



**WESTMINSTER**  
**COLO R A D O**

**AGENDA**

**SPECIAL CITY COUNCIL MEETING**

**MONDAY, MARCH 6, 2000 AT 7:00 P.M.**

**1. Pledge of Allegiance**

**2. Roll Call**

**3. Purpose of Special Council Meeting**

**A.** Award of Bid and Authorization of Amended Intergovernmental Agreement with the Urban Drainage and Flood Control District for Shaw Heights Tributary Drainage Improvements

**B.** Change date for first regular Council meeting in March

**4. Adjournment**



WESTMINSTER

City of Westminster

February 29, 2000

Office of the Mayor

4800 West 92<sup>nd</sup> Avenue  
Westminster, Colorado  
80031-6387

Michele Kelley, City Clerk  
City of Westminster  
4800 West 92<sup>nd</sup> Avenue  
Westminster, CO 80031

303-430-2400

FAX 303-428-4564

Dear Michele:

Please call a special meeting of the City Council for Monday, March 6, 2000 at 7:00 P.M. to be held at City Hall in the City Council Chambers for the following purpose:

Award of Bid and Authorization of Amended  
Intergovernmental Agreement with the Urban Drainage  
and Flood Control District for Shaw Heights Tributary  
Drainage Improvements

and

Change date for first regular Council meeting in March

Sincerely,

Nancy M. Heil  
Mayor



## WESTMINSTER

City of Westminster  
General Services  
Department

City Clerk's Office

4800 West 92<sup>nd</sup> Avenue  
Westminster, Colorado  
80031-6387

303-430-2400

FAX 303-428-4564

March 1, 2000

To All Members of City Council:

A special meeting of the City Council has been set for Monday, March 6, 2000 at 7:00 P.M. to be held at City Hall Council Chambers for the following purpose:

Award of Bid and Authorization of Amended Intergovernmental Agreement with the Urban Drainage and Flood Control District for Shaw Heights Tributary Drainage Improvements

And

Change date for first regular Council meeting in March

Sincerely,

Michele Kelley, CMC  
City Clerk

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
HELD ON MONDAY, MARCH 6, 2000 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 and Councillors Atchison, Hicks, Merkel, Moss and Smith. Also present were William Christopher City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Mayor Pro Tem Dixon was absent.

The Mayor stated the purpose of the Special Meeting was to award the bid and authorize an amended Intergovernmental Agreement with the urban Flood Control District for Shaw Heights Tributary Drainage Improvements, and change the date of the first City Council meeting in March.

SHAW HEIGHTS TRIBUTARY DRAINAGE IMPROVEMENTS:

A motion was made by Merkel and seconded by Hicks to award the bid for the construction of Option B of the Shaw Heights Tributary channel improvements project to Left Hand Excavating in the amount of \$1,055,626; authorize the City Manager to execute an amended Agreement with the Urban Drainage and Flood Control District; and charge the \$560,000 expense for the City's additional contribution toward the construction of these improvements to the Shaw Heights Tributary Capital Improvement Project in the General Capital Improvement Fund. The motion carried unanimously.

CHANGE DATE FOR CITY COUNCIL MEETING IN MARCH:

A motion was made by Atchison and seconded by Hicks to change the date of the first regular meeting of City Council in March from March 13<sup>th</sup> to March 20<sup>th</sup>. The motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:15 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**WESTMINSTER**  
**COLO R A D O**

**Agenda Memorandum**

**Date:** March 6, 2000  
**Subject:** Change Date for Council Meeting in March  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

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

**Summary**

The first City Council meeting of March would normally be held on Monday, March 13th. A majority of the City Council members will be at the National League of Cities legislative meeting. Therefore, it is requested to formally change the date of the first Council meeting in March to Monday, March 20<sup>th</sup>. The second Council meeting of the month would remain on the fourth Monday of March, which is March 27th.

**Staff Recommendation**

Change the date of the first regular meeting of City Council in March from March 13th to March 20<sup>th</sup>.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** March 6, 2000

**Subject:** Award of Bid and Authorization of Amended IGA with the Urban Drainage and Flood Control District for Shaw Heights Tributary Drainage Improvements

**Prepared by:** David R. Downing, City Engineer

#### Introduction

City Council action is requested to award the bid for the construction of Phase I storm drainage improvements for the Shaw Heights Tributary to the low bidder, Left Hand Excavating, in the amount of \$1,055,626. City Council action is also requested to authorize the City Manager to execute the attached Amended Agreement with the Urban Drainage and Flood Control District to encumber \$560,000 toward the City's share of the cost of the construction of this project.

#### Summary

The City and our partner, the Urban Drainage and Flood Control District (UDFCD), are prepared to perform major storm drainage improvements to a section of the Shaw Heights Tributary that has long posed serious flooding problems for Westminster business owners and residents. The reach of the creek to be improved is located on both the north and south sides of 80<sup>th</sup> Avenue between Sheridan Boulevard and Wolff Street (see attached map). Frequent moderate-to-heavy rainfalls within the upstream drainage basin have caused significant damage over the past many years to private property in this vicinity, especially to the businesses located along the north side of 80<sup>th</sup> Avenue.

The City and the UDFCD entered into an Agreement in June of 1999 to fund the design of channel improvements to the subject Tributary. The most beneficial feature of the design is the proposed installation of a new 8-foot x 10-foot concrete box culvert under 80<sup>th</sup> Avenue that will replace the existing undersized pipes at this location. The proposed design also calls for significant shaping and stabilization of the open channel to the south of 80<sup>th</sup> Avenue. Once completed, the new improvements will safely convey the 100-year storm event through this area.

On February 17, bids for the construction of this project were opened at the offices of the UDFCD. A total of six construction companies submitted bids for the work, and the low bid in the amount of \$1,055,626 was offered by Left Hand Excavating. It is recommended that City Council award the bid for Phase I of the Shaw Heights Tributary project to this contractor.

It is now necessary to amend the previous Agreement with the UDFCD in order to encumber sufficient funds for the construction of the improvements. Under the terms of the amended Agreement, which has been reviewed and approved by the City Attorney, the City will contribute an additional \$560,000 toward the project. When added to the \$25,000 that was previously authorized for the design effort, the total City contribution is \$585,000. Funds for the City's additional share of the project are available within the Shaw Heights Tributary Capital Improvements Project in the General Capital Improvement Fund. In turn, the UDFCD will provide an extra \$475,000 for the construction of the channel improvements which, when added to their previous allocations, results in a total District contribution of \$1,015,000. When compared to the City's contribution of \$585,000, this represents exceptional leveraging of funds.

The City Council is under no obligation to continue to move forward with the construction of the Shaw Heights project. Therefore, the alternative to Staff’s recommendation would be to delay the installation of the channel improvements at this time. However, it is highly recommended that the City take advantage of the District’s generous offer to fund approximately 63% of the costs of this project by awarding the bid and authorizing the execution of the amended Agreement.

**Staff Recommendation**

Award the bid for the construction of Option B of the Shaw Heights Tributary channel improvements project to Left Hand Excavating in the amount of \$1,055,626; authorize the City Manager to execute the attached amended Agreement with the Urban Drainage and Flood Control District; and charge the \$560,000 expense for the City’s additional contribution toward the construction of these improvements to the Shaw Heights Tributary Capital Improvement Project in the General Capital Improvement Fund.

**Background**

For the past 20 or more years, the reach of the Shaw Heights Tributary located in the vicinity of 80<sup>th</sup> Avenue has posed flooding problems for several area business owners. On several occasions, the City’s insurance carrier has made payments on claims stemming from the flooding of this stretch of the Shaw Heights Tributary. Despite the efforts of the City’s Department of Public Works & Utilities, which must assign a crew to monitor the flow and remove debris from the inlet of the existing culvert under the street every time a significant rainfall is experienced within the drainage basin. Storm runoff has frequently overtopped the undersized channel and caused damage to private property

With support from the Urban Drainage and Flood Control District, the City is now prepared to cause the desired improvements needed to be built to rectify these flooding problems. Over the past couple of years, the two project sponsors have been able to appropriate a total of \$1,600,000 toward the Shaw Heights Tributary. While it was assumed that this sum of money would fall a little short of the amount needed to improve the entire length of the channel between 78<sup>th</sup> Avenue to the south and 81<sup>st</sup> Avenue to the north, City and District Staffs decided to break the project into three segments, bid various combinations of all three segments, and then make a determination on the number of segments that could be funded under the first phase of construction. The three segments of the Tributary were defined as follows: (1) the new concrete box culvert under 80<sup>th</sup> Avenue, (2) the improved open channel between 80<sup>th</sup> Avenue and 78<sup>th</sup> Avenue, and (3) the enlarged concrete-lined channel along the north side of the businesses that front upon 80<sup>th</sup> Avenue. This was also the order of priority for the construction of the segments.

The project was advertised in the Westminster Window and the Daily Journal during the month of February. Because of the desire to receive cost proposals for the construction of a variety of combinations of the three segments, each contractor was required to provide four bids. The results of these bids are tabulated below:

CONTRACTORS	Option A Segment I	Option B Segment I & II	Option C Segment I & III	Option D Segment I, II & III
Left Hand Excavation	<b>\$475,562.30</b>	<b>\$1,055,625.90</b>	<b>\$1,077,818.46</b>	<b>\$1,657,882.06</b>
Contracting Services	\$549,893.50	No Bid	\$1,145,271.80	No Bid
RBI	\$672,772.20	\$1,275,974.77	\$1,285,297.92	\$1,888,500.49
L&M Enterprises	\$575,330.00	\$1,062,460.00	\$1,305,092.00	\$1,792,222.00
XKE Contractors	\$667,695.25	\$1,471,695.59	\$1,497,684.58	\$2,301,684.92
Wycon Construction	\$613,064.20	\$1,181,254.20	\$1,210,108.20	\$1,778,298.20
Engineer’s Estimate	\$535,390.00	\$1,120,729.00	\$1,213,370.00	\$1,798,709.00

It is apparent that Left Hand Excavating was the low bidder under all four scenarios. The UDFCD and City Staff are delighted to recommend to City Council that Left Hand Excavating, the contractor on the recently completed final phase of Little Dry Creek improvements in Westminster, be awarded the bid for the Shaw Heights Tributary work.

After receiving the bids, City and District Staffs had to make a determination on the scope of work to be awarded to Left Hand. As previously noted, the current budget for the project is \$1,600,000. The contractor's low bid on Option D (i.e., the combination of all three of the segments) was \$1,657,882. This seemingly small difference between the budget and the low bid might be a temptation to the sponsors to provide a supplemental appropriation to fund the full project. However, once the expenses of the engineering design, the construction engineering services and a 15% construction contingency are added to the construction cost, the actual shortage is approximately \$500,000. The District is unable to contribute any additional funding to this project in 2000, and they are also prohibited from reimbursing such monies to the City in future years if Council decided to "front" the additional cost at this time. Therefore, it is recommended that, as much as the City and the District would like to construct the entire project in one phase, only Option B (i.e., the combination of the first two segments defined above) be awarded to Left Hand Excavating at this time. Such an award would provide for a more than ample construction contingency within the current budget and should leave a substantial sum remaining in the budget at the conclusion of this first phase of work. At this time, it is anticipated that both the UDFCD Staff and City Staff will request sufficient appropriations of funds within their respective 2001 Capital Improvement Project budgets to construct the final segment of channel improvements on the Shaw Heights Tributary next year.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

## Summary of Proceedings

Summary of Proceedings of the Special City Council meeting held Monday, March 6, 2000.

Present at roll call were Mayor Heil and Councillors Atchison, Hicks, Merkel, Moss and Smith. Mayor Pro Tem Dixon was absent.

Council awarded the bid and authorized an amended Intergovernmental agreement with the Urban Drainage and Flood Control District for Shaw Heights Tributary Drainage Improvements; and changed the date of the first regular City Council meeting in March from March 13<sup>th</sup> to March 20<sup>th</sup>.

At 7:15 P.M. the meeting was adjourned.

By order of the Westminster City Council  
Michele Kelley, CMC, City Clerk  
Published in the Westminster Window March 16, 2000.