



WESTMINSTER  
COLORADO

July 8, 2002  
7:00 P.M.

## CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
  - A. DRCOG Presentation of Awards
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
  - A. Career Enrichment Park (CEP) Improvements Funding IGA
  - B. Swim and Fitness Center Weight Room Expansion Contract Award
  - C. Radio Console Furniture for Police Department Dispatch Center Bids
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Second Public Meeting on 2003 and 2004 City Budget
  - B. Public Hearing re Winters South Property (NWC Wadsworth Blvd & 110<sup>th</sup> Ave)
  - C. Resolution No. 36 re Findings on Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave)
  - D. Councillor's Bill No. 29 re Annexation of Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave)
  - E. Councillor's Bill No. 30 re CLUP Amendment Winters South Property
  - F. Councillor's Bill No. 31 re Zoning for Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave)
  - G. PDP/ODP Approval for Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave)
  - H. Public Hearing re Northpoint Center Filing No. 1 Lot 6C (104<sup>th</sup> Ave and Westminster Blvd)
  - I. Councillor's Bill No. 32 re CLUP Amendment Northpoint Center (104<sup>th</sup> Ave and Westminster Blvd)
  - J. PDP Amendment re Northpoint Center (104<sup>th</sup> Ave and Westminster Blvd)
  - K. ODP Approval re Northpoint Center (104<sup>th</sup> Ave and Westminster Blvd)
  - L. Councillor's Bill No. 33 re Purchasing Procedure Amendments
  - M. Councillor's Bill No. 34 re Supplemental Appropriation for Standley Lake Dam Renovations
  - N. Councillor's Bill No. 35 re Appropriating 2001 Carryover Funds into 2002
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
    1. Economic Development Prospect
13. Adjournment

## **GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JULY 8, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by McNally to accept the minutes of the meeting of June 24, 2002 with no additions of corrections. The motion carried unanimously.

PRESENTATIONS

Mayor Moss accepted Denver Regional Council of Governments Cooperative Service Delivery Award and the two Productivity Improvement awards from Sharon Richardson, Mayor Pro Tem of Federal Heights and Chairperson of the Denver Regional Council of Governments.

Mayor Moss presented Yang Chee and Chao Yang of the Lao-Hmong American Coalition with a certificate proclaiming Monday, July 22, 2002 as Lao-Hmong Recognition Day.

CITIZEN COMMUNICATION

Karen Alter, 11883 Wyandot Cir, addressed Council and requested assistance with CDOT to obtain a traffic light at the intersection of 120<sup>th</sup> and Zuni Street. A petition with 137 signatures was submitted.

Louis Pappageorge and Martin Kaplan, 9595 Sheridan Blvd., addressed Council in reference to the development of this property.

Larry Pace, 9225 Tennyson St, introduced himself to Council as a candidate for Adams County Commissioner.

CITY MANAGER COMMENTS

Brent McFall, City Manager, advised the audience that there would be an executive session item to discuss an Economic Development issue.

COUNCIL COMMENTS

Councillor McNally, Hicks, and Kauffman commented on the City Fireworks display and thanked staff for all their work.

Mayor Moss commented on two items recently discussed by Council that had a 4-3 vote and how well all of the Council worked together.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: Bids re Radio Console Furniture with Watson Furniture for \$47,734; Swim and Fitness Center Weight Room Expansion Contract Award with Tammiga Construction for \$330,948; and Career Enrichment Park Improvements Intergovernmental Agreement for \$225,000.

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. Mayor Pro Tem Atchison requested the Swim and Fitness Center Weight Room Expansion be removed for separate discussion.

Mayor Pro-Tem Atchison moved, seconded by McNally to adopt the remaining Consent Agenda items as presented. The motion carried unanimously.

#### SWIM AND FITNESS CENTER WEIGHT ROOM EXPANSION CONTRACT AWARD

Councillor Dixon moved, seconded by Hicks to authorize the City Manager to enter into a contract with Tamminga Construction in the amount of \$330,948, with a 10% contingency fund in the amount of \$33,095, for the construction of the Swim and Fitness Center Weight Room Expansion. After discussion, Councillor Dixon moved, seconded by Hicks to TABLE this item, and staff to bring back to Council additional information. The motion carried unanimously.

#### 2003 AND 2004 BUDGET

Brent McFall, City Manager gave a brief introduction to Council and the public on the 2003 and 2004 budget process. No one was present to request funds for the 2003-2004 budget.

#### PUBLIC HEARING ON WINTERS SOUTH PROPERTY

At 7:32 P.M. the public hearing was opened on the Winters South Property, located at the NWC of Wadsworth Boulevard and 110<sup>th</sup> Avenue. Dave Shinneman, Planning Manager, gave a power point presentation. The following information was entered into the record: a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items. Bill Howard, Plan West, Inc., was present and addressed Council. No one spoke in opposition. The public hearing was declared closed at 7:41 P.M.

#### RESOLUTION NO. 36 RE FINDINGS ON WINTERS SOUTH PROPERTY

Councillor Kauffman moved, seconded by Dixon to adopt Resolution No. 36 making certain findings as required by Section 31-12-110 C.R.S on the annexation of the Winters South Property. Upon roll call vote, the motion carried unanimously.

#### COUNCILLOR'S BILL NO. 29 RE ANNEXATION OF WINTERS SOUTH PROPERTY

Councillor Kauffman moved, seconded by Dixon to pass Councillor's Bill No. 29 on first reading annexing the Winters South property to the City. This action is based upon findings set forth in Section 11-5-1 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

#### COUNCILLOR'S BILL NO. 30 RE CLUP AMENDMENT FOR WINTERS SOUTH PROPERTY

Councillor Kauffman moved, seconded by Dixon to pass Councillor's Bill No. 30 on first reading amending the Comprehensive Land Use Plan adding the Winters South property and designating the 6.14 acre residential portion as Single-Family Detached-Medium Density, 2.36 acres as Public Open Space, and 3.0 acres as Private Parks and open Space. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan: The proposed amendment is justified, and the plan is in need of revision as proposed; and the amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and the proposed amendment is compatible with existing and planned surrounding land uses; and the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. Upon roll call vote, the motion carried unanimously.

#### COUNCILLOR'S BILL NO. 31 RE ZONING FOR WINTERS SOUTH PROPERTY

Councillor Kauffman moved, seconded by Dixon to pass Councillor's Bill No. 31 on first reading zoning the parcel as Planned Unit Development. This action is based upon findings set forth in Section 11-5-3 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

PDP/ODP APPROVAL FOR WINTERS SOUTH PROPERTY

Councillor Kauffman moved, seconded by Dixon to approve the Winters South Subdivision Preliminary and Official Development Plan. This recommendation is based on the findings set forth in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code. The motion carried unanimously

PUBLIC HEARING ON NORTHPOINT CENTER FILING NO. 1 LOT 6C

At 7:45 P.M. the public hearing was opened on the Northpoint Center, Filing No. 1, Lot 6C, located at 104<sup>th</sup> Avenue and Westminster Blvd. Dave Shinneman, Planning Manager, gave a power point presentation. The following information was entered into the record: a copy of the Agenda Memorandum, Planning Commission recommendation, other related items and e-mail from Planning Commissioner Don Anderson, and e-mail from Councillor Chris Dittman. Richard Kraus, Acumen Development Group, John Gliden, Architect, Jerry Glauser, proposed operator of the dealership, Greg Silvers, representing WestCol the owners of the property, and Howard Gelt, addressed Council and spoke in favor of this development. Letters from the Westin Hotel and the AMC Theatres in favor of this development were entered into the record. Robert Hill, 5862 W 109<sup>th</sup> Circle spoke in opposition. The public hearing was declared closed at 8:40 P.M.

COUNCILLOR'S BILL NO. 32 RE CLUP AMENDMENT FOR NORTHPOINT CENTER

Councillor Hicks moved, seconded by Dixon to pass Councillor's Bill No. 32 on first reading amending the Westminster Comprehensive Land Use Plan to change the land use designation from "District Center" to "Retail/Commercial." This action is based on the findings set forth in the Westminster Comprehensive land Use Plan as follows: The proposed amendment is justified and the Plan is in need of revision as proposed; and the amendment is in conformance with the overall purpose, intent, goals and policies of the Plan; and the proposed amendment is compatible with existing and planned surrounding land uses; and the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems, with Staff to clarify the language indicating brands of new cars and types of used cars. Upon roll call vote, the motion carried with a dissenting vote from Councillor McNally.

PDP AMENDMENT RE NORTHPOINT CENTER

Councillor Hicks moved, seconded by Dixon to approve an amendment to the Northpoint Center Filing No. 1 Preliminary Development Plan to allow a luxury automobile dealership. This recommendation is based on the findings set forth in Section 11-5-14 of the Westminster Municipal Code (WMC). The motion carried with a dissenting vote from Councillor McNally.

ODP APPROVAL RE NORTHPOINT CENTER

Councillor Hicks moved, seconded by Dixon to approve the Northpoint Center Filing No. 1, Lot 6C Official Development Plan with Staff clarifying language indicating the brands of new cars and types of used cars. This recommendation is based on the findings set forth in Section 11-5-15 of the Westminster Municipal Code (WMC) with Staff to clarify the language indicating brands of new cars and types of used cars. The motion carried with a dissenting vote from Councillor McNally.

COUNCILLOR'S BILL NO. 33 RE PURCHASING PROCEDURE AMENDMENTS

Mayor Pro-Tem Atchison moved, seconded by McNally to pass Councillor's Bill No. 33 on first reading approving amendments to Chapter 1, Title 15 of the Westminster Municipal Code pertaining to purchasing procedures. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 34 RE SUPPLEMENTAL APPROPRIATION FOR STANDLEY LAKE

Councillor Dittman moved, seconded by Hicks to pass Councillor's Bill No. 34 on first reading authorizing a supplemental appropriation of \$3,000,000 for the commencement of construction of the renovation at Standley Lake. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 35 RE APPROPRIATION OF 2001 CARRYOVER FUNDS INTO 2002

Councillor Dixon moved, seconded by Atchison to pass Councillor's Bill No. 35 on first reading appropriating carryover funds into the 2002 budgets of the General, General Capital Improvement, Utility, Open Space, and Workers Compensation Funds. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss an Economic Development item.

ADJOURNMENT:

The meeting was adjourned at 9:01 P.M.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 8, 2002

**SUBJECT:** Presentation re DRCOG Awards

**Prepared by:** Michele Kelley, City Clerk

**Recommended City Council Action**

Council accept Denver Regional Council of Governments Cooperative Service Delivery Award and the two Productivity Improvement awards from Sharon Richardson, Mayor Pro Tem of Federal Heights and Chairperson of the Denver Regional Council of Governments.

**Summary Statement**

Each year the Denver Regional Council of Governments (DRCOG) recognizes cost-saving and efficient management by local governments. This recognition is intended to encourage creative approaches to providing services to citizens. Awards are presented in three categories: Cooperative Service Delivery, Productivity Improvement and Public-Private Partnership.

In the Local Government Innovations Awards program, Westminster is receiving a first place plaque for the Adams County Growth Management Board and an honorable mention plaque for the Panorama Pointe Senior Housing Project.

In the Metro Vision Awards program, Westminster is receiving an honorable mention plaque for the Big Dry Creek Open Space and Trail Corridor.

The local government awards have been presented by DRCOG since 1982.

Sharon Richardson, Mayor Pro Tem of Federal Heights and Chairperson of the Denver Regional Council of Governments Board of Directors will be present at Monday night's Council meeting to make these presentations to City Council.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

There are no policy issues associated with the acceptance of these awards.

**Alternative(s)**

There are no alternatives associated with this presentation.

**Background Information**

Denver Regional Council of Governments (DRCOG) Chairman Sharon Richardson (Federal Heights Mayor Pro Tem) will present three DRCOG Awards to Westminster on Monday, July 8.

In the Local Government Innovations Awards program, Westminster is receiving a first place plaque for the Adams County Growth Management Board and an honorable mention plaque for the Panorama Pointe Senior Housing Project.

In the Metro Vision Awards program, Westminster is receiving an honorable mention plaque for the Big Dry Creek Open Space and Trail Corridor.

The Denver Regional Council of Governments have been presenting local government awards since 1982.

Respectfully submitted,

J. Brent McFall  
City Manager





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 8, 2002

**SUBJECT:** Bids re Radio Console Furniture

**Prepared By:** Vicki Pickett, Communications Supervisor  
Dan Montgomery, Chief of Police

**Recommended City Council Action**

Award the bid to the low bidder, Watson Furniture, in the amount of \$47,734, for six new radio console furniture positions, and charge the expense to the appropriate Capital Improvement Project budget account.

**Summary Statement**

- City Council action is requested to award a bid for new radio console furniture for the Communications Center in the new Public Safety Center.
- Furniture is of a specific design and construction to accommodate radio system and computer system electronics and controls.
- Furniture provides technology that allows dispatchers more flexibility to adjust their workstations to their specific needs, thereby reducing risk of repetitive motion injury.
- Bids were acquired in accordance with City Charter bidding requirements.
- The low bid meets all City specifications for this project.

**Expenditure Required:** \$47,734

**Source of Funds:** Public Safety Center Capital Improvement Project Account

**Policy Issue**

Should the City pursue new furniture or continue to operate its Emergency Communication Center with the existing console furniture equipment in the new Public Safety Center?

**Alternative**

Utilize the existing 10-year-old Watson console furniture. This is not recommended as there is inadequate space for the necessary electronic and computer equipment and the ergonomics of the current console are inadequate.

**Background Information**

In 1992, the Emergency Communications Center was moved to its current location, replacing the Municipal Court section in the Police Department building. During this move, the current Watson console furniture was purchased to accommodate the four new Ericsson 800-megahertz radio consoles, the new Computer Aided Dispatch System terminals and the Positron 911 phone system positions. In 1999, a fifth dispatch workstation was added to handle workload, due to an increase in calls for service for the Police Department and Fire Department. Due to a continuing increase of incoming phone calls from the public, a sixth dispatch work position has been planned once the Communications Center moves to the new Public Safety Center.

Since the original purchase of the existing Watson console furniture, the Ericsson radio console equipment and electronics has been upgraded from a modular push-button radio console to a computer-based radio console. The original computer aided dispatch system has been replaced with an Intergraph Public Safety system that is also a computer-based system. The original 911 Positron phone system has been replaced with a Plant Vesta 911 phone system, also a computer-based system. Each of these three components has its own personal computer tower. The computer aided dispatch system requires two monitors while the radio system and 911 phone system requires one monitor each for a total of four computer monitors per workstation for each dispatcher to view and work with.

The original Watson furniture was designed to accommodate completely different equipment than is currently in use. The console furniture that is now available more effectively houses the three personal computer towers away from the workspace and allows room for the four computer monitors. It provides needed additional workspace, both on the work surface for the dispatch staff and underneath the work surface in furniture cavities for radio system electronics and computer maintenance.

The new console furniture is also a better ergonomic design focused on reducing a number of job-related injuries common to this line of work due to repetitive motion. It includes a hydraulic system that enables the dispatcher to raise or lower the work surface, including the four computer screens that they are required to monitor constantly to perform their job duties. Dispatch staff spend their entire shift at this workstation with little opportunity for breaks.

Formal bids, in accordance with City Charter bidding requirements were obtained with the following results:

Xybix Systems Furniture \$49,330.92  
Watson Furniture Systems \$47,734.00

The low bid from Watson Furniture Systems meets all City specifications.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 08, 2002

**SUBJECT:** Swim and Fitness Center Weight Room Expansion Contractor Award

**Prepared By:** Brad Chronowski, Landscape Architect II

**Recommended City Council Action**

Authorize the City Manager to enter into a contract with Tamminga Construction in the amount of \$330,948, with a 10% contingency fund in the amount of \$33,095, for the construction of the Swim and Fitness Center Weight Room Expansion.

**Summary Statement**

- During the 2002 Capital Improvement Program budget cycle, Staff identified the need to increase the service level of the Swim and Fitness Center by expanding the original and aging weight and cardiovascular room that was constructed in 1975.
- City Council approved this project as part of the 2002 General Capital Improvement Fund budget.
- Plans call for adding 1,800 square feet of floor space to the Center, providing additional fitness equipment, increasing wellness opportunities and improving lighting and aesthetics.
- The Parks, Recreation, and Libraries Department received six competitive bids for construction of the Swim and Fitness Weight Room Expansion Project.
- The bids received are as follows:
 

<b>Tamminga</b>	<b>\$ 330,948</b>
<b>Tower One</b>	<b>\$ 365,000</b>
<b>JHL</b>	<b>\$ 366,000</b>
<b>Newcastle</b>	<b>\$ 391,000</b>
<b>Fischer</b>	<b>\$ 398,928</b>
<b>Pinkard</b>	<b>\$ 426,000</b>
- With the assistance of BBB Architects, Staff has concluded that Tamminga is qualified to perform this work.
- The Parks, Recreation and Libraries Department is currently in contract with BBB Architects for design and administration of the construction improvements.
- Funds for this improvement in the amount of \$500,000 are available in the Parks, Recreation and Libraries 2002 Capital Improvement Program.
- New weight room equipment will be included following the completion of the weight room expansion.
- Construction for this improvement will begin in August 2002 and is scheduled to be completed by March 2003.
- The existing weight room at the Swim and Fitness center will be expanded to 2,610 square feet from its current size of 823 square feet.

**Expenditure Required:** \$ 364,043.00

**Source of Funds:** 2002 General Capital Improvement Fund Budget

**Policy Issue**

Should the City improve the service level and revenue generation at the Swim and Fitness Center by constructing an addition to the existing weight and cardiovascular room?

**Alternatives**

1. Council could choose to negotiate with the low bidder and alter the scope of improvements.
2. Council could choose not to select the low bidder and negotiate with an alternate bidder.
3. Council could choose to reject all bids and abandon the project.

**Background Information**

The Department of Parks, Recreation and Libraries began design work on the Swim and Fitness Center Expansion following Council's approval on December 17, 2001. Key Staff members participated in the design process with the project manager and architect.

The 2002 budget for this project is \$500,000. The following describes how the funds will be allocated in order to complete the project as expected:

Architectural Design and Construction Observation	\$ 49,786
Building Construction	\$ 330,948
Building Construction Contingency (10%)	\$ 33,095
Fitness Equipment and Furnishings	\$ 86,171
<b>Total</b>	<b>\$ 500,000</b>

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments (3)



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 8, 2002

**SUBJECT:** Career Enrichment Park (CEP) Improvements Intergovernmental Agreement

**Prepared By:** Tony Chacon, Senior Projects Coordinator

**Recommended City Council Action**

Authorize the Mayor to sign the attached Intergovernmental Agreement (IGA) with Adams County School District No. 50 relative to proceeding with improvements to the CEP; and, authorize the City Manager to make a payment of \$225,000 to the School District project account serving as the City's contribution to the project.

**Summary Statement**

- On November 27, 2000, the City Council approved a plan to improve the aesthetic and functional quality of the CEP campus grounds in partnership with School District 50. Both parties agreed to share in the cost of the improvements.
- Based on the completed construction drawings, estimated costs for contracting landscaping work, and an accepted construction bid, the cost for completing Phase 1 improvements, including contingency, is estimated at \$450,000.
- The City has \$225,000 available in a CIP account and street improvement account from 1999, 2000, 2001 and 2002 that are available to provide funding for the CEP improvements.
- The District has set aside \$90,000 in its Capital Reserve account to be used on the CEP project, and will provide an estimated \$135,000 in labor and supplies related to project demolition and landscaping.
- The District has selected the contractor, and wishes to initiate the improvements as soon as possible. This will permit the District to complete the primary parking lot work prior to opening of school in the Fall, 2002.

**Expenditure Required:** \$225,000

**Source of Funds:** 1999-2002 CIP

**Policy Issue(s)**

- Should Phase 1 improvements to the CEP proceed knowing funding for future phases of the project are currently not funded and may not have sufficient funding for several years?
- Is the CEP improvement project still a high priority relative to the south Westminster revitalization efforts given limited financial resources to fund the many potential capital projects within the area?

**Alternative(s)**

- Council may choose not to provide any funding towards the project. Staff recommends this alternative not be pursued given the District does not have sufficient funds to proceed with the project on its own. Such a decision could further jeopardize other partnerships with the District relative to revitalization of south Westminster.
- Council may choose to postpone funding until such time as additional revenues are raised to fund remaining phases of the project. Staff recommends this alternative not be pursued as the District has proceeded with removal of the old tennis courts and landscaping in anticipation of proceeding with the improvements. By not proceeding with the improvements the site will remain a visual blight to the community. Given the District’s financial situation a delay could also result in the District redirecting existing set-aside funds to other capital improvements within the District.

**Background Information**

In 1999, the City and District entered into an agreement to prepare a plan to improve the appearance and functionality of the Career Enrichment Park (CEP) campus. The City and District approved the improvement plan on November 27, 2000. The Plan proposes substantial site improvements requiring significant funding in the range of \$1.5 to \$2 million to improve the entire campus. Given the associated cost and limited revenues, the District Board and City Council agreed to cooperate in funding the improvements on an incremental basis as money was available. Accordingly, the City and District began setting aside money on an annual basis with which to initiate the improvements.

Given approval of the plan, staff at the direction of Council and the District Board, proceeded with preparing construction plans for implementing Phase 1 of the CEP improvements, which encompasses the area between the ACE and DeSpain buildings, located along 72<sup>nd</sup> Avenue, and extends north to the soccer field. As part of Phase 1, a new primary entry drive to the CEP, providing primary vehicular access from 72<sup>nd</sup> Avenue, will be built. Vehicular access will also be provided from Lowell Boulevard just north of the DeSpain building. In addition the parking lot will be rebuilt with landscaped medians, and a public grass plaza will be built at the east entry to the DeSpain building. All of these improvements will work to accentuate the entry into the CEP campus. A dilapidated modular building and the tennis courts have already been removed to make room for the improvements. The estimated cost to complete Phase 1, based upon final construction drawings, is \$450,000 itemized as follows:

<u>Bid Work Items</u>	<u>Costs</u>	<u>Revenues</u>	<u>Cash Source</u>
Mobilization/Controls	\$ 43,000	\$225,000	City
Site Preparation/Grading	\$ 28,062	\$ 90,000	District
Concrete including curb, gutter, sidewalk	\$102,803		
Asphalt	\$ 77,835		
Irrigation (Primary)	\$ 43,000		
Miscellaneous site work	\$ 20,300		
Subtotal	\$315,000	\$315,000	
Demolition	\$ 35,000		
Landscaping	\$100,000		
Subtotal	\$135,000	\$135,000	District labor/supplies
<b>Total Project Cost</b>	<b>\$450,000</b>	<b>\$450,000</b>	

Upon agreeing to proceed with the project, the District Board and City Council set aside funding over the last four years to initiate the improvements. As such the City has \$225,000 in CIP funds available for funding the Phase 1 improvements. Likewise, the District has \$90,000 in cash already set aside in its Capital Reserve Account to be used on the project. The District and Council also agreed to allow the District to supply materials and provide District labor as a matching contribution towards the project. Based on estimates generated by the design consultant the District will contribute about \$135,000 in supplies and labor towards demolition and landscaping of the project. Thus, the total District contribution to the Phase 1 improvements is about \$225,000.

The District bid the contract work (not including demolition and landscaping) the end of May, 2002 and received two bids. Western States Reclamation submitted to lowest bid of \$382,000, which was over budget. Following negotiations between the District and the vendor, the bid amount was lowered to \$315,000 representing a 17% reduction. The District is ready to proceed with the improvements at the earliest convenience to ensure the parking lot will be completed and operable by the time school opens in early September. The District is awaiting City authorization to authorize its share of the funding for the project prior to commencing with the improvements.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment(s)

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
ADAMS COUNTY SCHOOL DISTRICT NO. 50 AND  
THE CITY OF WESTMINSTER  
RELATIVE TO PHYSICAL IMPROVEMENTS TO THE  
CAREER ENRICHMENT PARK**

THIS INTERGOVERNMENTAL AGREEMENT, dated for reference purposes only this \_\_\_\_ day of \_\_\_\_\_, 2002, between the ADAMS COUNTY SCHOOL DISTRICT NO. 50, a political subdivision of the STATE OF COLORADO (hereinafter referred to as "DISTRICT 50") and the CITY OF WESTMINSTER, a Colorado municipal corporation (hereinafter referred to as "City").

WHEREAS, District 50 and the City are desirous of entering into an agreement to improve the aesthetic and functional quality of the District-owned Career Enrichment Park (CEP) in a series of construction phases; and,

WHEREAS, the City and District did jointly prepare design and construction plans for Phase One of the project generally located between the ACE and DeSpain buildings located along 72<sup>nd</sup> Avenue; and

WHEREAS, the City and District have agreed to jointly fund the agreed to improvements; and,

WHEREAS, the District did solicit bids for construction services, and have selected a preferred contractor to construct improvements; and,

WHEREAS, District 50 and the City desire to enter into an Intergovernmental Agreement to set forth their respective obligations and responsibilities relative to proceeding with and completing project.

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

**1. General**

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The total cost to complete Phase One of the CEP project is estimated at \$450,000 based on the accepted construction bid and estimates of in-kind work, provided by the design consultant. The District and City agree to contribute funding towards construction of this phase, either in cash, supplies and/or in-kind work performed by staff and/or volunteers.

**2. Responsibility of Adams County School District #50**

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District 50 shall provide cash funds of not less than \$90,000 to be allocated in \$30,000 increments from the District's 2000-01, 2001-02 and 2002-03 Capital Reserve budgets.

The District shall further provide landscaping supplies and utilize its work crews and staff in work related to demolition, project oversight, and landscaping having an estimated value of \$135,000. The District shall provide the City with an accounting of supplies and labor upon completion of the project.

The District shall administer and coordinate the work specified on the construction plans as bid. When work is being done relative to City right-of-way (ROW), the contractor will take direction from and report to an authorized City representative.

The District shall be responsible for the publishing of all required notices regarding payment and completion of work.



### **3. Responsibility of Westminster**

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The City shall contribute cash funds of \$225,000 allocated from the City's approved 1999, 2000, 2001 and 2002 CIP budgets.

### **4. Payment**

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The City shall provide the District \$225,000 which will be placed in an account to be drawn from when making payments to the contractor once the work is completed and has been approved by the District 50 representative. The authorized representative of District 50 shall consult with City staff to determine whether the specifications of the work to be completed have been met prior to releasing payment to the contractor.

The District's obligation under this Agreement is expressly conditional on the prior receipt of the above amount. The District shall have no obligation unless and until such funds are received.

Upon completion of the work and payment to the contractor, the District shall remit immediately to City any monies left over from the project, which shall be deposited into an account established for the remaining phases of the CEP.

### **5. Authorized representatives**

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District 50 hereby designates Stephen Hoban, Director of Operations and Maintenance, as its authorized representative. The City of Westminster hereby designates Tony Chacon, Senior Projects Coordinator, as its authorized representative.

### **6. Cooperation**

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Adams County School District 50 and the City of Westminster will cooperate in scheduling of the work, and in supervision and review when applicable.

### **7. Warranty**

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The parties agree that any contracts awarded for the performance of the work shall be warranted by the contractor for one year and that surety be provided for enforcement of this warranty.

### **8. Third Party Claims or Suits**

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District 50 and the City agree that in the event any claim or suit is brought against either or both entities by any third party as a result of the operation of this agreement, that both parties will cooperate with each other, and with the insuring entities of both Adams County School District 50 and the City of Westminster, in defending such claim or suit.

### **9. Termination**

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This agreement shall terminate upon the completion of the work and payment therefore.

### **10. Amendment**

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This instrument contains the entire agreement between the parties, and no statement, promises, or inducements made by either party or agent of either party that is not contained in this written Agreement shall be valid or binding; this agreement may not be modified except in writing, signed by the parties and endorsed on this Agreement.

IN WITNESS WHEREOF, the parties have hereto set their hand and seal on the dates so indicated below.

City of Westminster

Adams County School District 50

By \_\_\_\_\_  
Ed Moss, Mayor

By \_\_\_\_\_  
President of Board of Education

Attest:

Attest:

\_\_\_\_\_  
Michele Kelley, City Clerk

\_\_\_\_\_  
Secretary of Board of Education

Approved as to Form:

\_\_\_\_\_  
City Attorney



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 8, 2002

**SUBJECT:** Public Meeting on 2003 and 2004 City Budget

**Prepared By:** Barbara Gadecki, Assistant to the City Manager

**Recommended City Council Action**

Hold a public meeting on the 2003 and 2004 City Budget and receive citizen comments.

**Summary Statement**

City Staff is in the process of preparing budgets for both 2003 and 2004, and this meeting is intended to hear citizen requests, comments and suggestions for both of these budget years. The public meeting is an informal opportunity for the public to provide input to the City Council on the City Budget.

City Council preliminarily approved the 2003 Budget with the formal adoption of the 2002 Budget in October 2001. Departments review and make minor modifications to the preliminarily approved 2003 Budget as well as submit 2004 budgets, working to revise their proposed budgets to reflect the current economic downturn, which has significantly impacted revenues and will impact City services. The Departments' efforts culminate in the distribution of the Proposed 2003/2004 Budgets to City Council at the end of August. A final public hearing is scheduled for September 9 so that citizens will have one more opportunity to comment and provide feedback on the 2003 and 2004 City Budgets. City Council must adopt the budget by the October 28 City Council meeting, in accordance with the City Charter.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Listen to citizen requests, comments and suggestions as it pertains to the 2003 and 2004 budgets.

**Alternative**

No alternative has been identified for this item.

**Background Information**

In April, City Council identified the goals for 2003 and 2004. The City Council Goals are listed below:

- Financially Sound City Government
- Balanced, Sustainable Local Economy
- Revitalized Aging Neighborhoods and Commercial Areas
- Beautiful City – Attractive Developments, Green Spaces and Vistas
- Safe and Secure Community

The direction provided by City Council through these goals assists City Staff as they review and modify the preliminarily approved 2003 City Budget and prepare the 2004 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen or neighborhood input.

Through the summer, departments review and make minor modifications to the preliminarily approved 2003 and proposed 2004 Budget to best maintain existing service levels and address citizen or neighborhood input on services. Departments are currently working to revise their proposed budgets to reflect the current economic downturn, which has significantly impacted revenues and will impact City services. More details on the impact on City services will be reviewed with City Council starting later in July.

In November of 2000, Westminster voters approved a City Charter amendment that will allow the City Council to adopt a formal two-year budget. Staff has been preparing a two-year budget for the last several years; however, previously City Council could only officially adopt the first year of the two-year budget. In February 2002, City Council concurred with Staff to pursue an officially adopted two-year budget with the development of the 2003/2004 Budget.

A Proposed Budget will be submitted to City Council at the beginning of September for review. After reviewing the Proposed Budget for several weeks, City Council is scheduled to meet September 28 at the Budget Retreat to deliberate on final funding decisions on staffing levels, programs, services, and capital projects.

Two public meetings and one formal public hearing will be held on the 2003 and 2004 Proposed City Budget to solicit citizen input. The public meetings are scheduled for June 10 and July 8 and public hearing is scheduled for September 9.

Monday's public meeting was advertised in the *Westminster Window*, *Westsider*, and *City Edition*; on cable Channel 8 and the City's website; and at various public meetings.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 8, 2002

**SUBJECT:** Public Hearing and Action on Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave)

**Prepared By:** David Falconieri, Planner III

**Recommended City Council Action**

1. Hold a public hearing.
2. Adopt Resolution No. 36 making certain findings as required by Section 31-12-110 C.R.S.
3. Pass Councillor's Bill No. 29 on first reading annexing the Winters South property to the City. This action is based upon findings set forth in Section 11-5-1 of the Westminster Municipal Code.
4. Pass Councillor's Bill No. 30 on first reading amending the Comprehensive Land Use Plan adding the Winters South property and designating the 6.14 acre residential portion as Single-Family Detached – Medium Density, 2.36 acres as Public Open Space, and 3.0 acres as Private Parks and Open Space. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan.
  - a. The proposed amendment is justified, and the plan is in need of revision as proposed; and
  - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
  - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
  - d. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
5. Pass Councillor's Bill No. 31 on first reading zoning the parcel as Planned Unit Development. This action is based upon findings set forth in Section 11-5-3 of the Westminster Municipal Code.
6. Approve the Winters South Subdivision Preliminary and Official Development Plan. This recommendation is based on the findings set forth in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code.

**Summary Statement**

- The Winters South Property is an 11.5-acre parcel located at the northwest corner of Wadsworth Boulevard and 110<sup>th</sup> Avenue.
- The Jefferson County Airport Critical Zone, in which all residential uses are strongly discouraged, impacts the property. The proposed plan permits 10 single-family residential lots on the portion of the property that is outside the boundaries of that zone. The portion within the zone is reserved for public and private open space.
- Two small parcels of land located in the northwest and southwest corners of the property are included in the annexation, but are not part of the Preliminary/Official Development Plan (PDP/ODP). These are owned by Gregg Homes and were remainder parcels from the Green Knolls development. The owner has consented to the annexation of the parcels and has tentatively agreed to donate the land as part of the proposed Public Open Space.

**Expenditure Required:** \$0

**Source of Funds:** Not applicable

**Planning Commission Recommendation**

This request was heard by the Planning Commission on June 25, 2002. The Planning Commission voted unanimously (7-0) to recommend to the City Council that the Winters South property be annexed to the City, zoned Planned Unit Development, that the Comprehensive Land Use Plan be amended to include the Winters South property and designated as Single-Family Detached Residential – Medium Density, Private Parks and Open Space, and Public Open Space, and that the Preliminary/Official Development Plan be approved as submitted. No one spoke in support or opposition to the request at that time.

**Policy Issues**

Should the City annex the Winters South property, and if so, should the City approve the proposed the Comprehensive Land Use Plan (CLUP) amendment and the combined PDP/ODP?

**Alternatives**

Make a finding that the annexation of the Winters South property is not in the best interests of the City at this time and take no further action. Staff does not recommend this option, as this parcel is an enclave completely surrounded by the City of Westminster.

**Background Information**

**Applicant/Property Owner**

BN Morris Development, LLC  
Barry Morris, President

Surrounding Land Use and Comprehensive Land Use Plan Designations

North: Winters residential ODP/Single-Family Detached Residential – Low Density  
South and West: Green Knolls ODP/Single-Family Detached Residential – Medium Density  
East: Right-of-Way for Wadsworth Boulevard and US 36

Staff is recommending that the Comprehensive Land Use Plan be amended to include this parcel and that the residential portion be designated as Single-Family Detached – Medium Density (up to 3.5 dwelling units per acre). This is in keeping with the Green Knolls development directly west. Staff is also recommending that the parcel adjacent to Green Knolls and the two parcels owned by Gregg Homes be designated Public Open Space, and that the area shown on the ODP as Private Park be designated Private Parks and Open Space. (Please refer to the attached map showing existing and proposed CLUP designations.)

Site Plan Information

The portion of the property that is located outside the Airport Critical Zone is a triangular parcel of 6.14 acres located in the northeast portion of the property. Ten lots are proposed for that area with a minimum lot size of 11,500 square feet. A public open space parcel of 2.36 acres is proposed for the land adjacent to the Green Knolls subdivision. This land would be dedicated to the City at the time of final plat approval. Between that land and the residential area is a 3.0-acre parcel that would be dedicated to the homeowners association at the time of final plat approval. That parcel would be used as private park land for the use of the Winters and Winters South property owners. The developer is currently in negotiations with the Green Knolls HOA to see if there is any interest in joining the Winters HOA for the construction of a more extensive facility. If so, a swimming pool and recreation center will be built. If they do not participate, the developer will construct a play area for the use of the Winters and Winters South subdivisions only. In either case, the ownership for the private park parcel will be transferred to the Winters Homeowners Association at the time of final plat approval.

The Single-Family Residential Design Guidelines require front setbacks off a local road to be 25 feet and rear setbacks from an arterial to be 50 feet. Lots 1 through 4 have a double frontage, so that if the above standards were imposed, an unusable building envelope would result. Staff is supporting a reduced requirement of 20 feet on the front and 32 feet on the rear. Staff believes this is justified due to the fact that this would still be a sufficient setback from Wadsworth Boulevard to provide the needed buffer from future residence. Staff is also supporting a reduced rear setback of 10 feet instead of 20 feet for Lot 10. This lot is severely constricted by the Airport Critical Zone and Staff believes that the variance is justified due to the distance between that property line and any potential residence to the north.

Traffic and Transportation

Access to the subdivision would be by a single entrance off of 110<sup>th</sup> Avenue. The access point is located 140 feet from the intersection with Wadsworth Boulevard and is aligned with Yukon Street to the south.

Service Commitment Category

The proposed development would require 10 Service Commitments that would be allocated out of Category A due to the classification of the project as an infill development.

Referral Agency Responses

No comments were received.

Public Comments

A public meeting was held for this proposal on April 23, 2002, in conjunction with the Green Knolls HOA meeting. After making their presentation, the applicants were given unanimous support for their project by those in attendance. A letter to staff from the Green Knolls HOA also supported the proposal.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO **36**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for the annexation of the property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 28 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

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

1. The City Council finds:
  - a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
  - b. A community of interest exists between the area proposed to be annexed and the City;
  - c. The area is urban or will be urbanized in the near future; and
  - d. The area is integrated with or is capable of being integrated with the City.
2. The City Council further finds:
  - a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
  - b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.



3. The City Council further finds:
  - a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
  - b. That the annexation will not result in the attachment of area from a school district;
  - c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
  - d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
  - e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.
4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.
5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 8th day of July, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **29**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 36 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in the northwest quarter of Section II, Township 2 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; being more particularly described as follows:

Basis of Bearing: The east line of the NW ¼ of Section II, assumed to bear S00°37'18"E;

Commencing at the north of ¼ corner of said Section 11; thence along the east line of the NW ¼ of said Section 11 S00°37'18"E a distance of 582.00 to the point of beginning;

Thence continuing along said east line S00°37'18"E a distance of 620.00 feet to a point on the boundary of a parcel of land described in Reception No. 79108104;

Thence continuing along said parcel the following five (5) courses:

1. S88°38'00"W a distance of 378.64 feet;

2. Along the arc of a curve to the left, having a radius of 600.00 feet, a central angle of 16°40'00", arc length of 174.53 feet, said curve having a chord length of 173.92 feet, bearing S80°18'01"W;
3. S71°58'00"W a distance of 148.76 feet;
4. N22°00'00"W a distance of 591.00 feet;
5. N16°20'00"E a distance of 140.00 feet to a point on the south line of a parcel of land described in Reception No. 84000237;

Thence continuing along said south line N88°31'56"E a distance of 866.99 feet to a point on the east line of the NW ¼ of said Section 11, also being the point of beginning.

Containing in all an area of 522,574 square feet or 12.00 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of July, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **30**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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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 as A parcel of land located in the northwest quarter of Section II, Township 2 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; being more particularly described as follows: Basis of Bearing: The east line of the NW ¼ of Section II, assumed to bear S00°37'18"E; Commencing at the north ¼ corner of said Section II; thence along the east line of the NW ¼ of said Section II S00°37'18"E a distance of 1202.00 feet to a point on the boundary of a parcel of land described in Reception No. 79108104, said point being the point of beginning; Thence continuing along said parcel the following four (4) courses: (1) S88°52'36"W a distance of 716.00 feet; (2) N22°01'08"W a distance of 519.48 feet; (3) N44°01'44"E a distance of 100.00 feet; (4) N70°29'22"E a distance of 192.33 to a point of the south line of a parcel of land described in Reception No. 84000237; Thence continuing along said south line N88°34'20"E a distance of 653.31 feet to a point on the east line of the NW ¼ of said Section II; Thence continuing along said east line S00°37'18"E a distance of 620.00 feet to the point of beginning. Containing in all an area of 501,145 square feet or 11.50 acres more or less; 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 alter the designation of the Winters South annexation property, legally described above. The Winters South annexation property shall be changed from Unincorporated Jefferson County, to Single Family Detached Residential-Medium Density, Private Parks and Open Space, and Public Open Space, the areas of each as shown on the attached "Exhibit A".

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. 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 8th day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **31**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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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 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminster Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 to City of Westminster PUD. A parcel of land located in Section 11, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land located in the northwest quarter of Section II, Township 2 South, Range 69 West of the Sixth Principal Meridian; County of Jefferson, State of Colorado; being more particularly described as follows:

Basis of Bearing: The east line of the NW ¼ of Section II, assumed to bear S00°37'18"E;

Commencing at the north ¼ corner of said Section II; thence along the east line of the NW ¼ of said Section II S00°37'18"E a distance of 1202.00 feet to a point on the boundary of a parcel of land described in Reception No. 79108104, said point being the point of beginning;

Thence continuing along said parcel the following four (4) courses:

1. S88°52'36"W a distance of 716.00 feet;
2. N22°01'08"W a distance of 519.48 feet;
3. N44°01'44"E a distance of 100.00 feet;

4. N70°29'22"E a distance of 192.33 to a point of the south line of a parcel of land described in Reception No. 84000237;

Thence continuing along said south line N88°34'20"E a distance of 653.31 feet to a point on the east line of the NW ¼ of said Section II;

Thence continuing along said east line S00°37'18"E a distance of 620.00 feet to the point of beginning.

Containing in all an area of 501,145 square feet or 11.50 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of July, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

Winters South Zoning



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 8, 2002

**SUBJECT:** Public Hearing and Action on Northpoint Center, Filing No. 1, Lot 6C (104<sup>th</sup> Ave and Westminister Blvd)

**Prepared By:** Max Ruppeck, Senior Project Manager

**Recommended City Council Action**

1. Hold a public hearing.
2. Pass Councillor's Bill No 32 on first reading amending the Westminister Comprehensive Land Use Plan to change the land use designation from "District Center" to "Retail/Commercial." This action is based on the findings set forth in the Westminister Comprehensive land Use Plan as follows:
  - a) The proposed amendment is justified and the Plan is in need of revision as proposed; and
  - b) The amendment is in conformance with the overall purpose, intent, goals and policies of the Plan; and
  - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
  - d) The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
3. Approve an amendment to the Northpoint Center Filing No. 1 Preliminary Development Plan to allow a luxury automobile dealership. This recommendation is based on the findings set forth in Section 11-5-14 of the Westminister Municipal Code (WMC).
4. Approve the Northpoint Center Filing No. 1, Lot 6C Official Development Plan. This recommendation is based on the findings set forth in Section 11-5-15 of the Westminister Municipal Code (WMC).

**Summary Statement**

City Council is requested to hold a public hearing regarding the application of Acumen Development Group to:

- Amend the land use designation for a 7.04-acre site located approximately 500 feet south of 104<sup>th</sup> Avenue on the west side of Westminister Boulevard from "District Center" to "Retail/Commercial." This will limit the number of automobile dealerships in the vicinity to only one since the rest of the surrounding area will remain District Center.
- Amend the Northpoint Center Filing No. 1 PDP to allow for one luxury automobile dealership.
- Approve the Northpoint Center Filing No. 1, Lot 6C Official Development Plan.

**Expenditure Required:** \$0

**Source of Funds:** Not applicable

Planning Commission Recommendation

This request was heard by the Planning Commission on June 25, 2002. The Planning Commission voted 4-3 to approve the Comprehensive Land Use Plan amendment, with Commissioners Brundage, Lockeridge, Wiederspahn and Boschert voting for the amendment. Commissioners Anderson, Barsoom and Crocker voted against the amendment stating that:

- Breaking up the district center that includes the Promenade was not the original purpose of the Comprehensive Land Use Plan;
- Other more appropriate development would not be possible with an auto dealership;
- The tax benefit to the City is diminished with auto sales.

The Planning Commission voted 5-2 to approve the amendment to the Preliminary Development Plan to allow for one automobile dealership. Commissioners Anderson and Barsoom voted against the proposal citing the same reasons listed above. The Commission also voted 5-2 to approve the Official Development Plan.

One person, Mr. Pat Murphy, spoke in opposition to the proposed development stating that it would be a catalyst for overdevelopment of the area and would draw too much traffic from a large region.

**Policy Issues**

Should the City approve a Comprehensive Land Use Plan amendment and a Preliminary Development Plan amendment to allow a luxury automobile dealership on Lot 6C, Northpoint Center Filing No. 1?

Should the City approve the site and building design as submitted in the Official Development Plan for Northpoint Filing No. 1?

**Alternatives**

1. Deny the amendment to the Comprehensive Land Use Plan and Northpoint Filing No. 1 Preliminary Development Plan based upon the following:
  - a) The proposed amendment is not justified; and
  - b) The proposed amendment is not consistent with the overall purpose, intent, goals and policies of the Comprehensive Land Use Plan; and
  - c) The proposed amendment is incompatible with the existing and proposed surrounding land uses.

This would make the site available for other retail or office/employment use.

2. Deny the Official Development Plan within the Northpoint Filing No. 1 Official Development Plan based on the lack of meeting the findings set forth in 11-5-15 of the Westminster Municipal Code (WMC).

**Background Information**

Property Owner

Westcol Center, L.L.C.  
30 Pershing Road, Suite 201  
Kansas City, Missouri 64108  
Attn: Greg Silvers

Applicant

Acumen Development Group L.L.C.  
400 Inverness Drive South, Suite 210  
Englewood, Colorado 80112  
Attn: Richard P. Kraus



Surrounding Land Use and Comprehensive Land Use Plan Designations

The subject property is abutted by vacant land to the south, US 36 to the west, the Shane Company (retail jewelers) and a vacant office/bank site to the north and the Butterfly and Insect Pavilion to the east. The CLUP designates the properties to the north and south as “District Center”, the property to the east as “Institutional” and open space and the land to the west (across US 36) as “Institutional” (RTD Park-n-Ride).

Site Plan Information

The site is proposed to be accessed from a private drive to the northeast. A secondary right-in/right-out only access off of Westminster Boulevard is planned from the east. Pedestrian access is provided by an existing 8-ft. walk along Westminster Boulevard and a proposed 6-ft. walk along the private drive to the northeast of the site. The proposed building is a combination showroom, office and service center for a luxury automobile dealership, comprised of 43,400 square feet. No body repair or painting is allowed on the premises. Banners or other displays and outdoor speakers are also prohibited.

The building is proposed for the approximate center of the site with customer parking (92 spaces) to the east, car servicing parking (37 cars) to the south and inventory display parking to the north and west (249 cars). The parking lot and periphery of the site will be intensively landscaped with 227 trees and over 1,000 shrubs. Code requirements are 220 trees and 933 shrubs.

The building will be one-story high, 27 feet high at the showroom area, 17 feet high in the service area with barrel vault projections above the main roofline ranging from 33 feet to 41 feet above grade. Building materials proposed are natural sandstone and stucco for the walls, and metal fascias and roofs. Business signage consists of three main wall signs and one 6-ft. high monument sign located about 60 feet from the US 36 right-of-way near the southwest corner of the property.

One of the major concerns with automobile dealerships is on-site lighting. Because outdoor sales facilities are different than parking lots, they generally require relatively high lighting levels. The “Illuminating Engineering Society of North American” (IESNA) has established “recommended practices” for auto dealerships. For outdoor merchandising in urban areas with high ambient light levels, 75 FC (foot candles) of average illuminance is recommended. For “environmentally sensitive” areas, this level should be reduced to 20 FC average illuminance. The proposed average illumination level for the subject property is about 16.5 FC. After business hours (9 p.m.) the lighting will be reduced to 30% of this level (about 5 FC). It should be noted that the average lighting level for this project is approximately one-quarter (1/4) of the typical levels in the Denver area for auto dealerships including Sill-Terhar and Elway Honda.

Traffic and Transportation

The estimated trip generation for the proposed Mercedes Benz dealership is 1,631 daily trips during an average weekday. The proposed auto dealership would result in approximately 45% less daily traffic compared with other proposed and potential retail land uses. Daily car dealership traffic is typically less on a Saturday than on a weekday, while traffic from other general retail uses would be greater on a Saturday. Automobile dealerships in Colorado are not allowed to be open on Sunday. The main access for this proposed site onto Westminster Boulevard is projected to operate at a level of service B or better, which means that there will be only minimal delays at the intersection even at peak hours.

Service Commitment Category

16.83 Service Commitments from Category C, Non-Residential, will be required for this project.

Referral Agency Responses

No referral agencies expressed concerns with the proposed land use changes or related amendments.

Public Comments

A neighborhood meeting was held at the Sheridan Green Elementary School on March 12, 2002 where the project proposal was presented to about 12 individuals in attendance. The concerns expressed at the meeting included the following:

- 1) How does an automobile dealership fit in with the Promenade – a family/pedestrian oriented entertainment center?
- 2) There is little demand in Westminster for Mercedes Benz cars.
- 3) What if Mercedes fails?
- 4) What is to prevent pressure for other automobile developments in the area?
- 5) What is the traffic impact for the area?
- 6) Why is the City considering a use that does not yield sales tax to the City?
- 7) What about noise and fumes?

The developers response to these concerns were as follows:

- 1) The main Promenade area is north of 104<sup>th</sup> and there are no other entertainment uses in this part of the Northpoint area, south of 104<sup>th</sup> Avenue.
- 2) Glauser Mercedes Benz will be marketing the entire North Metro area, not just Westminster. Only luxury car brands limited to Mercedes Benz, Cadillac, Lexus and BMW are specifically allowed by the PDP. Other brands are subject to Council review.
- 3) The PDP specifically allows only one luxury auto dealership in the Northpoint Subdivision.
- 4) Adjacent vacant properties would have to be addressed by the City as development occurs. Staff would oppose additional car dealerships in the area.
- 5) Traffic generated by an automobile dealership is approximately one-half of what would be generated by other retail uses.
- 6) The City would realize some tax revenues from Westminster residents purchasing a car and from part sales that are estimated to be about \$5.8 million per year. Annual sales tax revenues for the City on auto parts sales are estimated to be about \$188,500.
- 7) No body repair or painting will be allowed on the premises. The auto service area doors will remain closed at all times except when cars enter or leave.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **32**

SERIES 2002

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 as Lot 6C, third replat, Northpoint Center Filing No. 1, County of Jefferson, State of Colorado. Together with the beneficial interest in and to all easements, covenants, restrictions and other rights set forth in that certain easements, covenants and restrictions agreement by and between 104<sup>th</sup> & Pierce Development LLC and T. Michael & Associates LTD., dated July 3, 1997 and recorded July 3, 1997 at Reception No. F0439091 and first amendment dated April 9, 1998 and recorded May 29, 1998 at Reception No. F0620500. Also together with the beneficial interest in and to drainage and maintenance easements agreement recorded July 3, 1997 at Reception No. F0439089 at County of Jefferson, State of Colorado; 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 alter the designation of Northpoint Center Filing No. 1, Lot 6C, legally described in "Exhibit A" attached hereto. Northpoint property shall be changed from "District Center" to "Retail/Commercial".

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 8<sup>th</sup> day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22<sup>nd</sup> day of July, 2002.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk  
Northpoint Center Filing No. 1



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 8, 2002

**SUBJECT:** Councillor's Bill No. 33 re Purchasing Procedure Amendments

**Prepared By:** Carl F. Pickett, Purchasing Specialist  
Barbara Gadecki, Assistant to the City Manager

**Recommended City Council Action:**

Pass Councillor's Bill No. 33 on first reading, approving amendments to Chapter 1, Title 15 of the Westminster Municipal Code pertaining to purchasing procedures.

**Summary Statement**

- Staff has been updating the City's internal procedures concerning purchasing as it relates to the new financial management system.
- As part of this review, Staff has researched other cities to identify their expenditure authorization levels (i.e., at what dollar amount does staff need City Council authorization in order to proceed). A copy of these survey results is attached to this Agenda Memorandum.
- Based on this research, staff is proposing an amendment revising the dollar amount of purchases that need to come before Council from \$25,000 to \$50,000.
- Per City Council's request from the pre-City Council meeting on June 24, Staff will prepare and submit a monthly report to City Council on expenditures authorized between \$25,000 and \$50,000.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Does City Council wish to increase the expenditure authorization level of the City Manager for items already approved in the adopted City Budget?

**Alternatives**

- Direct Staff to re-evaluate purchasing authority levels and bring back different levels than included within this Agenda Memorandum.
- Direct Staff to keep the current \$25,000 expenditure authorization limit for the City Manager and not amend the purchasing authority levels.

**Background Information**

Over the last several months, Staff has been working on updating the City's internal expenditure authorization policies to reflect the new financial management system requirements but also modify the procedures to clarify certain components as well as review authorization levels. As part of this process, Staff recommended bringing to City Council a proposal to increase the City Manager's authorization level from \$25,000 to \$50,000. Adjusting this expenditure authorization level will bring the City Manager's authority more in line with other cities in the Denver Metro Area as well as streamline City Council's authorization activity, since the items brought back before City Council have been previously approved by City Council in the adoption of the City's budget. A copy of the survey data is attached. The last increase in purchasing authorization levels was in 1993. After a decade of inflation and growth in the number of budgeted items being brought back to Council for authorization, the expenditure authorization level is recommended to be increased to allow the City Manager to make routine, budgeted purchases.

The section of the Municipal Code to be modified is attached with the proposed amendments noted in all capital letters. The primary items modified with this proposed amendment follow:

- Increasing the City Manager's authorization level from \$25,000 to \$50,000.
- Clarifying the need to utilize the City Attorney's Office in preparing purchases to include leases, easements, or other real property interests; this is an addition to the Municipal Code.
- Increasing the requirement for quotes and bids from \$25,000 to \$30,000. Staff does not recommend increasing the need for quotes and bids to the \$50,000 level, as encouraging competition at the lower dollar amounts to ensure competitive prices is good purchasing practice.
- Increasing the amendments to purchase agreements approval (commonly known as "change orders") authority from \$25,000 to \$50,000. The balance of the original language in the Municipal Code for such changes (i.e., amendments to purchase agreements) not exceeding five percent of the original agreement and the cumulative change orders total not exceeding ten percent of the original agreement remains intact.

Per City Council's request from the pre-City Council meeting on June 24, Staff will prepare and submit a monthly report to City Council on expenditures authorized between \$25,000 and \$50,000.

Respectfully submitted,

J. Brent McFall  
City Manager

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **33**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 15, WESTMINSTER MUNICIPAL CODE, CONCERNING PURCHASING PROCEDURES.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 1 of Title 15, Westminster Municipal Code, is amended to read as follows:

**15-1-1: APPLICATION AND DEFINITIONS:**

- A. This Chapter shall apply to every purchase agreement to which the City is a party.
- B. The term "City Manager" includes the City Manager's designee.
- C. The term "purchase agreement" means an agreement for the purchase of materials, equipment, supplies, personal services, or real estate.
- D. The term "personal services" includes construction, architectural, engineering, legal, consulting or other services, which involve primarily the furnishing of labor, time or expertise.
- E. The term "bids" means either bids or proposals submitted in response to a written invitation for bids or a request for proposals.

**15-1-2: GENERAL REQUIREMENTS:**

- A. Every purchase agreement shall be evidenced by a written contract or by a standard written or computerized purchase order.
- B. Every purchase agreement in an amount which exceeds FIFTY THOUSAND DOLLARS (\$50,000) ~~25,000~~ shall be approved or ratified by City Council. An agreement for the purchase of utilities, postage, or employee services need not be approved by express action, but shall be considered approved by City Council if the budget appropriation for such purchase has been approved.
- C. A purchase agreement for materials, equipment, supplies or personal services to be provided on an ongoing basis shall contain a maximum amount payable under the agreement or a termination date for the agreement.
- D. A purchase agreement in an amount of FIFTY THOUSAND DOLLARS (\$50,000) ~~25,000~~ or less shall be approved by the City Manager.
- E. A purchase agreement shall be submitted to the City Attorney and approved as to legal form and content before it is executed whenever the agreement is for the purchase of (1) personal services, (2) real estate, INCLUDING LEASES, EASEMENTS, OR OTHER REAL PROPERTY INTERESTS, or (3) supplies, equipment or materials, in an amount exceeding \$50,000. This subsection (E) shall not apply to an employment agreement with an employee or officer of the City.

F. Before any purchase agreement in an amount of \$50,000 or more is executed, the City Manager shall certify that an appropriation has been made or that other sufficient funds such as bond proceeds, special assessments, or matching funds will be available to pay the amounts required in the agreement.

**15-1-3: PROHIBITION OF FINANCIAL INTEREST:** Every officer and employee of the City is expressly prohibited from knowingly:

A. Seeking or accepting any personal gift or money rebate, directly or indirectly, from any person, company, firm or corporation in connection with a purchase agreement;

B. Underestimating or exaggerating requirements to a prospective bidder for the purpose of influencing bids;

C. Misrepresenting the quality of a bidder's products or services;

D. Influencing the City to enter into a purchase agreement, which will benefit the officer or employee either directly or indirectly.

E. Approving a purchase involving an amount in excess of one hundred dollars (\$100) in which any elective or appointive officer of the City or member of the officer's family has a pecuniary interest, as defined in section 5.12 of the City Charter, without the unanimous approval of all members of the City Council.

**15-1-4: FORMAL BIDDING REQUIRED:**

A. Formal bidding procedures shall be followed when the amount of a purchase exceeds THIRTY THOUSAND DOLLARS (\$30,000) ~~twenty five thousand dollars (\$25,000)~~, unless:

1. City Council determines by unanimous resolution of those present at the meeting that the public interest will be best served by joint purchase with or from another unit of government, or

2. City Council determines, upon recommendation of the City Manager, that the public interest will be best served by negotiated contract with a single vendor or contractor.

B. When the amount of the purchase is THIRTY THOUSAND DOLLARS (\$30,000) ~~twenty five thousand dollars (\$25,000)~~ or less, the procedures in section 15-1-6 shall apply.

C. In case of emergency affecting the public peace, health or safety, City Council may waive all requirements for formal bidding. In such cases, the City Manager may direct the appropriate department head to procure emergency needs by informal, open-market procedures, at no more than commercial prices, as expeditiously as possible. The City Manager shall present a full report of the circumstances necessitating the emergency action at the next City Council meeting.

**15-1-5: FORMAL BIDDING PROCEDURES AND SELECTION CRITERIA:**

A. An invitation for bids or request for proposals shall be published at least once in an area newspaper selected for maximum impact on prospective bidders or shall be sent to three or more potential vendors or contractors OR POSTED VIA ELECTRONIC SOLICITATION at least five days prior to the deadline for receipt of bids or proposals.

B. A bid bond or deposit shall be required when deemed necessary by the City Manager. If a bid is not accepted or a bidder is unsuccessful, the bid bond or deposit shall be refunded. When a bid is

awarded, but the successful bidder fails to enter into a contract within ten days of the award, the bid bond or deposit shall be forfeited.

C. Sealed bids shall be opened in public at the time and place stated in the public notice, unless all bidders have been notified of a change in such time or place by written addendum. A tabulation of all bids received shall be available for public inspection.

D. After the bids have been reviewed, the City Manager shall submit a report to City Council that contains an analysis of the bids, a recommendation for an award and the reasons for the recommendation. The purchase shall be awarded to the lowest, responsible bidder meeting the bid specifications unless City Council determines, after reviewing the City Manager's report, that the public interest would be better served by accepting a higher bid.

E. In determining whether the public interest would be better served by accepting a bid other than the lowest bid, the following factors shall be considered:

1. The bidder's skill, ability, and capacity to perform the personal services or to furnish the materials, equipment or supplies required;

2. Whether the bidder can perform the services or furnish the materials, equipment or supplies promptly, or within the time period specified, without delay or interference;

3. The bidder's character, integrity, reputation, judgment, experience and efficiency;

4. The quality of the bidder's performance of previous purchase agreements;

5. The bidder's previous and current compliance with statutes, ordinances and rules relating to the purchase;

6. The sufficiency of the bidder's financial resources necessary for the performance of the purchase agreement;

7. The bidder's ability to provide future maintenance or service;

8. The number and nature of any conditions attached to the bid;

F. Upon recommendation of the City Manager, the City Council may reject all bids when it determines that such action is in the public interest.

#### **15-1-6: COMPARATIVE PRICE QUOTATIONS:**

A. When the amount of a purchase is THIRTY THOUSAND DOLLARS (\$30,000) ~~twenty-five thousand dollars (\$25,000)~~ or less, comparative price quotations shall be obtained, unless:

1. The City Manager determines that the public interest would be best served by negotiated contract with a single vendor or contractor or by joint purchase with or from another unit of government, or

2. The City Manager determines that the public interest would be best served by obtaining the goods or services through a formal bidding process.

B. When required, comparative price quotations shall be obtained from at least three vendors or contractors by telephone, in person, or by written document.



**15-1-7: AMENDMENTS TO PURCHASE AGREEMENTS:**

A. The City Manager shall have authority to approve an amendment to a purchase agreement when the amount of the amendment does not exceed five percent of the original agreement or FIFTY THOUSAND DOLLARS (\$50,000) ~~\$25,000~~, whichever is greater, and the amount of the cumulative amendments does not exceed ten percent (10%) of the original agreement or FIFTY THOUSAND DOLLARS (\$50,000) ~~\$25,000~~, whichever is greater. Amendments, or change orders, to agreements for the purchase of construction services shall be reported to City Council.

B. All other amendments to a purchase agreement shall be approved or ratified by City Council.

**15-1-8: PROHIBITION AGAINST SUBDIVISION:** No single purchase transaction shall be subdivided for the purpose of circumventing the dollar value limitations of this Chapter.

**15-1-9: RULES AND ADMINISTRATIVE PROCEDURES:** The City Manager is authorized to promulgate rules and administrative procedures to implement the provisions of this Title.

**15-1-10: PREQUALIFICATION OF BIDDERS:**

(A) The City Manager or designee is hereby authorized to prequalify contractors who wish to bid on a construction project for the City. The City Manager may exercise this authority when he determines that it is in the best interest of the City and:

1. A particular contract for construction requires:

(a) Complex or unusual construction techniques or expertise; or

(b) An unusually tight construction time; or

(c) Experience in a construction field not generally held by general contractors; or

2. The construction project has a projected budget of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) or more (excluding design and related architectural/engineering tasks).

(B) When the City Manager or designee has determined that a specific project requires prequalification of bidders, no bids will be received from any person or firm who has not been prequalified.

(C) In order to be considered for prequalification for such construction project, potential bidders shall furnish to the City evidence of the following and, when checking references, the City may ask about the following:

1. Availability of equipment necessary to accomplish the project;

2. Availability of trained personnel to accomplish the project;

3. Contractor's organization and technical staff with the size, training, experience and capability to accomplish the project;

4. Financial capability to perform the project;

5. Demonstrated experience in the type of work required for the project;

6. Satisfactory performance of similar projects, including but not limited to, compliance with all contract terms and specifications, satisfactory quality of workmanship, and consistent on-time performance;

7. Whether the contractor is in any jurisdiction under notice of debarment or debarred;

8. Whether the contractor has made false, deceptive or fraudulent statements in the application for prequalification or any other information submitted to the City;

9. Listing of all projects of the type and size for which prequalification is sought, or projects similar to it, performed by contractor within the last FIVE (5) years, with name, address, and phone number of owner's representative on each project;

10. Any additional criteria necessary to determine qualification for the specific project; and

11. Statement of understanding that the City or City's agent will check any or all previous projects for evidence of quality of workmanship, compliance with contract terms, timeliness and other factors indicating ability to perform the project.

(D) Any contractor who is disqualified from bidding on a project by the prequalification process may request a reconsideration of his application for prequalification, by submitting a written request within FIVE (5) days to the Project Manager from date of notification. The City Manager and the Project Manager shall meet with the contractor for such reconsideration within five (5) days of the contractor's request. The contractor may present additional information and request a summary of the information the City has used in its decision, but contractor will not be entitled to names of those persons the City contacted for references or the statements of reference.

**15-1-11: ACQUISITION OF REAL PROPERTY REMAINDERS RELATED TO PUBLIC PROJECTS:** Whenever a part of a parcel of land is to be taken for public purposes and the remainder is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, the City may acquire by purchase or condemnation the whole parcel. The City may sell or lease the remainder of said parcel or may exchange the same for other property needed for public purposes.

Section 2. This ordinance shall take effect August 1 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 8<sup>th</sup> day of July, 2002.

PASSED, ENACTED ON SECOND READING, EFFECTIVE AUGUST 1, AND FULL TEXT ORDERED PUBLISHED this 22<sup>nd</sup> day of July, 2002.

\_\_\_\_\_  
Mayor

ATTEST:

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 8, 2002

**Subject:** Councillor's Bill No. 34 re Supplemental Appropriation for Standley Lake Renovations

**Prepared By:** Mary Ann Parrot, Finance Director

**Recommended City Council Action**

Pass Councillor's Bill No. 34 on first reading authorizing a supplemental appropriation of \$3,000,000 for the commencement of construction of the renovations at Standley Lake.

**Summary Statement**

City Council action is requested to adopt the attached Councillor's Bill appropriating \$3.0 million for commencing construction of renovations at the Standley Lake Dam and surrounding area.

- Adoption of the attached ordinance is in accordance with the reimbursement resolution approved by the City Council on November 26, 2001.
- Passage of the Ordinance will create a method to address timing differences in cash flow needs for this project and the proposed revised timing of the sale of bonds, estimated for later this year. The timing difference is being caused by a complex tax question regarding the ownership of the dam and the issuance of tax-exempt bonds. Staff has developed three alternative solutions and should be able to resolve the issues in a timely fashion.. In the meantime, the construction is set to proceed in July with payments to begin in August.
- The appropriation will cover construction costs for construction until the Utility Fund issues a revenue bond of \$19.75 million for the completion of the Northwest Water Treatment Plant and the Standley Lake Renovation.
- The costs for the months of August - December will be covered by funds on hand in the Utility Fund that have not been earmarked for other capital projects; currently excess cash is available which has not yet been carried over from 2001 to 2002.
- Cash needs for the two-month period are estimated at \$3 million; the project is just getting underway, so the amount is not very large at this time.
- When the bond proceeds are received in Fall 2002, the Utility Fund will be reimbursed.
- This is a standard City Council action and has been used over the past several years to address timing differences that arise when the project must proceed and the financing is scheduled for a later date.

**Expenditure Required:** \$3,000,000

**Source of Funds:** Appropriation of part of the \$19.75million bond proceeds prior to bond issuance.

## **Policy Issue**

Should additional funds be appropriated in advance of the issuance of bonds for the renovations to allow the project to proceed?

## **Alternatives**

1. Issue all of the bonds now. This option is not recommended. The Staff needs to research the tax issues surrounding the ownership of Standley Lake Dam by FRICO. The three cities (Westminster, Northglenn and Thornton) are jointly funding this project. Northglenn and Westminster are issuing debt to accomplish the financing, and the IRS has a private letter ruling in place, which severely restricts the issuance of tax-exempt bonds when a facility is privately owned, and payments made by rate payers are considered private payments.
2. Do not issue bonds; pay for the improvements with cash. This option is also not recommended at this time. The Utility Fund must finance selected projects with debt over the next several years in order to complete the infrastructure improvements needed to serve the citizens. Because interest rates are at an historically low point, it is definitely in the City's best interest to issue bonds in the near future for this size project. Interest rates, as they rise over the next few years, could cost the City hundreds of thousands of dollars in increased interest costs.
3. Finance other projects, which the City will own and free up the cash to pay for the Standley Lake Dam Improvements on a pay-as-you go basis. This alternative is being considered, and if necessary, Staff will know within a month or two whether this option needs to be exercised. Staff will then return to City Council with a revised bond issue to accomplish this. However, the bonds will still need to be issued; the only difference is the use of the proceeds.
4. Issue taxable variable rate. This alternative is last in the list of priorities. This can be done, but it will cost the City another .5% to 1.0% in interest costs, or \$100,000 to \$200,000 per year in additional interest costs. When the tax issues are resolved, the bonds can be re-issued in a tax-exempt mode, at little or no additional cost to the City. Staff does not recommend this alternative at this time because other alternatives are less costly.

## **Background Information**

Standley Lake Dam Renovation: On November 26, 2001, Council adopted Resolution No. 68 allowing the Utility Enterprise Fund to be reimbursed for expenses incurred prior to the issuance of bonds for the remaining Water Treatment Plant costs and the renovation of Standley Lake Dam. The renovation consists of the following:

- Additional berming to be added to the dam embankment.
- A new spillway on the north side of the dam, to conform to the Colorado State Engineer's mandate to provide an enlarged spillway for additional protection during large precipitation events.
- A new valve house and new multi-level underground water supply tunnels (in bedrock), to improve the safety and functionality of the dam.

The ownership of the dam by FRICO constitutes private ownership. In addition, because the IRS has issued a private letter ruling in place, known as the "Geyser Ruling," the rate payers who buy the City's water and sewer services are considered to be making payments to the FRICO Corporation. In other words, the IRS "looks through" the City when considering the payments made by rate payers, which eventually reach FRICO. This ruling is currently under litigation and bond counsel and tax counsel are investigating other options we may be able to pursue to avoid the private use violations.

Northwest Water Treatment Plant Completion: The total cost of the Northwest Water Treatment Plant (NWTP) project remains at the \$22 million approved by City Council on September 25, 2000. The first segment of the financing was \$15 million in bond proceeds.

**Subject:** Councillor's Bill No. 34 re Supplemental Appropriation for Standley Lake Renovations Page 3

These bonds were issued through the Colorado Water Resource Power and Development Authority (CWRPDA) and received on April 18, 2000. This type of funding was used because low interest rates can be obtained by gaining access to the State of Colorado's AAA rating. It is now time to consider issuing the completion bonds for the project.

While doing the preliminary planning for the bond issue, Staff determined the completion bonds for the NWTP could be combined with the Standley Lake Renovation project to reduce issuance costs. The Standley Lake project will cost \$12.4 million for Westminster's one-third share of the project. This will make the upcoming bond issue \$19.75 million, which includes all costs of issuance. Money for the Standley Lake project will be needed starting in August.

In anticipation of this need for temporary funding, Council adopted Resolution No. 68 at the November 26, 2001, Council meeting. The resolution approved reimbursement of costs incurred prior to the sale of the debt for both the Standley Lake Dam Renovations and the Northwest Water Treatment Plant. This action enables the Utility Enterprise to pay for the continuation of construction with funds on hand to bridge the timing differences for cash flow needs. Upon issuance of bonds, the requested funds will be reimbursed to the Enterprise in accordance with the reimbursement resolution.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **34**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2913 in the amount of \$25,286,775 is hereby increased by \$3,000,000 which, when added to the fund balance as of the City Council action on July 8, 2002 will equal \$38,984,974. The actual amount in the Water Portion of the Utility 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 early appropriation of bond proceeds.

Section 2. The \$3,000,000 increase in the Water Portion of the Utility 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			
Bond Proceeds 2000.46020.0216	\$0	<u>\$3,000,000</u>	\$10,000,000
Total Change to Revenues		<u>\$3,000,000</u>	
EXPENSES			
Standley Lake Campground 80220050525.80400.8888	\$0	\$350,000	\$350,000
Standley Lake Renovation 80220035525.80400.8888	\$0	<u>\$2,650,000</u>	\$2,650,000
Total Change to Expenditures		<u>\$3,000,000</u>	

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8<sup>th</sup> day of July, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of July, 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 8, 2002

**SUBJECT:** Councillor's Bill No. 35 re Appropriation of FY2001 Carryover Funds Into FY2002

**Prepared By:** Barbara Gadecki, Assistant to the City Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 35 on first reading appropriating carryover funds into the FY2002 budgets of the General, General Capital Improvement, Utility, Open Space and Workers Compensation Funds.

**Summary Statement**

- Certain items and services that were budgeted in FY2001, but were not received or provided until FY2002, are being requested for appropriation. The total of these budget items for all funds is \$4,634,745. Further detail on these items is provided in the background section of this memo.
- The City Council annually reviews and appropriates carryover funds from the previous year's budget into the current year budget for the following:
  - those items and services included in the previous year's budget but not received or provided until the current year's budget,
  - budget incentive funds into various departments' budgets based on savings from the prior year, and
  - existing or new capital projects for which funds are needed and carryover funds are available.
- City Council is being asked to consider the first item listed above at this time, i.e., those items and services included in the previous year's budget but not received or provided until the current year's budget.
- Staff will return to City Council in August or September with the balance of carryover funds to discuss funding existing or new capital projects for which funds are needed and carryover funds are available.
- Staff is not recommending budget incentive funds into various departments' budgets based on savings from the prior year for 2002 due to the current tight economic times. In 2001, these incentive funds totaled approximately \$435,000 for all funds.

**Expenditure Required:** \$4,634,745

**Source of Funds:** General, General Capital Improvement, Utility, Open Space and Workers Compensation Funds

## **Policy Issue**

Should the City appropriate carryover funds as set forth in the attached Ordinance?

## **Alternatives**

- 1) City Council could decide not to appropriate any of these funds at this time. This is not recommended as many of the carryover requests are for items and services that have already received City Council approval during the FY2001 Budget process as priority expenditures for the City.
- 2) City Council could choose to approve the carryover appropriation, including existing or new capital projects for which funds are needed and carryover funds are available. Staff recommends appropriating carryover funds for capital improvement projects in August or September, after City Council has had an opportunity to review the proposed 2003 and 2004 Capital Improvement Program (CIP). This allows City Council additional information to review in light of any additional items that may be proposed via the carryover funds, plus allows for additional citizen input via the budget public meeting process.

## **Background Information**

City Council action is requested to direct Staff to prepare an ordinance to appropriate FY2001 carryover funds, as described below, into the General, General Capital Improvement, Utility, Open Space and Workers Compensation Funds. This appropriation takes place annually once the audit is substantially completed for the prior year.

At this time, City Council action is requested to appropriate carryover funds for items and services that were budgeted in FY2001 but were not received or provided until FY2002. Staff is not recommending the appropriation of any budget incentive funds this year. In prior years, budget incentive funds were provided to departments by an approved formula previously adopted by Council Resolution whereby each department is allowed to retain a certain portion of budget savings calculated by the Finance Department after the completion of the audit. The program was established to promote and reward prudent budget management by City Departments. However, in light of the current tight economic times, Staff believes it more prudent to utilize these carryover funds to fund key capital projects and other operating priorities that would not be funded otherwise.

The majority of the carryover funds will be brought back to be appropriated later this summer for Capital Improvement Program (CIP) projects. Staff is reviewing possible capital projects to determine the best use of carryover funds that would be available after Council action on allocating operating carryover. Staff recommends holding off on the proposed capital improvement projects component of carryover funds to allow City Council the opportunity to review the proposed 2003 and 2004 Capital Improvement Program (CIP) (scheduled for review with City Council August 19).

City Council will note that three items previously included in the 2002 Phased Spending Plan are being recommended for funding utilizing 2001 carryover. The replacement of an ambulance (Fire Department; scheduled in the second period) and the second half of the operating funds for maintaining and operating the new Christopher Ballfields (Parks, Recreation & Libraries Department; scheduled in the third period) are recommended for funding. Staff is recommending that carryover funds be utilized to permit this important emergency medical vehicle to be replaced as originally scheduled in 2002, and to allow the ballfield complex to operate at full capacity through 2002, which will generate additional revenues associated with softball league fees. The third item that was part of the 2002 Phased Spending Plan that is being recommended for funding via carryover is the update to the Comprehensive Land Use Plan (CLUP) (Community Development Department; scheduled in the second period). Staff is recommending that funds originally appropriated for the Roadway Master Plan in FY2001 that was not initiated in 2001 be carried over into FY2002 and utilized to complete the CLUP update instead.



Finally, funds are being recommended for the down payment on a replacement telesquirt for the Fire Department scheduled for replacement in 2003, with the purchase to be initiated this year. The total cost of the telesquirt is anticipated to be approximately \$500,000 and is recommended to be purchased utilizing the City's master lease program. Staff believes that utilizing carryover funds in this case is a fiscally responsible way to keep current with our replacement program of critical emergency equipment and to help relieve pressure from the very tight 2003 budget.

RE-APPROPRIATION OF ITEMS APPROVED IN 2001

Certain items ordered in 2001 were not received until 2002. In addition, certain services, authorized in 2001, were not fully performed by the end of the year. Under standard accounting procedures, these remaining funds must be re-appropriated in the new year to complete the desired purchase or service. Staff recommends the items described below be re-appropriated in 2002.

**GENERAL FUND:**

City Attorney's Office – One item totaling \$8,635 for various ongoing contract obligations, including Barbara Banks' work on the Westin negotiations initiated in 2001 but not complete prior to year end.

City Manager's Office – One item totaling \$1,250 for furniture purchased for the City Manager's office late in 2001 that was delivered in early 2002.

Central Charges – Three items totaling \$83,000 as follows:

1. \$12,000 for completion of the authoring and printing of the new Westminster history book, which was delayed in 2001 due to staff shortages. The document has been drafted and Staff is working with the author to refine and complete the book. Originally, \$25,000 was requested by staff for the completion of this project; however, per City Council direction at the July 1 Study Session, only funds for the work completed to date are recommended for carryover (i.e., \$12,000) and the printing of this document will be postponed until the City's financial situation improves. Since Monday's discussion, staff received notice that the printing of this document is estimated to cost \$7,000; therefore, the total needed is actually \$19,000 to complete the project. The plan for the project included selling the book at the local Barnes & Noble store, with the City to recover some of the production costs from the book sales.
2. \$21,000 for the update and printing of the City map that incurred delays due to staff shortages. This project merged with the trails map project in Parks, Recreation & Libraries Department to help develop a more comprehensive document useful to Westminster residents and businesses and is in final completion stages.
3. \$50,000 for special projects and studies that may arise during the year per City Council and staff requests. These dollars represent savings in Central Charges 2001 operating budget that are proposed to help offset additional costs associated with economic development activities, special projects and studies, etc., that may arise through the balance of 2002.

Finance – One item totaling \$13,750 for the remainder of the City's auditor services payment. Because of the manner in which the auditors invoice the City, only \$11,000 had been billed in 2001 and the balance for their work was invoiced in 2002; these funds will cover that balance of the invoice received in 2002.

Community Development – Three items totaling \$253,324 as follows:

1. \$53,324 for the completion of the Mandalay Gardens land use plan and development guidelines that included preparation of conceptual land use plans, development guidelines, and a preliminary development plan. The conceptual land use plan was completed in 2001 and the other items are anticipated for completion in 2002.

2. \$100,000 from the Roadway Master Plan that was scheduled for 2001 but delayed due to the anticipated update to the Comprehensive Land Use Plan (CLUP) scheduled for 2002. These funds would be used to proceed with the CLUP update in 2002. Staff is recommending that the funds originally appropriated for the Roadway Master Plan in 2001 be utilized to complete the CLUP update in 2002 instead.
3. \$100,000 for Economic Development professional services associated with the business recruitment and retention efforts within the City. These funds are requested to help with the latest efforts associated with the north I-25 corridor.

Police Department – One item totaling \$134,535 for the balance of the Computer Aided Dispatch/Report Management Software (CAD/RMS) lease payments. Funds for a full year of lease payments were budgeted in 2001; however, due to the timing of the actual selection and implementation of this project in 2001, a full year's worth of lease payments were not made in 2001. This amount reflects the final payments on the CAD/RMS lease to be paid in 2002.

Fire Department – Four items totaling \$248,350 as follows:

1. \$5,645 for Emergency Medical Dispatch training that was planned for in 2001 but not initiated due to the purchase and installation of the new CAD/RMS scheduled for completion in 2001.
2. \$27,705 for the balance of the Computer Aided Dispatch/Report Management Software (CAD/RMS) lease payments. Funds for a full year of lease payments were budgeted in 2001; however, due to the timing of the actual selection and implementation of this project in 2001, a full year's worth of lease payments were not made in 2001. This amount reflects the final payments on the CAD/RMS lease to be paid in 2002.
3. \$105,000 for the purchase of a replacement ambulance originally budgeted for 2002 that was part of the Phased Spending Plan that will not be released in 2002. Staff is recommending that carryover funds be utilized to permit this important emergency medical vehicle to be replaced as originally scheduled in 2002.
4. \$110,000 for the down payment on a replacement fire telesquirt scheduled for replacement in 2003. Staff anticipates that the new telesquirt will be delivered in late 2003; the on-going lease payments will be budgeted in 2004 accordingly. This item is recommended to be funded with 2001 carryover funds in order to offset the impact on the fiscally constrained 2003 budget (total cost of the telesquirt is anticipated to be approximately \$500,000 and is recommended to be purchased utilizing the City's master lease program).

Parks, Recreation & Libraries – Five items totaling \$141,850 as follows:

1. \$53,637 for three replacement ¾ ton 2-wheel drive pickup trucks. These trucks were part of the 2001 Phased Spending Plan and released as part of the second period release. Due to the late release of these funds, the vehicles were ordered in 2001 but not delivered prior to year-end.
2. \$36,200 to complete the renovation of the City Park Recreation Center's lower cashier area that was initiated in 2002 but not completed. These funds were appropriated during 2001 but Staff resources were not available to move forward with the project until mid-year 2001 and therefore only the architectural design was completed in 2001. The balance of funds requested here is for the actual renovation of this lower cashier area that is currently underway.
3. \$26,730 for the purchase of library materials (such as books, audiotapes, videotapes, or electronic databases) via a State of Colorado Department of Education grant that the City received in mid-December 2001 and therefore impossible to expend prior to year-end.

4. \$19,360 for the balance of operating funds to maintain and operate the newly opened Christopher Ballfields complex at City Park. The funds were originally budgeted for 2002 but half of the funds were included in the Phased Spending Plan that will not be released in 2002 (half of the funds were released in the first period of the 2002 Phased Spending Plan). Staff is recommending that carryover funds be utilized to permit this new facility the necessary funds to operate (i.e., electrical, water, temporary salaries and umpire fees). This new facility is covering its expenses via revenues (current year-to-date revenues are ahead of budget projections) and utilizing carryover to allow the facility to operate at full capacity through 2002 will generate additional revenues associated with softball league fees.
5. \$5,923 in scholarship funds, received from citizens and recreation program participants, for the Youth Sports Program. These funds are intended to supplement registration fees for individuals needing assistance. These funds will be available for scholarships in 2002.

**GENERAL CAPITAL IMPROVEMENT FUND:**

The following items were originally budgeted in the City's General Fund operating budget but, for the reasons explained within each item below, are being recommended to be appropriated in 2002 and moved into the General Capital Improvement Fund. The Department in which the project/study was originally budgeted is noted.

**Central Charges** – Two items totaling \$800,000 as follows:

1. \$200,000 for the Optical Scanning project for the purchase and implementation of the new Optical Scanning equipment. Funds were previously appropriated in prior years in the General Fund operating budget and moved to the General Capital Improvement Fund (GCIF) due to the size, scope and multiple years of the project. Delays have been incurred due to other, more critical projects coming on line, such as the Computer Aided Dispatch/Records Management System (CAD/RMS) and Financial Management System (FMS) that have required Staff's attention. It is anticipated that the optical scanning project will be initiated in 2002 but not completed in 2002 and therefore, rather than doing carryover on an annual basis and considering the cost of the project, Staff believes it is appropriate to move these funds to the General Capital Improvement Fund (GCIF).
2. \$600,000 for the certificates of participation (COPs) for the new Public Safety Facility budgeted in 2001. However, due to the timing of the COPs issuance, these funds were not needed in 2001 and sufficient funds were budgeted in 2002 for the COP payments. These funds are recommended to help cover the cost of furniture for the new Public Safety Building that were reduced in the current project budget due to funding constraints. Since the Public Safety Facility project is budgeted within the GCIF, Staff believes it is appropriate to move these funds to the GCIF project.

**Police** – One item totaling \$150,000 to the Public Safety Facility project budget. These dollars represent savings in the Police Department 2001 operating budget that are proposed to help offset additional costs associated with the new Public Safety Building, including the relocation costs associated with moving the Dispatch Center to the new location. These savings are proposed to help cover these items.

**Fire** – Two items totaling \$31,800 as follows:

1. \$15,900 to the Public Safety Facility project budget. These dollars represent savings in the Fire Department 2001 operating budget that are proposed to help offset additional costs associated with the new Public Safety Building, including equipment and fixture costs that were reduced in the current project budget due to funding constraints. These savings are proposed to help cover these items.
2. \$15,900 to the Fire Station #2 Relocation project budget. These dollars represent savings in the Fire Department 2001 operating budget that are proposed to help offset costs associated with the relocation of Fire Station #2.

**UTILITY FUND:**

Public Works & Utilities – Twelve items totaling \$700,576 as follows:

1. \$50,000 for the upgrade of the Utility Fund long-term financial plan. Funds were not expended in 2001 due to the continued analysis and evaluation of the specific needs associated with a newer, updated model. Staff is reviewing the progress made with the General Fund fiscal model development and anticipates initiating the Utility Fund model update in the fourth quarter of 2002. Staff is recommending that these funds be transferred into a Utility Fund Capital Improvement Project accounts due to the scope of this project.
2. \$467,984 for necessary repair on one of the Gregory Hill tanks located in the vicinity of 82<sup>nd</sup> Avenue and Lowell Boulevard. During an analysis of the tanks in 2001, this tank was identified as needing repair and Staff is currently evaluating the best means to repair the tank, including the potential need to replace the tank. These funds are needed for this repair work that was initiated in 2001 but not completed prior to year-end. While these funds were originally budgeted within the Utility Fund operating budget, Staff is recommending that these funds be transferred into the Utility Fund Capital Improvement Program due to the scope of this project.
3. \$49,704 for a tandem truck purchase for the truck body and plow. This item was ordered in 2001 but not delivered prior to year-end.
4. \$6,508 for pump station parts ordered late in 2001 but not delivered until 2002.
5. \$15,000 for repairs to the Jim Baker Reservoir Outlet Gate identified in 2001 but not initiated until 2002 as review by Staff and an engineering consultant indicated that the repairs were more complicated and prevented on-site repair. The problem with the gate was discovered after the irrigation season late in 2001. Staff is working towards locating both a workable replacement outlet gate since the design of the existing gate may potentially require a custom replacement.
6. \$10,000 for repairs to the headgate and facilities of the Manhart Ditch. Westminster uses and relies upon the Manhart Ditch to deliver water from Ralston Creek to the Jim Baker Reservoir. Severe silting problems at the Manhart gate were identified last year, but due to delays with Arvada staff, this project was delayed until 2002. These funds are requested to be carried over for needed repairs.
7. \$20,000 for the Helton & Williamson contract to change recently acquired agricultural water rights for use in Westminster's municipal water system. This contract includes funds for negotiations with objectors and for expert testimony at trial if necessary.
8. \$8,860 for Standley Lake Eurasian Milfoil control. This is a joint project with the cities of Thornton and Northglenn for controlling Eurasian Milfoil in Standley Lake. Negotiations during the past year on who should pay for the remediation project caused delays. In addition, the project could not be completed in 2001 since the milfoil weevils cannot be distributed in late fall or winter to attack the Eurasian Milfoil.
9. \$26,180 to complete repairs to the Hydrohammer ordered in 2001; delays were incurred since parts were not available until March 2002.
10. \$22,340 for a 1-ton truck that replaces one of the Harben sewer cleaners that was ordered in 2001 but not delivered prior to year-end.
11. \$18,500 for miscellaneous costs associated with the purchase of additional land at the City's Strasburg Natural Resource Farm. Ongoing environmental monitoring done in conjunction with biosolids application at the existing site must be extended to the new property. An asbestos/lead-based paint survey and possible remediation is required as well as some general clean up at the site. Relocation of some fencing on the new property will also be required. These carryover funds will help offset these unanticipated costs.

12. \$5,500 for the disposal of an unanticipated 8,000 pounds of solidified sodium hydroxide removed from the bottom of a chlorine scrubber cleaned in 2001. Since this material was determined to be hazardous waste, a lengthy documentation process and laboratory testing was required prior to disposal, which could not occur until early February 2002.

**OPEN SPACE FUND:**

1. \$1,668,175 to be utilized for the purchase of open space land. The majority of this amount reflects grant funds received by the City for the acquisition of open space lands (approximately \$1.4 million) and the balance of funds are derived from higher than projected open space sales tax collections during 2001. All of these funds will be utilized towards the acquisition of open space land.
2. \$49,500 for the completion of the McKay Lake Renovation engineering activities. This project was initiated in 2001 but postponed until the downstream developer moves forward with the Huntington Trails subdivision project, which is anticipated for the fall of 2002.

**WORKERS COMPENSATION FUND:**

One item totaling \$350,000 for the purpose of covering an unanticipated surge of workers compensation claims being processed currently. These funds are needed to assure that the Workers Compensation Fund remains fiscally sound.

2001 CARRYOVER FOR INCENTIVE BUDGETING

Through Resolution No. 40, Series of 1989, City Council adopted an Incentive Budget Program, whereby a portion of departmental savings realized would be re-appropriated to the applicable departments. The formula for determining the amount of Incentive Budget Funds is departments receive 100% of the first \$5,000 in savings and 25% of any savings above \$5,000. This amount is limited to the amount of excess carryover. For the 2001 carryover funds, Staff is recommending that no Incentive Budget funds be distributed in 2002 in light of the current tight economic times. Staff believes it more prudent to utilize these carryover funds to fund specifically identified items that may or may not be funded otherwise and therefore is not recommending any budget incentive funds be appropriated to departments.

CARRYOVER FOR EXISTING OR NEW CAPITAL PROJECTS

The majority of the carryover funds will be brought back to be appropriated later this summer for Capital Improvement Program (CIP) projects. Staff is reviewing possible capital projects to determine the best use of carryover funds. Staff recommends reviewing the proposed capital improvement projects component of carryover funds at a later date to allow City Council the opportunity to review the proposed 2003 and 2004 Capital Improvement Program (CIP) (scheduled for review with City Council August 19).

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **35**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENTS, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby increased by \$2,216,494 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$75,034,031. 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 carryover funds from 2001.

Section 2. The \$2,216,494 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>	
<b>REVENUES</b>				
Carryover 1000.40020.0000		\$4,279,983	<u>\$2,216,494</u>	\$6,496,477
Total Change to Revenues			<u>\$2,216,494</u>	
<b>EXPENSES</b>				
Professional Services 10003120.65100.0000		\$37,500	\$8,635	\$46,135
Office Equipment 10005050.75200.0000		0	1,250	1,250
Professional Services 10010900.65100.0000		166,078	83,000	249,078
Professional Services 10015220.65100.0000		66,420	13,750	80,170
Professional Services 10030050.65100.0000		10,000	53,324	63,324
Professional Services 10030360.65100.0000		79,997	100,000	179,997
Professional Services 10030340.65100.0000		0	100,000	100,000
Lease Payments 10020272.67700.0000		256,738	134,535	391,273
Career Development 10025260.61800.0546		25,683	5,645	31,328
Lease Payments 10025260.67700.0000		239,149	27,705	266,854
Vehicles 10025260.75600.0546		104,000	105,000	209,000
Vehicles 10025260.75600.0000		0	110,000	110,000
Vehicles 10050550.75600.0000		81,050	53,637	134,687
Other Equipment 10050720.76000.0860		7,200	36,200	43,400
Electronic Information Resources 10050620.70600.0000		56,800	6,730	63,530
Library Materials 10050620.71600.0000		357,500	20,000	377,500
Electricity and Gas 10050550.67200.0000		45,000	5,000	50,000
Professional Services 10050760.65100.0504		0	11,310	11,310
Temporary Salaries 10050760.60600.0504		70,400	3,050	73,450
Special Promotions-Youth Scholarship 10050760.67600.0528		0	5,923	5,923
Transfer to Capital Projects Fund 10010900.79800.0750		3,582,650	981,800	4,564,450

Description	Current Budget	Increase	Final Budget
Transfer to Workers Comp Fund 10010900.79800.0480	355,470	<u>350,000</u>	705,470
Total Expenditures		\$2,216,494	

Section 3. The 2002 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2913 in the amount of \$10,305,000 is hereby increased by \$981,800 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$16,005,760. 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 carryover funds from 2001.

Section 4. The \$981,800 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Transfer from General Fund 7500.45000.0100	\$3,582,650	<u>\$981,800</u>	\$4,564,450
Total Change to Revenues		<u>\$981,800</u>	
<b>EXPENSES</b>			
Fire Station 2 Relocation 80175025014.80400.8888	\$2,498,561	\$15,900	\$2,514,461
Public Safety Center 80175020086.80400.8888	873,370	765,900	1,639,270
Optical Scanning 80175005197.80400.8888	240,000	<u>200,000</u>	440,000
Total Change to Expenditures		<u>\$981,800</u>	

Section 5. The 2002 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2913 in the amount of \$4,761,666 is hereby increased by \$1,717,675 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$7,721,786. The actual amount in the Open Space 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 carryover funds from 2001.

Section 6. The \$1,717,675 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Carryover 5400.40020.0000	\$723,330	\$1,717,675	\$2,441,005
Total Change to Revenues		<u>\$1,717,675</u>	
<b>EXPENSES</b>			
Land Purchases 54010900.76600.0000	\$1,898,515	\$1,668,175	\$3,566,690
Engineering Design 54010900.65600.0000	50,000	<u>49,500</u>	99,500
Total Change to Expenditures		<u>\$1,717,675</u>	

Section 7. The 2002 appropriation for the Utility Fund initially appropriated by Ordinance No. 2913 in the amount of \$38,085,609 is hereby increased by \$700,576 which, when added to the fund balance as of the City Council action on July 22, 2002 will equal \$54,484,384. The actual amount in the Utility 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 carryover funds from 2001.

Section 8. The \$700,576 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Carryover – Water 2000.40020.0000	\$4,598,304	\$628,056	5,226,360
Carryover – Wastewater 2100.40200.0000	4,414,473	<u>72,520</u>	4,486,993
Total Change to Revenues		<u>\$700,576</u>	
<b>EXPENSES</b>			
Utility Fund Fiscal Model 80220035530.80400.8888	\$0	\$50,000	\$50,000
Gregory Hill Tanks 80220035531.80400.8888	0	467,984	467,984
Vehicles 20035470.75600.0000	95,000	49,704	144,704
Parts 20035470.73600.0000	10,500	6,508	16,508
Ditch Assessments 20035480.66400.0000	331,586	15,000	346,586
Professional Services 20035480.65100.0000	338,000	38,860	376,860
Vehicles 21035470.75600.0000	50,700	48,520	99,220
Contractual Services-Biosolids 21035470.67800.0401	607,135	18,500	625,635
Professional Services 21035490.65100.0000	13,200	5,500	18,700
Total Change to Expenditures		<u>\$700,576</u>	

Section 9. – 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 10. This ordinance shall take effect upon its passage after the second reading.

Section 11. 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 8<sup>th</sup> day of July, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22<sup>nd</sup> day of July, 2002.

ATTEST

\_\_\_\_\_  
Mayor

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



## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, July 8, 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally. Absent None.

The minutes of the June 24, 2002 meeting were approved.

Council accepted Denver Regional Council of Governments Cooperative Service Delivery Award and two Productivity Improvement awards. Mayor Moss proclaimed Monday, July 22, 2002 as Lao-Hmong Recognition Day.

Council approved the following: Bids re Radio Console Furniture with Watson Furniture for \$47,734; Career Enrichment Park Improvements Intergovernmental Agreement for \$225,000; PDP/ODP Approval for Winters South Property (NWC Wadsworth & 110<sup>th</sup>); PDP Amendment re Northpoint Center Filing No. 1 Lot 6C (104<sup>th</sup> Ave and Westminster Blvd); ODP re Northpoint Center Filing No. 1 Lot 6C (104<sup>th</sup> Ave and Westminster Blvd) as amended.

Council TABLED the Swim and Fitness Center Weight Room Expansion Contractor Award.

The following public hearings were held: At 7:32 p.m. on the Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave); at 7:45 p.m. on the Northpoint Center Filing No. 1 Lot 6C (104<sup>th</sup> Avenue and Westminster Blvd); and a public meeting was held on the 2003 and 2004 City Budget.

The following Councillor's Bills were 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 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: annexation of Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave)

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: CLUP Amendment for Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave)

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 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: Zoning for Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave)

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: CLUP Amendment for Northpoint Center Filing No. 1 Lot 6C (104<sup>th</sup> Avenue and Westminster Blvd)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 15, WESTMINSTER MUNICIPAL CODE, CONCERNING PURCHASING PROCEDURES purpose: approving amendments to Westminster Code pertaining to purchasing procedures

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND purpose: appropriation for commencement of construction at Standley Lake

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENTS, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS purpose: appropriating carryover funds from 2001 to 2002 budget

The following Resolutions were adopted:

Resolution No. 36 re Findings on Winters South Property (NWC Wadsworth & 110<sup>th</sup> Ave)

At 9:01 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on July 18, 2002.