



WESTMINSTER
COLORADO

MARCH 27, 2000
7:00 P.M.
AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
5. Citizen Communication
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. Design Services Contract for US 36 and Tennyson Sewer Project additional design for Tennyson sewer interceptor and 8 inch sewer line for \$40,045 to S A Miro
 - B. Street Improvement Concrete Replacement Project Bids to Asphalt Specialties for \$564,310
 - C. Award of Design Contract for Semper Remodel
9. Appointments and Resignations
 - A. Appointment of Representative to Asset Forfeiture Committee
10. Public Hearings and Other New Business
 - A. Computers for Kids Program
 - B. Public Hearing re Huntington Trails Annexation, Zoning and PDP of 138 acres located at SWC 144th Avenue & Huron
 - C. Annexation, Zoning and Preliminary Development Plan actions re Huntington Trails
 - D. Public Hearing re Caulkins Ditch Right of Way Annexation, Zoning and Comprehensive Lane Use Plan Amendment located south of 128th Avenue and east of Zuni Street
 - E. Councillor's Bill No. 22 re Annexation of Caulkins Ditch right of way
 - F. Councillor's Bill No. 23 re Zoning of Caulkins Ditch right of Way for open space uses
 - G. Councillor's Bill No. 24 re Comprehensive Land Use Plan Amendment for Public Open Space
 - H. Resolution No. 27 re Quail Crossing Service Commitment Award Extension
 - I. Public Safety Facility Design Architect Contract
 - J. Councillor's Bill No. 25 re Restorative Justice Grant for \$37,768
 - K. Councillor's Bill No. 26 re IGA re Head Start Program
 - L. Resolution No. 28 re Staffing for Sundays at College Hill Library
 - M. Resolution No. 29 re Single Family Mortgage Bonds

11. Old Business and Passage of Ordinances on Second Reading

None

12. Citizen Presentations and Miscellaneous Business

A. Financial Report for February, 2000

B. City Council

C. Request for Executive Session

1. Potential Real Estate Acquisition

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 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 27, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Boy Scout Troop 98 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel, Moss and Smith. Also present were William Christopher City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Merkel to accept the minutes of the meeting of March 20, 2000 as previously amended. The motion carried unanimously.

CITY COUNCIL COMMENTS:

Councillor Hicks stated that Monica Jackson, age 13, who attends Mandalay Middle School, and recognized by City Council at the March 20th meeting for the first phase of the Metropolitan Mayors and Commissioners Youth Award, has also won the Jefferson County MMYCA award and will be going to the State Finals. Councillor Merkel reminded everyone to fill out the Census forms. Mayor Pro Tem Dixon reported she had attended 3 meetings on Rocky Flats and that a meeting on the proposed burn at Rocky Flats was being held in Arvada this evening, and thanked all the Board and Commission members who attended the brunch on Saturday. Councillor Moss commented on the Boards and Commissions Brunch that was held Saturday.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Design Services Contract for US 36 and Tennyson Street Sewer Project – Authorize the City Manager to execute a contract amendment with S.A. Miro in the amount of \$40,045 for the design of the 21-inch sewer interceptor and 8-inch sewer collector in Tennyson Street north of 80th Avenue and charge the expense to the appropriate Utility Fund Capital Improvement Project budget; Street Improvement Concrete Replacement Project Bids - Authorize the City Manager to sign a contract with the low bidder, Asphalt Specialties, in the amount of \$564,310; authorize a \$50,000 contingency amount; and charge the expense to the appropriate 2000 Department of Public Works and Utilities Infrastructure Improvements Division budget account and the appropriate 2000 General Capital Improvement Fund project budget account; and Award of Semper Remodel Design Contract - Authorize the City Manager to execute a contract with Lintjer Architects in the amount of \$82,800 for the design and construction bid document preparation of the Semper Water Treatment Facility Remodel Project and approve a 10% project contingency of \$8,200; Authorize the negotiation of a contract with Lintjer Architects for construction management of the Semper Remodel project after a final scope of services is identified, up to an amount of \$27,000 and approve a 10% contingency of \$2,700 for this portion of the project; and direct Staff to charge these expenses to the appropriate project account in the Utility Fund CIP budget. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Merkel and seconded by Atchison to adopt the Consent Agenda items as presented. The motion carried unanimously.

ASSET FORFEITURE COMMITTEES AND REPORTS:

A motion was made by Atchison and seconded by Dixon to Table the appointment to the Adams County and Jefferson County Asset Forfeiture Committees until April 10, 2000. The motion carried unanimously.

COMPUTERS FOR KIDS PROGRAM:

A motion was made by Hicks and seconded by Dixon to authorize the donation of surplus City computer equipment which is currently available or will become available on an ongoing basis to the Westminster 7:10 Rotary Club for use in their Computers for Kids Program. Mike Hayes, Westminster 7:10 Rotary Club representative was present to address and thank City Council. The motion carried unanimously.

PUBLIC HEARING ON HUNTINGTON TRAIL ANNEXATION:

At 7:22 P.M. the meeting was opened to a public hearing on the proposed annexation on the Huntington Trails property annexation, located at the southwest corner of 144th Avenue and Huron Street. A motion was made by Merkel and seconded by Hicks to continue the public hearing and postpone action on the annexation and zoning until approval of the Pre-annexation Agreement between the City and the applicant's representative has been completed. The motion carried unanimously. At 7:25 P.M. the public hearing was continued indefinitely.

PUBLIC HEARING ON CAULKINS DITCH RIGHT-OF-WAY ANNEXATION, ZONING & PDP:

At 7:25 P.M. the meeting was opened to a public hearing on the City initiated annexation of the Caulkins Ditch right-of-way. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. No one spoke in favor or in opposition to the proposal. At 7:27 P.M. the public hearing was declared closed.

CAULKINS DITCH RIGHT-OF-WAY ANNEXATION, ZONING AND LAND USE PLAN AMENDMENT:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 22 on first reading annexing a portion of Caulkins Ditch right-of-way to the City; pass Councillor's Bill No. 23 on first reading assigning the O-1 Zone category to the Caulkins Ditch right-of-way; and pass Councillor's Bill No. 24 on first reading adding the Caulkins Ditch right-of-way to the Comprehensive Land Use Plan and assigning the land use category of "Public Open Space". Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 27 – QUAIL CROSSING SERVICE COMMITMENT AWARD EXTENSION:

A motion was made by Atchison and seconded by Moss to adopt Resolution No. 27 extending the existing Category B-1 Service Commitment award to the Quail Crossing single-family detached project based on a finding that the Quail Crossing project meets Westminster Municipal Code Section 11-3-2(A) 2 criteria of the City's Growth Management Program. Upon roll call vote, the motion carried unanimously.

PUBLIC SAFETY FACILITY DESIGN ARCHITECT CONTRACT:

A motion was made by Smith and seconded by Dixon to authorize the City Manager to sign a contract with Humphries Poli Architects in the amount of \$942,000 which includes \$847,000 for the design of the Public Safety Facility, \$30,000 for additional project-specific insurance, a topset of \$65,000 for reimbursable expenses and a 10% contingency of \$94,200. The motion carried unanimously.

COUNCILLOR'S BILL NO. 27 – APPROPRIATION FOR PUBLIC SAFETY FACILITY PROJECT:

A motion was made by Smith and seconded by Dixon to pass Councillor's Bill No. 27 on first reading authorizing an appropriation of 1999 General Fund Budget carryover funds in the amount of \$528,350 to the appropriate project account in the 2000 General Capital Improvement Fund Budget for the contract cost plus a 10% contingency of \$94,200. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 25 – RESTORATIVE JUSTICE GRANT APPROPRIATION:

A motion was made by Merkel and seconded by Smith to pass Councillor’s Bill No. 25 on first reading appropriating \$37,768 to the Police Department Community Services Division 2000 budget. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 26 – IGA WITH JEFFERSON COUNTY HEAD START:

A motion was made by Atchison and seconded by Merkel to pass Councillor’s Bill No. 26 on first reading approving the Intergovernmental Agreement with Jefferson County to lease the facility currently housing the Kings Mill Library to Jefferson County for use as Head Start classrooms and authorizing the City Manager to sign the agreement. Upon roll call vote on the main motion, the motion carried unanimously.

RESOLUTION NO. 28 – STAFFING FOR SUNDAYS AT COLLEGE HILL LIBRARY:

A motion was made by Smith and seconded by Moss to adopt Resolution No. 28 upgrading 1.0 FTE Library Page position to one .5 FTE Librarian I position and one .5 Library Associate position to assist with staffing the College Hill Library on Sunday afternoons. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 29 – SINGLE FAMILY MORTGAGE LOAN PROGRAM:

A motion was made by Hicks and seconded by Dixon to adopt Resolution No. 29 which assigns and transfers \$1.0 million of the City of Westminster’s Private Activity Bond allocation to the City and County of Denver for the purpose of participating in the Metro Mayor’s Caucus Single Family Mortgage Bond Program and authorize the Mayor and City Clerk to execute the necessary documents. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for February 2000.

Mayor Heil stated there would be an Executive Session on a potential real estate acquisition. Councillor Moss requested that this issue did not need to be discussed in executive session. At 7:45 P.M. Council adjourned to executive session to discuss whether the real estate acquisition issue should be discussed in executive session. At 7:55 City Council reconvened and voted on whether to go into executive session to discuss a potential real estate acquisition matter. The motion failed with 7 dissenting votes. Therefore, the item would be discussed in open session during the post meeting.

ADJOURNMENT:

The meeting was adjourned at 7:55 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 27, 2000

Subject: Design Services Contract for US 36 and Tennyson Street Sewer Project

Prepared by: Diane M. Phillips, CIP Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign an amendment to the existing design contract with S. A. Miro for design services of the 21-inch sewer interceptor under U.S. 36 in Shaw Heights to include additional design services of the 21-inch sewer interceptor and an 8-inch sewer collector line down Tennyson Street north of 80th Avenue. The original design contract was in the amount of \$79,000 and the increase for additional design services will be \$40,045 for a total contract amount of \$119,045. Funds for the increase in design costs are available in the Utility Fund Capital Improvement Project budget.

Summary

The original design contract with S. A. Miro provides for design of the 21-inch sewer interceptor that will be installed next to an existing 15-inch sewer interceptor line in the Shaw Heights area under U.S. 36. This 21-inch sewer interceptor is needed due to flow tests showing the existing line has reached its flow capacity of 2000 gallons per minute. The total project budget for the original 700 feet of sewer interceptor was \$300,000 with an additional \$770,000 required for the 1700 feet of 21-inch sewer interceptor and 8-inch sewer collector in Tennyson Street north of 80th Avenue. The total combined budget is estimated to be \$1,070,000.

City Staff and consultants recommend the new 21-inch sewer interceptor be constructed in conjunction with the 8-inch sewer collector in Tennyson Street north of 80th Avenue. The benefits include less disruption to residents and local traffic as the street would only be trenched once and the interceptor can be installed prior to reconstructing the street. Also, construction cost savings of approximately 15% can be realized by combining the two projects under one contractor.

Alternative

As an alternative to designing and constructing the 21-inch interceptor in Tennyson Street at this time, the project could be delayed for three years as originally envisioned in the Wastewater Master Plan. Street improvements are planned for Tennyson Street following the installation of the new 8-inch sewer line. By delaying the installation of the proposed 21-inch sewer interceptor, street improvements would be delayed plus an opportunity would be missed to realize an overall cost savings by combining the two projects.

Staff Recommendation

Authorize the City Manager to execute a contract amendment with S.A. Miro in the amount of \$40,045 for the design of the 21-inch sewer interceptor and 8-inch sewer collector in Tennyson Street north of 80th Avenue. Funds for this expense are available in the Utility Fund Capital Improvement Project budget.

Background Information

S.A. Miro was hired to design the 21-inch sewer interceptor next to the existing 15-inch sewer interceptor under U.S. 36 in the Shaw Heights area. The scope of services for S.A. Miro increased to include an evaluation of relieving capacity problems downstream of the US 36 21-inch sewer interceptor. The evaluation concluded that it would be in the City's best interests to consider installing a new 21-inch sewer interceptor downstream of the 21-inch sewer interceptor going under U.S. 36 now to prevent further surcharges on the existing 15-inch interceptor line. Improvements to the existing 15-inch sewer interceptor had been identified for future construction in the Wastewater Master Plan but increased flows warrant installing the proposed interceptor now.

The City's water line construction crew was preparing to design and construct a replacement 8-inch sewer line in Tennyson Street and the Street Division was preparing to overlay the road after the installation of the 8-inch line was completed. Staff and S.A. Miro reviewed and recommended that the installation of the new 21-inch interceptor occur in conjunction with the installation of the 8-inch sewer line down Tennyson Street north of 80th Avenue because there would be less disruption to the residents and local traffic as the street would only be trenched one time and combining the two sewer line projects should realize a cost savings.

The project will now include the design of the sewer interceptor under US 36, the 21-inch sewer interceptor and the 8-inch sewer line in Tennyson Street north of 80th Avenue. The total combined estimated project cost will be \$1,070,000. The total design cost would be \$119,045, which is 11% of the estimated project cost. There is \$620,000 available in the Utility Fund Capital Improvement Project budget for this project. The other \$450,000 is available from the 1999 Utilities Operations budget that City Council passed on first reading at the March 20th Council meeting as a supplemental appropriation ordinance. If approved on second reading, the \$450,000 will be carried over to the 2000 Utility Fund Capital Improvement Project Budget.

Construction of the project is expected to begin in the spring of 2000.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 27, 2000

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 2000 Street Improvement Concrete Replacement Project to Asphalt Specialties. Funds have been specifically allocated in the 2000 Department of Public Works and Utilities Infrastructure Improvements Division Budget and the 2000 General Fund Capital Improvement Project budget for this work.

Summary

City Council approved funds in the 2000 Infrastructure Improvements Division to replace 21,250 linear feet of deteriorated concrete curbs, gutters, sidewalks, crosspans, and curb ramps on 47 streets where reconstruction or resurfacing improvements are planned. Formal bids were solicited in accordance with City Charter bidding requirements for the 2000 Street Improvement Concrete Replacement Project and the Department of Community Development's Utica Court Storm Sewer Improvements concrete replacement portion of the project.

The low bidder, Asphalt Specialties, at \$564,310, meets all of the City bid requirements and has successfully completed concrete replacement projects for the City during the past ten years, including 1998. In keeping with the previous City Council policy, the concrete replacement costs on streets earmarked for improvements are 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.

Staff Recommendation

Authorize the City Manager to sign a contract with the low bidder, Asphalt Specialties, in the amount of \$564,310; authorize a \$50,000 contingency amount; and charge the expense to the appropriate 2000 Department of Public Works and Utilities Infrastructure Improvements Division budget account and the appropriate 2000 General Capital Improvement Fund project 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 6% for this 2000 concrete work. The actual bid cost will increase above 1999, at an average of 3%. This increase can be attributed to normal inflation over the past 12 months.

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

	<u>CONTRACTOR</u>	<u>TOTAL BID</u>
1.	Asphalt Specialties	\$564,310
2.	Concrete Express	\$652,022
3.	Stackholm Construction	\$656,669
4.	Concrete Works of Colorado	\$940,068
	City Staff Estimate	\$637,667

Included in this bid is the concrete curb, gutter, and sidewalk replacement for the Utica Court, 90th Avenue to 92nd Avenue Storm Sewer Improvements administered by the Department of Community Development. The cost for Utica Court concrete replacement is \$91,935. Funds are available in a 2000 General Fund Capital Improvement Project budget.

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. 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 2000.

Respectfully submitted,

William M. Christopher, City Manager

Attachment: Locations List

LOCATION LIST

Resurfacing Streets

Note: CDS = cul-de-sac

	Location
1.	Turnpike Drive, Lowell Boulevard to Grove Street
2.	85 th Avenue, Alcott Street to Zuni Street
3.	76 th Avenue, Zenobia Street to Winona Court
4.	Yates Street, 92 nd Avenue to 88 th Avenue
5.	88 th Avenue, Yates to Wagner Street
6.	92 nd Avenue Sheridan Boulevard to Vrain Street
7.	Pecos Street, 112 th Avenue to 600 Ft. South of 120 th Avenue
8.	Baylor Lane, Oakwood Drive to Circle Drive
9.	Clemson Lane, Oakwood Drive to Circle Drive
10.	Stuart Street, 92 nd Avenue to 90 th Avenue
11.	90 th Place, 90 th Avenue to 90 th Avenue
12.	Allison Court, 90 th Avenue to 90 th Drive
13.	Ammons Court, 90 th Place to South End
14.	90 th Drive, Yarrow Street to West End
15.	Zepher Court, 90 th Court to South End
16.	Balsam Court, 90 th Place to South End
17.	9345-9323 West 100 th Circle (CDS)
18.	Julian Way, 92 nd Avenue to Knox Court
19.	92 nd Avenue, Lowell Boulevard to Federal Boulevard
20.	105 th Way, Jellison Way to 105 th Place
21.	Jellison Way, Independence Street to 105 th Way
22.	104 th Place, Dale Circle to West End
23.	Dale Circle, 105 th Drive to 105 th Drive
24.	Kendall Street, 116 th Avenue to City Limits
25.	115 th Avenue, Kendall Street to 5880 West 115 th Avenue
26.	112 th Avenue, Sheridan Boulevard to Westminster Boulevard

Reconstruction Streets

Note: CDS = cul-de-sac

	Location
1.	Elk Drive, Osceola Street to Raleigh Street
2.	69 th Place, Lowell Boulevard to Osceola Street
3.	Osceola Street, 69 th Avenue to Elk Drive
4.	80 th Avenue & Lowell Boulevard Intersection
5.	Bryant Street, 84 th Avenue to Alcott Street
6.	Osceola Street, 78 th Avenue to Maria Street
7.	78 th Way, Osceola Street to Bradburn Boulevard
8.	Stuart Place, 80 th Avenue to Tennyson Street
9.	Tennyson Street, 80 th Avenue to Turnpike Drive
10.	Irving Street, 92 nd Avenue to 94 th Avenue
11.	Kendall Street, 112 th Avenue to 116 th Avenue
12.	King Street, 104 th Avenue to 107 th Avenue
13.	104 th Court, Dale Circle to East End
14.	104 th Lane, Dale Circle to West End
15.	Utica Court, 90 th Avenue to 92 nd Avenue
16.	88 th Place, Estes Street to Cody Street

	Location
17.	9200-9212 W. 100 th Circle (CDS))
18.	9214-9228 W. 100 th Circle (CDS)
19.	9230-9242 W. 100 th Circle (CDS)
20.	9247-9233 W. 100 th Circle (CDS)
21.	9244-9256 W. 100 th Circle (CDS)



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 27, 2000

Subject: Award of the Semper Remodel Design Contract

Prepared by: Tom Settle, Water Quality Coordinator
Sharon Bernia, Water Quality Specialist

Introduction

City Council action is requested to award the bid for final design of the Semper Water Treatment Facility remodel project to Lintjer Architects in the amount of \$82,800 and a contingency budget of \$8,200. Funds are available in the Utility Capital Improvement Project Accounts.

Summary

A Request for Proposal was sent to five engineering firms seeking architectural/engineering design proposals for the remodeling of various work areas in the Semper Water Treatment Facility. This internal remodel will include a new water quality laboratory, expansion of the plant control room, office spaces, integration of Heating, Ventilation, and Air Conditioning (HVAC) systems, a multi-purpose room and a new facility entry area. The full remodel, as conceptualized by the work done by Burns & McDonnell, will have a construction cost of approximately \$1 million. Construction is expected to begin later this summer with completion by spring 2001.

A pre-proposal on-site tour was held on February 28 at the Semper Facility. Four firms participated and two returned design proposals. Proposals were received from Burns & McDonnell and Lintjer Architects. Staff have reviewed the submittals against the specific requirements outlined in the Request for Proposals. Both firms have met the essential requirements for tasks through the Construction Bid preparation. Estimates of construction phase services were also provided, but are not being recommended in this phase of the contract as the need for those services will not be clear until the design has been finalized. Burns & McDonnell has proposed a firm price of \$84,800 and Lintjer Architects proposed \$82,800 for work through the bidding process.

The two bids did provide information for services through project construction. The Burns & McDonnell bid provided only an estimate of the construction-phase cost with a final cost to be based on the contractor selected for the construction work. Total proposed price with the estimate is \$106,600. Lintjer Architects' proposal provides a firm price proposal \$109,800 for all work with no assumptions. A portion of the remodel work may need to be done in phases depending on the construction estimates or final bids.

Overall, the design work proposals were functionally identical. Both firms demonstrated good backgrounds and experience specifically related to the project. The Lintjer Architects proposal did provide added insight to potential project issues that will be encountered. The Lintjer firm is currently working as part of the design team on the new water treatment facility and has demonstrated a superior knowledge of the building codes and operational issues related to laboratories and water treatment facilities as well as excellent communication skills. A full design will be completed to facilitate in-house and phasing alternatives. These considerations and proposal details, coupled with superior recommendations from project references, lead to the choice of Lintjer as the favored selection.

Staff Recommendation

Authorize the City Manager to execute a contract with Lintjer Architects in the amount of \$82,800 for the design and construction bid document preparation of the Semper Water Treatment Facility Remodel Project and approve a 10% project contingency of \$8,200; Authorize the negotiation of a contract with Lintjer Architects for construction management of the Semper Remodel project after a final scope of services is identified, up to an amount of \$27,000 and approve a 10% contingency of \$2,700 for this portion of the project; and direct Staff to charge these expenses to the appropriate project account in the Utility Fund CIP budget.

Alternatives

There are alternatives to the staff recommendation. The first would be for City Council to direct Staff to accept the Burns & McDonnell complete bid with the understanding that the construction management costs will be negotiated prior to construction, when the contractor is known. The final price would be unknown at this time. This would be the lower of the two proposals, based on the overall proposal, but only on the Burns & McDonnell construction management estimate listed. The Lintjer proposal identifies a firm price that could be reduced based on the final scope of services for the construction phase.

A second alternative would be to direct Staff to accept the Lintjer Architects proposal as stated and not wait to negotiate a construction management cost. An opportunity to pay for reduced services according to actual need may be lost under this option and result in higher expenditures.

The final alternative is to not act on the remodel design proposals and set aside the remodel project. This alternative would not address Semper laboratory workspace corrections, control room space, ergonomic and safety issues, providing appropriate work stations for computers on the City's network and correction of HVAC issues.

Background Information

The Semper Water Treatment Facility underwent an expansion in 1996 that removed all stored treatment chemicals from the second floor of the main building to the new chemical building. The microstrainers have also been removed from service, leaving approximately 2,500 square feet of space available for other plant uses. These two prime areas and others in the building combine for nearly 6,000 square feet of space that can be used to improve lab functionality, plant operation, visitor tours and pilot testing.

During the 1998 Montgomery Watson/Lab Task Force studies, it was identified that the water quality laboratory work space was much too small to accommodate the five staff members and their work tasks. The report also pointed out inadequate ventilation systems and poorly designed instrument workspaces. The remodel project would move the existing laboratory from the Semper Facility main floor to the vacated upstairs level.

The main floor space vacated by the old laboratory will be utilized to expand the facility control room to accommodate monitoring and SCADA equipment for the new treatment facility, computers and monitors, improve the overall ergonomics of this work area and relocate the water quality sampling station. The water quality sampling plumbing station is deteriorating and should be relocated. It is located above one of Semper's primary electrical control centers creating a serious potential for catastrophic failures. The main floor space is also needed to improve the facility entry area, reduce hallway crowding and develop a visitor orientation area.

During this remodel, the additional spaces freed up by equipment removal and consolidation will be used to provide a multipurpose room and additional office space and computer workstations. And finally, the 25-year-old HVAC system at Semper is currently partially disabled and is in need of repairs and updating. A preliminary design concept was produced by Burns & McDonnell. This preliminary design gave Staff a more in-depth Scope of Work that was used to re-advertise for engineering/architectural firms to prepare final design documents and estimation of construction costs. A full design will be completed to facilitate in-house and phasing alternatives so that all work can be accomplished at some point in the future.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 27, 2000

Subject: Asset Forfeiture Committees and Reports

Prepared by: Dan Montgomery, Chief of Police

Introduction

City Council action is requested to appoint a representative to the Police Department's Asset Forfeiture Committees pursuant to the requirements of Colorado Revised Statutes 16-13-702. City Council previously appointed George Hovorka to serve on the committees when he was a City Councillor. In addition, CRS 16-13-701 requires that the seizing agency provide City Council a written report accounting for all forfeited monies or property awarded to the Police Department by the courts, and expenditures of those funds.

Summary

CRS 16-13-702 requires that a committee on the disposition of forfeited property be created and retained for each seizing agency. The composition of the committee(s) for a seizing agency must include: the District Attorney of the judicial district having jurisdiction over the forfeited property, or a designee of such district attorney; the head of the seizing agency, or the designee of such person; and a representative of the governmental body having budgetary authority over the seizing agency. This representative may be a City Councillor, City staff member, or an interested citizen. Because Westminster is located in two counties, it is necessary to have two committees: one for Adams County and one for Jefferson County. In the case of federal forfeitures, either committee may be utilized.

City Council appointed George Hovorka to serve on both committees in 1992 when he was a City Councillor, and he continued to serve on the committees with City Council's authorization as an interested citizen. George informed Police Department Staff that he is retiring from the committees and it is necessary for City Council to appoint someone to assume George's position on both the Adams County and Jefferson County committees. The five following candidates have expressed an interest in the position: Fred Allen; Angela Habben; Deb Haviland; Don Rhoda; and Myron Treber.

Staff Recommendation

Appoint one of the above-named candidates to serve on the Adams County and Jefferson County Asset Forfeiture Committees.

(NOTE: It is not required, nor is Staff requesting, that Council appoint two separate representatives.)

Background Information

The reporting requirements to City Council under CRS 16-13-701 increased the accountability of law enforcement agencies in the asset forfeiture process, and required that a committee on the disposition of forfeited property be created for each seizing agency. Because Westminster lies in two counties, a committee was formed for each one. The current Asset Forfeiture Committee members are:

Adams County

Dan Montgomery, Chief of Police
George Hovorka, Citizen
Robert Doyle, Adams County D.A.'s Office

Jefferson County

Dan Montgomery, Chief of Police
George Hovorka, Citizen
Mark Pautler, Jefferson County D.A.'s Office

George Hovorka has advised us that he is resigning from the committees. Therefore, it is necessary for City Council to appoint someone to assume George's position on both of the committees.

Asset Forfeiture funds are monies, in the form of cash or assets, seized legally as a result of criminal activity in accordance with established judicial guidelines. The criminal activity associated with asset forfeitures are most notably narcotics investigations. The Westminster Police Department is a participant in two vice/narcotic task forces, West Metro Task Force (Jefferson County) and North Metro Task Force (Adams County). Most, if not all, of the forfeited assets are split equally among all of the participating agencies who are members of the task force. As a part of the asset forfeiture statute, the District Attorney's Offices are entitled to a percentage of the forfeited assets as a fair-share payment for their processing and handling of these forfeiture cases before the courts.

Staff would like to take this opportunity to suggest the names of several Westminster residents for consideration in filling the existing Asset Forfeiture Committee vacancy:

- Fred Allen – Mr. Allen recently retired from the Westminster City Council and is in the real estate appraisal business.
- Angela Habben – Ms. Habben is the Branch Manager for the new Vectra Bank at West 72nd Avenue and Irving Street.
- Deb Haviland – Ms. Haviland is the Public Relations Coordinator for District 50 Schools.
- Don Rhoda – Mr. Rhoda is the retired Principal of Ranum High School.
- Myron Treber – Mr. Treber is in the human relations business and is a former member of the City's Personnel Board.

All of these suggested candidates have expressed an interest in serving on the Asset Forfeiture Committees. They all reside in Westminster, and are very involved in community activities. In Staff's opinion, any of the five would do an excellent job in the fulfilling the duties and responsibilities as a member of the committees.

In accordance with the Attorney General's Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies, the City is required to submit an Annual Certification Report regarding any federally shared monies received and expended upon the completion of each fiscal year. Also required is that a written report be submitted to City Council accounting for any forfeited monies or property awarded to the police department by the courts. The following report covers activity January 1, 1999 through December 31, 1999 and provides the asset forfeiture revenues and expenditures for the three asset forfeiture accounts.

Adams County Asset Forfeiture Account:

<u>1999</u>				
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Interest</u>	<u>Ending Balance</u>
\$13,202.63	\$12,118.76	\$3,309.55	\$1,677.51	\$23,689.35

Expenditure Description:

\$3,162.00	Adams County District Attorney's Office—Juvenile Assistance Interaction Block Grant Match
\$ 44.55	Adams County District Attorney's Office—Share of Forfeitures
<u>\$ 103.00</u>	Connolly's Towing—Impound Fees for Seized Vehicle
\$3,309.55	

Jefferson County Asset Forfeiture Account:

<u>1999</u>				
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Interest</u>	<u>Ending Balance</u>
\$15,736.76	\$820.69	\$6,224.00	\$739.11	\$11,072.56

Expenditure Description:

\$1,000.00	City of Westminster Holy COW Trail Stampede Donation
\$4,924.00	Two PC's—Police Department West Metro Drug Task Force Members
<u>\$ 300.00</u>	Jefferson County District Attorney's Office share of forfeitures
\$6,224.00	

Federal Asset Forfeiture Account:

<u>1999</u>				
<u>Beginning Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Interest</u>	<u>Ending Balance</u>
\$30,517.12	\$672.30	\$14,320.80	\$1,198.50	\$18,067.12

Expenditure Description:

\$11,832.00	FBINAA Section 1 Training for Police Department FBINAA members
\$ 238.80	Calibre Press Officer Survival Training for department personnel
\$ 2,250.00	Training at Colorado State University-Denver, Certificate Series in Project Management
<u>\$14,320.80</u>	

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 27, 2000

Subject: Computers for Kids Program

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to continue the donation of surplus City computers to the Computers for Kids Program sponsored by the Westminster 7:10 Rotary Club.

Summary

In May 1999, the Westminster 7:10 Rotary Club implemented a program whereby they collect surplus computer equipment from individuals, local businesses and other organizations, refurbish them and provide them to eligible students attending selected District 50 schools. In June 1999, City Council authorized Staff to donate all surplus City computers available in 1999 to this program. During the past year, the City donated twenty-six 386 and 486 computers to the Club. The Club has asked the City to again consider donating its surplus computers to this program rather than disposing of this equipment through the City auction. Donation of City equipment is permitted under the Westminster Municipal Code with Council approval.

The alternative to the requested action would be to sell the City's used computer equipment through auction which is the normal process used for disposing of City surplus.

Staff believes that the donations to this program represent a worthwhile use of City surplus computer equipment and, by themselves, do not significantly compromise the City's efforts to gain the maximum income for its surplus materials. Council previously informally approved continuing these donations when existing computers are replaced with new computers budgeted for 2000. The first group of surplus computers will soon be available for auction or donation.

Recommendation

Authorize the donation of surplus City computer equipment which is currently available or will become available on an ongoing basis to the Westminster 7:10 Rotary Club for use in their Computers for Kids Program.

Background Information

In May 1999, the Westminster 7:10 Rotary Club initiated a program whereby Club members obtain usable surplus computer equipment from individuals, local businesses and other organizations, repair and refurbish them and donate them to eligible students attending local schools in District 50. During 1999, the Club provided 22 computers to Westminster Hills Elementary School students, 24 computers to Ranum High School students, and 4 to Hyland Hills preschool for instructional use. Roughly half of the computers distributed by the club went to students residing in Westminster and obviously the rest went to students not Westminster residents. So far in 2000, 24 additional computers have been donated to Ranum High School students.

One of the Club members stores the donated equipment at his offices and provides work space for volunteers to repair and refurbish the computers. Currently six volunteers, John and Pat Zemyan, Kurt Dathe, Denis DuFresne, Derek Brady, and Greg Porterfield, spend many of their Saturdays working on the computers. Two of these volunteers were referred to the program by City Volunteer Coordinator Marge Salter. These volunteers, who are not members of the Rotary Club, also work with Club members to deliver the computers and instruct students in their basics.

The Club currently accepts 486 and later versions of IBM compatible systems, and similar generation MacIntosh computers. With the exception of the 1999 donations to Hyland Hills Preschool, the program provides students with computers for their use at home. The students are selected based on need using the criteria provided by the School District. The Club has a goal of giving away a total of 100 computers during 2000 to students attending elementary, middle, and high schools in District 50.

As a result of the installation of a series of new computers budgeted for 2000, the City will have a number of used computers that are being collected for the City's upcoming auction. This equipment is still operable but has become increasingly incompatible with the City's computer system due to upgrades in technology. The process for disposal of City property is outlined in Section 15-2-1 of the Westminster Municipal Code. This section of the Code includes a procedure whereby City Council can approve the disposal of City property in a manner other than formal bidding process or public auction. In the past, Council has authorized such exceptions to the general property disposal provisions.

There are twenty-one 486 computers that are currently surplus that may be of use in the Computers for Kids program. The Staff recommendation provides for the donation of this equipment as well as any additional computers that may become surplus on an ongoing basis until either the program is discontinued or the Club no longer can use these donations, or City Council provides other direction with regard to the disposal of this surplus equipment.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 27, 2000
Subject: Huntington Trails Annexation
Prepared by: Patrick Caldwell, Planner II

Introduction

City Council action is requested to postpone indefinitely the public hearing for the application by Gary Fonay and Rhonda Swain for annexation and zoning to Planned Unit Development (PUD) of the Huntington Trails property located at the southwest corner of 144th Avenue and Huron Street.

Summary

The applicants, Gary Fonay and Rhonda Swain, have proposed the following:

1. Annexation of approximately 138 acres of land, described as Huntington Trails, located at the southwest corner of 144th Avenue and Huron Street in Adams County, Colorado. The annexation is subject to the terms of the Preannexation Agreement to be signed by the City and the Owners.
2. The property to be annexed shall be zoned to PUD. A Preliminary Development Plan (PDP) shall be prepared and reviewed at a later date.

The annexation request is conditional upon an approved Pre-annexation Agreement. Several areas of disagreement exist between the applicant's representative and City Staff. Due to the fact that the Pre-annexation Agreement has not been approved, Staff is requesting that the annexation request be postponed until a Pre-annexation Agreement has been approved for the property.

Applicant/Property Owner

Rhonda Swain
143 South Great Bridge Road
Lincoln, Massachusetts 01773

Gary Fonay
306 Jemez
Hobbs, New Mexico 88240

Location/Surrounding Land Uses/Comprehensive Land Use Plan Designations

The land is located west of Huron Street and south of 144th Avenue in unincorporated Adams County. To the south is the Lexington Trails single family residential development. To the west is the Lexington Shores single family residential development and City owned land at the base of McKay Lake. To the north of 144th Avenue is the Cheyenne Ridge single family residential development in Westminster and some ranchette style of residential development that is within unincorporated Adams County. The east side of Huron Street is vacant land. The north part of the Huron Street frontage is designated for Business Park uses by the City's Comprehensive Land Use Plan. The south half of the frontage is vacant, with agricultural uses in unincorporated Adams County.

Size of Site

The entire area of the proposed annexation is approximately 140 acres. The applicant has requested 138 acres to be annexed. The south half of the right of way of 144th Avenue is also included within the annexation. This is approximately two acres within unincorporated Adams County and is used as right of way for the existing 144th Avenue.

Description of Proposed Use

The proposed uses are single family detached residential, public park, private parks, private trails, a private recreation facility and private open space.

Planning Commission Recommendation

Postpone indefinitely the public hearing for the application by Gary Fonay and Rhonda Swain for annexation and zoning to Planned Unit Development (PUD) of the Huntington Trails property located at the southwest corner of 144th Avenue and Huron Street.

Staff Recommendation

1. Open, then continue indefinitely the public hearing on the proposed annexation of the Huntington Trails property.
2. Recommend postponing action on the annexation and zoning until a Pre-annexation Agreement has been approved.

Alternative(s)

1. Deny the request for annexation because the pre-annexation agreement has not been agreed to by the City and the applicant.

Background Information

The property was properly noticed for a City Council public hearing. The applicant petitioned the City for annexation on December 9, 1999, subject to an approved Pre-annexation Agreement. At this time the applicant and the City have not resolved issues in the Pre-annexation Agreement. Among the issues are the desire of the applicant to have the City waive the requirement for building permit fees, the requirement for undergrounding overhead lines and the City Code requirement for Park Development Fees. Unresolved issues in the Preliminary Development Plan (PDP) include requests for reduced street right of way standards and other items which are more typically reviewed as part of an ODP.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 27, 2000

Subject: Caulkins Ditch Right-of-Way Annexation, Zoning and Comprehensive Land Use Plan Amendment

Prepared by: David Falconieri, Planner III

Introduction

City Council is requested to take action on a City initiated annexation of the Caulkins Ditch right-of-way. The ditch is located south of 128th Avenue and east of Zuni Street. The Ditch is owned by the City and was purchased with Open Space funds. Staff is recommending that the property be zoned O-1 and that the Comprehensive Land Use Plan be amended to show the property as public open space.

Summary

Applicant/Property Owner
City of Westminster

Location

South of 128th Avenue and east of Zuni Street

Size of Site

Approximately .8 acres

Description of Proposed Use

City Open Space

Major Issues

None

Planning Commission Recommendation

This issue was heard before the Planning Commission on March 14, 2000. No one appeared in support or opposition to the proposal. The Commission voted unanimously that the annexation be approved and that the right-of-way be zoned O-1 and be added to the Comprehensive Land Use Plan as "Public Open Space".

Staff Recommendation

1. Hold a public hearing.
2. Pass Councillor's Bill No. 22 on first reading annexing a portion of the Caulkins Ditch right-of-way to the City.

3. Pass Councillor's Bill No. 23 on first reading assigning the O-1 Zone category to the Caulkins Ditch right-of-way.
4. Pass Councillor's Bill No. 24 on first reading adding the Caulkins Ditch right-of-way to the Comprehensive Land Use Plan and assigning the land use category of "Public Open Space."

Alternatives

Determine that the Caulkins Ditch right-of-way not be annexed at this time, and take no further action.

Background Information

The Caulkins Ditch was purchased by the City of Westminster in 1994 at the same time as the Bull Canal wetlands purchase. The Bull Canal Wetlands is located north of 128th Avenue at about Pecos Street. The previous owner, the Farmers Reservoir and Irrigation Co. (FRICO), offered the entire ditch right-of-way to the City since there are no longer any water rights associated with the ditch. The property was purchased with Open Space funds has been added to the Big Dry Creek open space area.

Staff is recommending that the property be annexed at this time in order to assure City zoning regulations apply so that it can be served by City emergency services.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **22**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, the City of Westminster is the sole owner of hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the accompanying maps are in substantial compliance with Section 31-12-101, et.seq., and Section 31-12-106 (3), Colorado Revised Statutes, as amended; and

WHEREAS, The property is not solely a public street or right-of-way; 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 Adams, State of Colorado, to wit:

A part of the northwest one-quarter of Section 33, Township 1 South, Range 68 West, of the 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the northwest corner of said Section 33; thence S89°54'49"E, a distance of 761.87 feet; thence S41°46'11"W, a distance of 39.86 feet to a point on the southerly right-of-way line of West 128th Avenue and on the easterly right-of-way line of the Caulkins Ditch, said point being the true point of beginning:

Thence N89°54'49"W, and along said southerly line of West 128th Avenue, a distance of 33.46 feet to a point on the westerly right-of-way line of the Caulkins Ditch; thence along said westerly right-of-way line the following seven (7) courses:

1. S41°44'39"W, A distance of 94.63 feet,
2. S29°33'39"W, A distance of 122.28 feet,
3. S16°35'47"W, A distance of 301.73 feet,
4. S34°54'11"W, A distance of 218.39 feet,
5. S04°05'48"W, A distance of 104.96 feet,
6. S37°19'17"W, A distance of 386.96 feet,
7. S66°07'38"W, A distance of 114.18 feet to a point on the easterly right-of-way

line of Zuni Street; thence S00°27'41"W, and along said easterly line, a distance of 27.44 feet to a point on the easterly right-of-way line of the Caulkins Ditch; thence along said easterly right-of-way line the following seven (7) courses;

1. N66°07'38"E, A distance of 131.91 feet,

2. N37°19'17"E, A distance of 400.84 feet,
3. N04°05'48"E, A distance of 105.54 feet,
4. N34°54'11"E, A distance of 215.53 feet,
5. N16°35'47"E, A distance of 302.92 feet,
6. N29°33'39"E, A distance of 116.77 feet,
7. N41°44'39"E, A distance of 114.20 feet tot he point of beginning, said described parcel containing 34,137 square feet or 0.784 acres, more or less.

Note as to Basis of Bearings

To match City of Westminster bearings rotate bearings by 00°41'12" counter clockwise.

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 27th day of March, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of April, 2000.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **23**

SERIES OF 2000

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 SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, 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 Adams County A-1 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-3 (B).

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 Adams County A-1 to City of Westminster O-1. A parcel of land located in Section 33, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

A part of the northwest one-quarter of Section 33, Township 1 South, Range 68 West, of the 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the northwest corner of said Section 33; thence S89°54'49"E, a distance of 761.87 feet; thence S41°46'11"W, a distance of 39.86 feet to a point on the southerly right-of-way line of West 128th Avenue and on the easterly right-of-way line of the Caulkins Ditch, said point being the true point of beginning:

Thence N89°54'49"W, and along said southerly line of West 128th Avenue, a distance of 33.46 feet to a point on the westerly right-of-way line of the Caulkins Ditch; thence along said westerly right-of-way line the following seven (7) courses:

8. S41°44'39"W, A distance of 94.63 feet,
9. S29°33'39"W, A distance of 122.28 feet,
10. S16°35'47"W, A distance of 301.73 feet,
11. S34°54'11"W, A distance of 218.39 feet,
12. S04°05'48"W, A distance of 104.96 feet,
13. S37°19'17"W, A distance of 386.96 feet,
14. S66°07'38"W, A distance of 114.18 feet to a point on the easterly right-of-way line of Zuni Street; thence S00°27'41"W, and along said easterly line, a distance of 27.44 feet to a point on the easterly right-of-way line of the Caulkins Ditch; thence along said easterly right-of-way line the following seven (7) courses;

8. N66°07'38"E, A distance of 131.91 feet,
9. N37°19'17"E, A distance of 400.84 feet,
10. N04°05'48"E, A distance of 105.54 feet,
11. N34°54'11"E, A distance of 215.53 feet,
12. N16°35'47"E, A distance of 302.92 feet,
13. N29°33'39"E, A distance of 116.77 feet,
14. N41°44'39"E, A distance of 114.20 feet tot he point of beginning, said described parcel containing 34,137 square feet or 0.784 acres, more or less.

Note as to Basis of Bearings

To match City of Westminster bearings rotate bearings by 00°41'12" counter clockwise.

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 27th day of March, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of April, 2000.

ATTEST:

Mayor

City Clerk

Caulkins Ditch Annexation and Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **24**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described in "Exhibit A"; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add the Caulkins Ditch annexation property, legally described in "Exhibit A" attached hereto. The Caulkins Ditch property shall be designated "Public Open Space".

Section 2. Severability: 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 deemed unenforceable shall not affect any of the remaining provisions.

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 27th day of March, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of April, 2000.

ATTEST:

Mayor

City Clerk

EXHIBIT "A"

Legal Description of the Property

A part of the northwest one-quarter of Section 33, Township 1 South, Range 68 West, of the 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the northwest corner of said Section 33; thence S89°54'49"E, a distance of 761.87 feet; thence S41°46'11"W, a distance of 39.86 feet to a point on the southerly right-of-way line of West 128th Avenue and on the easterly right-of-way line of the Caulkins Ditch, said point being the true point of beginning:

Thence N89°54'49"W, and along said southerly line of West 128th Avenue, a distance of 33.46 feet to a point on the westerly right-of-way line of the Caulkins Ditch; thence along said westerly right-of-way line the following seven (7) courses:

15. S41°44'39"W, A distance of 94.63 feet,
 16. S29°33'39"W, A distance of 122.28 feet,
 17. S16°35'47"W, A distance of 301.73 feet,
 18. S34°54'11"W, A distance of 218.39 feet,
 19. S04°05'48"W, A distance of 104.96 feet,
 20. S37°19'17"W, A distance of 386.96 feet,
 21. S66°07'38"W, A distance of 114.18 feet to a point on the easterly right-of-way line of Zuni Street; thence S00°27'41"W, and along said easterly line, a distance of 27.44 feet to a point on the easterly right-of-way line of the Caulkins Ditch; thence along said easterly right-of-way line the following seven (7) courses;
-
15. N66°07'38"E, A distance of 131.91 feet,
 16. N37°19'17"E, A distance of 400.84 feet,
 17. N04°05'48"E, A distance of 105.54 feet,
 18. N34°54'11"E, A distance of 215.53 feet,
 19. N16°35'47"E, A distance of 302.92 feet,
 20. N29°33'39"E, A distance of 116.77 feet,
 21. N41°44'39"E, A distance of 114.20 feet tot he point of beginning, said described parcel containing 34,137 square feet or 0.784 acres, more or less.

Note as to Basis of Bearings

To match City of Westminster bearings rotate bearings by 00°41'12" counter clockwise.



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 27, 2000
Subject: Resolution No. 27 re Quail Crossing Service Commitment Award Extension
Prepared by: John Quinn, Planner II

Introduction

City Council action is requested to adopt the attached Resolution extending the existing Category B-1 Service Commitment Award to the Quail Crossing residential project.

Summary

Attached is a request from David Budrow, President of Mackenzie Homes, the developer for the Quail Crossing single-family detached residential project, requesting an extension of the Service Commitments the City Council awarded to the project as a result of the 1998 new residential competition. Because the initial 10 Service Commitments will expire in April 2000, and the developer will not be ready to use those 10 by the deadline, a time extension is requested. Unless an extension is granted, the developer will lose 10 of the total 43 Service Commitments awarded and would need to compete in a future competition (if desired) to try to obtain those Service Commitments needed.

The Quail Crossing Official Development Plan (ODP) is anticipated to be scheduled for Planning Commission consideration at the April 25, 2000 meeting. Prior to that meeting and the April 13, 2000, Service Commitment expiration, the developer wishes to secure the 43 Service Commitments needed to accommodate the proposed development. The attached Resolution reflects the Service Commitments needed for the development and the time extension for Quail Crossing as follows:

Table I
Revised Service Commitment
Award Request

<u>2000</u>	<u>2001</u>
33	10

Completion of the project (and use of the entire, original total of 43 Service Commitments) was originally anticipated by the end of 1999. As a result, the developer's request above does not exceed the total amount of 43 Service Commitments that would have accumulated for the project at this time. (Please see Table II in the Background section of this report for year-by-year totals of the original award for Quail Crossing).

The City's Growth Management Program allows City Council to consider (based on specific criteria) these requests and grant extensions if desired. The criteria are as follows:

1. The need for the extension is the result of some unusual and unforeseeable circumstance reasonably beyond the control of the developer, and
2. The extension is needed to avoid undue or inequitable hardship that would otherwise result if the extension were not granted, and
3. There is no reason to believe that the developer will not be able to proceed with the development of the project within the extended time period.

A brief description and the circumstances leading to the extension request is given in the Background section of this report. Please see the attached map for the project location. The developer plans to attend the March 27, 2000, City Council meeting to answer any questions City Council may have.

Staff Recommendation

Adopt Resolution No. 27 extending the existing Category B-1 Service Commitment award to the Quail Crossing single-family detached project based on a finding that the Quail Crossing project meets Westminster Municipal Code Section 11-3-2(A) 2 criteria of the City's Growth Management Program.

Alternatives

One option is not to adopt the attached Resolution. Because the initial 10 Service Commitments for this project will expire before the developer is able to receive the initial building permits for the project, the result of this option would reduce the original total of 43 Service Commitments to 33. The developer would not be able to complete the project as shown on the Official Development Plan and would need to compete (if desired) in a future Category B-1 competition for the remaining 10 Service Commitments needed to finish the project. If the Service Commitments are not extended for the project, the developer will be unable to receive financing for the project. Based on discussions with the developer, if the project is unable to receive financing, the developer would choose to withdraw plans to develop the property.

Background

As part of the new residential competition process within the City's Growth Management Program, Service Commitments awarded to specific projects as a result of the competitive process are subject to a two-year expiration. In the past, there have been instances where developers anticipate a certain schedule, request Service Commitments based on that tentative schedule, but are ultimately unable to meet the expiration deadline. For this reason, the Growth Management Program allows City Council the ability to review extension requests for projects that have been proceeding through the development review process but at a slower rate than originally anticipated. The two-year expiration date was instituted at the request of the development community. This provision is to help ensure that Service Commitments awarded to projects that do not proceed to the City's development review process would be returned to the water supply for future award to another project within a reasonable amount of time.

In 1998, Gene Osborne, Rose Creek Properties, competed for Service Commitments in the new single-family detached competition for a 14.46-acre site south of 136th Avenue, west of Huron Street. The proposed project totaling 43 units complied with the Comprehensive Land Use Plan land use designation and density specification for the site. This project received the second highest score out of the four Category B-1 projects in the competition and was awarded 43 Category B-1 Service Commitments as follows:

<u>1998</u>	<u>1999</u>
10	33

Following the Service Commitment award, the developer proceeded to the City's development review process. During the development review process for the Official Development Plan (ODP), numerous problems arose in the preparation of the plans and the attempt of the developer to implement the criteria on which the project was approved. In September 1999, the developer withdrew from the project. Mackenzie Homes began to look at the property for development and decided to pursue development on the condition that they purchase and have sole control of the project. The project was purchased and MacKenzie Homes began extensive redesign and upgrading of the project. Mackenzie Homes has submitted extensive and detailed plans for staff review. Due to the detail and quality of the submission, it is anticipated that the review process can move quickly through the review process to public hearing. While the developer is close to receiving approval of the project, he is unable to meet the expiration deadline for the initial 10 Service Commitments.

Because, Mackenzie Homes came to the project very late in the development review process and extensively revised and upgraded the project in less than six months, this did result in unusual and unforeseen delays in the processing of the Quail Crossing ODP. Since acquiring the project, MacKenzie Homes has moved forward vigorously to produce the necessary studies drawings, and plans necessary for a full review and anticipated approval of the project in the next few months.

If unused by the deadline, the developer must forgo those Service Commitments (that would be returned to the water supply figures) and would need to enter a future competition. Because of the time, money and effort the developer has invested to this point, City Staff concurs with the developer that denying the Service Commitment extension request would cause an undue hardship for the developer.

Respectfully submitted,

William M. Christopher, City Manager

Attachments

RESOLUTION

RESOLUTION NO. 27

INTRODUCED BY COUNCILLORS

SERIES OF 2000

CATEGORY B-1 (NEW SINGLE-FAMILY DETACHED RESIDENTIAL)
SERVICE COMMITMENT AWARD EXTENSION FOR THE QUAIL CROSSING PROJECT

WHEREAS, the City of Westminster has adopted by Ordinance a Growth Management Program for the period 1990 through 2000; and

WHEREAS, within Ordinance No. 2651 there is a provision that Service Commitments for residential projects shall be awarded in Category B-1 (new single-family detached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new single-family detached development is limited, and the City of Westminster has previously adopted Resolution No. 76, Series of 1997, specifying the various standards for new single-family detached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster City Council has previously awarded 43 Category B-1 Service Commitments for the Quail Crossing residential project for the site south of 136th Avenue, west of Huron Street per Resolution No. 21, Series 1998; and

WHEREAS, Resolution No. 21, Series 1998 establishes that the Service Commitment award to the Quail Crossing residential project shall expire two years after the Service Commitment award date (April 13, 1998) adopted by the Westminster City Council and shall, therefore, expire on April 13, 2000; and

WHEREAS, the developer of the Quail Crossing residential project has provided a written request for an extension of the 43 Category B-1 Service Commitments awarded to the Quail Crossing residential project by the Westminster City Council on April 13, 1998; and

WHEREAS, Westminster Municipal Code Section 11-3-2 (A) 2 establishes criteria for City Council to consider when reviewing requests for Service Commitment Award extensions for new residential projects that previously received Service Commitment Awards as a result of the City's new residential competition process; and

WHEREAS, the Service Commitment award extension for the Quail Crossing residential project is the result of an unusual and unforeseeable circumstance reasonable beyond the control of the developer, is needed to avoid undue hardship that would otherwise result if the extension were not granted, and there is not reason to believe that the developer will not be able to proceed with the development of the project within the extended time period; and

WHEREAS, the developer for the Quail Crossing residential project has proceeded to the City's development review process; and

WHEREAS, a total of 43 single-family detached units does not exceed the density requirements within the City's Comprehensive Land Use Plan; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, that:

1. A Category B-1 Service Commitment award is hereby extended to the Quail Crossing project proposed for the site south of 136th Avenue, west of Huron Street listed below as follows:

# Service Commitments Per Year			
Project	2000	2001	Total
Quail Crossing	33	10	43

2. The Service Commitment award to the project listed above is conditional and subject to the following:

- a) For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
- b) Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project or proposed density.
- c) The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-1 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-1 award.
- d) The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. The City Staff during the competition process does not review the sketch plans submitted by applicants. Significant changes to the sketch plan are probable once the City's development review process begins for any project.
- e) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
- f) The Service Commitment award for the project listed above, if approved by the City, may only be used within the project specified above.
- g) This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
- h) The Category B-1 Service Commitment awards shall be valid for a period of two years from the date of award specified on this Resolution (March 27, 2000) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is

issued for the project during that two-year period. Future year awards are effective as of January 1 of the specified year.

- i) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
 - j) All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
3. The Category B-1 Service Commitment award shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over in to the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 27th day of March, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 27, 2000
Subject: Design Contract for Public Safety Facility
Prepared by: Janice Kraft, Technical Services Administrator

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Humphries Poli Architects in the amount of \$942,000 for design services for the new Public Safety Facility and establish a 10% design contingency of \$94,200. Further, City Council action is requested to pass the attached Councillor’s Bill on first reading appropriating 1999 General Fund carryover in the amount of \$528,350 into the appropriate project account in the 2000 General Capital Improvement Fund Budget. The General Capital Improvement Fund Project budget currently has \$507,850 set aside for design for the Public Safety Facility project. This carryover is necessary to replenish the project account with funds that were used for the 3.8 acre land purchase adjoining City Hall which is the proposed location of the new Public Safety Facility. The total design budget including contingency is proposed to be \$1,036,200 after the supplemental appropriation of 1999 General Fund carryover.

Summary

Staff interviewed three architectural firms for the Public Safety Facility project design. A selection team consisting of staff from the City Manager’s Office, Community Development, Police Department and Fire Department determined that two of the three firms were the best qualified and asked them to submit cost proposals for design services. The proposals received for basic design services were:

Humphries Poli Architects \$847,000 Sink Combs Dethlefs Architects \$815, 995

Though the Humphries Poli proposal for design services is \$31,000 higher than Sink Combs Dethlefs, Staff is recommending the contract be awarded to Humphries Poli for the following reasons:

- 1) The primary difference between the Humphries Poli cost proposal and the one received from Sink Combs Dethlefs is that Humphries Poli anticipated and provided for more time for their principal and more experienced staff to be involved in the project. Their proposal includes more man-hours devoted to the project than Sink Combs Dethlefs’; as much as 45-50% more in several key areas of the project design. The Humphries Poli proposal reflects greater attention and focus on areas of the design which Staff indicated were most critical and important to the City – soils and geotechnical engineering, structural, mechanical, landscape design, construction administration services and overall project management and control.
- 2) Humphries Poli will be partnered with Roth+Sheppard Architects, a design firm that specializes in public safety facilities. They committed to a 50/50 partnership for this project, so there will be extensive involvement in the design by professionals very experienced in this type of specialized building. The proposal from Sink Combs Dethlefs did include a subconsultanting firm, Leach Mounce, who specializes in public safety building design, but analysis of their proposal indicates that Leach Mounce would be involved in approximately 5% of the design process, whereas the Humphries Poli proposal provides for Roth+Sheppard’s involvement 50% of the time throughout the project.

The principal from Roth+Sheppard working on our project currently serves on the International Chiefs of Police Advisory Board redefining guidelines for police and law enforcement facility design in the 21st century. Roth+Sheppard Architects also have previous experience with this project, participating in the facility analysis, site selection and the new facility programming. Combined public safety design experience of the principals at Roth+Sheppard exceeds 48 years; whereas the project manager/architect proposed by Sink Combs Dethlefs has 14 years and the firm itself has no direct experience with a public safety building project.

- 3) Humphries Poli has first-hand experience with this project that Sink Combs Dethlefs does not. They have provided several services to the City on this project; building deficiency study on the existing police building, space needs assessment, split facility analysis, site selection, master planning for the City Hall site, some early conceptual site design and the new facility programming. Staff believes this to be important as there will be no learning curve involved and continuity in the progression of the project will be guaranteed.
- 4) Humphries Poli's staff assigned to this project have worked together as a team for over eight years. The proposed team from Sink Combs Dethlefs has worked together for less than three years. Staff believes that this tenure and continuity will be an asset to this project.
- 5) Humphries Poli's proposal listed more specific Construction Management/General Contractor (CM/GC) project delivery experience than Sink Combs Dethlefs. This is a process whereby the contractor is brought into the process early to assist with design, value engineering, scheduling and cost estimating. City Staff will be recommending to City Council that this CM/GC approach be used for the new Public Safety Facility project.
- 6) All of Humphries Poli's responses to Staff's requests for information during the selection process were received early; the content being thorough, detailed, clear and easy to understand. All responses contained all the information as requested. The original response to the request for qualifications from Sink Combs Dethlefs was incomplete. Staff had to seek clarification from Sink Combs Dethlefs on their cost proposal also, as it did not contain information specifically requested.

Both Humphries Poli and Sink Combs Dethlefs proposed an additional cost for reimbursable expenses such as reproduction costs, postage, shipping, delivery, color reproduction and mounting, mileage, telephone/fax, etc. Humphries Poli based their estimate on a percentage of total fees for the design of the project with a topset of \$65,000. Sink Combs Dethlefs based their estimate on a percentage of construction cost with a topset of \$51,551.

Staff is also requiring the architect to carry additional project-specific insurance in the amount of \$4 million. This insurance would cover the performance of the architectural firm and all sub-consultants and engineers working for them on the design team. This insurance will have a two-year extended discovery period. Both Humphries Poli and Sink Combs Dethlefs use the same insurance carrier so their proposal for the cost of this insurance was identical. The cost to the project will be \$30,000.

Total proposed contract with Humphries Poli will be \$942,000 with \$847,000 for design services, \$30,000 for additional project-specific insurance, and a topset of \$65,000 for reimbursable expenses. A 10% contingency of \$94,200 will make the total design cost \$1,036,200.

Alternative

City Council could require Staff to award the contract to Sink Combs Dethlefs. Staff believes that the advantages of selecting Humphries Poli Architects, public safety facility design experience, knowledge, responsiveness, thoroughness, detail and attention to critical design and construction elements, outweigh the cost difference.

Staff Recommendation

1. Authorize the City Manager to sign a contract with Humphries Poli Architects in the amount of \$942,000 **which includes \$847,000** for the design of the Public Safety Facility, \$30,000 for additional project-specific insurance, a topset of \$65,000 for reimbursable expenses and a 10% contingency of \$94,200.
2. Pass Councillor's Bill No. 27 on first reading authorizing an appropriation of 1999 General Fund Budget carryover funds in the amount of \$528,350 to the appropriate project account in the 2000 General Capital Improvement Fund Budget for the contract cost plus a 10% contingency of \$94,200.

Background

As City Council will recall, the new Public Safety Facility is proposed to be approximately 74,000 square feet in size containing 70,000 square feet for the Police Department and administrative offices of the Fire Department and 4,000 square feet for the Westminster Federal Credit Union.

The Police Department portion of the building contains not only office space, but also specialized areas such as the 9-1-1 Emergency Dispatch Center, crime lab, evidence storage, booking and holding cells, armory with tactical equipment storage and an overall greater need for facility security. Fire Administration offices will be relocated to the new building from their current quarters in City Hall. The Credit Union will sign at least a 10-year lease at commercial rates for 4,000 square feet of space in the building. It is anticipated that parking for 350 cars, public, employee and City fleet will be included in the site design. Council authorized the purchase of 3.8 acres of land between City Hall and the two water tanks for the placement of this building and related parking. Closing on the land purchase was February 18, 2000. An early budget estimate for the project, before the inclusion of the Credit Union, is approximately \$13.5 million.

In December 1999 Staff requested letters of qualifications from five architectural firms selected for their previous experience with the City and public safety facility projects. Those firms were RNL Design, DLR Group, Durrant Architects, Humphries Poli and Roth + Sheppard, and Sink Combs Dethlefs.

After analyzing the responses, staff eliminated RNL Design and Durrant Architects from further consideration. RNL and Durrant did not list recent designs or projects in their qualifications that were similar to the City's project in building size, cost, type and complexity, or having similar site configuration and similar design goals and objectives.

Follow-up interviews were held in January with Humphries Poli and Roth + Sheppard, DLR Group, and Sink Combs Dethlefs. DLR Group was eliminated from the process subsequent to these interviews based on Staff's concern with their approach to the project, philosophy on teamwork in the project process, communication and the firms design ability on an important civic project like this.

A request for cost proposal for design services was sent to Humphries Poli and Sink Combs Dethlefs in early February. Both firms responded. Humphries Poli's design services proposal totaled \$847,000 and Sink Combs Dethlefs' proposal was for \$815,995 – a \$31,000 difference. Staff's analysis of the proposals found that the cost difference between the two was indicative of more involvement, greater experience level of personnel and the number of man-hours devoted to the design from Humphries Poli than that proposed by Sink Combs Dethlefs. Humphries Poli's proposal also reflects a higher level of effort by more experienced staff being devoted to critical components of the design such as soils and geotechnical engineering, structural engineering, architectural design, and construction administration.

Sink Combs Dethlefs proposed a firm from California, Leach Mounce, to supplement the experience of their proposed project architect. Sink Combs Dethlefs' architect has 14 years of experience, many involved police building projects, but he has not recently designed a public safety facility nor has Sink Combs Dethlefs as a firm been involved in a similar project. Leach Mounce was proposed as a subconsultant in the security component of the design. Sink Combs Dethlefs proposed also using Leach Mounce as a 'quality assurance' check, but indicated that this firm would only actively be involved in about 5% of the project. Humphries Poli will team with Roth+Sheppard in a 50/50 partnership. Roth+Sheppard designs public safety facilities exclusively and their principal, Herb Roth, serves on an advisory panel to the International Chiefs Of Police on redefining guidelines for law enforcement building design. Staff believes that the composition of this 50/50 partnership will provide the City's project a higher level of design knowledge and experience particular to this specialized building type than the Sink Combs Dethlefs proposal.

Another key component in the evaluation of both firms was their experience with the Construction Management/General Contractor (CM/GC) approach to delivery of the project. This approach involves the contractor very early in the design process when they can provide the greatest benefit to value engineering, cost estimating, scheduling, and overall project management. This process links the three elements in the process, owner, architect and contractor, from almost the start, which furthers the development of a cohesive team. The City will be using this CM/GC approach for the Public Safety Facility project and Humphries Poli has extensive CM/GC project experience, more so than Sink Combs Dethlefs.

References checked on both firms were very favorable. Both firms ranked high on design ability, communication, listening skills, commitment and the ability to keep the project on schedule and within budget. Humphries Poli was rated slightly higher on construction management. References noted Humphries Poli's ability to recognize potential problems, stepping in early and holding the contractor accountable.

It is Staff's plan to substantially complete design prior to determining the final size of the facility. This will allow the City to appropriately size the financing needed for construction and site work for this building. Staff will keep City Council updated as the design progresses.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2000

COUNCILLOR'S BILL NO. 27
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2000 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Fund initially appropriated by Ordinance No. 2728 in the amount of \$61,747,852 is hereby increased by \$528,350 which, when added to the fund balance as of the City Council action on April 10, 1999 will equal \$62,385,894. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 1999 Carryover funds for the design of the Public Safety Facility.

Section 2. The \$528,350 increase in the General 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>
REVENUES			
Carryover 10-0090-000	\$1,133,001	<u>\$528,350</u>	\$1,661,351
Total Change to Revenues		<u>\$528,350</u>	
EXPENSES			
Transfers to the General Capital Improvement Fund 10-10-95-990-975	\$1,133,000	<u>\$528,350</u>	\$1,661,350
Total Change to Expenditures		<u>\$528,350</u>	

Section 3. The 2000 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2728 in the amount of \$12,496,000 is hereby increased by \$528,350 which, when added to the fund balance as of the City Council action on April 10, 1999 will equal \$17,263,241. The actual amount in the General Capital Improvement 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 transfer of 1999 Carryover funds for the design of the Public Safety Facility from the General Fund.

Section 4. The \$528,350 increase in the General Capital Improvement 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>
REVENUES			
Transfers from the General Fund 75-9999-360	\$6,130,232	<u>\$528,350</u>	\$6,658,582
Total Change to Revenues		<u>\$528,350</u>	
EXPENSES			
Public Safety Facility - Unauthorized 75-20-88-555-155	\$507,850	<u>\$528,350</u>	\$1,036,200
Total Change to Expenditures		<u>\$528,350</u>	

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. 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 27th day of March 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of April 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 27, 2000

Subject: Councillor's Bill No. 25 re Restorative Justice Grant Appropriation

Prepared by: Dan Montgomery, Chief of Police

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating \$37,768 from the Department of Justice Restorative Justice in Schools Grant to the Police Department Community Services Division Budget. On September 13, 1999, City Council passed Councillor's Bill No. 56 appropriating \$37,969 of the \$75,537 approved by the Department of Justice on June 10, 1999 for the 1999-2000 school year. Therefore, it is necessary for the remaining \$37,768 to be appropriated in the 2000 budget.

Summary

In December 1998, the Police Department and Mandalay Middle School applied for a Department of Justice Grant for funding of a Restorative Justice Program at Mandalay and Moore Middle Schools. The Department of Justice approved the grant on June 10, 1999, and will provide total funding of \$75,537 for the 1999-2000 school year. On September 13, 1999, City Council passed Councillor's Bill No. 56 appropriating \$37,769 of the grant for use in 1999.

The Restorative Justice Program is an intensive intervention that involves the at-risk student, teachers, counselors, administrators, and other staff members, as well as the School Resource Officers. The focus is on teaching and encouraging responsible behavior rather than controlling irresponsible behavior. The Department of Justice grant will fund the program coordinator's salary and other miscellaneous expenses involved with running the program. The Restorative Justice Program will focus on the most high-risk students in the school, which are approximately 15% of the school's population. Another approximate 15% will be involved in the program as victims.

The community, parents, police and schools are always looking for ways to break the cycle of suspension and expulsion and help students bond to their school and care about their education. Alternative measures need to be evaluated to help students learn from their mistakes and reconcile and resolve problems with others, and in Staff's opinion, this program is a worthwhile endeavor.

Staff Recommendation

Pass Councillors Bill No. 25 on first reading appropriating \$37,768 to the Police Department Community Services Division 2000 budget.

Background Information

The suspension and expulsion rates in schools are increasing. Frequently, students who are suspended continue to display anti-social behavior after returning to school and are often suspended again within the school year. Expulsion rates have increased dramatically since the state law mandating expulsion for certain behaviors was passed.

One mandated reason for expulsion is for being "habitually disruptive." Though this action was taken by the state to make schools safer for most children, there is concern that the students who get caught in the cycle of suspension become less committed and bonded to their school thus making them even more at risk for criminal behaviors.

Both Moore and Mandalay Middle Schools have full time Westminster Police Department SRO's who works closely with the school administration on discipline issues. The SRO's have developed a good working relationship with the school staff, students, and have worked closely with the school's comprehensive discipline plan.

Last year (1998/1999 school year), Mandalay Middle School administered this grant for their school. Student suspensions were decreased by 17%, 152 suspensions, compared to 183 for the 1997/1998 school year. In addition, Mandalay had no expulsions in the 1998/1999 school year compared to two the previous year. Based on this success, Jefferson County School administrators would like to expand this program to include Moore Middle School. The Police Department applied for the Restorative Justice in Schools Grant to include both Moore and Mandalay Middle Schools. The grant was approved on June 10, 1999 and covers the period of July 1, 1999 to June 30, 2000. Funding will pay for personnel for training, supervision, and evaluation, substitute teachers, mileage, and copying and postage expenses. The match of \$52,748 will be provided by Moore and Mandalay Middle Schools in the amount of \$41,612, and the Police Department's match of \$11,136 in soft dollar costs. Moore's and Mandalay's match is in the form of staff salaries, and the Police Department's match is the SRO's salary plus the department's facility rental for training for four days.

One of the prime objectives of the program is to assist students in the development of behavior that is socially acceptable, respectful, and mindful of the dignity of others. The program has a number of interventions that include teachers, counselors, administrators, and other staff members, as well as the SRO's, who focus on teaching and encouraging responsible behavior rather than controlling irresponsible behavior.

The program will consist of: facilitator training on the restorative justice model of family group conferencing; training for the school staff; presentations to members of community organizations who provide services to youth, families and schools; monthly supervision meetings of trained facilitators; and evaluation of the program and planning sessions with the school and facilitators for the next school year.

It is Staff's observation that law enforcement and the community wish to see students learn from their mistakes, learn more self-control, and re-enter the school setting with a responsible attitude and a feeling that they are part of their school and not feeling alienated and rebellious. This program is intended to help accomplish this goal.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **25**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Fund, initially appropriated by Ordinance No. 2728 in the amount of \$61,747,852 is hereby increased by \$37,768 which, when added to the fund balance as of the City Council action on April 10, 2000, will equal \$61,863,812. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a U.S. Department of Justice grant to fund the Restorative Justice in Schools Program.

Section 2. The \$37,768 increase in the General 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>			
Federal Intergovernmental Restorative Justice			
10-0426-096	\$0	\$37,768	\$37,768
<u>EXPENSES</u>			
Contractual Services:			
Restorative Justice Grant			
10-20-27-299-096	\$0	\$37,768	\$37,768

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of March, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ___th day of _____, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: March 27, 2000

Subject: Councillor's Bill No. 26 re Intergovernmental Agreement with Jefferson County Head Start

Prepared by: Kathy Sullivan, Library Services Manager

Introduction

City Council action is requested to pass the attached Councillor's Bill authorizing the City Manager to sign an Intergovernmental Agreement to lease the facility currently housing the Kings Mill Library to Jefferson County for use as Head Start classrooms. A copy of the Intergovernmental Agreement is attached for Council's review.

Summary

At the January 24, 2000 City Council meeting, Council directed Staff to negotiate with Jefferson County to pursue an Intergovernmental Agreement to lease the Kings Mill Library to Head Start for use as a classrooms. The City's negotiating team and officials from Jefferson County have worked out an agreement acceptable to all parties for the remodel, lease, and operation of the Head Start facility. Highlights of the agreement are provided in the Background section.

Alternatives

1. Do not approve the IGA and continue to operate Kings Mill Library.
2. Convert Kings Mill Library to some use other than a Head Start facility.
3. Leave the building empty assuming the Library would still be closed.

Staff Recommendation

Pass Councillor's Bill No. 26 on first reading approving the Intergovernmental Agreement with Jefferson County to lease the facility currently housing the Kings Mill Library to Jefferson County for use as Head Start classrooms and authorizing the City Manager to sign the agreement.

Background

City Council previously authorized staff to negotiate with the Jefferson County Head Start Administrator regarding the establishment of a new Head Start facility adjacent to the Kings Mill Branch Library. This led to the Head Start program receiving \$319,050 in a federal grant to design and construct two classrooms and ancillary facilities adjacent to the existing library and swimming pool. Unfortunately, the project architects encountered some unforeseen expenses and the project budget rose to \$60,000 over the funding that was available. In July 1999, Council directed staff to pursue an Intergovernmental Agreement to lease the existing Kings Mill Library facility to Jefferson County for use by the Head Start program.

Staff subsequently met with Head Start to further develop this proposal, and Sandy Martin, the Head Start Administrator, received approval from the Federal Government to use the grant funds to remodel the Kings Mill building. In November 1999, Council reviewed the proposal again and authorized staff to proceed with the process to inform the public and receive feedback from residents on the issue.

On November 11, the Westminster Library Board unanimously supported the proposal, and on November 12, letters were sent out to more than 3,700 library patrons living in areas surrounding Kings Mill outlining the plan and inviting them to the Oakhurst C.O.G. meeting on November 17 to express their views. Because of the short time frame between sending the letters and the first public meeting, a second public meeting was scheduled for December 2, and additional letters were sent out to 2,100 households surrounding the Kings Mill Library.

Forty-two residents attended the meeting on December 2. At the December 13 Council meeting, a group of 14 residents requested that Council allow them more time to develop a proposal to increase use and/or reduce costs of operating Kings Mill. Council heard a presentation by the group at the January 24 Council meeting, then decided to proceed with negotiations to lease the Kings Mill Library to Head Start.

Highlights of the recommended Intergovernmental Agreement:

- The City will lease the Kings Mill Library to Jefferson County for 20 years.
- A community meeting room will be available for use by community organizations and/or the City whenever it is not in use for Head Start purposes.
- The County will pay all utilities, except those associated with the Kings Mill Pool.
- The County will provide all routine maintenance and repairs to the facility. The City will maintain the parking lot, and the cost of that maintenance will be shared equally by the City and County.
- At the end of the 20 year period, the County will surrender the facility to the City.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Intergovernmental Agreement
Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **26**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A LEASE WITH JEFFERSON COUNTY FOR USE OF THE KINGS MILL BUILDING FOR A HEAD START PROGRAM

WHEREAS, City Council previously authorized the closure of the Kings Mill library and use of the building for the Head Start program through an intergovernmental agreement between the City and Jefferson County; and

WHEREAS, pursuant to said intergovernmental agreement, the City will lease to Jefferson County the major portion of the Kings Mill building and a portion of the surrounding property while retaining the swimming pool and sharing use of the community room and the parking lot; and

WHEREAS, the substantial terms of the intergovernmental agreement and lease has been agreed to by the parties, with the form of exhibits specifically identifying the portions of the property to be leased to be completed in form satisfactory to the City Attorneys Office prior to signing; and

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Intergovernmental Agreement and Lease between the City and Jefferson County for the lease of the Kings Mill building for the Head Start program 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 27th day of March, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of April, 2000.

Mayor

ATTEST:

City Clerk

INTERGOVERNMENTAL AGREEMENT AND LEASE

THIS INTERGOVERNMENTAL AGREEMENT AND LEASE, dated for reference purposes only this 24th day of March, 2000 (the "Lease"), is made and entered into by and between the COUNTY OF JEFFERSON, STATE OF COLORADO, a body politic and corporate (the "County"), and the CITY OF WESTMINSTER, a municipal corporation (the "City").

WHEREAS, pursuant to C.R.S. §29-1-203, C.R.S., as amended, governmental entities may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each, and

WHEREAS, the City owns real property that is the site of the Kings Mill Library at 9018 Field Street in Westminster, having a legal description of Lot 51, Block 8, Kings Mill Subdivision North, Westminster, Colorado (the "**Site**"), and

WHEREAS, the County provides Head Start services to residents of the County, and

WHEREAS, the County and the City wish to have Head Start locate at the Site.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, the County and the City agree as follows:

1. Lease. The City hereby leases a portion of the Site to the County for the County to use to operate a Head Start facility. The portion of the Site to be leased to the County (the "**Facility**") shall consist of: (a) the building located on the Site that is currently used as the Library, excluding the small out-building that is north of the pool and is used for the pool, (b) non-exclusive use of that small room on the north side of the building with an exterior entrance that contains equipment for the pool and the heating, ventilation and air conditioning equipment for the building, (c) non-exclusive use of any parking lots located at the Site, and (d) ground for construction of a playground that will be approximately 2,550 square feet and will located generally where shown on "**Exhibit A**" to this Lease. The Facility specifically excludes the pool and pool-related building and equipment, the tennis court, bike path, and other public facilities on the Site which are not included in the definition of Facility, which shall remain the exclusive property and responsibility of the City.

2. Term. The term of the Lease is twenty years from its date of execution by the last of the parties to execute it. The Lease shall continue year to year thereafter until terminated by either party as provided below. The City agrees to lease the Facility to the County for \$1 per year and other good and valuable consideration, the receipt of which is hereby acknowledged.

3. Facility. The County will remodel the Kings Mill Library building at the Site using federal Head Start grant money. The remodeled building will conform generally to the Preliminary Floor Plan that is "**Exhibit B**" to this Lease. The County will also construct a playground area that will be approximately 2,550 square feet and will conform generally to the design that is Exhibit A to this Lease.

4. Construction Approvals. The County may use independent contractors or its own forces for the design, remodeling and construction of the Facility. All Facility planning, building plans, and necessary documents will be reviewed and approved by the appropriate Planning, Engineering and Building Divisions within the City. The City will issue a building permit, provide the normal construction inspections for the Facility, and provide a certificate of occupancy for the Facility when the City's requirements are satisfied. All of the City's staff time for these services and the permit fee shall be considered in-kind contributions to Head Start. The City will quantify the amount of such in-kind services for use by the County in assuring its match.

5. Shared use. The County's use of the Facility shall be limited to the conduct of a Head Start Program and related functions. The County Head Start Program shall have priority in use of the Facility. The office area and classroom in the Facility will not be available for use by the City or any entity other than Head Start. The remainder of the Facility, including the community room and restrooms, will be available for use by the City or any person or entity approved by the City whenever it is not in use for Head Start purposes. The City may permit the Facility to be used for any program or service and may permit such organizations and groups to use the Facility under such terms and conditions as the City may deem appropriate. Each party shall to this Agreement shall be responsible for securing the Facility after its own, or permitted,

use. The City shall be responsible for loss or damage to the Facility caused by the City's own or permitted use of the Facility by entities other than the County.

6. Certification of the City. The City hereby certifies that the use proposed for the Facility by this lease is allowed by the zoning of the Facility.

7. Utility, Custodial, Insurance and Landscape Maintenance Costs. The City will continue to provide existing utilities to the Facility, including water, sewage disposal, electricity, heating, air conditioning, and trash removal. The City will provide drainage improvements as it determines are required. The County will secure and pay for any additional utilities required by the County. The County will pay directly the cost of utilities not associated with the pool, and the City will pay utilities associated with the pool. The County will pay normal custodial services attributable to the Facility. The City will provide or pay for extraordinary custodial services when necessitated by uses other than Head Start. The County will include the Facility in the County's insurance program and will be responsible for damage to the Facility that does not arise from City, or City approved, use of the Facility. The County shall be liable for, and shall hold the City harmless from, any claims, loss or damage to any person or property that arises in connection with the Head Start program or arises from use of the Facility for Head Start purposes. The City shall be liable for, and shall hold the County harmless from, any claims, loss or damage to any person or property that does not arise in connection with the Head Start Program or from use of the Facility for Head Start purposes.

8. Maintenance, Repair and Replacement. The City will provide all landscape maintenance for the Facility. The City will maintain the parking lot and the County and the City will each pay one-half of the cost of such maintenance. The County will provide all routine maintenance, repairs and replacements to the Facility that are not specifically set forth above as the obligation of the City. The County will provide snow removal at the Facility as required during Head Starts hours of operation. The City will provide snow removal for after-hours and weekends when required for uses unrelated to Head Start. In the event that any major repair or maintenance is needed, the parties agree to work cooperatively to determine how the repair or maintenance will be funded.

9. Signs. The County shall have the right to place exterior signage at the Facility in conformance with City ordinances.

10. Surrender of Premises. The County will surrender the Facility at the end of the Lease term broom clean and in good condition, reasonable wear and tear excepted. Any fixtures, that can not be removed without damage to the Facility shall remain with the Facility and become the property of the City, except that the County has the option to remove the playground equipment. All equipment and personal property placed in or around the Facility by the County, other than fixtures, remain the property of the County and may be removed or otherwise disposed of by the County.

11. Termination by County. The County shall have the right to terminate this Lease and vacate the premises upon 30 days' notice to the City. In the event the premises are abandoned or vacated by the County, the City shall have the right to remove any property of the County and occupy or re-let the premises.

12. Termination by City. The Lease shall be terminable by the City prior to the expiration of its term only in the event (a) the facility is no longer used as a Head Start facility or (b) the County has a material default under this lease that is not cured within thirty days after the County receives notice of the default, or such longer times as may be necessary to cure the default. After the first ten years of the Lease term, the Lease shall be terminable by the City at its option on 1 year's notice to Head Start, and upon payment to Head Start of its depreciated improvement costs. Depreciated improvement costs shall be calculated as Head Start's total costs for improvements to the Facility, depreciated on a straight-line basis over twenty years.

13. Quiet Possession. The City warrants and defends the County's quiet possession and peaceful enjoyment of the Facility.

14. Severability. Should any one or more provisions of this Lease be determined to be illegal or unenforceable, all other provisions nevertheless shall remain effective; provided, however, the parties shall enter into good faith negotiations and proceed with due diligence to draft a term that will achieve the original intent of the parties.

15. Amendment. This Lease may be amended, modified or changed in whole or in part only by written agreement duly authorized and executed by the parties.

16. Venue. Venue for the trial of any action arising out of any dispute hereunder shall be in the district court for the County of Jefferson, State of Colorado.

17. Intent of Lease; No Joint Venture. Except as otherwise stated herein, this Lease is intended to describe the rights and responsibilities of and between the parties and is not intended to and shall not be deemed to confer rights upon any persons or entities not named as parties, nor to limit in any way the powers and responsibilities of the County, the City, or any other entity not a party hereto. Nothing contained herein shall be deemed to create a partnership or joint venture between the County and the City with respect to the subject matter hereof.

18. Assignability. The Lease is assignable by the County only to a successor of the County that provides Head Start services, or similar services under a successor program to the Head Start program. Except as otherwise specifically provided herein, no party hereto shall assign its rights or delegate its duties hereunder without the prior written consent of the other parties hereto.

19. Governing Law. This Lease shall be governed by, and shall be construed in accordance with, the laws of the State of Colorado.

20. Headings for Convenience. Headings and titles contained herein are intended for the convenience and reference of the parties only and are not intended to combine, limit, or describe the scope or intent of any provision of this Lease.

21. Entire Agreement. This Lease constitutes the entire agreement of the parties hereto. The parties agree that there have been no representations made regarding the subject matter hereof other than those (if any) contained herein, that this Lease constitutes the entire agreement of the parties with respect to the subject matter hereof, and further agree that the various promises and covenants contained herein are mutually agreed upon and are in consideration for one another.

22. Successors and Assigns. This Lease shall inure to the benefit of, and be binding upon the parties, their successors and assigns.

23. Appropriation. The payment of obligations in fiscal years subsequent to the current year are contingent upon funds for this Lease being appropriated and budgeted by each party. If funds for this Lease are not appropriated and budgeted by the County in any year subsequent to the fiscal year of execution of this Lease, this Lease shall terminate.

IN WITNESS WHEREOF, the County and the City have executed this Lease as of the date(s) set forth below.

ATTEST:

COUNTY OF JEFFERSON
STATE OF COLORADO

By _____
Deputy Clerk

By _____
Richard M. Sheehan, Chairman
Board of County Commissioners
Date _____

Address for Notice to the County:

Director of Head Start
900 Jefferson County Parkway
Golden, CO 80419

With a copy to:
County Attorney
100 Jefferson County Parkway
Golden, CO 80419

APPROVED AS TO FORM:

By _____
Ellen G. Wakeman,
Deputy County Attorney

CITY OF WESTMINSTER

By _____
Title: _____
Date _____

Address for Notice to City:



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 27, 2000

Subject: Resolution No. 28 re Staffing for Sundays at College Hill Library

Prepared by: Kathy Sullivan, Library Services Manager

Introduction

City Council action is requested to adopt the attached Resolution upgrading 1.0 FTE Library Page positions currently assigned to the Kings Mill Library to one .5 FTE Librarian I position and one .5 FTE Library Associate I position. These two new positions will be assigned to College Hill Library to assist with staffing that library facility on Sunday afternoons from 1-5 p.m. Funds for this upgrade can be reallocated from existing Kings Mill Library budgeted operating funds.

Summary

At the January 24 City Council meeting, Council directed staff to reallocate resources from the Kings Mill Library to the College Hill Library in order to open the College Hill Library on Sundays. A copy of the plan to reallocate these resources to provide Sunday service at College Hill is attached for Council's review.

Staff Recommendation

Adopt Resolution No. 28 upgrading 1.0 FTE Library Page positions to one .5 FTE Librarian I position and one .5 Library Associate I position, to assist with staffing the College Hill Library on Sunday afternoons.

Alternatives

- Do not approve the position upgrades, and direct staff not to open College Hill Library on Sunday afternoons.
- Do not approve the position upgrades, and direct staff to develop another staffing alternative.

Background

The Kings Mill Library is currently staffed with the following positions:

- .8 Library Associate (circulation)
- .7 Library Clerk (circulation)
- 1.125 Library Pages (shelvers)

The Library Supervisor for 76th Ave. and Kings Mill also spends approximately 8 hours per week at Kings Mill, and several professional librarians each spend a few hours per week at Kings Mill.

In order to staff Sundays at College Hill Library, staff will be needed not only for circulation, but also for the Children's area, the Information Desk, and the Reference Desk. Front Range Community College has tentatively agreed to also provide some staffing for the reference area and the second floor circulation desk. In order to staff the Children's Library, staff proposes the upgrade of .5 FTE from a Library Page to a Library Associate I position. In order to assist with staffing of the Information and Reference desks, staff proposes the upgrade of .5 FTE from a Library Page to a Librarian I position. At the present time, two Library Page positions are vacant and a third Library Page is planning to resign in May. Upgrading the positions at this time will allow adequate time to recruit for the two new positions, and train the new staff to be ready to work Sundays beginning this summer. A more detailed explanation of the proposed staffing plan is attached for Council's review.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Resolution No.
Copy of proposed staffing plan

RESOLUTION

RESOLUTION NO. **28**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

AUTHORIZING THE UPGRADE OF ONE F.T.E. UNBENEFITTED LIBRARY PAGE POSITION TO TWO .5 FTE BENEFITTED POSITIONS TO PROVIDE STAFFING FOR SUNDAYS AT COLLEGE HILL LIBRARY

Whereas, City Council has directed staff to pursue an Intergovernmental Agreement with Jefferson County Head Start to lease the Kings Mill Library to that agency for use as a Head Start classroom facility, and

Whereas, City Council has directed staff to reallocate Kings Mill Library staff and other resources to College Hill Library in order to provide Sunday hours of operation at that facility,

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that 1.0 full time unbenefitted Library Page positions assigned to Kings Mill Library be upgraded as described below:

Upgrade one unbenefitted .5 FTE Library Page to one .5 FTE Librarian I to assist with staffing of the information and reference desks at the College Hill Library on Sundays. The total cost of this upgrade in 2000, including benefits, is estimated at \$6,310.

Upgrade one unbenefitted .5 FTE Library Page to one .5 FTE Library Associate to assist with staffing of the Children's desk on Sundays at the College Hill Library. The cost total cost of this upgrade in 2000 is estimated at \$4,557, including benefits.

Passed and adopted this 27th day of March, 2000.

ATTEST:

City Clerk

Mayor

Staff Reallocation Plan

Kings Mill Library to College Hill Sunday Staffing

Current Kings Mill Staff:

.2 Library Supervisor (Chuck Huey)
.8 Library Associate (Judy Croft)
.7 Library Clerk (vacant)
1.125 Library Pages A total of 1.0 FTE Library Page positions would be converted as explained below. The additional .125 Library Page hours (5 hours per week) will be distributed among Library Pages at College Hill.

2.825 FTE staff total

Reassignments:

.2 Library Supervisor (Chuck Huey) .2 FTE to Adult Services desks at CH
.8 Library Associate (Judy Croft) .8 FTE to Circulation desks at CH
.7 Library Clerk .7 FTE to Circulation desk at CH

Conversions: Cost in 2000 for salary increase and benefits:

1.0 Library Pages (salary for seven months)	(\$10,972)
.5 Librarian I for Adult Services	(\$10,081)
.5 Associate for Youth Services	(\$ 6,961)
Total Salaries	(\$17,041)
Total increase in salaries	\$ 6,070
Benefits for new positions	\$ 2,897
Total	\$ 8,967

Funding for positions to be taken from:

10-50-62-284-000 (Gas & Electric for Kings Mill)	\$ 5,000
10-50-62-282-000 (Telephone charges for Kings Mill)	\$ 2,200
10-50-62-321-000 (Supplies for Kings Mill)	\$ 1,200
10-50-62-299-000 (Other contractual services for Kings Mill)	\$ 600

Total **\$ 9,000**

The three new positions (Library Clerk I, Librarian I and Library Associate I) will all work every Sunday at College Hill. Other library staff will work one Sunday every six weeks. This will allow the library to staff the desks as follows:

Circulation: 4 staff members
Children's: 2 staff members
Information: 1 staff member
Reference: 2 staff members

Front Range has tentatively agreed to provide some staff to help with the upper level of the library, beginning with the College's new fiscal year of July 1, 2000.



WESTMINSTER

Agenda Memorandum

Date: March 27, 2000

Subject: Resolution No. 29 Re Single Family Mortgage Loan Program

Prepared by: Bill Christopher, City Manager

Introduction

City Council previously earmarked \$1.0 million of the City's allocation of Private Activity Bond (PAB) authorization for the purpose of participating in the Metro Mayor's Caucus Single Family Mortgage Bond Program. Formal action on the assignment of this PAB allocation to the City and County of Denver which is serving as the issuer of the bonds to finance residential housing for low and middle income persons and families is requested at this time.

Summary

The City of Westminster's Private Activity Bond (PAB) allocation for year 2000 is \$2,432,675. This allocation, which comes under Federal Legislation, allows municipalities to issue bonds for private purposes, i.e., single-family mortgage programs, and redevelopment financing such as the Westminster Plaza Shopping Center. The Metro Mayors Caucus previously issued a request from interested Denver area municipalities regarding participation in the next single-family mortgage bond issue. This program allows individuals and families to take advantage of lower mortgage rate funds to purchase single-family homes, where otherwise they would likely not be able to qualify for the mortgage.

The City of Westminster has participated regularly in these single-family mortgage programs in the past, and City Council approved earmarking \$1.0 million of the City's Year 2000 PAB allocation for this purpose at its January 24, 2000 City Council meeting.

Kutak Rock Bond attorneys have prepared the necessary documents for the participating parties to formally approve and execute for the upcoming Single Family Mortgage Bond issue which will be issued by the City and County of Denver. The attached Resolution has been reviewed and approved by the City Attorney's Office and is ready for City Council's formal action. This Resolution will formally delegate and assign the \$1.0 million PAB allocation to the City and County of Denver for the stated purpose.

Staff Recommendation

Adopt Resolution No. 29 which assigns and transfers \$1.0 million of the City of Westminster's Private Activity Bond allocation to the City and County of Denver for the purpose of participating in the Metro Mayor's Caucus Single Family Mortgage Bond Program and authorize the Mayor and City Clerk to execute the necessary documents.

Background

When cities wish to finance private activity (such as redevelopment of the Westminster Plaza), they can do so only to the extent they have received an allocation from the Federal Government, administered by the State of Colorado. This is called Private Activity Bond allocation. Each year, the City of Westminster receives its allocation of approximately \$2.4 million, to use in financing private business ventures. This allows cities to issue tax-exempt bonds to finance private ventures. This, in turn, saves the developer the higher costs of private “corporate” debt, which savings oftentimes are significant, and can mean the difference of cost-justifying the project. When this happens, this allows cities to sponsor community development activities, which they deem prudent for their citizens. A recent example of this initiative was the sponsorship by City Council of the redevelopment of the Westminster Plaza, which has become a real success story. Without the ability to issue tax exempt bonds to build this project, the revitalization of South Westminster would not be taking place.

The City of Westminster’s Year 2000 PAB allocation is \$2,432,675. The Metro Mayors Caucus previously requested a commitment from interested municipalities in the Denver Metropolitan area on the next single-family mortgage bond issue. The City and County of Denver has once again agreed to act as issuer on behalf of the Metro Mayors Caucus. The City of Westminster has participated in the single-family mortgage bond program in past years and has assisted families in qualifying for mortgages in order to purchase single-family dwellings in Westminster. On January 24 of this year, City Council authorized \$1.0 million of the PAB allocation for the mortgage program. This is an important component of the overall effort to address low/moderate income housing opportunities.

The 1999 metro-wide Program offered \$23.2 million of 30 year, fixed rate mortgages at 6.5% interest and grants of up to 3.5% of the loan amount for down payment or closing cost assistance to first time homebuyers in 24 cities in the Denver Metropolitan area. The program grew from \$17.7 million to over \$23 million between 1998 and 1999, with help from participating cities and an allocation of \$5.5 million from the Statewide Balance of Private Activity Bonds administered by the Department of Local Affairs. As of December 16, 1999, nearly \$18 million in loans (168 total loans) had been closed and purchased. Another \$5 million in loans are in process.

The necessary documents have been drafted by Kutak Rock bond Counsel for the Single-Family Mortgage Bond issue. The City Attorney’s Office has reviewed and approved the documents, which are now ready for City Council’s formal action.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

CERTIFICATE OF THE CITY OF WESTMINSTER, COLORADO

Relating to

**CITY AND COUNTY OF DENVER, COLORADO
SINGLE FAMILY HOME MORTGAGE REVENUE BONDS
(METRO MAYORS CAUCUS SINGLE FAMILY MORTGAGE BOND PROGRAM)
SERIES 2000**

The undersigned Mayor and City Clerk of the City of Westminster, Colorado (the "City") hereby certify that:

1. **Resolution.** Attached hereto as Exhibit A is a true and correct copy of a Resolution of the City Council of the City (the "Council") that was adopted by the Council in accordance with all applicable laws of the City on the date indicated therein (the "Resolution"). All meetings of the Council at which action relating to the Resolution was taken were properly noticed in the manner and at the times required by such laws, were open at all times to the general public and were attended by a quorum of the Council. The Resolution has been signed, attested, sealed and made a permanent part of the records of the Council in accordance with such laws; is in full force and effect; and has not been amended, modified or repealed since its adoption.

2. **Delegation Agreement.** Attached hereto as Exhibit B is a true and correct copy of a Delegation Agreement dated as of the date indicated therein (the "Delegation Agreement") between the City and the City and County of Denver, Colorado (the "Issuer"). The Delegation Agreement has been duly authorized, executed and delivered by the City and, upon due authorization, execution and delivery by the Issuer, is intended to constitute a valid and binding obligation of the City, enforceable against the City in accordance with its terms.

3. **Assignment Agreement.** Attached hereto as Exhibit C is a true and correct copy of an Assignment Agreement dated as of the date indicated therein (the "Assignment") between the City and the Issuer. The Assignment has been duly authorized, executed and delivered by the City and, upon due authorization, execution and delivery by the Issuer, is intended to constitute a valid and binding obligation of the City, enforceable against the City in accordance with its terms.

4. **Approval of Bonds and Project.** A public hearing on behalf of the Council, the City and the Issuer was held in the office of the Community Planning and Development Agency for the City and County of Denver, Colorado. At such public hearing, all interested persons were given an opportunity to express their views, both orally and in writing, on the proposed issuance of the Bonds and the location and nature of the Single Family Mortgage Loan Program. The Council has received a report of the hearing. The undersigned Mayor of the City, as the chief elected executive official of the City acting as such after such public hearing, hereby approves the Bonds and the Single Family Mortgage Loan Program, which approval is intended to comply with the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended.

IN WITNESS WHEREOF, we have hereunto set our hands this 14th day of April, 2000.

By _____
Mayor

By _____
City Clerk

EXHIBIT A

RESOLUTION NO. 29

INTRODUCED BY COUNCILLORS

SERIES OF 2000

HICKS - DIXION

A RESOLUTION ASSIGNING AND TRANSFERRING TO THE CITY AND COUNTY OF DENVER, COLORADO, A PORTION OF THE CITY OF WESTMINSTER'S 2000 ALLOCATION FROM THE STATE CEILING FOR PRIVATE ACTIVITY BONDS TO FINANCE RESIDENTIAL HOUSING FACILITIES FOR LOW- AND MIDDLE-INCOME PERSONS AND FAMILIES WITHIN THE CITY AND CERTAIN OTHER CITIES AND COUNTIES IN THE STATE OF COLORADO; AUTHORIZING THE DELEGATION TO THE CITY AND COUNTY OF DENVER, COLORADO OF THE AUTHORITY OF WESTMINSTER WITH RESPECT TO THE ISSUANCE OF SINGLE FAMILY HOME MORTGAGE REVENUE BONDS (THE "BONDS") TO FINANCE RESIDENTIAL HOUSING FACILITIES FOR LOW- AND MIDDLE-INCOME PERSONS AND FAMILIES WITHIN THE CITY AND CERTAIN OTHER CITIES AND COUNTIES IN THE STATE OF COLORADO; APPROVING SUCH BONDS AND THE SINGLE FAMILY MORTGAGE LOAN PROGRAM; AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DELEGATION AGREEMENT, AN ASSIGNMENT AGREEMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the City of Westminster, Colorado (the "City"), and the City and County of Denver, Colorado (the "Issuer"), are each authorized by the County and Municipality Development Revenue Bond Act, constituting article 3 of title 29, Colorado Revised Statutes, as amended (the "Act"), to finance projects as defined in the Act, including residential housing facilities for low- and middle-income persons and families; and

WHEREAS, the City has been awarded on January 1, 2000 approximately \$2,432,675 (the "2000 Allocation") of the bond ceiling for the State of Colorado (the "State") and its issuing authorities pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds to finance projects under the Act among the issuing authorities of the State of Colorado; and

WHEREAS, the Allocation Act provides for the assignment of bond allocations between issuing authorities of the State; and

WHEREAS, the City desires to assign and transfer to the Issuer an amount equal to \$1,000,000 of the 2000 Allocation, which the City will commit and reserve for the issuance of such private activity bonds, to finance residential housing facilities for low- and middle-income persons and families within the City and other cities and counties in the State of Colorado; and

WHEREAS, it is necessary to evidence such assignment and transfer and the acceptance thereof by the execution and delivery by the City of an Assignment (the "Assignment") between the City and the Issuer in substantially the form presented at this meeting.

WHEREAS, Section 29-3-104(2) of the Act provides that a county or municipality may delegate by resolution or ordinance, as the case may be, to any other county or municipality authority to act on its behalf in the financing of projects under the Act and that any such delegation may be general or limited in scope and time and may be irrevocable for the term or terms of any financing agreement or bond issue, all as provided in such resolution or ordinance; and

WHEREAS, the Issuer proposes to issue single family home mortgage revenue bonds pursuant to the Act (the "Bonds") to finance residential housing facilities for low- and middle-income persons and families within the City and other cities and counties in the State of Colorado (the "Single Family Mortgage Loan Program"); and

WHEREAS, the City desires to delegate to the Issuer the authority of the City to finance and otherwise take action and exercise power under the Act on behalf of the City with respect to the Single Family Mortgage Loan Program within the City; and

WHEREAS, it is necessary to evidence such delegation by the execution and delivery by the City of a Delegation Agreement (the "Delegation Agreement") between the City and the Issuer in substantially the form presented at this meeting,

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

Section 1. In order to facilitate the origination of single family mortgage loans within the boundaries of the City as part of the Single Family Mortgage Loan Program, the City hereby (i) assigns and transfers to the Issuer an amount equal to \$1,000,000 of the 2000 Allocation, (ii) delegates to the Issuer the authority of the City to finance and otherwise take action and exercise power under the Act on behalf of the City with respect to the Single Family Mortgage Loan Program within the City and (iii) approves, and authorizes and directs the Mayor of the City to sign and deliver and the City Clerk to attest and deliver, the Assignment and the Delegation Agreement in substantially the forms presented at this meeting. Copies of the proposed Assignment and Delegation Agreement are on file in the office of the City Clerk and are available for inspection by the public.

Section 2. The Council hereby approves the Bonds and the Single Family Mortgage Loan Program for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.

Section 3. The Mayor of the City is hereby authorized and directed to execute and deliver and the City Clerk is hereby authorized and directed to attest and deliver such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the Delegation Agreement, the Assignment, and this Resolution, including any agreement or certificate approving the Bonds or the Single Family Mortgage Loan Program for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.

Section 4. Nothing contained in this Resolution, the Assignment, or the Delegation Agreement shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the City within the meaning of the Constitution or statutes of the State of Colorado or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

Section 5. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

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

PASSED AND ADOPTED BY THE CITY COUNCIL THIS 27TH DAY OF MARCH, 2000.

ATTEST:

[SEAL]

By _____
Mayor

By _____
City Clerk

EXHIBIT B
DELEGATION AGREEMENT

THIS DELEGATION AGREEMENT (this “Delegation Agreement”) is between the CITY OF WESTMINSTER, COLORADO, a home rule city and municipal corporation of the State of Colorado (the “City”), and the CITY AND COUNTY OF DENVER, COLORADO, a home rule city, a municipal corporation and a political subdivision of the State of Colorado (the “Issuer”).

RECITALS:

WHEREAS, the City and the Issuer are each authorized by the County and Municipality Development Revenue Bond Act, constituting article 3 of title 29, Colorado Revised Statutes, as amended (the “Act”), to finance projects as defined in the Act, including residential housing facilities for low- and middle-income persons and families; and

WHEREAS, Section 29-3-104(2) of the Act provides that a county or municipality may delegate by resolution or ordinance, as the case may be, to any other county or municipality authority to act on its behalf in the financing of projects under the Act and that any such delegation may be general or limited in scope and time and may be irrevocable for the term or terms of any financing agreement or bond issue, all as provided in such resolution or ordinance; and

WHEREAS, pursuant to an Assignment Agreement dated the date hereof (the “Assignment”), the City is assigning and transferring to the Issuer \$1,000,000 of the City’s 1998 bond ceiling for the State of Colorado and its issuing authorities computed under Section 146(d) of the Internal Revenue Code of 1986, as amended, under the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended, for use in the issuance of private activity bonds; and

WHEREAS, the Issuer proposes to issue single family home mortgage revenue bonds pursuant to the Act (the “Bonds”) to finance residential housing facilities for low- and middle-income persons and families within the City and other cities and counties in the State of Colorado (the “Single Family Mortgage Loan Program”); and

WHEREAS, the City desires to delegate to the Issuer the authority of the City to finance and otherwise take action and exercise power under the Act on behalf of the City with respect to the Single Family Mortgage Loan Program within the City.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, the City and the Issuer hereby agree as follows:

Section 1. The City hereby delegates to the Issuer the authority of the City to finance and otherwise take action and exercise power under the Act on behalf of the City with respect to the Single Family Mortgage Loan Program within the City.

Section 2. The Issuer hereby accepts the delegation of authority from the City pursuant to Section 1 hereof and agrees to abide by each of the terms and conditions of this Delegation Agreement in connection with the use of such delegation. The Issuer agrees to make available to the City no less than \$1,000,000 of the proceeds of the Bonds for the origination of home mortgages within the City’s boundaries.

IN WITNESS WHEREOF, the City and the Issuer have caused this Delegation Agreement to be executed to be effective as of March 27, 2000.

[SEAL]

CITY OF WESTMINSTER, COLORADO

By _____
Mayor

Attest:

By _____
City Clerk

[SEAL]

CITY AND COUNTY OF DENVER, COLORADO, as Issuer

By _____
Mayor

Attest:

By _____
Clerk and Recorder

Approved as to form:

By _____
City Attorney

Countersigned:

By _____
Auditor

EXHIBIT C

ASSIGNMENT AGREEMENT

This Assignment Agreement (the "Assignment") dated the 27th day of March , 2000, is between the CITY OF WESTMINSTER, COLORADO, a home rule city and municipal corporation of the State of Colorado (the "Assignor") and the CITY AND COUNTY OF DENVER, COLORADO, a home rule city, a municipal corporation and a political subdivision of the State of Colorado (the "Assignee").

RECITALS

WHEREAS, the Assignor has been awarded approximately \$2,432,675 (the "2000 Allocation") of the bond ceiling for the State of Colorado and its issuing authorities (the "State Ceiling") computed under Section 146(d) of the Internal Revenue Code of 1986, as amended (the "Code"), under the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds; and

WHEREAS, subject to the terms and conditions set forth herein, the Assignor desires to assign and transfer to the Assignee, and the Assignee desires to accept, a portion of the Assignor's 2000 Allocation in an amount equal to \$1,000,000, which the Assignor agrees to commit and reserve for the issuance of such private activity bonds; and

WHEREAS, the private activity bonds will be issued by the Assignee pursuant to the County and Municipality Development Revenue Bond Act, constituting Article 3 of Title 29, Colorado Revised Statutes, as amended (the "Act"), and such bonds will be used for a purpose which qualifies as a "project" as described in the Act.

ASSIGNMENT

In exchange for the agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. In accordance with action taken by the governing body of the Assignor on March 27, 2000, the Assignor hereby assigns and transfers to the Assignee, a portion of the Assignor's 2000 Allocation from the State Ceiling for private activity bonds in an amount equal to \$1,000,000 (the "Assigned Amount"). In addition, the Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat the Assigned Amount as an allocation for a project with a carryforward purpose and/or to make a mortgage credit certification election, thus avoiding reversion of the Assigned Amount to the statewide balance under the Allocation Act.

2. The Assignor represents that is has received no monetary consideration for the assignment set forth above.

3. The Assignee hereby:

(a) Accepts the assignment of a portion of the Assignor's 2000 Allocation from the State Ceiling described above;

(b) Agrees to make available to the Assignor no less than \$1,000,000 of the proceeds of certain single family home mortgage revenue bonds to be issued by the Assignor for the origination of home mortgages within the Assignor's boundaries; and

(c) Agrees to abide by each of the terms and conditions of this Assignment in connection with the use of a portion of the Assignor's 2000 Allocation.

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

[SEAL]

CITY OF WESTMINSTER, COLORADO

By _____
Mayor

Attest:

By _____
City Clerk

[SEAL]

THE CITY AND COUNTY OF DENVER,
COLORADO, as Issuer

By _____
Mayor

Attest:

By _____
Clerk and Recorder

Approved as to form:

By _____
City Attorney

Countersigned:

By _____
Auditor

_____, 2000

City and County of Denver, Colorado
1437 Bannock Street
Denver, Colorado 80202

Ladies and Gentlemen:

We have acted as counsel for the City of Westminster, Colorado (the "City") in connection with the assignment by the City to the City and County of Denver, Colorado (the "Issuer") of a portion of the City's allocation of the ceiling on private activity bonds which may be issued in the State of Colorado (the "State") during 1998 (the "2000 Allocation"), under Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), and the delegation by the City to the Issuer of authority to act on the City's behalf in the financing of residential housing facilities for low- and middle-income persons and families within the City under Article 3 of Title 29, Colorado Revised Statutes, as amended (the "Act"). This assignment and delegation is being effected pursuant to Resolution No. ____, adopted by the City Council of the City on _____, 2000 (the "Resolution"), an Assignment Agreement dated _____, 2000 (the "Assignment"), by and between the City and the Issuer, and a Delegation Agreement dated _____, 2000 (the "Delegation Agreement") by and between the City and the Issuer.

We have examined, among other things, a copy of the Resolution, the Assignment and the Delegation Agreement. We have also examined the Constitution of the State and such statutes and regulations as we have deemed appropriate, including, without limitation, certificates of public officials and of officers and representatives of the City, and such other documents as we have deemed necessary as a basis for the opinions hereinafter expressed. In the course of such examinations, we have assumed the genuineness of all signatures and the authenticity of all documents submitted to us as copies.

Based upon the foregoing, under existing laws, regulations, rulings and judicial decisions, it is our opinion that:

1. The City is a home rule city and municipal corporation of the State duly organized and validly existing under the Constitution and the laws of the State.
2. The City has full legal right, power and authority: (a) to adopt the Resolution; (b) to execute and deliver the Assignment and the Delegation Agreement; and (c) to perform its obligations under the Resolution, the Assignment and the Delegation Agreement.
3. The adoption or the execution and delivery of the Resolution, the Assignment and the Delegation Agreement by the City and the performance of the City's obligations thereunder have been duly authorized by the City, and each have been duly adopted or executed and delivered by the City.
4. The adoption of the Resolution and the execution and delivery of the Assignment and the Delegation Agreement and compliance with the terms, conditions and provisions of each thereof will not conflict with or result in a breach or violation of any of the terms, conditions or provisions of any agreement or instrument to which the City is now a part of or by which it is bound, or constitute a default thereunder.
5. With respect to the portion of the 2000 Allocation being assigned to the Issuer pursuant to the Resolution and the Assignment, the City has not: (a) issued private activity

bonds, (b) assigned the allocation to another “issuing authority” as such term is defined in the Allocation Act; (c) made a mortgage credit certificate election; or (d) treated the allocation as an allocation for a project with a carryforward purpose.

6. No approval, permit, consent or authorization applicable to the City and not already obtained by the City of any government or public agency, authority or person is required in connection with the adoption of, the execution and delivery by the City of, and the performance by the City of its obligations under, the Resolution, the Assignment or the Delegation Agreement.

This opinion may be relied upon by the Issuer’s Bond Counsel in rendering its opinion in connection with the issuance by the Issuer of revenue bonds.

The scope of our engagement as counsel to the City was limited to rendering the opinions set forth above. This opinion speaks only as of its date and is limited to the laws, regulations, rulings and judicial decisions in effect on such date.

Sincerely,

City Attorney



WESTMINSTER COLORADO

Agenda Memorandum

Date: March 27, 2000

Subject: Financial Report for February 2000

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 2000 transactions through February 2000.

Summary

There are three sections to the attached report:

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

General Fund revenues represent 16% of the total budget estimate while General Fund expenditures and encumbrances represent 17% of the 2000 appropriation.

Utility Fund revenues represent 15% of the total budget estimate. Utility fund expenditures and encumbrances represent 15% of the 2000 appropriation.

The Sales and Use Tax Fund revenues represent 20% of the total budget estimate, while expenditures and encumbrances in that fund represent 17% of the 2000 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 17% from the same period last year and increased 11% year-to-date. Audit and enforcement revenue is greater than anticipated because of a use tax audit on a large construction project within the City.

The Open Space Fund revenues represent 21% of the total budget estimate while expenditures and encumbrances in that fund represent 14% of the 2000 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 4% of the total budget estimate while operating expenditures and encumbrances represent 23% of the 2000 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 4% of the total budget estimate while operating expenditures and encumbrances represent 26% of the 2000 appropriation. The 1999 Golf Course operating revenues reflect a grant from Jefferson County. This financial activity is consistent with the seasonal nature of golf.

Theoretically, 17% of revenues and expenditures should be realized after two months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

Section 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

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, March 27, 2000.

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel, Moss and Smith. Absent none.

The minutes of the meeting of March 20, 2000 were approved as amended.

At 7:22 P.M. a public hearing on the proposed Huntington Trails annexation was opened and continued indefinitely.

At 7:25 P.M. a public hearing was held on the Caulkins Ditch right-of way annexation.

Council approved the following: Design Services Contract for US 36 and Tennyson Street Sewer Project; Street Improvement Concrete Replacement Project Bids; Semper Remodel Design Contract; Computers for Kids Program; and Public Safety Facility Design Architect Contract.

Council Tabled the appointment to the Adams and Jefferson Counties Asset Forfeiture Committees until April 10, 2000; and postponed action on the annexation and zoning of the Huntington Trails property.

The following Councillor's Bills were introduced and passed on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO. Purpose: Caulkins Ditch right-of way annexation.

A BILL FOR AN ORDINANCE AMENDING THE ZONING AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO. Purpose: Zone Caulkins Ditch right-of way as O-1, Public Open Space.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Add Caulkins Ditch right-of-way property.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUNDS. Purpose: 1999 Carryover fund appropriation for design of the Public Safety Facility.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Restorative Justice Grant appropriation.

A BILL FOR AN ORDINANCE APPROVING A LEASE WITH JEFFERSON COUNTY FOR USE OF THE KINGS MILL BUILDING FOR A HEAD START PROGRAM. Purpose: Lease agreement for Kings Mill Library building.

The following Resolutions were adopted:

Resolution No. 27 – Quail Crossing Service Commitment Award extension.

Resolution No. 28 – Staffing for Sundays at College Hill Library.

Resolution No. 29 – Single Family Mortgage Loan Program.

At 7:55 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window April 6, 2000.