



WESTMINSTER
COLORADO

MARCH 26, 2001

7:00 P.M.

Please turn OFF Cell phones and pagers during meetings

AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. 2001 Metro Mayors and Commissioners Youth Award Presentations
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Street Improvement Concrete Replacement Project Bids
 - B. Lease Purchase of Power Scrubber Equipment for Promenade for 6 year lease for \$36,500
 - C. Stratford Lakes Park Playground Equipment from Children's Playstructures for \$26,850
 - D. Establishment of "Stratford Lakes Park" name
 - E. Design Interceptor of the US 36/Barr Lane and 93rd/Wadsworth Sewers in the amount of \$63,050
 - F. February, 2001 Financial Report
 - G. Ten Light Duty Pickup Trucks from Stevenson Chevrolet for \$206,177
 - H. Councillor's Bill No. 6 re Quest Diagnostics Inc. Lease at Ice Centre (Kauffman-Moss)
9. Appointments and Resignations
 - A. Resolution No. 20 Appointment to Planning Commission (Lord resignation)
10. Public Hearings and Other New Business
 - A. Tabled – 2001 Traffic Signal Project to Colorado Signal for \$32,328
 - B. Public Hearing re Harlan Area Annexation and Zoning
 - C. Councillor's Bill No. 8 re Harlan Street Annexation
 - D. Councillor's Bill No. 9 re Harlan Street Zoning to O-1
 - E. Councillor's Bill No. 10 re CSG Systems Inc Business Assistance Package
 - F. Councillor's Bill No. 11 re Bus Passenger Shelters
 - G. Contract with Outdoor Promotions West, LLC for Bus Shelter Program
 - H. Councillor's Bill No. 12 re Vacation of ROW in Lexington Subdivision
 - I. Councillor's Bill No. 13 re Promenade Development Lease at Sun Microsystem Ice Centre
 - J. Councillor's Bill No. 14 re JeffCo Joint Venture Grant Supplemental Appropriation
 - K. Resolution No. 21 re agreement with Brothers Redevelopment Inc re 7365 Lowell Boulevard
 - L. Special Counsel for Semper Litigation Appeal

- 11. Old Business and Passage of Ordinances on Second Reading**
 - A. Councillor's Bill No. 4 re Sign Code Revisions (Moss-Hicks)
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
 - A. City Council
 - B. Request for Executive Session
 1. Possible Real Estate Matter re Open Space
- 13. Adjournment**

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MARCH 26, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Pro-Tem Dixon led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Mayor Pro Tem Dixon, Councillors Atchison, Hicks, Kauffman, Merkel and Moss were present at roll call. William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk were also present. Absent Mayor Heil.

CONSIDERATION OF MINUTES:

Councillor Atchison moved, seconded by Councillor Merkel to accept the minutes of the meeting of March 5, 2001 with no additions or corrections. The motion carried, with Mayor Pro-Tem Dixon abstaining.

Councillor Atchison moved, seconded by Councillor Merkel to accept the minutes of the Special meeting of March 19, 2001, with no additions or corrections. The motion carried, with Councillor Moss abstaining.

PRESENTATIONS

Mayor Pro-Tem Dixon, Councillor Hicks and Councillor Moss presented certificates of achievement for the 2001 Metropolitan Mayors and Commissioners Youth Awards to Sarah Garcia, Jesse McDonald, Leticia Rodriguez, Zanda Trujillo, Jason Abercrombie, Wayne Baros, Gabriela Hernandez, Yer Her, Pakou Lor, Jolene Madrid, Ashley Neurerburg, Amy Pamperien, and Jennifer Swanson.

CITIZEN COMMUNICATION:

Cathy Dawson, 966 East 8th Avenue, Broomfield, Deborah Jones, 11307 Quivas Way, Becky Beck, 9261 Pierce St., of Prairie Dog Specialists Relocation Service, and Anita Hartman, 1499 W 121st Ave, of Voyant Industries, addressed Council on the prairie dog task force and prairie dog management policy.

CITY COUNCIL COMMENTS:

Councillor Atchison moved, seconded by Councillor Moss to appoint J. Brent McFall as the new City Manager, with an effective employment date of May 21, 2001. The motion carried unanimously.

Councillor Hicks commented on one of the Affordable Housing bidders winning a national award.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Street Improvement Concrete Replacement Project Bid to Asphalt Specialties Inc., in the amount of \$453,160 with a \$40,000 contingency; Lease Purchase of Equipment – Promenade authorizing the City Manager to sign a lease/purchase agreement over a period of six years for a power scrubber to clean the brick pavers at the Westminster Promenade for an amount not to exceed \$36,500; Stratford Lakes Neighborhood Park authorizing the purchase of the playground equipment from the low bidder, Children's Playstructures, Inc. in the amount of \$26,850; Establish the name of the City owned park in the Stratford Lakes Subdivision as "Stratford Lakes Park"; Design for US 36/Barr Lane and 93rd/Wadsworth Sewers authorizing the City Manager to execute a contract with SA Miro, Inc. for the design and construction inspection work on the US 36/Barr Lane interceptor and 93rd/Wadsworth Sewers in the amount of \$63,050 with contingency funds of \$9,000; Reviewed Financial Report for 2001; Purchase of 10 Light Duty Pickup Trucks, awarded the bid for ten Chevrolet trucks to the low bidder, Stevenson Chevrolet, in the amount of \$206,177; Councillors Bill No. 6 re Quest Diagnostics Inc. Lease at the Sun Microsystems Ice Centre.

The Mayor Pro-Tem 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.

Councillor Moss requested a separate vote on items 8B, Lease Purchase of Power Scrubber Equipment for Promenade; 8G, Purchase of Ten Light Duty Pickup Trucks from Stevenson Chevrolet; and 8H, Councillor's Bill No. 6 re Quest Diagnostics Lease at Ice Centre.

Councillor Atchison moved, seconded by Councillor Merkel to adopt item 8A, Street Improvement Concrete Replacement Program; item 8C, Stratford Lakes Park Playground Equipment from Children's Playstructures; item 8D, Establishment of Stratford Lakes Park name; item 8E, Design Interceptor of the US 36/Barr Lane and 93rd/Wadsworth Sewers; and item 8F, February 2001 Financial Report, with the recommendations as presented. The motion carried unanimously.

LEASE PURCHASE OF EQUIPMENT - PROMENADE

Councillor Moss moved, seconded by Councillor Hicks to authorize the City Manager to execute a lease/purchase agreement over a period of six years for a power scrubber to clean the brick pavers at the Westminster Promenade for an amount not to exceed \$36,500. The motion carried unanimously.

PURCHASE OF TEN LIGHT DUTY PICKUP TRUCKS

Councillor Moss moved, seconded by Councillor Atchison to award the bid for ten Chevrolet trucks to the low bidder, Stevenson Chevrolet, in the amount of \$206,177 and charge the expense to the appropriate 2001 Public Works and Utilities and Parks, Recreation and Libraries Budget accounts in the General, Water and Wastewater and Golf Course Funds. The motion carried unanimously.

ORDINANCE NO. 2854 RE QUEST DIAGNOSTICS LEASE AT ICE CENTRE

Councillor Moss moved, seconded by Councillor Atchison to pass Councillors Bill No. 6 on second reading, authorizing the City Manager to sign a lease agreement between the City of Westminster, Hyland Hills Park and Recreation District (through its recreational facilities enterprise) and Quest Diagnostics Inc. for the lease of approximately 1,935 square feet of space in the Sun Microsystems Ice Centre. The motion carried unanimously.

RESOLUTION NO. 20 APPOINTMENT TO PLANNING COMMISSION

Councillor Merkel moved, seconded by Councillor Hicks to postpone action on Resolution No. 20, making an appointment to the Planning Commission until the April 9, 2001 Council Meeting. The motion carried unanimously.

TABLED - 2001 TRAFFIC SIGNAL PROJECT

Councillor Atchison moved, seconded by Kauffman to remove this item from the table. The motion carried, with a dissenting vote by Councillor Hicks.

Councillor Atchison moved, seconded by Kauffman to authorize the City Manager to enter into agreement with the low bidder, Colorado Signal Company for the amount of \$32,328, authorize the expenditure of \$19,298 to Valmont Industries, Inc. for traffic signal poles and mast arms; authorize the expenditure of \$27,000 to Econolite Control Products, Inc. for the traffic signal controller and cabinet and vehicle detection equipment; authorize the expenditure of \$2,385 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize the expenditure of \$10,120 to Gades Sales, Inc. for the LED (Light Emitting Diode) Traffic Signal Indications; and charge these expenses to the appropriate project account in the General Capital Improvement Fund. The motion carried, with a dissenting vote by Councillor Hicks.

PUBLIC HEARING RE HARLAN AREA ANNEXATION AND ZONING

At 8:00 P.M. the public hearing was opened on the Harlan Area Annexation and Zoning located between 96th avenue and US 36. Dave Falconieri, Planner III, was present and addressed Council. There was no opposition. The public hearing was declared closed at 8:10 P.M.

COUNCILLOR'S BILL NO. 8 RE HARLAN STREET ANNEXATION

Councillor Kauffman moved, seconded by Councillor Merkel to pass Councilor's Bill No. 8 on first reading, annexing the Harlan Street area enclave to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 9 RE HARLAN STREET ZONING

Councillor Kauffman moved, seconded by Councillor Merkel to pass Councilor's Bill No. 9 on first reading, zoning the Harlan Street area enclave from A-2 in Jefferson County to O-1 in the City. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 10 RE CSG SYSTEMS INC. BUSINESS ASSISTANCE PACKAGE

Councillor Hicks moved, seconded by Councillor Atchison to pass Councilor's Bill No. 10 on first reading, authorizing the City Manager to execute a Business Assistance Agreement with CSG Systems, Inc. in the amount of \$8,350. David Belger, CSG Systems was present. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 11 RE BUS PASSENGER SHELTERS

Councillor Merkel moved, seconded by Councillor Moss to pass Councilor's Bill No. 11 on first reading, permitting the installation of bus passenger shelters containing advertising signage within the public rights-of-way. Bob June, Pat Wales and Dottie Urban of the Westminster Transportation Commission were present and addressed Council. Upon roll call vote, the motion carried unanimously.

CONTRACT WITH OUTDOOR PROMOTIONS WEST, LLC FOR BUS SHELTER PROGRAM

Councillor Merkel moved, seconded by Councillor Hicks to authorize the City Manager to sign a contract with Outdoor Promotions West, LLC for the construction and maintenance of twenty bus passenger shelters. Gary Young, of Outdoor Promotions West, LLC, and Dave Downing, City Engineer, were present and addressed Council. The motion carried unanimously.

COUNCILLOR'S BILL NO. 12 RE VACATION OR ROW IN LEXINGTON SUBDIVISION

Councillor Atchison moved, seconded by Councillor Hicks to table Councilor's Bill No. 12 for review by the City Attorney. The motion carried unanimously.

COUNCILLORS BILL NO. 13 RE PROMENADE LEASE AT SUN MICROSYSTEMS ICE CENTRE

Councillor Hicks moved, seconded by Councillor Atchison to pass Councilor's Bill No. 13 on first reading, authorizing the City Manager to sign a lease agreement between the City of Westminster, Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and Westminster Promenade Development L.L.C. for the lease of approximately 1,375 sq. ft. of space in the Sun Microsystems Ice Centre. Greg Mastriano, Hyland Hills, and Kyle Schultz, Inland Pacific, were present and addressed Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 14 RE JEFFCO JOINT VENTURE GRANT SUPP. APPROPRIATION

Councillor Moss moved, seconded by Councillor Hicks to pass Councillor's Bill No. 14 on first reading, appropriating \$50,000 for Countryside Pool and \$100,000 for Promenade Terrace from two Jeffco Joint Venture Grant awards into the General Capital Improvement Funds for construction of these projects. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 21 RE AGREEMENT WITH BROTHERS REDEVELOPMENT INC

Councillor Merkel moved, seconded by Councillor Hicks to adopt Resolution No. 21 authorizing an agreement with BRI to purchase and hold land at 7365 Lowell Boulevard for future redevelopment. Robin Byrnes, Community Development Program Coordinator, was present and addressed Council. Upon roll call vote, the motion carried unanimously.

SPECIAL LEGAL SERVICES CONTRACT FOR CENTRIC-JONES AND TRAVELERS APPEAL

Councillor Atchison moved, seconded by Councillor Merkel to authorize the City Manager to execute a contract with the law firm of Hall & Evans L.L.C. up to a limit of \$30,000 to provide legal services to the City of Westminster in connection with the appeal of the Judge's decision in the City of Westminster v. Centric-Jones and Travelers case. The motion carried unanimously.

COUNCILLOR'S BILL NO. 4 RE SIGN CODE REVISIONS

Councillor Atchison moved, seconded by Councillor Merkel to defer second reading of Councillor's Bill No. 4 regarding Sign Code amendments until the April 9, 2001 meeting. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Mayor Pro-Tem Dixon stated there would be an Executive Session for discussion on possible real estate matter re open space.

Gary Simpson, 3355 West 115th Avenue, addressed Council in reference to the prairie dog management plan.

John Giezentanner, 10551 W 105th Avenue, addressed Council in reference to the 98th and Sheridan development.

ADJOURNMENT:

The meeting was adjourned at 9:05 P.M.

ATTEST

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001
Subject: 2001 Metropolitan Mayors and Commissioners Youth Awards
Prepared by: Sara Watson, Management Intern

Introduction

City Council is requested to recognize 13 area youth chosen by the City for the first phase of the Metropolitan Mayors and Commissioners Youth Award.

Summary

The Metropolitan Mayors and Commissioners Youth Award (MMCYA) is a unique award that seeks to recognize youth who have overcome difficult situations in their lives by making positive changes and by exhibiting strength and determination in the face of adversity. The purpose of the MMCYA is to recognize young people in the community (age 13-19) who have shown outstanding achievement in the areas of direct service to self, service to the family, service to other youth, and service to their community, through overcoming personal adversity or through positive change.

The MMCYA selection and award process is three-tiered. Every nominated youth is recognized on the municipal level, either by the municipality where the youth lives or attends school. All nominations received at the municipal level are sent to the county level, where a total of 20 youths are recognized within each metro area county. Each metro area county selects four youths to be recognized on the metro level.

Staff Recommendation

Recognize and present certificates of achievement to Sarah Garcia, Jesse McDonald, Leticia Rodriguez, Zanda Trujillo, Jason Abercrombie, Wayne Baros, Gabriela Hernandez, Yer Her, Pakou Lor, Jolene Madrid, Ashley Neurerburg, Amy Pamperien, and Jennifer Swanson.

Background Information

The accomplishments of many young people are overlooked. Many young people have overcome personal adversity, created positive change in a difficult environment, or have made great strides despite adversity and limitations. Examples of such youths include students who have been faced with health concerns, financial hardship, family struggles, or school difficulties. The MMCYA is unique in that it encompasses all youth; youth who have not yet finished school, youth in traditional classroom settings, youth in group homes, youth in alternative schools, and emancipated youth. Young people are the foundation of our future communities, and the efforts they make to improve themselves and their community today will assure them and their community a brighter tomorrow.

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

Jason Abercrombie, age 17, attends Westminster High School, nominated by Wilma Russell.

Wayne Baros, age 18, attends Alternative Center for Education, nominated by Mary Reed.

Sarah Garcia, age 18, attends Pomona High School, nominated by Sue Cantrell.

Yer Her, age 18, attends Ranum High School, nominated by Wayne Plakmeyer and Maria Nunez.

Gabriela Hernandez, age 17, attends Ranum High School, nominated by Katie Ryan.

Pakou Lor, age 13, attends Hodgkins Middle School, nominated by Heather Gilbertson and Amparo Humphrey.

Jolene Madrid, age 17, attends Westminster High School, nominated by Pat Bren.

Jesse McDonald, age 18, attends Pomona High School, nominated by Jim Biddle.

Ashley Neurerburg, age 17, attends Westminster High School, nominated by Joyce Lynch.

Amy Pamperien, age 13, attends Hodgkins Middle School, nominated by Kathy Dyer.

Leticia Rodriguez, age 15, attends Moore Middle School, nominated by Ann Averill.

Jennifer Swanson, age 13, attends Hodgkins Middle School, nominated by Kathy Dyer.

Zanda Trujillo, age 13, attends Moore Middle School, nominated by Wynne Simpson.

Thirteen Westminster area youth were nominated for the 2001 MMCYA. All 13 individuals are outstanding youth and worthy of local recognition. All 13 names were submitted to the Adams and Jefferson County Selection Committees. Of these 13, Jason Abercrombie, Wayne Baros, Gabriela Hernandez, and Ashley Neurerburg were recognized at the Adams County MMCYA Banquet on March 16th. Also, Sarah Garcia, Jesse McDonald, and Leticia Rodriguez were recognized at the Jefferson County MMCYA Banquet that was held on March 15th.

The Mayor will 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



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Street Improvement Concrete Replacement Project Bids

Prepared by: Ray Porter, Infrastructure Improvements Division

Introduction

City Council action is requested to award the bid for the 2001 Street Improvement Concrete Replacement Project. Funds have been specifically allocated in the 2001 Department of Public Works and Utilities Infrastructure Improvements Division Budget for this project.

Summary

City Council approved funds in the 2001 Infrastructure Improvements Division Budget to replace 13,135 linear feet of deteriorated concrete curbs, gutters, sidewalks, crosspans, and curb ramps on 26 streets and 5 City facilities where reconstruction or resurfacing improvements are planned. Formal bids were solicited in accordance with City Charter bidding requirements for the 2001 Street Improvement Concrete Replacement Project.

The low bidder, Asphalt Specialties Inc., at \$453,160, meets all of the City bid requirements and has successfully completed concrete replacement projects for the City during the past ten years, including 2000. In keeping with the previous City Council policy, the concrete replacement costs on streets earmarked for improvements is being funded 100% by the City. This contract is related to the overall Citywide Street Improvement Program, which combined with this concrete work totals \$3.32 million dollars.

Policy Issue

Should City Council approve authorization to award the 2001 Street Improvement Concrete Replacement Project Bid to Asphalt Specialties, Inc. in the amount of \$453,160.

Staff Recommendation

Authorize the City Manager to sign a contract with the low bidder, Asphalt Specialties Inc., in the amount of \$453,160; authorize a \$40,000 contingency amount; and charge the expense to the appropriate 2001 Department of Public Works and Utilities Infrastructure Improvements Division budget account.

Background Information

Bidding the concrete replacement on streets earmarked for improvements as a single contract will assure that a substantial amount of this work is completed prior to the Asphalt Pavement Rehabilitation Project start-up and, thus, avoid delays to the paving contract.

City Staff estimated a cost increase of 5% for this 2001 concrete work. The actual bid cost will increase above 2000, at an average of 1%.

Street Improvement Concrete Replacement Project Bids

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Bid packages were picked up by five local contractors, and five bids were received with the following results.

	<u>CONTRACTOR</u>	<u>TOTAL BID</u>
1.	Asphalt Specialties	\$453,160
2.	Concrete Express	\$455,830
3.	Citywide Enterprises Inc.	\$468,325
4.	New Design Construction	\$472,277
5.	Rives Enterprises	\$482,100
	City Staff Estimate	\$506,050

Alternatives

Alternatives to this project include:

- Not replacing concrete on streets earmarked for improvements.
 - a. Available dollars for asphalt work would increase.
 - b. The asphalt improvements would not realize full life expectancy, due to accelerated deterioration where damaged gutters are left.
 - c. The backlog of concrete replacement requested by citizens would increase.
- 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 contract administration costs would decrease.
 - b. The smaller contractors and historical lower bidding would 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. Lower unit costs for this project would not be realized due to the inclusion of the less desirable and smaller bid.
 - e. Bidding the larger contract would require an extended construction period into uncertain weather in November/December increasing the possibility of not completing the contract in 2001.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Locations List

DEPARTMENT OF PUBLIC WORKS AND UTILITIES
Infrastructure Improvements Division
2001 Asphalt Pavement Rehabilitation Project

Resurfacing

1. 76th Avenue, Sheridan Boulevard east to railroad tracks (Coordination w/Community Development)
2" full width grind / 2" HMA overlay
2. *Irving Street, 73rd Avenue to 76th Avenue - 2" HMA overlay
3. 80th Avenue, Sheridan Boulevard to Raleigh Place - 2" full width grind / 2" HMA overlay
4. Oakwood Street, 80th Avenue to City limits - 2" HMA overlay
5. Clay Street, 80th Avenue to Bryant Street - 2" overlay
6. Bryant Street, Clay Street north to north end - 2" overlay
7. 81st Avenue, Eliot Street to 80th Way - 2" overlay
8. Decatur Street, 81st Avenue to Clay Street - 2" overlay
9. *84th Avenue, Lowell Boulevard to Circle Drive - 1 1/2" overlay
10. Holland Court, 100th Circle to 100th Circle - 2" HMA overlay
11. 100th Circle, Garland Street to Garland Street - 2" HMA overlay
12. 107th Court, east of Lewis Street - 2" HMA overlay
13. 108th Avenue, Federal Boulevard to Grove Street - 2" overlay
14. King Street, 107th Avenue to 108th Avenue - 2" overlay
15. 107th Place, Grove Street to Federal Boulevard - 2" overlay
16. Grove Street, Hobbit Lane to 108th Avenue - 2" overlay
17. Grove Lane, Grove Street to 108th Avenue - 2" overlay
18. 112th Avenue, east of Stuart Street to Federal Boulevard (Coordination w/Community Development)
2 1/2" HMA overlay w/fabric & 2" edge grinding

Reconstruction

1. Turnpike Drive, Lowell Boulevard to 423 feet east of Grove Street
2. *Hooker Street, 80th Avenue to Appleblossom Lane
3. *Garland Drive, 99th Avenue to Hoyt Street
4. Yarrow Street, 110th Avenue to 110th Drive
5. 110th Drive, Yarrow Street to Zephyr Street
6. 110th Place, Yarrow Street west to cul-de-sac
7. 98th Avenue, Sheridan Boulevard to Wagner Street
8. Ranch Place, Raritan Street to Quivas Way

*Denotes Water Line Replacement



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001
Subject: Lease Purchase of Equipment - Promenade
Prepared by: Richard Dahl, Park Services Manager
John Kasza, Promenade Operations Coordinator

Introduction

City Council action is requested to authorize the City Manager enter into a lease/purchase agreement for \$36,500 to fund the purchase of a power scrubber to clean the brick pavers at the Westminster Promenade. Funds are available in the existing 2001 General Fund in the Westminster Promenade operating budget to cover the first year of this expense, and staff will recommend the continuation of these funds in subsequent budget years to fulfill the lease/purchase obligation.

Summary

Staff is currently using a hand-operated pressure washer to clean the brick pavers at the Promenade. Although it does a good job, it is very labor intensive and the water pressure washes away the sand bed beneath the pavers. The power riding scrubber that Staff is recommending will reduce the man hours required for this type of maintenance by approximately 80 percent and would solve the sand bed deterioration damage that is occurring.

Over the past nine months, Staff evaluated several power scrubbers (all within the \$30,000 to \$36,500 range) to determine which piece of equipment would be most effective on the Promenade's surface. Staff concentrated on units that were self propelled, designed to clean the uneven brick surfaces, had maximum width yet could be maneuvered between fixtures, maximized cleaning solution capacity, had the capability to operate in winter temperatures, cleaned the surface with the fewest number of passes and were easy to operate and maintain. Staff tested models from the following four manufacturers: Tennant, Windsor, Factory Cat and Alto.

The Tennant power scrubber performed the best of all units tested due to its aggressive cleaning capability, downward pressure cylindrical brush (cleans the uneven paver surface) and high productivity. Park Staff who are responsible to clean the Promenade liked its ease of operation, user-friendly controls, cleaning capability, convenient access to the power brushes, cleaning chemical tanks and its maneuverability between obstacles.

The Tennant Company will extend their government pricing to Westminster, which would save the City 3.25 percent of the retail cost, and also a 6-month guarantee, refunding the full purchase price if unsatisfied with the equipment or it fails to perform as specified.

Staff is hereby requesting the lease/purchase of the power scrubber through the City's Master Lease to be single-sourced to the Tennant Company. The lease term will be for six years.

The lease/purchase of equipment for the Promenade Maintenance District is the best means of keeping yearly maintenance costs spread over several years, which has a direct impact on the tenants that are required to pay for the Promenade maintenance expenses. Existing equipment (utility carts and riding sweeper) are currently being leased/purchased under a similar program.

The City Code, 15-1-4-A-2, authorizes the City Manager to purchase from a single vendor if the public interest is best served.

Policy Issue

Does City Council wish to waive the formal bidding process and purchase this unit based on Staff's recommendation as a single-source vendor?

Recommendation

Authorize the City Manager to execute a lease/purchase agreement over a period of six years for a power scrubber to clean the brick pavers at the Westminster Promenade for an amount not to exceed \$36,500. The lease would be added to the City's master lease program that was approved at the February 12, 2001, City Council Meeting.

Alternatives

1. Reject Staff's recommendation to single source the power sweeper to the Tennant Company and require that a competitive bidding process take place.
2. Reject the recommendation to lease/purchase the power sweeper and direct Staff to purchase the power sweeper outright. However, Promenade funds available for 2001 were based upon the premise of lease/purchasing this equipment, and adjustments or a delay in obtaining the unit would have to be made regarding this purchase.
3. Reject the recommendation to lease/purchase the power sweep and direct Staff to continue their current cleaning procedures on the Promenade pavers.

Background Information

In June 2000, a new maintenance agreement was executed with WestCol Center L.L.C., WestCol Theatres, and the Westin Hotel to provide maintenance services at the Promenade. These services include trash pickup, parking lot sweeping, hardsurface cleaning, snow removal, lighting repairs, flower and tree care, and maintaining the fountains and lake. Of all these operations, the most difficult and time consuming is cleaning the pavers of spills, chewing gum and stains.

There are approximately 200,000 square feet (almost five acres) of brick pavers at the Promenade. An estimated four million visitors have walked across the pavers since the Promenade opened in 1999, and the frequency of spills, gum and stains has increased with the addition of restaurants and other food vendors since that time. The property manager of WestCol Center has requested that Staff wash the pavers on a more frequent basis, and with the existing equipment, this is not achievable due to the hand labor involved. Staff currently uses a pressure washer with a rotary surface cleaner attachment to clean the pavers four times per year and a low-pressure hose to clean spills and stains from the pavers on a daily basis in selected areas. It takes approximately 80 man-hours to pressure wash all 200,000 square feet of pavers throughout the Promenade. At an average cost of \$14/hour, the labor costs to clean the Promenade just one time is \$1,120 and Staff is unable to clean it more than four times per year due to other maintenance duties such as trash removal, horticulture, fountains, etc. The use of a power scrubber will cut this cleaning time down to eight man-hours (at a labor cost of \$112) and allow Staff to expand cleaning cycles to 40 times per year instead of just four.

The continual use of the pressure washer is removing the sand base between and below the pavers, resulting in the pavers shifting and creating tripping hazards. The power scrubber does not disturb the sand base, and because it has a vacuuming and antifreeze feature, it can be used during cold weather as the water is removed from the pavers.

Staff researched different options to clean the Promenade pavers and has evaluated numerous power scrubbers from various vendors. Of the vendors who demonstrated their units at the Promenade, Staff preferred the Tennant for its cleaning performance and operational ability. In addition, the Promenade currently owns and operates a Tennant power sweeper and the commonality of using one vendor for parts and service will reduce maintenance and service costs.

Council previously approved the lease/purchase concept for obtaining equipment used at the Promenade.

Respectfully submitted,

William M. Christopher
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: March 26, 2001
Subject: Stratford Lakes Neighborhood Park
Prepared by: Becky Eades, Landscape Architect II

Introduction

City Council action is requested to authorize the purchase of playground equipment from Children’s Playstructures, Inc. for the contract price of \$26,850 for the neighborhood park at Stratford Lakes. Funds for this expense are available in the 2001 General Capital Improvement Projects account for this project. Council action is also requested to select a name for the park. For informational purposes, the park master plan is attached.

Summary

The park at Stratford Lakes is located within the Stratford Lakes Subdivision and is bounded by 114th Loop, 114th Circle, and Federal Boulevard (see attached location map). A series of three neighborhood meetings were held and through the public meeting process, a park master plan was produced and playground equipment was selected by the neighborhood. Staff is recommending purchasing the playground equipment directly from the manufacturer’s local representative, rather than going through a general contractor, to avoid third-party markup. In addition, it will take approximately 8 to 12 weeks to receive shipment on the equipment and by ordering it now, will save construction time once a general contractor is selected. Bids for playground equipment, safety surfacing, and installation were requested from three local representatives. All three representatives submitted bids and they are as follows:

Supplier	Price Quote
Children’s Playstructures, Inc.	\$26,850
Recreation Plus, Ltd.	\$29,786
Rocky Mountain Recreation, Inc.	\$30,000

Not only was the bid from Children's Playstructures, Inc. the lowest bid, it was also the playground preferred by the neighborhood as was indicated by the neighborhood representatives in attendance at the third public meeting.

With reference to naming the park, a letter from the Stratford Lakes Homeowners’ Association president, Mr. Bert Farin, is attached in which he requests, on behalf of the homeowners’ association that the park be officially named “Stratford Lakes Park.” Staff feels that this request is within reason, given that “Stratford Lakes Park” falls within the City of Westminster’s parameters of naming parks with English nomenclature, or after a subdivision name.

Policy Issue

Is the purchase of the playground equipment directly from the local representative to avoid third-party mark-up something the City wishes to pursue?

Alternative

City Council could require Staff to purchase the playground equipment through a third-party general contractor after the park construction goes out to bid. However, the equipment will cost more due to contractor markup.

Staff Recommendation

1. Authorize the purchase of the playground equipment from the low bidder, Children's Playstructures, Inc. in the amount of \$26,850 based upon a finding that it is in the City's best interest to contract with the local representative, and charge this expense to the appropriate General Capital Improvement Fund account for "Stratford Lakes Park."
2. Establish the name of the City owned park in the Stratford Lakes Subdivision as "Stratford Lakes Park".

Background Information

The 5.15-acre park site was acquired in 1998, with a purchase of 2.25 acres and a land dedication of 2.9 acres. The first public meeting regarding park development was held October 12, 2000, and was attended by 28 residents. The purpose of this meeting was to introduce the neighborhood to the City's park planning process and solicit their ideas for the park. From these ideas, a survey was created and mailed to the entire Stratford Lakes neighborhood. The survey return rate was 35 percent, and the top priorities for inclusion in the park are: trees, lighting for security, benches, shrub plantings, playground, and swings. The survey information was used to produce two conceptual master plans, which were presented to 23 residents at the second public meeting held on December 7, 2000. One of these was selected for refinement, and the final conceptual master plan was presented to eleven residents at the third public meeting held on January 18, 2001. A copy of this conceptual master plan is attached. Additionally, three playground options were presented to the neighborhood at the January 18 public meeting, and the residents were unanimous in their selection of the Children's Playstructures, Inc. equipment.

Construction drawings are currently under development for this park, and it is anticipated that the park construction will begin in summer 2001 and will be complete in late 2001.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001
Subject: Design for US 36/Barr Lane and 93rd/Wadsworth Sewers
Prepared by: Diane M. Phillips, Capital Improvement Projects Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign a contract with SA Miro, Inc. for engineering design and construction inspection of the US 36/Barr Lane and 93rd/Wadsworth Sewers in the amount of \$63,050 with contingency funds of \$9,000. Funds for this expense are available and were specifically budgeted in the Capital Projects portion of the Utilities Fund.

Summary

The Wastewater Masterplan has identified needed improvements pertaining to the US 36 and Barr Lane sewer interceptor and sewer work needed at 93rd Avenue and Wadsworth Boulevard because of on-going maintenance issues. The total construction estimate for this work is \$400,000.

Proposals for design services were sent to five engineering firms and the following two submitted the costs listed:

SA Miro, Inc.	\$ 63,050
JR Engineering	\$122,285

SA Miro, Inc. has the lowest fee, is a reputable firm that has done good work for the City and provided design and construction inspection services on the US 36/Tennyson Street sewer line that was installed last year.

Policy

Should the engineering firm of SA Miro, Inc. be awarded a contract to design and inspect the US 36/Barr Lane and 93rd/Wadsworth sewers in the amount of \$63,050 with contingency funds of \$9,000.

Staff Recommendation

Authorize the City Manager to execute a contract with SA Miro, Inc. for the design and construction inspection work on the US 36/Barr Lane interceptor and 93rd/Wadsworth Sewers in the amount of \$63,050 with contingency funds of \$9,000 and charge the expense to the Capital Projects portion of the Utilities Fund.

Background Information

The Wastewater Masterplan has identified improvements needed in the U3 36 sewer interceptor to accommodate increased flows due to additional development. In 2000, a parallel sewer line was installed under highway US 36 and a larger interceptor was installed in Tennyson Street to accommodate increased flow. The final phase of improvements that are needed is to install approximately 700 feet of 21-inch sewer interceptor in Turnpike Drive and Barr Lane that will connect the two portions installed last year. In addition, the existing 8-inch sewer line in this area will be replaced since it is aging and needs continued repair.

The project scope will also include the installation of approximately 400 feet of 12-inch sewer line at 93rd Avenue and Wadsworth Boulevard. The goal of this project is to eliminate an adverse sewage flow angle that restricts the flow of the sewage and has caused the exiting line to deteriorate.

Combining these two smaller projects will simplify the management of the project since there will not be two design engineers and two contractors to manage and the increased scope of construction should attract more contractors, which should provide a more competitive bid situation.

Proposals to obtain design services for this work were sent to five engineering firms. Brown and Caldwell, Parsons and Boyle Engineering declined to submit a proposal on the work due to an overload of current design projects. The two firms that proposed are listed below.

SA Miro, Inc.	\$63,050
JR Engineering	\$122,285

SA Miro, Inc. has the lowest fee and provided design and construction inspection services on the US 36 parallel line and Tennyson Street lines that were installed last year and will be able to coordinate well with the previous work. They provided the City with very good work on that portion of the project.

The estimated cost for construction of the US 36/Barr Lane portion is \$250,000 and the construction estimate for the 93rd/Wadsworth portion is \$150,000 for a total construction estimate of \$400,000. The proposed fee for design and inspection services of \$63,050 is approximately 7%, which is in line with like services.

Alternative

As an alternative these projects could be delayed but possible increase in future construction costs might occur and on going maintenance issues and costs will be compounded.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001
Subject: Financial Report for February, 2001
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements, which reflect 2001 transactions through February, 2001.

Summary

There are three sections to the attached report:

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

At this time, typically 17% of revenues and expenditures should be realized after the second month in the budget year, unless seasonal fluctuations impact revenue and expenditure streams.

General Fund revenues represent 16% of the total budget estimate while General Fund expenditures and encumbrances represent 9% of the 2001 appropriation.

Utility Fund revenues represent 24% of the total budget estimate. Utility fund expenditures and encumbrances represent 13% of the 2001 appropriation. Water sales are at 11% at this time. Wastewater sales are at 17% at this time.

The Sales and Use Tax Fund revenues represent 19% of the total budget estimate, while expenditures and encumbrances in that fund represent 17% of the 2001 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported decreased 1% from the same period last year and increased 3% year-to-date.

The Open Space Fund revenues represent 30% of the total budget estimate while expenditures and encumbrances in that fund represent 30% of the 2001 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 2% of the total budget estimate while operating expenditures and encumbrances represent 23% of the 2001 appropriation. Operating revenues for Heritage represent 2% of the total budget estimate while operating expenditures and encumbrances represent 22% of the 2001 appropriation. Seasonal fluctuations are the reason for revenues falling below budget.

Policy Issues

According to City Charter, Sections 4.8(i) and 9.6, City Manager is required to submit financial statements quarterly, or more often, as the Council directs. The monthly financial report is prepared by the Finance Department and presented by the City Manager to City Council for review and approval.

Staff Recommendation

Accept the report as presented.

Background

Sections 4.8(i) and 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001
Subject: Purchase of Ten Light Duty Pickup Trucks
Prepared by: Carl F. Pickett, Purchasing Specialist

Introduction

City Council action is requested to award the bid for nine light duty replacement pickup trucks and one new pickup truck in the amount of \$206,177. These trucks will be used by the following Departments: Public Works and Utilities Department, a total of four trucks, one for Streets Division, and three for Utilities Division. Parks, Recreation and Libraries Department, a total of six trucks, five for Parks Division, and one for Heritage Golf Course. Funds have been specifically allocated in the 2001 General Fund, Public Works and Utilities, and Parks, Recreation and Libraries budgets for this expense.

Policy Issues

Does City Council wish to purchase the outlined vehicles based on a single bid?

Summary

In March 2001, the City distributed a formal bid for nine replacement light duty pickup trucks and one new additional small pickup truck. The low bid for these trucks was received from Stevenson Chevrolet. The nine replacement trucks and one new additional truck were previously approved by City Council in the 2001 Budget. The low bid submitted by Stevenson Chevrolet is being recommended for this purchase. This bid features Chevrolet trucks, which is the preferred vehicle for a work truck to provide the City a vehicle that would comply with fleet standardization policies. Standardization of vehicle manufacturers provides the economic benefits of (1) parts interchangeability, (2) testing equipment standardization for the diagnosis of driveability problems, and (3) specialization of technician training.

Bids were received as follows:

Burt Chevrolet	No Bid
Johnson Auto Plaza	No Bid
Medved	No bid - did not make the opening in time
Stevenson Chevrolet	\$206,177

Staff Recommendation

Award the bid for ten Chevrolet trucks to the low bidder, Stevenson Chevrolet, in the amount of \$206,177 and charge the expense to the appropriate 2001 Public Works and Utilities and Parks, Recreation and Libraries budget accounts in the General, Water and Wastewater and Golf Course Funds.

Background Information

As part of the 2001 Budget, City Council approved the purchase of nine replacement light duty pickup trucks and one new additional truck for City Staff. Units # 6107, # 9150, #9166, #7007, #7011, #7015, #7068, #7070 and #7815 have reached a point that it is no longer economically reasonable to maintain them in service.

UNIT #	YEAR	MAKE	MODEL	MILES	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)	BID PRICE
6107	1989	Chevrolet	Pick-up	81,725	\$20,159.33	\$25,057.50
7007	1991	Chevrolet	Pick-up	76,250	\$6,596.66	\$23,146.50
7011	1990	Chevrolet	Pick-up	80,613	\$9,617.73	\$26,486.50
7015	1988	Chevrolet	Pick-up	86,027	\$7,420.20	\$19,460.50
7068	1989	Chevrolet	Pick-up	80,020	\$7,401.52	\$19,460.50
7070	1989	Chevrolet	Pick-up	91,872	\$7,554.77	\$23,146.50
7815	1993	Nissan	Pick-up	101,829	\$2,685.62	\$20,876.50
9150	1983	Chevrolet	S-10	69,348	\$4,083.44	\$13,240.50
9166	1989	Dodge	Van	76,749	\$7,817.20	\$22,061.50

The present condition and maintenance history of each of these vehicles would make it impractical to continue to operate them in regular service based on Fleet Maintenance replacement recommendations.

The low bid from Stevenson Chevrolet, Inc. meets all specifications and requirements set by the City. The cost of the ten vehicles, \$206,177, is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001
Subject: Resolution No. 20 re Appointment to Planning Commission
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to appoint a new alternate member to the Planning Commission.

Summary

Currently there are 12 individuals within the Board and Commission "pool" for 2001. A copy of the matrix indicating each individual's preference for Boards and Commissions is attached.

A Resolution has been prepared for Council with the name of the person to be appointed left blank.

Staff Recommendation

Adopt Resolution No. 20 appointing a new alternate member to the Planning Commission with the term of office to expire December 31, 2001.

Background Information

Recently, Bill Lord, one of the two alternate members of the Planning Commission, contacted Dave Shinneman, Planning Manager and indicated that he is resigning from the Planning Commission due to health problems. Mr. Lord's resignation was formally accepted by City Council at the March 5th Council meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **20**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY OF WESTMINSTER PLANNING COMMISSION APPOINTMENT

WHEREAS, The City of Westminster has received the resignation request of Bill Lord, who was serving on the Planning Commission as an alternate member, and City Council formally accept his resignation at the March 5th, 2001 City Council meeting; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individual to the City of Westminster Planning Commission as an alternate member as listed below with the term of office to expire on December 31, 2001.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
(Alternate Member)	Planning Commission	12-31-2001

Passed and adopted this 26th day of March, 2001.

ATTEST:

Mayor

City Clerk

2001 BOARD AND COMMISSION POOL

County	Name	Bldg Codes	BOA	Elect	Environ- mental	HS	Library	Open Space	P&R	Personnel	Planning	SP&LB	Trans
Jefferson	Vera Alexander							1					
Jefferson	Donald Anderson								2		1		
Adams	John Brann*									1			
Adams	Robert Hartley							2		3	1		
Adams	Skeet Hartman`							X		X	X		
Adams	David Jones					3		2		1			
Jefferson	Tom Kuesel Jr	1									2	3	
Jefferson	Nancy McNally							1	3				2
Adams	Paul Nilles							1					
Adams	Bill Noonig*										1		
Jefferson	Scott Raypholtz							3	2		1		
Adams	Bruce Vezina*							3			1		2

1-3 – Indicates choice of Board interest

X – indicates interest in this Board

*** - Currently serving on a Board or Commission**



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: March 26, 2001
Subject: TABLED - 2001 Traffic Signal Project
Prepared by: Greg Olson, Transportation Systems Coordinator

Introduction

City Council action is requested to remove this item from the table, award the construction contract, authorize the City Manager to enter into an agreement with the low bidder and authorize the purchase of traffic signal poles, mast arms, controller, cabinet, traffic signal indications, vehicle detection components and emergency vehicle pre-emption equipment for the 2001 Traffic Signal Project. Funds are available and were specifically allocated in the 2001 General Capital Improvement Fund for this expense.

Summary

The 2001 traffic signal equipment purchase was tabled at the February 26, 2001 City Council meeting to allow time for Staff to explore the cost effectiveness of bidding the provision of major traffic signal equipment and the installation of that equipment as a total bid package or negotiating a change order to the City’s current contract with the 2000 traffic signal project contractor. Bids were advertised and received on March 13, 2001 with separate bids required for (1) the installation of City-furnished equipment and (2) the installation of contractor-furnished equipment. The bidding process indicated that using City-furnished equipment is the more cost-effective way of installing traffic signals.

Furthermore, Staff determined that it would not be feasible to attempt to negotiate a change order to the current contract with the 2000 traffic signal contractor. Unit prices contained within the current contract vary from location to location due to the “site-specific” nature of intersections. For example, the installation of certain electrical conduit at Church Ranch Boulevard/103rd Avenue (i.e., one of the 2000 traffic signal project locations) costs more than the installation of the same conduit at 112th Avenue/Marshall Street (i.e., another 2000 traffic signal project location). This difference in unit costs was likely due to traffic control considerations at the two sites. Therefore, each item of the 2001 traffic signal project would have to be negotiated with the current 2000 traffic signal project contractor in order to achieve agreement upon a change order. It became evident to Staff that it would be more advantageous to the City to simply bid the 2001 work, thus introducing the element of competition into the process.

The funding allocation for the 2001 General Capital Improvement Fund is sufficient to install one traffic signal from the 2001 Traffic Signal Priority list. The location receiving the highest point rating was Huron Street and 121st Avenue. The 2001 allocation of \$125,000 will cover the cost of materials and the low bid by Colorado Signal Company as follows:

Controller, Cabinet, Vehicle Detection	Econolite Control Products, Inc.	\$27,000
Traffic Signal Poles	Valmont Industries, Inc.	\$19,298
LED Traffic Signal Indications	Gades Sales, Inc.	\$10,120
Emergency Vehicle Detection	3M, Inc.	\$ 2,385
	Equipment Subtotal	\$58,803
Construction,	Colorado Signal Company	\$32,328
	Subtotal (Construction and Equipment)	\$91,131
	Construction Contingency (20%)	\$6,466
	Project Total	\$97,597

Policy Issues

Does Council wish to authorize the purchase of the traffic signal equipment separate from the construction contract?

Does City Council wish to proceed with the installation of this traffic signal at this time?

Staff Recommendation

- 1) Remove this agenda item from the table.
- 2) Authorize the City Manager to enter into agreement with the low bidder, Colorado Signal Company for the amount of \$32,328, authorize the expenditure of \$19,298 to Valmont Industries, Inc. for traffic signal poles and mast arms; authorize the expenditure of \$27,000 to Econolite Control Products, Inc. for the traffic signal controller and cabinet and vehicle detection equipment; authorize the expenditure of \$2,385 to 3M, Inc. for emergency vehicle pre-emption equipment; authorize the expenditure of \$10,120 to Gades Sales, Inc. for the LED (Light Emitting Diode) Traffic Signal Indications; and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

Alternatives

At Council's option, award the contract to one of the other bidders.

Background

As part of the 2001 budget preparation process, City Staff evaluated 18 intersections in the City to determine the need for signalization and establish priorities for such installations (see attached priorities for installation of traffic signals for 2001). The list of locations studied in the attached priority document does not include Pecos Street and 132nd Avenue/134th Avenue as those requests were received after the study period of March and April last year. A total of five intersections met the City's installation criteria for signalization, and they are listed below in priority order:

1. Huron Street & 121st Avenue
2. 112th Avenue and Stuart Street
3. 104th Avenue and Legacy Ridge Parkway (Installed as part of the 2000 Traffic Signal Projects)
4. 112th Avenue and Front Range Community College Driveway (1,000 feet east of the main entrance to the college)
5. Huron Street and 124th Avenue

Historically, funds have been budgeted each year for the installation of approximately one or two new traffic signals. This was again the case for the year 2001 when \$125,000 was included in the Capital Improvement Project (CIP) budget for the installation of traffic signals. Staff recommends proceeding with installation of a traffic signal at Huron Street and 121st Avenue since it received the highest point rating on the priority list. It should be noted that in July of last year, City Council authorized the installation of a new traffic signal at 104th Avenue and Legacy Ridge Parkway as part of the 2000 Traffic Signal Projects. This location has been installed and was activated in February of this year. In addition, the two locations on 112th Avenue at Stuart Street and at the Front Range Community College Driveway (1,000 feet east of the main entrance) are not recommended for consideration at this time. City Staff needs to evaluate the impact of the new traffic signal to be located at the main entrance to Front Range Community College and the new multi-family development on the south side of 112th Avenue. The developer of the multi-family development is providing cash in lieu of the traffic signal installation to the main entrance of the college. It should also be noted that the installation of a traffic signal at Federal Boulevard and Bruchez Parkway/108th Avenue will be constructed by May of this year.

Bids were received on March 13, 2001 with a separate bid for installation of City-furnished equipment and a separate bid for all equipment furnished and installed by the contractors. Bid Option 1 includes City-furnished equipment and Bid Option 2 includes contractor-furnished equipment. The bids and cost comparison follows:

Contractor	Option 1 (City furnished)	Option 2 (Contractor furnished)
Colorado Signal Company	\$32,328	\$109,810
W.L. Contractors	\$48,204	\$130,494
Sturgeon Electric	\$67,675	\$150,637
Project Cost Comparison	Option 1	Option 2
Colorado Signal Company (low bidder)	\$32,328	\$109,810
Equipment Costs	\$58,803	Included
Subtotal	\$91,131	\$109,810
Construction Contingency 20%	\$6,466	\$21,962
Project Total	\$97,597	\$131,772

The two-fold bidding process indicates that City furnished equipment is the most cost effective way of installing traffic signals. The cost comparison on the subtotal above reveals that contractor and middleman mark ups are \$18,679 or 30% higher than the cost if the City purchases the equipment directly from the manufacturers.

Staff is specifying LED (Light Emitting Diode) traffic signal indications for new installations for energy conservation and reduction in long-term maintenance costs. Traffic signals utilizing LED technology realize an 80% reduction in energy usage. Staff will continue to specify hot burning incandescent lamps for the north facing RED indications to prevent snow buildup during storms.

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

March 26th	City Council awards the contract and authorizes the equipment purchase
March 27th	Order traffic signal equipment
April 24 th	Issue Notice to Proceed to the contractor
August, 2001	Completion of the traffic signal project

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001
Subject: Harlan Area Annexation and Zoning
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the Staff initiated annexation and zoning of the Harlan Street Area Enclave.

Summary

Applicant/Property Owner

The City of Westminster, James Hutton, Micas Brothers, P. Louis, G. Hintz.

Location

Between Harlan Street and US 36, at the 96th Avenue alignment (please refer to the attached vicinity map).

Size of Site

13.5 acres

Description of Proposed Use

The City of Westminster has gained immediate possession of the area to the north of the 96th Avenue alignment and is in the process of constructing the Westminster Boulevard Extension on that portion. South of the City property is a privately owned portion used for agricultural purposes, and the rights-of-way for the Niver and Farmers High Line Canals.

Comprehensive Land Use Plan (CLUP) Designation

The property is currently designated “Northeast Comprehensive Development Plan” and the proposed O-1 zoning will comply with the requirements of that designation. Therefore, an amendment to the Westminster Comprehensive Land Use Plan will not be necessary as part of this annexation.

Major Issues

The area in question is an enclave that is entirely surrounded by the City. As such, it qualifies for unilateral annexation under Section 31-12-106(1) C.R.S. That section allows an area that has been entirely surrounded for not less than three years to be annexed by a city, provided certain notification requirements are met. The City purchased a large portion of the enclave in order to construct the Harlan Street extension over US 36.

Policy Issue(s)

Whether or not to annex the area in question. When the Intergovernmental Agreement was adopted for the Northeast Comprehensive Development Plan, the City Council approved a policy stating that it is generally desirable to annex the lands governed by the Plan.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councilor's Bill No. 8 annexing the Harlan Street Area Enclave to the City of Westminster.
3. Pass Councilor's Bill No. 9 zoning the enclave from A-2 in Jefferson County to O-1 in the City.

Alternative(s)

Make a finding that the enclave not be annexed at this time and take no further action.

Background Information

The City has purchased a large portion of the enclave in question in order to construct the Westminster Boulevard Extension project. The remainder is privately held agricultural land and the rights-of-way for the Farmers High Line and Niver Canals. Staff has also included the entire unannexed portion of Harlan Street south of the canals. In that way, the entire enclave has been included and no right-of-way will remain in the county to create jurisdictional problems.

Staff is recommending that the entire property be zoned O-1 which is very similar to the existing A-2 zone in Jefferson County and will permit the existing uses to continue. As stated previously, no change is required to the Comprehensive Land Use Plan since the area is covered by the Northeast Comprehensive Development Plan.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **8**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 13 AND 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, the City of Westminster has initiated annexation proceedings in accordance with Section 31-12-106(1) C.R.S., of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the area described is entirely contained within the boundaries of the City of Westminster, and has been so surrounded for a period of not less than three years; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

A portion of the southeast quarter of Section 13 and the north half of Section 24, each in Township 2 South, Range 69 West of the 6th Principal Meridian, situated in the County of Jefferson, State of Colorado, being more particularly described as follows:

Beginning at the south quarter corner of said Section 13, whence the north quarter corner of said Section 13 bears N00°00'24"W a distance of 5260.97 feet; thence N00°00'24"W along the north-south centerline of said Section 13 and the easterly line of that land annexed into the City of Westminster in the Bruce E. Marrs annexation recorded in Reception 78088770 of the office of the Jefferson County Clerk and Recorder, a distance of 1107.43 feet to a point on the southwesterly line of U.S. Highway 36 and that land annexed to the City of Westminster by Ordinance 1929 Reception 90050017 and Reception 90050018 of the office of the Jefferson County Clerk and Recorder;

Thence S29°54'32"E along said southwesterly line a distance of 641.68 feet;

Thence continuing along said southwesterly line and the southwesterly line of that land annexed to the City of Westminster recorded in Reception 70399004 in the office of the Jefferson County Clerk and Recorder, along the arc of a curve to the right having a central angle of 09°46'34", a radius of 5630.00 feet, a chord bearing of S25°01'15"E a distance of 959.45 feet and an arc length of 960.62 feet;

Thence S70°53'10"W continuing along the southwesterly line of the lands in annexation recorded in said Reception 70399004 a distance of 50.00 feet;

Thence S19°06'50"E continuing along said southwesterly line of a distance of 22.87 feet to a point on the northerly line of that land annexed to the City of Westminster recorded in Reception 86046261 of the office of the Jefferson County Clerk and Recorder;

Thence along the northerly and westerly lines of said annexation the following five (5) courses:

- 1) Thence N80°51'06"W a distance of 399.73 feet;
- 2) Thence S09°08'54"W a distance of 10.00 feet;
- 3) Thence N80°51'06"W a distance of 100.70 feet;
- 4) Thence along the arc of a curve to the left having a central angle of 08°47'39", a radius of 1252.14 feet, a chord bearing of N85°14'56"W a distance of 192.00 feet and an arc length of 192.19 feet to a point on the north-south center line of said Section 24;
- 5) Thence S00°14'17"W non tangent with the previously described curve along said north-south center line a distance of 1065.91 feet to a point on the northerly line of those lands annexed to the City of Westminster as recorded in Reception 70398990 and 71419937 in the office of the Jefferson County Clerk and Recorder;

Thence N89°45'43"W along the northerly line of that land in said Reception 71419937 a distance of 30.00 feet to the easterly line of the land annexed into the City of Westminster as recorded in Reception 70121074 in the office of the Jefferson County Clerk and recorder;

Thence N00°14'17"E along said easterly line of a distance of 1336.77 feet to a point on the northerly line of said Section 24, said point also being on the southerly line of said Bruce E. Marrs annexation, recorded in Reception 78088770 of the office of the Jefferson County Clerk and Recorder;

Thence S89°16'17"E along said northerly section line and southerly annexation line a distance of 30.00 feet to the point of beginning.

The above described parcel of land contains 13.522 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 26th day of March, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of April, 2001.

ATTEST:

Mayor

City Clerk

Harlan Enclave Area Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **9**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 13 AND 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. A parcel of land located in Section 13 and 24, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A portion of the southeast quarter of Section 13 and the north half of Section 24, each in Township 2 South, Range 69 West of the 6th Principal Meridian, situated in the County of Jefferson, State of Colorado, being more particularly described as follows:

Beginning at the south quarter corner of said Section 13, whence the north quarter corner of said Section 13 bears N00°00'24"W a distance of 5260.97 feet; thence N00°00'24"W along the north-south centerline of said Section 13 and the easterly line of that land annexed into the City of Westminster in the Bruce E. Marrs annexation recorded in Reception 78088770 of the office of the Jefferson County Clerk and Recorder, a distance of 1107.43 feet to a point on the southwesterly line of U.S. Highway 36 and that land annexed to the City of Westminster by Ordinance 1929 Reception 90050017 and Reception 90050018 of the office of the Jefferson County Clerk and Recorder;

Thence S29°54'32"E along said southwesterly line a distance of 641.68 feet;

Thence continuing along said southwesterly line and the southwesterly line of that land annexed to the City of Westminster recorded in Reception 70399004 in the office of the Jefferson County Clerk and Recorder, along the arc of a curve to the right having a central angle of 09°46'34", a radius of 5630.00 feet, a chord bearing of S25°01'15"E a distance of 959.45 feet and an arc length of 960.62 feet;

Thence S70°53'10"W continuing along the southwesterly line of the lands in annexation recorded in said Reception 70399004 a distance of 50.00 feet;

Thence S19°06'50"E continuing along said southwesterly line of a distance of 22.87 feet to a point on the northerly line of that land annexed to the City of Westminster recorded in Reception 86046261 of the office of the Jefferson County Clerk and Recorder;

Thence along the northerly and westerly lines of said annexation the following five (5) courses:

- 1) Thence N80°51'06"W a distance of 399.73 feet;
- 2) Thence S09°08'54"W a distance of 10.00 feet;
- 3) Thence N80°51'06"W a distance of 100.70 feet;
- 4) Thence along the arc of a curve to the left having a central angle of 08°47'39", a radius of 1252.14 feet, a chord bearing of N85°14'56"W a distance of 192.00 feet and an arc length of 192.19 feet to a point on the north-south center line of said Section 24;
- 5) Thence S00°14'17"W non tangent with the previously described curve along said north-south center line a distance of 1065.91 feet to a point on the northerly line of those lands annexed to the City of Westminster as recorded in Reception 70398990 and 71419937 in the office of the Jefferson County Clerk and Recorder;

Thence N89°45'43"W along the northerly line of that land in said Reception 71419937 a distance of 30.00 feet to the easterly line of the land annexed into the City of Westminster as recorded in Reception 70121074 in the office of the Jefferson County Clerk and recorder;

Thence N00°14'17"E along said easterly line of a distance of 1336.77 feet to a point on the northerly line of said Section 24, said point also being on the southerly line of said Bruce E. Marrs annexation, recorded in Reception 78088770 of the office of the Jefferson County Clerk and Recorder;

Thence S89°16'17"E along said northerly section line and southerly annexation line a distance of 30.00 feet to the point of beginning.

The above described parcel of land contains 13.522 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of March, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of April, 2001.

ATTEST:

Mayor

City Clerk

Harlan Area Enclave Zoning



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Councillor's Bill No. 10 re CSG Systems Inc. Business Assistance Package

Prepared by: Becky Johnson, Economic Development Program Coordinator

Introduction

City Council action is requested on the attached Councillor's Bill to approve a business assistance package in the amount of \$8,350 for CSG Systems, Inc.

Summary

CSG Systems, Inc. is one of the leading providers of customer care, management, and billing solutions for cable television, direct broadcast satellite, telephony, internet service providers, and on-line services. CSG has offices in Utah, Florida, Nebraska, Colorado and England. The company's clientele include AT&T, Time Warner, Media One, EchoStar, Prodigy, and Bell Canada. CSG Systems is combining two Colorado facilities into the new Westminster offices.

CSG Systems will be leasing 30,000 square feet in building two at CirclePoint Corporate Center, with an anticipated \$900,000 in tenant finish costs. A total of over \$75,600 of revenue directly to the City from CSG Systems, Inc. is anticipated in the first five years of operation. The recommended assistance package totals \$8,350. The purpose of providing this assistance is to aid in CSG System's development of this combined research center in Westminster. In addition, staff has also worked with Jefferson Economic Council and has secured assistance from the Jefferson County Commissioners.

Policy Issue

The policy issue for City Council's consideration is whether or not to approve a business assistance package to aid CSG Systems in the development of its combined business center.

Staff Recommendation

Pass Councillor's Bill No. 10 on first reading, authorizing the City Manager to execute a Business Assistance Agreement with CSG Systems, Inc. in the amount of \$8,350.

Background Information

Staff has been working with representatives from CSG Systems, Inc. since November 2000. CSG Systems will be consolidating, in Westminster, two of their five current offices in the Denver metro area; one in Boulder and the other in Thornton. Operations in this facility will include software engineering, writers and testers specializing in the fields of telephony and convergent technology. Maintaining the company's current workforce is the greatest value in this consolidation. As a result, the company has ruled out sites in Boulder and Thornton, focusing rather on sites between Boulder and Thornton. Sites considered included CirclePoint Corporate Center, along with sites in Louisville and Broomfield.

Proposed Assistance

Based on a 5-year projection of direct and indirect City tax and fee revenue, Staff recommends the following assistance package:

	<u>Estimated Rebate</u>
<u>Permit-Fee Rebate</u> 15% of all building-related fees (excluding water & sewer tap fees) will be rebated (\$7,960 fee x 15% rebate = \$1,195)	\$1,195
<u>Building Use Tax Rebate</u> 15% of the use tax on construction materials for this project will be rebated (\$13,500 tax x 15% rebate = \$2,025)	\$2,025
<u>Use Tax Rebate on Furniture and Fixtures</u> For purchases of items for the Westminster facility made during the three months prior to the issuance of the Certificate of Occupancy and for the first three years of operation, the City will rebated 15% of the General Use Tax remitted to the City of Westminster by CSG Systems, Inc. up to a maximum of \$5,130 (Estimated \$513,000 new equipment x 3% use tax X 15% rebate = \$2,308 at move-in; plus \$209,500 new equipment x 3% use tax x 15% rebate = \$942 per year, times 3 years equals \$2,826; \$2,308 + \$2,826 = \$5,134)	\$5,130
Total Proposed Assistance Package	\$8,350

Alternatives

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to this company. The City may not lose the project if assistance is not provided. However, as a result, the City's value of "attracting quality businesses" is not achieved.

Provide Less: Another alternative is to provide less assistance than what is recommended. Again, it may not drive the company away, but the assistance being recommended is already considered modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. As noted above, Staff has recommended an assistance package that is 12% of the total 5-year projected revenue. There is room for additional funding. However, it is staff's opinion that additional assistance is not needed.

Conclusion

This assistance package is based upon the city's goal to attract quality companies and validates the commitment to quality job creation. CSG Systems is looking to consolidate operations along the US 36 corridor. This assistance will aid the company in consolidating its two office operations into the new City of Westminster facility. The assistance being proposed is only 12% of the total direct general use tax and fee revenue projected from the project in the first 5 years of operation. The City will be made whole on this investment at the time of the Certificate of Occupancy is issued.

Respectfully submitted,

William M. Christopher
City Manager

Attachment(s)

**ASSISTANCE AGREEMENT FOR
CSG SYTEMS, INC. IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2001, between the CITY OF WESTMINSTER (the "City"), and CSG SYSTEMS, INC.

WHEREAS, the City wishes to provide certain assistance to CSG Systems, Inc. to aid this company in choosing Westminster as its future business home; and

WHEREAS, CSG Systems, Inc. plans to lease 30,000 square feet at CirclePoint Corporate Center, for its business facility, thus providing additional primary job creation within the City; and

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

In consideration of the mutual promises set forth below, the City and CSG Systems, Inc. agree as follows:

1. Building Permit Fee Rebates. The City shall rebate 15% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, to CSG Systems, Inc. which will result in tenant finish of 30,000 square feet in CirclePoint Corporate Center, expected to be completed by December 31, 2001.

2. Use Tax Rebate- Construction. The City shall rebate 15% of the Building Use Tax on the construction materials, which are to be used in tenant finish of 30,000 square feet of space at CirclePoint Corporate Center, required under W.M.C. sections 4-2-9 and 4-2-3, to CSG Systems, Inc.

3. Use Tax Rebate- Furniture and Fixtures. For purchases of items for the Westminster facility made during 3 months prior to the issuance of the Certificate of Occupancy and during the first three years of operation of CSG Systems, Inc. in Westminster, the City shall rebate 15% of the General Use Tax remitted to the City of Westminster with its use tax return. The total rebate pursuant to this paragraph shall not exceed \$5,130 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from the CSG Systems, Inc. facility and attributable to the imposition against CSG Systems, Inc., of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax). Quarterly installments equal to 15% of the Use Tax collected and received by the City from CSG Systems, Inc. shall be made within 20 days following the close of each calendar quarter. The first rebate installment shall occur at the close of the quarter in which the Certificate of Occupancy is issued for the new office facility in Westminster. The rebate shall stop at the end of the first three years of operation or at the point that the sum of all rebates provided to CSG Systems, Inc. totals \$5,130, which ever comes first.

4. This Assistance Agreement shall terminate and become void and of no force or effect upon the City, if CSG Systems has not moved into its new Westminster facility by June 30, 2002.

5. In the event CSG Systems, Inc. ceases business operations within the City within three (3) years after the new operations commence, then in such event CSG Systems, Inc. shall pay to the City the total amount of fees and taxes which were due and payable by CSG Systems, Inc. to the City but were rebated by the City, as well as reimburse the City for all funds provided to CSG Systems, Inc. pursuant to this Agreement.

6. Entire Agreement. This instrument shall constitute the entire agreement between the City and CSG Systems, Inc. and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

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

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

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

CSG SYSTEMS, INC.

CITY OF WESTMINSTER

Dave Belger, Director of Facilities

William Christopher
City Manager

ATTEST:

ATTEST:

Title Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **10**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH CSG SYSTEMS, INC. FOR THE LEASING OF OFFICE SPACE AT CIRCLEPOINT CORPORATE CENTER

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

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

WHEREAS, CSG Systems, Inc. plans to lease 30,000 square feet of office space at CirclePoint Corporate Center, in the City of Westminster; and

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

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of March 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ___ day of April 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Bus Passenger Shelters

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested on a proposed ordinance to amend the City Code to permit the installation of bus passenger shelters containing advertising signage within the public rights-of-way. Further Council action is requested to authorize the City Manager to execute the attached contract with Outdoor Promotions West, LLC for the installation of twenty such shelters as a pilot project. No expenditure of City funds is associated with these actions.

Summary

For the past several years, the City's Transportation Commission and City Staff have investigated the feasibility and desirability of the placement of privately-owned and maintained bus passenger shelters within the public rights-of-way of the City at officially designated Regional Transportation District (RTD) bus stops. The great majority of the cities of the Denver-metropolitan area have previously permitted the installation of these shelters. In all such instances, the shelters contain space for advertising signage, which is leased by the vendors for profit. The cities, in turn, receive a percentage of this profit (or some other form of compensation) from the vendors.

After hearing presentations from the only two vendors of bus shelters in the region, researching the contracts that other cities have negotiated with these vendors and informally soliciting feedback from local patrons of the transit system, the Transportation Commission determined that this program would be received favorably by the residents of the City. On February 10, 1999, members of the Commission met in study session with the City Council to present their recommendation on this issue. At that time, the Council instructed City Staff to move forward with preparations for the implementation of a pilot project of twenty (20) shelters that would serve as a "test case" for potential, future expansions of the program.

A Request For Proposals (RFP) was publicly advertised and, not surprisingly, only the two local vendors – Outdoor Promotions West, LLC and Infinity Outdoor – responded. In accordance with instructions received from the City Council during the study session, the RFP called for the vendors to propose a unique form of compensation to the City in exchange for the exclusive right to provide these advertising shelters. Instead of seeking a percentage of the advertising revenue, the City asked the vendors to quote the number of existing bus benches (containing advertising signage) that they would replace with non-advertising benches. Permits previously issued by the City for the placement of advertising bus benches expired years ago and were not renewed, so the City has the right to demand the removal of these benches at any time. Staff has not pursued the removal of these benches from the public rights-of-way because, until now, an alternate means of providing comfort for waiting bus users was not readily available.

A committee comprised of City Staff and Transportation Commission members reviewed the two proposals and unanimously agreed that the offer presented by Outdoor Promotions (OP) was superior. This selection committee was impressed with the high quality of routine maintenance (e.g., trash pick-up, graffiti removal) that OP performs on its shelters that are located throughout the metro area. Furthermore, the offer of compensation to the City in the form of 120 non-advertising bus benches to replace existing benches that contain advertising was impressive.

Staff has negotiated the attached contract with OP for the installation and maintenance of the twenty shelters to be installed under the pilot project. A proposed design that would be unique to the City of Westminster is attached to the contract. Also, a listing of the proposed locations of the twenty shelters is another attachment to the contract. The Staff/Commission committee that has worked on this project strove to assure that shelters would not be located within residential neighborhoods, no more than one shelter would be located at a single intersection and the twenty shelters would be dispersed throughout the City so that pertinent feedback can be gained from a large cross-section of our residents before Council might consider an expansion of the program.

With Council's approval of the attached Councillor's Bill and contract, the vendor will place orders for the fabrication of the shelters and benches. It is estimated that the installation of these items will commence in July of this year.

Policy Issue

Does the City Council wish to allow the installation of bus passenger shelters within the public rights-of-way of the City? If so, does Council wish to defray the costs of the construction of these shelters by contracting with a private vendor and permitting advertising signage to appear on the shelters?

Staff Recommendation

1. Pass Councillor's Bill No. 11 on first reading to permit the installation of bus passenger shelters containing advertising signage within the public rights-of-way.
2. Authorize the City Manager to execute a contract with Outdoor Promotions West, LLC for the construction and maintenance of twenty bus passenger shelters.

Alternatives

Alternatives to Staff's recommendation are as follows:

- 1.) Elect to not allow the installation of bus passenger shelters containing advertising signage by not passing the attached Councillor's Bill and deny authorization of the execution of the contract.
- 2.) Choose to allow the installation of bus passenger shelters without advertising signage by denying authorization of the execution of the attached contract. Instead, direct Staff to solicit bids for the construction of bus passenger shelters at an estimated cost to the City of approximately \$9000 per shelter (plus ongoing maintenance costs, which are estimated at \$1100 per shelter per year). This alternative would also prevent the replacement of 120 existing advertising bus benches with non-advertising bus benches at the vendor's expense.

Background Information

For the past several years, City Staff and members of the City's Transportation Commission have weighed the advantages and disadvantages of providing bus passenger shelters for the benefit of local transit patrons. The major benefit of such a program is that local users of the RTD system could more comfortably wait for their buses to arrive at the bus stop. The Transportation Commission believes that one of their goals should be to encourage, in every way possible, increased ridership on public transportation systems. It is assumed that more residents would use buses if protection from the elements and a safe, lighted haven were provided at more RTD bus stops. The RTD does employ a program to provide their own shelters at some stops, but budget constraints prevent these shelters from being installed anywhere other than the most heavily boarded locations. Furthermore, the RTD-supplied shelters are not very attractive.

The greatest disadvantage of the proposed program is that some residents (especially those who never use the bus system) might view bus shelters located within the public rights-of-way as unnecessary clutter. Also, there could be some objection to the advertising signage that would be a necessary component of privately owned shelters. In an attempt to address these potential concerns, Staff has negotiated with the vendor to secure an attractive, unique design for the Westminster shelters. It is Staff's opinion that the proposed dark green color of the structure blends into the surroundings much more readily than does other, brighter colors. Signage will be limited to two panels of no more than 24 square feet in size. Finally, as a "trade-off" for the additional advertising that will be realized with the implementation of this program, a total of 120 existing bus benches with advertising will be replaced with simple, attractive, non-advertising benches for every twenty shelters that Council approves for installation under this pilot project and any future expansions of the program. It is estimated that there are approximately 350 advertising bus benches located throughout the City.

Respectfully Submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **11**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING TITLE IX OF THE WESTMINSTER MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 5 PERTAINING TO BUS PASSENGER SHELTERS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title IX, W.M.C., is amended by the addition of a new Chapter 5 to read as follows:

CHAPTER 5 BUS PASSENGER SHELTERS

9-5-1: AWARD OF EXCLUSIVE RIGHT: FROM TIME TO TIME, THE CITY MAY SOLICIT PROPOSALS FROM VENDORS FOR THE ERECTION AND MAINTENANCE OF BUS PASSENGER SHELTERS WITHIN THE CITY LIMITS FOR THE BENEFIT OF TRANSIT PATRONS. IN ORDER TO DEFRAY THE COSTS OF SHELTERS, THE CITY MAY ALLOW ADVERTISING SIGNAGE TO BE INCORPORATED INTO THE DESIGN OF THE STRUCTURES AS SPECIFIED WITHIN THIS CODE. PROPOSALS WILL BE EVALUATED IN ACCORDANCE WITH THE CRITERIA SET FORTH WITHIN THE CITY'S REQUEST FOR PROPOSALS, AND THE CITY COUNCIL SHALL HAVE THE SOLE AUTHORITY TO DETERMINE IF A CONTRACT SHOULD BE AWARDED. IF THE CITY COUNCIL ELECTS TO AWARD SUCH A CONTRACT, THE SELECTED VENDOR SHALL HAVE THE EXCLUSIVE RIGHT TO PLACE SHELTERS WITHIN THE CITY LIMITS FOR THE DURATION OF THE TERM DESIGNATED WITHIN THE EXECUTED CONTRACT.

9-5-2: SHELTER DESIGN: SHELTERS MUST BE CONSTRUCTED OF SUBSTANTIAL MATERIAL IN ACCORDANCE WITH THE APPROVED DESIGN THAT IS REFERENCED IN THE EXECUTED CONTRACT BETWEEN THE CITY AND THE BUS PASSENGER SHELTER VENDOR. EACH SHELTER SHALL BE LOCATED ON TOP OF A CONCRETE PAD WHICH SERVES AS A MEANS OF PREVENTING MUD AND WEEDS FROM ACCUMULATING NEAR THE SHELTER. SHELTERS SHALL NOT BE CONSTRUCTED OR MAINTAINED IN A MANNER WHICH WILL CONSTITUTE A VIOLATION OF ANY SECTION OF THE MUNICIPAL CODE OF THE CITY.

9-5-3: PLACEMENT OF SHELTERS: SHELTERS MAY BE LOCATED ONLY AT OFFICIALLY DESIGNATED REGIONAL TRANSPORTATION DISTRICT (RTD) BUS STOPS AND MUST BE NO CLOSER THAN THREE FEET (3') TO THE ROADWAY EDGE. SHELTERS MAY BE LOCATED ONLY AT THOSE LOCATIONS SPECIFIED WITHIN THE EXECUTED CONTRACT BETWEEN THE CITY AND THE BUS PASSENGER SHELTER VENDOR. SHELTERS MUST NOT OBSTRUCT PUBLIC WALKWAYS, SIDEWALKS, SIGHT DISTANCE TRIANGLES OR PEDESTRIAN ACCESS TO TRAFFIC CONTROL DEVICES.

9-5-4: ADVERTISING SIGNAGE ON SHELTERS: ADVERTISING SIGNAGE ON A SHELTER SHALL BE LIMITED TO NO MORE THAN TWO (2) PANELS. EACH PANEL SHALL BE NO GREATER THAN TWENTY FOUR (24) SQUARE FEET IN SIZE. NO FLUORESCENT, DAY-GLO OR OTHER REFLECTIVE OR BRILLIANT COLORS ARE PERMITTED ANYWHERE ON THE SIGN.

9-5-5: PERMITS: A BUILDING PERMIT IS REQUIRED TO BE ISSUED PRIOR TO THE PLACEMENT OF A BUS PASSENGER SHELTER.

(A) ONE PERMIT WILL BE ISSUED FOR EACH SHELTER, PROVIDED THE SHELTER COMPLIES WITH THE COMMITMENT IN THE CONTRACT AND WITH THIS SECTION. THE VENDOR SHALL BE REQUIRED TO HAVE APPLICABLE CITY LICENSES. IF A SHELTER IS NOT INSTALLED WITHIN ONE HUNDRED EIGHTY (180) DAYS FROM THE DATE THE PERMIT IS ISSUED, THE PERMIT WILL BECOME NULL AND VOID.

(B) BOND REQUIRED: BEFORE ANY LICENSE, AS PROVIDED IN THIS SECTION, WILL BE ISSUED TO A VENDOR, SUCH VENDOR SHALL FILE WITH THE CITY A BOND RUNNING TO THE CITY IN THE SUM OF TEN THOUSAND DOLLARS (\$10,000) EXECUTED BY THE VENDOR AS PRINCIPAL AND AT LEAST ONE SURETY UPON WHICH SERVICE OF PROCESS MAY BE MADE IN THE STATE OF COLORADO. SUCH BOND SHALL BE CONDITIONED THAT SAID VENDOR SHALL COMPLY FULLY WITH ALL PROVISIONS OF THE LAWS OF THE CITY AND STATUTES OF THE STATE OF COLORADO REGULATING AND CONCERNING THE VENDOR'S BUSINESS AND WILL PAY ALL JUDGMENTS RENDERED FOR VIOLATIONS OF ORDINANCES OR STATUTES. SUCH BOND MUST BE APPROVED BY THE CITY, BOTH AS TO FORM AND AS TO THE RESPONSIBILITY OF THE SURETY THEREON.

9-5-6: INSURANCE: BEFORE ANY PERMIT, AS PROVIDED IN THIS SECTION, WILL BE ISSUED TO A VENDOR, SUCH VENDOR SHALL FURNISH A CERTIFICATE OF INSURANCE WITH LIMITS OF NOT LESS THAN THREE HUNDRED THOUSAND DOLLARS (\$300,000) COMBINED SINGLE LIMIT BODILY INJURY AND PROPERTY DAMAGE, WITH A THIRTY (30) DAY NOTICE OF CANCELLATION, TO BE MAINTAINED DURING THE LIFE OF THE PERMIT. THE POLICY SHALL NAME THE CITY AS AN ADDITIONAL INSURED. SHOULD THE VENDOR CAUSE THE POLICY TO LAPSE, BE CANCELED, BE WITHDRAWN OR BE SUBJECT TO A REDUCTION IN THE REQUIRED AMOUNT OF INSURANCE, THE CITY WILL CAUSE THE OPERATIONS PERMITTED UNDER THIS SECTION TO CEASE.

9-5-7: MOVING OF SHELTERS: A SHELTER SHALL BE PERMITTED FOR ONE LOCATION ONLY. SHELTERS MAY NOT BE MOVED FROM STOP TO STOP WITHOUT PERMITS. RELOCATION OR CANCELLATION OF AN OFFICIAL BUS STOP BY RTD WILL REQUIRE THAT THE VENDOR MOVE OR REMOVE THE SHELTER AND PAD WITHIN THIRTY (30) DAYS.

9-5-8: MAINTENANCE AND REPAIR OF SHELTERS: THE VENDOR SHALL MAINTAIN ALL SHELTERS IN A SAFE AND CLEAN CONDITION AT ALL TIMES.

9-5-9: VIOLATIONS: IF PROVISIONS OF THIS ORDINANCE ARE VIOLATED, THE CITY MAY SERVE, EITHER PERSONALLY OR BY MAIL, WRITTEN NOTICE UPON THE VENDOR TO CORRECT THE VIOLATIONS. IF THE VENDOR FAILS, NEGLECTS OR REFUSES TO CORRECT THE VIOLATION WITHIN TEN (10) DAYS OF MAILING OR SERVICE OF SAID NOTICE, THE CITY MAY HAVE THE SHELTER REMOVED, AND THE COST OF SUCH WORK PLUS FIFTEEN PERCENT (15%) FOR INSPECTION SHALL BE ASSESSED AGAINST THE VENDOR.

Section 2. This Ordinance shall take effect upon its passage after the second reading. This Ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of March, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of April, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Councillor's Bill No. 12 re Vacation of Right-of-Way in Lexington Subdivision

Prepared by: Kevin Colvett, Senior Civil Engineer

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading to vacate a right-of-way between Lots 68 and 69 within the Lexington Subdivision. The existing right-of-way is not needed by the City because a street connection to the property to the south is no longer being considered. The vacation of this right-of-way in no way inhibits or inconveniences the traffic patterns within the Lexington Subdivision.

Summary

Lexington Subdivision, Filing No. 4, was originally platted in 1994. At that time, the property immediately to the south, commonly referred to as the Lambertson Property, was in unincorporated Adams County, and there was the possibility that the parcel would annex into the City of Westminster. If that happened, a street connection would have been desirable. However, in the past few years, the Lambertson Property has annexed into the City of Broomfield. Since the City and the residents of Lexington would have little say regarding the development of the property, a street connection will not be desirable. Since there is no longer a need to preserve this right-of-way, it makes sense to simply vacate it and have the vacated portion incorporated into the adjacent properties: Lot 68, Lot 69, and the Lexington Homeowners Association. This Councillor's Bill will accomplish the vacation of the unnecessary right-of-way.

Policy Issues

Shall the City Council vacate this right-of-way, which by City Code, must be vacated by an ordinance of the City Council?

Staff Recommendation

Pass Councillor's Bill No. 12 on first reading vacating the unnecessary right-of-way between Lots 68 and 69 within the Lexington Subdivision.

Background

The homeowners of Lot 68 and Lot 69 approached the City several weeks ago requesting that this right-of-way be vacated. Following the City's standard right-of-way vacation procedure, forms were routed to AT&T, Xcel Energy, and Qwest to inform them of our intent to vacate the right-of-way and question whether there was any objection. Also, representatives from the City's Fire Department, Engineering Division and Utilities Division were contacted to ensure there was no objection to this vacation from Staff. These forms have been completed, and there are no objections to this vacation. The legal description and exhibit for the right-of-way vacation was prepared by a private engineering firm for the adjacent property owners at no cost to Westminster.

This action will prevent a possible roadway connection to a development within the City of Broomfield that might be opposed by the City of Westminster as well as the residents in Lexington.

Respectfully submitted,

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **12**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

A BILL FOR AN ORDINANCE VACATING RIGHT-OF-WAY IN THE LEXINGTON SUBDIVISION

WHEREAS, a portion of right-of-way was dedicated to the City of Westminster by plat recorded with Adams County at Reception No. B1236931, File 17, Map 227; and

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

WHEREAS, the vacation of the right-of-way has been requested by residents in Lexington and no objections have been discovered through the City's right-of-way vacation procedure;

THE CITY OF WESTMINSTER ORDAINS:

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

Section 2. Legal Description of Easement:

A parcel of land between Lots 68 and 69, Lexington Subdivision, Fourth Filing, City of Westminster, County of Adams, State of Colorado, lying within Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian and more particularly described as commencing at the east quarter corner of said Section 21; thence south 52°35'39" West, 1859.30 feet to the northwest corner of said Lot 68, the true point of beginning; thence South 9°27'49" East 170.38 feet; thence North 89°12'16" West 50.81 feet; thence North 9°27'49" West 161.33 feet; thence along the arc of a curve to the left whose radius is 615.37 feet whose chord is 50.00 feet bearing North 80°32'10" East a distance of 50.01 feet to the true point of beginning.

The parcel contains 8,276 square feet or 0.1900 acres more or less.

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

Section 4. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON SECOND READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of March, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of ____, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Councillor's Bill No.13 re Westminster Promenade Development L.L.C. Lease at the Sun Microsystems Ice Centre

Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council action is requested to pass on the first reading the attached Councillors Bill approving a lease agreement between the City of Westminster, Hyland Hills Recreational Facilities enterprise and Westminster Promenade Development L.L.C. for the lease of approximately 1,375 sq. ft. of space in the retail/office portion of the Sun Microsystems Ice Centre. The Hyland Hills Board of Directors has reviewed this lease agreement and approved the terms as presented. In addition, this agreement has been reviewed by the City Attorney's Office.

Summary

Westminster Promenade Development L.L.C., a subsidiary of Inland Pacific L.L.C., is the owner/developer of the Westin Hotel, Westminster. The company is in the process of constructing an office building between the Sun Microsystems Ice Centre and the Westin Hotel. The company's administrative offices are currently housed in a temporary trailer located in the Ice Centre's parking lot. Due to the heavy demand for parking spaces at the Westminster Promenade, Staff is anxious to have the trailer removed so that additional parking can be made available to the public. With City Council approval given to the Quest Diagnostics lease on March 5, there remains only 1,375 sq. ft. of lease space left at the Ice Centre. Mr. Tim O'Byrne, president of Westminster Promenade Development L.L.C., has indicated a willingness to lease the remaining space as a temporary office location for his company. Although the lease rate of \$12 per sq. ft. is not as attractive as the rates that are currently being paid by AT&T or Quest Diagnostics, Staff believes that this arrangement benefits both the Ice Centre enterprise as well as Westminster Promenade L.L.C. Because this is basically left over lease space, Staff would probably have a difficult time finding a lessee that would be willing to pay a premium market rate. This arrangement (minimum 2-year lease) gives Staff time to seek out a more permanent tenant, while still receiving income rental on the space. Therefore, Staff recommends approving the lease with Westminster Promenade Development L.L.C. City Council recently changed the zoning for this area to allow office uses.

Policy Issue

Does City Council wish to approve a lease with a rate that is below what the other tenants at the Sun Microsystems Ice Centre are paying in order to get this last remaining Ice Centre space leased out?

Alternatives

City Council could deny this use and instruct City Staff to continue to seek out a lessee who would be willing to pay a higher lease rate. Staff believes that the recommended approach will generate additional revenue while still allowing the City and Hyland Hills the flexibility to locate a more lucrative tenant.

Staff Recommendation

Pass Councillor's Bill No. 13 on first reading authorizing the City Manager to sign a lease agreement between the City of Westminster, Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and Westminster Promenade Development L.L.C. for the lease of approximately 1,375 sq. ft. of space in the Sun Microsystems Ice Centre.

Background Information

City Staff and Hyland Hills staff have been negotiating the leasing of office space at the Sun Microsystems Ice Centre with Mr. Tim O'Byrne of Westminster Promenade Development L.L.C. Highlights of the proposed lease agreement are as follows:

- The initial term of the lease is for two years.
- The tenant shall utilize the space as general office use.
- A rental payment of \$1,375 per month (\$12 per sq. ft.) will be the agreed-to rate for the lease space.
- Total revenue generated over the lease term is \$33,000.
- The tenant shall pay all charges for natural gas, electric, trash removal, and fixed common area maintenance charge of \$200 per month.
- The tenant shall maintain the premises in good working order, including the HVAC systems.
- Tenant shall provide a policy of general liability insurance insuring the landlord against any liability arising out of ownership, use, occupancy or maintenance of the premises. Such insurance shall be in the amount of \$1 million per occurrence.
- At the end of the lease term, the tenant (if not in default of the lease terms) shall have the option to extend the term of this lease for an additional thirty-six (36) months, with each 12-month increment determined by the increase in the consumer price index urban for Denver, Colorado.

Other lessees at the Sun Microsystems Ice Centre include Jackson's All-American Grill, AT&T Wireless and Quest Diagnostics. Jackson's pays a sliding scale that started at \$10 per sq. ft. for its first year and increases to \$18 per sq. ft. for the eleventh year. AT&T Wireless is paying \$39 per sq. ft. for a 485-square-foot space. This premium rate was negotiated because AT&T's use as a communications center consists of additional concealed cellular telephone transmission antennas behind the Ice Centre's quote beam. Since this lease involved more than the retail space, a premium rate was negotiated. Quest Diagnostics is paying \$25 per sq. ft. for a three-year lease with the option to renew.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **13**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A LEASE AGREEMENT BETWEEN THE CITY, HYLAND HILLS RECREATION FACILITIES AND WESTMINSTER PROMENADE DEVELOPMENT L.L.C. FOR THE LEASE OF APPROXIMATELY 1,375 SQ. FT. OF SPACE IN THE RETAIL/OFFICE PORTION OF THE SUN MICROSYSTEMS ICE CENTRE.

WHEREAS, City Council previously authorized an intergovernmental agreement between the City and the Hyland Hills Park and Recreation District for the purpose of constructing and operating an Ice Centre at the Westminster Promenade; and

WHEREAS, the City and Hyland Hills have selected Westminster Promenade Development L.L.C. as one of the tenants at the Ice Centre's retail space; and

WHEREAS, the final form of the lease agreement has been agreed to by the parties; and

WHEREAS, the City Charter requires such leases to be approved by ordinance,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreement between the City, Hyland Hills Park and Recreation District, acting by and through its Recreational Facilities Enterprise, and Westminster Promenade Development L.L.C. for the lease of a portion of the Ice Centre at the Westminster Promenade for temporary general office space is approved in substantially the same form as attached as Exhibit "A."

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of March, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____th day of April, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Councillor's Bill No. 14 re JeffCo Joint Venture Grant Supplemental Appropriation

Prepared by: Julie M. Meenan Eck, Landscape Architect II

Introduction

City Council action is requested to pass on first reading the attached Councilor's Bill regarding a supplemental appropriation of \$150,000, the combined total of two Jefferson County Joint Venture Grant awards, into the General Capital Improvement Fund. The JV Grants were distributed as \$50,000 for the construction improvements at Countryside Pool and \$100,000 for construction of Promenade Terrace. The City's portions of matching funds is \$50,000 for Countryside Pool (providing a project total of \$100,000) and \$925,000 for Promenade Terrace (providing a project total of \$1,025,000), both of which are budgeted in the 2001 General Capital Improvement Funds for these projects.

Summary

In December of 2000, City Council authorized Staff to proceed with a Jefferson County Open Space Joint Venture Grant Application for both Countryside Pool and Promenade Terrace. JCOS provides the opportunity to park and recreation agencies in Jefferson County to submit joint venture grant applications each year for the development of parks, recreation facilities, open space, and trails.

Staff presented the Joint Venture Grant application projects at the January JCOS Board Meeting and was recently notified of the grant awards. Improvements to Countryside Pool will take place in the fall with the closure of the pool for the season. The Promenade Terrace project has just started construction and should be finished by winter 2001.

Policy Issues

Does City Council wish to proceed with improvements to the Countryside Swimming Pool?

Does City Council wish to proceed with upgrades to the Promenade Terrace as listed in the background section of this Agenda Memo?

Staff Recommendation

Pass Councilor's Bill No. 14 on first reading, appropriating \$50,000 for Countryside Pool and \$100,000 for Promenade Terrace into the General Capital Improvement Funds for construction of the above-mentioned projects.

Alternatives

1. Do not pass the Supplemental Appropriation and tell Jefferson County Open Space that we do not wish to receive the awarded grants.
2. Choose to pass only one of the projects in the Supplemental Appropriation and decline the award for the other grant.

Background Information

The grant application request was for additional funding to be used toward the construction of the Countryside Pool Renovations. The funding request of \$50,000 will be used toward handicap deck improvements to the pool in addition to the entrance renovations and providing a complete replacement of the wood retaining walls and aging concrete deck. The second grant application request of \$100,000 was for additional funding to be used toward the construction of Promenade Terrace (formerly The Gathering Place). The JV Grant funds will allow for upgrades of the electrical system and fixtures, sod, additional benches, concrete finishes, and Big Dry Creek bank stabilization.

The City Westminster has greatly benefited from the JCOS Joint Venture Development Grant Program. From 1992-2000, Westminster has received nearly \$2.3 million from joint venture grants for Sensory Park, City Park Phase II Soccer Fields, Westminster Sports Center renovation, Westbrook Park, Countryside Little League Fields, Waverly Park, Trailside Park renovation, and City Park Phase III. Although most of the grant applications were 50/50 matching grants, Westminster has matched funds in excess of \$12.4 million. In addition, Westminster has also benefited from JCOS for trail development along Big Dry Creek as part of the Trails 2000 program, and Jefferson County's financial contribution of more than \$1,550,000 for design and engineering costs for Standley Lake Regional Park and City Park Ballfields. JCOS has been supportive of Westminster projects over the years and once again has awarded the City's request.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **14**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance 2839 in the amount of \$14,802,638 is hereby increased by \$150,000 which, when added to the fund balance as of the City Council action on April 9,2001 will equal \$14,952,638. The actual amount in the General Capital Improvements 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 a Jefferson County Joint Venture grant for the improvements at Countryside Pool and the construction of Promenade Terrace.

Section 2. The \$150,000 increase in the General Capital Improvements Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental – Jefferson County 75-0478-000	\$0	<u>\$150,000</u>	\$150,000
Total Change to Revenues		<u>\$150,000</u>	
<u>EXPENSES</u>			
Countryside Pool 75-50-88-555-094	\$45,000	\$50,000	\$95,000
Promenade Terrace 75-50-88-555-160	0	<u>100,000</u>	100,000
Total Change to Expenditures		<u>\$150,000</u>	

Section 3. Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of March, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of April, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Resolution No. 21 re Property Acquisition and Development Agreement for 7365 Lowell Blvd.

Prepared by: Tony Chacon, South Westminster Revitalization Coordinator

Introduction

In response to City Council direction, Staff is in the process of preparing for the redevelopment of the 73rd Avenue/Lowell Boulevard area. City Staff has negotiated an agreement with Brothers Redevelopment, Inc. (BRI) relative to acquiring and holding property for redevelopment at 7365 Lowell Boulevard. Per the agreement, BRI would borrow money from a local bank to acquire the property. In turn, the City agrees to use its full faith and credit to secure the loan against any default. The agreement does not obligate the City to put any cash or equity into purchasing the property.

Summary

Brothers Redevelopment, Inc. (BRI), a non-profit community-based development organization, is offering to assist the City of Westminster in acquiring and assembling property in conjunction with its redevelopment efforts in the vicinity of 73rd Avenue and Lowell Boulevard. In an effort to induce redevelopment activity in the immediate area, Staff has been in the process of preparing a financial feasibility study, a conceptual development plan, and an environmental assessment of the properties. As a further means of inducing new development, Staff has been working to formulate a mechanism for securing small parcels of land in priority redevelopment areas.

Staff worked with BRI and First Bank (Westminster branch) to prepare a proposal for the purchase of property that was placed on the market at 7365 Lowell Boulevard (map attached). Based on extensive discussion and negotiation, a framework for an agreement was developed whereby the following would occur:

- Brothers Redevelopment would assume a loan in the amount of \$150,000 to purchase the property and upon ownership would clean up and rent the property. Proceeds from the rent would go to repaying the loan. At such time as the City required the property for redevelopment purposes, BRI would sell the property back to the City at no profit.
- The City or Westminster Economic Development Authority (WEDA) would agree to use its “moral obligation” to make good on the loan in the event of default. The City is not required to put equity or cash towards the purchase. The worst case scenario would be that the property would be resold at a lower value than purchased. In this scenario, it is estimated that the City’s risk would be about \$30,000.
- The City would provide a small grant, possibly Community Development Block Grant (CDBG) funds, of up to \$5,000 to BRI to conduct a neighborhood clean up and paint-a-thon project in the neighborhood. The grant would primarily be used for coordination and planning. Volunteers and supplies would be provided by BRI.

Given this partnership, the City can begin the process of preparing for redevelopment activity within the 73rd Avenue/Lowell Boulevard area.

Policy Issues

The primary policy issue is whether or not the City should use its “moral obligation” relative to securing financing for redevelopment activities in partnership with private parties. This financing partnership can provide the means of securing property at minimal or no up-front cost to the City. However, by “guaranteeing” privately held loans, the City would be assuming a level of financial risk in the event of default. The question to be decided is whether the public benefit of inducing redevelopment activity outweighs the extent of the level of risk.

Staff Recommendation

Adopt Resolution No. 21 authorizing an agreement with BRI to purchase and hold land at 7365 Lowell Boulevard for future redevelopment.

Background

South Westminster residents, by way of a community survey and neighborhood meetings, identified the blighted conditions around the intersection of 73rd Avenue and Lowell Boulevard as a priority area for redevelopment. Given this high level of community concern, Staff initiated a planning effort targeted towards inducing developer interest in the area. Accordingly, Staff is in the process of finalizing a financial feasibility/market study, a conceptual redevelopment plan, and an environmental assessment and remediation plan. These activities are expected to be completed by May 2001.

Concurrent with this planning activity, Staff, in association with Dr. Marshall Kaplan, initiated a regular dialog with a group of about 30 developers to discuss redevelopment opportunities and identify areas in which the City could facilitate new development. Based on these discussions, it became apparent that the City needed to fill a role in acquiring smaller parcels of land to eventually be assembled into a larger redevelopment parcel. Such small-scale acquisitions and assemblages will be necessary to induce redevelopment of the 73rd Avenue and Lowell Boulevard area. Given WEDA’s limitations relative to funding the acquisitions, and operating and maintaining the property until such time as it can be redeveloped, Brothers Redevelopment, Inc. (BRI), a local non-profit, community-based organization, offered to assist the City in fulfilling this role relative to the 73rd Avenue/Lowell Boulevard.

The property at 7365 Lowell Boulevard was placed on the market in September 2000. Given the property’s immediate location relative to a redevelopment site (the dilapidated “old bowling alley” property) the present marginal use of the property as a roofing company office and truck yard, and the potential for further degradation of the property, City Staff worked with Brothers Redevelopment Inc. and First Bank, Westminster branch, to formulate a strategy for securing the property for future redevelopment. Both Brothers Redevelopment Inc. and First Bank expressed a high level of interest about the possibility of working with the City to achieve this goal. The result of these discussions is the following proposed framework for a public-private partnership.

- Brothers Redevelopment is under contract with the property owner to purchase the property for an appraised value of \$150,000.
- First Bank (88th & Wadsworth) would agree to provide a loan in the amount of \$150,000 to Brothers Redevelopment Inc. to purchase the property given the City’s “moral obligation” to make good on any loss.
- Brothers Redevelopment will clean up and rent the property as a residence until such time as the City authorizes redevelopment of the property. BRI agrees to apply the net proceeds of the rental (Rent minus 5% administrative expense) into an interest bearing account with First Bank.

- The City would grant Brothers Redevelopment \$5,000, possibly from CDBG, to coordinate and administer a clean-up/paint-a-thon in the South Westminster area in the Summer of 2001.
- WEDA or the City would provide First Bank with a letter or agreement of good faith relative to any potential loss on the loan. Given an 80% resale value of \$120,000, the City's exposure or risk would be about \$30,000. Recent residential sales in the neighborhood for similar single family homes have been \$135,000 to \$150,000.
- Brothers Redevelopment would agree to convey the property immediately to the City or WEDA for redevelopment upon request for a price of \$150,000 plus closing costs incurred in their purchase of the property.
- The City would agree to give Brothers Redevelopment first right of refusal relative to any RFP for redevelopment. BRI would be given a 45-day due diligence period to prepare a proposal for City consideration.
- Brothers Redevelopment would agree to refrain from developing the property for their own purposes for a period of 1-year. At the end of 1-year, Brothers could develop or sell the property at their discretion in accordance with City regulations.

The proposed partnership, as outlined above, provides a model program to assist the City and WEDA in securing property for redevelopment at minimal financial risk.

Alternatives

The first alternative to this proposal would be for the City or WEDA to acquire the site using its own resources to finance or pay cash for the property. Neither the City nor WEDA currently has money available for the acquisition of this property.

As a second alternative, the Council could choose to not secure the property for redevelopment at this time. In this instance, the existing property owner will likely sell the property immediately to another party, possibly for another marginal commercial use. Thereafter, it is anticipated that the cost to purchase the property for redevelopment will be higher than the currently agreed to \$150,000, and could possibly require condemnation given such new ownership.

Respectfully Submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **21**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

A DEVELOPMENT AGREEMENT WITH BROTHERS REDEVELOPMENT, INC.,
RELATIVE TO THE ACQUISITION AND DEVELOPMENT OF PROPERTY
AT 7365 LOWELL BOULEVARD

This agreement made and entered into this ____ day of _____, 2001, by and between the City of Westminster (City) and Brothers Redevelopment, Inc. (BRI).

Whereas, the City has an expressed interest in facilitating the physical improvement and/or redevelopment of property along Lowell Boulevard between 73rd Avenue and 75th Avenue; and,

Whereas, a parcel of land located at 7365 Lowell Boulevard is listed for sale; and

Whereas, the above noted parcel is within a priority redevelopment/revitalization area as approved by City Council at a meeting on November 27, 2000; and,

Whereas, BRI has agreed to acquire and hold the above noted parcel at the request of the City to be used in conjunction with future redevelopment of the immediate area; and,

Whereas, the City and BRI wish to set forth the terms relative to acquisition and development of the property.

Now, Therefore, in consideration of the above premises, covenants promises and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy, of which, is hereby acknowledged, the parties hereby agree as follows:

1. Acquisition, Resale and Redevelopment of Property

- 1.1 BRI agrees to enter into contract to purchase the property at 7365 Lowell Boulevard at a value of no more than \$150,000, and hold said property on behalf of the City of Westminster for the purpose of redevelopment.
- 1.2 BRI agrees to resell the property to the City or its agents, upon request by the City, for a price of \$150,000 plus closing related costs;
- 1.3 The City agrees to give BRI the first right of refusal to submit a development proposal relative to any City sponsored request-for-proposal (RFP) regarding redevelopment of the property. BRI shall be given 30-days within which to submit a proposal for consideration prior to the City's issuance of such an RFP for general distribution.
- 1.4 BRI agrees to refrain from developing the property for its own interest for a period of 1-year. At the end of 1-year, Brothers may renegotiate the terms for holding the property subject to the City's development efforts, pursue redevelopment of the site, or dispose of the property at their discretion.

2. Financial

- 2.1 BRI agrees to secure private financing in an amount not to exceed \$150,000, plus costs related to closing, and shall collateralize such loan with the property itself;
- 2.2 BRI agrees to rent the property to a private party at a rate providing sufficient funds to ensure repayment of the interest on the loan, and that such use of the property shall be in compliance with the City of Westminster Zoning Ordinance.
- 2.3 BRI shall be allowed to apply up to \$50 of the monthly rent proceeds towards management of the property with necessary maintenance and operating costs billed at 100% of cost to be deducted from the gross proceeds as described in 2.4;
- 2.4 BRI shall deposit the balance of the monthly rent proceeds towards repayment of the loan. In the event, repayment of the loan is structured on a quarterly, semi-annual, or annual schedule, BRI agrees to deposit the monthly proceeds into an interest bearing account with the lending bank, that shall be used as security against the loan;
- 2.5 BRI agrees to notify the City, in the event BRI cannot fulfill its financial responsibility, relative to repayment of the loan at least 45 days prior to any potential loan default;
- 2.6 In the event of potential loan default, the City of Westminster shall intercede in negotiations with the lender, and through a moral obligation to the lender, and the City of Westminster will have first right of refusal in the event of load default.

3. Programs

- 3.1 The City agrees to provide a \$5,000.00 program grant to BRI in the year 2001;
- 3.2 In consideration of the \$5,000.00 grant from the City, BRI agrees to coordinate and administer a community clean-up and paint-a-thon project in South Westminster during the Summer or Fall of 2001.

Passed and adopted this 26th day of March 2001.

ATTEST:

Mayor Pro Tem

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Special Legal Services Contract for the City of Westminster v. Centric-Jones and Travelers Appeal

Prepared by: Jeffrey M. Betz, Assistant City Attorney

Introduction

City Council is requested to authorize a contract with Hall & Evans L.L.C. to provide legal services in connection with the appeal of the Judge's decision in City of Westminster v. Centric-Jones and Travelers case.

Summary

On January 9, 2001, the trial of the City of Westminster v. Centric-Jones and Travelers arising out of the Semper Water Treatment Expansion Project commenced in Jefferson County District Court. At the conclusion of the City's case, the Judge dismissed the City's claims and entered a judgment in favor of Centric-Jones and Travelers without letting the jury decide the issues.

The City has decided to initiate an appeal of the Judge's decision to the Court of Appeals. The City Attorney's Office believes that it would be appropriate to have special counsel with experience in appellate and construction law to pursue the appeal on behalf of the City. The City Attorney's Office believes that the law firm of Hall & Evans L.L.C. has the necessary experience and recommends that the City enter into a contract with the firm to pursue the appeal.

Policy Issue

Whether to enter into a Special Legal Services contract with Hall & Evans L.L.C. to pursue the appeal of the Judge's decision in the City of Westminster v. Centric-Jones and Travelers case. Funds for this expense are available in the Semper Rehabilitation Capital Improvement project account.

Recommendation

Authorize the City Manager to execute a contract with the law firm of Hall & Evans L.L.C. up to a limit of \$30,000 to provide legal services to the City of Westminster in connection with the appeal of the Judge's decision in the City of Westminster v. Centric-Jones and Travelers case.

Background Information

This case involves an appeal of a construction litigation matter. Mr. Alan Epstein and Mr. Jeffery Stalder are lawyers with the law firm of Hall & Evans L.L.C. and would be primarily responsible for the prosecution of this appeal. Mr. Epstein has a significant amount of experience in appellate practice and has litigated approximately 300 cases on appeal during his career. Mr. Stalder's practice of law has concentrated on providing legal services to virtually all sectors of the construction industry and has prosecuted and defended numerous construction claims.

Hall & Evans' proposed rate is \$190.00 an hour, which is well below the rates charged by similar specialists in the Denver Metro area. The contract with Hall & Evans L.L.C. will have a limit on fees capped at \$30,000.00 for the initial phase of the appeal process.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this ____ day of March, 2001, by and between HALL & EVANS, L.L.C. (the "Firm") and the CITY OF WESTMINSTER (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall represent the City and furnish special legal services for filing the Notice of Appeal and evaluating issues for appeal in the case of the City of Westminster v. Centric-Jones Constructors, et al., Jefferson County District Court Case Number 97-CV-3415.
2. Alan Epstein and Jeffery Stalder shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the hourly rate not to exceed \$190.00 per hour.
5. This Contract may be terminated by the City with or without cause.
6. The Westminster City Council authorized this contract on March 26, 2001.
7. Payments for legal services pursuant to this Contract shall not exceed \$30,000.00 without further written authorization by the City.

HALL & EVANS, L.L.C.

By _____
Alan Epstein

CITY OF WESTMINSTER

By _____
William Christopher, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Proposed Change to the Date of Second Reading for the Revisions to the City Sign Code

Prepared by: Daniel E. Osborn, Planning Technician

Introduction

This memorandum is to request a change for the Second Reading date of Councillor's Bill Number 4, revisions to the Sign Code, from March 26, 2001, to April 9, 2001. This request is made in order to allow Staff time to complete the changes suggested by City Council at First Reading on February 26, 2001 and review them with the City Attorney.

Staff Recommendation

No action is necessary at this time on Councillor's Bill No. 4. City Council will review revisions to Councillor's Bill No. 4 at the April 9, 2001 City Council meeting.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 26, 2001

Subject: Appointment of J. Brent McFall as City Manager

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council is being asked to take formal action on the appointment of J. Brent McFall as the new City Manager. This appointment is being made in accordance with Section 4.7 of the Westminster City Charter.

Summary

For the past four months, City Council and several City Staff have been closely involved in the process for recruitment and selection of a new City Manager. The process has included the selection of the Mercer Group, the executive recruitment firm conducting this effort, publicity about the job opening through job advertisements in professional publication and on-line services, and a recruitment brochure distributed nationally; candidate interviews; extensive reference and background checks; an on-site visit to the finalists' place of employment, and finally, the offer of employment and negotiation of an employment agreement. During the last week, the Mayor, acting on behalf of City Council provided a formal offer of employment to J. Brent McFall from Kent, Washington. Mr. McFall has formally accepted the employment offer. His first day on the job as City Manager will be May 21, 2001.

At the direction of City Council, City Staff prepared the formal offer of employment. While this contains the major components of the employment package, as agreed upon by both parties, a more detailed employment agreement has yet to be finalized. The employment agreement will be drafted within the next few weeks and will be presented to Council for formal action in April.

Recommendation

In accordance with City Charter Section 4.7, appoint J. Brent McFall as the new City Manager with an effective employment day of May 21, 2001.

Background Information

In October 2000, City Manager Bill Christopher announced his retirement effective the spring of 2001. Shortly thereafter, City Council requested, received and reviewed proposals submitted by five executive search firms and selected The Mercer Group to conduct the recruitment process. In early December, job announcements were placed in several state, regional, and national publications as well as on-line job services. From a total of 88 job applications, The Mercer Group selected 23 for further review. Their review consisted of telephone interviews with all of the semi finalists as well as preliminary reference/background checks on each. Using the descriptions of the ideal candidate prepared by City Council and City Staff, the Mercer Group further condensed the number of candidates to six.

These six individuals were then invited to participate in a two-day selection process, which included interviews with City Council, participation in a personality assessment profile, meetings with the Employee Advisory Committee, and considerable contact with other City Staff members. Council then selected four candidates including Mr. J. Brent McFall as finalists. Two of the finalists subsequently withdrew from further consideration for personal reasons.

A Council/Staff team made up of Mayor Nancy Heil, Councillor Herb Atchison, Councillor Butch Hicks, City Manager Bill Christopher, Community Development Director John Carpenter, and Police Chief Dan Montgomery visited Mr. McFall's community of Kent, Washington and met with a number of business leaders, City officials and more informally, citizens and employees to learn more about the community and Mr. McFall's reputation and background. Members on this Council/Staff team were favorably impressed not only with Mr. McFall's credentials, but also the very favorable comments about him from all of the individuals with whom they talked. As a result of this intensive recruitment and selection process, the City Council decided last week to make an offer of employment to Mr. McFall. Mr. McFall reviewed the formal offer of employment faxed to him last week and has now submitted his acceptance of that offer.

As can be seen from the attached resume, Mr. McFall has extensive experience as a local government professional. His positions include serving as a staff assistant in Lawrence, Kansas, and in city manager or city administrator positions in Marion, Kansas; Emporia, Kansas; Federal Way, Washington; and Kent, Washington. He also served as a consultant and facilitator for Sumek, conducting organizational development activities and facilitating strategic planning sessions with various cities. Currently, Mr. McFall is the Chief Administrative Officer at the City of Kent, Washington. Kent, a suburb of Seattle, has many similarities with Westminster in terms of growth management, transportation, preservation of open space, and financial stability.

The offer of employment negotiated between City Council and Mr. McFall has the following terms:

1. Initial salary for services as City Manager of \$140,000 per year including any City-paid deferred compensation.
2. A six-months severance pay agreement should City Council terminate his employment agreement prior to expiration.
3. A \$500 per month car allowance.
4. The same benefit package provided to department head level positions.
5. All expenses related to participation in various national, state, and other professional associations.
6. An initial credit of 80 hours of General Leave upon appointment.
7. Reimbursement for the cost for two visits for conducting a housing search.
8. Reimbursement for reasonable relocation expenses which includes the cost for relocating to Westminster and temporary apartment lodging.

All of the above terms of employment, along with various other provisions related to Mr. McFall's appointment will be included in an employment agreement. It is anticipated that this agreement will be very similar to the employment agreements for the current City Manager, City Attorney, and Municipal Court Judge. Staff will present this to City Council for formal action in April.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, March 26, 2001.

Present at roll call were Mayor Pro-Tem Dixon, Councillors Atchison, Hicks, Kauffman, Merkel and Moss. Absent Mayor Heil.

The minutes of the March 5, 2001 Council meeting and March 19, 2001 Special Council meeting were approved with no additions or corrections.

Certificates of achievement were presented to 13 area youth for the 2001 Metropolitan Mayors and Commissioners Youth Award.

Council announced the appointment of J. Brent McFall as City Manager, with employment to begin on May 21, 2001.

Council approved the following: Street Improvement Concrete Replacement Project Bid to Asphalt Specialties Inc., in the amount of \$453,160 with a \$40,000 contingency; Lease Purchase of Equipment – Promenade authorizing the City Manager to sign a lease/purchase agreement over a period of six years for a power scrubber to clean the brick pavers at the Westminster Promenade for an amount not to exceed \$36,500; Stratford Lakes Neighborhood Park authorizing the purchase of the playground equipment from the low bidder, Children’s Playstructures, Inc. in the amount of \$26,850; Establish the name of the City owned park in the Stratford Lakes Subdivision as “Stratford Lakes Park”; Design for US 36/Barr Lane and 93rd/Wadsworth Sewers authorizing the City Manager to execute a contract with SA Miro, Inc. for the design and construction inspection work on the US 36/Barr Lane interceptor and 93rd/Wadsworth Sewers in the amount of \$63,050 with contingency funds of \$9,000; Reviewed Financial Report for 2001; Purchase of 10 Light Duty Pickup Trucks, awarded the bid for ten Chevrolet trucks to the low bidder, Stevenson Chevrolet, in the amount of \$206,177; authorized the City Manager to sign a contract with Outdoor Promotions West, LLC for the construction and maintenance of twenty bus passenger shelters; authorized the City Manager to execute a contract with the law firm of Hall & Evans L.L.C. up to a limit of \$30,000 to provide legal services to the City of Westminster in connection with the Centric-Jones and Travelers case.

The following public hearing was held: At 8:00 P.M., on the Harlan Area Annexation and Zoning.

The following Councillor’s Bill’s were introduced on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 13 AND 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: annexing Harlan Street from 96th to 98th in order to construct the Westminster Boulevard Extension project.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 13 AND 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: zoning Harlan Street from 96th to 98th

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH CSG SYSTEMS, INC. FOR THE LEASING OF OFFICE SPACE AT CIRCLEPOINT CORPORATE CENTER purpose: CSG Systems Business Assistance to aid in consolidating its operations.

A BILL FOR AN ORDINANCE AMENDING TITLE IX OF THE WESTMINSTER MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 8 PERTAINING TO BUS PASSENGER SHELTERS purpose: permits the installation of bus passenger shelters containing advertising signage within the public rights-of-way.

A BILL FOR AN ORDINANCE APPROVING A LEASE AGREEMENT BETWEEN THE CITY, HYLAND HILLS RECREATION FACILITIES AND WESTMINSTER PROMENADE DEVELOPMENT L.L.C. FOR THE LEASE OF APPROXIMATELY 1,375 SQ. FT. OF SPACE IN THE RETAIL/OFFICE PORTION OF THE SUN MICROSYSTEMS ICE CENTRE purpose: leasing office space to Westminster Promenade Development.

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND purpose: improvements to Countryside Pool and Promenade Terrace project.

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

A BILL FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY, HYLAND HILLS PARK AND RECREATION DISTRICT, AND QUEST DIAGNOSTICS INC. FOR THE LEASE OF A PORTION OF THE ICE CENTRE AT THE WESTMINSTER PROMENADE FOR A DIAGNOSTIC TESTING LABORATORY

The following Resolution was adopted:

Resolution No. 21 - authorizing an agreement with BRI to purchase and hold land at 7365 Lowell Boulevard for future redevelopment.

At 9:05 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on April 5, 2001