

February 10, 1997
7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. 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 Meeting**
4. **Presentations**
 - A. Metro Mayors & Commissioners Youth Award Nominations
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. Security Life ROW Acquisition
 - B. 1997 Wastewater Collection System Maintenance
 - C. Customer Service Concrete Replacement Program
 - D. Bids re Asphalt Materials
 - E. Bids re Parks Truck
 - F. Change Date of First Council Meeting in March
 - G. CB No. 6 re Melody Plaza Easement Vacation (Allen-Merkel)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. TABLED Resolution No. 10 re Westminster Boulevard 104th/112th Avenue
 - B. Councillor's Bill No. 7 re Westminster Boulevard Annexation
 - C. Public Hearing re Promontory Pointe
 - D. Promontory Pointe Action
 - E. Public Hearing re Church Ranch Home Place Amended PDP
 - F. Church Ranch Home Place Amended Preliminary Development Plan
 - G. Public Hearing re Fire Station No 2 Annexation
 - H. Councillor's Bill No. 8 re Fire Station No. 2 Annexation
 - I. Councillor's Bill No. 9 re Fire Station No. 2 Zoning
 - J. Public Hearing re Brauch Property Annexation & Open Space
 - K. Councillor's Bill No. 10 re Brauch Property Annexation
 - L. Councillor's Bill No. 11 re Brauch Property Annexation
 - M. Councillor's Bill No. 12 re Brauch Property Zoning
 - N. Councillor's Bill No. 13 re Silver Oaks Waterline Constuction
 - O. Resolution No. 12 re Additional Staffing
 - P. Prosecution Services Contract
11. **Old Business and Passage of Ordinances on Second Reading**
 - A. CB No. 5 re Smith Zoning (Harris-Allen)
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Quarterly Activity Report for December 1996
 - B. City Council

C. Request for Executive Session

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 10, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Harris, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Merkel.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Harris to accept the minutes of the meeting of January 27, 1997 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Mayor Pro Tem Dixon presented certificates of achievement to Bernarda Juarez, Nathan Phillips and Amanda Stream for being chosen by the City in the first phase of the Metropolitan Mayors and Commissioners Youth Award.

CITIZEN COMMUNICATION:

Stephanie Bowyer, 9032 Vance Street #202, addressed Council regarding the use of Photo Radar and that it's use was a violation of the 6th Amendment rights.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher stated there would be a Special Westminster Economic Development Authority meeting held February 18 at 5:30 P.M.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: Security Life Right-of-Way Acquisition; 1997 Wastewater Collection System Maintenance bid; Bids for Customer Service Concrete Replacement Program, Asphalt Materials and Parks Trucks; Change of date of first City Council meeting in March from March 10 to March 17; and Councillor's Bill No. 6 re Melody Plaza Easement Vacation.

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

A motion was made by Harris and seconded by Scott to adopt the Consent Agenda items as presented with the recommendation stated on the Council agenda memorandums. The motion carried unanimously.

RESOLUTION NO. 10 - WESTMINSTER BOULEVARD ROW ACQUISITION:

A motion was made by Scott and seconded by Smith to remove Resolution No. 10 from the Table. The motion carried unanimously.

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 10 authorizing the expenditure of up to \$365,000 for the acquisition through condemnation, if necessary, of sufficient rights-of-way and parcels for the construction of the Westminster Boulevard project and public parking; and charge this expense to the appropriate project account in the General Capital Improvement Fund. City Manager Bill Christopher read into the record, a letter from Don Slack, representing the Ryan property owners, stating a tentative agreement has been reached between the City and the Ryan property owners. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 7 - WESTMINSTER BOULEVARD ANNEXATION:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 7 on first reading annexing the easternmost 80 feet of the former Ryan Property for right-of-way purposes. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE PROMONTORY POINTE SERVICE COMMITMENT CHANGE:

At 7:40 P.M. the meeting was opened to a public hearing on the proposal by Metropolitan Builders to delete the swimming pool that was required as part of the 1996 Growth Management Competition on the Promontory Pointe project. City Planner David Falconieri entered a copy of the Agenda Memorandum and other related items as exhibits. Peter Kudla, representing Promontory Pointe LLC, was present to address Council requesting the deletion of the swimming pool from the ODP. No one spoke in opposition. At 8:20 P.M. the public hearing was declared closed.

PROMONTORY POINTE REVISION OF COMMITMENTS:

A motion was made by Smith and seconded by Dixon to deny the request for a revision of the commitments made by Metropolitan Builders as part of the 1996 Category B-2 competition allowing the applicant to delete a proposed swimming pool. The motion carried unanimously.

PUBLIC HEARING RE CHURCH RANCH HOME PLACE AMENDED PDP:

At 8:25 P.M. the meeting was opened to a public hearing on the proposed amendment to the Church Ranch Home Place PDP to add a land use to Parcel 5, generally located East of Wadsworth Boulevard, at approximately the 102nd Avenue alignment.

A motion was made by Mayor Heil and seconded by Mayor Pro Tem Dixon to Table the public hearing and action on the Church Ranch Home Place amended PDP until the February 24 City Council meeting when all Councillors will be present. The motion to Table failed with dissenting votes by Harris, Scott and Smith.

The Mayor stated that two members of Council would not be able to vote on this item due to the City Charter Campaign Reform provision which prohibits Councillors from voting on issues where campaign contributions have been received of more than \$100 by a party in interest. Sam Dixon would need to abstain from voting since she had received a contribution of \$150 from Church Ranch. Fred Allen had received a \$100 contribution from Charlie McKay and since the contribution was not more than \$100 he would be eligible to vote on this issue.

City Planner Mark Geyer entered a copy of the Planning Commission Recommendation, Agenda Memorandum and other related items as exhibits.

The following people spoke in favor of this application: Greg Markling, Developer; Charlie McKay, property owner; Terry TenEyck, 10885 Loma Linda; Elisabeth Borden and Greg Bradbury, representing Westbridge Group. No one spoke in opposition. At 9:05 P.M. the public hearing was declared closed.

CHURCH RANCH HOME PLACE AMENDED PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Scott and seconded by Allen to approve the First Amended Preliminary Development Plan to add the use of Assisted Living to a portion of Parcel 5 in the Church Ranch Home Place PUD. The motion carried unanimously.

PUBLIC HEARING RE FIRE STATION NO. 2 REPLACEMENT SITE:

At 9:10 P.M. the meeting was opened to a public hearing on the proposed Fire Station No. 2 replacement site annexation and zoning, generally located south of the Diamond Shamrock station at 92nd Avenue and Lowell Boulevard. City Planner David Falconiere entered a copy of the Planning Commission Recommendation, Agenda Memorandum and other related items as exhibits. No one spoke in opposition. At 9:12 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 8 - FIRE STATION NO. 2 SITE ANNEXATION:

A motion was made by Dixon and seconded by Scott to pass Councillor's Bill No. 8 on first reading annexing the property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 9 - FIRE STATION NO. 2 SITE ZONING:

A motion was made by Dixon and seconded by Allen to pass Councillor's Bill No. 9 on first reading zoning the property O-1 (Open). Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE BRAUCH PROPERTY ANNEXATION AND OPEN SPACE:

At 9:14 P.M. the meeting was opened to a public hearing regarding the annexation and zoning of City-owned Open Space property purchased from the Brauch family in 1996 and generally located north of 88th Avenue between Alkire and Indiana Streets. City Planner David Falconiere entered a copy of the Planning Commission Recommendation, Agenda Memorandum and other related items as exhibits. No one spoke in opposition. At 9:16 P.M. the public hearing was declared closed.

COUNCILLOR'S BILL NO. 10 - BRAUCH PROPERTY OPEN SPACE ANNEXATION:

A motion was made by Allen and seconded by Scott to pass Councillors' Bill No. 10 on first reading annexing the Mower Reservoir to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 11 - BRAUCH PROPERTY OPEN SPACE ANNEXATION:

A motion was made by Allen and seconded by Scott to pass Councillors' Bill No. 11 on first reading annexing the Brauch property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 12 - BRAUCH PROPERTY ZONING:

A motion was made by Allen and seconded by Scott to pass Councillors' Bill No. 12 on first reading zoning the Brauch properties to O-1 (Open). Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 13 - SILVER OAKS WATERLINE CONSTRUCTION:

A motion was made by Dixon and seconded by Scott to pass Councillors' Bill No. 13 on first reading appropriating \$74,950 to the 112th Avenue, Sheridan Boulevard to Federal Boulevard Project from payments received into the cash-in-lieu account; authorize the City Manager to execute a construction contract with T. Lowell Construction, Inc. in the amount of \$74,950 for the re-installation of a 12-inch water line in 144th Avenue from Pecos Street to Huron Street; and, authorize the expenditure of \$74,950 for this project from the 112th Avenue, Sheridan Boulevard to Federal Boulevard in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 12 - ADDITIONAL COMMUNITY DEVELOPMENT POSITIONS:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 12 authorizing 3.5 FTE indexed positions in the Community Development Department. Upon roll call vote, the motion carried unanimously.

PROSECUTION SERVICES CONTRACT:

A motion was made by Allen and seconded by Dixon to authorize the City Manager to execute a contract with Alan C. Katz, P.C. to provide a portion of the City's prosecution services and increase the two current Assistant City Prosecutors' FTE status from .5 to .7, effective February 1, 1997. The motion carried unanimously.

ORDINANCE NO. 2488 - SMITH PROPERTY ZONING:

A motion was made by Harris and seconded by Allen to adopt Councillor's Bill No. 5 on second reading zoning the Smith Property O-1, Open, based on a finding that the zoning meets the requirements of the City Code, including Section 11-2-1, Zoning Map Amendments; and the proposed land use is compatible with existing and proposed land uses in the area. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Quarterly Activity Report.

ADJOURNMENT:

The meeting was adjourned at 9:25 P.M.

ATTEST:

Mayor

City Clerk

Date: February 10, 1997

Subject: 1997 Metropolitan Mayors and Commissioners Youth Awards Nominations

Prepared by: Heather Balsler, Management Intern

Introduction

City Council is requested to recognize five area youth chosen by the City for the first phase of the Metropolitan Mayors and Commissioners Youth Award. Four of the youth were unable to attend the recognition ceremony on January 28, and one additional youth from Hodgkins Middle School is to be recognized as well.

Summary

The purpose of the Metropolitan Mayors and Commissioners Youth Award is to recognize young people in the community (age 13-19) who have shown outstanding achievement in the areas of direct service, service to the family, service to other youth, service to their community, and service to self through overcoming personal adversity or through positive change.

The selection process is a three part procedure. Each city reviews the nomination form for eligibility and completeness. It is possible that one or more of these youth may live in unincorporated Adams/Jefferson County and not within Westminster's boundaries. However, all of the youth either live in or attend school in Westminster and are required to have a city recognize them if they are to have an opportunity to be a finalist at the next level. If they are chosen as semi-finalists by the County Screening Committee, their names will be forwarded to the Metropolitan Selection Committee who will choose 20 finalists from the metro area. The Denver-metro area banquet will be held on April 27.

Staff Recommendation

Recognize and present certificates of achievement to Bernarda Juarez, Mark Meehan, Jeremy Pacheo, Nathan Phillips and Amanda Stream.

Background Information

The accomplishments of many of our young people today are overlooked. Many young people have overcome personal adversity, created positive change in a difficult environment or in their own quiet way made strides beyond their limitations. Examples could be those students who have been faced with health concerns, financial hardship, family struggles or school difficulties. This award is unique in that it encompasses all youth; youth who have not finished school, youth in traditional classroom settings, youth in group homes, youth in alternative schools and emancipated youth. These young people are the foundation of our future communities, and the efforts they have made to improve themselves and their community today assure that tomorrow will find them as successful and productive citizens.

Accordingly, the City of Westminster would like to recognize the following nominees as young people in our community who have demonstrated outstanding achievement:

Bernarda Juarez, age 14, attends Hodgkins Middle School. Bernarda was nominated by Janel Phillips.

Mark Meehan, age 14, attends Hodgkins Middle School. Mark was nominated by Ann Pacek.

Jeremy Pacheo, age 14, attends Shaw Heights Middle School. Jeremy was nominated by Mr. Lehtinen, Mrs. Lewis, Mr. Loveless, and Mrs. Collins.

Nathan Phillips, age 17, attends Standley Lake High School. Nathan was nominated by Robert Thoreson.

Amanda Stream, age 17, attends Pomona High School. Amanda was nominated by Dr. John R. Marsico.

It was determined that all 5 individuals are outstanding youth and worthy of local recognition. These names have been submitted to the Adams/Jefferson County Screening Committees.

The Mayor is to recognize these youth at Monday night's City Council meeting and present them with a MMCYA certificate of achievement.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 10, 1997
Subject: Security Life Right-of-Way Acquisition
Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute a Purchase and Sale Agreement and any necessary closing documents with Security Life of Denver Insurance Company (the Owner) and to waive the owner's obligation to pay any and all recovery costs associated with the 128th Avenue and Huron Street Intersection Improvement Project, City Project No. S96-1, in exchange for the owner's dedication of the necessary right-of-way for this project.

Summary

- > Construction of the 128th Avenue and Huron Street Intersection Improvement Project is scheduled to begin in mid-March, pending Council's approval of this negotiated settlement with Security Life of Denver Insurance Company.
- > On October 4, 1996, Council authorized Staff to negotiate a settlement with the owners for the acquisition of this right-of-way. Given the unusual nature of this settlement (i.e., waiving recovery costs instead of a cash payment for the right-of-way) Staff believes it is necessary to obtain Council's approval of this settlement.
- > The terms of this negotiated settlement includes the owner's obligation to dedicate all right-of-way and temporary construction easements necessary to construct this project. In exchange, the City agrees to waive any and all recovery costs associated with this project. The value of the 4.472 acres of right-of-way is estimated at approximately \$290,000. The estimated value of the future recovery cost is \$450,000, which includes the \$290,000 estimated cost of the right-of-way. Therefore, the value of roadway improvements that is proposed to be waived from future recovery is approximately \$160,000.
- > This settlement equates to paying \$2.31 per square foot for the right-of-way. By comparison, the City paid \$3.75 per square foot to AT&T (Lucent Technologies) and \$3.25 per square foot to the owners of Park Centre for right-of-way acquisitions necessary for the 120th Avenue and Huron Street Project. Both of these parcels were similar in nature (vacant land) to the right-of-way parcel that is the subject of this Agenda Memorandum.

Staff Recommendation

Authorize the City Manager to execute a Purchase and Sale Agreement and any necessary closing documents with Security Life of Denver Insurance Company and waive any future recovery costs relating to the construction of the 128th Avenue and Huron Street Intersection Improvement Project, City Project No. S96-1 in exchange for the dedication of right-of-way and temporary construction easements necessary to construct this project.

Background Information

In the past few years, the northern portions of the City have been developing at a rapid pace. In addition, nearby areas of Thornton and Broomfield are also developing rapidly and contributing traffic to this intersection. This growth, and the fact that the 128th Avenue and Huron Street Intersection currently provides only one lane in each direction with no left turn lanes, has caused this intersection to function poorly during rush hour.

The 128th Avenue and Huron Street Project includes the widening of Huron Street from 123rd Avenue to a point approximately 500 feet north of 128th Avenue as well as the complete reconstruction of the intersection. 128th Avenue will be reconstructed approximately 500 feet in each direction from its intersection with Huron Street. The main objective of this project is to provide for double left-turn lanes, two through lanes and "free flow" right turn lanes in all directions. A new mast-arm traffic signal and raised median adjacent to the turn lanes are also included as part of this project.

Since October of 1996, Staff has been negotiating with the owners of the property at the southeast corner of 128th Avenue and Huron Street (see attached map). The owners, Security Life of Denver Insurance Company, have agreed to dedicate the right-of-way and temporary construction easement in exchange for the City waiving any and all future recovery costs associated with this project. Staff believes that this settlement is reasonable and necessary to keep the project on schedule and within budget.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Map

Date: February 10, 1997
Subject: 1997 Wastewater Collection System Maintenance
Prepared by: Jack Rudey, Utilities Field Operations Supervisor
Alex Iacovetta, Utilities Operations Manager

Introduction

City Council action is requested to award the bid for the 1997 Wastewater Collection System Maintenance to H2O Construction and Maintenance, Inc.; authorize the City Manager to execute a contract between the City and H2O Construction and Maintenance, Inc., with the option of extending the contract for two one-year periods if the conditions remain similar; and authorize a budget of \$324,173.13 for sanitary sewer maintenance services and \$26,000 for a contingency budget. Funds are available for these expenditures in the 1997 Utility Fund, Wastewater Operations Budget.

Summary

Formal bids in accordance with City Charter bidding requirements were obtained for the Wastewater Collection System Maintenance project from three qualified and experienced contractors.

The City issued eight requests for proposals for the 1997 Wastewater Collection System Maintenance project. The bids were opened in City Council Chambers on January 27.

The bid documents contained four bid items which consisted of:

1. Jet cleaning;
2. Combined television inspection and jet cleaning;
3. Root foaming; and
4. Television inspection.

Two contractor's submitted bids containing all four bid items, while the third contractor submitted a bid on two of the four bid items. By bidding only two of the four bid items, Anderson Services, Inc., was not the low responsive bid.

<u>BIDDER</u>	<u>AMOUNT</u>
H2O Const. & Maint.	\$324,173
Guildner Pipeline	\$412,680
Anderson Services, Inc. (Bid only 2 of the 4 bid items)	\$256,756

TranSystems Engineers and Planners were contracted to review the bids and make a recommendation when it was learned three Utilities Division employees might, as private contractors, submit bids for the project. TranSystems Engineers and Planners has recommended H2O Construction and Maintenance, Inc. as the successful, and responsible bidder. (See attached recommendation.)

Staff Recommendation

Award a contract to the low bidder H2O Construction and Maintenance in the amount of \$324,173.13 for the 1997 Wastewater Collection System Maintenance; authorize the City Manager to execute a contract between the City and H2O Construction and Maintenance for the remainder of 1997, with the option of extending the contract for two one-year periods if the conditions remain similar; authorize a budget of \$324,173.13 with a contingency budget of \$26,000; and charge the appropriate project accounts in the 1997 Public Works and Utilities, Wastewater Division Operating Budget.

Background Information

The Public Works and Utilities Department has historically maintained the City's sanitary sewer system. The proposed privatization of the wastewater collection system maintenance; however, allows the Utilities Division to assign 5 additional full time employees to the in-house Construction Crew. The two remaining maintenance crews will each cover half the City providing maintenance to the water distribution system. These changes will permit the Utilities Construction Crew to focus its attention on replacing water lines thereby reducing the number of water line breaks the City experiences.

The City's wastewater collection system consists of approximately 326 miles of sanitary sewer mains. The maintenance program has been set-up to include routine jet cleaning, tri-monthly and biannual jet cleaning, a combination jet cleaning and television inspection program, root foaming, and video inspection of the sanitary collection system.

This program will provide for the system being cleaned once every three years and television inspected once every six years.

The Utilities Division will continue to respond to wastewater collection system customer services and emergency calls.

The Utilities consulting firm, TranSystems Engineers and Planners reviewed the bids and made a recommendation to the City when it was determined three Utilities Division employee's were considering submitting a bid for the project. The independent consultant review and recommendation allows an open, technical, and unbiased, review of all bids. As it turned out, City employees acting as private contractors, did not submit any bids.

An alternative to this program would be to hire 5 full time equivalent maintenanceworkers in the Utilities Division to perform water line replacement on the Construction Crew, authorize the purchase of a Vactor jet cleaning/vacuum combination cleaner, and allocate funding for wastewater collection system materials and other equipment to operate efficiently. This alternative is not cost-effective nor operationally efficient for the City.

The Department of Public Works and Utilities continues to evaluate internal and outsourcing opportunities to operate more effectively and efficiently.

It was determined to be in the best interest of the City to explore outsourcing some of the services the Department has to offer. For example, over the past three years the Department of Public Works and Utilities has successfully outsourced laboratory services at Big Dry Creek Water Reclamation Facility; television inspection services of new sanitary sewer mains prior to warranty acceptance; street striping; and street sweeping.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: February 10, 1997

Subject: Customer Service Concrete Replacement Program Bids

Prepared by: Ray Porter, Street Projects Coordinator

Introduction

City Council action is requested to award the bid for the 1997 Customer Service Concrete Replacement Program and authorize the City Manager to execute an Inter-Governmental Agreement with Adams County School District No. 50. Funds have been specifically allocated in the 1997 Department of Public Works and Utilities Street Division Budget for these expenses.

Summary

Formal bids were solicited in accordance with City Charter bidding requirements for the 1997 Customer Service Concrete Replacement Program. Bid Documents were picked up by eight contractors and six bids were received. Fasick Concrete, Inc., is the low bidder at \$371,932 for the City's work.

The low bidder, Fasick Concrete, Inc., meets all of the City bid requirements and has done quality work in the Cities of Lakewood, Aurora, Thornton, Denver, Golden, Federal Heights, and Adams County during 1995 and 1996.

City Staff estimated a cost increase of 4% for 1997 concrete work. The actual bid cost will increase over 1996 at an average of 4.5%. The cost of cement increased 4% over 1996, and labor increased 3.9%.

Staff Recommendation

Authorize the City Manager to sign a contract with the low bidder, Fasick Concrete, Inc., in the amount of \$536,205, authorize a \$25,000, contingency amount and charge the expense to the appropriate 1997 Department of Public Works and Utilities Street Division budget account; and authorize the City Manager to execute an Intergovernmental Agreement with Adams County School District No. 50, which will include District concrete repairs and parking lot work as part of the Street Improvement Program at the District's expense.

Background Information

City Council approved funds in the 1997 Street Operations Budget to replace 15,500 linear feet of deteriorated concrete curbs, gutters, sidewalks, and crosspans at 299 locations from the "Citizen's Request For Concrete Repairs" priority list for a total expense of \$350,000.

This program also includes \$40,000 for a Crossspan Replacement Program at 17 intersections, and \$10,000 for the 50/50 Citizen Cost Sharing Program at 25 properties.

Alternatives to this project may be:

Customer Service Concrete Replacement Program Bids

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- > Bid the Street Improvement Concrete Replacement Project with the Customer Service Concrete Replacement Program.
 - a. Only one bid would be necessary for what is now two projects. City administrative costs would decrease.
 - b. The small contractors will be eliminated from bidding the larger project.
 - c. Unit costs for concrete replacement may increase significantly due to the lack of competition for the bid.
 - d. Bidding the larger contract would require an extended construction period into November/December, increasing the possibility of not completing the contract in 1997.

- > Bid the two Concrete Replacement Programs with the Asphalt Rehabilitation Project:
 - a. Only one bid would be necessary for what is now three projects. City administrative costs would decrease.
 - b. General contractor administrative costs would increase and a double profit margin for the general and sub-contractor would be realized.
 - c. Unit costs for concrete replacement would increase by at least 25% resulting in a total estimated cost increase for concrete work in 1997 of \$320,000.

Bid documents were picked up by eight contractors and six bids were received with the following results:

<u>Contractor</u>	<u>Bid</u>	City <u>Bid</u>	S.D. #50 <u>Bid</u>	Total <u>Bid</u>
Fasick Concrete	\$373,756		\$162,449	\$536,205
Rives Enterprises	\$382,673	\$171,728		\$554,401
Stackholm Construction	\$432,817		\$159,107	\$591,924
Concrete Express	\$432,318		\$168,400	\$600,718
Concrete Works of Colorado	\$459,226		\$154,943	\$614,169
S&D Construction	\$428,090		\$190,996	\$619,086
Citywide Enterprises, Inc.	\$0	\$0		No bid
Total Concrete	\$0	\$0	\$0	No bid
City Staff Estimate	\$371,932	\$162,500		\$534,432

Included in the 1997 Customer Service Concrete Replacement Program is an Inter-Governmental Agreement with Adams County School District #50. The Agreement is identical to the one executed last year with the School District for both concrete and asphalt replacement. This Agreement needs to be executed by the City Manager, at a later date, once the School Board representatives have signed the documents.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 10, 1997
Subject: Asphalt Materials Bid
Prepared by: Ray Porter, Street Projects Coordinator

Introduction

City Council action is request to award the bid for asphalt purchases during 1997. Funds are available and were specifically allocated in the 1997 Street Division and Utilities Capital Improvement Project Budgets for this expense.

Summary

City Council previously approved funds in the 1997 Street Division and Utilities Capital Improvement Project Budgets for the purchase of asphalt materials. These materials are used for all types of street maintenance repairs, water main break repairs, and for the Water and Sewer Line Replacement Program. Adams County School District 50 also participated in the bid for their anticipated asphalt materials purchases of 200 tons.

Formal sealed bids were solicited from five (5) asphalt vendors in accordance with City Charter requirements.

Hot Mix, Inc., is the low bidder for asphalt to be purchased on an as-needed basis in 1997. The total amount to be spent is \$300,000, for an estimated 18,750 tons of different grades of asphalt.

Staff Recommendation

Award the bid to the low bidder, Hot Mix, Inc., for purchase of asphalt at the unit prices indicated on the bid tabulation on an as-needed basis and up to a maximum of \$300,000, and charge the expense to the appropriate 1997 Street Division and Utilities Capital Improvement Project accounts.

Background Information

An alternative for 1997 asphalt purchasing would be to award the bid to the closest supplier. The supplier with the shorter hauling distance would be Western Mobile Denver; however, awarding the bid to Western Mobile Denver would mean a 2,300 ton decrease in the amount of asphalt purchased for \$300,000, due to higher per ton prices. After calculating the round-trip haul, Western Mobile Denver's price is still \$1.84 per ton higher.

The results of the bidding were as follows:

	<u>Asphalt *Grade"S"</u>	<u>Asphalt **Grade"SX"</u>	<u>Credit Recycled Asphalt</u>	<u>Round Trip Haul</u>
Hot Mix, Inc.	\$16.00/ton	\$16.00/ton	\$1.00/ton	22 mi.
Bituminous Roadways	\$17.50/ton	\$18.00/ton	\$1.00/ton	20 mi.
Asphalt Paving	\$17.50/ton	\$18.00/ton	0	24 mi.
Western Mobile-Denver	<u>\$18.10/ton</u>	<u>\$18.35/ton</u>	<u>0</u>	<u>11 mi.</u>
Staff Estimate	\$17.00/ton	\$17.00/ton	\$0.85/ton	n/a

* Grade "S" Asphalt; course aggregate does not exceed 1"

** Grade "SX" Asphalt; course aggregate does not exceed 3/4"

The 1997 asphalt materials bid reflects a 3% price increase over 1996 asphalt prices. The increase is due to the rising cost of liquid asphaltic cement to the suppliers. The round-trip distance to Hot Mix, Inc., the low bidder, versus the other three (3) bidders was calculated for cost efficiency. The results of the adjusted cost comparison for all four (4) suppliers bidding are as follows:

	<u>Average Price Per Ton With Round-Trip Haul</u>
Hot Mix, Inc.	\$17.27/ton
Bituminous Roadways \$18.86/ton	
Western Mobile-Denver \$19.11/ton	
Asphalt Paving	\$19.67/ton

Hot Mix, Inc., remains the low bidder after hauling costs are added and unit prices are adjusted. The City has purchased asphalt from Hot Mix, Inc., in past years. The plant is fully automated and the mix design meets City specifications. Street Division Staff has inspected the facility and does not anticipate any problems with the quality of materials or the service that Hot Mix, Inc., can provide.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 10, 1997
Subject: Bids re Parks Trucks
Prepared by: Rich Dahl, Park Services Manager
Gary Casner, Purchasing/Telecommunications Officer

Introduction

City Council action is requested to award the bid for two pickup trucks to be used by the Park Services Division for maintenance and construction of parks, open space, and trails within the City. Funds have been specifically allocated in the 1997 General Fund, Parks, Recreation and Libraries Department budget for this expense.

Summary

Formal bids in accordance with City Charter bidding requirements were obtained for this purchase.

The two pickup trucks to be purchased were previously approved by City Council in the 1997 Budget.

The low bid is being recommended for this purchase.

Staff Recommendation

Award the bid for two pickup trucks to the low bidder, Transwest GMC, in the amount of \$33,060 and charge the expense to the appropriate 1997 Parks, Recreation and Libraries budget account.

Background Information

The Park Services Division has experienced a dramatic increase in areas of responsibility for park maintenance, trails, open space and right-of-way operations in the past three years.

The two trucks being requested will be used to transport equipment, personnel and supplies for mowing operations, Open Space/Trail maintenance, and weekend trash removal and shelter clean up.

Formal bids in accordance with City Charter bidding requirements were obtained from area distributors with the following results:

Transwest GMC	\$33,060.00
Burt Chevrolet	\$33,359.74
Fogle Oldsmobile	\$34,738.00
Johnson Auto Plaza	\$35,725.04

The low bid from Transwest GMC meets all of the City's specifications for this bid. The cost of the two vehicles \$33,060, is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 10, 1997
Subject: Change Date for First Council Meeting in March
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to change the date of the first Council meeting in March at this time.

Summary

The first City Council meeting of March would normally be held on Monday, March 10th.

A majority of the City Council will be attending the National League of Cities meeting in Washington DC during the week of March 10th and it will not be possible to have a majority of the City Council members present to attend the Council meeting.

Therefore, Council is requested to formally change the date of the first Council meeting in March to Monday, March 17th.

Staff Recommendation

Change the date of the first City Council meeting in March from March 10 to Monday, March 17.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 10, 1997

Subject: TABLED - Resolution No. 10 re Westminster Boulevard, 104th/112th Avenue

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to remove this item from the Table, adopt the attached Resolution authorizing the acquisition of rights-of-way needed for the construction of the Westminster Boulevard project and a parcel needed to provide public parking in the vicinity of the Westminster Promenade on the Ryan property through condemnation proceedings, if necessary; and authorize the expenditure of an amount not to exceed \$365,000 for the purchase of rights-of-way, easements, parcels, legal fees and closing costs associated with the land purchases needed for the Westminster Boulevard improvements. Funds for this expense are available in the 1997 General Capital Improvement Fund and the Sales and Use Tax Bond issue recently approved by voters for transportation improvements.

Summary

On November 25, 1996, Council authorized the City Manager to execute a business assistance agreement with Northpoint LLC pertaining to the Promenade Project. The Promenade project consists of a 24-Screen AMC Theatre and "retail village" fronting on or having access to a pedestrian "Promenade."

Simultaneous with the construction of the AMC Theatre and Promenade shops, the City will build Westminster Boulevard (Pierce Street) from 104th Avenue to 112th Avenue. This new street will be a four-lane minor arterial with raised median and will have double left and double right turns at the 104th Avenue intersection. The street will be depressed where the Promenade bridge crosses over the street, keeping the Promenade at approximately the same elevation as it crosses over the street.

Westminster Boulevard has been designated on the City's Comprehensive Roadway Plan as a minor arterial since 1994 and has been designed to traverse the Northwest Business Park immediately north of the Promenade. Two signalized access points are proposed off of Westminster Boulevard into the Phase I Promenade development; one approximately 650-feet north of 104th Avenue and the second approximately 1200-feet further north. There will be no street connections to Westminster Boulevard from the existing Sheridan Green Subdivision. This was the overwhelming preference of the area residents who attended a public meeting in 1996 to review the proposed street project .

In order to minimize the negative impacts of Westminster Boulevard on the adjacent residents, a 130-foot bermed and planted buffer will be provided between the road curb and the rear lot line of the western most row of Sheridan Green lots. The landscaping will be installed during the first planting season after the roadway is completed (Spring of 1998).

This roadway project requires the acquisition of right-of-way from two separate landowners, Donald Ryan, the owner of property immediately north of the Westminster Promenade project, and REUAS, Inc., the owners at the northwest corner of 112th Avenue and Pierce Street.

Furthermore, a parcel of land will be needed from the Ryan ownership to provide public parking.

Negotiations for the acquisition of these parcels is continuing so that Staff can keep this project on schedule. Every effort will be made to acquire these parcels through negotiations. However, authorization for condemnation is requested to assure the start of this project by early 1997.

Staff Recommendation

1. Remove Resolution No. 10 from the Table.
2. Adopt Resolution No. 10 authorizing the expenditure of up to \$365,000 for the acquisition through condemnation, if necessary, of sufficient rights-of-way and parcels for the construction of the Westminster Boulevard project and public parking; and charge this expense to the appropriate project account in the General Capital Improvement Fund.

Background Information

Since the opening of the 104th Avenue/U.S. 36 Interchange, the City has considered the feasibility of a roadway connection that would provide quick access to U.S. 36 for residents of Sheridan Green Subdivision and other subdivisions to the north of 112th Avenue. Currently, motorists from these areas must travel east to Sheridan Boulevard, south to 104th Avenue, then west to U.S. 36, thus adding considerable distance to their trips and contributing to the air pollution problems of the Denver metro area.

A logical, more direct route to U.S. 36 would be provided by an extension of Westminster Boulevard (Pierce Street) from 104th Avenue (on the west side of the Butterfly Pavilion) through Northpoint Subdivision and along the west side of Sheridan Green Subdivision to 112th Avenue. On August 28, 1995, Council authorized the final design of this road. The construction plans are nearing completion and construction is anticipated to begin in April, 1997.

The Westminster Boulevard project includes the construction of a four-lane minor arterial with raised landscaped medians, similar to Sheridan Boulevard between 104th Avenue and 112th Avenue. As part of this project, signals will be installed at 104th Avenue, the two Promenade entrances and 112th Avenue. In addition, the main feature of this project will be the pedestrian "Promenade" bridge which will allow pedestrians to cross Westminster Boulevard without traffic conflicts.

A title commitment is being prepared and negotiations are continuing for the two properties that must be acquired in order to construct this project as well as another parcel that is needed to provide public parking on the Ryan property. The negotiator will attempt to reach agreement with the property owners within the next few weeks. If the negotiations cannot be successfully completed in a timely fashion so as to threaten the project schedule, it is recommended that the City invoke its Right of Eminent Domain to secure the property rights needed.

Westminster Boulevard, 104th/112th Avenue
Page 3

The attached Resolution authorizes the City Attorney to proceed with condemnation of the parcels should negotiations fail.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

WHEREAS, the City of Westminster has determined that it is necessary to the public, health, safety and welfare to obtain land to accommodate the construction of Westminster Boulevard between 104th Avenue and a point approximately 600-feet north of 112th Avenue and to accommodate the construction of a public parking lot in the vicinity of this roadway; and

WHEREAS, appraisals will be prepared by a professional company experienced in performing appraisals to determine the fair market value for the parcels; and

WHEREAS, the City will make an earnest good faith offer of purchase for the subject parcels; and

WHEREAS, a municipal public purpose exists to acquire the property. A delay in the acquisition of the rights-of-way, easements and parcels could result in a delay in the construction of Westminster Boulevard thus creating a hardship on the general population of the City of Westminster wishing to access and use the proposed road; and

WHEREAS, legal counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcels described in this resolution is commenced, immediate possession by the City will be necessary for the public health, safety and welfare due to bidding and construction deadlines.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the property; and

2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the parcels and interests identified in Exhibit A on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation, and the City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete this purchase; and

3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property in question, including proceeding with condemnation of the property in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the property should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the property; and

4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the property in questions, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The expenditure amount not to exceed \$365,000 and the costs shall be charged to the Westminster Boulevard (Pierce Street) Project Account of the General Capital Improvement Project Fund; and

5. The City Engineer is hereby authorized to amend the legal description (attached) of the parcels to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of construction.

PASSED AND ADOPTED this 10th day of February, 1997.

Mayor

ATTEST:

City Clerk

Date: February 10, 1997
Subject: Councillor's Bill No. re Westminster Boulevard annexation
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached Councillor's Bill annexing a portion of the former "Ryan" property owned by the City. The property is located at approximately 108th Avenue and Westminster Boulevard and is part of the right-of-way for Westminster Boulevard (see attached map).

Summary

The easternmost 80 feet of the Ryan property was purchased by the City as part of the 104th Avenue Project in 1992. Since then it has remained unincorporated.

This land will be used as right-of-way for the new Westminster Boulevard through the Promenade project. Incorporation into the City at this time is desirable in order to have the entire project within City jurisdiction for public and emergency services.

Staff Recommendation

Pass Councillor's Bill No. on first reading, annexing the easternmost 80 feet of the Ryan Property for right-of-way purposes.

Background Information

The property in question is vacant land entirely owned by the City of Westminster and is vacant land. It therefore qualifies for annexation under the provisions of Section 31-12-106(3) C.R.S., annexation of municipally owned land. Under that Section, no public hearing or notification is required. Jefferson County has, however, been notified of the pending action by City Council in accordance with the intergovernmental agreement of 1996 in which the Northeast Comprehensive Development Plan was adopted by both jurisdictions.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED CITY-OWNED TERRITORY IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, C.R.S. section 31-12-106(3) provides that when a municipality is the sole owner of property that it desires to annex, and said area is eligible for annexation as set forth in section C.R.S. 31-12-104(1)(a) and section C.R.S. 31-12-105, the governing body may by ordinance annex that area to the municipality without notice and hearing; and

WHEREAS, City Council finds that the property proposed to be annexed, as more fully described below, is eligible for annexation as set forth in section 31-12-104(1)(a) and section 31-12-105, C.R.S. in that not less than one-sixth (1/6) of the perimeter of the property proposed to be annexed is contiguous with the existing limits of the City of Westminster; and

WHEREAS, the property proposed to be annexed is not within any of the limitations set forth in section 31-12-105, C.R.S.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, is hereby annexed to the City of Westminster, State of Colorado:

A parcel of land located in the southeast quarter of Section 11, Township 2 South, Range 69 West of the 6th P.M., City of Westminster, Jefferson County, in the State of Colorado, said parcel is a part of that land described at Reception No. 90008931 of said records, more particularly described as follows:

Commencing at the east quarter corner of said Section 11, the True Point of Beginning from whence the center corner of said Section bears S89°34'47" W, 2646.03 feet; Thence along the east line of Lot one of Northpoint Center Filing 1, First Replat said line being the West line of said Section 11, S00°18'04"W, 165.26 feet to a point on the northerly right of way as shown on said second filing; Thence continuing along said West line S00°18'04"W, 483.50; Thence N89°23'56" W, 80.24 feet to the southeast corner of the Ryan Property described at Book 2425, Page 932 of the Records of the Jefferson County Clerk and Recorder as shown on said Northpoint Center Filing one, a point on the east line of that parcel described at said Reception Number 90008931; Thence N00°17'33" E, 647.33 feet along said east line to the North line of said southeast quarter; Thence along said line N89°34'47"E, 80.34 feet to the True Point of Beginning.

Said parcel contains 52,032 square feet or 1.1944 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of February, 1997.

ATTEST:

Mayor

City Clerk

Ryan Property (Westminster Boulevard)

CORRECTED ORDINANCE

This is a corrected version of Ordinance No. 2489, previously recorded under Reception No. F0386150, Page 0001-002 March 13, 1997 9:24:30. This document contains the correct legal description for the Ryan Property (Westminster Boulevard) Annexation.

Date: February 10, 1997

Subject: Proposed revisions to the 1996 Growth Management Competition for Promontory Pointe

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested to hold a public hearing, and consider the proposal by Metropolitan Builders to delete the swimming pool that was required as part of the 1996 Growth Management Competition on the Promontory Pointe project.

Summary

Metropolitan Builders was awarded service commitments from the B-2 (townhome) category as a result of the 1996 competition. This project received its ODP approval on August 22, 1996. The development is approximately 30% complete at this time. As a part of the competition, the applicant promised a pool and was given 80 points for that amenity. At this time, due to fiscal considerations, the applicant is requesting the deletion of the swimming pool and the substitution of a landscaped sitting area in its place. (See attached drawings)

The proposed pool was restricted in size to 800 square feet due to the constricted area in which it was proposed. The property drops to the north which would require retaining walls to be a part of the construction. A survey is attached in which the applicant polled the current owners of the units. The majority favor the elimination of the pool, however there are a significant number who wish to keep it.

Staff opposes the request for the following reasons:

1. To permit the elimination of the pool would undermine the fairness of the City Growth Management competition process by allowing applicants to delete promised improvements. The City Council should be able to expect that once certain improvements have been promised, they will be installed.
2. To delete the pool in this development will create more demand for pool facilities elsewhere in the City presumably in the form of a public pool.
3. In Staff's view, swimming pools add to the desirability of developments within the City. Mr. Kudla replaced the pool for the condominium owners to the east of his project as part of a "deal" worked out with the owners of that development, Sunstream Condominiums, to facilitate the construction of Promontory Pointe and those owners have expressed considerable satisfaction with the new pool. Most other townhome projects within the City have associated pools. To list a few: Northpark, Apple Valley, Horizon Pointe (a project built by Mr. Kudla across the street from Promontory Pointe), the Ranch Townhomes, Brittany Terrace and others. Staff would also note that Horizon Pointe which was built by Mr. Kudla has only 52 units while Promontory Pointe will have 72 after build-out. Cost of maintenance will therefore be less of a burden on the owners of Promontory Pointe than for those at Horizon Point.

4. Staff believes the proposed seating area will be of minimal interest to residents since it will be closely surrounded by housing units and will not have any views of other distinguishing features.

Staff Recommendation

1. Hold a public hearing.

2. Deny the request for a revision of the commitments made by Metropolitan Builders as part of the 1996 Category B-2 competition allowing the applicant to delete a proposed swimming pool.

Alternative recommendation:

Allow the applicant to replace the proposed pool with improvements which are of equal value both in cost and in value to the community. Determination of which improvements would be of equal value to the community to be at the sole discretion of the City Manager after an amended ODP is submitted to the City.

Background Information

The installation of a pool in this development has value to all residents of the City. If a pool is built here, there will be less demand on other City facilities. While it may be true that the new homeowners of Promontory Pointe do not wish to bear the expense of maintaining a pool, there is little question that the pool will be used if installed.

It is important to the competition process that those items which are promised are indeed constructed, or at least that the City get some feature of equal value. It would otherwise be possible for a developer to acquire service commitments under what is essentially false pretenses, and the results of the competition would be unfair to other developers who also competed in the same year.

For a developer to analyze the results of a competition after the fact, and then ask that improvements be deleted due to the fact that he would not have needed them to win the competition would be intrinsically unfair to those who also competed and may not have received service commitments. If that were permitted, a developer could commit to many improvements and then delete all those that would not theoretically have been necessary based on how many points were promised by the next highest bidder.

The applicant has supplied a survey of persons who live in the area and who have expressed an interest in the Promontory Pointe project. Twelve (12) indicated that they would like a pool and 38 indicated that they would not. (Please refer to the attached survey results). Staff was not informed which of these are current unit owners, but attached are copies of contract amendments signed by pro-active purchasers (13 in all) which indicate that at least that many are aware of the application by Mr. Kudla. There is no indication, however, whether or not they support the request. Currently there are 32 units under contract, and Staff is not aware of how many of these support the request.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: February 10, 1997

Subject: Church Ranch Home Place First Amended PDP

Prepared by: Mark E. Geyer, Planner II

Introduction

City Council action is requested hold a public hearing and to amend the Church Ranch Home Place Preliminary Development Plan (PDP) to add a land use to Parcel 5. The proposed use will allow an assisted living facility for elderly Alzheimer's patients.

Summary

The applicant is requesting a change to the PDP for Church Home Place Planned Unit Development to add one use at one specific location within the center.

The proposed change would add the use of "Assisted Living" to the western portion of Parcel 5, adjacent to Wadsworth Boulevard.

The applicant is in the process of preparing an Official Development Plan (ODP) for a 40-bed care facility.

Applicant/Property Owner Elisabeth Borden, representing The Westbridge Group, LLC (Juniper Partners) owners of the proposed assisted living facility, 1603 4th Street, Boulder, CO 80302

Charlie McKay, representing Church Ranch Corporate Center, 10050 Wadsworth Boulevard, Westminster, CO 80021

Location East of Wadsworth Boulevard, at approximately the 102nd Avenue alignment (North of Church Ranch Boulevard).

Size of site Size of proposed development - 2.70 acres within the 100 acres of the Church Ranch PUD.

Description of Proposed Use The proposed amendment adds the use of Assisted Living, which is defined as, "health care services to people with Alzheimer's disease and related disorders. Services will include specialized assisted living, adult day care, respite care, physical/occupational therapy, education and information for resident families."

The applicant is currently in the ODP review process for the facility. The proposal is to construct a single-story building with 40 beds for long-term residents, common areas for in-patient and out-patient care, and related exterior court yards for patient use.

Major Issues Staff had been concerned with the location of the assisted living use within the Church Ranch Corporate Center, believing that the office park concept should be maintained. The preferred method of development for the corporate center is to have the most intense uses locate in the east, closest to the interchange with a gradual lessening of the intensity toward the west. The applicants agreed with the City's concerns and moved the location from a site just east of Westcliff Parkway to the new location on the westernmost portion of the Center.

This location blends the residential aspect of the facility with the existing rural residential uses along Wadsworth Boulevard. The move also preserves the previously considered site for more corporate uses typical of an office/business park. Staff agrees that this new location will benefit the future residents of the facility and will maintain the original character of the Center as an office/business park.

Planning Commission Recommendation

The Planning Commission approved this recommendation on a six to one vote with Commissioner Mann casting the dissenting vote.

Staff supported the application because of several factors:

1. The relatively small portion of the land area affected;
2. The compatible mixture of uses contemplated for the rest of the Center;
3. The good transition created by this use from the rural character, west of Wadsworth Boulevard, to the more corporate uses further east and north;
4. The owner of the property and the applicant for the Alzheimer's Clinic both agreed that the use was compatible with the projected build-out of Church Ranch and that the use would not adversely affect present or future occupants; and
5. The use of the clinic would, in many ways, compliment the proposed and existing uses in the Center and the area by serving both residents and workers by providing this resource close to where they may live and/or work.
6. The applicant began the processing of this request prior to City Council's enactment of a moratorium on senior housing projects.

Staff Recommendation

1. Hold a public hearing.
2. Approve the First Amended Preliminary Development Plan to add the use of Assisted Living to a portion of Parcel 5 in the Church Ranch Home Place Planned Unit Development.

Background Information

Mr. McKay, the owner of Church Ranch, approached Staff in mid-1996 with a proposal for an Alzheimer's clinic to be located within the Center. The zoning for the areas in which the owner wished to locate this project did not allow residential uses. Staff did not interpret the proposed use as a "Medical Facility" which is an allowed use in some areas of the Center.

In order to gain support for this use, and still retain the original intent of the Center (that of a corporate office/business park), the location was crucial. The owner and applicant agreed on a location on the western portion of Parcel 5, adjacent to Wadsworth Boulevard. This location is more compatible with the rural, residential character of the existing uses along Wadsworth Boulevard, and is far enough removed from the Church Ranch center that Staff supports adding this use.

The proposal is to construct a 40-bed facility for in-patient, long-term residential use and care. Other services to be performed are adult day-care, respite care, physical/occupational therapy, education and information for residents and their families.

The applicant is in the review process for the facility and proposes a single story building resembling a large residence. The grounds include parking for staff and visitors, and private outdoor courtyards for the use of the patients.

Discussion of Major Issues As discussed above, the location of the facility was the only issue. The applicant has resolved this issue by relocating the site to the western edge of Parcel 5. This proposal is not subject to the recent moratorium on new senior housing projects as the application was received before the effective date of the moratorium.

Architectural/Building Materials The architectural elements will be evaluated and approved as part of the ODP.

Public Land Dedication, Parks/Trails Dedications shall be according to the approved PDP and annexation agreement. In the past, dedications have been along the Big Dry and Walnut Creeks to provide trail corridors.

Access and Circulation Access will be provided via a full turn movement onto Wadsworth Boulevard.

Site Design The amendment proposes a site specific location for this use on the westernmost portion of Parcel 5, but would not allow this use elsewhere in the Church Ranch Center. Specific site design will also be reviewed as part of the ODP process.

Signage Signage will also be reviewed in detail as part of the ODP process.

Service Commitment Category This project falls into the Service Commitment Category "E" and would require approximately 20 service commitments.

Referral Agency Responses Jefferson County-No comment; Colorado Department of Health-The Department needed to review more specific details of the building design in order to comment on the licensing of the facility. The architect is providing the Department with this information and it will be used for the ODP review.

Public Comments Staff has received one indirect comment from the property owners to the south (relayed to us from Charlie McKay) that the Kniefl's did not have any concerns with this type of use next to their home.

Surrounding Zoning East - Church Ranch PUD (Commercial/Office/Research and Development); South - Jefferson County A-1; North - Jefferson County A-1; West - Jefferson County A-1.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: February 10, 1997
Subject: Fire Station No. 2 Annexation and Zoning
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested regarding conducting a public hearing and taking action on the attached Councillor's Bills on the annexation and zoning of the City-owned parcel located south of the Diamond Shamrock station at the southeast corner of 92nd Avenue and Lowell Boulevard. (See the attached vicinity map.)

Summary

The City recently purchased an 1.8 acre site south of the Diamond Shamrock station for the purpose of constructing a new Fire Station 2. The site is currently vacant and located in unincorporated Adams County.

Staff is proposing that the property be zoned O-1 (Open) which permits municipal facilities. When plans are finalized for the station, an Official Development Plan (ODP) will be filed in accordance with City policy.

Because the property is owned by the City, Staff has followed the annexation procedures delineated in Section 31-12-106(3) C.R.S., which permits a municipality to annex such property by ordinance without notice and public hearing. Staff has, however, notified Adams County of the pending action.

Planning Commission Recommendation

The Planning Commission reviewed this proposal at their regular hearing of January 27, 1996. It was their unanimous decision to recommend that the annexation be approved and that the property be zoned O-1 (open). Carla Wright, 9127 Knox Court, of Adams County spoke in opposition of the request. She owns the property to the east of the site in question and was concerned that the new fire station would impact her ability to enjoy their property due to added noise and lights generated by the fire engines during emergency calls.

Staff Recommendation

1. Hold a public hearing on the annexation and zoning of the property.
2. Pass Councillor's Bill No. annexing the property to the City of Westminster.
3. Pass Councillor's Bill No. zoning the property O-1 (Open).

Background Information

The property in question is 1.8 acres of vacant land located between the Diamond Shamrock station and Mesa Elementary School on the east side of Lowell Boulevard, south of 92nd Avenue. It was identified as a potential site for the relocation of Fire Station 2 and was purchased by the City in 1996. The date of future construction has not yet been set, but Staff has begun the process of site planning that will include submission of an ODP which will be subject to administrative approval.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED CITY-OWNED TERRITORY IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, C.R.S. section 31-12-106(3) provides that when a municipality is the sole owner of property that it desires to annex, and said area is eligible for annexation as set forth in section C.R.S. 31-12-104(1)(a) and section C.R.S. 31-12-105, the governing body may by ordinance annex that area to the municipality without notice and hearing; and

WHEREAS, City Council finds that the property proposed to be annexed, as more fully described below, is eligible for annexation as set forth in section 31-12-104(1)(a) and section 31-12-105, C.R.S. in that not less than one-sixth (1/6) of the perimeter of the property proposed to be annexed is contiguous with the existing limits of the City of Westminster; and

WHEREAS, the property proposed to be annexed is not within any of the limitations set forth in section 31-12-105, C.R.S.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the contiguous unincorporated territory situate, lying and being in the County of Adams, State of Colorado, is hereby annexed to the City of Westminster, State of Colorado:

A part of the southwest one-quarter of Section 20, Township 2 South, Range 68 West of the 6th P.M. County of Adams, State of Colorado, more particularly described as follows:

Commencing at the west 1/4 corner of said Section 20; Thence S 00°34'47" E and along the west line of the southwest 1/4 of said Section 20, a distance of 563.84 feet to the True Point of Beginning:

Thence N 89°25'13" E a distance of 40.00 feet to a point on the easterly right-of-way line of Lowell Boulevard; Thence continuing N 89°25'13" E a distance of 200.00 feet; Thence N 00°34'47" W a distance of 322.53 feet; Thence S 89°43'58" W a distance of 200.00 feet to a point on the easterly right-of-way line of Lowell Boulevard; Thence continuing S 89°43'58" W a distance of 40.00 feet to a point on the west line of the southwest 1/4 of said Section 20; Thence S 00°34'47" E and along the west line of the southwest 1/4 of said Section 20, a distance of 323.84 feet to the point of beginning.

Said parcel containing 77,564.3 square feet or 1.781 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 1997.

ATTEST:

Mayor

City Clerk

Fire Station 2

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property described below from Jefferson County A-2 to City of Westminister O-1, Open zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code section 11-2-1.

b. That Council has completed a public hearing on the requested rezoning pursuant to the provisions of Chapter 2 of Title XI of the Westminister Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed rezoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminister Municipal Code sections 11-2-1, 12-2-1, 12-2-2, and 12-8-7.

d. That the proposed rezoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for rezoning.

e. That the proposed rezoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for rezoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Adams County C-1 and C-4 to City of Westminister O-1--Open.

A part of the southwest one-quarter of Section 20, Township 2 South, Range 68 West of the 6th P.M. County of Adams, State of Colorado, more particularly described as follows:

Commencing at the west 1/4 corner of said Section 20; Thence S 00°34'47" E and along the west line of the southwest 1/4 of said Section 20, a distance of 563.84 feet to the True Point of Beginning:

Thence N 89°25'13" E a distance of 40.00 feet to a point on the easterly right-of-way line of Lowell Boulevard; Thence continuing N 89°25'13" E a distance of 200.00 feet; Thence N 00°34'47" W a distance of 322.53 feet; Thence S 89°43'58" W a distance of 200.00 feet to a point on the easterly right-of-way line of Lowell Boulevard; Thence continuing S 89°43'58" W a distance of 40.00 feet to a point on the west line of the southwest 1/4 of said Section 20; Thence S 00°34'47" E and along the west line of the southwest 1/4 of said Section 20, a distance of 323.84 feet to the point of beginning.

Said parcel containing 77,564.3 square feet or 1.781 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 1997.

ATTEST:

Mayor

City Clerk

Fire Station 2

Date: February 10, 1997

Subject: Annexation and Zoning of Open Space near Woman Creek Reservoir

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested to conduct a public hearing and take action on the attached Councillor's Bills regarding the annexation and zoning of approximately 125 acres of city-owned Open Space. The four affected properties are located northwest and upstream of Standley Lake (see attached maps).

Summary

The four properties that were purchased by the City from the Brauch family have been organized into two annexations as described above. The City closed on the properties in 1996 and has added them to the City's open space inventory. Annexation of the properties will bring them under City jurisdiction for all code provisions and City services.

Planning Commission Recommendation

At their regular hearing of January 27, 1997, the Commission voted unanimously to recommend that both annexations be approved and that the property be zoned O-1 (open). No one appeared in support or opposition to the request.

Staff Recommendation

1. Hold a public hearing on the zoning and annexation of the Mower Reservoir and Brauch Open Space properties.
2. Pass Councillor's Bill No. on first reading annexing the Mower Reservoir to the City of Westminster.
3. Pass Councillor's Bill No. on first reading annexing the Brauch property to the City of Westminster.
4. Pass Councillor's Bill No. on first reading zoning the properties as question O-1 (Open).

Background Information

The purchase of these four separate properties total approximately 125 acres as Open Space northwest of Standley Lake was approved in 1996 by the City Council in order to enhance eagle nesting activity at the lake, and to provide a continuous wildlife corridor between Standley Lake and large Open Space holdings of Boulder and Boulder County, Jefferson County, Broomfield, and the federal government (Rocky Flats). The acquisition helped to connect lands already owned by the City of Westminster, provide trail and outdoor recreation opportunities, and protect Standley Lake by controlling upstream run-off.

Although currently owned by the City, the properties are unincorporated and still under the jurisdiction of Jefferson County. Two separate annexations are required for the properties in order to meet the contiguity requirements of the State Statutes. The first incorporates the Mower Reservoir, and the second, the balance of the City owned property. The reservoir is currently surrounded by City property that was annexed as part of the Woman Creek Reservoir annexation. The other property to be annexed lies between the Woman Creek Reservoir and the Colorado Hills open space and was owned by the Brauch family.

Both annexations qualify under Section 31-12-106(3) C.R.S., which permits City owned property to be annexed by ordinance without notice and public hearing. Jefferson County has, however, been notified of the proposed annexation and have not voiced any concerns.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED CITY-OWNED TERRITORY IN THE WEST ONE-HALF OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, C.R.S. section 31-12-106(3) provides that when a municipality is the sole owner of property that it desires to annex, and said area is eligible for annexation as set forth in section C.R.S. 31-12-104(1)(a) and section C.R.S. 31-12-105, the governing body may by ordinance annex that area to the municipality without notice and hearing; and

WHEREAS, City Council finds that the property proposed to be annexed, as more fully described below, is eligible for annexation as set forth in section 31-12-104(1)(a) and section 31-12-105, C.R.S. in that not less than one-sixth (1/6) of the perimeter of the property proposed to be annexed is contiguous with the existing limits of the City of Westminster; and

WHEREAS, the property proposed to be annexed is not within any of the limitations set forth in section 31-12-105, C.R.S.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, is hereby annexed to the City of Westminster, State of Colorado:

A parcel of land situated in the west one-half of Section 18, Township 2 South, Range 69 West of the 6th Principal Meridian, described as follows:

Commencing at the northeast corner of the west one-half of said Section 18; Thence S00°15'10" W, along the east line of said west one-half, 2362.22 feet; Thence on a deflection angle to the right of 90°00'00", 64.3 feet more or less, to the most easterly end of the Mower Reservoir being the Point of Beginning, said point being on the corporate limits of Westminster as defined by the Woman Creek Reservoir Annexation Map No. 2, recorded March 31, 1995 in Plat Book 122 at pages 50-52, under Reception No. F0034601, in the Official Records of Jefferson County; Thence along said corporate limits the following ten (10) courses:

1. N 26°41'12"W, 419.18 feet;
2. N 44°42'19"W, 378.07 feet;
3. S 53°11'48"W, 482.75 feet;
4. S 11°04'47"E, 319.80 feet;
5. S 67°33'07"E, 261.14 feet;
6. S 26°14'18"W, 157.07 feet;
7. S 12°28'31"E, 93.49 feet;
8. S 45°17'28"E, 244.19 feet;
9. N 89°55'39"E, 66.54 feet;
10. N 36°50'11"E, 578.98 feet to the Point of Beginning.

Containing 12.0818 acres, more or less. County of Jefferson, State of Colorado.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 1997.

ATTEST:

Mayor

City Clerk

Mower Reservoir No. 1

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED CITY-OWNED TERRITORY IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO

WHEREAS, C.R.S. section 31-12-106(3) provides that when a municipality is the sole owner of property that it desires to annex, and said area is eligible for annexation as set forth in section C.R.S. 31-12-104(1)(a) and section C.R.S. 31-12-105, the governing body may by ordinance annex that area to the municipality without notice and hearing; and

WHEREAS, City Council finds that the property proposed to be annexed, as more fully described below, is eligible for annexation as set forth in section 31-12-104(1)(a) and section 31-12-105, C.R.S. in that not less than one-sixth (1/6) of the perimeter of the property proposed to be annexed is contiguous with the existing limits of the City of Westminster; and

WHEREAS, the property proposed to be annexed is not within any of the limitations set forth in section 31-12-105, C.R.S.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, is hereby annexed to the City of Westminster, State of Colorado:

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 1997.

ATTEST:

Mayor

City Clerk

Brauch Property

BY AUTHORITY

ORDINANCE NO. _____

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, AND THE WEST ONE-HALF OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property described below from Jefferson County A-2 to City of Westminister O-1, Open zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code section 11-2-1.

b. That Council has completed a public hearing on the requested rezoning pursuant to the provisions of Chapter 2 of Title XI of the Westminister Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed rezoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminister Municipal Code sections 11-2-1, 12-2-1, 12-2-2, and 12-8-7.

d. That the proposed rezoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for rezoning.

e. That the proposed rezoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for rezoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Jefferson County A-2 to City of Westminister O-1--Open.

A parcel of land situated in the west one-half of Section 18, Township 2 South, Range 69 West of the 6th Principal Meridian, described as follows:

Commencing at the northeast corner of the west one-half of said Section 18; Thence S00°15'10" W, along the east line of said west one-half, 2362.22 feet; Thence on a deflection angle to the right of 90°00'00", 64.3 feet more or less, to the most easterly end of the Mower Reservoir being the Point of Beginning, said point being on the corporate limits of Westminister as defined by the Woman Creek Reservoir Annexation Map No. 2, recorded March 31, 1995 in Plat Book 122 at pages 50-52, under Reception No. F0034601, in the Official Records of Jefferson County; Thence along said corporate limits the following ten (10) courses:

1. N 26°41'12"W, 419.18 feet;
2. N 44°42'19"W, 378.07 feet;
3. S 53°11'48"W, 482.75 feet;
4. S 11°04'47"E, 319.80 feet;
5. S 67°33'07"E, 261.14 feet;
6. S 26°14'18"W, 157.07 feet;
7. S 12°28'31"E, 93.49 feet;
8. S 45°17'28"E, 244.19 feet;

9. N 89°55'39"E, 66.54 feet;
10. N 36°50'11"E, 578.98 feet to the Point of Beginning.

Containing 12.0818 acres, more or less. County of Jefferson, State of Colorado.

AND

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 1997.

ATTEST:

Mayor

City Clerk

Mower Reservoir and Brauch Property

Date: February 10, 1997

Subject: Councillor's Bill No. re Silver Oaks Waterline Construction

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to pass the attached Councillor's bill on first reading which appropriates \$74,950 to the 112th Avenue, Sheridan Boulevard to Federal Boulevard Project. City Council action is further requested to authorize the City Manager to execute a construction contract with T. Lowell Construction, Inc. in the amount of \$74,950 for the re-installation of a 12-inch water line in 144th Avenue from Pecos Street to Huron Street. City Council action is also requested to authorize the expenditure of \$74,950 from the 112th Avenue, Sheridan Boulevard to Federal Boulevard Project account in the General Capital Improvement Fund. This \$74,950 represents funds provided to the City by the developer of Silver Oaks Subdivision to pay for the construction of this water line.

Summary

- > The owner of Silver Oaks Subdivision has been developing this property since August 1995. In addition to the on-site infrastructure necessary to develop this subdivision, the owner is required to install a 12-inch water line in 144th Avenue from Pecos Street to Huron Street (see vicinity map).
This water line is necessary to provide a "looped" system for fire protection and to minimize inconvenience to residents of the subdivision in the event of a water line break.
- > The developer did install this water line. However, during the pressure test of this line, numerous leaks were discovered. Upon investigation, Staff realized that small holes were drilled into the pipe for its entire length by an unknown vandal. Because of this vandalism, the pipe is ruined for the entire length and it is now necessary to replace the entire length of water line from Pecos Street to Huron Street.
- > The owner of Silver Oaks Subdivision, Mr. Gary Gaglia, has requested that the City hire a contractor to re-install this water line and will deposit the necessary funds (\$74,950) into the City's accounts to pay for this work. No City funds will be used for this project. City Council is requested to appropriate these funds into the 112th Avenue, Sheridan Boulevard to Federal Boulevard project to pay for these expenses. This account is being used for accounting/bookkeeping reasons only.
- > Staff believes that this is a reasonable request. The developer has suffered a great loss due to the vandalism of the original installation, and, naturally, he does not wish to risk another such loss. However, by agreeing to the developer's request, the City will not inherit the risk of a recurrence of the previous vandalism. The contractor to be hired by the City for this job is aware that he is responsible for the condition of the water main until it is installed, backfilled, tested and accepted.

Staff Recommendation

Pass Councillor's Bill No. on first reading appropriating \$74,950 to the 112th Avenue, Sheridan Boulevard to Federal Boulevard Project from payments received into the cash-in-lieu account; authorize the City Manager to execute a construction contract with T. Lowell Construction, Inc. in the amount of \$74,950 for the re-installation of a 12-inch water line in 144th Avenue from Pecos Street to Huron Street; and, authorize the expenditure of \$74,950 for this project from the 112th Avenue, Sheridan Boulevard to Federal Boulevard in the General Capital Improvement Fund.

Background Information

Since August 1995, the owner of Silver Oaks Subdivision has been developing this residential community. In addition to the on-site infrastructure, the owner was required to install a 12-inch water line in 144th Avenue from Pecos Street to Huron Street in order to provide a looped water line system. This looped system is necessary for adequate fire protection to the subdivision as well as minimizing inconvenience to the residents should a water line break occur.

The owner did install this 12-inch water line. However, during the standard pressure tests, numerous leaks were discovered for the entire length of this water line. After investigating, it was apparent that an unknown vandal had drilled small holes into almost all sections of pipe while the pipe was being stored prior to installation. These holes were small enough to be un-detected during installation and were only discovered during the pressure testing procedure. Due to the number of holes and the uncertain location of all of them, the owner and City agreed that the best solution is to replace the entire length of water line. The owner has agreed to pay for this re-installation, but has requested that the City hire a contractor to do the work. Given the circumstances, Staff believes that this is a reasonable request.

Staff solicited bids for this work from four contractors with the following results:

<u>Bidder</u>	<u>Amount of Bid</u>
T. Lowell Construction	\$ 74,950.00
A.U.I., Inc.	\$ 95,515.00
Nelson Pipeline, Inc.	\$127,692.00
R&D Pipeline Construction, Inc.	\$187,105.00

Staff is recommending that the low bidder, T. Lowell Construction, Inc., be hired to do this work. Staff is very familiar with T. Lowell Construction and they are highly recommended.

Police Department personnel have been advised of the previous problems that were encountered during the original construction of the water main in an attempt to prevent a recurrence of this vandalism.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Map, Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2473 in the amount of \$11,285,000 is hereby increased by \$74,950 which, when added to the fund balance as of the City Council action on February 10, 1997, will equal \$11,359,950. The actual amount in the General Capital Improvement Project 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 the appropriation of funds received for the Silver Oaks Subdivision waterline.

Section 2. The \$74,950 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Cash-in-lieu			
75-0955-455	\$-0-	<u>\$74,950</u>	\$74,950
<u>EXPENSES</u>			
Project #039			
75-30-88-555-039	\$767,412	<u>\$74,950</u>	\$842,362

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 10th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of _____, 1997.

ATTEST:

Mayor

City Clerk

Date: February 10, 1997

Subject: Resolution No. re Additional Community Development Positions

Prepared by: John Carpenter, Community Development Director

Introduction

City Council action is requested to authorize three new indexed full-time positions and one indexed half-time position in the Community Development Department.

Summary

Staff is recommending that three new full-time positions and one half-time position be added in the Community Development Department due to the increasing workload resulting from special projects, ongoing responsibilities and several upcoming projects associated with the November 1996 bond election.

The proposed staffing modifications are intended to insure that the City has adequate resources to handle the workload, which has increased significantly and will continue to grow during 1997-98.

The additional positions recommended include one Acquisition Specialist in Open Space; one half-time administrative support position in Open Space; one Project Engineer in the Engineering Division; and one Building Inspector in the Building Division. The Project Engineer position is intended to be funded from bond issue proceeds, the acquisition specialist and half-time support person are to be funded through the Open Space fund, and the Building Inspector is to be funded from Building Permit fees and indexed to the level of building activity.

Staff Recommendation:

Adopt Resolution No. authorizing 3.5 FTE indexed positions in the Community Development Department

Background Information

The Community Development Department has experienced a steady increase in responsibilities in recent years due to the City's rapid growth and the number of special projects handled by the department. Although the Department has received additional Staff over the past three years, it is believed that more must be added to effectively handle the increasing amount of work. The current staffing situation is especially important given the recent passage of bond issues for traffic improvements and open space acquisition.

A sample of the Department's major projects includes development of the Countrydale Golf Course, completion of the Comprehensive Land Use Plan, development of the Promenade retail/entertainment center, and redevelopment of the Westminster Plaza Shopping Center. All of these projects are currently consuming significant staff hours, and will continue into 1997.

In addition, many new projects will be initiated in 1997 as a result of the two ballot measures passed in November 1996. The \$23.0 million Open Space & Parks ballot issue will enable the City to purchase available Open Space lands at a rate much faster than what was previously possible. The \$15 million road improvement ballot issue will fund traffic improvements in the City Center/Westminster Mall area and will require significant Staff effort in planning and coordination for the complex projects planned in the area.

Staff believes that the City must act now to be able to effectively handle the increased workload which is already at hand. The following is a breakdown, by division, of the upcoming responsibilities which precipitate the need for additional staffing.

Open Space Division

The Open Space program has grown considerably since the position of Open Space Coordinator was created within the Community Development Department in 1992. Prior to that time, Open Space projects were managed by the Park Development Coordinator in the Parks, Recreation and Libraries Department. Eventually, the workload dictated the need to create the Open Space Coordinator position.

The Open Space Coordinator is responsible for formulating Open Space acquisition priorities based upon direction given by the Open Space Advisory Board (OSAB), and for coordinating, negotiating and closing acquisition efforts. Additionally, the Open Space Coordinator is responsible for the administration of the Community Enhancement Program, which involves the design and contracting of beautification projects throughout the City. In late 1995 and early 1996, Open Space efforts were concentrated on developing a 5-year acquisition plan for Open Space properties. In April 1996, the Open Space Advisory Board presented these recommendations to City Council.

Since the passage of the Open Space & Parks ballot measure in November 1996, the need for a more long-term acquisition strategy has become clear. To accomplish this, Staff is developing a new 20-year Open Space plan. The plan will require considerably more time and effort on the part of the Open Space Coordinator and the Open Space Advisory Board.

Aside from the ballot measure extending the Open Space tax, there has been a significant increase in Open Space acquisitions in the past two years. Also, other departments within the City have requested help with acquisitions and other technical issues. The Open Space Coordinator is currently assisting Water Resources, Parks, Recreations & Libraries, and Engineering Staff encompassing fifteen different property acquisitions.

Staff believes it is critical to increase staffing levels associated with the Open Space program in order to accomplish the planned, uncharted Open Space acquisitions that will be expected now that the bond issue passed. Westminster currently has one full-time staff person, which will not be adequate to handle the \$12.0 million in funds which will be available from the bond issue, as well as added acquisitions expected to be funded pay as-you-go.

The proposal is to add one full-time indexed Acquisition Specialist to support the Open Space program. This position would be paid for with funds from the Open Space program, and would be held by an individual skilled in land acquisitions.

The position would be indexed and the salary would be in the range of \$41,000 - \$51,000 per year plus benefits.

Additionally, Staff recommends adding one half-time indexed administrative/support position. This position would also be paid for with funds from the Open Space program. The cost is estimated to be \$15,000 - \$18,000 per year plus benefits. This individual would assist with sketching, updating maps, measuring areas, researching ownerships, recording documents and surveys, and other technical duties.

Engineering Division

As a result of the November 1996 bond election approving approximately \$15 million of roadway/bridge improvements in the Westminster City Center area, the Engineering Division will be responsible for coordinating the following projects:

- > 88th Avenue widening between Sheridan Boulevard and the Burlington Northern railroad line (1997).
- > 92nd Avenue roadway and bridge widening between Yates Street and the entrance to Price Club (1998).
- > Sheridan Boulevard roadway widening and bridge reconstruction between 87th Avenue and the approximate 91st Avenue alignment (1999).
- > "Ring road" construction within the Westminster Mall parking lot (assuming necessary rights-of-way for the adjacent public street projects are donated by the Mall owner).

Additionally, the bond issue earmarked funds for the construction of Westminster Boulevard (a.k.a. Pierce Street) from the approximate 108th Avenue alignment to 112th Avenue, the preliminary design of the northern extension of Harlan Street and bridge over US 36, and the preliminary design of new interchange configurations at US 36/Sheridan Boulevard/92nd Avenue.

Each of these projects will require significant management and coordination by Engineering Division Staff. City engineers will be expected to direct the design, property acquisition, utility coordination, construction and to some extent public relations of each project. Further, extensive coordination with the Colorado Department of Transportation (CDOT) will be required on four of these projects. It is expected that the preliminary design of US 36 interchange modifications will be time-consuming and, perhaps, contentious, given the fact that the City's preliminary plans do not comply with CDOT or Federal Highway Administration regulations.

These projects represent work above and beyond the Engineering Division's normal workload, which includes at least 15 other major street and drainage improvement projects in 1997.

Currently, the Engineering Division employs six degreed civil engineers. Five of these are FTE positions, one is indexed. One of the six engineers is dedicated to the development of the City's Geographic Information System (GIS). A minimum of two others must be assigned to the review of private development proposals on an ongoing basis, and one other engineer is dedicated to administrative and other miscellaneous duties. Therefore, only two of the current Staff are available to handle the numerous Capital Improvement Projects and the new projects which have resulted from the bond issue.

Although the two engineers now working on capital projects are experienced and highly capable, the additional workload that will soon follow in the wake of the bond issue creates more work than can be accomplished with the existing Staff. The proposal is to add one full-time indexed Engineer to assist with the implementation of the various bond issue projects. The position would be authorized for approximately four years with an estimated salary range of \$47,600 - \$55,300 per year plus benefits.

Building Division

In recent months, the Building Division has experienced a substantial increase in the average number of field inspections per building inspector. Although there has been a decrease in the number of new housing starts, the number of building inspections continues to rise due to the types of projects currently under permit. Those that were previously approved and are now in the construction phase include the Walnut Creek Apartments, Claire of Assisi, East Bay and Life Care. Each of these has a large number of residential units which are impacting inspection activity. When combined with other current projects such as Tri-State Generation and Transmission, Confertech and Protogenic, the Building Division is having difficulty completing the increased number of inspection requests in a timely fashion. The heavy inspection workload has resulted in occasional missed/delayed inspections, less time to perform inspections, and an increase in the number of customer complaints. This situation falls short of the City's Customer Service expectations.

With the Division currently operating at "full capacity", there is concern that the level of service provided will diminish with several large projects beginning in the near future. The following is a list of upcoming projects (Numbers in parentheses represent number of units/rooms in project).

- > San Marino Senior Housing (91)
- > Villa Maria Senior Housing(40)
- > Covenant Village Care (111)
- > Albertsons-Sheridan Crossing
- > Church Ranch Office Building
- > Comfort Inn Hotel (78)
- > Country Inn Hotel (59)
- > AMC Theaters
- > Hyland Hills Ice Arena
- > Hampton Inn Hotel (107)
- > Residence Inn (94)
- > Legacy Ridge Apts (232)

All of these listed projects are multi-unit or complex buildings that will require a great deal of time and effort on the part of the building inspectors. The inspection time per-unit for multi-unit hotels and housing facilities is considerably higher than the typical house or commercial building. In order to successfully handle the entire inspection effort, it is imperative that the Building Division hire additional help in the very near future.

The proposal is to add one indexed Building Inspector position, which would bring the total number of inspectors in the Division to seven. This is the same number that was approved by City Council in 1994. The estimated salary for the position would be \$33,000 - \$38,000 per year plus benefits.

Funding for this position would be fully recovered through the collection of building permit fees. Revenue projections for building permits in 1997 were estimated conservatively, so it is likely that the increased revenues from the numerous large projects beginning in 1997 will cover the cost. A supplemental appropriation later in the year is planned to fund the position.

The Building Division monitors the inspection activity monthly and provides results to General Services to verify the level of activity as it relates to the established index. Reports in recent months show that the average workload per inspector has been increasing, and is well above the established index. With the addition of the requested indexed inspector position, the average number of daily inspections per inspector should drop to a more manageable level.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

AUTHORIZING THREE NEW FULL TIME TEMPORARY POSITIONS AND ONE NEW HALF TIME TEMPORARY POSITIONS IN THE COMMUNITY DEVELOPMENT DEPARTMENT

Whereas, the workload of the Community Development Department currently exceeds the ability of the Department's existing Staff to provide high quality work, and

Whereas, the volume of work will increase further as a result of bond issues passed in November 1996 authorizing accelerated open space acquisitions and extensive traffic improvements in the City Center area, and

Whereas, the new positions would be temporary indexed positions, and would be tied to a specified level of activity within the City.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that three full time temporary positions and one half time temporary position be authorized for the Community Development Department. The additions positions are described as follows:

1. One full-time indexed Open Space Acquisition Agent. This will be an unclassified position at an estimated annual cost of \$53,820 including benefits.
2. One half-time indexed Planning Technician (Open Space). This will be a classified position at an estimated annual cost of \$18,720 including benefits.
3. One full-time indexed Senior Civil Engineer. This will be a classified position at an estimated annual cost of \$58,500 including benefits.
4. One full-time indexed Building Inspector. This will be a classified position at an estimated annual cost of \$40,950 including benefits.

Passed and adopted this 10th day of February, 1997.

ATTEST:

Mayor

City Clerk

Date: February 10, 1997

Subject: Prosecution Services Contract

Prepared by: Tami Berry, Paralegal
Marty McCullough, City Attorney

Introduction

City Council is requested to authorize the City Manager to execute a revised contract with Alan C. Katz, P.C. to provide a portion of the City's prosecution services and increase the two current Assistant City Prosecutors' FTE status from .5 to .7, effective February 1, 1997.

Summary

The departure of Dennis Wanebo from the firm of Wanebo & Katz has necessitated a review of the current arrangement of the City's prosecution services. At a Study Session in late December, City Council agreed that a reduced contract with Alan C. Katz, P.C., coupled with an increase in hours for the two current in-house Assistant City Prosecutors, would be an appropriate interim measure pending further review later this year of the City's prosecution services.

Staff Recommendation

Authorize the City Manager to execute a contract with Alan C. Katz, P.C. to provide a portion of the City's prosecution services and increase the two current Assistant City Prosecutors' FTE status from .5 to .7, effective February 1, 1997.

Background Information

King, Paulsen, Wanebo & Katz served as the City's prosecutors for over nine years before splitting up in 1992. Dennis Wanebo performed City prosecution services for the City since the original contract was awarded in 1983. Alan Katz was with KPW&K since 1985 and is presently the other 1/2 interest shareholder in Wanebo & Katz. Wanebo has decided to leave the firm of Wanebo & Katz to pursue a practice specializing in medical malpractice. In addition to his tenure as a City Prosecutor, Mr. Katz has five years prior experience as a Deputy DA in Boulder County. Mr. Katz has agreed to continue providing prosecution services to the City at a reduced level.

Jeff Cahn was hired by Wanebo & Katz in February of 1992 and was later selected as the City's .5 FTE Assistant City Prosecutor in 1996. Mark Cohen was selected as the other .5 FTE Assistant City Prosecutor and the two have been serving as the City's in-house prosecutors for the past year. This arrangement has provided greater convenience for citizens and has also helped to control the monthly contract fees that would otherwise have increased due to the recent expansion of the Municipal Court docket that Council authorized in 1996.

The proposed contract with Alan C. Katz, P.C. continues to include monthly meetings with the Police Department, being involved "upfront" with the development of new ordinances, and meeting with the Police Department before any new ordinance starts being enforced.

The proposed combination of Alan Katz, Jeff Cahn and Mark Cohen should be very effective, given their ability to process a large number of cases through group plea bargaining, as well as their familiarity with a fast-track domestic violence program. They have demonstrated an excellent team attitude and ability to work together effectively and efficiently.

Alan C. Katz, P.C. has agreed to provide a portion of the City's prosecution services at the rate of \$42 per hour for 24 hours per week, plus \$1400 per month for secretarial support for all of the prosecutors, and \$250 per month for expenses.

A proposed contract is attached to this agenda memorandum. A summary of the key provisions of the contract are as follows:

- *Rate: \$42 per hour.
- *Term: One (1) year, effective February 1, 1997, running through February 1, 1998, subject to termination after August 1, 1997, upon 90 days' notice.
- *Support: Secretarial, clerical and telephone/reception support for the total operation to be provided for a fixed monthly fee of \$1,400.
- *Reimbursement for expenses: The lesser of actual expenses or \$250 per month.

Under the previous contract with Wanebo & Katz, secretarial support was included as part of the \$47 per hour rate and monthly expenses were capped at \$300. The \$5-per-hour reduction in Mr. Katz's hourly rate is an off-set to the separate \$1,400 per month fee for secretarial support that was previously included in Wanebo & Katz's rate.

Given the reduction in hours worked per week, hourly fee and monthly expenses under the revised, proposed contract with Alan C. Katz, the cost to increase both Assistant City Prosecutors from .5 to .7 FTE can be absorbed internally by the City Attorney's Office professional services account.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

CITY PROSECUTOR EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into effective this 1st day of February, 1997, by and between the CITY OF WESTMINSTER, State of Colorado, a home-rule City (the "City"), and the law firm of ALAN C. KATZ, P.C. (the "Firm").

W I T N E S S E T H:

WHEREAS, the City desires to employ the law firm of Alan C. Katz, P.C., as City Prosecutor for the City of Westminster as provided by City Charter, Chapter IV, Section 4.13(b); and

WHEREAS, City and the Firm have agreed upon the terms and conditions of such employment.

NOW, THEREFORE, in consideration of the mutual covenants of the parties contained herein, the parties agree as follows:

SECTION 1. TERM

A. The term of this Agreement shall be from February 1, 1997, until February 1, 1998, unless terminated earlier pursuant to paragraph 1.B. below.

B. Either party may elect to terminate this Agreement upon ninety (90) days advance written notice to the other. In the event of termination, the Firm shall be paid at the rates provided for herein for all services actually rendered through the effective date of termination, and for any services rendered beyond the termination date that are reasonably necessary to conclude any representation commenced prior to the date of the notice of termination and which have been agreed to in writing by the City. In any event, neither party shall terminate this Agreement sooner than August 1, 1997.

SECTION 2. COMPENSATION

A. Fees. Prosecution of all cases in Municipal Court shall be provided by the Firm at a Fixed Hourly Rate of Forty-Two Dollars (\$42.00) per hour, twenty-four (24) hours per week. In addition, secretarial support shall be provided by the Firm for a fixed monthly fee of Fourteen Hundred Dollars (\$1,400.00) per month.

B. Expenses. The Firm shall be paid Two Hundred Fifty Dollars (\$250.00) per month for expenses incurred in providing the services pursuant to this Agreement.

C. Services. Compensation for the following services to be provided by the Firm are included as part of the Firm's Fixed Hourly Rate for attorney services to be billed pursuant to this contract or the fixed monthly fee for secretarial support and there shall be no additional charges for these services. Attorney time for these services shall not exceed twenty-four (24) hours per week:

1. Attorney time as may be appropriate and necessary for representing the City in court and for all necessary case preparation and miscellaneous office activities, including an average of 2 1/2 days of in-court appearances per week.

2. Attorney time related to the attendance of regular meetings, monthly or as may be agreed otherwise, with designated Police Department personnel for the purpose of receiving feedback concerning the City prosecution services.

3. Attorney time related to the attendance of meetings requested by the Court Administrator for the purpose of discussing Municipal Court procedures or such other matters reasonably related to the delivery of the City prosecution services including, but not limited to, anticipated meetings to be held for the purpose of reducing citizen waiting time.

4. Attorney time related to the review of proposed new ordinances or the enforcement of newly enacted ordinances.

5. Attorney time related to the review of proposed witness lists and selection of witnesses, provided, however, the Firm's attorneys shall endeavor to establish a system for the routine processing of subpoenas returned to the City Prosecutors' office by the Firm's support staff.

6. Attorney time of one (1) hour per month as requested for police training on recent legal developments and improving courtroom testimony. The selection of specific topics and training times shall be coordinated with the City Attorney and the Police Chief.

7. All secretarial and word processing services necessary to perform the Firm's duties under this Agreement. All secretarial service will be performed with personal computers, letter-quality word processors, IBM Selectric II typewriters, or their equivalent.

D. Attorneys. Alan C. Katz (and William Kelso when providing services pursuant to this Agreement as substitution for the Firm) shall be solely responsible for the performance of all legal duties enumerated herein (the "City Prosecutors").

E. Special Prosecutors. The City Prosecutors shall have the authority to engage, with the approval of the City Attorney, the services of a special prosecutor under circumstances in which a conflict or other ethical or legal impediment would justify the appointment of such a prosecutor. The special prosecutor shall be retained by the Firm as an independent subcontractor to the Firm and, unless specifically agreed otherwise by the City Attorney and the City Manager, shall be paid at the lesser of the special prosecutor's actual hourly rate or the hourly rate set forth in Section 2.A. above.

SECTION 3. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

A. Insurance. When acting in his capacity as City Prosecutor and performing his duties under this contract, Alan C. Katz (and William Kelso when he is providing services pursuant to the Agreement as substitution for the Firm and any special prosecutor) shall be considered an employee of the City for purposes of liability insurance coverage for acts performed within the scope of his employment and shall be insured pursuant to the City of Westminster's self-insured public officials liability coverage. The City Prosecutors understand that the limits of coverage under the City's self-insured liability program is \$150,000 per person and \$600,000 per occurrence.

B. Time Records. The Firm shall maintain accurate and complete time records for all attorneys' work provided to the City by the Firm. Said time shall be kept in an orderly and consistent manner and shall contain information of time spent performing all duties and responsibilities of attorneys under this Agreement. The Firm shall forward one copy of said time records to the Office of the City Attorney on a monthly basis. The City Attorney shall review said records and approve the same for payment. Payment shall be made to the Firm within ten (10) working days of receipt by the City Attorney's Office of the Firm's statement.

C. Independent Contractors. The City Prosecutors shall be subject to the general supervision of the City Attorney but shall remain independent contractors to determine the means and methods of accomplishing their duties hereunder including the authority to exercise prosecutorial

judgment and discretion necessary to meet their ethical obligation as prosecuting attorneys.

D. Modification. City Council may fix any other terms and conditions of employment as, from time to time, it may determine relating to the performance of the duties of the Firm, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other law. If any other such new terms or conditions impose additional responsibilities upon the Firm, not contemplated herein, additional compensation shall be provided therefor as agreed to by the parties. This Agreement may not be modified except in a writing duly authorized and executed by the parties hereto.

E. Conflicts. The Firm and the City Prosecutors agree not to represent any third party who may have an actual or potential conflict of interest with the City or with any City employee acting in his or her official capacity.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day of February, 1997.

CITY OF WESTMINSTER, COLORADO

By _____
City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ALAN C. KATZ, P.C.

By _____
Alan C. Katz

Date: February 10, 1997
Subject: 1996 Fourth Quarter Activity Report
Prepared by: Mike Simmons, Management Assistant

Attached for City Council's review is the 1996 Fourth Quarter Activity Report which covers Departmental activities for the quarter ending December 31.

As can be readily noted, the City continues to experience a steady increase in activity when compared to similar data from the previous year. These activities include achieving stated objectives as well as accomplishing unanticipated "opportunities."

Respectfully submitted,

William M. Christopher
City Manager

Attachment

4TH QUARTER ACTIVITY REPORT
October 1, 1996 through December 31, 1996

COMMUNITY DEVELOPMENT

Open Space Division

- * Westminster voters overwhelmingly approved the extension of the Open Space program through the year 2016, along with de-Brucing, and the authority to bond or enter into multi-year purchase agreements.
- * Open Space acquisitions/purchases:
 - 10 acres along the west side of Sheridan Boulevard at Big Dry Creek
 - 18 acres along the west side of Sheridan Boulevard at 98th Avenue - part of the ponds and Axtell Pony Farm
 - a small property at 116th Avenue east of Sheridan Boulevard for a regional detention pond and open space
 - 43 acres along Big Dry Creek at 120th and Federal Boulevard
- * The Open Space Advisory Board and Staff have begun the process of expanding the list of priority Open Space acquisitions following voter approval of additional funding.
- * The Open Space Advisory Board, with City Council concurrence, awarded eight Neighborhood Enhancement grants for 1996. These projects were completed by the neighborhood groups, and have been reimbursed.
- * Land acquisition efforts are nearing completion, and construction has begun on a trail along Little Dry Creek, from England Park to Clear Creek. Open Space funds are used to acquire the land for the trail, and an ISTE A grant together with City funding will construct the trail.
- * Various Community Enhancement projects were pursued. The fencing and landscape along the Meadowlark development at 104th Avenue east of Federal was completed in November. Design of projects for Spring 1997 neared completion.
- * Work is continuing on a redevelopment plan for Little Dry Creek between approximately 72nd Avenue and Lowell Boulevard. In addition to the trail, Staff is working with the Urban Drainage and Flood Control District to design channel improvements to reduce flooding and improve the appearance of this area.

Engineering Division

Continuing work on major capital improvement projects yielded the following progress:

- > 120th/Huron Intersection - Construction completed during the fourth quarter.
- > 128th/Huron Intersection - Design completed and ready to be bid in January, 1997.
- > Streets Bond Issue Projects - Design of 88th Avenue is 80% complete and will be ready for bidding by April, 1997. Design work on 92nd Avenue continues in anticipation of construction in 1998.
- > Westminster Boulevard (Promenade) - Design is nearing completion and will be ready for bidding in spring of 1997.
- > 72nd Avenue (Phase 3) - Construction anticipated to be completed in summer of 1997.

Building Division

Projects completed during the 4th quarter:

- *Clare of Assisi Senior Housing
- *Ruby Tuesday Restaurant
- *Discount Tire Company
- *Hollywood Video
- *Golfsmith
- *Prosound Music Center

Summary of 4th quarter statistics compared to 1995:

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
Construction valuation	42.0M	35.7M	+17%
Single family starts	179	252	-40%
Tenant finishes	20	10	+100%
Commercial plans	18	21	-16%
Residential plans	105	105	0%
Inspections	13,578	13,425	+1%

Planning Division

- > Major projects approved through the planning process during the third and fourth quarters of 1996:
 - * Legacy Ridge, Filing 7
 - * Legacy Ridge Recreation Center
 - * Legacy Ridge Filing 3
 - * Silo North PDP Amendment, Megas Property Annexation and 3rd Amended Silo North ODP - Covenant Village
 - * Villa Maria ODP at Panorama Point
 - * Green Acres PDP Amendment to add daycare uses
 - * Semper Elementary School annexation and zoning
 - * Maulis Property annexation and zoning
 - * Northpoint Amended PDP and ODP for AMC 24-plex theatres
 - * Hollywood Videos at Marketplace
 - * Price Club Amended ODP for expansion
 - * College Hills ODP Amendment for models and garage addition
 - * Sheridan Park North ODP for two hotel sites
 - * Black Eye Pea ODP Amendment for exterior renovations
 - * Lucent Technologies - ODP Waiver for storage building addition
 - * Park Centre ODP for CB Potts Restaurant and Brewery
 - * Melody Plaza Hotels ODP
 - * Valley Bank ODP at Sheridan Green Commercial
 - * Environs Senior Housing rezoning request (denied)
 - * Kaiser Expansion ODP Amendment
 - * Crystal Lakes subdivision - San Marino ODP Amendment
 - * Westpark Center ODP Amendment for cellular antennas
 - * Silo Business Park ODP Amendment for cellular antennas
 - * Discount Tire Renovation at 72nd and Federal Boulevard
 - * Westcliff subdivision ODP Amendment for models
 - * Amherst subdivision ODP Amendment for models
 - * North Apple Valley subdivision ODP Amendment for models
 - * Sheridan Green ODP Amendment for models.
 - * Church Ranch Medical Office Building ODP
 - * Church Ranch Country Inn ODP
 - * Protogenic at Park Centre ODP

- * Cleasby Manufacturing ODP
- * Smith Property annexation and zoning
- * Home Farm Amended ODP for models
- * Meadow Point Amended ODPs for Discount Tires

> Summary of Development Review Activities for the third and fourth quarters:

- * 21 Planning Commission/City Council Agenda Items
- * 6 Transportation/Special Use & License Board Hearings
- * 23 Administrative ODP Approvals/Waivers
- * 6 Referrals by other agencies
- * 23 Items reviewed in Concept and Technical Review
- * 1465 Technical Assistance Inquiries from the General Public
- * 84 Sign permits approved
- * 59 Building permits approved
- * 166 Business Licenses approved

> Major Planning Activities

- * Park Centre Conceptual Planning
- * Urban Renewal Plan Amendment
- * Assistance on Urban Renewal Program
- * Economic Development Support Activities
- * Update of land use and demographic database
- * Growth Management Program Coordination
- * 1995 Design Award - Presentations of awards
- * Rocky Flats Local Impacts Initiative - Land Use Committee support
- * Future JeffCo - Policy Group support
- * Jefferson and Adams County Growth Summit meetings
- * Comprehensive Plan - Final round of neighborhood meetings, finalize text and maps, implementation strategies
- * Landscaping Regulations (Received Final Draft)
- * Westminster Mall Enhancement Study - Preliminary design concept
- * Preliminary Golf Course layouts for proposed Countrydale Golf Course - ODP Submission
- * 1997 Single Family Detached and Attached Service Commitment Allocation and competition, Growth Management amendments, and design guideline revisions
- * Axtell Property Land Use Plan
- * Monitoring of the DRCOG Vision 2020 Process
- * Northpoint/AMC Planning Studies - signage, Promenade East
- * Westminster Plaza Redevelopment Effort

FINANCE DEPARTMENT

Summary of 4th quarter 1996 statistics compared to 4th quarter 1995:

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
Audit assessments issued	25	27	-7%
% Sales tax accounts delinquent	3%	4%	-25%
A/P checks issued	3,902	4,062	-4%
Purchase orders issued	3,742	2,808	33%
Returned checks processed	100	102	-2%
Computer support calls made	2,132	2,494	-15%
Number of meters reread	47	33	42%
Number of water accounts processed	82,164	71,262	15%
Total PIE applications YTD	164	56	193%
Pension activities processed	291	159	83%

* Sales Tax, Utility Billing, and Financial Management developed policy guidelines and application forms to formalize the application and approval process for townhome/condominium water rate establishment.

* Data Processing and Utility Billing realized a significant reduction in processing work orders for retrofitting water meters, tracking data and streamlining the entire task.

Administration

* Bond proceeds for the \$20 million 1994 water and wastewater revenue bonds were fully spent as of September 30, 1996.

* Bond proceeds for the 1992 sales and use tax revenue bond were fully spent as of September 30, 1996 (\$21,490,000). These proceeds were spent on Legacy Ridge Golf Course, associated parkways and the 72nd Avenue project.

Accounting

* 104th Avenue SID payments were made by Northpoint Investments for the 1996 assessments (\$377,000).

* The Amherst GID refunds were completed in November.

* The Accounting Division was notified in early December of award of the Comprehensive Annual Financial Report award by the Government Finance Officers Association for excellence in financial reporting.

* Final payment was made for the Burlington-Wellington water rights purchases and a portion of the FRICO water shares.

* Accounts payable is now issuing about 15,000 purchase orders per year and has streamlined the process to include handholds.

Sales Tax

* A total of \$702,000 in sales and use tax revenue was collected as a result of audit and enforcement activity in the fourth quarter of 1996.

* Reminder cards were mailed to all annual sales and use tax return filers, emphasizing that forms would be mailed in early January and were due back by January 21st.

Data Processing

* The CEO mail service was expanded to send mail messages to other computer systems.

* System installation of a new GIS computer was completed in late December.

Utility Billing

* Problems cropped up in November with the utility billing contractor: bills were mailed late, mailed without all information, with incorrect information, resulting in significant numbers of phone calls, irate customers, and decreased productivity. This project is now under serious review with the existing contractor.

FIRE DEPARTMENT

Following is year-to-date statistical data with previous year comparison. Also provided is the percent of increase or decrease in activity where appropriate.

<u>CATEGORY</u>		<u>4th Qtr.</u>	<u>1996</u>	<u>1995</u>	<u>% CHANGE FOR YEAR</u>
Total Alarms:	1,416		5,707	5,268	+ 8%
Struc./Veh. Fires: 32		72		163	- 56%
Emergency Medical:	987	3,798		3,488	+ 8%
Amb. Transports:	792	2,471		2,274	+ 9%
Amb. Revenue:	\$163,550		\$581,438	\$535,437	+ 8%
Westy-MED Enrollees: --		177		196	- 10%
Pub. Ed. Classes:	149	521		997	- 47%
Inspections:	223	5,625		3,974	+ 41%
Training Hours:	5750		28,510	30,073	- 5%

* The Fire Department responded to a record number of fire and medical calls in 1996 with 5,707 emergency calls. This call-load exceeded 1995's by 439 calls, an 8 percent increase. South Westminster's Station 1 was the busiest with 1,837 calls.

* More than 10,000 shoppers at the Westminster Mall visited Westminster firefighters during Fire Prevention Week in October. Children were given hands-on demonstrations of safety drills in the home and participated in mini-combat tests to practice firefighting skills.

Six members of the Fire Department's Fire Investigation Team completed the required training to be sworn in as level II police officers. Fire investigators can now file their own cases, freeing police detectives from their already-burdened case loads.

* The Fire Department Combat Team placed seventh in the nation at the National Combat Challenge in Las Vegas, Nev., in December during a nationally-televised event aired on ESPN.

* A third ambulance was placed into service during the holiday season near the Westminster Mall. From Thanksgiving to Jan. 1, a reserve ambulance from Fire Station No. 3 responded to 24 emergency calls to the mall area with an average response time of 3 minutes and 45 seconds. In all, the third ambulance responded to 66 calls city-wide during the holidays.

* The Fire Department Issues Task Force trained all the firefighters about the Random Drug and Alcohol Policy and procedures that take effect in 1997. The Fire Department initiated mandatory testing for all commissioned personnel in January to assure personnel safety, fitness for duty, and to protect the positive reputation of Fire Department employees as well as to guarantee a high level of customer service to the community.

GENERAL SERVICES DEPARTMENT

Administration

Major training activities for the fourth quarter included:

- * Supervisor Academy-51 employees at 4 hours each
- * Team Leadership Skills Training-30 employees at 36 hours each
- * Writing For Results-25 employees at 10.5 hours each
- * Working In Teams workshop-114 employees at 16 hours each
- * Computer classes-employees attended various computer classes at Computer City or CompUSA for 6.5 hours each
- * Respectful Workplace-26 employees at 9 hours each
- * Conflict Resolution training-24 employees at 7 hours each
- * Volunteer Management on How to Effectively Use Interns-11 employees at 1.5 hours each.
- * Westminster 101 for Boards and Commission members-19 members at 6 hours each.

Other Major Activities:

- * Presented an overview of the City's training curriculum to new employees at Orientation.
- * Coordinated fourth quarter Citywide Management Team Luncheon
- * The ERAT committee coordinated: Customer Service Champions surprise parties, and Teams In Action Luncheon.
- * The City's Facilitator Team worked with Municipal Court Staff on improving communication and teamwork. The Facilitator Teams continue to work with the Performance Appraisal Task Force. Several members of the Facilitator Team helped the Employee Development staff co-teach the Working In Teams training classes during the fourth quarter.
- * Employee Development staff worked with the COG Coordinator and developed a training plan for COG Team Leaders and Assistant Team Leaders which will be implemented during 1997.
- * Employee Development staff worked with the Training Coordinators from the Fire and Police Department to improve training options for employees on shift work.
- * Draft of new performance appraisal was presented to the Department Head group and various employee groups throughout the City.

Volunteer Program Activities:

* Number of Inquiries

<u>Category</u>	<u>4thQtr 1996</u>	<u>4thQtr 1995</u>	<u>% Change</u>
Volunteers	58	69	-16%
Interns	30	20	+50%
Community Svc.	30	19	+58%

- * Four hundred sixty volunteers donated over 9,600 hours in the fourth quarter.
- * New partnerships: Recruiting volunteers for Clear Creek Care Center. Arranged for the students in the EAGLE Program at Niver Creek Middle School/Communities in Schools to put on a Christmas program for the residents of Clear Creek Care Center.
- * Snowbusters: Signed up 4 new individuals and 2 groups. One of the groups is the Westminster First Southern Baptist Church, and the church members are shoveling the walkways of 8 residents.

Purchasing/Telecommunications Activities:

- * Eighty-seven telephone service requests were completed.
- * Ninety-three purchasing service requests were completed.
- * Twenty-three cable items were worked on.
- * The project with TCI to add Westminster Channel 8 for residents west of U.S. 36 was completed, on time and at no cost to the City.
- * The City received \$17,000 from TCI for franchise renewal expenses. This was a result of the negotiations for the renewal.
- * The City received \$8,500 in late fees from TCI for late payment of franchise fee for the second quarter.

Building Operations & Maintenance

Major activities for the fourth quarter included:

- * Completed a total of 694 work requests during the 4th quarter of which 394 were corrective and 300 were preventative.
- * Maintenance staff assisted the Fire Dept. staff in the remodel of Fire Station #1.
- * Maintenance staff remodeled the former Council Chambers at Library Administration to accommodate Library and special programs and meetings.
- * The main water line supply to Countryside was repaired.

City Clerk's Office

Summary of year-end statistics compared to 1995:

	<u>1996</u>	<u>1995</u>	<u>%Change</u>
Councillor Bills	91	92	- 1%
Ordinances	89	93	- 4%
Resolutions	67	75	-11%
New business licenses	252	281	-11%
Active business licenses	1,497	1,462	+ 2%
Home occupation licenses	1,152	1,065	+ 8%
Sales tax licenses	1,416	1,335	+ 6%
Licensed refuse haulers	7	8	-13%
Solid Waste vehicles	85	67	+12%
Recycling vehicles	22	20	+10%
New liquor licenses	9	14	-54%
Liquor Admin Approvals	127	115	+ 9%

There were a total of 487 voter registrations during 1996. Of this amount 326 were Adams County (67%) and 161 were Jefferson County (33%) During 1995 there were a total of 85 voter registrations with 54 (64%) in Adams County and 31 (36%) in Jefferson County.

Employee Services

Major activities in the 4th Quarter of 1996:

- * Orientations: 15 Benefitted, 24 Non-Benefitted and Seasonal
787 City applications were received for 45 different position openings (twice the activity of the third quarter; 287 applicants were interviewed or tested; 305 Personnel Actions were processed for pay and class changes.
- * Key recruitments included: Finance Director, Planning Manager, Police Sergeant promotional process, Administrative Secretary; South Westminster Revitalization Coordinator, Planner I/II, Firefighter, Risk Management Specialist and Communications Specialist.

Other Major Activities included:

- * 1997 pay and classification update to HR database
- * Coordination of several Major Illness Leave and Short Term Disability situations with employees and supervisors
- * Consultation and counseling of managers and employees
- * Involvement in developing random drug testing policy for Fire and Police
- * Grievance investigation, disciplinary action consultations

Fleet Maintenance

Summary of 4th quarter statistics:

	<u>1996</u>	<u>1995</u>	<u>%Change</u>
# repair orders	1,351	1,453	- 7%
Gallons of diesel fuel	21,973	16,702	+24%
Gallons of unleaded fuel	49,518	41,301	+17%
Used motor oil collected	5,151	6,120	-16%

Other major activities:

*Three 10,000 gallon fuel storage tanks at the MSC have passed inspection in compliance with the stringent 1998 Federal Regulations for underground storage tanks by the State of Colorado, Oil and Gas Inspection Division.

Municipal Court

Activity statistics for the 4th quarter of 1996 are not available due to problems with the statistics module on the new records management system. The vendor, Progressive Solutions, Inc., has indicated we are to receive an updated version of the current system that will correct many of the current problems.

Risk Management

Major activities in the 4th quarter 1996 included:

- * Processed paperwork for 13 medical/dental enrollments, 13 insurance changes, 8 address changes, 6 opt outs, 2 opt ins, and 17 COBRA letters/election notices.
- * Processed 19 workers' compensation claims compared to 20 during the fourth quarter of 1995.
- * Processed 12 property & liability claims compared to 7 during the fourth quarter of 1995.
- * 15 new benefitted employees were added to the program and oriented to the City by benefits staff.
- * The Employee Wellness Program finished 1996 with 463 employees participating. 1995 Wellness ended with 325 employees.
- * **Wellness staff:**
 - screened approximately 300 employee blood pressures
 - assisted 15 employees with Community CPR
 - organized The Wellness Health Fair which had 335 employees, family members, and volunteers attend. This is almost double the turnout from last year.
 - organized a snowshoeing trip to Eldora in which 18 employees and family members attended.
 - organized a blood drive with 23 employees participating
 - organized the "Commit to be Fit" exercise challenge with over 180 employees participating
 - organized a 5k run/walk in which 13 employees participated.
 - organized flu shots for over 500 employees and family members, compared to 400 in 1996.

PARKS, RECREATION & LIBRARIES**Library Services**

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
76th Avenue Library	59,549	54,706	+8.8%
Kings Mill Library	26,828	28,853	-7.0%
Bookmobile	4,204	6,426	-34.0%
Total All Facilities	90,581	89,985	+0.06%
Patrons	48,248	48,157	N/C
Reference Questions	6,721	6,146	+9.3%
Program Attendance	1,138	1,913	-40.0%

Major activities during the quarter included:

- * Library staff continued to work with Front Range Community College staff to plan for technology, collections, and services at the College Hill Library.
- * Construction documents from the College Hill Library building were sent out to bid October 29 and the bid opening was held December 23.
- * A report was completed by RMG Consultants, Inc. a technology consulting firm hired jointly by the City and Front Range Community College. The report provides plans and recommendations for providing the online catalog and other electronic information resources at the College Hill Library.

A task force consisting of both City and College staff is reviewing the report, and will submit their recommendations, along with any costs involved, in the first quarter of 1997.

- * Library staff submitted, in conjunction with Front Range Community College, an application for a \$250,000 grant to enhance technology at the College Hill Library.
- * Library staff evaluated three prospective vendors to supply an Opening Day Collection for the College Hill Library. Interviews were conducted in October, and Baker and Taylor Books was selected as the successful vendor.
- * Library staff worked with Building Operations staff to remodel the Library Community Room in the old City Council Chambers. New doors were added, the floor inside the building was decked to create a one level surface, and new carpet and paint was provided. Changes to the exterior walkway to provide ADA accessibility to this room will be added later in 1997.
- * Library staff continued to plan for the Groundbreaking Ceremonies for the College Hill Library, and developed a plan for fundraising, to be implemented in 1997.

Recreation Facilities

Summary of 1996 fourth quarter statistics compared to the third quarter of 1995:

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
Drop-in Participation:			
<u>October</u>			
City Park	22,981	21,884	5%
Swim & Fitness	6,206	5,254	18%
Countryside	621	661	-6%
Senior Center	6,458	6,550	-1%

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
Drop-in Participation:			
<u>November</u>			
City Park	26,183	25,747	2%
Swim & Fitness	8,498	7,708	10%
Countryside	743	916	-19%
Senior Center	5,627	6,342	-11%

<u>December</u>			
City Park	24,686	27,987	-12%
Swim & Fitness	7,691	8,417	-9%
Countryside	689	783	-12%
Senior Center	4,609	3,998	15%

YTD Participation

City Park		358,896		336,856	7%
Swim and Fitness	122,398	111,948	9%		
Countryside		29,954		27,693	8%
Kings Mill Pool	4,315	3,936	10%		
Senior Center		65,021		54,354	20%
Standley Lake		54,920		48,060	14%

Aquatics Program Participation

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
October	400	447	-10%
November	380	450	-15%
December	704	156	350%
Year to Date	10,456	9,654	8%

Aquatics Program Revenue

Year to Date	\$157,482	\$142,705	10%
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YTD Facilities Revenue

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
City Park	\$806,623	\$727,888	11%
Countryside	\$ 49,663	\$ 46,299	7%
Swim & Fitness	\$213,356	\$181,918	17%
Kings Mill Pool	\$ 3,473	N/A	
Senior Center	\$142,729	\$138,499	3%

Recreation Programs

Summary of 1996 fourth quarter statistics compared to 1995:

Program Participation

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
October	2,701	2,991	-10%
November	5,045	5,459	-8%
December	3,908	2,230	75%
Year-to-Date	98,977	92,465	7%

Program Revenue

	<u>1996</u>	<u>1995</u>	<u>% Change</u>
Year-to-Date	\$475,137	\$454,712	5%

Standley Lake Revenue

Year-to-Date	\$323,726	\$309,816	5%
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POLICE DEPARTMENT

Major activities during the fourth quarter 1996 include:

1. Police Department Staff is still in the process of converting to the "National Incident-Based Reporting System" (NIBRS). Consequently, crime-specific data is not available. Completion of the NIBRS conversion is a priority objective and a target of mid-1997 has been set.

2. From the standpoint of "police service events," some interesting data comparing 1996 to 1995 have emerged, and the trend seen in 1996 is extremely encouraging.

> In 1996, there were 144,876 police service events, compared to 148,589 in 1995; a drop of 2.5 percent. A police service event is any activity that requires the attention of one or more police officers. For example, a traffic stop would count as one service event; a burglary call would count as one service event; and a murder investigation would be scored as one service event. Considering the City's growth and continuing dynamic activity, this 2.5 percent decline is very noteworthy! When NIBRS is up and running, and police staff are able to overlay crime patterns on service event activity, more definitive explanations and causation factors will emerge.

Data regarding the volume of police service events requiring "backup officer assistance" is also significant.

		<u>1995</u>	<u>1996</u>
1. Police service events requiring only one officer.	124,088 (84%)	123,391 (85%)	
2. Police service events requiring two officers.	15,426 (10%)	13,807 (10%)	
3. Police service events requiring three officers.	5,480 (04%)	4,737 (03%)	
4. Police service events requiring four or more officers.	3,595 (02%)	2,941 (02%)	
Total Police Service Events:	<u>148,589</u>	<u>144,876</u>	

> With regard to Police Service Events in different areas of the City, there were only two sectors that showed an increase from 1995 to 1996, and those "increases" were negligible.

1. Southeast police service events	20,532	19,164
2. Southwest police service events	21,379	20,617
3. East-central police service events (includes 92nd & Sheridan area)	21,413	18,985
4. Northeast police service events	9,206	9,475
5. Central police service events (includes Mall area, Brookhill and 88th Avenue area)	55,758	56,265
6. West side police service events	<u>13,711</u>	<u>13,489</u>
Total	141,999*	137,995*

* These figures only represent those service events that occurred in the City of Westminster. They do not take into account multi-jurisdictional police events.

PUBLIC WORKS AND UTILITIES

Administration Division

Major activities during the fourth quarter included:

- * The Director and Staff continue to provide substantial guidance and leadership with the Woman Creek Reservoir Authority in developing the 1997 budget; financial policies; investment policies; bylaws; and operations policies for maintenance of the reservoir, pump station, pipe line, and wetlands site.
- * The Director is working in cooperation with Broomfield on developing a Colorado and regional coalition among local governments and the State to generate funds and a lobbying program at the Congressional level for Rocky Flats Environmental Technology Site cleanup and reuse funding.
- * The Director and Assistant are working in cooperation with Division Staff and Division Heads on a variety of projects including the biosolids land acquisition, northeast water tank site purchase, reclaimed water project, and planning schedule for the large number of capital improvement projects in 1997.
- * The Director is assisting Open Space Staff in negotiations with the Farmers Reservoir and Irrigation Company (FRICO) on the McKay Lake annexation.
- * Administration Staff continue their participation and active roles in the Community Oriented Governance (COG) Program and assistance in the overall coordination of the Program. Two Staff members are now working as COG Program advisors to assist the COG Coordinator. Also, the Assistant to Director made a presentation on the COG Program to the Colorado Association of Chiefs of Police Conference in Vail on October 31.

Environmental Compliance

- * Staff conducted an in-house hazardous waste chemical roundup and disposal for the Semper Water Treatment Facility, the Street Division, and the Print Shop.
- * Employee interviews were conducted for the internal audit of City facilities. The audit inspection was concluded and a draft report will be prepared by April 1.
- * The Gasoline Recovery System was removed from the Large Quantity Generator Status list.
- * An emergency notification flowchart was developed to assist workers with reporting requirements during a chemical or fuel spill.
- * Staff assisted in reporting a water treatment plant sludge spill to the State, Jefferson County, and City of Arvada.
- * Environmental Compliance Staff worked with local businesses, Jefferson County, and Adams County on requirements for businesses to report chemical inventories to the City under SARA Title III.
- * Staff responded to 31 information requests regarding hazardous waste disposal, air pollution concerns, SARA Title III information, and recycling.

Street Division

- * The Fall Cleanup Program was held October 14-25. Crews removed a total of 3,388 cubic yards of debris from a total of 2,638 residences. Colorado Appliance & Recycling Company removed a total of 404 appliances.
- * Five snow storms were recorded in the fourth quarter of 1996. A total of 716.5 regular and overtime staff hours were needed to perform snow removal operations. Material and labor costs totaled \$79,614.
- * A part-time Community Service Specialist continues to work with individuals who have community service obligations. A total of 232 hours were worked by community service recipients this quarter, compared to 16 hours in the fourth quarter of 1995.
- * Infrastructure Management Services (IMS) completed their annual pavement update on streets west of Wadsworth Parkway and north of 88th Avenue in November.
- * Interstate Highway Construction, Inc., completed the punchlist items on the Huron Street Reconstruction Project in November.
- * Street Division Staff began preparations for the 1997 Street Improvement Project bid process in October. The 1997 projects are to include a Street Rehabilitation Project, two Concrete Replacement Projects, and a Chipseal Project.
- * Rives Enterprises completed the 1996 Street Improvement Concrete Replacement Project on November 12.
- * Brannan Sand and Gravel Company has not completed the 1996 Asphalt Pavement Rehabilitation Project. Several corrections must be accomplished before retainage can be released and the project is accepted as final.

Summary of fourth quarter street operation statistics compared to 1996:

	<u>1996</u>	<u>1995</u>	<u>Percent Change</u>
Striping miles	12,250	32,250	-62%
Signs installed	37	320	-88%
Signs repaired	223	151	48%
Miles street swept	1688.18	1,915	-12%
Pothole hotline calls	17	18	-6%
Customer Service Requests	23	42	-45%
Concrete Replacement Requests	27	40	-33%
Graffiti removal hours	243.5	N/A	N/A

Utilities Division

- * During the fourth quarter, the Utilities Division experienced no additional sewer backups.
- * Water breaks are up for the year approximately 29 percent. Year-to-date, 167 water breaks have occurred compared to 118 during the same period in 1995.
- * The Construction Crew replaced 2,500 feet of water lines during the quarter.

Summary of fourth quarter Utilities Operations statistics compared to 1995:

	<u>1996</u>	<u>1995</u>	<u>Percent Change</u>
BDC treated gallons/day	5.51M	5.19M	+6%
Metro treated gallons/day	3.92M	3.69M	+6%
Water consumption/day	25.5M	25.8M	-1%
Water taps installed	216.0	228.0	-5%
Water line installed/feet	2,500.0	40.0	+98%
Water main breaks repaired	34.0	26.0	+24%
Sewer line installed/feet	0.0	248.0	-100%

Water Resources Division

- * The Home Builders' Association (HBA) Joint Water Management System Study is near completion. The Geographical Information System (GIS) portion is operational, enhancements are being made, and additional water use information is being collected and will be analyzed during the first half of 1997. The HBA continues to fail to find builders to construct up to 20 water-conserving homes called for in the Study, thus delaying completion of the study.
- * The City completed its first year of representation on the Church Ditch Board. The 1997 budget was prepared under the assumption that the Jefferson County Commissioners will approve an increase in assessments from the current charge of \$20 per inch to \$40 per inch. The formal request to the Commissioners needs to be made by February.
- * Water Rate and Tap Fee analyses were conducted in the fourth quarter in preparation for Shaw Heights negotiations and the Tap Fee Ordinance update study.
- * The Colorado Lake and Reservoir Management Association, the official Colorado Chapter of the North American Lake Management Society, was formed with significant assistance by Westminster Public Works and Utilities Water Resources Division Staff.
- * CH2M Hill has recommended the Speece Cone aeration system for Standley Lake. The pre-design phase is now under way for this system. A decision on design and construction will be based on the outcome of the three-year Clear Creek Watershed Management Agreement in the spring of 1997.
- * HDR Engineering proceeded with modeling and other activities designated in the scope of work. The Comprehensive Master Plan provided updated development densities which are being incorporated into the Treated Water Master Plan. Model runs and required Capital Improvement recommendations will be completed during the first quarter of 1997, in time for the 1998 budget process. Proposals made in the draft Plan will be presented to key City Staff prior to finalization.
- * Dates for the Public Hearings for the BFI Industries proposal to expand the types of wastes handled at the Foothills Landfill have not yet been set. There is potential for contamination from the landfill reaching Leyden Creek, which is a portion of Standley Lake water supply. Staff is continuing to monitor this process.
- * The final round of sampling under the Clear Creek Watershed Management Agreement was conducted in December. The Parties have approached the Standley Lake Cities to continue the monitoring program. The Cities agree the program is quite beneficial and will continue.

- * The initial three years of the Clear Creek Watershed Agreement has now concluded. The data collected under the program will now be evaluated. One major element under the Agreement which was not accomplished was the definition of trophic status for Standley Lake. Pursuit of this definition will continue, but it may not be within the ability of the group to arrive at a consensus.
- * The Woman Creek Reservoir Authority is now operational and has set up most of its administrative frame work. Water Resources Staff continues to provide most of the day-to-day oversight and operation of the facilities and much of the work requested by the Board regarding insurance, budget preparation, emergency preparedness plan, and outsourcing of operations and maintenance.
- * Staff has continued to pursue negotiations with the Cyprus/Amax Minerals Company regarding the development of a water supply project utilizing the Henderson Tunnel to bring water from the Williams Fork River into Clear Creek for Westminster's use. The option to purchase Sylvan Reservoir and Lyman Ditch water rights for this project was extended. Discussions have been held with the Grand County Commissioners, Colorado River District Staff, and with the Denver Water Department regarding this project.
- * A cooperative agreement with Jefferson County was entered into sharing GIS information between Westminster and the County. This information will be useful in efforts to model non-point pollution loading to Standley Lake from unincorporated areas in Jefferson County.
- * Staff is preparing for trial with the City of Golden over Golden's use of a water right on Clear Creek which Golden seeks to expand to the detriment of Westminster's and other Clear Creek water users' water rights. A trial will be held in May of 1997, to allow the Water Judge to interpret the intent of Golden's 1960's change decrees.
- * A Board of Review was established to evaluate Standley Lake dam enlargement recommendations. The Board conducted its initial site visit and data review in October. The Standley Lake Cities are currently conducting additional investigations recommended by the Board.
- * An application was submitted to the State of Colorado for a grant to provide customer service training to the Utility Billing Staff to enhance water conservation. The City will be notified in January if a grant is received, up to a maximum of \$5,000.
- * An application for funding the Westminster reclaimed water system was submitted to the Colorado Water Resources and Power Development Authority. The Authority approved the application and the City is in the process of negotiating the terms of the funding which would be available in the form of a low interest loan.
- * Five focus group sessions were held to provide feedback on Westminster's proposed reclaimed water system.

The following is a summary of fourth quarter year-to-date raw water statistics:

<u>Raw Water Statistics</u> (Acre Feet)	<u>1996</u>	<u>1995</u>
Croke Canal Inflows to Standley Lake	21,922	26,339
Kinnear Ditch Pipe Line Inflows	616	3,296
Church Ditch Inflows	2,043	3,600
Farmers' High Line Canal Inflows	18,163	15,494
Total Standley Lake Inflows	42,744	48,729
Westminster Releases From Standley Lake	16,355	13,720

Date: February 10, 1997

Subject: Bids re Leak Detection Correlator Equipment

Prepared by: Alex Iacovetta, Utilities Operations Manager and Gary Casner, Purchasing/Telecommunications Officer

Introduction

City Council action is requested to award the bid for the purchase of a leak detection system to Fluid Conservation Systems in the amount of \$52,620; authorize the trade-in of the current leak detection system in the amount of \$5,000; and charge the expense to the appropriate 1997 Utility Fund, Water Operations account.

Summary

Three formal bids were obtained for this purchase in accordance with City Charter bidding requirements .

Specifications for this purchase were developed which would allow City Staff to evaluate the bids based on the most advanced technology; ability to find leaks in iron, asbestos cement, PVC, and large diameter pipe; and evaluate all leaks as quickly as possible.

The leak detection system being recommended meets specifications and will meet the City's needs.

Staff Recommendation

Award the bid for a leak detection system to Fluid Conservation Systems (FCS) in the amount of \$52,620; authorize the trade-in of the current leak detection system in the amount of \$5,000; and charge the expense to the appropriate 1997 Utility Fund, Water Operations Budget account.

Background Information

City Council previously allocated funds in the 1997 Budget for the purchase of a leak detection system. The Public Works and Utilities Department, Utilities Division, has a full time inspection program which utilizes this leak detection equipment to locate water leaks and minimize unaccountable water losses within the water distribution system.

A detailed set of specifications was developed by City Staff for the purchase of this equipment. As there are only four companies that supply this equipment, and as each company uses a different method to perform the leak detection; the specifications were written so that all companies could bid. The specifications called for equipment that would be on the cutting edge of technology; would permit for the detection of leaks in iron, asbestos cement, PVC, and large diameter pipe; and would provide the detection of leaks in the most efficient manner. Additionally, each company's equipment was field tested as a part of the bid. This allowed City Staff to actually use the equipment and to see if features were needed.

Formal bids were solicited in accordance with City Charter bidding requirements from the four vendors who supply this type of equipment. The results of the bid were as follows:

Fluid Conservation Systems	\$ 52,620 with trade
Dantec	\$ 30,670
Schonstedt	\$ 35,600

As a result of the demonstration and the information received through the bid process, the equipment from FCS is being recommended by City Staff for the following reasons:

- > The FCS system detects leaks on iron, PVC, asbestos cement, and large diameter pipe. The other systems do not detect leaks in PVC pipe as well as the FCS system. PVC pipe makes up approximately 50% of the City's water system.

- > The leak detection system from FCS was the only one with custom frequency filtering, which allows for the more accurate analysis and detection of leaks.
- > The FCS system analyzes three different frequencies simultaneously. The other systems will only analyze one frequency at a time. This feature will save time when locating leaks.
- > The FCS system was the only one that would analyze leak sounds in both amplitude and polarity. The other systems bid only allowed the analyzation of the leak sounds in one or the other. This allows the City to purchase one system rather than two which cost approximately \$66,270.
- > The FCS system is the leak detection equipment currently being used by the Utilities Division. By staying with the same manufacturer, the Utilities Division will be able to utilize approximately \$9,000 of existing equipment.

The leak detection system from FCS meets all the important areas of the specifications, allows greater flexibility in locating leaks, is compatible with current equipment, and will locate leaks on iron, PVC, asbestos cement and large diameter pipe. Therefore, this system is being recommended as the most responsive bid for the purchase of this equipment.

The cost of the equipment from FCS is within the amount previously approved by City Council in the 1997 budget for this expense.

The following alternatives were reviewed by Utilities Division Staff in lieu of purchasing this leak detection equipment:

- > Contractual services - The cost of contracting this service would be \$0.76 per 1,000 feet. City Staff can perform the same service for \$0.19 per 1000 feet.

- > Utilize existing equipment - Current equipment has required continuous repair resulting in frequent downtime, and has limited leak detecting abilities on asbestos cement, large diameter and PVC pipe. Approximately 40 percent of the City's system is asbestos cement, large diameter and PVC pipe while all new pipe being installed is PVC.

Respectfully submitted,

William M. Christopher
City Manager