



WESTMINSTER
COLORADO

JULY 24, 2000
7:00 P.M.
AGENDA

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

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

Cell phones and pagers must be turned OFF during Council meetings

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
5. **Citizen Communication**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. Custodial Contract Bid for City Facilities
 - B. Project Management Services Contract for Public Safety Facility to Architectural Resource Consultants for \$102,835
 - C. Councillor's Bill No. 55 re Annexation of East Bay Development (Hicks-Merkel)
 - D. Councillor's Bill No. 56 re Zoning of East Bay Development (Hicks-Merkel)
 - E. Councillor's Bill No. 57 re Comprehensive Land Use Plan Amendment for East Bay (Hicks-Merkel)
 - F. Councillor's Bill No. 58 re Annexation of BAM Animal Hospital (Atchison-Smith)
 - G. Councillor's Bill No. 59 re Zoning of BAM Animal Hospital (Atchison-Smith)
 - H. Councillor's Bill No. 60 re 2000 Budget Supplemental Appropriation (Smith-Hicks)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. TABLED Resolution No. 33 re Career Enrichment Park Site Improvement and Utilization Plan
 - B. TABLED Resolution No. 56 re Heritage Golf Course Green Fee Increase
 - C. Continued Public Hearing re Annexation/Zoning and PDP for Freedom Inc, City Open Space and Jefferson Academy located north and south side of 99th Avenue west of Wadsworth Boulevard
 - D. Resolution No. 50 Findings re Annexation of City Open Space and Freedom Inc Properties
 - E. Finding on Annexation of Jefferson Academy property
 - F. Councillor's Bill No. 53 re Annexation of City Open Space and Freedom Inc. Properties
 - G. Councillor's Bill No. 54 re Zoning City Open Space Property and Freedom Inc. Property
 - H. Preliminary Development Plan for Freedom Inc. Property
 - I. Public Hearing re Huntington Trails Annexation, Zoning and Comprehensive Land Use Plan Amendment located at the southwest corner of 144th Avenue and Huron Street
 - J. Councillor's Bill No. 61 Annexing 140 acres of Huntington Trails

10 Public Hearings and Other New Business (continued)

- K. Councillor's Bill No. 62 Zoning 138 acres of Huntington Trails PUD
- L. Councillor's Bill No. 63 Amending Comprehensive Land Use Plan to include Huntington Trails
- M. Public Hearing re Church Ranch Annexation West and 3rd Amended PDP 6.92 acres near the southeast corner of Wadsworth Boulevard and 103rd Avenue
- N. Resolution No. 57 Findings re Annexation of Church Ranch West
- O. Councillor's Bill No. 64 re Annexation of 6.92 acre Church Ranch West
- P. Councillor's Bill No. 65 re Zoning Church Ranch West
- Q. Third Amended Preliminary Development Plan for Church Ranch Home Place
- R. Church Ranch Marriott Hotel Agreement Amendment
- S. Councillor's Bill No. 66 re Defining a Household and Placing Restriction on Sexual Offender Residents
- T. Land Conveyance for Promenade Office Building
- U. Councillor's Bill No. 67 re Rental Inspection of Hotels and Motel Units
- V. Resolution No. 58 re Grant Application for Adams County Open Space Program
- W. Councillor's Bill No. 68 re City Park Softball Complex Phase B in the amount of \$994,000
- X. Contract with RBI for \$4,303,931; Fence Consultant Services for \$273,135 and DHM Design for \$81,297 for City Park Softball Complex Phase B
- Y. Councillor's Bill No. 69 re Big Dry Creek Trail GOCO Grant on 99th Avenue between Old Wadsworth and the Burlington Northern Santa Fe Railroad Underpass
- Z. Contract with GOCO in the amount of \$45,000 for Big Dry Creek Trail
- AA. Councillor's Bill No. 70 re Big Dry Creek Local Discharge Limitations to Sanitary Sewer System
- BB. Project Management Services with Black & Veatch for \$678,701 for Semper Clearwell Replacement
- CC. CDM Design/Build Contract for Semper Clearwell for \$8,012,177

11. Old Business and Passage of Ordinances on Second Reading

None

12. Citizen Presentations and Miscellaneous Business

- A. Financial Report for June, 2000
- B. City Council
- C. Request for Executive Session
 - 1. Contract and Real Estate Negotiations

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 24, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Hicks to accept the minutes of the meeting of July 10, 2000 with no additions or corrections. The Mayor requested to abstain from voting since she was not present at this meeting. The motion carried with Mayor Heil abstaining.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Custodial Contract Bid for City Facilities, award the custodial services contracts for north area City facilities to the second low bidder KG Cleaning Services, based on a finding that this action will best serve the public interest, in the amount of \$203,916 for services at City Hall, Westminster Police Department, City Park Recreation Center, City Park Fitness Center, and the Hydropillar; Award the bid for south area facilities to the low bidder, Carnation Building Services, in the amount of \$63,768, for services provided at Municipal Service Center buildings, Swim and Fitness Center, Municipal Court, and 76th Avenue Library; Authorize the City Manager to execute these custodial service contracts effective September 1, 2000; and charge the expense to the 2000 General Fund, General Services Department Budget; Project Management Services Contract for Public Safety Facility, authorize the City Manager to execute a contract with Architectural Resource Consultants Inc. for project management services for the Public Safety Facility in the amount of \$102,835 and charge the expense to the appropriate project account in the General Capital Improvement Fund with the amount being reimbursed from the future financing for this project at such time as the financing is completed. Councillor's Bill No. 55 re Annexation of East Bay Development, on second reading; Councillor's Bill No. 56 re Zoning of East Bay Development on second reading; Councillor's Bill No. 57 re Comprehensive Land Use Plan Amendment for East Bay on second reading; Councillor's Bill No. 58 re Annexation of BAM Animal Hospital on second reading; Councillor's Bill No. 59 re Zoning of BAM Animal Hospital on second reading and Councillor's Bill No. 60 re 2000 Budget Supplemental Appropriation

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

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

CONTINUED PUBLIC HEARING-ANNEX/ZONE/PDP- FREEDOM INC AND CITY OPEN SPACE:

At 7:25 P.M. the public hearing on the annexation, zoning and preliminary development plan for Freedom Inc, Jefferson Academy and City of Westminster Open Space land, located at 99th Avenue west of Wadsworth Boulevard. A letter of withdrawal from Jefferson Academy was read into the record.

Dave Anderson representing Freedom Inc & Jeff Academy addressed Council along with Cheryl Haines, 7986 West 99th Avenue; David Rapier, 9930 Ammons Circle, Chair of Citizens for Charter School Accountability; Larry Ackerman, Real Estate Agent, Debbie Rapier, 9930 Ammons Circle; John Wolforth, Jefferson County Planner representing Jefferson County Commissioners; Sue Schierkolk, 9620 Allison Way; Crain Bennigsdorg, member of the church and Real Estate agent.

A motion was made by Atchison and seconded by Hicks to accept the withdrawal of Jefferson Academy from the annexation and zoning application. The motion carried unanimously.

A motion was made by Atchison and seconded by Hicks to continue the public hearing on Agenda items 10 C, 10 D, Resolution No. 50 re Findings re Annexation of City Open Space and Freedom Inc Properties; 10 F Councillor's Bill No. 53 re Annexation of City Open Space and Freedom Inc Properties; Agenda item 10 G, Councillor's Bill No. 54 re Zoning City Open Space Property and Freedom Inc Property; and Agenda Item 10 H Preliminary Development Plan for Freedom Inc Property until August 14, 2000. The motion carried unanimously and at 7:50 P.M. the public hearing was declared continued.

PUBLIC HEARING-ANNEX/ZONE/PDP- HUNTINGTON TRAILS:

At 7:51 P.M. the public hearing on the annexation, zoning and preliminary development plan for Huntington Trails land, located at the southwest corner of 144th Avenue and Huron Street was opened. The Mayor stated that the annexation, zoning and comprehensive land use plan amendment for the Huntington Trails project are being remanded to the Planning Commission to address a problem with the notice of the Planning Commission hearing. Planning Commission will hold a new hearing on these matters on August 8th, with City Council considering this application on August 28th. Under the Annexation Act there is a provision that suggests in order to continue the hearing, it must be opened for a minimum of one hour to take testimony. The Mayor asked if there was anyone present that wished to speak on this item at this time. No one came forward. The Mayor stated that other item on the agenda would be considered at this time.

PUBLIC HEARING-ANNEXATION/ZONING/PDP- CHURCH RANCH WEST

At 7:56 P.M. the public hearing on the annexation, zoning and third amended preliminary development plan for Church Ranch West, located near the southeast corner of Wadsworth Boulevard and 103rd Avenue.

Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Greg Bradbury, partner of Church Ranch and Scott Harper, owner of the property spoke in favor of this application. There was no opposition. The public hearing was declared closed at 8:02 P.M.

RESOLUTION NO. 57 – FINDINGS RE ANNEXATION OF CHURCH RANCH WEST:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 57 making certain findings as required by State Statutes for the annexation of Church Ranch West Development. Upon roll call vote, the motion carried with Councillor Moss abstaining.

COUNCILLOR'S BILL NO. 64 – ANNEXING CHURCH RANCH WEST:

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 64 on first reading, annexing the Church Ranch West property to the City of Westminster. Upon roll call vote, the motion carried unanimously with Councillor Moss abstaining.

COUNCILLOR'S BILL NO. 65 – ZONING CHURCH RANCH WEST TO PUD:

A motion was made by Atchison and seconded by Merkel to pass Councillor's Bill No. 65 on first reading, zoning the annexed Church Ranch West property to Planned Unit Development. Upon roll call vote, the motion carried with Councillor Moss abstaining.

THIRD AMENDED PRELIMINARY DEVELOPMENT PLANS FOR CHURCH RANCH WEST:

A motion was made by Atchison and seconded by Merkel. to approve the Third Amended Preliminary Development plan for Church Ranch Home Place. The motion carried with Councillor Moss abstaining.

CHURCH RANCH MARRIOTT HOTEL AGREEMENT AMENDMENT:

A motion was made by Atchison and seconded by Merkel. to approve in concept an amendment to the existing agreement with Church Ranch Hotel Company II, LLC which would remove section 3.15 of the existing agreement and replace it with language that would have the limited partnership providing the full set, wet stamp construction plans and specifications for the full service hotel and conveying the 2.59 acre site where the full service hotel is planned to be located to the City of Westminster at no cost if the limited partnership is unable to commence construction on the full service hotel by March 1, 2004. Said amendment language to be reviewed and approved by the City Attorney along with other sections of the agreement that relates to section 3.15 to achieve a consistent revised agreement. Greg Bradbury and Jim Vasbinder addressed City Council. The motion carried unanimously, with Councillor Moss abstaining.

COUNCILLOR'S BILL NO. 66 SEXUAL OFFENDER RESIDENTS

A motion was made by Moss and seconded by Hicks to pass Councillor's Bill No. 66 on first reading, defining a household and placing restriction on its residents with the following: add a new subsection 7 to 11-1-3 (A) to read: "It shall be an affirmative defense to a violation of this section that the defendant's only violation which required registration as a sex offender was a conviction or plea of guilty to a charge which consisted only of public indecency as defined in Section 6-4-1 (A) 6 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

LAND CONVEYANCE FOR PROMENADE OFFICE BUILDING:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to sign all necessary documents, agreements, or other legal instruments necessary to achieve the Promenade parking General Improvement District, the construction of the Phase II office building and the conveyance of land to Inland Pacific or subsidiary on which the office building is to be located. Tim O'Bryne addressed City Council. The motion carried unanimously.

COUNCILLOR'S BILL NO. 67 RE RENTAL INSPECTION OF HOTELS AND MOTEL UNITS

A motion was made by Merkel and seconded by Hicks to pass Councillor's Bill No. 67 on first reading, amending the existing Rental Property Maintenance Code to include hotel and hotel rental units. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 58 RE GRANT APPLICATION FOR ADAMS COUNTY OPEN SPACE PROGRAM

A motion was made by Hicks and seconded by Moss to adopt Resolution No. 58 authorizing the submittal of open space grant applications to the Adams County Open Space Program for one or more of the priority open space, trail and park projects described above, as determined by Staff through the grant submittal process. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 68 RE CITY PARK SOFTBALL COMPLEX PHASE B IN THE AMOUNT OF \$994,000

A motion was made by Smith and seconded by Merkel to pass Councillor's Bill No.68 on first reading appropriating \$994,000 into the General Capital Improvement Fund, increasing the project budget by \$994,000, and authorize the use of these funds for construction of the City Park Softball Complex. Upon roll call vote, the motion carried unanimously.

CONTRACT WITH RBI FOR CITY PARK SOFTBALL COMPLEX PHASE B

A motion was made by Smith and seconded by Merkel to authorize the City Manager to sign contracts with RBI in the amount of \$4,303,931, Fence Consultant Services in the amount of \$273,135 and a change order with DHM Design in the amount of \$81,297 and add a 6% (\$280,000) project contingency. The motion carried unanimously.

COUNCILLOR'S BILL NO. 69 RE BIG DRY CREEK TRAIL GOCO GRANT:

A motion was made by Atchison and seconded by Hicks to pass Councillor's Bill No. 69 on first reading appropriating \$45,000 into the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

CONTRACT WITH GOCO FOR BIG DRY CREEK TRAIL

A motion was made by Atchison and seconded by Hicks to authorize the City Manager to sign a contract with GOCO in the amount of \$45,000. The motion carried unanimously.

COUNCILLOR'S BILL NO. 70 BIG DRY CREEK LOCAL DISCHARGE LIMITS TO SANITARY SEWER SYSTEM

A motion was made by Moss and seconded by Atchison to pass Councillor's Bill No. 70 on first reading to amend the local discharge limitations contained in Chapter 10 of Title VIII of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

SEMPER CLEARWELL:

A motion was made by Merkel and seconded by Hicks to authorize the City Manager to execute a contract with Black and Veatch, LLP, in the amount of \$678,701 for project management services during the design and construction of the replacement Clearwell. The expense associated for the services will be charged to the Utilities Capital Improvements Fund and authorize the City Manager to execute a contract with CDM Engineers and Constructors, Inc., in the amount of \$8,012,177 for the design and construction for the 5 million-gallon Semper Clearwell and approve a 15% project contingency of \$1,160,000. The funds for the project are available in the appropriate project account in the Utility Fund. The motion carried unanimously.

FINANCIAL REPORT FOR JUNE, 2000

City Council reviewed the Financial report for June, 2000.

MISCELLANEOUS BUSINESS:

Councillor Atchison stated that he would be out of town on August 7th. Councillor Hicks attended the COG picnic for the Countryside area and stated the residents of the area are pleased that the Countryside Pool will not be closed.

The Mayor stated there would be an executive session item regarding a contract and real estate negotiation.

Council reconvened to the Council Board Room and a motion was made by Atchison and second by Hick to continue to the public hearing regarding Huntington Trails and agenda items Councillor's Bill No. 61 annexing 140 acres of Huntington Trails, Councillor's Bill No. 62, zoning 138 acres of Huntington Trails PUD; and Councillor's Bill No. 63, Amending Comprehensive Land Use Plan to include Huntington Trails was declared continued until August 28th at 8:51 P.M.

ADJOURNMENT:

The meeting was adjourned at 8:52 P.M

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Custodial Services Contracts for City Facilities

Prepared by: Jerry Cinkosky, Contract Services Coordinator
Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to authorize the City Manager to execute contracts with KG Cleaning Services and Carnation Building Services to provide custodial services in City facilities. Funds are available for this expenditure in the 2000 General Fund, General Services Department Budget. In the event that an appropriation for the purpose of the contract is not made in a succeeding year, this contract shall terminate without further liability for either party.

Summary

An invitation to submit bids for providing custodial services in City facilities was sent to 13 custodial firms. On June 23, 2000, bids were received from 8 of the 13 companies for Staff's review and evaluation.

The criteria used to evaluate the bids were: cost of service; proposed staffing for each facility; recommendations from other clients; and past performance working with the City of Westminster.

The custodial services bid was written to allow for and award to two different companies based on geographic locations.

Staff believes KG Cleaning Services and Carnation Building Services are capable of meeting all contractual requirements set forth in the City's bid specifications. Staff is not recommending an award based on the lowest bid submitted by Champion Maintenance based on poor past performance working in City facilities resulting in numerous citizen complaints and eventual termination of services at the Swim and Fitness Recreation Center and Legacy Ridge Golf Course.

The contract terms are one year with options for two one-year renewals.

Alternative

Award contracts to more than two separate companies based on lowest bid results for each facility. Staff does not recommend this approach since it would necessitate the administration of contracts with five different custodial services companies, and it would not be consistent with the bid specifications previously given to the contractors.

Policy Issue(s)

1. Whether to continue the past practice of contracting out custodial service for City facilities.
2. Whether to continue grouping the custodial services facilities contracts so that the contracts are awarded to two vendors.

Staff Recommendation

Award the custodial services contracts for north area City facilities to the second low bidder KG Cleaning Services, based on a finding that this action will best serve the public interest, in the amount of \$203,916 for services at City Hall, Westminster Police Department, City Park Recreation Center, City Park Fitness Center, and the Hydropillar; Award the bid for south area facilities to the low bidder, Carnation Building Services, in the amount of \$63,768, for services provided at Municipal Service Center buildings, Swim and Fitness Center, Municipal Court, and 76th Avenue Library; Authorize the City Manager to execute these custodial service contracts effective September 1, 2000; and charge the expense to the 2000 General Fund, General Services Department Budget.

Background Information

For the past twelve years, the City of Westminster has contracted with the private sector to provide custodial services in City facilities. It is estimated that this approach has saved the City approximately \$100,000 to \$150,000 annually. The facilities included in these contracts are:

City Hall	Swim and Fitness Recreation Center
Hydropillar	City Park Recreation Center
City Park Fitness Center	Westminster Police Department
Municipal Service Center	Municipal Court Building
76 th Avenue Library	

The custodial service contracts for Semper Water Treatment, Legacy Ridge Clubhouse, and the Community Senior Center are not included in this bid since they are administered by the Public Works and Utilities and Parks, Recreation, and Libraries Departments.

Once again this year, in the contract specifications and during the pre-bid conference, Staff requested that each company bid facilities separately in order to allow for two separate contracts to be awarded. Staff's objective is to use the services of two contractors so that a backup would be readily available in case one of the contractors was unable to fulfill their contractual requirements. Staff also believes that the two-contractor approach provides an added incentive for each contractor to maintain a good work performance level. In addition, limiting the number of contractors to two on a geographic basis, allows the selected contractors to hold down the supervisory and administrative costs through economies of scale. The result is a net lower cost to the City for Custodial service.

Criteria used to evaluate bids for an award recommendation were:

1. Cost of contract services
2. Contractors' proposed staff hours
3. Past performance working with the City
4. References from other companies (past, present)
5. Division of City facilities to allow for an award to two companies

Those companies responding to the Request for Bids were: Associated Services, Carnation Building Services, Expert Contract Maintenance, Champion Maintenance, KG Cleaning Company, OPS Cleaning Company, Tiger Cleaning Company, and Varsity Cleaning Company. The results of the bid process are as follows:

North Area Facilities:

Champion Maintenance Company	\$189,065
KG Cleaning Company	203,916
O.P.S.	208,152
Carnation Building Services	210,756
Associated Service Network	211,920
Expert Contract Maintenance	230,244
Varsity Contractors	236,790
Tiger Cleaning Service	90,960 (bids not submitted for all facilities)

South Area Facilities:

Carnation Building Services	\$ 63,768
KG Cleaning Company	66,180
Champion Maintenance Company	68,190
O.P.S.	69,600
Varsity Contractors	70,536
Expert Contract Maintenance	74,550
Associated Service Network	75,960
Tiger Cleaning Service	42,612 (bids not submitted for all facilities)

During the evaluation process, Staff contacted Tiger Cleaning Services to request information regarding past and present business references. Tiger Cleaning Services was unable to provide this information based on their business just getting started. For this reason, and the fact that they did not bid on all facilities, Staff is not recommending Tiger Cleaning Services at this time.

Based on past performance working with the City of Westminster, including the City's need to terminate its contracts at both Legacy Ridge Golf Course and Swim & Fitness Recreation Center for poor performance, Staff is not recommending the use of the lowest bid received from Champion Maintenance Company. Westminster City Code allows for the award of bid to other than the lowest bidder when the public interest would be better served by accepting a higher bid. City Staff is therefore recommending the bid that is second lowest for the north area facilities.

Staff has contacted KG Cleaning Company's and Carnation Building Services' past and present references, and received satisfactory or higher remarks on both.

KG Cleaning Company would be providing custodial services at the following facilities: City Hall, Westminster Police Department, City Park Recreation Center, City Park Fitness Center, and Hydropillar.

Carnation Building Services would provide services at the Municipal Service Center facilities, Fleet Maintenance, Operations and Administration, Municipal Court, Main Library and Swim and Fitness Center.

Both KG Cleaning Company and Carnation Building Services have worked for the City and have done an exceptional job. If approved by Council, the new contracts would go into effect September 1, 2000.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Project Management Services Contract For Public Safety Facility

Prepared by: Janice Kraft, Technical Services Administrator

Introduction

City Council action is requested authorizing the City Manager to sign a contract with Architectural Resource Consultants Inc. for project management services for the Public Safety Facility in the amount of \$102,835; \$96,085 for services and reimbursable expenses not to exceed \$6,750. Funds are available in the General Capital Improvement Fund Public Safety Project account for this expense. It is Staff's plan to reimburse this account when COP financing for construction of the building is authorized by Council at a later date.

Summary

At its study session on May 15, 2000, City Council directed Staff to pursue selection of a Construction Manager/General Contractor (CM/GC) for the Public Safety Facility project by use of a negotiated contract process. Council further directed staff to select a firm to provide project management services prior to interviewing and selecting a General Contractor.

Architectural Resource Consultants (ARC) was selected through a competitive process that included request for proposal and qualifications from eight project management/owner's representative firms. Staff and the architect shortlisted to three firms based on a combination of breadth of experience of the company, qualifications, education and background of the staff proposed for the project, company philosophy on project management and teamwork, and proposed cost. The three firms; ARC, Michael Brisbois Associates, and Western Project Services, were interviewed and ARC was selected based on the following evaluation factors:

- ARC's cost proposal was \$56,415 lower than Michael Brisbois Associates and \$162,315 lower than Western Project Services.
- ARC's project approach was very organized, disciplined, and placed heavy emphasis on planning, risk management, cost and schedule control, and open communication. Staff did not believe the other two firm's approach was as structured as necessary for a public project as important as the Public Safety Facility, plus they were more costly.
- ARC proposes a team of five employees to staff the project, compared to two for the other firms. Staff believes this to be an advantage as there will be more personnel available to the project at a lower cost.
- ARC's proposed project team has educational degrees and /or certification in international business, cost estimating, construction management, electrical engineering, industrial engineering, and architectural engineering.
- ARC has operated as an Owner's Representative/Project Management Company for fifteen years compared to Michael Brisbois' seven years and Western Project Services' for four months.

Policy Issue

Should the City expend funds to hire a project management firm for the Public Safety building project and should the contract go to Architectural Resource Consultants in the amount of \$102,835?

Staff Recommendation

Authorize the City Manager to execute a contract with Architectural Resource Consultants Inc. for project management services for the Public Safety Facility in the amount of \$102,835 and charge the expense to the appropriate project account in the General Capital Improvement Fund with the amount being reimbursed from the future financing for this project at such time as the financing is completed.

Background Information

In response to City Council's direction in May 2000, Staff developed a request for qualifications and cost proposal for project management/owner's representative services for the Public Safety Facility. The firm selected would provide the following services to the project:

- Assisting the City in selection of a Construction Manager/General Contractor.
- Cost estimating review and final construction documents cost estimate validation.
- Evaluation of drawings for constructability and change order prevention.
- Construction observation and site review.
- Periodic construction schedule analysis.
- Pay application analysis.
- Weekly construction meeting attendance, submittal tracking, and project status reporting.
- Coordination with the architect and the City for change order review and approval.

Eight project management firms responded to the City's request. This list was developed from recommendations and references from City Staff and the project architects:

Architectural Resource Consultants
Daniel, Mann, Johnson & Mendenhall, Inc.
Hanscomb
Source One

Michael Brisbois Associates
Development Planning Associates
LSV, Inc.
Western Project Services

A selection team comprised of the Special Projects Director, Chief Building Official, a representative from the Police Department and Fire Department, and Dennis Humphries from Humphries Poli Architects, the design architect, reviewed the responses. Staff's intent was to find a firm whose approach to the project emphasized early and on-going planning, appropriate risk management and strong controls on cost and schedule. It was important that the firm held the same belief as Staff on the criticality of open communication, formal and disciplined, and teamwork.

The field was narrowed to three firms for interviews – Architectural Resource Consultants (ARC), Michael Brisbois Associates, and Western Project Services. From those interviews, the selection team determined ARC to be the most qualified and best fit for the goals of the Public Safety Facility project. They also were the lowest cost proposal.

ARC has a broad base of educational background in its staff. They have worked on a wide variety of projects for school districts, colleges, medical and pharmaceutical companies, municipalities, restaurants, resorts, casinos, churches, libraries, museums, and correctional facilities. The cost of their projects have ranged from \$22,000 to \$74.2 million. They received recommendations from owners and contractors alike.

Alternative(s)

- 1) Do not approve the contract with Architectural Resource Consultants at this time.
- 2) Approve a contract with one of the other proposers.
- 3) Direct Staff to pursue a selection of an altogether different firm.

Staff does not recommend any of these alternatives as proposals were reviewed from eight firms in this process and Staff believes ARC to be the best qualified and suited to the project goals and at the lowest cost to the project. A delay in selection of a firm at this time would have an impact on the overall project schedule and selection of the Construction Manager/General Contractor.

Staff believes that Architectural Resource Consultants will be an important member of the team working on the Public Safety Facility project. Bringing them on board at this time meets the intent of the City's Capital Improvement Project Management Process.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Continued Annexation and Preliminary Development Plan Approval for the Freedom, Inc. Property, Annexation and Zoning of City Open Space, and Jefferson Academy

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested for the purpose of taking action on the application for annexation and zoning of three parcels of land and a Preliminary Development Plan for the Freedom, Inc. land. The three parcels include the Jefferson Academy land, the Big Dry Creek Open Space parcel that is owned by the City and a two-acre parcel belonging to Freedom, Inc.

Summary

Applicant/Property Owner: Jefferson Academy, City of Westminster and Freedom, Inc.

Location: On the north and south side of 99th Avenue, west of Wadsworth Boulevard. (See attached vicinity map)

Size of Site: Freedom, Inc. parcel, 2 acres; City parcel, 4.5 acres; Jefferson Academy parcel, 13.9 acres. Total annexation: 20.4 acres.

Description of Proposed Use: No change in use is proposed for the school land. The City-owned property was purchased for open space, and the Freedom, Inc. property is proposed as an area for expansion of the Family in Christ Church, which is adjacent to the north.

Major Issues:

1. 99th Avenue is an important right-of-way for the City as it has been designated as the route for the Big Dry Creek Trail which is being constructed this year. A signalized trail crossing of Old Wadsworth Boulevard is also planned near 99th Avenue. As part of this application, the owners of the Freedom, Inc. property will dedicate 25-feet of the frontage of their property for Wadsworth Boulevard improvements and ten additional feet along the north side of 99th Avenue. The additional right-of-way may assist in providing adequate room for a trail extension along 99th Avenue. If the Freedom Inc. property is not annexed, this right-of-way would not be dedicated and the church and commercial property could be developed in Jefferson County. Regardless of whether or not the property is annexed, water and sewer service are required to be provided by the City according to the Standley Lake Water and Sanitation District dissolution agreement.
2. The neighborhood association for the surrounding residential area has a number of concerns regarding Jefferson Academy. Included among them is the construction of athletic fields and buildings close to the adjacent homes, construction of a waste storage tank and on-street parking by Academy employees and visitors on residential streets.

3 Jefferson County raised two concerns:

- Jefferson County Board of County Commissioners strongly recommends that the City of Westminster reconsider Annexation Map #1. The proposal for the first part of the annexation leaves out a significant piece of property. Any further annexation to the north of this property could create a “mini enclave” in Jefferson County. Currently, the property being left out of the annexation request is zoned Commercial-One (C-1) and is under the same ownership as the parcel to the west which is zoned Agricultural-One (A-1). Furthermore, the County Assessor shows these lots to be one parcel.
- The legal descriptions, which have been submitted to Staff twice, are not correct. There is concern that a gap exists between Annexation Map #1 and Annexation Map #2. There is also concern that the Boundary Calculations did not close on either Annexation Map #1 or Annexation Map #2.

Policy Issue(s)

- Does the proposed annexation further City goals? The Intergovernmental Agreement between the City and Jefferson County for the Northeast Jefferson County/Westminster Enclaves Area states that “it is the mutual goal of the County and City that the area set forth on Exhibit A (the area described in the Northeast Comprehensive Development Plan) be annexed into the City at such time as it is eligible for annexation and is in compliance with City goals.”
- Does the City wish to annex the school site when there are a number of contentious issues with the adjacent residents that are unresolved?
- Whether or not to approve the Preliminary Development Plan for the Freedom, Inc. property allowing for a church use.

Planning Commission Recommendation

Planning Commission voted unanimously (7-0) to recommend to City Council that the Jefferson Academy property not be annexed or zoned O-1. Planning Commission members felt that the school should work with the neighbors to resolve the contentious issues prior to the City annexing the property.

Planning Commission voted unanimously (7-0) to recommend to City Council that the annexation of the Lange property and the Freedom, Inc. parcel be approved.

Planning Commission voted unanimously (7-0) to recommend to City Council that the City owned property be zoned O-1 (Open Space) and that the Freedom, Inc. parcel be zoned Planned Unit Development (PUD).

Planning Commission voted unanimously (7-0) to recommend to City Council that the Preliminary Development Plan (PDP) for the Freedom, Inc. parcel be approved as submitted.

Staff Recommendation

1. Open the continued public hearing.
2. Adopt Resolution No. 50 making certain finding of fact as required by State Statutes regarding the City and Freedom, Inc. properties.
3. Make a finding that there is currently not a community of interest with the Jefferson Academy property and deny the annexation petition for that property.
4. Pass Councillor’s Bill No. 53 on first reading annexing the City and Freedom, Inc., properties to the City of Westminster.
5. Pass Councillor’s Bill No. 54 on first reading zoning the City property O-1 (Open) and the Freedom, Inc. property Planned Unit Development (PUD).
6. Approve the Preliminary Development Plan (PDP) for the Freedom, Inc. property as submitted.

Alternative(s)

1. Proceed with the annexation as requested. (Jefferson Academy, Freedom Inc., and City Open Space)
 - Adopt Resolution No. 50 A making certain findings of fact as required by State Statutes regarding the City and Freedom, Inc. properties and the Jefferson Academy property.
 - Pass Councillor's Bill No. 53 A on first reading annexing the City property, Freedom, Inc. property and Jefferson Academy property to the City of Westminster.
 - Pass Councillor's Bill No. 54 A on first reading zoning the City and the Jefferson Academy properties O-1 (Open) and the Freedom, Inc. property Planned Unit Development (PUD).
 - Approve the Preliminary Development Plan for the Freedom, Inc. property as submitted.
2. Annex the City's open space property and that portion of W. 99th Avenue and Wadsworth Boulevard adjacent to the City's open space parcel. (The annexation maps would have to be revised to accomplish this alternative.) Further, zone the City's open space property O-1 (Open District).

This alternative would not annex the Jefferson Academy nor the Freedom, Inc. parcel. The church and development of the remaining Freedom, Inc. land could be developed in the County.

3. Deny the entire annexation petition.

Background Information

Discussion of Major Issues

Area residents have had problems with the Jefferson Academy School Board concerning recent improvements to the property, and the Board's general unwillingness to cooperate with local jurisdictions and neighbors. There are several areas of concern:

- Because of limited parking provided on the school site, overflow parking during special events often flows out onto local streets sometimes blocking drives. The new gymnasium and athletic field improvements were built without adding any parking which was already limited due to the expansion of the classrooms using modular buildings. The school did not meet any accepted parking ratio standards when adding those facilities, and was not responsive to the County when asked to submit a site plan. The County issued a code violation notice and the school finally submitted a Site Development Plan for the County to review. That process is now on-going within the County Planning Department. A request for a parking-by-permit-only zone is also being considered by the County Commissioners. This would restrict the street parking in the vicinity to residents only. No date has been established for Commissioners review of this issue.
- The residents are concerned that the proposed improvements to the athletic fields will draw many activities to the largely rural area increasing the impact on the neighborhood. They are especially concerned that the fields will be lighted, drawing evening activities as well.
- The school apparently constructed an underground holding tank for waste in order to serve users of the athletic fields. This was done in order to avoid making extensions to the City sewer lines. No permits for the tank were granted by the health department.

Architectural/Building Materials

Plans for the church expansion will be reviewed as part of the Official Development Plan process. No changes are proposed for the City property or for Jefferson Academy.

Public Land Dedication, Parks/Trails

No public land dedication is required of any of the properties. The 99th Avenue right-of-way will be used as the corridor for the Big Dry Creek trail. The City property may be used in part for trailhead parking.

Access and Circulation

Improvements to Wadsworth Boulevard will be deferred until the property that fronts along the street is developed. However, the applicant will dedicate the necessary right-of-way at this time.

Site Design

Design of the Freedom, Inc. property will be determined at the time of the Official Development Plan approval.

Signage

No signage is proposed for the Freedom, Inc. site, and no additional signage is proposed for the school site. The City may elect to identify the open space parcel at some point in the future.

Service Commitment Category

No Service Commitments will be required as part of this proposed annexation.

Referral Agency Responses

No responses were received.

Public Comments

The proposed annexation conforms to the requirements of the Northeast Comprehensive Development Plan, which was adopted after numerous public meetings. The representatives of the adjacent residents have conveyed to Staff the concerns with the Jefferson Academy operations. Several concerns have been raised by area residents regarding the school and the annexation of the school into the City.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The land to be annexed is entirely surrounded by land regulated by the Northeast Comprehensive Development Plan. The properties to be annexed are bordered on the north, west and south by land that is zoned A-2 in the county. To the east of the Freedom, Inc. parcel, the land is zoned C-1 in the county.

Since the Mayor was absent from the July 10th Council meeting, she has listened to the tape recording of the public hearing testimony in order to be able to vote at Monday night's meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 50

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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 INCORPORATED TERRITORY IN SECTION 14, 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 petitions (the "Petitions") for the annexation of the property described in said Petitions; and

WHEREAS, City Council has previously adopted Resolution No. 42 finding the Petitions 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 Westminister;
 - 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 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 10th day of July, 2000.

ATTEST:

Mayor Pro Tem

City Clerk

Freedom Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. 53

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, 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 written petitions 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. 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 Petitions 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, in accordance with the procedures specified in Section 31-12-104(1)(a) C.R.S., of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

Annexation 1

A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14; thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning.

Thence continuing S 89°30'40" W along said northerly line a distance of 32.31 feet;

Thence N 01°00'31" E a distance of 660.42 feet;

Thence N 89°32'00" E a distance of 201.80 feet; to an arc of radius 45.00' whose chord bears N 72°34'55" E and being of chord length 81.41 feet;

Thence N 89°32'00" E a distance of 320.73 feet; to an arc of radius 73.01 feet whose chord bears N 44°52'20" W and being of length 104.25 feet;

Thence S 00°16'54" W a distance of 563.21 feet;
Thence S 89°44'17" W a distance of 328.02 feet;
Thence N 00°21'28" E a distance of 271.30 feet;
Thence S 89°41'25" W a distance of 255.35 feet;
Thence S 00°41'00" W a distance of 271.11 feet;
Thence S 89°51'01" W a distance of 65.38 feet; to the point of beginning.
Containing 8.39 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 24th day of July, 2000.

ATTEST:

Mayor

City Clerk

Freedom Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. 54

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN PARCELS OF LAND LOCATED IN SECTION 14, 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 O-1 and From A-1 to PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the parcels described herein from Jefferson County A-1 to City of Westminster O-1:

Parcel 1: Lots 1 through 4 inclusive, Wadsworth Acres, as recorded in Book 23 at Page 22.

Section 3. The Zoning District Map of the City is hereby amended by reclassification of the parcel described herein from Jefferson County A-1 to City of Westminster PUD:

Parcel 3: A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14;

Thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning;

Thence continuing S 89°51'01" W along said northerly line a distance of 65.38 feet,

Thence S 00°41'00" W a distance of 261.11 feet;

Thence S 89°41'25" W a distance of 255.35 feet;

Thence N 00°21'28" E a distance of 261.30 feet;
Thence S 89°44'17" W a distance of 328.02 feet;
Thence S 00°21'28" W a distance of 271.57 feet;
Thence N 89°41'25" E a distance of 679.52 feet;
Thence N 01°00'31" E a distance of 271.06 feet;
Thence S 89°30'40" W a distance of 32.31 feet; to the point of beginning,
Containing 2.71 acres more or less.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE
ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED
PUBLISHED this 24th day of July, 2000.

ATTEST:

Mayor

City Clerk

Freedom Zoning

**ALTERNATIVE ORDINANCE
PACKAGE**

RESOLUTION

RESOLUTION NO 50 A

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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 INCORPORATED TERRITORY IN SECTION 14, 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 petitions (the "Petitions") for the annexation of the property described in said Petitions; and

WHEREAS, City Council has previously adopted Resolution No. 42 finding the Petitions 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 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 10th day of July, 2000.

ATTEST:

Mayor

City Clerk

Freedom Annexation

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2000

COUNCILOR'S BILL NO. **53 A**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, 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 written petitions 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. 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 Petitions 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, in accordance with the procedures specified in Section 31-12-104(1)(a) C.R.S., of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

Annexation 1

A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14; thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning.

Thence continuing S 89°30'40" W along said northerly line a distance of 32.31 feet;

Thence N 01°00'31" E a distance of 660.42 feet;

Thence N 89°32'00" E a distance of 201.80 feet; to an arc of radius 45.00' whose chord bears N 72°34'55" E and being of chord length 81.41 feet;

Thence N 89°32'00" E a distance of 320.73 feet; to an arc of radius 73.01 feet whose chord bears N 44°52'20" W and being of length 104.25 feet;

Thence S 00°16'54" W a distance of 563.21 feet;
Thence S 89°44'17" W a distance of 328.02 feet;
Thence N 00°21'28" E a distance of 271.30 feet;
Thence S 89°41'25" W a distance of 255.35 feet;
Thence S 00°41'00" W a distance of 271.11 feet;
Thence S 89°51'01" W a distance of 65.38 feet; to the point of beginning.
Containing 8.39 acres more or less.

Annexation 2

A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14;

Thence S 89°48'31" W along the north line of said southwest quarter of Section 14 a distance of 726.58 feet; to the point of beginning;

Thence S 00°00'00" E a distance of 346.38 feet;

Thence S 89°56'41" E a distance of 72.94 feet;

Thence S 00°31'39" W a distance of 339.62 feet;

Thence S 90°00'00" W a distance of 305.47 feet;

Thence N 00°02'01" E a distance of 685.51 feet;

Thence N 89°51'54" E a distance of 235.26 feet; to the point of beginning containing 4.26 acres more or less.

Annexation 3

A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14; Thence S89°49'21" W along the north line of said southwest quarter of Section 14 a distance of 961.84 feet; to the point of beginning.

Thence N 00°02'01" E a distance of 685.51 feet;

Thence N 90°00'00" W a distance of 738.10 feet;

Thence N 00°16'32" W a distance of 683.77 feet;

Thence N 89°51'54" E a distance of 741.79 feet; to the point of beginning containing 11.63 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of July, 2000.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **54 A**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN PARCELS OF LAND LOCATED IN SECTION 14, 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 O-1 and From A-1 to PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the parcels described herein from Jefferson County A-1 to City of Westminster O-1:

Parcel 1: Lots 1 through 4 inclusive, Wadsworth Acres, as recorded in Book 23 at Page 22.

Parcel 2: The northwest quarter of the northeast quarter of the southwest quarter and the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14, Township 2 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, except the east 25 feet and the south 25 feet as conveyed to Jefferson County by the instrument recorded in Book 859 at Page 147 of the records of said Jefferson County and being more particularly described as follows:

Commencing at the northwest corner of the southwest quarter of Section 14, Township 2 South, Range 69 West of the 6th P.M. from whence the southwest corner of said southwest quarter bears S 00°31'06" E and all bearings contained herein are relative thereto:

Thence N 89°51'54" E along the north line of said southwest quarter, 1002.05 feet to the northwest corner of the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14, said point being the point of beginning; thence continuing along said north line N 89°51'54" E, 977.05 feet to a point on the west right-of-way line of Yarrow Street as conveyed by the instrument recorded in Book 859 at Page 147 of the records of said Jefferson County; thence along said west right-of-way S 00°08'06" E, 618.23 to a point on the north right-of-way line of 99th Avenue as conveyed by the instrument recorded in Book 859 at Page 147 of the records of said Jefferson County;

thence along said north right-of-way S 89°46'24" W, 974.98 feet to a point on the west line of the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14; thence departing said north right-of-way and along said west line N 00°19'36" W, 619.79 feet to the point of beginning.

Section 3. The Zoning District Map of the City is hereby amended by reclassification of the parcel described herein from Jefferson County A-1 to City of Westminster PUD:

Parcel 3: A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14;

Thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning;

Thence continuing S 89°51'01" W along said northerly line a distance of 65.38 feet;

Thence S 00°41'00" W a distance of 261.11 feet;

Thence S 89°41'25" W a distance of 255.35 feet;

Thence N 00°21'28" E a distance of 261.30 feet;

Thence S 89°44'17" W a distance of 328.02 feet;

Thence S 00°21'28" W a distance of 271.57 feet;

Thence S 89°41'25" E a distance of 679.52 feet;

Thence N 01°00'31" E a distance of 271.06 feet;

Thence S 89°30'40" W a distance of 32.31 feet; to the point of beginning;

Containing 2.71 acres more or less.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE
ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of July, 2000.

ATTEST:

Mayor

City Clerk

Freedom Zoning

BY AUTHORITY

ORDINANCE NO.

SERIES OF 2000

COUNCILOR'S BILL NO.

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN PARCELS OF LAND LOCATED IN SECTION 14, 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 O-1 and From A-1 to PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the parcels described herein from Jefferson County A-1 to City of Westminster O-1:

Parcel 1: Lots 1 through 4 inclusive, Wadsworth Acres, as recorded in Book 23 at Page 22.

Parcel 2: The northwest quarter of the northeast quarter of the southwest quarter and the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14, Township 2 south, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, except the East 25 feet and the south 25 feet as conveyed to Jefferson County by the instrument recorded in Book 859 at page 147 of the records of said Jefferson County and being more particularly described as follows:

Commencing at the northwest corner of the southwest quarter of Section 14, Township 2 South, Range 69 West of the 67th P.M. from whence the southwest corner of said southwest quarter bears S 00°31'06" E and all bearings contained herein are relative thereto:

Thence N 89°51'54" E along the north line of said southwest quarter, 1002.05 feet to the northwest corner of the east half of the northeast quarter of the northwest quarter of the southwest quarter of Section 14, said point being the point of beginning; thence continuing along said north line N 89°51'54" E, 977.05 feet to a point on the west right-of-way line of Yarrow Street as conveyed by the instrument recorded in Book 859 at page 147 of the records of said Jefferson County; thence along said west right-of-way S 00°08'06" E, 618.23 to a point on the north right-of-way line of 99th Avenue as conveyed by the instrument recorded in Book 859 at Page 147 of the records of said Jefferson County; thence along said north right-of-way S 89°46'24" W, 974.98 feet to a point on the west line of the east half

of the northeast quarter of the northwest quarter of the southwest quarter of Section 14; thence departing said north right-of-way and along said west line N 00°19'36" W, 619.79 feet to the point of beginning.

Section 3. The Zoning District Map of the City is hereby amended by reclassification of the parcel described herein from Jefferson County A-1 to City of Westminster PUD:

Parcel 3: A portion of the south half of the northeast corner of the southwest quarter, Section 14, Township 2 South, Range 69 west of the Sixth Principal Meridian, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the center quarter corner of said Section 14;
Thence S 00°41'00" W along the east line of said southwest quarter of Section 14 a distance of 346.06 feet to the point of beginning;

Thence continuing S 89°51'01" W along said northerly line a distance of 65.38 feet,
Thence S 00°41'00" W a distance of 261.11 feet;
Thence S 89°41'25" W a distance of 255.35 feet;
Thence N 00°21'28" E a distance of 261.30 feet;
Thence S 89°44'17" W a distance of 328.02 feet;
Thence S 00°21'28" W a distance of 271.57 feet;
Thence N 89°41'25"E a distance of 679.52 feet;
Thence N 01°00'31" E a distance of 271.06 feet;
Thence S 89°30'40" W a distance of 32.31 feet; to the point of beginning
Containing 2.71 acres more or less.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of July, 2000.

ATTEST:

Mayor

City Clerk

Freedom Zoning



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Huntington Trails Annexation, Zoning, and Comprehensive Land Use Plan Amendment

Prepared by: Patrick Caldwell, Planner II

Introduction

City Council action is requested regarding the application by Gary Fonay and Rhonda Swain for Annexation, Zoning to Planned Unit Development (PUD) and designation to Single Family Detached-Low Density in the City's Comprehensive Land Use Plan (CLUP) of the Huntington Trails property located at the southwest corner of 144th Avenue and Huron Street. (See attached location map)

Summary

The standard City policy on Planning Commission hearings is to notify property owners within 300 feet of the property proposed for annexation. Notice is to be made by the applicant, by mail at least 10 days prior to the hearing. City Code Section 11-5-2 (Rezoning Requirements) requires notice per the procedures set forth in Section 11-5-13. Signs were posted and newspaper legal notices were published. However, property owners within 300 feet of the subject property were not notified.

Therefore, Staff is recommending that zoning and the Comprehensive Land Use Plan amendment be returned to Planning Commission for review at a public hearing on August 8, 2000 and that the City Council public hearing be continued by the City Council until August 28, 2000. State annexation law requires that at least one hour of testimony be taken at an annexation hearing before the hearing is continued. To remain in compliance with State law, the hearing will be opened; then the Council will proceed with the rest of the Council agenda, then continue the hearing after one hour. The audience is encouraged to present testimony on August 28, 2000, rather than July 24, 2000, so that the comments will be "fresher" for Council deliberations.

Background

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

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

The annexation request is conditional upon an approved Pre-Annexation Agreement. The agreement reserves a maximum of 210 water and sewer tap commitments to serve the site. These service commitments will be available on a phased basis through 2007. The agreement calls for the City to designate the property as Single Family Detached-Low Density in the Comprehensive Land Use Plan and to zone the property as Planned Unit Development (PUD).

Minimum lot sizes and a process for resolution of area drainage problems and related costs are also described in the agreement. The minimum lot sizes adjacent to the Lexington Subdivision are 20,000 square feet. To the north of those lots is an area of lots with a minimum of 17,000 square feet. To the north of those lots is an area with minimum lot sizes of 10,000 square feet. The 10,000 square foot lots are the same minimum lot size as in the Cheyenne Ridge Subdivision on the north side of 144th Avenue. The process for resolving drainage problems is phased over a period of years and the costs for the improvements are to be borne by the benefiting downstream landowners.

Policy Issues

Whether or not to annex, zone to PUD, and amend the Comprehensive Land Use Plan based on low density residential use. The Pre- Agreement is being negotiated by the property Owners and City Staff.

Planning Commission Recommendation

The Planning Commission voted 6-1 to recommend to City Council that the Huntington Trails property be annexed with the conditions that the Pre-Annexation Agreement be agreed to by the City and the property Owners, with the understanding that the Lexington Estates property owners would be excluded from additional costs related to the McKay Lake dam improvements. The exclusion would not include money coming out of the General Capital Improvement Fund that comes from the general tax base of the City.

The property was properly noticed for a Planning Commission public hearing. The applicant petitioned the City for annexation on December 9, 1999, subject to a yet to be approved Pre-Annexation Agreement.

Planning Commission voted 6-1 to recommend to City Council that the Huntington Trails property be zoned Planned Unit Development (PUD).

Planning Commission voted 6-1 to recommend that the Comprehensive Land Use plan be amended to add the Huntington Trails property as "Single Family Detached-Low Density".

Planning Commission voted 6-1 to recommend an award of 230 Service Commitments to the Huntington Trails development, according to Section 11-3-5 of the City Code.

Commissioner Joe Barsoom did not support the recommendations. He stated he believes the lot sizes indicated in the Pre-Annexation Agreement were accepted without adjacent property owners' input. Also, Mr. Barsoom stated that the public notice was an issue for his opposition.

Staff stated that the Public Hearing requirements would be reviewed and if necessary the above item would be brought back to the Planning Commission.

The adjacent residential properties to the north (Cheyenne Ridge), south and west (Lexington) will not be assessed for the Huntington Trails and related McKay Lake drainage improvements.

Applicant/Property Owner: Rhonda Swain, 143 South Great Bridge Road, Lincoln, Massachusetts 01773 and Gary Fonay, 306 Jemez, Hobbs, New Mexico 88240

Location/Surrounding Land Uses/Comprehensive Land Use Plan Designations

The land is located west of Huron Street and south of 144th Avenue in unincorporated Adams County. To the south is the Lexington Trails single family residential development. This is shown as Single Family Detached-Very Low Density on the Comprehensive Land Use Plan (CLUP). To the west is the Lexington Shores single family residential development shown as Single Family Detached-Very Low Density on the CLUP.

City-owned land at the base of McKay Lake is also to the west and is shown as Public Open Space on the CLUP. To the north of 144th Avenue is the Cheyenne Ridge single family residential development shown as Single Family Detached–Low Density on the CLUP. Also to the north is a ranchette style of residential development that is within unincorporated Adams County. To the east of Huron Street is vacant land. The north part of the land east of Huron Street is designated for Business Park uses by the CLUP. The south half of the frontage is agricultural use in unincorporated Adams County.

This tract of land could be annexed by Broomfield. It is concerning given the unknown as to what land uses/densities they might allow if annexed by the Broomfield City Council.

Size of Site

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

Description of Proposed Use

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

Service Commitments

Upon approval of the Pre-Annexation Agreement and the ODP, the City would reserve a maximum of 210 water and sewer tap commitments to serve the Property. These would be allocated at the rate of 30 commitments for the year 2001, 50 service commitments for the years 2002, 2003 and 2004, and 30 commitments for the year 2005. Taps not purchased by the Owner in the year committed by the City shall accrue and may be purchased only in the following years for service commitments. The water and sewer taps reserved for the Property shall be available for purchase by the Owner under the prevailing rates at the time of purchase.

Staff Recommendation

1. Hold a public hearing on the proposed annexation of the Huntington Trails property.
2. Continue the public hearing for the Huntington Trails annexation to August 28, 2000 after a one hour time period per State law.
3. Continue the related agenda items to the August 28th Council meeting.

Alternatives

1. Deny the request for annexation, zoning to PUD, and amendment to the CLUP.
2. Pass Councillor's Bill No. 61 on first reading annexing the Huntington Trails property to the City with the condition the Pre-Annexation Agreement be agreed to by the City and the property Owners. With the understanding that the Lexington Estates property owners would be excluded from additional costs related to the McKay Lake dam improvements. The exclusion would not include money coming out of the General Improvement Fund that comes from the general tax base of the City.
3. Pass Councillor's Bill No. 62 on first reading zoning the property Planned Unit Development (PUD)

4. Pass Councillor's Bill No. 63 amending the City's Comprehensive Land Use plan to add the Huntington Trails property as "Single Family Detached-Low Density".
5. Approve Resolution _____ to award 230 Service Commitments according to Section 113-5 of the City Code.

These actions are based upon Section 11-5-1 of the City Code regarding standards for annexations.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO
SERIES OF 2000

INTRODUCED BY COUNCILLORS

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 INCORPORATED TERRITORY IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, 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. 10 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 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 24th day of July, 2000.

ATTEST:

Mayor

City Clerk

Huntington Trails Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO.

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, 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. ___ 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 Adams, State of Colorado, to wit:

A parcel of land located in the northeast one-quarter and the northwest one-quarter of Section 21, Township 1 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the northeast corner of said Section 21, said point also being the true point of beginning; thence south and along the east line of the north one-half of the northeast one-quarter of said Section 21 and along the westerly line of an annexation as recorded in File 16 at Map 382, a distance of 1322.51 feet; thence continuing along said annexation and along the east line of the south one-half of the northeast one-quarter of said Section 21, a distance of 991.83 feet to a point on the northerly line of an annexation as recorded in File 17 at Map 65; thence along the northerly and easterly lines of said annexation the following three (3) courses:

1. N 89(25'25" W, a distance of 2615.83 feet;
2. N 00(1'33" W, a distance of 990.97 feet;

3. N 89(59'39" W, a distance of 40.95 feet to a point on an annexation as recorded in File 17 at Map 784;

Thence along the easterly southerly and northerly lines of said annexation the following eight (8) courses:

1. N 29(06'21" W, a distance of 590.12 feet to a point on a non-tangent curve to the left;
2. Thence along said curve whose radius is 139.50', delta is 33(51'18" and whose chord bears N 16(22'05" E-81.23', an arc distance of 82.43 feet;
3. Thence N 00(10'50" W, a distance of 524.64 feet to a point of curvature;
4. Thence along a curve to the right, whose radius is 60.50', delta is 90(30'45", an arc distance of 95.57 feet;
5. Thence S 89(40'05" E, a distance of 244.64 feet;
6. Thence S 89(27'56" E, a distance of 2574.36 feet;
7. Thence N 00(20'19" W, a distance of 114.01 feet;
8. Thence N 89(27'56" W, a distance of 2573.48 feet;

Thence continuing along the northerly line of said annexation and along the northerly line of an annexation as recorded in File 17 at Map 798, N 89(40'05" W, a distance of 817.31 feet; thence N 00(01'33" W, a distance of 30.00 feet to a point on the north line of the northwest one-quarter of said Section 21; thence along said north line, S 89(40'05" E, a distance of 817.31 feet; thence along the north line of the northeast one-quarter of said Section 21 and along the southerly line of an annexation as recorded in File 16 at Map 382, a distance of 2603.32 feet to the point of beginning.

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 24th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of August, 2000.

ATTEST:

Mayor

City Clerk

Huntington Trails Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO.

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County A-3 to City of Westminster Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-3 to City of Westminster Planned Unit Development (PUD). A parcel of land located in Section 21, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Commencing at the northeast corner of said Section 21, said point also being the true point of beginning; thence south and along the east line of the north one-half of the northeast one-quarter of said Section 21 and along the westerly line of an annexation as recorded in File 16 at Map 382, a distance of 1322.51 feet; thence continuing along said annexation and along the east line of the south one-half of the northeast one-quarter of said Section 21, a distance of 991.83 feet to a point on the northerly line of an annexation as recorded in File 17 at Map 65; thence along the northerly and easterly lines of said annexation the following three (3) courses:

1. N 89(25'25" W, a distance of 2615.83 feet;
2. N 00(1'33" W, a distance of 990.97 feet;
3. N 89(59'39" W, a distance of 40.95 feet to a point on an annexation as recorded in File 17 at Map 784;

Thence along the easterly southerly and northerly lines of said annexation the following eight (8) courses:

1. N 29(06'21" W, a distance of 590.12 feet to a point on a non-tangent curve to the left;

2. Thence along said curve whose radius is 139.50', delta is 33(51'18" and whose chord bears N 16(22'05" E-81.23', an arc distance of 82.43 feet;
3. Thence N 00(10'50" W, a distance of 524.64 feet to a point of curvature;
4. Thence along a curve to the right, whose radius is 60.50', delta is 90(30'45", an arc distance of 95.57 feet;
5. Thence S 89(40'05" E, a distance of 244.64 feet;
6. Thence S 89(27'56" E, a distance of 2574.36 feet;
7. Thence N 00(20'19" W, a distance of 114.01 feet;
8. Thence N 89(27'56" W, a distance of 2573.48 feet;

Thence continuing along the northerly line of said annexation and along the northerly line of an annexation as recorded in File 17 at Map 798, N 89(40'05"W, a distance of 817.31 feet; thence N 00(01'33" W, a distance of 30.00 feet to a point on the north line of the northwest one-quarter of said Section 21; thence along said north line, S 89(40'05" E, a distance of 817.31 feet; thence along the north line of the northeast one-quarter of said Section 21 and along the southerly line of an annexation as recorded in File 16 at Map 382, a distance of 2603.32 feet to the point of beginning.

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 24th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of August, 2000.

ATTEST:

Mayor

City Clerk

Church Ranch West Zoning



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Church Ranch Annexation West and Third Amended Preliminary Development Plan for Church Ranch Home Place

Prepared by: Max Ruppeck, Senior Projects Manager

Introduction

City Council is requested to hold a public hearing and take final action regarding the annexation and zoning of a 6.92 acre parcel of land and a portion of the Wadsworth Boulevard right-of-way. The land use for the property is currently designated in the Northeast Comprehensive Development Plan.

Summary

Applicant/Property Owner: Scott D. Harper (owner of the property to be annexed) and Charles C. McKay (owner of the Church Ranch Home Place to which a portion of the annexed property will be added).

Location

Near the southeast corner of Wadsworth Boulevard and 103rd Avenue (see attached location map).

Size of Site: 6.92 Acres

Description of Proposed Use: The existing plant store and single-family detached uses will remain and will become part of the amended Preliminary Development Plan. The easternmost 1.4 acres will be used as a parking lot for the adjacent Church Ranch Office Center. No other changes to the existing Church Ranch Home Place Preliminary Development Plan are proposed.

Major Issues: None, the proposed uses are in compliance with the Northeast Comprehensive Development Plan.

Policy Issue(s)

Whether or not to approve the annexation and zoning for the property. The City Council has adopted a policy of annexing properties within the Jefferson County enclave when the Northeast Comprehensive Development Plan was adopted in 1996.

Planning Commission Recommendation

On July 11, 2000, the Planning Commission unanimously recommended approval of the subject Annexation, Zoning to Planned Unit Development and Preliminary Development Plan for Church Ranch Home Place.

Staff Recommendation

1. Hold a public hearing.
2. Adopt Resolution No. 57 making certain findings of fact as required by State Statutes regarding the Church Ranch Annexation West.
3. Pass Councilor’s Bill No.64 on first reading annexing the Church Ranch Annexation West property to the City.
4. Pass Councilor’s Bill No. 65 on first reading zoning the property Planned Unit Development.
5. Approve the Third Amended Preliminary Development Plan for Church Ranch Home Place based on findings that the proposed amendment is in conformance with the Northeast Comprehensive Development Plan and meets the requirements of Section 11-5-13 of the Westminster Municipal Code.

Alternative(s)

1. Reject the annexation and Preliminary Development Plan amendment for the entire subject area.
2. Require the 1.4 acres intended for parking for the for Church Ranch Office Center to be subdivided under the County’s jurisdiction and then annex and zone only that parcel.

Background Information

Discussion of Major Issues: The reason this annexation is occurring at this time is that the Church Ranch Home Place desires to acquire additional land for parking expansion at the western edge of their existing office park development (approximately 1.4 acres). Rather than subdividing off this portion of the property under Jefferson County’s jurisdiction and then annexing only the portion to be used for parking, it was considered more convenient to annex the entire 6.92 acres, submit a Preliminary Development Plan, and subdivide the property all under Westminster’s jurisdiction. The only change in land use will be the parking lot for the Church Ranch Office Center. The existing Plant Store and accessory uses and the single-family residences will remain. Any redevelopment of that property will require a Preliminary Development Plan amendment and an Official Development Plan. The annexation will also include the adjacent Wadsworth Boulevard right-of-way extending down to the right-of-way currently in the City, approximately 372 feet to the south.

Service Commitment Category: No service commitments are required at this time.

Referral Agency Responses: No comments were received.

Surrounding Land Use and Comprehensive Land Use Plan Designations: The property is governed by the Northeast Comprehensive Development Plan. The property abuts the Church Ranch Home Place Preliminary Development Plan on the north, east, and south. Residential uses in unincorporated Jefferson County exist across Wadsworth Boulevard to the west.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO **57**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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 INCORPORATED TERRITORY IN SECTION 14, 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. 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 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 24th day of July, 2000.

ATTEST:

Mayor

City Clerk

Church Ranch West Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **64**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14, 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. ___ 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:

Parcel 2

A part of Mandalay Gardens, described as:

Beginning at a point that is 108 feet north of the southwest corner of Lot 57C, Mandalay Gardens; thence north 96 feet to the southwest corner of Lot 57B, Mandalay Gardens; thence east along the south line of said Lot 57B to the southeast corner of Lot 57B; thence north 100 feet to the northeast corner of said lot 57B; thence east 174.4 feet; thence south 196 feet; thence west 369 feet to the point of beginning; except that part described as:

The easterly 25.0 feet of the following described property, beginning at a point that is 108 feet north of the southwest corner of Lot 57C, Mandalay Gardens; thence north 96 feet to the southwest corner of Lot 57B, Mandalay Gardens; thence east along the south line of said Lot 57B to the southeast corner of Lot 57B; thence north 100 feet to the northeast corner of said Lot 57B; thence east 174.4

feet; thence south 196 feet; thence west 369 feet to the point of beginning. County of Jefferson, State of Colorado.

Parcel 3

The south 108 feet of the west 369.15 feet of Tract 57C and the north 10 feet of the west 369.15 feet of Tract 57D, Mandalay Gardens, County of Jefferson, State of Colorado.

Parcel 4

Tract 57D. Mandalay Gardens except the northerly 10 feet County of Jefferson, State of Colorado.

Old Wadsworth (Wadsworth Ave.) Right-of-Way

A parcel of land located in the north half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian being more particularly described as follows:

Commencing at the north quarter corner of said Section 14; thence S6°33'14"E a distance of 819.31 feet to a point on the southerly line of Tract 57B of Mandalay Gardens and on the easterly right-of-way line of Wadsworth Ave. Said point being the true point of beginning; thence along said easterly right-of-way line the following 2 courses: 1) S0°22'23"E a distance of 214.00 feet; 2) Thence S01°04'18"W a distance of 662.38 feet; thence S89°47'55"W a distance of 59.11 feet to the north east corner of Tract 61 Mandalay Gardens said point being on the westerly right-of-way line the following 2 courses: 1) N00°42'19"E a distance of 863.90 feet; 2) Thence N21°15'53"W a distance of 13.36 feet; thence N89°48'38"E a distance of 64.30 feet to the true point of beginning.

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 24th day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of August, 2000.

ATTEST:

Mayor

City Clerk

Church Ranch West Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **65**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14, 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 (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 to City of Westminster Planned Unit Development (PUD). A parcel of land located in Section 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

Parcel 2

A part of Mandalay Gardens, described as:

Beginning at a point that is 108 feet north of the southwest corner of Lot 57C, Mandalay Gardens; thence north 96 feet to the southwest corner of Lot 57B, Mandalay Gardens; thence east along the south line of said Lot 57B to the southeast corner of Lot 57B; thence north 100 feet to the northeast corner of said lot 57B; thence east 174.4 feet; thence south 196 feet; thence west 369 feet to the point of beginning; except that part described as:

The easterly 25.0 feet of the following described property, beginning at a point that is 108 feet north of the southwest corner of Lot 57C, Mandalay Gardens; thence north 96 feet to the southwest corner of Lot 57B, Mandalay Gardens; thence east along the south line of said Lot 57B to the southeast corner of Lot 57B; thence north 100 feet to the northeast corner of said Lot 57B; thence east 174.4 feet; thence south 196 feet; thence west 369 feet to the point of beginning. County of Jefferson, State of Colorado.

Parcel 3

The south 108 feet of the west 369.15 feet of Tract 57C and the north 10 feet of the west 369.15 feet of Tract 57D, Mandalay Gardens, County of Jefferson, State of Colorado.

Parcel 4

Tract 57D. Mandalay Gardens except the northerly 10 feet County of Jefferson, State of Colorado.

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 24h day of July, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of August, 2000.

ATTEST:

Mayor

City Clerk

Church Ranch West Zoning



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Church Ranch Marriott Hotel's Agreement Amendment

Prepared by: Bill Christopher, City Manager

Introduction

City Council is requested to act on a proposed amendment to the existing Business Assistance Agreement with the Church Ranch Hotel Company II, LLC to assist them in securing financing for the Springhill Suites Hotel which is a prerequisite to building the full service Marriott Hotel on an adjacent site.

Summary

City Council entered into separate Business Assistance Agreements with Church Ranch Hotel Company I, LLC and Church Ranch Hotel Company II, LLC which spelled out the terms and conditions of business assistance packages for both hotels to be located on the Church Ranch development, located west of US 36 and south of Church Ranch Boulevard. Recently, the developer has requested an amendment to the Springhill Suites Hotel agreement in order to facilitate securing financing for the suites hotel. Existing language in section 3.15 of the agreement has proven to be detrimental to the hotel developers in securing their financing. The suggested amendment to the agreement would eliminate this barrier for the developer, but at the same time providing the City with assurances that every good effort will be made on their behalf to build the full service Marriott with certain benefits to the City if they are unable to commence construction by March 1, 2004.

Policy Issue(s)

Should City Council amend the existing agreement with Church Ranch Hotel Company II, LLC removing an important financial assurance provision that if the full service Marriott Hotel is not constructed for any reason that the City would be reimbursed the incentives paid under the Springhill Suites Hotel Business Assistance Agreement?

Staff Recommendation

Approve in concept an amendment to the existing agreement with Church Ranch Hotel Company II, LLC which would remove section 3.15 of the existing agreement and replace it with language that would have the limited partnership providing the full set, wet stamp construction plans and specifications for the full service hotel and conveying the 2.59 acre site where the full service hotel is planned to be located to the City of Westminster at no cost if the limited partnership is unable to commence construction on the full service hotel by March 1, 2004. Said amendment language to be reviewed and approved by the City Attorney along with other sections of the agreement that relate to section 3.15 to achieve a consistent revised agreement.

Background Information

Council approved the Business Assistance Agreement pertaining to the Marriott Springhill Suites Hotel in September 1999. In the agreement, section 3.15 stated that if the limited partnership failed to build the full-service Marriott Hotel by March 1, 2004, the full funding of \$3,275,000 in business assistance payments on the Suites Hotel would be required to be refunded to the City in full. The hotel developers apprised the City by way of their June 7, 2000 letter that this existing language was a direct barrier to successfully obtaining both construction loan and permanent financing on the Suites Hotel. Accordingly, they requested that this onerous language be removed.

The City's intent behind the original section 3.15 language was to provide assurances to the City that if the developer could not or would not construct the full service Marriott Hotel that the City would be reimbursed for their incentive which is derived from accommodations tax and sales tax revenues from the Suites Hotel. Staff has been negotiating with the hotel developers to ascertain new replacement language for section 3.15 which is not counter-productive to the developers in obtaining their financing on their hotel but at the same time providing assurances to the City of Westminster.

The developers have stated that they will be required to pay a penalty to Marriott International of a range in cost between \$800,000 and \$1.0 million if they fail to begin construction of the full service Marriott Hotel by no later than March 1, 2001. They also point out the expense that the limited partnership will have had to absorb of approximately \$550,000 to prepare the construction documents for both hotels. Through negotiations, the hotel developers have represented their commitment to providing the full, complete wet stamped construction plans and specifications to the City at no cost if they are unable to develop the full service hotel. Also, they have committed to conveying the 2.59 acre site for the full service hotel on the Church Ranch property if they fail to comply with the contractual obligations with Marriott International. This land which is located at a prime location at Church Ranch Boulevard and US 36 has an estimated market value of \$10.0 million.

Staff recognizes that the hotel lending market has softened since the Westin Hotel was successful in arranging their construction loan with Bank One and permanent financing with Deutsche Bank. It is suggested to City Council that the less conducive hotel financing market be considered and weighed in conjunction with responding to the hotel developer's request to delete section 3.15 as currently contained in the approved agreement. Staff is of the opinion that the revised assurances that the hotel developer has indicated willingness to provide, coupled with the advantages to the limited partnership to accomplish the construction of the full service Marriott Hotel, are sufficient to warrant the deletions of the current pledge in section 3.15.

Alternative(s)

1. City Council could decline to amend the existing Business Assistance Agreement thereby retaining the onerous section 3.15 language. This approach would likely place the hotel developer in a "no win" position as they likely would be unable to secure their construction and permanent financing for this Marriott Springhill Suites hotel.
2. Another alternative would be to require the limited partnership to provide other assurances to the City that they will build the full service Marriott Hotel by the stated deadline. Staff has researched this possibility and is unable to identify other meaningful assurances or collateral that the limited partnership could offer to the City.

Respectfully submitted,

William M. Christopher, City Manager
Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Councillor's Bill No. 66 re Defining a Household and Placing Restrictions on Sexual Offender Residents

Prepared by: David Shinneman, Planning Manager and Sharon Widener, Assistant City Attorney II

Introduction

City Council is requested to take action on the attached Councillor's Bill defining a "Family" and a "Household" and limiting the number of registered sex offenders that may live in a household to one.

Summary

Concerns have been expressed to City officials about the issue of convicted sex offenders who do not always receive or respond to supervision and treatment. On occasion, untreated or unsupervised sex offenders may present a danger or threat to the public. To address this concern, Staff was requested to prepare a proposed ordinance regulating the registered sexual offenders that may live in a household in the City. Several Denver metro area cities and counties have previously passed similar laws to address this issue.

Current State law requires that sex offenders register with the local law enforcement agency within seven days of becoming a temporary or permanent resident within the agency's jurisdiction. The City currently has provisions for establishing and locating residential care facilities. These facilities may offer correction and treatment for sex offenders. However, the Westminster City Code is currently silent on the issue of sex offenders in residential households.

The City Code does not currently define "family" or "household." The proposed ordinance would add a definition of "family" and "household" to the City Code. The ordinance would restrict a "household" to no more than one individual who is required to register as a sex offender under the provisions of Section 818-3-412.5, Colorado Revised Statutes.

Policy Issues

Whether or not to regulate the number of sexual offenders that would be allowed to live in the same residential household.

Whether to further clarify and re-define what constitutes being a sexual offender.

Staff Recommendation

Pass Councillor's Bill No. 66 on first reading, defining a household and placing restriction on its residents.

Alternatives

- Enact the revision to the City Code to include the new definitions of “family” and “household”, but not to restrict sex offenders to one per household.
- Enact the outlined changes, but allow for more than one sexual offender in the same household if family members.
- Do not adopt any revisions to the City Code.

Background Information

Cities such as Lakewood, Arvada and Northglenn and Jefferson County have been struggling with the problem of housing sex offenders. This ordinance is written in response to concerns raised on this issue. In order for the City to adopt an ordinance that distinguishes between classes of people, there must be a rational basis for that distinction. Legislation by the State Legislature provides such justification.

The key provisions of the proposed ordinance include:

1. Adding a definition of “Family” and “Household” to Sections 11-2-7 and 11-2-9 of the Westminster Municipal Code. The Code does not currently contain these definitions. The definition of “Household” limits the number of registered sex offenders to one per household.
2. Adding a violation provision to Section 11-1-3 of the Westminster Municipal Code.

Respectfully submitted,

Bill Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO

COUNCILLOR'S BILL NO. **66**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE DEFINING A HOUSEHOLD AND PLACING RESTRICTIONS ON ITS RESIDENTS.

WHEREAS, the General Assembly of the State of Colorado has recognized that the majority of persons who commit sex offenses, if incarcerated or supervised without treatment, will continue to present a danger to the public when released from incarceration and supervision; and

WHEREAS, the General Assembly has recognized the potential danger of sex offenders by stating it recognizes that some sex offenders cannot or will not respond to treatment; and

WHEREAS, the General Assembly has required that sex offenders register with the local law enforcement agency within seven days of becoming a temporary or permanent resident within the agency's jurisdiction; and

WHEREAS, a sex offender potentially poses a direct threat to the health and safety of others, as recognized by the General Assembly; and

WHEREAS, the City of Westminster offers specific procedures for the location of residential care facilities within the City, including possible facilities which may offer correction and treatment for sex offenders; and

WHEREAS, the City Council has determined that it is in the best interest of the City to prohibit sex offenders from living together other than in a corrective-treatment setting.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-2-7, W.M.C., DEFINITIONS, "F", is hereby amended by the addition of the following:

FAMILY: ANY NUMBER OF INDIVIDUALS, WHO ARE RELATED BY BLOOD, MARRIAGE, LEGAL ADOPTION, OR UNRELATED INDIVIDUALS LIVING TOGETHER AS A SINGLE HOUSEKEEPING UNIT AND DOING THEIR COOKING ON THE PREMISES, AS DISTINGUISHED FROM A GROUP OCCUPYING A BOARDING OR ROOMING HOUSE, DORMITORY, OR HOTEL. SEE ALSO "HOUSEHOLD".

Section 2. Section 11-2-9, W.M.C., DEFINITIONS, "H" is hereby amended by the addition of the following:

HOUSEHOLD:

1. ANY FAMILY; OR

2. ANY NUMBER OF UNRELATED INDIVIDUALS OR RELATED AND UNRELATED INDIVIDUALS, LIVING TOGETHER AS A SINGLE HOUSEKEEPING UNIT UP TO A MAXIMUM OF ONE PERSON PER HABITABLE ROOM WHICH IS BEING USED FOR LIVING PURPOSES.

3. FOR THE PURPOSES OF THIS DEFINITION, A "HABITABLE ROOM WHICH IS BEING USED FOR LIVING PURPOSES" IS SPACE IN A STRUCTURE FOR LIVING, SLEEPING, EATING, OR COOKING. NOT INCLUDED IN THIS DEFINITION ARE BATHROOMS, TOILET COMPARTMENTS, PORCHES, BALCONIES, UNFINISHED ROOMS, CLOSETS, HALLS, STORAGE AND UTILITY SPACES, AND SIMILAR SPACES.

4. ANY HOUSEHOLD WHICH MEETS THE DEFINITION OF RESIDENTIAL CARE FACILITY (SEE SECTION 5-20-3 (D)) SHALL BE REGULATED AS A RESIDENTIAL CARE FACILITY RATHER THAN AS A HOUSEHOLD

5. A HOUSEHOLD SHALL NOT INCLUDE MORE THAN ONE INDIVIDUAL WHO IS REQUIRED TO REGISTER AS A SEX OFFENDER UNDER THE PROVISIONS OF SECTION 18-3-412.5, COLORADO REVISED STATUTES.

Section 3. Section 11-1-3 VIOLATION, subsection (A) is hereby amended by the addition of a new subsection 6 to read as follows:

6. TO ESTABLISH OR MAINTAIN OR PERMIT TO BE ESTABLISHED OR MAINTAINED, ANY HOUSEHOLD NOT IN COMPLIANCE WITH THE DEFINITION OF "HOUSEHOLD" ESTABLISHED IN SECTION 11-2-9. ANY MEMBER OF THE HOUSEHOLD MAY BE FOUND TO BE IN VIOLATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO, A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER.

7. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS ACTION THAT THE DEFENDANT'S ONLY VIOLATION WHICH REQUIRED REGISTRATION AS A SEX OFFENDER WAS A CONVICTION OR PLEA OF GUILTY TO A CHARGE WHICH CONSISTED ONLY OF PUBLIC INDECENCY AS DEFINED IN SECTION 6-4-1 (A) 6, W.M.C.

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

Section 5. 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 24TH day of JULY, 2000 AS AMENDED.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14TH day of August, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Land Conveyance for Promenade Office Building

Prepared by: Alan Miller, Special Projects Director

Introduction

City Council action is requested to authorize the City Manager to execute all of the necessary documents related to the conveyance of land to Inland Pacific Colorado or subsidiary for the construction of an approximate 180,000 square foot office building. This action is part of the initial steps to create a General Improvement District (GID) to fund and construct an approximate 600 space parking structure at the Westminster Promenade adjacent to the office building and Ice Centre.

Summary

The Promenade office building, which is to be 5 and 6 stories and approximately 180,000 square feet, is the next major component to complete in the Westminster Promenade project. In order to assure the office building's success; it is necessary to build a parking structure. As previously discussed with City Council, the approach is to create a General Improvement District to include the office building and the hotel in the taxing district. The property owner of these two parcels (Inland Pacific Colorado) would pay the mill levy property tax or special assessments to repay the bonds issued to construct the parking structure. This land conveyance is the first step in this process. The conveyance is subject to three conditions which if any are not met, the land would revert back to the City. The conditions are as follows:

1. If for any reason the property is not included within the Promenade parking General Improvement District by November 30, 2000.
2. If the ballot questions necessary to authorize the debt and mill levy necessary to construct and maintain the parking structure does not pass.
3. The City would not, through the GID, issue any debt for the parking structure until the office building was actually under construction. Inland Pacific has also agreed to return the one acre of land for the office building to the City if the financing for the office building is not in place by the November election

These conditions should protect the City's interests in the project as it proceeds. In addition,.

Policy Issue(s)

Whether the City should create a General Improvement District to construct a 600-800 space parking structure as part of an overall approach to achieving the construction of a 180,000 square foot office building to complete this last major component of the Westminster Promenade.

Staff Recommendation

Authorize the City Manager to sign all necessary documents, agreements, or other legal instruments necessary to achieve the Promenade parking General Improvement District, the construction of the Phase II office building and the conveyance of land to Inland Pacific or subsidiary on which the office building is to be located.

Background Information

At the June 5th Study Session, Staff discussed with City Council the concept of having a General Improvement District created to pay for the office building parking structure. The City would be reimbursed \$800,000 for the land on which the parking structure is to be located and the parking would be available to all Promenade users. The approximate one-acre site for the office building is to be conveyed to Inland Pacific or a subsidiary as part of the creation of the General Improvement District.

The City bears no obligation on the debt payment on the parking structure bonds because that will be a mill levy or assessment against the property owners of approximately 25 mills. It is a win-win situation for the City and the developer. The developer is able to finance a public parking structure that is of significant benefit to the office building using tax exempt financing and before market interest rates as well as receiving land on which to build the office building.

The City benefits from being paid for the land on which the parking structure will sit as well as benefiting from increased parking available for people using the Ice Centre and the Westminster Conference Center, both facilities in which the City has a financial interest. In addition, the office building will bring more users to the Promenade to enhance the retail businesses being more successful, which in turn helps with the generation of sales tax revenues to the City.

Once the General Improvement District (GID) is created the election will occur in November for the property owners to approve the mill levy and debt questions. It is expected that the construction will commence on the parking structure in the spring of 2001 along with the construction of the office building.

Alternative(s)

1. Direct Staff to cease work on the parking garage. This is not recommended, as the parking will be needed and the City bears none of the risk of the bond issuance and the debt service which follows.
2. Delay work on the parking garage. This is not recommended because the parking will be needed when the office buildings open. Due to inflation, and the robust Denver economy, construction costs are expected to climb for at least the next five years. Staff has estimated the average cost of construction should inflate at an average rate of 10% per year for the next five years, making the delay of construction work very much against the City's long term financial interests.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date July 24,2000

Subject Councillor's Bill No. 67 re Rental Inspection of Hotels and Motel Units

Prepared by: Dave Horras, Chief Building Official
Holly Lewis, Housing Inspector

Introduction

City Council action is requested to adopt the attached ordinance amending the Rental Property Maintenance Code to include hotels, motels and similar types of units within the scope of the existing City code as well as other minor proposed changes that serve to clarify the intent of existing provisions.

Summary

The deteriorating physical condition of some hotel and motel properties, particularly older properties in the original part of the City of Westminster, has been raised as a concern. These deteriorating properties are having a negative effect on the community and the surrounding property values. The Westminster Rental Property Maintenance Code was adopted to address deteriorating rental properties, but currently specifically excludes hotels and motels. Staff is proposing the attached code change to include hotels, motels and similar types of units in the scope of the existing Rental Property Maintenance Code.

Policy Issues

Should the scope of the existing Rental Property Maintenance be amended to include hotel and motel rental units?

Staff Recommendation

Pass Councillor's Bill No. 67 on first reading, amending the existing Rental Property Maintenance Code to include hotel and hotel rental units.

Background Information

This proposal to amend the Rental Property Maintenance Code was presented to City Council in a Staff Report dated April 20, 2000. The Staff Report generated no additional comments from City Council. The original Rental Property Maintenance Code was adopted by Westminster City Council in the fall of 1998. This Code was adopted with the intent of addressing the deteriorating condition of residential rental properties in the City of Westminster, particularly in the south Westminster area. Because of initial staffing levels, the scope of the program was limited to proactive inspection of multi-family properties with three or more dwelling units within a single structure. All other rental dwelling units are inspected on a complaint basis. Hotels, motels and similar occupancies were specifically excluded from the initial code.

The program was initially staffed with a single full time equivalent (FTE) position. City Council approved additional staff for the enforcement of the Rental Property Maintenance Code as part of the 2000 Budget. The addition this year of a second Housing Inspector and a half-time secretarial position was done to provide more proactive enforcement of the current inspection program. These new positions will also enable Staff to expand the scope of the current program to include hotel and motel units on a complaint basis.

Single family detached and duplex residential dwellings are currently inspected on a complaint basis only. By establishing hotel and motel inspections on a complaint basis, Staff has the authority to inspect properties after receiving a complaint from a citizen or staff member, but is not mandated to inspect properties that are being properly maintained.

Letters explaining the proposed changes, along with a draft of the proposed ordinance, were sent to all Westminster hotels and motels soliciting their input. Staff did not receive any comments.

Other proposed changes to the ordinance are of a “housekeeping nature” and serve to clarify the intent of existing provisions. None of these changes will add any new requirements to the existing ordinance.

Alternatives

- Take no action and leave the current code as is, specifically excluding hotels and motels from the provisions of the Rental Property Maintenance Code.
- Take no action on the proposal to include hotels and motels into the current code, but approve the other “housekeeping” items.
- Modify the current Code to include hotels and motels, but as part of the proactive enforcement of the Rental Property Maintenance Code. This would mean every unit of every hotel or motel would be inspected on a regular schedule based on the age of the structure. With over 1,500 hotel and motel units in the City of Westminster, staff could handle this additional workload; but this alternative would offset the intended benefits of the recently added positions and the desired proactive enforcement of the current inspection program would not be possible.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **67**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE RENTAL PROPERTY MAINTENANCE CODE . .

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 12 of Title 11, W.M.C., is amended to read as follows:

11-12-1: GENERAL INTENT:

(C) **Scope.** The provisions of this code shall apply to all existing residential rental buildings, including manufactured homes, and all existing premises, or portions thereof used, designed, or intended to be used for dwelling purposes on a rental basis as well as the site, including parking lots, driveways and landscaping, and accessory structures, such as fences, retaining walls, sheds, and other such structures. Rooming houses, congregate residences or lodging houses shall comply with all the requirements of this code for rental dwellings. ~~Hotels, motels, bed and breakfast, and similar occupancies are specifically excluded from the requirements of this Code.~~ Except as provided herein, properties, including buildings, or portions thereof, equipment, devices and safeguards, which were required by the Building Code shall be maintained in conformance with the Building Code under which they were installed, provided such continued use is not dangerous to life. Where there are conflicts between the Building Code and this Code, the provisions of this Code shall apply.

11-2-4: SPACE AND OCCUPANCY STANDARDS:

(C) Light and Ventilation.

3. **Ventilation.** (d) In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower and similar rooms, mechanical ventilation system connected directly to the exterior capable of providing five air changes per hour shall be provided. The point of discharge of exhaust shall be at least 3 feet from any opening into the building. Bathrooms containing only a toilet or lavatory or combination thereof, and similar rooms may be ventilated with an approved mechanical ~~recirculating~~ RECIRCULATING fan or similar device designed to remove odors from the air.

(D) Sanitation.

2. **Fixtures.** All plumbing fixtures and piping shall be maintained as provided in the Building Code. Each plumbing fixture shall be provided with hot and cold running water necessary for its normal operation and be properly connected to an approved water and sewer system. Plumbing system waste piping shall be maintained free of all sewage obstructions and leaks. Potable water piping shall be free of leaks that cause a consistent flow of water. All plumbing fixtures shall be of smooth, impervious, easily cleanable surfaces and be maintained in safe and sanitary working condition free of cracks, breaks and leaks. All plumbing fixtures shall be of an approved glazed earthenware type or similar nonabsorbent material. ALL PLUMBING FIXTURES SHALL BE ADEQUATELY SECURED SO THAT NO STRAIN IS PLACED ON THE PIPING CONNECTIONS.

4. **Bathtub and Shower Enclosures.** The interior of every shower enclosure shall be watertight, maintained in sound condition, and be easily cleanable. Walls and floors of every shower enclosure shall be made of smooth, non-absorbent materials free of sharp edges and properly sloped to drain completely. Joints in any bathtub or shower enclosure shall be maintained waterproof with caulking or similar material. Repairs shall be required if more than two square feet of the enclosure wall or floor is no longer

waterproof or more than ~~four~~ TWO linear feet of caulking has failed or if the leak is causing an unsafe electrical condition.

8. **ENVIRONMENTAL HEALTH.** ALL SURFACES IN AND AROUND THE DWELLING UNIT SHALL BE MAINTAINED FREE OF MOLD AND MILDEW.

(E) Structural Requirements.

1. **General.** Roofs, floors, walls, foundations, ceilings, stairs, HANDRAILS, GUARDRAILS, DOORS porches, all other structural components, and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and in good repair.

3. **Weather protection.** Every foundation, floor, roof, ceiling, and exterior and interior wall AND ALL EXTERIOR DOORS AND WINDOWS shall be weathertight and watertight and maintained free of holes, cracks or other defects that admit rain so as to provide shelter for the occupants against the elements and to otherwise exclude dampness.

4. **Interior maintenance.** Floors, walls DOORS and ceilings shall be secure and free of holes, cracks, and breaks. Floor coverings shall be free from any defects that could cause tripping or would prevent the floor from being easily cleaned. Floor coverings such as carpeting, tile, linoleum, and similar material shall be repaired or replaced when more than 10% of the floor covering area is severely deteriorated or if defects create an unsafe or unsanitary condition. Floor coverings that have tears in excess of six inches that are raised above the floor surface to present a tripping hazard shall be repaired.

(F) Mechanical Requirements.

1. **Heating.**

(d) CLOSETS CONTAINING HEATING EQUIPMENT SHALL BE KEPT FREE OF STORED ITEMS, COMBUSTIBLES, FLAMMABLES OR ACCELERANTS.

2. **Electrical.**

(b) Every habitable room, bathroom, kitchen, laundry room and public hallway shall have at least two convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, furnace room and public stairway shall contain at least one electric light fixture. ELECTRICAL LIGHT FIXTURES SHOULD HOUSE ONLY THOSE BULBS APPROVED BY THE MANUFACTURER. WATTAGE OF BULBS SHALL NOT EXCEED THE MANUFACTURER'S MAXIMUM WATTAGE RECOMMENDATIONS FOR THE FIXTURE. EXTERIOR FIXTURES SHALL BE FREE OF MISSING OR BROKEN GLOBES THAT MAY LEAVE THE BULB EXPOSED TO THE ELEMENTS.

(c) BREAKER PANELS SHALL BE READILY ACCESSIBLE AND NOT BLOCKED OR COVERED BY STORAGE OR DECORATION.

(H) **APPLIANCES.** APPLIANCES, WHETHER SUPPLIED BY THE OWNER OR TENANT, SHALL BE MAINTAINED IN GOOD WORKING CONDITION, FREE OF LEAKS OR OTHER DEFECTS SO AS NOT TO CAUSE ANY UNSAFE OR UNSANITARY CONDITION.

11-12-6: EXTERIOR MAINTENANCE AND ACCESSORIES:

(B) Exterior maintenance.

1. The exterior finish of all structures shall be maintained. If the exterior finish of a structure is paint or stain, the structure shall be painted or stained prior to a time when the exterior finish has substantially deteriorated. GRAFFITI SHALL BE REMOVED PER TITLE VIII, CHAPTER 4 OF THE WESTMINSTER MUNICIPAL CODE.

(C) Windows and doors. Windows and exterior glazing shall be soundly and adequately glazed, free from loose and broken glass and cracks that could cause physical injury or allow the elements to enter the structure. WINDOWS AND DOORS ARE TO BE MAINTAINED SO THAT THEY CAN BE SECURED IN A CLOSED POSITION. Exterior doors shall be maintained weathertight, watertight and rodentproof. Exterior doors of rental dwelling units shall be solid core or equivalent and be provided with a deadbolt locking device that tightly secures the door.

(G) Accessory Structures. All accessory structures shall be maintained in a state of good repair or removed from the site. Such structures shall include, but not be limited to, clubhouses, offices, maintenance buildings, carports, retaining walls, fences, garages, and miscellaneous sheds or structures. THESE STRUCTURES SHOULD BE CONSTRUCTED OF MATERIALS CONSISTENT FOR THE USE OF THE STRUCTURE AND NOT CONSTRUCTED IN A MAKESHIFT OR HAPHAZARD MANNER.

11-12-9: INSPECTIONS:

(A) General.

The Chief Building Official or Housing Code Inspector will conduct inspections of multi-family rental units within a rental complex in a systematic manner. Rental properties containing three or more dwelling units within a single structure will be scheduled for inspection based on criteria established by the city. Single family detached and duplex rental properties will be inspected on a complaint basis with no regularly programmed inspection schedule. Individual rental units within an otherwise owner occupied complex or building MAY BE INCLUDED IN THE SYSTEMATIC INSPECTION PROGRAM OR INSPECTED AS COMPLAINTS OR CONDITIONS WARRANT. HOTEL, MOTEL, AND EXTENDED-STAY OCCUPANCIES WILL BE INSPECTED AS COMPLAINTS OR CONDITIONS WARRANT. ~~will not be included in the systematic inspection program but instead will be inspected on a complaint basis in the same manner as one and two family rental dwelling units.~~

2. THE HOUSING CODE INSPECTOR WILL DOCUMENT ANY VIOLATIONS OF THE CODE ON THE RENTAL PROPERTY MAINTENANCE INSPECTION CHECKLIST AND MAY MAKE A PHOTOGRAPHIC RECORD OF THE PROPERTY OR OF ANY VIOLATIONS DISCOVERED ON THE PROPERTY.

11-12-13: NOTICE OF NON-COMPLIANCE: (

(I) NO SHOW FEES. IF AN OWNER OR REPRESENTATIVE FAILS TO ATTEND AN INSPECTION OR REINSPECTION FAILS, TO REQUEST AN EXTENSION, OR FAILS TO MAKE ARRANGEMENTS FOR ENTRY INTO THE PROPERTY, A NO-SHOW FEE MAY BE ASSESSED. THE ASSESSMENT OF A NO-SHOW FEE SHALL BE ESTABLISHED AT \$50.00 FOR EACH APPOINTMENT RESULTING IN A NO SHOW.

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 24th day of July, 2000.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Resolution No. 58 re Grant Applications to the new Adams County Open Space Program

Prepared by: Scott Opie, Landscape Architect
Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to adopt the attached Resolution authorizing Staff to submit two grant applications to the new Adams County Open Space Program for priority open space, trail and park projects.

Summary

The Adams County Open Space Program has developed a new process to provide matching grants to eligible jurisdictions for a variety of open space, trail and park projects, as outlined in the ballot issue approved by voters in November 1999. The final details are still being worked out, and the first round of applications are due to Adams County by August 1st. The grant criteria require a jurisdictions governing body's approval prior to submittal.

Based upon a preliminary review of the ballot language and the criteria for scoring grant applications, Staff is proposing that two projects best fit the City's and County's open space grant priorities for open space and park acquisition, and trail development. One of the criteria for Adams County grants is that the projects need to be completed within one year, in order to help develop momentum for the County's new program. The projects described below are already underway, and could be completed within the one year time frame. Staff asks that City Council authorize the submittal of one or both of the following projects, at Staff's discretion, as the process moves ahead and is finalized. If awarded one or more grants, Staff would return to City Council for approval of an agreement(s) between the City and County for the completion of the grant project(s).

- The purchase of the "Gussies Pond" area north of 112th Avenue, east of Federal as previously approved by City Council in March of this year. This land is being acquired for a combination of open space and park use, and a possible elementary school. The acquisition is a good example of combining active park and passive open space uses with historic values, as it includes large trees, a farm pond, wetlands, an irrigation canal for open space, and open, level areas suitable for active play. Staff anticipates asking for a match of approximately \$150,000 from Adams County, toward a total purchase price of \$2,175,000, or approximately 7% of the total price. The City's share of the purchase price is available in the Open Space Fund and has been authorized.
- The Big Dry Creek Trail (Bull Canal Extension) is a project that is contained within the existing Bikeways and Trails Plan that was adopted by City Council in July of 1991. The Big Dry Creek Trail (Bull Canal Extension) Project was a bid alternate to the 128th Ave. trail underpass project that was not selected in 1999 due to budget constraints. This segment of trail requires construction of a 125' boardwalk, bridge crossing Bull Canal and 0.4-mile soft trail downstream of 128th Avenue toward Huron Blvd. Staff recommends asking for a matching grant of \$75,000 from Adams County toward a total trail construction cost of \$150,000 for this project. The City's matching share of \$75,000 is available in the Big Dry Creek Trail Capital Improvement Program.

Policy Issues

Should City Staff pursue matching grants for these projects from the new Adams County Open Space Program? All projects are budgeted by the City, and no new funding is required for these grants. If successful with one or more grants, this amount of City funds could be used for additional open space, trail or park acquisitions or development.

Alternatives

City Council could direct Staff to not submit any grant applications to Adams County, or could direct Staff to submit one or more other projects for funding. However, these two projects represent high priorities for open space, trail and park acquisitions and improvements, as determined by the respective Advisory Boards, by prior City Council approvals of specific projects and the Capital Improvement Plan budgeting process, and from numerous citizen requests. If awarded one or more grants, this could free up City funds for other priority projects.

Staff Recommendation

Adopt Resolution No. 58 authorizing the submittal of open space grant applications to the Adams County Open Space Program for one or more of the priority open space, trail and park projects described above, as determined by Staff through the grant submittal process.

Background Information

The Adams County Open Space Grant is new this year, and if successful will continue to fund projects throughout Adams County in two grant cycles each year. The creation and use of the open space tax funds was approved by Adams County voters on November 2, 1999. This would be the first time that the City of Westminster would be applying for this type of grant from Adams County. It is important to select projects that are of high priority, and that can be completed quickly, creating a successful partnership that will hopefully continue with many future projects.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Resolution and Map

RESOLUTION

RESOLUTION NO. **58**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

OPEN SPACE GRANT REQUESTS TO THE ADAMS COUNTY OPEN SPACE PROGRAM

WHEREAS, Adams County has established an Open Space Grant application process to assist with development of passive and active use projects for eligible jurisdictions within Adams County, Colorado; and

WHEREAS, the City of Westminster has budgeted for and intends to acquire Gussies Pond open space and park land; and

WHEREAS, the City of Westminster has budgeted for and intends to construct improvements for the Big Dry Creek Trail (Bull Canal Extension); and

WHEREAS, matching grant funding from the Adams County Open Space Program would assist in the acquisition and construction of the above projects, for the benefit and enjoyment of those residents of both Adams County and the City of Westminster.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit grant applications to the Adams County Open Space Program, requesting funding of \$150,000 for acquisition of Gussies Pond, and \$75,000 for construction of the Big Dry Creek Trail (Bull Canal Extension).

Passed and adopted this 24th day of July 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: City Park Softball Complex Phase B

Prepared by: Philo Shelton, Design Development Manager

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill for a supplemental appropriation of \$994,000, the amount of the 1999 Jefferson County Open Space (JCOS) Joint Venture grant award, into the General Capital Improvement Project Fund, for construction of City Park Softball Complex Phase B. City Council action is requested to authorize the City Manager to sign a contract with Randall and Blake, Incorporated (RBI) in the amount of \$4,303,931 for construction of Phase B of City Park Softball complex; a contract with Fence Consulting Services in the amount of \$273,135 for ball field fencing, a change order with DHM Design in the amount of \$81,297 for construction observation services and authorize a 6% project contingency of \$280,000. Funds for this expense are available in the City Park Phase III account of the 2000 Capital Improvement Program Fund.

Summary

JCOS established a Regional Sports Program that functions as a collaborative agency planning effort among the major cities and park and recreation districts in Jefferson County. This program was set up with the initial concept coming from the Westminster Parks, Recreation and Libraries Director and the City Manager. JCOS has set aside \$2.0 million per year over the next five years, 1999-2003, (\$10 million total) for planning and development of regional sports facilities, i.e., ballfields, soccer fields, tennis courts, and basketball courts. The City Park Phase III ballfield project was awarded funding of \$994,000 from the Regional Sports Program.

Phase A of City Park Softball Complex was completed in 1998 that included an entrance into City Park off of 104th Avenue, continuation of the park's perimeter road, and two parking lots for the softball complex. Phase B base bid portion of the project includes the core area of the four ballfields with dugouts, bleacher seating, fencing, concessions, restrooms, and landscaping. The bid add alternate portion of the project to be considered by City Council with the 2001 CIP Budget would include the ballfield lighting, shade shelters, 104th Avenue entry gateway into City Park, field entry plazas, parking lot landscaping, and peripheral landscaping along 104th Avenue. The project is planned to be a one year contract with bid add alternates awarded in November this year after approval of the 2001 budget. The project shall be completed next year and ready for play the spring of 2002 after the grow-in period is completed for the grass.

The project was advertised and bid according to the City's purchasing ordinances. Twelve contractors attended the mandatory pre-bid meeting and 41 copies of construction documents were sold to various contractors and suppliers.

The following is a tabulation from the June 29th bid opening:

RBI	\$4,303,931
ECI	\$4,363,214

The apparent low bid of \$4,303,214 by RBI is considered a good bid since both bidders are within \$60,000 or 1.4% of each others bid. The engineer's estimate for the project was \$3,900,000 or 10% under the bids for the project. RBI has worked for Westminster on the Little Dry Creek Trail Phase I and just completed Phase I of Standley Lake Regional Park. Current references for similar projects have also verified RBI as a qualified contractor.

In addition to the construction contract, Fence Consulting Services (Contractor) was brought on board to obtain bids from several subcontractors for installation of ball field fencing. Fence Consulting Services invited six qualified fencing subcontractors to bid on the project and three bids were received. Metro Fence Company (Subcontractor) has submitted the lowest bid for this project and have been recommended by Fence Consulting Services as subcontractor for this project. Bidding results are as follows:

Metro Fence Company	\$273,135
Ideal Fencing Corp.	\$296,940
Champion Fence Construction.	\$315,545

Finally, construction observation services were not included in the original design contract with DHM Design. The proposed services are to attend weekly construction meetings, review project submittals and shop drawings, issue clarifications and review pay estimates. The fee of \$81,297 is considered reasonable given the scope of services required.

The project budget recommended by Staff is as follows:

RBI	\$4,303,931
Fence Consulting Services	\$ 273,135
DHM Design	\$ 81,297
6% Project Contingency	\$ 280,000
Total Project Budget.	\$4,938,363

Alternatives

City Council could decide to re-bid the project after complete funding for the project is in place in 2001. However, given the size of this project and the time required to construct the project, re-bidding the project would further delay the project and could potentially cost the project more since suppliers and vendors usually increase prices at the beginning of a new year.

Staff Recommendation

1. Pass Councillor's Bill No.68 on first reading appropriating \$994,000 into the General Capital Improvement Fund, increasing the project budget by \$994,000, and authorize the use of these funds for construction of the City Park Softball Complex.
2. Authorize the City Manager to sign contracts with RBI in the amount of \$4,303,931, Fence Consultant Services in the amount of \$273,135 and a change order with DHM Design in the amount of \$81,297 and add a 6% (\$280,000) project contingency.

Background Information

In 1994, the Jefferson County Board of County Commissioners agreed to enter into a partnership with the City of Westminster to master plan Standley Lake Regional Park and design the City Park Ballfield Complex. The County allocated \$500,000 in 1995 to hire a landscape architect firm for both projects. DHM, Inc. was selected as the most qualified firm for these projects and the County began negotiating a contract for their services. The total cost of the contract approved by the County Commissioners with DHM was \$687,500: (a) \$280,000 for the City Park Ballfields and (b) \$407,500 for Standley Lake Regional Park. In 1997, Tarco was the contractor selected to construct the first phase and completed the first phase in 1998. In 1999 JCOS established a Regional Sports Program and awarded City Park Phase IIIB softball complex \$994,000. City Council then decided to issue the remaining POST bonds and apply \$1,535,000 to the project and accelerate the construction time line of the project.

The City Park Softball Complex was divided into two phases of construction, per Council direction. Given the amount of earthwork and grading required for this project, it ultimately worked out better to do the project in phases, because almost 300,000 cubic yards of earth were required to be moved, which caused concerns for short term settlement over the 45 acre site. This allowed the project grades to stabilize over a two-year period. The final phase of construction work will take a year to be completed with an opening of the ballfields in the spring of 2001.

The following is a summary of the CIP budget.

City Park Phase III CIP Funds	\$2,421,000
POST Bond Funds	\$1,535,000
JCOS Regional Sports Program Grant	<u>\$ 994,000</u>
TOTAL Available Budget for 2000	\$4,950,000
Recommended CIP Budget for 2001	<u>\$1,350,000</u>
TOTAL Projected Project Budget	\$6,300,000

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Councillor's Bill, Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 68

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,699,851 is hereby increased by \$994,000 which, when added to the fund balance as of the City Council action on August 14, 2000, will equal \$17,428,440. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Jefferson County Open Space Joint Venture grant for the construction of City Park Ball Fields Phase B.

Section 2. The \$994,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental-Jeffco Open Space 75-0420-020	\$75,000	\$994,000	\$1,069,000
Total Change to Revenues		<u>\$994,000</u>	
<u>EXPENSES</u>			
City Park Phase III project 75-50-88-555-159	\$2,061,056	\$994,000	\$3,055,056
Total Change to Expenditures		<u>\$994,000</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 and shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of July 2000.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Big Dry Creek Trail GOCO Grant for 99th Avenue

Prepared by: Scott Opie, Landscape Architect

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill regarding a supplemental appropriation of \$45,000 (the amount of the 2000 Great Outdoors Colorado (GOCO) grant award that the City received), into the General Capital Improvement Project Fund for the Big Dry Creek Trail project. City Council action is also requested to authorize the City Manager to sign a contract with GOCO for completion of the Big Dry Creek Trail from 99th & Old Wadsworth to the railroad tracks.

Summary

In February 2000, Staff applied for a \$50,000 trail grant sponsored by Colorado State Parks and GOCO for the Big Dry Creek Trail. The City was awarded the grant in the amount of \$45,000 in May 2000 for construction of the Big Dry Creek Trail along 99th Avenue between Old Wadsworth and the Burlington Northern SantaFe Railroad underpass. Construction costs for the project are anticipated to be \$110,000 including a matching grant from GOCO totaling \$45,000.

Alternatives

City Council could choose not to pass upon first reading Councillor's Bill No. 69 authorizing a supplemental appropriation of \$45,000 into the General Capital Improvement Project Fund for construction of the Big Dry Creek Trail project.

Policy Issue

Does City Council support accepting trail grants from GOCO for projects contained in the City's 5-year Capital Improvement Program.

Staff Recommendation

1. Pass Councillor's Bill No. 69 on first reading appropriating \$45,000 into the General Capital Improvement Fund.
2. Authorize the City Manager to sign a contract with GOCO in the amount of \$45,000.

Background Information

The City has identified the Big Dry Creek Trail as its top trail priority and has been striving to complete the project in 2000. Many recent projects have added to the reach of the Big Dry Creek Trail. The underpass projects at Wadsworth Parkway and at Burlington Northern SantaFe Railroad are close to completion. The recently completed Big Dry Creek Trail Phase III has provided a continuous trail from City Park, beneath US 36 to Old Wadsworth Blvd. One last segment of the Big Dry Creek Trail in Jefferson County remains broken along 99th Avenue between the Burlington Northern SantaFe Railroad Underpass and Old Wadsworth Blvd.

Upon completion of this remaining segment, the Big Dry Creek Trail will be continuous from Standley Lake Regional Park to 128th Avenue and north through the Amherst Subdivision to 136th Avenue.

In November 1999, City Council authorized resolution #94 for the submittal of a trails grant application to GOCO and Colorado State Parks for construction of the Big Dry Creek Trail along 99th Avenue from the Burlington Northern SantaFe Railroad underpass to Old Wadsworth Blvd.

Historically, Westminster has benefited from GOCO and Colorado State Parks trail grants. Over the past six years, Westminster has been successful in receiving 5 trail grants. These projects include Big Dry Creek Trail from Sheridan to 128th for \$45,000, Big Dry Creek trail from 128th to Huron and Amherst School for \$40,000, Little Dry Creek Trail from Federal to Zuni for \$50,000, Big Dry Creek Trail from Walnut Creek to 104th for \$50,000 and Big Dry Creek Trail from BNSF underpass to Old Wadsworth Blvd. for \$45,000.

Respectfully submitted,

William M. Christopher
City Manager

Attachments - Councillor's Bill and Project map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **69**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,699,851 is hereby increased by \$45,000 which, when added to the fund balance as of the City Council action on August 14, 2000, will equal \$16,479,440. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Great Outdoors Colorado grant for the construction of Big Dry Creek Trail

Section 2. The \$45,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental 75-0478-000	\$0	<u>\$45,000</u>	\$45,000
Total Change to Revenues		<u>\$45,000</u>	
<u>EXPENSES</u>			
Big Dry Creek Trail project 75-50-88-555-391	\$82,160	<u>\$45,000</u>	\$127,160
Total Change to Expenditures		<u>\$45,000</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.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of July 2000.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Councillor's Bill No. 70 re: Amending the City's Local Discharge Limitations

Prepared by: David Cross, Wastewater Operations Coordinator

Introduction

City Council action is requested to pass the attached Councilor's Bill on first reading to amend the local limitations for discharges to the City's sanitary sewer system as contained in Title VIII of the Westminster Municipal Code. Local discharge limitations are required by federal regulation and must be periodically updated to address current conditions.

Summary

The local discharge limitations contained in Chapter 10 of Title VIII set limits for pollutants discharged to the City's sanitary sewer system. These limits insure that the capacity of the wastewater treatment facility is not exceeded. Revision of these limits is required by the Environmental Protection Agency (EPA) to insure their applicability under current conditions. City Staff submitted a proposed set of revised local limits to EPA staff who reviewed and approved them for implementation by adoption into the Westminster Municipal Code.

Policy Issues

Should the City of Westminster adopt the proposed revisions to local discharge limitations as contained in Title VIII of the Westminster Municipal Code to address changes required by the Environmental Protection Agency.

Staff Recommendation

Pass Councillor's Bill No. 70 on first reading to amend the local discharge limitations contained in Chapter 10 of Title VIII of the Westminster Municipal Code.

Background

The City's Industrial Pretreatment Program was approved by the EPA in May, 1983. Chapters 8 and 10 of Title VIII constitute the legal authority to implement and enforce the program. To maintain EPA approval and retain the authority to implement the program, the City is required to meet a variety of requirements, including the setting of local discharge limitations. These limits are set by the municipality to protect the wastewater treatment facility and receiving stream against damage. Limits for individual pollutants are based on the ability of the wastewater treatment process to remove a pollutant and the ultimate fate of the pollutant. Some pollutants are readily removed from the wastewater, while others may pass through the facility to the receiving stream. Many are concentrated in the solid material produced as a byproduct of treatment. Individual limitations are established by examining the fate of the pollutant, calculating a maximum acceptable facility loading then subtracting the current domestic loading being received to produce a remainder. This remainder is the portion of the pollutant loading that is available for industrial use. The loading is converted to a concentration-based limit that is applied to permitted industrial users.

The existing local limits are outdated and do not reflect the current conditions. As such, they are less legally defensible should an industrial discharge violation occur. Of the limits being revised, 13 of the 16 are either staying the same or being raised, while 3 limits are being lowered. In addition, a number of other limits are being dropped as they are not required by the EPA and would unnecessarily expensive to update. It is not anticipated that these discharge limit changes will adversely impact any of Westminster's existing businesses to which they would apply.

Alternatives

The City could choose not to update its limits at this time; however, the EPA could rescind program approval and enforce the federal pretreatment requirements itself, or it could take legal action to penalize the City for noncompliance with regulations.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **70**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE LOCAL DISCHARGE LIMITATIONS IN TITLE VIII CHAPTER 10 OF THE WESTMINSTER MUNICIPAL CODE.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 8-10-4(H), Schedule 8-10(A) of the Westminster Municipal Code is hereby AMENDED to read as follows:

(H) Industrial users that discharge to Metro District must comply with specific discharge limitations provided in the Metro District rules and regulations that are amended from time to time. For purposes of this Section (H), Section 6 of the Metro Wastewater Reclamation District rules and regulations, as amended from time to time, is hereby adopted in its entirety. Industrial users which discharge to the City of Westminster POTW must comply with specific discharge limitations set forth in Schedule 8-10 (A) below. Dilution of a discharge shall not be used as a method for achieving compliance with all applicable pretreatment standards. (2030 2437)

**SCHEDULE 8-10(A)
SPECIFIC POLLUTANT LIMITATIONS**

Pollutant/Pollutant Property	Maximum Concentration (mg/l)	
	Grab Sample	Composite Sample
Ammonia Nitrogen (as N)	120	60
Arsenic	1.2	0.6
Boron, total	0.6	0.3
BOD5(averaged during any 12-hour period)		1,000
Cadmium, total	0.12	0.06
Calcium	16,000	8,000
Chromium, hexavalent	0.8	0.4
_____, total	10.0	5.0
Copper, total	5.6	2.8
Cyanide, amenable to chlorination	5.0	2.7
_____, total (as hydrogen cyanide)	2.0	2.0
Fluorides (as F)	20.0	10.0
Iron, total	60	30
Lead, total	0.8	0.4
Manganese, total	20.0	10.0
Mercury, total	0.2	0.1
Nickel, total	3.8	1.9
pH, minimum	greater than 5.5	
pH, maximum	less than 10.0	
Selenium	0.12	0.06
Silver, total	0.4	0.2
Sulfides (as hydrogen sulfide)	10.0	10.0
Zinc, total	11.0	5.5
Total Metals (sum of copper, nickel, total chromium, and zinc)	20.0	10.0
Chlorinated Hydrocarbons	2.0	1.0
Endrin (1,2,3,4,10,10 hexachloro-6,	0.0010	0.0007

7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo,endo-5,8-dimethano-naphthalene)		
Lindane (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer)	0.020	0.010
Methoxychlor (1,1,1-trichloroethane-2,2-bis(4-methoxyphenyl))	0.60	0.30
Oil/Grease	75.0	75.0
Organic Solvents	50.0	25.0
PCB's, total	0.006	0.003
Phenolic Compounds (as phenol)	10.0	10.0
Toxaphene (C ₁₀ H ₁₀ Cl ₈ Technical chlorinated camphene, 67-69 percent chlorine)	0.030	0.017
2,4-D, (2,4-Dichlorophenoxyacetic acid)	0.60	0.30
2,4,5-TP Silvex (2,4,5-Trichlorophenoxy propionic acid)	0.06	0.03

SCHEDULE 8-10(A)
SPECIFIC POLLUTANT LIMITATIONS

	Daily Maximum Concentration (mg/L)
Ammonia Nitrogen	60
Arsenic	0.54
BOD5	1000
Cadmium	0.20
Chromium	17.21
Copper	3.82
Cyanide	0.01
Lead	0.89
Mercury	0
Molybdenum	0
Nickel	2.42
Oil & Grease	75.0
pH	Between 5.5 and 10.0
Selenium	0.18
Silver	0.44
Zinc	0.89

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 24th day of July 2000.

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

ATTEST

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: July 24, 2000

Subject: Project Management Services from Black and Veatch for the Clearwell

Prepared by: Diane Phillips, Capital Improvement Projects Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Black and Veatch, LLP, in the amount of \$678,701 for the management of the Clearwell replacement project. Black and Veatch has provided technical and management assistance on the Clearwell project and will be retained to provide these services during the design and construction of the project. Funds for this expense are available in the Utilities Capital Improvements Fund.

Summary

The design/build project for the replacement Clearwell is expected to begin in September of 2000. Black and Veatch has provided ongoing technical and management assistance during the investigation of the issues related to the old Clearwell. They have worked in conjunction with City Staff to evaluate project alternatives, determine basic design criteria and prepare the Request for Proposal for the design and construction of the new Clearwell.

Black and Veatch has assisted City Staff in the renegotiation of the contract cost for design and construction of the Clearwell by CDM Engineers and Constructors, Inc., and continues to recommend them as the best firm to design and construct the replacement Clearwell. City Staff is requesting that the services of Black and Veatch be retained to provide ongoing project management services to oversee the design and construction services that CDM will carry out.

The Black and Veatch project management services that will be provided meet the requirements for the management of capital projects under the City's new Capital Projects Management Plan.

\$8.5 million has been authorized for this project from 1999 carry-over funds and \$2 million is proposed in the 2001 CIP budget. This \$10.5 million will cover the cost of design, construction, project management, land needed for construction, and contingency.

Policy Issue

Should the City award a renegotiated contract to Black and Veatch, LLP, for project management of the Clearwell replacement project in the amount of \$678,701.

Staff Recommendation

Authorize the City Manager to execute a contract with Black and Veatch, LLP, in the amount of \$678,701 for project management services during the design and construction of the replacement Clearwell. The expense associated for the services will be charged to the Utilities Capital Improvements Fund.

Background

On January 10, 2000 City Council approved the execution of a contract with Black and Veatch to provide project management services for the replacement Clearwell project in conjunction with the execution of the contract with CDM Engineers and Constructors, Inc., to design/build the Clearwell. The construction of the project has been delayed due to settlement negotiations with the contractor. City Staff is now recommending that the renegotiated contract with CDM be approved and that a contract with Black and Veatch also be executed so that design and construction of the replacement Clearwell can begin.

Previously Black and Veatch proposed to provide project management services for \$665,812. They now propose to provide those services for \$678,701 which is a 2% increase that is related to an increase in labor cost.

Black and Veatch has served as the City's project manager for the evaluation and rehabilitation of the High Service Pump Station, Chemical Building and Clearwell. In addition, Black and Veatch prepared the preliminary design and site evaluation of the Clearwell and is knowledgeable about the different site conditions that exist. They are very qualified, and Staff believes they are the best firm to serve as project manager.

The services provided by Black and Veatch will include, but are not limited to, conducting design/build meetings, reviewing design for compliance and constructibility, advising City Staff, coordination with all parties involved on the project, field oversight during construction, review of all changes and direction to see that budget and schedule are met.

The services provided by Black and Veatch will extend until the final completion of the project in the spring of 2002.

Alternative

As an alternative to having Black and Veatch provide management assistance on the Clearwell project, another engineering firm could be used. If another firm were used, all the background information and history that Black and Veatch has regarding this project would be lost on this high profile project. It would take additional time and expenses to bring another firm current on the project.

Respectfully submitted,

William M. Christopher
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: July 24, 2000

Subject: Updated Cost for CDM Design/Build Contract for the Clearwell

Prepared by: Diane Phillips, Capital Improvement Projects Coordinator
Ron Hellbusch, Director of Public Works and Utilities

Introduction

City Council action is requested to authorize the City Manager to sign a contract with CDM Engineers and Constructors, Inc., in the amount of \$8,012,177 for the demolition, design and construction of the 5 million-gallon (MG) Semper Clearwell and also authorize a 15% contingency of \$1,160,000. Funds for the project are available in the appropriate project account in the Utility Fund.

Summary

In the fall of 1999, CDM Engineers and Constructors, Inc. proposed to demolish, design and construct the new Semper Clearwell for a cost of \$7,708,976. At that time three other teams submitted proposals also.

CDM Engineers & Constructors, Inc.	\$7,708,976
Lillard and Clark with Boyle Engineering	\$8,124,214
Harding Lawson and Associates (HLA)	\$8,380,600
Western Summit with Richard Arber Engineering	\$8,469,000

At the January 10, 2000 City Council Meeting, City Staff working in conjunction with the project manager Black and Veatch, LLP., had recommended City Council action to authorize the execution of a contract with CDM. This recommendation was approved by Council action at the January 10 City Council meeting. Settlement discussions were initiated about the same time that delayed commencement of the replacement of the Clearwell, preventing the execution of the contract with CDM. In addition, the Jefferson County District Court ruled the City could not proceed until testing procedures requested by the contractor were conducted.

According to the Westminster’s Treated Water Master Plan, and the opinion of the project manager, it is unlikely that the City will be able to meet its future water needs during the high demand season in 2002 without the Clearwell. This would likely result in some form of water rationing to the citizens. Settlement discussions are not producing results that would allow the City to consider further delaying replacement of the Semper Clearwell. Because the Clearwell replacement is essential to the operation of the City’s treated water system, it is Staff’s ardent belief that the project should begin as soon as possible or jeopardize service deloivery of treated water in the future.

City Staff and Project Manager have renegotiated a new cost for CDM to demolish, design and construct the Semper Clearwell of \$8,012,177. This cost is 3.9 % higher than the original cost of \$7,708,976 that CDM submitted in the fall of 1999. The increase in cost is directly related to the Denver Metro area construction cost increases, which Staff and Project Manager believe is reasonable and justified.

It is anticipated that construction will begin in September of 2000 and that the replacement Clearwell will be in operation for the summer of 2002.

\$8.5 millions has been authorized for this project from 1999 carry-over funds and \$2 million is proposed in the 2001 CIP budget. This \$10.5 million will cover the cost of design, construction, project management, land needed for construction and contingency.

Policy Issue

Should the City award the renegotiated contract to CDM Engineers and Constructors, Inc. for the demolition, design and construction of the replacement Clearwell in the amount of \$8,012,177.

Staff Recommendation

Authorize the City Manager to execute a contract with CDM Engineers and Constructors, Inc., in the amount of \$8,012,177 for the design and construction for the 5 million-gallon Semper Clearwell and approve a 15% project contingency of \$1,160,000. The funds for the project are available in the appropriate project account in the Utility Fund.

Background

The five million-gallon replacement Clearwell will be constructed north of the Semper Water Treatment Plant. The design and construction will consist of drilled piers, structural concrete slab foundation, cast-in-place concrete wall with wire wrapping, interior baffles and a post-tensioned concrete flat roof. The project also consists of unhooking all the existing pipes and removing the old Clearwell and reconnecting piping. The site will be landscaped as part of this project.

Removal of the old Clearwell and design and construction of the new Clearwell will begin in September of 2000 and will be complete for the summer of 2002 operation. Acquisition of construction easements is underway and possession should be available in September.

Alternative

As an alternative, the design and construction of the Clearwell could be delayed to allow for further settlement discussions. This would increase the likelihood that treated water shortage could occur during high use summer months when storage and chlorine contract time for treatment are limited. Also, construction costs could increase further due to the continually rising Denver Metro area construction costs and activity.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 24, 2000
Subject: Financial Report for June 2000
Prepared by: Mary Ann Parrot, Finance Director

Introduction

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

Policy Issues

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

Summary

There are three sections to the attached report:

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

General Fund revenues represent 53% of the total budget estimate while General Fund expenditures and encumbrances represent 50% of the 2000 appropriation.

Utility Fund revenues represent 34% of the total budget estimate due to appropriation of borrowed monies for the new water treatment plant not being accounted for as of the date of this report. Utility fund expenditures and encumbrances represent 45% of the 2000 appropriation.

The Sales and Use Tax Fund revenues represent 54% of the total budget estimate, while expenditures and encumbrances in that fund represent 50% of the 2000 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 4% from the same period last year and increased 8% year-to-date. Audit and enforcement revenue is greater than anticipated because of a use tax audit on a large construction project within the City.

The Open Space Fund revenues represent 58% of the total budget estimate while expenditures and encumbrances in that fund represent 30% of the 2000 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 42% of the total budget estimate while operating expenditures and encumbrances represent 46% of the 2000 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 31% of the total budget estimate while operating expenditures and encumbrances represent 47% of the 2000 appropriation. The 1999 Golf Course operating revenues reflect a grant from Jefferson County. This financial activity is consistent with the seasonal nature of golf.

Theoretically, 50% of revenues and expenditures should be realized after six months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments

