site of this new interchange. Since that time, there have been several steps taken towards the construction of the interchange which include:

- In October 1999, Council approved an intergovernmental agreement with the City of Thornton for the environmental assessment and the design and construction of the Interchange.
- In August 2000 a final financial feasibility study was completed and Council approved the formation of a General Improvement District to help fund interchange project improvements.
- In the November 2000 general election, the voters approved a no-tax increase sales tax bond issue to finance the proposed 136th Avenue and I-25 Interchange.
- In May 2001, Council authorized design services for the relocation of Quail Creek and Bull Canal, separating them from the interchange design so the relocations could occur in advance of the Interchange construction.
- In June 2001, Council approved an intergovernmental agreement for the relocation of the United Power electric substation, which was previously located in the southwest quadrant of the proposed Interchange.
- In June 2001, Council approved a sales tax bond reimbursement resolution allowing the City to be reimbursed for project expenses that are incurred prior to the issuance of bonds.
- In December 2002, Council approved the intergovernmental agreement between the City of Westminster, the City of Thornton and the Colorado Department of Transportation. This IGA spells out the construction, maintenance and funding obligations of all of the parties.
- In January 2003, all of the design and construction documents were completed; all of the right-of-way was acquired; and all of the environmental and utility approvals were completed allowing this project to be advertised for construction bids.
- In March 2003, Council awarded the construction contract to SEMA Construction. This authorization also included authorization for payments to XCEL Energy in the amount of \$150,000.

Since March, XCEL Energy has been working on the design of the street lighting and the actual cost is \$302,994.35. The original estimated amount of \$150,000 was based on costs of other recently completed street lights that were installed as part of other projects, such as the 112th Avenue, Sheridan Boulevard to Stuart Street Project. Unfortunately, the street lighting for this interchange project requires the installation of an entirely new transmission main from Huron Street to I-25. The initial payment to XCEL was in the amount of \$181,176.35 and was for the installation of this transmission main as well as the standard highway lighting on the I-25 on and off ramps. The requested authorization payment of \$121,818 is to pay for the decorative street lights along 136th Avenue, the lights in the pedestrian tunnel and the lights under the bridge over I-25.

The separation of the cost to install the electrical transmission main and the cost of installing the street lights was done to accommodate the project schedule. Ordering and receiving the street lights takes longer than installing the transmission main. Because of this, the transmission main was able to be scheduled for construction now so coordination with other elements of the project is more efficient. The street lights will then be installed soon after the transmission main is completed.

The request for authorization to pay XCEL Energy for the installation of all of the street lights for this project is recommended since this is standard procedure on all capital improvement projects. A more important reason to use XCEL in the design and construction of these facilities is that the City receives a “construction allowance” or discount from XCEL when they provide this service. This allowance makes the cost of this work substantially lower than if the street light design and construction is included as part of the bid for the project. On this particular project this construction allowance saved approximately \$31,000. The total cost of this system west of I-25 is \$302,994.35 and is comparable with the cost that Thornton will pay for a similar system on their side of the highway.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 9, 2004



SUBJECT: Fire Engine Contract and Purchase

Prepared By: Bill Work, Deputy Fire Chief

Recommended City Council Action

Authorize the City Manager to sign a contract with Front Range Fire Apparatus in an amount not to exceed \$471,578 for a Pierce Quantum custom fire engine.

Summary Statement

- City Council allocated \$465,000 in funds into the 2004 General Capital Outlay Replacement Fund (GCORF) budget for the purchase of the “seventh” fire engine as a result of the successful passage of the Public Safety sales tax in November, 2003. The additional \$6,578 will come from the Fire Department operating budget from funds earmarked for radio equipment that will be included in the purchase. The new apparatus will be used as an additional front line service unit, giving the Fire Department a seventh staffed fire engine that will be utilized to help meet service demands and reduce response times.
- The contract for this new piece of fire apparatus was negotiated with Front Range Fire Apparatus out of Boulder, Colorado. City Council originally approved negotiating a price with a sole vendor for fire apparatus, with Pierce Manufacturing, in 1996 and again in 2001. This approval is good for a period of five years as long as the product remains superior in quality, engineering, workmanship, utilization of technology, and price remains competitive based on comparable unit pricing. Staff has reviewed all of these areas of concern and is satisfied that Pierce Manufacturing remains the leader in the construction of quality fire apparatus. Staff has also completed a cost analysis on similar apparatus purchased by other communities within the nation and are satisfied that the bid price is fair.
- The City intends to pay the entire amount at contract signing, which is somewhat of a departure from the previous practice of leasing larger fire vehicles. The reason for this change is that this one time payment will allow the City to receive \$16,033 in prepaid discounts.
- Delivery for this piece of apparatus will be the fourth quarter of 2004. When received, the unit will respond to calls including building, grass and car fires, rescue and medical calls, and hazardous materials alarms. Additionally, the apparatus will be used for business inspections, preplan development, home safety surveys, public education, and firefighter training. The projected life expectancy for this apparatus is 15 to 20 years, with 12 to 15 years of front line service and three to five years as a reserve unit.

Expenditure Required: \$471,578
Source of Funds: \$465,000 from the GCORF account.
 \$6,578 from the Fire Department operating account

Policy Issues

- 1) Does City Council want to proceed with the purchase of this new fire apparatus and add a fire engine to the Fire Department major apparatus replacement schedule?
- 2) Does City Council want the Fire Department to proceed with the sole vendor decision of 2001 designating Pierce Manufacturing as the vendor of choice for fire apparatus?

Alternatives

- 1) City Council could direct Staff to take bids on this replacement apparatus and return for future approval. This is not recommended as the City has had excellent experiences with Pierce equipment.
- 2) City Council could direct Staff to delay the purchase of this new apparatus. Staff believes it is important to get this equipment on board in 2004 in order to meet the intent of the voters in approving the six tenths of one cent sales and use tax increase for public safety.

Background Information

The 2A ballot question that approved the increase in the City’s sales and use tax for Public Safety funding included a commitment to purchase an additional fire engine. This new fire engine will give the Fire Department an additionally staffed piece of fire apparatus that will allow the Fire Department the capability of responding with both a fire engine and an aerial apparatus out of Fire Station Two. This increased capability will improve the Fire Department’s ability to respond to the increase in emergency calls that is being experienced and will help reduce overall response times.

This new fire engine will give the Fire Department seven staffed front-line pieces of fire fighting apparatus, responding out of six fire stations. This additional fire engine will increase the capability to respond fire equipment and staff to structure fires, automobile fires, EMS calls, rescue situations, hazmat responses, and the variety of other emergency and non-emergency needs that are presented on a daily basis. The ability of the Fire Department to respond to mutual aid requests and to honor current automatic aid requests for assistance will also be enhanced.

Response times are expected to be reduced by the fact that there is an additionally staffed fire engine, which will be centrally located in the City, to help provide both first-response and secondary-response to multiple apparatus type alarms. This capability will also allow the Fire Department the flexibility to utilize their two ladder trucks more freely as aerial apparatus without the restrictions this apparatus comes under when they are utilized as pumpers/engines.

Paying the entire purchase price at time of contract signing allows the City to receive several discounts:

Chassis discount:	\$ 6,474.00
COD discount:	\$ 3,035.00
Interest discount:	<u>\$ 6,524.00</u>
Total discounts allowed:	\$16,033.00

Pierce Manufacturing, Inc. will issue a “Performance and Payment Bond” from the Travelers Casualty & Surety Company of America, at the time of contract. This performance bond will protect the City from any loss should Pierce Manufacturing, Inc. not deliver on their contract.

The City Attorney’s Office has reviewed and approved the contract and performance bond.

This fire engine purchase will include some of the latest in technology and the following significant features:

- Quantum cab, provides better visibility and room
- 450 horse power Cummins diesel engine, recommended by Fleet Services
- 1500 GPM Waterous pump
- TAK-4 independent front suspension, better stopping distance, better turning radius
- Side roll protection package, side curtain air bag and new roll-over crash rating
- Camera backup safety vision system, provides better backing protection
- Hercules compressed air foam system (CAFS), more versatile firefighting capability
- LED lighting package, provides better visibility and less amp draw
- 500 gallon water tank
- Allison five speed, push button transmission
- Automatic chassis lube system, provides for less maintenance
- Harrison 8KW generator, PTO driven provide quieter, more efficient use

The following provides the detail of the proposed purchase including staff recommended options. Non-factory supplied items such as the mobile data terminal, radio equipment, and on board David Clark radio system is contracted by Front Range Fire Apparatus with local vendors. A summary of the total cost of the unit is as follows:

Base Price	\$460,180
Radio, David Clark System	\$ 11,312
Mobile Data Terminal	\$ 6,578
Factory supplied loose goods	\$ 9,541
Less Factory Discounts	-\$16,033
Factory Total	\$471,578

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 9, 2004



SUBJECT: Environmental Services Program Legal Services Agreements with Sherman & Howard, LLC and Carlson Hammond & Paddock, LLC

Prepared By: Rachel Harlow-Schalk, Environmental Services Coordinator
Kathleen Hix, Organizational Support Services Manager

Recommended City Council Action:

Authorize the City Manager to sign a contract for legal services with Sherman & Howard, LLC and Carlson Hammond & Paddock, LLC for special legal services in connection with environmental liability, with the condition that the total amount payable under both contracts will not exceed \$7,000.

Summary Statement:

- Staff recommends the City enter into a legal services fee agreement with Sherman & Howard, LLC (S&H) for environmental legal support and Carlson Hammond and Paddock, LLC (CHP) for stormwater quality legal support for the year 2004 with the option of annual renewal of the agreements for up to five years.
- As the Environmental Services Program works with stormwater quality issues and Water Resources on all other water quality related issues, it is important that legal counsel serving both workgroups foster the same perspective. Consequently, staff recommends that CHP be retained to ensure continuity on water and stormwater issues between the Environmental Services Program and Water Resources Division.
- Environmental Services staff and Water Resources staff agree with this approach to legal support for the Program. Also, this recommendation was discussed with the firms and all are comfortable with this arrangement.
- Pursuant to WMC 15-1-6, the City manager has determined that this type of two-pronged approach will best serve the public interest and be an effective method to ensure environmental regulatory compliance as well as stormwater quality compliance for the City.

Expenditure Required: Not to Exceed \$ 7,000

Source of Funds: 2004 General Fund, General Services Environmental Services Program Budget

Policy Issue

Whether to retain S&H and CHP as special environmental law and stormwater quality counsel, respectively, on behalf of the City in connection with environmental matters for 2004.

Alternatives

1. Do not retain special environmental counsel. This alternative could open the doors to possible environmental liability to the City.
2. Continue with previous environmental counsel, CHP to handle environmental legal matters for the City. This option would not allow the City access to the most current environmental regulatory and case law information available through S&H.
3. Retain either S&H or CHP as special legal counsel. Selecting only S&H may reduce the continuity of water quality decisions between the Environmental Services Program and the Water Resources Division and selecting only CHP would reduce the City's access to environmental legal support.

Background Information

The City of Westminster has a long history of representation on water matters from the principal members of the Carlson Hammond & Paddock, LLC (CHP) since 1977. CHP has developed a very thorough knowledge of Westminster's water supply and water quality issues, and is a key player in helping develop and protect Westminster's raw water supply. Because of their historic work with the City, CHP had served as the primary legal services for the Environmental Services Program since the Program's inception in 1995.

Per City purchasing requirements, the Environmental Services Program sent out a Request for Proposals to provide legal support to the Program on environmental regulatory requirements. Such a Request had not been conducted previously. Three Proposals were received, and all primary attorneys who would work with the Program were interviewed. Program staff, as well as the Purchasing Agent, conducted the interviews. The lowest bidding law firm was eliminated based upon a possible conflict of interest with the firm's client list, which included the firm's work with the City of Golden on water matters.

Sherman & Howard, LLC (S&H) submitted their proposal providing a rate of the primary contact at \$270 per hour while CHP's rate for their primary contact was \$165 per hour. Staff believes S&H can provide to the City resources to the City not available through CHP. S&H has successfully provided legal support to the City for the past ten years on financial matters. Prior to obtaining his law degree Philip C. Lowe, primary contact for S&H to the City on environmental matters, served in the environmental management division of a major electrical utility conducting implementation work similar to the City's Environmental Services Program. This background coupled with such resources as up to date information on case settlements that may affect City operational compliance, efficient access to large relational settlement databases, and summation tools provides invaluable specialized environmental regulatory expertise to the City not available through CHP.

Because stormwater quality work is one of the responsibilities within the Environmental Services Program, staff within the Water Resources Division was concerned that any attorneys outside of those working specifically for the Division would not fully understand the City's position on water quality as a whole. As a result, staff has recommended a two-pronged approach to legal services for the Program—CHP for all stormwater quality work and S&H for all remaining environmental work. Staff within both Environmental Services and Water Resources agrees this approach will provide the City with the best legal support on environmental and stormwater quality matters available today.

SUBJECT: Environmental Services Program Legal Services Agreements with Sherman & Howard,
LLC and Carlson Hammond & Paddock, LLC Page 3

Based upon previous legal needs of the Program, the \$7,000 budget amount is sufficient to cover costs associated with anticipated 2004 legal services.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 9, 2004



SUBJECT: Golf Cart Fleet Bid and Lease/Purchase
Legacy Ridge and The Heritage Golf Courses

Prepared By: Ken Watson, Regional parks and Golf Manager

Recommended City Council Action

Based on the report of the City Manager, City Council finds that the public interest would be best served by accepting the bid for this work from Colorado Golf and Turf, Inc. Authorize the City Manager to purchase 127 golf carts, four player assistant carts, two beverage carts and two range picker turf carts for the amount of \$399,642 from Colorado Golf and Turf, Inc., and authorize the City Manager to execute a lease/purchase agreement with Key Municipal Finance to fund the purchase of the City's two golf cart fleets.

Summary Statement

- The City's two golf cart fleets are scheduled to be replaced every four years.
- The existing golf cart fleet has been in operation since April 1999. To assist with expenditure/revenue operations, Staff extended the replacement schedule to five years. However, the existing fleet is requiring numerous repairs and is no longer a dependable fleet for the upcoming season.
- Bids were solicited from three reputable golf cart companies. One company's bid was disqualified for not meeting the specifications of a 48-volt electrical system.
- Staff is not recommending purchasing carts from the low bidder. Staff has thoroughly reviewed cart specifications/data, consumer reports, driving reviews by invited golfers and Staff, past history with Club Car golf carts, and service provided by the local Club Car representatives. Staff is recommending purchasing Club Car's Precedent Model, which is being offered for the first time as a new 2004 model and will replace their existing model in 2005.
- The existing cart fleet is being accepted as trade in from Colorado Golf and Turf with a value of \$169,650.
- The golf cart fleet annual lease/purchase expenditure amount will not exceed the \$108,627 budgeted for this expense in 2004. In 2003, the golf cart fleet generated \$428,550 in cart rental revenue. Offering reliable, high-quality golf carts is an important revenue center for golf operations.
- Funds are budgeted in the Legacy Ridge and the Heritage Golf Courses operating budgets.

Expenditure Required: \$399,642

Source of Funds: Lease/purchase agreement to Key Municipal Finance with annual payment not to exceed \$108,627 for a four-year term.

Policy Issues

- Should the City utilize budgeted funds to lease/purchase a replacement golf cart fleet at the Legacy Ridge and Heritage golf courses?
- Should the City Council award this bid to a bidder who is not the low bidder?

Alternatives

1. Do not replace the golf cart fleet at this time.
2. Do not approve the purchase of Club Car golf carts and approve a lease/purchase from the low bidder, Yamaha.
3. Approve the purchase of Club Car’s DSIQ Model versus the newly-designed Precedent Model.

Background Information

The City’s two golf courses, Legacy Ridge and The Heritage at Westmoor, were opened for play in 1994 and 1999, respectively. Both of these courses are established as championship quality, customer-friendly golf facilities. The City’s two courses have always provided full amenities such as 18-hole championship level design, driving range, practice facilities and dependable, quality golf carts.

The golf courses have rental carts available for year-round play. For the past five years, the City has used Club Car 48 Volt electric carts. Staff has determined these carts to be reliable and environmentally friendly with the City’s two Audubon-certified golf courses. The existing golf cart fleet was scheduled for replacement in 2003. However, due to exceptional maintenance and warranty assistance from Staff and the local club Car representatives, it was decided to delay the replacement schedule until the 2004 season. Staff does not recommend a five-year replacement schedule due to increasing repair costs to maintain a usable number of carts for the season. Staff believes a four-year replacement schedule is the maximum length of time for a fleet used at the City’s varying terrain golf courses.

Bids were received from the following companies:

Colorado Golf and Turf, Inc.	
- Club Car Precedent Model	\$399,642
- Club Car DSIQ Model	\$370,649
* E-Z-Go	\$361,596
Yamaha	\$336,340

All bids include trade allowance for the City’s existing golf cart fleet.

* E-Z-Go bid was disqualified due to their cart not meeting bid specifications for a 48-Volt electrical system. E-Z-Go bid a 36-Volt system.

Staff thoroughly researched the Club Car and Yamaha golf carts. Carts were also delivered to the City for use and comparison by golfers, City Staff and golf maintenance Staff.

Survey results overwhelmingly rated the Club Car Precedent Model as the best cart based on player features, ride and comfort, ease of operation, braking and steering and safety features. Golf maintenance Staff rated the Precedent highest in improvements to the mechanical/electrical system, which have been problem areas in other electrical carts of various manufacturers.

SUBJECT: Golf Cart Fleet Bid and Lease/Purchase -Legacy Ridge and Heritage Golf Courses Page 3

Staff also acquired rating results from a local golf course and their results matched the City's ratings of the three different vendors' carts. Club Car rated above the other carts in every report or article that Staff reviewed.

Club Car is offering their 2004 DSIQ Model, which is basically the same model as in previous years. However, Club Car has recently introduced their new Precedent Model and it will be the only cart style they will offer in 2005. The Precedent cart was designed during the past seven years with direct input from a variety of golf course personnel from across the nation. The new model has many significant mechanical, structural and design upgrades. If approved, Legacy Ridge and The Heritage Golf Courses will be the first municipal golf courses in Colorado to offer the Precedent golf cart.

Staff also inspected local service shops of Club Car and Yamaha. Club Car's local representative, Colorado Golf and Turf, Inc., offers a full-service maintenance and parts operation with a minimum of \$250,000 parts inventory in stock. Yamaha's shop was limited in comparison to Colorado Golf and Turf, with approximately \$50,000 parts in stock. Colorado Golf and Turf, Inc., has provided exceptional service to the City's fleet. Golf maintenance Staff are Club Car Certified and they currently stock diagnostic and repair parts for Club Car golf carts. Club Car is being used in 97 Colorado golf courses. The Club Car carts include an extended four-year warranty on the cart components, body panels, electric power train, underbody, batteries, canopy, electronics, pedal group, seats and suspension. Yamaha is being used by seven Colorado golf courses all located in one City (Aurora).

Staff recommends purchasing 127 Club Car Precedent Model 48-Volt electric carts, four player assistant carts, two beverage carts and two rang picker turf carts at a cost of \$399,642 as a four-year lease/purchase.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 9, 2004



SUBJECT: Asphalt Materials Bid

Prepared By: Sam LaConte, Street Operations Manager
Carl F. Pickett, Purchasing Specialist

Recommended City Council Action

Award the bid to Asphalt Specialties for purchase of asphalt materials at the unit prices indicated on the bid tabulation on an as-needed basis up to a maximum of \$261,500 and charge the expense to the appropriate 2004 Street Operations Division account.

Summary Statement

- City Council approved the 2004 Street Operations Budget, which included funds to purchase asphalt material.
- Material being purchased is used for all types of street maintenance repairs including: pothole patching, surface replacement and the In-house Rehabilitation Program.
- The City participated in the Multiple Association of Procurement Officials (MAPO) bid for asphalt materials purchases with the cities of Northglenn and Thornton.
- The City of Westminster estimates 12,000 tons of various grades of asphalt material will be purchased on an as-needed basis throughout 2004.

Expenditure Required: \$ 261,500

Source of Funds: 2004 General Fund, Street Operations Division Budget

Policy Issue

Should the City accept the lowest bid for asphalt from the MAPO bid?

Alternative

An alternative for 2004 asphalt purchasing would be to award the bid to the bidder with the plant closest to the City. However, based on 12,000 tons, \$30,000 more would be spent or 1,411 tons less material would be bought to stay within the expenditure amount.

Background Information

Results of the bidding were as follows:

Company	Cost/Ton	Mileage round trip	Trips for year	Total mileage for hauling	Cost of hauling	Credit	Total Materials Bid	Total w/hauling and credit
Lafarge North America	\$23.75	11	857	9,427	\$ 4,506.11	\$0.00	\$285,000.00	\$289,506.11
Asphalt Specialties	\$21.25	22	857	18,854	\$ 9,012.21	\$2,500.00	\$255,000.00	\$261,512.21
Aggregate Industries	\$24.45	19	857	16,283	\$ 7,783.27	\$5,000.00	\$293,400.00	\$296,183.27
Brannan Sand & Gravel	\$24.50	20	857	17,140	\$ 8,192.92	\$0.00	\$294,000.00	\$302,192.92

Asphalt Specialties is the low bidder, after hauling costs are added and unit prices are adjusted. The plant is fully automated and the mix design meets City specifications. Asphalt Specialties has been used in previous years and Staff does not anticipate any problems with the quality of materials or the service that Asphalt Specialties can provide.

The 2004 asphalt materials bid reflects a 9% decrease over the 2003 prices, and a 10% decrease over 2002 prices. The reasons given for the decrease are due to early competitive bidding and the economic slowdown.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO



Agenda Memorandum

City Council Meeting
February 9, 2004

SUBJECT: Second Reading of Councillor's Bill No. 5 re 2003 4th Quarter Budget Supplemental Appropriation

Prepared By: Karen Creager, Internal Auditor

Recommended City Council Action:

Pass Councillor's Bill No. 5 on second reading providing for a supplemental appropriation to the 2003 budget of the General Fund.

Summary Statement

City Council action is requested to pass the attached Councillor's Bill on second reading, which authorizes a supplemental appropriation to the 2003 budget of the General Fund.

General Fund amendments total \$554,523.

This Councillor's Bill was passed on first reading January 26, 2004.

Expenditure Required: \$ 554,523

Source of Funds: The funding sources for these expenditures include reimbursements, lease proceeds, general recreation program revenue, special event revenue and various grants.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **5**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund, initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$554,523 which, when added to the fund balance as of the City Council action on January 26, 2004 will equal \$71,656,730. The actual amount in the General 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 an appropriation of reimbursements, lease proceeds, general recreation program revenue, special event revenue and various grants.

Section 2. The \$554,523 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Revenue				
Federal Grants	1000.40610.0100	\$28,774	\$7,049	\$35,823
General Misc	1000.43060.0000	242,490	9,430	251,920
Special Events	1000.41030.0509	0	6,660	6,660
Adult Activities	1000.41030.0503	834,100	16,500	850,600
Youth	1000.41030.0528	0	3,322	3,322
Scholarship				
Note Proceeds	1000.46000.0225	211,000	<u>511,562</u>	722,562
Total change to revenues			<u>\$554,523</u>	

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Expenses				
PD Inv - Overtime	10020300.60400.0000	\$178,233	\$11,686	\$189,919
PD Inv – Career Dev	10020300.61800.0000	7,750	1,888	9,638
PD Inv – Prof Svcs	10020300.65100.0000	14,500	810	15,310
PD Inv – Supplies	10020300.70200.0000	17,420	2,095	19,515
Adult Sports – Prof Svcs	10050760.65100.0504	67,020	2,000	69,020
Adult Sports – Rec Supplies	10050760.71200.0504	37,750	1,000	38,750

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Expenses				
Spec Events – Cont Svcs	10050760.67800.0533	35,800	6,660	42,460
Spec Promo	10050760.67600.0528	4,683	3,322	8,005
Other Financing Use	10010900.78800.0000	211,000	<u>511,562</u>	722,562
Total change to expenses			<u>\$554,523</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 AND PUBLISHED this 26th day of January, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of February, 2004.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 9, 2004



SUBJECT: Resolution No. 11 re Multifamily Tax-Exempt Bond Allocation Association Transit Oriented Housing Pool; Allocation of Assignment; and Intergovernmental Agreement

Prepared By: Robin Byrnes, Community Development Programs Coordinator

Recommended City Council Action:

- Adopt Resolution No. 11 assigning \$500,000 of the City's 2003 Private Activity Bond allocation to the Metro Mayors Caucus Multi-Family Tax Exempt Bond Allocation Association Transit Oriented Housing Pool;
- Authorize the Mayor to sign the Allocation of Assignment agreement applying the assignment to the Colorado Housing Finance Authority (CHFA), serving as agent to the Metro Mayor's Caucus for administration of the Transit Pooled fund; and,
- Authorize the Mayor to sign an Intergovernmental Agreement with other cities participating in the Metro Mayors Caucus Multi-Family Tax Exempt Bond Allocation Association Transit Oriented Housing Pool.

Summary Statement

- The City's 2003 Private Activity Bond Allocation is \$3,858,938, of which \$500,000 is proposed to be allocated to the Metro Mayors Caucus Multifamily Tax-Exempt Bond Allocation Association Transit Oriented Housing Pool. The PAB allocation is issued by the State of Colorado pursuant to federal legislation, and is required for municipalities wanting to issue tax exempt bonds for certain "private activities" such as residential mortgage programs, construction of affordable rental housing, and certain redevelopment projects within an urban renewal area.
- The goal of the Metro Mayors Caucus Multifamily Tax-Exempt Bond Allocation Association Transit Oriented Housing Pool is to create an ongoing \$50 million pool of Private Activity Bonding authority (PAB) including allocations assigned by participating cities and matched by the Colorado Housing and Finance Authority (CHFA). The Pool will be governed by a board representing participating jurisdictions and administered by CHFA. The purpose of the Pool will be to provide financing for development of transit oriented affordable multi-family rental housing. Eligible development projects must meet certain criteria related to land use and siting relative to an actual or planned transit station to be eligible.
- The makeup of the board of directors (Board) of the Pool will include participating jurisdictions, which includes those jurisdictions who have assigned a PAB allocation to the pool. Cities not contributing a PAB allocation may participate as a non-entitlement city if their jurisdictions have stations on existing lines or a station planned in FasTracks and amend their comprehensive plan to require transit oriented mixed use development within 1,500 feet of any station. Participating jurisdictions must execute an intergovernmental agreement to participate.
- City Council acted at the January 26 Council Meeting to allocate the other \$3,358,938 to the Westminster Economic Development Authority.

Expenditure Required: \$500,000

Source of Funds: 2003 Private Activity Bond Allocation

Policy Issues

- Does the City want to assign 2003 Private Activity Bonds in the amount of \$500,000 to support a “pooled” funding resource for developers seeking funding for multi-family housing development in transit development areas?
- Should the City assign the PAB as proposed, given such assignment would prevent the City from assigning this amount for other eligible projects such as Westminster Economic Development Authority (WEDA) activities in south Westminster?
- Should the City participate in the Transit Pool knowing that request for use of such funds is tied to meeting specific land use and siting requirements, that potential projects submitted by the City are subject to competition from other jurisdictions, and that any project submitted by the City for consideration is not guaranteed funding through the Transit Pool?

Alternative

Do not assign \$500,000 in 2003 Private Activity Bonds to the Metro Mayors Caucus Multifamily Tax-Exempt Bond Allocation Association Transit Oriented Housing Pool. This option is not recommended because it could affect access to these funds by developers working with the City on transit oriented multi-family housing projects.

Background Information

Metro Mayors Caucus wishes to create an ongoing \$50 million pool of Private Activity Bonding authority from allocations assigned by participating cities and matched by the Colorado Housing and Finance Authority (CHFA). The Pool will be governed by a board representing participating jurisdictions and administered by CHFA. The purpose of the Pool will be to provide financing for development of transit oriented affordable multi-family rental housing.

Terms of the Board Members are as follows:

- Terms of Board members will be three years and the term can be renewed annually by the assignment of sufficient PAB allocation or the pledge to assign a PAB allocation to the Pool.
- The Board would be charged with raising awareness of the Pool and seeking geographic balance in awarding allocations from the Pool
- The Board would establish criteria for and make decisions regarding the allocation to projects in contributing jurisdictions.

Allocation of the PAB would be decided by a review committee comprised of the following:

- Representatives from participating cities (from the disciplines of planning, transportation or affordable housing development)
- One impartial expert from each of the following disciplines: transit oriented development, affordable housing development & affordable housing finance
- One representative of an affordable housing advocacy organization
- One representative of RTD’s transit oriented development department
- Colorado Housing and Finance Authority representative

There will be an application process as follows:

- Pre-applications will be received by the Metro Mayors Caucus (MMC) board, which will screen them for consistency with the basic application criteria and provide conditional approval. The MMC will convene the Review Committee.
- A detailed application will be submitted to the Review Committee for a thorough screening and recommendation for an allocation commitment to the Board of Directors. The technical review will be sufficient to provide reasonable confidence that the project can be underwritten, financed and developed successfully.
- The Board will evaluate the recommendations of the Review Committee and approve allocations of PAB from the pool.

Final review and approval will be provided by CHFA and will follow CHFA’s procedures. Should CHFA determine that it cannot issue the bonds for the project based on CHFA’s criteria, the Board of the Pool will consider requesting PAB allocation from CHFA and finding a different issuer. The benefits of participating in the pool include:

COOPERATION:	Builds on the MMC legacy of cooperation by pooling a valuable resource for a shared problem
OPPORTUNITY:	Allows for larger allocation of PAB towards affordable housing projects, helping smaller jurisdictions fund projects Use of PABs for multi-family developments allows lower interest rate financing and use of tax credits which increases the affordability of units
NO RISK:	Reduced fiscal impact—PABs are revenue bonds not general obligation bonds
TRANSIT:	Provides ridership for transit lines and an additional choice for commuters Reduces cost of transportation for low income individuals and families
METRO VISION:	Focuses development and increases density along corridors Provides incentive for residential component of urban centers along existing transit corridors and FasTracks corridors Provides market incentive for development along transit corridors
JOBS/HOUSING:	Provides housing close to services, employment and on transit lines
MARKET DEMAND:	Stimulates development of new affordable rentals to offset losses of affordable rental stock

To date the following jurisdictions have contributed to the pool

City	Allocation Year	36 Month Terms	Amount	Representative	Perspective
Arvada	2002	Sep-05	\$3,832,050	Lorraine Anderson	Councilmember
Arvada	2003	Sep-06	\$3,842,625	same as above	**see note
Denver	2002	Sep-05	\$8,750,000	Cheryl Cohen-Vader	Manager of Revenue
Lakewood	2002	Sep-05	\$3,404,725	Bob Murphy	Councilmember
Littleton	2002	Sep-05	\$1,512,750	Mary Roberts	Planning Director
Northglenn	2003	Sep-06	\$1,231,275	Kathie Novak	Mayor
Centennial	2003	Sep-06	\$3,842,138	Randy Pye	Mayor
Total MMC Contributions			\$26,415,563		
CHFA Match			\$26,415,563		
<i>Total with Match</i>			\$52,831,126		

**pending assignment by DOH

To remain a member of the pool participating jurisdictions must contribute at least \$500,000 in PAB locations once every 36 months during the jurisdictions membership.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **11**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF \$500,000 OF THE CITY OF WESTMINSTER PRIVATE ACTIVITY BOND ALLOCATION FOR 2003 TO THE COLORADO HOUSING AND FINANCE AUTHORITY FOR THE METRO MAYORS CAUCUS TRANSIT ORIENTED HOUSING POOL; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Private Activity Bond Ceiling Act, constituting Title 24, Article 32, Part 17, Colorado Revised Statutes (the "Allocation Act"), the City of Westminster, Colorado (the "City") has received a direct allocation of the State of Colorado's 2003 Private Activity Bond Ceiling in the amount of \$3,858,938 (the "2003 Allocation"); and

WHEREAS, the City desires to assign \$500,000 of the 2003 Allocation to the Colorado Housing and Finance Authority (the "Authority") pursuant to Section 24-32-1706 of the Allocation Act to be used to as provided in the form of Assignment of Allocation (the "Assignment") presented to City Council (the "Council") at this meeting; and

WHEREAS, the Authority has agreed to accept the 2003 Allocation on the terms set forth in the Assignment.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO:

Section 1. The City hereby authorizes the assignment of the 2003 Allocation to the Authority for use solely in the manner described in the Assignment.

Section 2. The form, terms and provisions of the Assignment hereby are approved and the Mayor or Director of Finance of the City hereby is authorized and directed to execute and deliver the Assignment, with such necessary or desirable changes thereto as are reasonable and necessary to facilitate the transactions contemplated thereby, all as are approved by the officers of the City executing the Assignment. The execution of the Assignment shall be conclusive evidence of the approval by the City of such document in accordance with the terms hereof.

Section 3. The officers of the City shall take such other steps or actions necessary or reasonably required to carry out the terms and intent of this Resolution and the Assignment.

Section 4. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. All action not inconsistent with the provisions of this Resolution heretofore taken by the Council and the officers of the City directed toward the assignment of the 2003 Allocation and the authorization of the Assignment hereby are ratified, approved and confirmed.

Section 6. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, ADOPTED AND APPROVED this 9th day of February, 2004.

Attest:

Mayor

City Clerk

ASSIGNMENT OF ALLOCATION

THIS ASSIGNMENT (the "Assignment") dated this 9th day of February 2004, is between the City of Westminster (the "Assignor"), and the Colorado Housing and Finance Authority (the "Assignee").

RECITALS

A. The Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing multifamily rental housing projects for low- and moderate-income persons and families.

B. The Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds"), which may be issued in the State to finance such rental housing projects and for certain other purposes (the "State Ceiling").

C. Pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee.

D. Pursuant to Section 24-32-1706 of the Allocation Act the Assignor has an allocation of the 2003 State Ceiling for the issuance of a principal amount of Private Activity Bonds equal to \$500,000 (the "2003 Allocation") which it desires to assign to the Assignee for the purposes further described herein.

E. The Assignor intends to participate with one or more other Denver metropolitan area cities (the "Metro Cities"), who are also making similar allocation assignments to the Assignee, in selecting multifamily rental housing projects, with a preference for public transit oriented projects, for financing and Assignee has expressed its willingness to hold such collective allocations on behalf of such entities (the "Pooled Allocation").

F. The Assignor and other Metro Cities have determined that the Pooled Allocation will enhance their ability to facilitate the financing of one or more multifamily rental housing projects for low- and moderate-income persons and families within the Denver metropolitan area, and the Assignee has expressed its willingness to attempt to issue multifamily housing revenue bonds ("Revenue Bonds") for such purpose.

G. Assignor and Assignee recognize that for federal income tax purpose an allocation may be carried forward for a period limited to three calendar years and to the extent such allocation is not then applied it shall expire.

H. The Assignor has determined to assign to the Assignee the 2003 Allocation for the purposes described herein, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$500,000 of the 2003 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.

2. The Assignee hereby accepts the \$500,000 assignment to it by the Assignor of the 2003 Allocation, subject to the terms and conditions contained herein.

3. Assignee hereby agrees to carryforward for federal income tax purposes such 2003 Allocation for multifamily housing purposes and to administer the Pooled Allocation on behalf of the Metro Cities upon their collective direction, provided, however, if the Metro Cities have not provided any direction to Assignee by September 1, 2004 (including, without limitation, a direction that the Metro Cities have not yet selected a project for financing) or in the event Assignor and Assignee have not reached a mutual agreement as to the administration of the Pooled Allocation by September 1, 2004, the Assignor may direct the Assignee to assign an amount of 2004 State Ceiling volume cap to the Assignor in an amount equal to the 2004 Allocation assigned hereunder and the Assignee hereby agrees to make such assignment.

4. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds, in one or more series to finance the multifamily rental housing project or projects selected by the Metro Cities. In the event Assignee is unable to finance the project or projects selected by the Metro Cities, Assignee hereby agrees to assign an equal amount of State Ceiling allocation to the Assignor or its designee in an amount equal to the Pooled Allocation, or such lesser amount as is requested by the Metro Cities, at the written request of Assignor and other participating Metro Cities.

5. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

6. Nothing contained in this Assignment shall obligate the Assignee to finance any project or projects selected by the Metro Cities.

7. This Assignment shall not constitute the debt or indebtedness or financial obligation of the Assignor within the meaning of the constitution or statutes of the State of Colorado nor give rise to a pecuniary liability or charge against the general credit or taxing power of the Assignor.

8. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this instrument to be executed to be effective as of the date and year first written above.

By: _____
Mayor as Assignor

ATTEST:

By: _____
City Clerk

ATTEST:

Its _____

COLORADO HOUSING AND FINANCE AUTHORITY, as Assignee

[SEAL] By: _____
Executive Director

ATTEST:

Assistant Secretary

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement"), dated as of February 9, 2004, is entered into among the City of Westminster, and such additional municipalities or entities that become signatories hereto (each, constituting a "Member" and, together, the "Members").

RECITALS

WHEREAS, Section 18(2) (a) of Article XIV of the Constitution of the State of Colorado provides that nothing in the Constitution shall be construed to prohibit the State or any of its political subdivisions from cooperating or contracting with one another or with the government of the United States to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units; and

WHEREAS, Part 2 of Article 1 of Title 29 of the Colorado Revised Statutes, as amended, authorizes and enables governments of the State of Colorado to enter into cooperative agreements or contracts; and

WHEREAS, the Members desire to form an association to be known as the Metro Mayors Caucus Multifamily Tax-Exempt Bond Allocation Association (the "MMC Association") for the purposes of promoting the financing of transit oriented affordable multifamily rental housing projects (a "Project" or "Projects"); and

WHEREAS, affordable multifamily rental housing projects are benefited from tax-exempt bond financing that provides developers with lower borrowing costs; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") that may be issued in the State to finance such Projects and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among governmental units in the State, and further providing for the assignment of allocations to other governmental units; and

WHEREAS, pursuant to Section 24-32-1706 of the Allocation Act each Member hereto has, and expects to continue to qualify for, an allocation of the State Ceiling; and

WHEREAS, each Member has or shall agree to transfer all or a portion of its allocation of the State Ceiling to the Colorado Housing and Finance Authority (the "Authority") for the purpose of creating an allocation pool to be allocated as further provided in this Agreement; and

WHEREAS, the Authority has agreed to administer the pooled allocation for the purposes described herein at the direction of the MMC Association; and

- WHEREAS, the MMC Association shall review applications for and shall select Projects to be financed substantially in accordance with the provisions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the Members agree as follows:

Name

- The organization created pursuant to this Agreement shall be a separate legal entity known as the "Metro Mayors Caucus Multifamily Tax-Exempt Bond Allocation Association."

Purpose and Powers

- The MMC Association is formed for the purpose of facilitating and assisting in the development of transit oriented multifamily housing projects, and other multifamily housing projects eligible for financing with State Ceiling allocation, all at the discretion of the MMC Association's Members. The MMC Association shall receive applications for and shall select projects for financing, and shall recommend such projects to the Authority and its Members.

Membership

- Each Member shall be entitled to appoint a representative to the MMC Association, which representative may represent more than one Member and may be replaced from time to time by the Member upon written notice to the MMC Association.
- Each Member, acting through its representative, shall have one vote on any matter brought before the MMC Association.
- The Members shall select a Chairperson of the MMC Association, which person shall be the principal executive of the MMC Association and shall generally facilitate and control the affairs of the MMC Association. The Chairperson shall preside at meetings of the Members, and may sign such documents, which have been approved by the MMC Association. The initial Chairperson shall be elected by the Members at the organizational meeting of the MMC Association and a new Chairperson shall be elected annually thereafter by the Members.
- Any Member may withdraw from the MMC Association upon written notice at any time, provided, that in the event any Member's representative fails to attend more than two consecutive meetings without consent of the majority of the remaining members, such Member shall be deemed to have withdrawn from the MMC Association without further action.
- Additional Members may join the MMC Association from time to time upon approval of the MMC Association and upon such entity becoming a signatory to this Agreement.

Meetings

- Meetings of the MMC Association shall be held at direction of the Chairperson or any two Members requesting such a meeting and shall be open to the public. Notice of any such meeting shall be given in writing not less than 48 hours prior to such meeting, unless such notice is waived in writing by all the Members and as otherwise required pursuant to State law.
- A majority of the Members shall constitute a quorum for purposes of approval of any matter coming before the MMC Association, including the selection of any Project or Projects for financing. Approval of any action by the MMC Association shall require the approving vote of a majority of all its Members.
- Notwithstanding any other provision contained herein, the MMC Association may conduct meetings by conference call.
- All meeting shall comply with the open meetings requirements contained in Part 4 of Article 6 of Title 24, Colorado Revised Statutes.

Allocation Assignment

- As a condition to membership, each Member shall commit to assign all or a portion of its allocation of State Ceiling to the Authority as a contribution to the pooled allocation. In the event a Member has not assigned an allocation of a minimum of \$500,000 within twelve months of its initial membership such Member shall be denied the right to vote on any matter coming before

the MMC Association until such time as such Member has made such assignment. In order to remain a Member of the MMC Association, a Member shall be required to contribute a minimum of \$500,000 of State Ceiling allocation to the allocation pool during each 36 month period of its membership, with the first 36 month period commencing on the date such Member shall join the Association, provided, however, any Member which has prior to the date hereof contributed any amount to the allocation pool shall receive a credit for such amount effective the date of this Agreement.

Project Selection

- An eligible Project shall consist of a residential rental housing development located within approximately 1,500 feet of and which provides direct pedestrian access to an existing permanent transit facility, or permanent transit facility identified in the Regional Transportation District's FasTracks plan.
- Each eligible Project shall:
 - a. Meet minimum affordability requirements, including tenant income restrictions applicable under the Internal Revenue Code of 1986, as amended, as then in effect, and requirements imposed under State law;
 - b. Include 50 or more dwelling units;
 - c. Be consistent with regional and applicable local comprehensive plans;
 - d. Be properly zoned for such development; and
 - e. Comply with such other criteria as shall be imposed by the MMC Association from time to time.

Project Application and Review

- An applicant may request consideration for selection by submitting to the MMC Association an application (in such form prepared and approved by the MMC Association and containing such information requested by the MMC Association), including, without limitation, the following:
 - a. The name of the development entity and its principals;
 - b. The mailing address of the development entity;
 - c. The name and title of the person or persons of the development entity and the name and address of legal counsel of said entity to whom notices should be sent and from whom information may be obtained;
 - d. The principal amount of private activity bond cap proposed to be used;
 - e. Indication as to whether federal tax credits will be applied;
 - f. The nature and the location of the project; and
 - g. A certification signed by the applicant stating that it will proceed with diligence to ensure construction of the Project.
- The MMC Association may appoint from time to time a committee, whether or not consisting exclusively of representatives of the Members, to screen applications for the MMC Association.

Alternate Projects

- With the unanimous consent of the Members, the MMC Association may alter the criteria for selected Projects or may select other multifamily rental housing projects for application of all or a portion of the pooled allocation.

General Terms

- This Agreement may be modified, amended, changed or terminated, in whole or in part, only by an agreement in writing duly authorized and executed by the parties hereto.
- This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute one instrument.

IN WITNESS WHEREOF, the City of Westminster have executed this Agreement February 9, 2004.

ATTEST:

CITY OF WESTMINSTER

CITY CLERK

By:_____
MAYOR

APPROVED AS TO FORM:

By:_____
CITY ATTORNEY



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 9, 2004



SUBJECT: Councillor's Bill No. 7 re Vacation of Rights-of-Way and Easements within the Mandalay Town Center Project

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

Pass Councillor's Bill No. 7 as an emergency ordinance, vacating certain rights-of-way and easements within the Mandalay Town Center property.

Summary Statement

- City Council action is requested on the above referenced Councillor's Bill to vacate a portion of certain rights-of-way and easements (see attached map).
- The vacation is needed in order to develop the second phase of the Mandalay Town Center project as shown on the approved Preliminary Development Plan.
- An emergency ordinance is required in order to meet several time sensitive deadlines pertaining to the construction of the Town Center area and associated infrastructure.
- Descriptions of the rights-of-way and easements are included within the Background Information section of this Agenda Memorandum.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Councillor's Bill re Vacation of Rights-of-Way and Easements
Within the Mandalay Town Center Project

Page 2

Policy Issue

Should the City Council vacate the rights-of-way and easements, which by State Statute, must be vacated by an ordinance of the City Council?

Alternative

Do not vacate the subject right-of-way. This alternative is not recommended because the subject rights-of-way and easements encumber portions of the proposed Mandalay Town Center development and would inhibit the implementation of this project.

Background Information

The portion of rights-of-way and easements affected by the proposed ordinance encumber the property that has been planned for the Mandalay Town Center project. The rights-of-way to be vacated are currently located in the Mandalay Town Center, Filing No. 1 Subdivision. These vacations are necessary to adjust the right-of-way on the east side of Reed Street. The easements to be vacated are located within the Church Ranch Homeplace Subdivision, Filing No. 4, which is where the current BP/Amoco service station is located.

If the Council agrees to these vacations, the land would then be incorporated into the final plat for Mandalay Town Center, Filing No. 2, which is the second Phase of the Mandalay Town Center development. This final plat will be used define new lots and to dedicate the new rights-of-way and easements that are consistent with the Mandalay Town Center, Filing No. 2 development.

Staff is recommending that the vacations be passed as an emergency ordinance in order to meet time sensitive deadlines pertaining to the transfer of ownership needed to proceed with phase two of the Mandalay Town Center Project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **7**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING RIGHTS-OF-WAY AND EASEMENTS WITHIN THE MANDALAY TOWN CENTER DEVELOPMENT.

WHEREAS, certain portions of rights-of-way were dedicated as public right-of-way by the Mandalay Town Center, Filing No. 1 Subdivision and portions of easements were dedicated as part of the Church Ranch Home Place, Filing No. 4 Subdivision; and

WHEREAS, this portion of the right-of-way and easement lies within the boundaries of the Mandalay Town Center PUD; and

WHEREAS, the vacation is necessary in order to make the improvements to the property in accordance with the approved Preliminary Development Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portion of the rights-of-way and easements herein described.

Section 2. Legal Description of Reed Street Right-of-Way to be vacated:

Parcel No. 1

A parcel of land being a portion of Reed Street, as shown on Mandalay Town Center Filing No. 1 in the City of Westminster, County of Jefferson, State of Colorado per plat recorded at Reception No. F1901073 in the office of the Clerk and Recorder of said County, lying within the southeast quarter of Section 11, Township 2 south, Range 69 West of the Sixth Principal Meridian, in said City, County, State, more particularly described as follows:

BEGINNING at the northerly terminus of that certain course along the northeasterly right-of-way of said Reed Street shown as having a bearing and distance of N29°38'23"W, 71.50 feet on the plat of said Mandalay Town Center Filing No. 1, with all bearings herein being referenced to this line:

Thence along said northeasterly right-of-way the following two courses:

- 1) Along said certain courser S29°38'23"E, 71.50 feet to the beginning of a non-tangent curve concave easterly having a radius of 75.00 feet, the radius point of said curve bears S37°21'22"E;
- 2) Southerly along said curve through a central angle of 75°09'31" an arc length of 98.38 feet.

Thence departing said northeasterly right-of-way, N29°38'23"W, 201.53 feet to said northeasterly right-of-way and the beginning of a non-tangent curve concave northerly having a radius of 75.00 feet, the radius point of said curve bears N52°15'04"E;

Thence easterly along said right-of-way and along said curve through a central angle of 75°09'32" an arc length of 98.38 feet to the **Point of Beginning**.

Containing 0.157 acres (6,844 square feet), more or less.

Parcel No. 2

A parcel of land being a portion of Reed Street, as dedicated on Mandalay Town Center Filing No. 1, in the City of Westminster, County of Jefferson, State of Colorado per plat recorded at Reception No. F1901073 in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, in said City, County and State, more particularly described as follows:

BEGINNING at the westerly terminus of that certain course along the northerly boundary of said Mandalay Town Center Filing No. 1, shown as having a bearing and distance of N89°56'11"E, 998.05 feet on the plat of said Mandalay Town Center Filing No. 1, with all bearings herein being referenced on this line;

Thence along said certain course, N89°56'11"E, 80.40 feet to the southeasterly right-of-way of said Reed Street and the northeasterly terminus of that certain course along said southeasterly right-of-way of Reed Street shown as having a bearing and distance of S40°36'24"W, 79.01 feet on the plat of said Mandalay Town Center Filing No. 1.

Thence along said last described certain course S40°35'24"W, 79.01 feet to the southerly terminus of said certain course;

Thence departing said southeasterly right-of-way, N49°24'36"W, 61.00 feet to the northwesterly right-of-way of said Reed Street and the southwesterly terminus of that certain course along said northwesterly right-of-way of Reed Street shown as having a bearing and distance of N40°35'24"E, 26.63 feet on the plat of said Mandalay Town Center Filing No. 1.

Thence along said last described certain course, N40°35'24"E, 26.63 feet to the **Point of Beginning**.

Containing 0.074 acres (3,222 square feet), more or less.

Section 3. Legal Description of the Easements to be vacated:

All of the Easements dedicated to the City of Westminster by the Final Plat for Church Ranch Home Place, Filing No. 4 as recorded under Book No. 127 at Page 27 under Reception No. F0161732 in the records of the Clerk and Recorder of Jefferson County, Colorado.

Section 4. Because any delay in initiating and completing the Mandalay Town Center improvements pursuant to the Redevelopment Agreement with the developer could jeopardize the timely opening of the Project and the ability of the Authority to meet the debt service for the bond issue for the project, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on February 9, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 9th day of February 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 9, 2004

SUBJECT: Resolution No. 12 in Opposition of Extreme Efforts by the State Legislature to Limit the Use of Eminent Domain for the Purposes of Urban Renewal

Prepared By: Emily Moon, Management Analyst

Recommended City Council Action:

Adopt Resolution No. 12 formally opposing House Bill 04-1203, House Bill 04-1209 and other extreme efforts to limit the use of eminent domain for the purposes of urban renewal.

Summary Statement:

Urban renewal, including the limited and occasional use of eminent domain, is an important and proven mechanism of development and redevelopment in Colorado. Effective urban renewal efforts are essential elements of any city's smart growth policy. The City of Westminster needs to reserve the ability to use eminent domain as an urban renewal tool in cases where the situation cannot be improved in any other way. The Colorado Municipal League urges local governments to oppose extreme legislation that would limit the ability to use these critical community improvement tools.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does the City Council wish to formally oppose these bills in the State Legislature?

Alternative

City Council could choose not to take a formal position of opposition to this type of legislation and not adopt this resolution at this time.

Background Information

Two bills introduced in the 2004 Legislative Session severely restrict the power of local governments not only to perform urban renewal, but also to exercise the power of eminent domain. House Bill 04-1203 (sponsored by Representative Shawn Mitchell), the broader of the two bills, prohibits any property that has been acquired by condemnation from ever being transferred to a private entity. This prohibition is not only in the urban renewal statutes, but also in the condemnation statutes in Title 38 and, therefore, will restrict all public and private entities that exercise the power of eminent domain. House Bill 04-1209 (sponsored by Representative Lois Tochtrop) makes specific changes to the urban renewal statute only. It removes “economic liability” as a consideration in determining if blight exists. This means that a blight study will still consider whether the 11 factors listed in the statute exist, but only if they create a purely “social liability,” rather than an “economic or social liability.” The bill also prohibits a finding of blight on agricultural or vacant land.

City Council took a formal position to oppose House Bill 04-1203 on January 21, 2004 and House Bill 04-1209 on January 27, 2004. Both bills will be heard in the Information Technology Committee on February 9.

Urban renewal, including the limited and occasional use of eminent domain, is an important and proven mechanism of development and redevelopment in Colorado. Communities across the state have benefited from landmark urban renewal projects, many of which would never have happened without the mechanisms currently provided. Within the law, there is certainly room for moderate, reasonable and carefully crafted reforms. The bills introduced to date are far too simplistic and extreme.

Effective urban renewal efforts are essential elements of any city’s smart growth policy. Smart growth is encouraged by the successful redevelopment of neglected or abandoned areas. Without the ability to redevelop, revitalize or plan smart growth, growth will move further and further from the center of our community and spawn sprawl.

The City needs to reserve the ability to use eminent domain as an urban renewal tool in cases where the situation cannot be improved in any other way. Condemnation is rarely used throughout the state; properties are most often acquired through normal purchasing or negotiated settlements. However, the prospect of using eminent domain enabled WEDA to remove the dangerous and blighted Aspen Care nursing home and build Harris Park Town Homes, a center of vitality, in its place. Eminent domain serves as a strong negotiating point and a catalyst for change. Without the power of eminent domain, Westminster Plaza would have decayed completely with neglect and crime, and the City may have little hope of remedying the vast problems of the Holly Park neighborhood.

SUBJECT: Resolution No. 12 in Opposition of Extreme Efforts by the State Legislature to Limit the Use of Eminent Domain for the Purposes of Urban Renewal Page 3

The Colorado Municipal League is urging local governments to adopt a resolution opposing these bills and similar extreme efforts. Numerous businesses and individuals agree that these extreme restrictions on municipal urban renewal authority will have a detrimental impact on our communities. Among them are the National Association of Industrial and Office Properties, the International Council of Shopping Centers, Colorado Community Revitalization Association, and numerous individual businesses and chambers of commerce.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **12**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

CITY'S FORMAL POSITION TO OPPOSE EXTREME EFFORTS BY THE STATE LEGISLATURE
TO LIMIT THE USE OF EMINENT DOMAIN FOR THE PURPOSES OF URBAN RENEWAL

WHEREAS, urban renewal is an essential tool used by municipalities to promote smart growth and critical revitalization efforts; and

WHEREAS, urban renewal has proven particularly applicable in revitalizing older suburbs and thereby preventing further outlying sprawl; and

WHEREAS, it is the right and responsibility of a city to nurture the best interests and long-term prosperity of all its citizens; and

WHEREAS, local control is a tested, time-honored principle of Colorado government and western traditions; and

WHEREAS, eminent domain, used responsibly in rare and exceptional circumstances, is a critical tool for urban renewal and economic revitalization; and

WHEREAS, eminent domain is a historic right of government recognized by our country's founders in the Bill of Rights to the U.S. Constitution; and

WHEREAS, eminent domain has been used appropriately and responsibly for projects such as New York's World Trade Center, Denver's Coors Field and 16th Street Mall Pavilions, and Westminster's Aspen Care and Westminster Plaza projects; and

WHEREAS, eminent domain and transfer to private ownership may prove to be the only solution when private developments fail, such as Westminster's Holly Park subdivision that has been essentially abandoned for years; and

NOW, THEREFORE, be it resolved that the City Council of Westminster opposes any attempts to eliminate or severely restrict the ability of municipalities to revitalize their communities using all the tools afforded to them by urban renewal, including the use of eminent domain.

Passed and adopted this 9th day of February, 2004.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, February 9, 2004. Present at roll call were Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call. Absent none.

The minutes of the January 26, 2004 meeting were approved.

Council approved the following: Change Date of First and Last City Council Meetings in March; Agreement with Xcel Energy re 136th Avenue and I-25 Interchange Street Lights for \$121,818; Fire Engine Contract and Purchase with Front Range Fire Apparatus for \$471,578; Environmental Services Legal Services Agreement with Sherman & Howard and Carlson Hammond & Paddock not to exceed \$7,000; Golf Cart Fleet Bid and Lease/Purchase with Colorado Golf and Turf for \$399,642; Asphalt Materials Bid with Asphalt Specialties for \$261,500; Allocation of Assignment applying the assignment to the Colorado Housing Finance Authority (CHFA) serving as agent to the Metro Mayor's Caucus for administration of the Transit Pooled fund; and Intergovernmental Agreement with other cities participating in the Metro Mayors Caucus Multi-Family Tax Exempt Bond Allocation Association Transit Oriented Housing Pool.

The following Councillor's Bill was adopted as an emergency ordinance:

A BILL FOR AN ORDINANCE VACATING RIGHTS-OF-WAY AND EASEMENTS WITHIN THE MANDALAY TOWN CENTER DEVELOPMENT purpose: vacation of right-of-way and easements within Mandalay Town Center

The following Councillor's Bill was passed on second reading:

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS

The following Resolutions were adopted:

Resolution No. 11 re Multifamily Tax-Exempt Bond Allocation Association Transit Oriented Housing

Resolution No. 12 re Opposition to Limit Use of Eminent Domain for purposes of Urban Renewal

At 7:26 p.m. the meeting was adjourned

By order of the Westminster City Council

Richelle Work, CMC, Acting City Clerk

Published in the Westminster Window on February 19, 2004