



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

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

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. Award Bid for Fiber Optic Project
 - B. Revised 2004 City Council Assignments
 - C. CB No. 49 re Chamberlain East Annexation (Dixon-Price)
 - D. CB No. 50 re CLUP Amendment for Chamberlain East (Dixon-Davia)
 - E. CB No. 51 re Zoning for Chamberlain East (Dixon-Hicks)
 - F. CB No. 52 re Zuni Street Right-of-Way Annexation (Dittman-Price)
 - G. CB No. 53 re Bradburn/LaPlace Right-of-Way Annexation (Price-Hicks)
 - H. CB No. 55 re Use of Private Agencies for Collection for Municipal Court (Davia-Dittman)
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Boards and Commissions Pool
 - B. Resolution No. 49 re Amendment to Urban Renewal Area—Harris Park Townhomes Site II and III
 - C. Councillor's Bill No. 56 re Supplemental Appropriation for Landscape Architect II position
 - D. Resolution No. 50 re Landscape Architect II and Official Development Plan Inspector
 - E. Councillor's Bill No. 57 re Proposed Water and Sewer Rates Adjustment
 - F. Extension of Business Assistance Rebate for the Westin Hotel
11. Old Business and Passage of Ordinances on Second Reading
 - A. TABLED Swim & Fitness Center Renovation
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
 1. Litigation item
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 9, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Dixon moved, seconded by Dittman to approve the minutes of the meeting of July 26, 2004 with no corrections or additions. The motion carried unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the employees being recognized at tonight's Council meeting, and how the City employees are the City's greatest assets.

CITY COUNCIL COMMENTS

Councillor Dixon commented on the Adams County Fair and the many Rocky Flats meetings held in the past week.

Mayor Pro-Tem Kauffman commented on National Nite Out held last week and thanked the Police Department for coordinating this event.

Councillor Hicks commented on National Nite Out and reminded people to vote in the upcoming primary election on August 10.

Councillor Price commented on the All Ears event held on August 5, and the Breakfast with the Mayor and City Council being held at City Park Recreation Center on August 12.

Mayor McNally commented on the All Ears event and the Relay for Life event.

PRESENTATION OF EMPLOYEE SERVICE AWARDS

Mayor Pro Tem Kauffman presented service pins and certificates of appreciation to the following employees celebrating 20 years of service with the City: Sue Clark, Barb Dolan, Bob Dowling, Nancy Lee, and Tom Royal. Councillor Dixon presented a 30 years of service award to Alan Miller; and Mayor McNally presented the City's 25-year employees with a \$2,500 bonus, service pin and certificate to Rita DeFrancesco, Laura Magnetti, Andy Mead, Harvey Morris, John Stipech, and Mark Toth.

CITIZEN COMMUNICATION

Scott Fletcher, representing the Second Wind Fund, which is emergency counseling for teenage high school students, addressed Council on the September 12 fundraiser run that will be held at the Green Mountain Presbyterian Church.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Award Bid for Fiber Optic Project with Integrated Electric, Inc. for \$67,945; Revised 2004 City Council Assignments; CB No. 49 re Annexation of Chamberlain Property; CB No. 50 re CLUP Amendment for Chamberlain East property; CB No. 51 re Zoning for Chamberlain East property; CB No. 52 re Zuni Street Right-of-Way Annexation; CB No. 53 re Bradburn/LaPlace Street Right-of-way Annexation; and CB No. 55 re Use of Private Agencies for Collection of Delinquent Payments Due to Municipal Court.

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

Councillor Dittman moved, seconded by Price to adopt the consent agenda items as presented. The motion carried unanimously.

BOARDS AND COMMISSIONS POOL

Mayor Pro-Tem Kauffman moved, seconded by Price to establish a deadline of October 8, 2004 to receive applications from citizens interested in the next cycle of the Boards and Commissions "pool" and advertise this opportunity to become involved in the Westminster City government. The motion carried unanimously.

RESOLUTION NO. 49 RE AMENDMENT TO URBAN RENEWAL-HARRIS PARK TOWNHOMES

Councillor Davia moved, seconded by Dixon to adopt Resolution No. 49 adding property generally located at 7383 through 7395 Lowell Boulevard and 7247 through 7261 Meade Street, more specifically defined in Attachment A, into the existing south Westminster urban renewal area (URA). Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 56 RE SUPPLEMENTAL BUDGET APPROPRIATION

Councillor Dixon moved, seconded by Dittman to pass Councillor's Bill No. 56 on first reading appropriating \$20,300 in the General Fund as a result of a transfer from the Utility Fund to fund the new Landscape Architect II position. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 50 RE STAFFING TO IMPLEMENT REVISED LANDSCAPE REGULATIONS

Councillor Dixon moved, seconded by Price to adopt Resolution No. 50 amending the 2004 Staffing Plan and approving the addition of one full-time Landscape Architect II to the Planning Division within the Department of Community Development and one full-time Official Development Plan Inspector to the Water Resources and Treatment Division within the Public Works and Utilities Department to implement the additional landscape and irrigation plan review, field inspections, and written agreements necessary with the adoption of the Landscape Regulations. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 57 RE PROPOSED WATER AND SEWER RATES ADJUSTMENT

Councillor Price moved, seconded by Dixon to pass Councillor's Bill No. 57 on first reading implementing water and sewer rate adjustments. Upon roll call vote, the motion carried with dissenting votes from Hicks and Kauffman.

EXTENSION OF BUSINESS ASSISTANCE REBATE FOR THE WESTIN HOTEL

Councillor Hicks moved, seconded by Kauffman to authorize the City Manager to enter into a Second Amendment to the Lease Agreement with Inland Pacific Corporation (IPC) in substantially the same form as the attached agreement with such non-monetary modifications that may be approved by the City Manager and City Attorney. The motion carried unanimously.

TABLED SWIM & FITNESS CENTER RENOVATION

Councillor Dittman moved, seconded by Dixon to remove the Swim and Fitness Center Renovation from the Table. The motion carried unanimously.

Councillor Dittman moved, seconded by Dixon to authorize Staff to reallocate \$125,000 of the existing funds from the Ryan School Park Improvements CIP account designated for the Ryan School Park design into the Recreation Facilities Improvements CIP account. The motion carried unanimously.

CITIZEN COMMUNICATION

Daniel and Pat Hazel, 14527 Jason Drive, addressed Council on the status of the development of a shopping center at 144th & Huron.

EXECUTIVE SESSION

Mayor McNally stated there would be an executive session to discuss a litigation item.

ADJOURNMENT:

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

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 9, 2004



Subject: Presentation of Employee Service Awards

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action:

Present service pins and certificates of appreciation to employees celebrating 20, 25, and 30 years of service with the City, and provide special recognition to the City's 25-year employees with the presentation of a \$2,500 bonus.

Summary Statement:

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20th, 25th and 30th anniversary of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There are six employees celebrating 25 years of service, and each will be presented with a check for \$2,500, less income tax withholding following their 25th anniversary date.
 - Councillor Dixon will present the 30-year certificate.
 - Mayor McNally will present the 25-year certificates.
 - Mayor Pro Tem Kauffman will present the 20-year certificates.

Expenditure Required: \$15,000

Source of Funds: Community Development \$2,500; General Services \$2,500, Parks, Recreation and Libraries \$2,500; Public Works and Utilities \$2,500 and Police \$5,000 in the General Fund

Policy Issue

Should the City continue to provide bonuses to employees who achieve 25 years of service with the organization?

Alternative

Provide Staff with direction with regard to any changes Council would like to see in the bonus program.

Background Information

The following 20-year employees will be presented with a certificate and service pin:

Sue Clark	Police Department	Traffic Accident Investigator
Barb Dolan	Finance Department	Sales Tax Manager
Bob Dowling	Police Department	Sergeant
Nancy Lee	Police Department	Senior Police Officer
Tom Royal	Community Development	Building Plans Analyst

The following 25-year employee will be presented with a certificate, service pin and check for \$2,500, minus amounts withheld for Federal and State income taxes:

Rita DeFrancesco	Police Department	Secretary
Laura Magnetti	Parks, Recreation & Libraries	Management Assistant
Andy Mead	Public Works & Utilities	Utility Operations Coordinator
Harvey Morris	Community Development	Code Enforcement Officer
John Stipech	General Services	Municipal Court Judge
Mark Toth	Police Department	Sergeant

The following 30-year employees will be presented with a certificate and service pin:

Alan Miller	City Manager's Office	Special Projects Director
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On August 18, the City Manager will host an employee awards luncheon at which time 9 employees will receive their 15 year service pin, 7 employees will receive their 10 year of service pin, and 14 employees will receive their 5 year service pin, while recognition will also be given to those who are celebrating their 20th, 25th and 30th anniversary. This is the third luncheon for 2004 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 555 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

J. Brent McFall
City Manager

Rita DeFrancesco

Before Rita officially began her employment with the City of Westminster in the Police Department, she worked in the department as a Kelly Girl substituting for the Chief's Secretary. Rita worked in the Police Department on a contractual basis in that position until an opening for Clerk Typist in the Chief's office occurred in August 1979. She was hired in this position and was later reclassified as a Secretary. Rita has worked in the Police Department the entire 25 years in the section that handles crime prevention, internal affairs, hiring, training, and public information.

Rita has received numerous Teams In Action awards and Excellence In Action awards for her work on child/adult education programs, the police promotional and recruitment process, the department's Operation ID program, the Arvada/Westminster Teen Center, the Hooked On Fishing Program, and Public Information events and programs. She was also the recipient of the Crimestoppers Award and KOSI Secretary for a Day. Rita has served as a member of the Security Committee for the new Public Safety Center, participated in the City's Buzz-A-Thon spelling bee for the Library, and participated in numerous Mock Bank Robberies for the Public Information Unit. Rita worked for the police department when it was located at 76th and Federal, and then moved to 8800 No. Sheridan in July 1979.

Harvey Morris

Harvey began working for the City of Westminster on August 13th, 1979 as a Court Liaison Officer. In 1982 he began working in Community Development Department as a Code Enforcement Officer and went to part time work in 1990. Harvey has single handedly enforced the City's sign regulations and many other zoning related Code enforcement issues. His past experience as a Court Liaison officer has helped tremendously in the field to bring about voluntary compliance. In one case where three accessory structures had been built in the rear yard of a single family home, Harvey actually received a thank you after serving a summons to the property owner. It seems his wife had told him to pull the proper permits. Eventually the illegal structure was removed without going to court. Other examples of his work can only be seen because he is successful, for example requiring outside storage areas to be cleaned up, grass and landscaping to be kept up and illegal banners and signs to be removed. Harvey has and continues to do a great job as the only enforcement officer for signs and zoning violations and does this job on a part time basis. Harvey has volunteered often to coordinate the City employee golf tournament where employees were often treated to free Harvey Morris golf balls. Outside of working for the City Harvey is a Real Estate Agent having sold many homes for current and former employees.

Harvey is married to his wife Andrea and spends his spare time with his grandchildren. Congratulations on 25 great years with the City of Westminster.

ANDY MEAD (Utilities Operations Coordinator, PWU/Utilities Division)

Andy has been with the City of Westminster since July 1979. He started with the Police Department as a Crime Analyst for the first two years of his career at the City. In 1981, he moved to Human Resources ("Personnel" back then) and worked as a Personnel Analyst for nine years. While in that position, he worked temporarily as the Assistant to the City Manager until that vacant position was permanently filled. In August 1990, he transferred to the Public Works and Utilities Department at City Hall, and assumed the position of assistant to the Director of Public Works and Utilities. After eight years in that position, Andy moved to his current position of Utilities Operations Coordinator in the Utilities Division located at the Municipal Service Center. He has been in his current position since June of 1998.

John Stipech

John graduated from the University of Utah in 1967 with a Bachelor of Arts Degree. He attended Arlington University in Virginia and worked as a juvenile probation officer for about a year. He

received his Juris Doctorate degree from the University of Denver Law School in 1971. In July of 1979, John was appointed as Associate Judge by then Presiding Judge Frederic Rodgers. John became Presiding Judge on January 1, 1996. He is a member of the Colorado and Adams County Bar Associations. He is an advisor to recipients of Habitat for Humanity homes, a member of the Westminster Rotary Club, and a member of the School District 50 Education Foundation Board of Directors.

John was on the Washington Redskins roster for 2 years. Unfortunately, he injured his knee during the first camp. John was coached for 2 years by Otto Gramm.

In May of 1979, the Court and Police Department were relocated from 3031 West 76th Avenue to 8800 North Sheridan Boulevard. The entire Court staff at that time consisted of four full time employees. In December of 1991, the Court was relocated back to its current address at 3030 Turnpike Drive. Today, the Court Staff consists of twenty-one employees. During his 25-year tenure, he's outlasted 2 Court Administrators and he keeps the present Court Administrator on her toes all the time. He's seen numerous court staff and several associate judges come and go. He's lived through three different computer systems and countless court procedural changes. He's served with six mayors and over 20 councilors.

John handles his courtroom with humor, patience, compassion and understanding. He listens intently to each individual case, and is fair and impartial. In his dealings with juvenile offenders, John always stresses the importance of education and the positive impact that it will have on their lives. He strives to stay current on any changes to the laws that may affect the Municipal Court. John often shares entertaining memories and stories with staff and takes the time to listen to everyone he is in contact with. John is a dedicated and loyal employee and great asset to the City of Westminster.

Mark Toth
Sergeant, Police Department

Mark was hired as a Police Officer in September 1979 and then was transferred to Investigations as a Detective in Property Crimes from 1985 to 1988. Mark has served as a Field Training Instructor for 10 years; and from 1995 to 1998 was a member of the Special Crime Attack Team. Mark was promoted to Sergeant in January 1999 and has served on the Issues Task Force; the committee for developing the department's Missions and Values Statement; and the committee for rewriting the department's Police Pursuit Policy. In 1992, Mark was the recipient of the Optimists club Police Officer of the Year Award, and in 2004 Mark was selected as Trauma Team Coordinator for the Department's Critical Incident Team. Mark has also served for four years as a Field Training Instructor Supervisor.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: Award Bid for Fiber Optic Project

Prepared By: Gary Casner, Senior Telecommunications Administrator

Recommended City Council Action

Award the bid to the low bidders, Integrated Electric, Inc. in the amount of \$52,917, and Henkel & McCoy in the amount of \$15,028 for the installation of the fiber optic cable, charging the expense to the appropriate Capital Improvement Project budget account.

Summary Statement

- In 1988, the City installed a fiber optic cable network between the new City Hall, the Police Department and the Municipal Service Center for data transmissions.
- In 2000, the fiber optic cable network was expanded with the reclaimed water system.
- The fiber optic cable system currently provides data services to 24 City buildings.
- Four buildings in South Westminster have fiber optic connection between them, with a wireless radio link to City Hall, which provides very slow transmission.
- The Colorado Department of Transportation is constructing a fiber optic cable network on Federal Boulevard. An agreement has been made to let the City have the State contractor install a City owned fiber optic cable.
- Formal bids were requested for the installation of fiber optic cable between Federal Boulevard and City Hall on the north end; and Federal Boulevard and the Municipal Court on the south end.
- By using the CDOT contractor, the City will avoid approximately \$400,000 in construction costs.

Expenditure Required: \$67,945

Source of Funds: Fiber Optic Cable Capital Improvement Project

Policy Issues

Should City Council approve the expansion of the fiber optic cable network through the use of the CDOT contractor, thereby saving approximately \$400,000 in contractor costs?

Alternatives

Build the expansion completely by the City. This is not desirable as it would cost an additional \$400,000 with no real benefit.

Do nothing. This alternative is not a good choice as data speeds would not improve, affecting customer service to citizens at four City facilities in south Westminster.

Background Information

In 1988, with the construction of City Hall, a fiber optic cable network was built linking City Hall to the Public Safety Building and the Municipal Service Center. Because the system works so well, it has been expanded to now service 24 City buildings. Additional functions have been installed on the system, including a traffic control system, control of the reclaimed water system, the SCADA water system, the library data system and the availability of all data applications to all facilities.

Currently, four of the buildings on the network, Municipal Court, Swim & Fitness Center, Senior Center and the 76th Avenue Library, are linked together by fiber optic cable, but are connected to City Hall by a wireless radio link. The wireless radio solution was previously installed because it was not cost effective at that time to install a fiber link between south Westminster and City Hall. Because the wireless radio can only transmit at data speeds of 11 megabits a second, data speeds are much slower than the data speed of a fiber optic link which is 1 gigabit per second, or 99 times faster.

Early this year, the City learned that the Colorado Department of Transportation had a project which included the installation of a fiber optic system along Federal Boulevard. City Staff contacted CDOT and received permission to have a City-owned fiber optic cable installed in the CDOT conduit. The City would only have to pay for the cable installation, thereby avoiding approximately \$400,000 in construction costs. Staff contacted the contractor for CDOT and Henkel & McCoy, receiving a cost of \$15,028 for the installation of the City's fiber optic cable. City Staff then advertised for formal bids for connection to City Hall and the Municipal Court to the fiber cable on Federal Boulevard.

The results of the bids are as follows:

Integrated Electric, Inc.	\$52,917
WL Contractors	\$63,719
Sturgen Electric	\$71,233

The low bid from Integrated Electric meets City specifications for the bid.

The addition of this link to south Westminster will bring the length of the fiber optic cable network to over 20 miles and links City facilities from all parts of the City together.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: Revised 2004 City Council Assignments

Prepared By: Mary Joy Barajas, Executive Secretary

Recommended City Council Action

Approve the attached Revised Council Assignments list as discussed at the August 2nd Study Session.

Summary Statement

- Council approval is requested pertaining to Council assignments for the remainder of 2004 to fill vacancies left by Ed Moss and the related changes that have occurred with his departure.
- These assignments pertain to internal committees of the City organization as well as numerous external organizations in which the City has an involvement.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

No policy issue was identified.

Alternative

Council could choose not to make assignments at this time to committees that Ed Moss previously served on. This alternative is not recommended, as the City should have representation for organizations such as DRCOG, US 36 MCC, etc.

Background Information

The City of Westminster is involved in a number of organizations that are external to the city government. These include a wide range of both standing committees as well as groups that are formed to address current issues. They range from regional air quality and transportation issues to representation on the Denver Regional Council of Governments (DRCOG) and the Urban Drainage and Flood Control District (UDFCD). City Council and Staff are active participants on a number of committees related to regional issues such as the U.S. 36 Environmental Impact Study (EIS).

Also, there are 14 City Boards and Commissions to which a City Council liaison is assigned. The purpose of such Council assignments is to assure open and time sensitive communications between City Council and the respective Board or Commission. These particular assignments are to be handled on an "on-call" basis. The Chairperson of each respective Board or Commission shall be responsible to contact the Council representative when he or she is needed to be at the respective meeting. Otherwise, the Council representative is not required to be in attendance at the Board/Commission meeting.

City Council reviewed the City Council assignments at their August 2nd Study Session and provided Staff with direction on changes to the Council assignments. These changes are reflected on the attached City Council Assignment list for Council's official action. The changes per Council direction are shaded on the attached document.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CITY COUNCIL ASSIGNMENTS
August 2004

Organization	Meeting Time/Date/Place	Council/Staff Representatives
ADCOG Dinner	4 th Wednesday, (except Dec which varies due to holidays).	All
Adams County Economic Development	4 th Thursday, 11:30 a.m.-1:30 p.m. 12050 Pecos St, Suite 200.	Sam Dixion/Susan Grafton
ADCO Mayors Executive Committee	3 rd Thursday, 7:30 a.m., location varies per municipality.	Nancy McNally/Brent McFall
CML Affordable Housing Committee	No set meeting schedule. Will send notices.	Butch Hicks
CML General Municipal Issues Committee	Varies	Butch Hicks/Steve Smithers
CML Policy Committee	Three times a year at CML offices (2/6 9:30am–3pm at CML offices – final meeting in May)	Sam Dixion/Brent McFall
CML Sales Tax Simplification Committee	No set meeting schedule. Will send notices.	Barb Dolan/Butch Hicks
CML Tax Policy Committee	Varies	Butch Hicks/Steve Smithers
CML Youth Issues Committee	No set meeting schedule. Will send notices.	Butch Hicks
Community Artist Series	4 th Thursday, 4:30 p.m. at Dist. 50 Admin Bldg. (except January. 1/8 @ 4:30p)	Sam Dixion, Jo Ann Price
DRCOG Board	3 rd Wednesday, 7:00-9:00 p.m.	Nancy McNally/Tim Kauffman/Barbara Opie
Jefferson County Transportation Advisory & Advocacy Group (JEFFTAAG)	4 th Wednesday, 3-5pm at Jeffco Human Services Building	Tim Kauffman/Dave Downing
Jeffco Economic Council	3 rd Friday, 7:30 – 9:30 a.m., Jeffco Admin. Building	Tim Kauffman/Susan Grafton

Organization	Meeting Time/Date/Place	Council/Staff Representatives
JEFFCO Mayor/Commissioner/Manager Breakfast	7:15 a.m.-8:45 a.m. @ Jeffco Admin Bldg. – Lookout Mtn Rm. on 2/4; 4/7; 6/2; 8/4; 10/64	Tim Kauffman/other Council invited/Brent McFall
Jeffco Youth Alcohol Intervention Program Board	4/8, 7/8, 10/14. 11:30am-1:30pm, Jeffco Admin Bldg., Buffalo Bill Room. <u>April 8 meet at 10:30am.</u>	Jo Ann Price/Butch Hicks
Metro Mayors Caucus	1/11, 2/11, 4/14, 6/9, 8/11, 10/13 at Denver Metro Chamber of Commerce from 9:00 – noon. Except 1/11 meeting runs from 9:00 am to 3:00 pm.	Nancy McNally
NLC – Community & Economic Development Steering Committee	Meeting schedule to be determined at the March NLC Conference in Washington, D.C.	Sam Dixion
NLC Information Technology Policy Committee	Two times a year	Butch Hicks
North Metro Community Diversion Board	2 nd Thursday, 1:30 p.m. Locations vary.	Jo Ann Price
Rocky Flats Coalition of Local Governments	1 st Monday, 8:30 – 11:30 a.m., Jeffco Airport. No meeting March 1- meet Feb 23 instead.	Sam Dixion/Jo Ann Price/Dave Davia/ Ron Hellbusch
Transit Alliance	Meets quarterly (3/25, 6/24, 9/23 & 12/9), location varies around the metro area, from noon – 2:00.	Dave Davia
Volunteer Firefighter Pension Board	As needed, will send notices.	Nancy McNally/Gary Doane & Gary Buschy/Sam Dixion
US 36 Transportation Management Organization (TMO)	2 nd Tuesday, 7:30-9:00 a.m. at the TMO offices, 4 Garden Center.	Nancy McNally/Dave Downing/Steve Smithers
U.S. 36 Mayors/Commissioners Coalition	As needed, will send notices.	Nancy McNally/Tim Kauffman/Steve Smithers /Dave Downing
Westminster Historical Society	3 rd Saturday, 10:00 – 11:30 am at the Bowles House.	Chris Dittman/Jo Ann Price

City Boards/Commission/Panel	<u>Meeting Time/Date/Place</u>	<u>Council Representative</u>
Board of Adjustment Staff Liaison – Dave Falconieri/Terrilyn Willette	3 rd Tuesday of the month @ 7:00 p.m. in Council Chambers	Butch Hicks
Board of Building Code Appeals Staff Liaison – Dave Horras	Meets on an as needed basis, typically Wednesday evening.	Chris Dittman
Election Commission – Staff Liaison - Michele Kelley	As needed basis in the GS Conf Rm.	Chris Dittman
Environmental Advisory Board Staff Liaison - Rachel Harlow-Schalk	Last Thursday of every month @ 6:30 p.m.	Butch Hicks
Historic Landmark Board Staff Liaison – Vicky Bunsen	Second Wednesday of every month @ 7pm	Dave Davia
Human Services Board Staff Liaison – James Mabry	Two to seven times a year. (Location: TBD)	Sam Dixion
Library Board Staff Liaison – Mary Grace Barrick	Meets every other month on the 2 nd Wednesday @ 6:00 p.m. in the Bruchez Room, College Hill Library	Jo Ann Price
Open Space Advisory Board Staff Liaison – Lynn Wodell	One Wednesday per month (when items warrant) @ 5:00 p.m. in CD Conf Room C	Nancy McNally/Butch Hicks
Planning Commission Staff Liaison – Betty Losasso	2 nd & 4 th Tuesday of each month @ 7:00 p.m. in Council Chambers	Chris Dittman/Butch Hicks
Parks & Recreation Advisory Board Staff Liaison – Brad Chronowski	3 rd Thursday of each month (except December) @ 5:30 p.m. in the PRL Conf Rm.	Chris Dittman
Personnel Board Staff Liaison – Debbie Mitchell	Meets 2 times per year for legal updates and training of Board's choice and as needed for personnel hearings.	Jo Ann Price
Special Permit & License Board Staff Liaison – Michele Kelley	On January 7, 2004 @ 7:00 p.m. in Council Chambers (Other meetings TBD through the year and will advise)	Chris Dittman/Butch Hicks

Board/Commission/Panel	Meeting Time/Date/Place	Council Representative
Transportation Commission Staff Liaison – Dave Downing/Frances Velasquez	2 nd Wednesday of every odd month @ 7:00 p.m. in CD Conf Rm. C	Dave Davia
Youth Advisory Panel Staff Liaison – Cindy McDonald	1 st Wednesday of each month @ 5:30 p.m. in the Council Boardroom	Butch Hicks/Chris Dittman



WESTMINSTER
COLORADO

City Council Meeting
August 9, 2004



SUBJECT: Second Reading of Councillor's Bill No. 49, 50, and 51 re Annexation, Comprehensive Land Use Plan Amendment and Zoning for the Chamberlain East Property

Prepared By: David Falconieri, Planner III

Recommended Planning Commission Action:

1. Adopt Councillor's Bill No. 49 on second reading annexing the Chamberlain East property to the City of Westminster.
2. Adopt Councillor's Bill No. 50 on second reading amending the Comprehensive Land Use Plan (CLUP) for the Chamberlain East property changing the designation from Northeast Comprehensive Development Plan to Retail Commercial. This recommendation is based on the findings that the proposed amendment is consistent with the overall goals and purpose of the Plan, is compatible with proposed and existing adjacent land uses, and would not result in detrimental impacts to the City's infrastructure systems.
3. Adopt Councillor's Bill No. 51 on second reading rezoning of the Chamberlain East property from A-2 in Jefferson County to Planned Unit Development (PUD). This recommendation is based on the findings set forth in Section 11-5-3 of the Westminster Municipal Code.

Summary Statement:

- The Chamberlain property is located on the south side of Reed Street, across from the Church Ranch Park-n-Ride. The western portion of the property was recently annexed as the relocation site for the Church Ranch Amoco service station. The Chamberlain Trust is now requesting that the balance of the property be annexed.
- An annexation agreement was approved by City Council with the annexation of the western portion of the property and stipulates the purchase price of the Amoco relocation property will increase by \$100,000 if the eastern portion is not annexed with a Retail Commercial designation in the Comprehensive Land Use Plan.
- When the Park-n-Ride to the north is relocated to the Shops at Walnut Creek, it may be possible to combine that site with this one to form a larger redevelopment parcel.
- These Councillor's Bills were passed by City Council on First Reading on July 26, 2004.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **49**

SERIES OF 2004

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. 42 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land being a portion of Tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the office of the Clerk and Recorder of said County, lying within the county and state, more particularly described as follows:

Commencing at the northeast corner of said Section 14, whence the north quarter corner of said Section 14 bears 88°52'45" West, and all bearings are made as a reference hereon, said northeast corner being a point on the westerly boundary of the former Hawn Property annexation to the City of Westminster per annexation map recorded at Reception No. F1444643 in said office of the Clerk and Recorder; thence along the easterly line of said northeast quarter and the westerly line of said former Hawn Property annexation, South 00°42'14" West 78.99 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at Reception No. F0321025 in the office of the Clerk and Recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at Reception No. F1027164 in said office of the Clerk and Recorder and the point of beginning;

thence departing said southerly right-of-way and continuing along said easterly line and said westerly boundary, South 00°42'14" West 284.01 feet to the southerly boundary of said Tract 55 and the northerly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at Reception no. 88080480 in said office of the Clerk and Recorder; thence along said southerly boundary and said northerly boundary, South 88°52'14" West 441.63 feet to the easterly boundary of the Church Ranch Amoco annexation to the City of Westminster per annexation map recorded at Reception No. F2020175 in said office of the Clerk and Recorder; thence along the easterly and southeasterly boundary of said Church Ranch Amoco annexation the following 4 courses:

- 1) North 00°05'32" East 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears North 49°54'59" West;
- 2) Northeasterly along said curve through a central angle of 03°41'56" an arc length of 8.62 feet;
- 3) Tangent to said curve, North 36°23'05" East 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet;
- 4) Northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to said southerly right-of-way of Reed Street and said southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster;

Thence along the southerly and southeasterly right-of-way of said Reed Street and along the southerly and southeasterly right-of-way of said U.S. Highway 36/Church Ranch Boulevard annexation the following 3 courses:

- 1) North 89°48'37" East 251.02 feet to the beginning of a tangent curve concave southwesterly having a radius of 33.00 feet;
- 2) Southeasterly along said curve through a central angle of 52°48'12" an arc length of 30.41 feet to the beginning of a reverse curve concave northeasterly having a radius of 80.00 feet;
- 3) Southeasterly along said curve through a central angle of 43°08'25" an arc length of 60.24 feet to the point of beginning.

Containing 3.147 acres (137,067 sq. ft.), more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

ATTEST:

Mayor

City Clerk

Chamberlain East Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **50**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Chamberlain East annexation property, legally described as follows:

A parcel of land being a portion of Tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the office of the Clerk and Recorder of said County, lying within the county and state, more particularly described as follows:

Commencing at the northeast corner of said Section 14, whence the north quarter corner of said Section 14 bears 88°52'45" West, and all bearings are made as a reference hereon, said northeast corner being a point on the westerly boundary of the former Hawn Property annexation to the City of Westminster per annexation map recorded at Reception No. F1444643 in said office of the Clerk and Recorder; thence along the easterly line of said northeast quarter and the westerly line of said former Hawn Property annexation, South 00°42'14" West 78.99 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at Reception No. F0321025 in the office of the Clerk and Recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at Reception No. F1027164 in said office of the Clerk and Recorder and the point of beginning; thence departing said southerly right-of-way and continuing along said easterly line and said westerly boundary, South 00°42'14" West 284.01 feet to the southerly boundary of said Tract 55 and the northerly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at Reception no. 88080480 in said office of the Clerk and Recorder; thence along said southerly boundary and said northerly boundary, South 88°52'14" West 441.63 feet to the easterly boundary of the Church Ranch Amoco annexation to the City of Westminster per annexation map recorded at Reception No. F2020175 in said office of the Clerk and Recorder; thence along the easterly and southeasterly boundary of said Church Ranch Amoco annexation the following 4 courses:

- 1) North 00°05'32" East 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears North 49°54'59" West;
- 2) Northeasterly along said curve through a central angle of 03°41'56" an arc length of 8.62 feet;
- 3) Tangent to said curve, North 36°23'05" East 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet;
- 4) Northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to said southerly right-of-way of Reed Street and said southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster;

Thence along the southerly and southeasterly right-of-way of said Reed Street and along the southerly and southeasterly right-of-way of said U.S. Highway 36/Church Ranch Boulevard annexation the following 3 courses:

- 1) North 89°48'37" East 251.02 feet to the beginning of a tangent curve concave southwesterly having a radius of 33.00 feet;
- 2) Southeasterly along said curve through a central angle of 52°48'12" an arc length of 30.41 feet to the beginning of a reverse curve concave northeasterly having a radius of 80.00 feet;
- 3) Southeasterly along said curve through a central angle of 43°08'25" an arc length of 60.24 feet to the point of beginning.

Containing 3.147 acres (137,067 sq. ft.), more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to Retail Commercial, as shown on the attached "Exhibit A".

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th of July, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **51**

SERIES OF 2004

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-2 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 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

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

A parcel of land being a portion of Tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the office of the Clerk and Recorder of said County, lying within the county and state, more particularly described as follows:

Commencing at the northeast corner of said Section 14, whence the north quarter corner of said Section 14 bears 88°52'45" West, and all bearings are made as a reference hereon, said northeast corner being a point on the westerly boundary of the former Hawn Property annexation to the City of Westminster per annexation map recorded at Reception No. F1444643 in said office of the Clerk and Recorder; thence along the easterly line of said northeast quarter and the westerly line of said former Hawn Property annexation, South 00°42'14" West 78.99 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at Reception No. F0321025 in the office of the Clerk and Recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at Reception No. F1027164 in said office of the Clerk and Recorder and the point of beginning;

thence departing said southerly right-of-way and continuing along said easterly line and said westerly boundary, South 00°42'14" West 284.01 feet to the southerly boundary of said Tract 55 and the northerly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at Reception no. 88080480 in said office of the Clerk and Recorder; thence along said southerly boundary and said northerly boundary, South 88°52'14" West 441.63 feet to the easterly boundary of the Church Ranch Amoco annexation to the City of Westminster per annexation map recorded at Reception No. F2020175 in said office of the Clerk and Recorder; thence along the easterly and southeasterly boundary of said Church Ranch Amoco annexation the following 4 courses:

- 1) North 00°05'32" East 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears North 49°54'59" West;
- 2) Northeasterly along said curve through a central angle of 03°41'56" an arc length of 8.62 feet;
- 3) Tangent to said curve, North 36°23'05" East 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet;
- 4) Northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to said southerly right-of-way of Reed Street and said southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster;

Thence along the southerly and southeasterly right-of-way of said Reed Street and along the southerly and southeasterly right-of-way of said U.S. Highway 36/Church Ranch Boulevard annexation the following 3 courses:

- 1) North 89°48'37" East 251.02 feet to the beginning of a tangent curve concave southwesterly having a radius of 33.00 feet;
- 2) Southeasterly along said curve through a central angle of 52°48'12" an arc length of 30.41 feet to the beginning of a reverse curve concave northeasterly having a radius of 80.00 feet;
- 3) Southeasterly along said curve through a central angle of 43°08'25" an arc length of 60.24 feet to the point of beginning.

Containing 3.147 acres (137,067 sq. ft.), more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

ATTEST:

Mayor

City Clerk

Chamberlain East Zoning



WESTMINSTER
COLORADO

City Council Meeting
August 9, 2004



SUBJECT: Second Reading of Councillor's Bill No. 52 re Zuni Street Right-of-Way Annexation

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

Adopt Councillor's Bill No. 52 on second reading annexing the northbound lanes of Zuni Street between 136th Avenue and the south boundary line of the Amherst subdivision.

Summary Statement:

- The northbound lanes of Zuni Street between 136th Avenue and the southern boundary of the Amherst subdivision have never been annexed and are still under Adams County jurisdiction. The southbound lanes were annexed by Broomfield when the property to the west was developed. The landscaped area of the right-of-way adjacent to Amherst is in the City of Westminster.
- In order to avoid the confusion of three separate jurisdictions providing emergency services to this strip of road, the County has petitioned the City to annex the northbound lanes.
- This Councillor's Bill was passed by City Council on First Reading on July 26, 2004.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **52**

SERIES OF 2004

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 28, 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 Adams, 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 in the northwest quarter of Section 28, Township 1 South, Range 68 West of the Sixth Principal Meridian, County of Adams, State of Colorado more particularly described as follows:

Commencing at the west quarter corner of said section from whence the northwest corner of said section bears N01°06'51"W, 2667.87 the bearing of which all bearing hereon are based, the true point of beginning;

Thence along the west line of said quarter, said line being the east line of the corporate limits of the City of Broomfield, Colorado N06°06'51"W, 2637.87 feet to a point on the south line of that parcel annexed to the City of Westminster as recorded at Reception Number B621803 of the records of the Adams County Clerk and Recorder; thence along said line N89°41'15"E, 30.00 feet to the northwest corner of that parcel annexed to the City of Westminster as recorded at Reception Number 964080 of said records.

Thence along the east line of said annexation S01°06'51"E, 2637.69 feet to a point on the south line of said quarter on the north line of that parcel annexed to the City of Westminster as recorded at Reception Number B621803 of said records; thence along said north line S89°21'21"W, 30.00 feet to the true point of beginning.

Said parcel contains 79133 square feet or 1.8167 acres more or less.

Total perimeter = 5335.56 feet

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

ATTEST:

Mayor

City Clerk

Zuni ROW Annexation



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: Second Reading of Councillor's Bill No. 53 re Bradburn/LaPlace Street Right-of-Way Annexation

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

Adopt Councillor's Bill No. 53 on Second Reading annexing portions of the Bradburn Boulevard and LaPlace Court rights-of-way.

Summary Statement:

- At the point where LaPlace Court intersects with Bradburn Boulevard, there are portions of both streets that were never annexed to the City.
- City staff from the Police Department have asked that the streets be annexed in order to avoid jurisdictional confusion since at this point in time, the City services cannot be legally provided to those areas.
- The unannexed area has been completely surrounded by the City for more than three years and may therefore be unilaterally annexed by ordinance without a petition.
- This Councillor's Bill was passed by City Council on First Reading on July 26, 2004.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **53**

SERIES OF 2004

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 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there exists an unincorporated parcel of land which is entirely contained within the boundaries of the City of Westminster, and said parcel has been entirely surrounded for a period of time not less than three years; 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 in the southeast quarter of Section 30, Township 2 South, Range 68 West of the Sixth Principal Meridian, County of Adams, State of Colorado more particularly described as follows:

Commencing at the southeast corner of said section from whence the south quarter corner of said section bears S89°39'40"W, 2650.19 feet on which all lines hereon are based; thence along said line S89°39'40"W, 1295.40 feet; thence N00°03'40"E, 989.99 feet to the true point of beginning on the east line of LaPlace Court at the northeast corner of that parcel annexed into the City of Westminster and recorded at Reception Number 456402 of the records of the Adams County Clerk and Recorder; thence along the north line of said annexation N89°28'53"W, 66.00 feet to a point on the west line of said court at the southeast corner of that parcel of land annexed to the City of Westminster and recorded at Reception Number 619706 of said records; thence along the lines of said annexation and the following three courses;

- 1) N00°03'40"E, 300.83 feet to a point on the south line of West 82nd Avenue;
- 2) Along said south line N89°28'53"W, 21.33 feet to a point on the southeasterly line of Bradburn Boulevard;
- 3) Along said southeasterly line S41°58'20"W, 401.37 feet to a point on the north line of said annexation recorded at Reception Number 456402;

thence along said line N89°28'53"W, 53.37 feet to a point on the centerline of said Boulevard a point on the southeasterly line of that parcel annexed into the City of Westminster and recorded at Reception Number 474881; thence along said line N41°58'20"E, 562.60 feet to a point on the west line of that parcel annexed to the City of Westminster and recorded at Reception Number 788048 of said records; thence along said line S00°03'40"W, 120.58 feet to a point on the southline of 82nd Avenue; thence along said line and the lines of said annexation S89°28'53"E, 33.00 feet to the east line of LaPlace Court on the west line of the original City of Westminster boundary; thence along said line S00°03'40"W, 301.09 feet to the true point of beginning.

Said parcel contains 42426 square feet or 0.97396 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

ATTEST:

Mayor

City Clerk

Bradburn/LaPlace Annexation



WESTMINSTER
C O L O R A D O
Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: Second Reading of Councillor's Bill No. 55 re Use of Private Agencies for Collection of Delinquent Payments Due to Municipal Court

Prepared By: Carol J. Barnhardt, Municipal Court Administrator
Sharon Widener, Assistant City Attorney

Recommended City Council Action:

Pass Councillor's Bill No. 55 on second reading amending the Municipal Code to allow the Westminster Municipal Court to utilize a private collection agency for the collection of delinquent fines and other payments due to the Court and to assess the costs of collection to defendants.

Summary Statement:

- This Councillor's Bill was passed on first reading June 26, 2004.
- Outstanding revenues from delinquent fines, Court costs and other payments due to the Court from January 1996 through April 30, 2004 are currently \$327,194. Due to the age of many of the receivables, the Court can anticipate about a 25% collection rate on the aged accounts.
- The Court took a more aggressive approach to payment of fines, costs, etc. with its 2003-7 Order that directs that payment of fines, costs, fees, restitution, etc. is due and payable in full immediately upon plea of guilty or finding of guilty. A payment schedule was developed if payment in full cannot be made.
- The Court is in the process of enhancing its collections process even further with the purchase and installation of a collection module in its Records Management System. This module automates the process of notifying defendants that their Court payments are delinquent through a letter informing the defendants that failure to pay will result in the matter being referred to a private collection agency.
- The final step in this more proactive approach to addressing delinquent payments is to refer the delinquent defendants to a private collection agency for collection. When the matter is referred to a private collection agency, the program will calculate and add up to a 25% collection fee to the amount owed and pass on the costs to the defendant.
- Currently, the City Code does not provide for the use of a private collection agency for the collection of unpaid Court fines when the collection agency fees are passed on to the defendant. The proposed Councillor's Bill will allow the Court to use this approach as an additional means of collecting overdue fines.
- Staff has conducted research and has found that other cities are experiencing similar problems with collections. The recommendation set forth in this memo would allow Staff to take proactive steps to address this situation.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **55**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ESTABLISHING A FEE FOR USE OF COLLECTION AGENCIES TO COLLECT FINES, PENALTIES, COSTS, FEES, OR RESTITUTION IN MUNICIPAL COURT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 22, Section 14, W.M.C., is hereby amended BY THE ADDITION OF A NEW SUBSECTION (D) to read as follows:

1-22-14: ~~COMMITMENT FOR FAILURE TO PAY FINES:~~

(D) TO COLLECT PAST DUE ORDERS OF FINES, PENALTIES, COSTS, FEES, OR RESTITUTION, THE COURT MAY ASSIGN SUCH ACCOUNTS TO A PRIVATE COLLECTION AGENCY. ANY FINES, PENALTIES, COSTS, FEES OR RESTITUTION OF THE COLLECTION AGENCY SHALL BE ADDED TO THE AMOUNT DUE, BUT NOT TO EXCEED TWENTY-FIVE PERCENT (25%) OF THE AMOUNT COLLECTED.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: Boards and Commissions Pool

Prepared By: Michele Kelley, City Clerk

Recommended City Council Action

Establish a deadline of October 8, 2004 to receive applications from citizens interested in the next cycle of the Boards and Commissions "pool" and advertise this opportunity to become involved in the Westminster City government.

Summary Statement

- City Council annually solicits Westminster citizens who are interested in serving on the various City Boards and Commissions when vacancies would occur during the year.
- After the deadline to receive applications has passed, City Council would then interview each individual who has submitted an application.
- Staff is recommending a deadline for applications this year of October 8th, in order to provide lead time for citizens to apply.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

Should Council recruit for new members of the Board and Commission pool at this time?

Alternatives

Council could decide to set a different date for the deadline.

Council could decide not to recruit for the members of the Board and Commission pool at this time.

Background Information

Once a deadline has been established, a press release for the various newspapers will be prepared with a brief description of each of the Board's responsibilities. A copy of the press release will be sent to all the homeowner associations within the City and to Neighborhoodly News, which distributes information within many subdivisions within the City. This information is also broadcast on Channel 8 and the application form is available on the Internet and will be published in the September issue of City Edition.

A copy of the Boards and Commission brochure is attached for Council to review the publication that will be distributed to interested citizens.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: Resolution No. 49 re Amendment to Urban Renewal Area—Harris Park Townhomes Site II and III

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action:

Adopt Resolution No. 49 adding property generally located at 7383 through 7395 Lowell Boulevard and 7247 through 7261 Meade Street, more specifically defined in Attachment A, into the existing south Westminster urban renewal area (URA).

Summary Statement:

- The City of Westminster established an urban renewal area (URA) in 1987, which was expanded in 1992 to incorporate most of the commercial and industrial zoned and developed property within the general area bounded by 74th Avenue on the north, 68th Avenue and the railroad tracks on the south, Zuni Street on the east and Tennyson Street on the west.
- Residentially zoned property related to the Harris Park Townhouse redevelopment project in the 7300 and 7400 blocks of Lowell Boulevard (Site II) and 7200 block of Meade Street (Site III) was not included within the urban renewal area. (See attachment A)
- The sites are contiguous with the existing urban renewal area boundary.
- The City signed a development agreement with Community Builders, Inc. to redevelop the sites that in part calculated use of the tax increment produced from the redevelopment to assist in financing the project.
- State law allows the City Council to make minor adjustments to the urban renewal boundary without an official finding of blight or lengthy public hearing process.
- While a finding of blight is not essential to a make minor boundary adjustments, Staff proceeded to conduct an inventory of blight conditions relative to the aforementioned parcels and did find that conditions of blight existed on the property.
- The 83,423 square feet (1.92 acres) of land to be added to the urban renewal area is less than 1% of the existing urban renewal area, supporting a finding that the proposed amendment is minor.
- The owner of the sites, Community Builders, Inc., does not oppose having the property incorporated into the urban renewal area.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council (a) add the referenced sites to the existing urban renewal area as a minor amendment or (b) require the proposed amendment to the URA to proceed pursuant to a finding of blight and public hearing process as outlined in Colorado Revised Statutes?

Alternatives

1. City Council could choose to not proceed with incorporating the sites into the URA at this time and direct Staff to present a blight study and pursue the associated public hearing process to establish a new urban renewal area. Staff recommends that this alternative not be pursued as the state statutes do permit a minor amendment process, the land area is extremely small, and there is no opposition of property owners to the proposal.
2. City Council could choose to not incorporate the land into the URA. Staff recommends the City Council not choose this alternative, as the property tax increment revenue generated from the redevelopment would not be available to assist in repayment of a loan provided from the Westminster Housing Authority.

Background Information

In 1987 the City of Westminster conducted a blight study, created the Westminster Economic Development Authority (WEDA) and established an urban renewal area that included property generally comprised of the Westminster Plaza shopping center and property immediately across 72nd Avenue and Federal Boulevard. In 1992, the City expanded the blight study and amended the urban renewal area to include most of the commercial and industrial developed and zoned land bounded by 74th Avenue on the north, 68th Avenue and the railroad tracks on the south, Zuni Street on the east, and Tennyson Street on the west. Since the focus of the 1992 boundary expansion was tied to commercial and industrial property, several adjoining “residential” redevelopment parcels were not included in the urban renewal area.

In 2001, City staff initiated plans to proceed with redevelopment of property along Lowell Boulevard and Meade Street. In conjunction with this effort, Staff determined that prospective developable property along the fringe of the existing urban renewal area, including the Aspen Care site, would need to be included in the URA to support acquisition needs and financing. Accordingly, a consultant was hired to prepare an inventory of blight conditions related to additional property on the fringe that might eventually be incorporated into the URA. The results of the survey indicated that all of the properties inventoried had conditions of blight.

As follow-up to the blight inventory, Staff discussed and researched options relative to amending the existing urban renewal area boundaries. Substantial amendments to the urban renewal area typically involve a notice and public hearing process and require a finding of at least four conditions of blight. Staff research also found that state law allows a “minor amendment” to the area without the formal process. No standards are set forth in the statute for what constitutes a “minor” amendment. Staff believes this minor amendment process is appropriate to the current situation based on the following facts:

- The land area to be brought into the urban renewal area is less than 1% of the existing URA;
- A blight survey conducted by a qualified urban renewal consultant found conditions of blight relative to the sites;
- Community Builders, Inc., the owner and developer of the property, has expressed no opposition to designating the property as part of the urban renewal area; and,
- The state statutes permit the City to make minor amendments to the urban renewal area.

The properties proposed for annexation into the existing urban renewal area meet all of the above criteria. Accordingly, Staff recommends that the incorporation be processed as a minor amendment. The minor amendment process for incorporating an area into an Urban Renewal District is not affected by recent changes to State law pertaining urban renewal designation.

In preparing a development agreement with Community Builders, Inc. to move forward on the redevelopment of the 73rd Avenue/Lowell Boulevard area, the Westminster Housing Authority provided a \$1.1 million loan to assist in acquiring property along Meade Street and Lowell Boulevard. The loan was to be repaid through a variety of funding sources, including the incremental property tax revenue resulting from the new development. Accordingly, the City Council passed Resolution No. 41 in 2003 incorporating Site I of the Harris Park Townhomes (Aspen Care site), on the southeast corner of 75th Avenue and Lowell Boulevard, into the Urban Renewal Area as a minor amendment. WEDA proposes to repay the \$1.1 million WHA loan by including the amount into a forthcoming bond issuance for the Northgate redevelopment project.

Given the developer is prepared to proceed on construction on sites II and III, it is recommended that the remainder of the townhouse project property (Sites II and III) be incorporated into the urban renewal district to be able to collect and use the property tax increment produced by the development to assist in repaying the loan. It is estimated that Phase I (50 townhomes) and Phase II (12 townhomes/12,000 square feet commercial) would generate a total of about \$1.8 million in sales and property tax increment over the remaining term of the urban renewal designation. About \$800,000 of this estimated increment is not currently pledged to repay the outstanding “Westminster Plaza” redevelopment bonds. These proceeds would be available to provide the financial support to Phase II and future phases of the 73rd Avenue/Lowell Boulevard redevelopment project. The other \$1.0 million would be applied to repayment of the existing bond debt.

Respectfully Submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 49

INTRODUCED BY COUNCILLOR'S

SERIES OF 2004

AMENDING THE SOUTH WESTMINSTER URBAN RENEWAL PLAN TO INCLUDE SITES II AND III OF THE HARRIS PARK TOWNHOME PROJECT AS A MINOR MODIFICATION THERETO

WHEREAS, 1.92 acres of land in the 7200 block of Meade Street (Harris Park Townhome Site III) and 7300 and 7400 blocks of Lowell Boulevard (Harris Park Townhome Site II) are vacant and to be redeveloped in accordance with a development agreement with Community Builders, Inc.; and

WHEREAS, Harris Park Townhome Site II is legally described as Lot 2, Dr. Platt Subdivision Filing No. 1, and Lots 22 to 27, inclusive; Block No. 1, Wilson's Subdivision, County of Adams, State of Colorado, a part of the southeast quarter of section 31, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, Adams County, Colorado, and this property has not previously been included in the south Westminster Urban Renewal Area; and

WHEREAS, Harris Park Townhome Site III is legally described as Lots 7-17, inclusive, Mahn's Subdivision of the east half of Block 42, Harris Park, County of Adams, State of Colorado, a part of the southeast quarter of section 31, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, Adams County, Colorado, and this property has not previously been included in the south Westminster Urban Renewal Area; and

WHEREAS, modification of the south Westminster Urban Renewal Plan is governed by C.R.S. section 31-25-107(7); and

WHEREAS, addition of the Sites to the existing south Westminster Urban Renewal Area would increase the size of the area by less than one percent; and

WHEREAS, the Westminster Housing Authority provided financial assistance to encourage the redevelopment of the aforementioned property for housing; and

WHEREAS, inclusion of the Sites into the contiguous south Westminster Urban Renewal Area would permit capture of the property tax increment to be generated by the new housing development; and

WHEREAS, the property tax increment is needed to repay the Westminster Housing Authority investment in this redevelopment project so that these funds can be made available for other goals and projects of the Authority; and

WHEREAS, an official development plan has been approved for a townhome project on the Sites that is consistent with the existing Urban Renewal Plan and the South Westminster Strategic Revitalization Plan; and

WHEREAS, addition of the Sites to the South Westminster Urban Renewal Area is a modification that will not substantially change the existing urban renewal plan in land area, land use, design, building requirements, timing, or procedure, as previously approved.

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

1. Redevelopment of the Harris Park Townhome Site II and Site III as a townhome project will afford maximum opportunity, consistent with the sound needs of the City of Westminster as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

2. The acquisition, clearance, rehabilitation, conservation, development or redevelopment or a combination thereof of the Sites is necessary in the best interests of the public health, safety, morals, and welfare of the citizens of the City of Westminster.

3. The South Westminster Urban Renewal Area and Plan are hereby amended to include the Harris Park Townhome Site II and Site III as a minor modification.

LEGAL DESCRIPTIONS:

Harris Park Townhome Site I

Lots 22 to 27, inclusive; Block No. 1, Wilson's Subdivision, County of Adams, State of Colorado

Harris Park Townhome Site III

Lots 7-17, inclusive, Mahin's Resubdivision of the east half of Block 42, excluding the westerly Sixty (60) feet of Lot 17, Harris Park, County of Adams, State of Colorado

ADOPTED, at a regular meeting of the City Council of the City of Westminster, Colorado, this 9th day of August, 2004.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: Councillor's Bill No. 56 re Supplemental Budget Appropriation and Resolution No. 50 re Staffing to Implement the Revised Landscape Regulations

Prepared By: Shannon Sweeney, Planning Coordinator
Mike Happe, Water Resources and Treatment Manager

Recommended City Council Action

- Pass Councillor's Bill No. 56 on first reading appropriating \$20,300 in the General Fund as a result of a transfer from the Utility Fund to fund the new Landscape Architect II position.
- Adopt Resolution No. 50 amending the 2004 Staffing Plan and approving the addition of one full-time Landscape Architect II to the Planning Division within the Department of Community Development and one full-time Official Development Plan Inspector to the Water Resources and Treatment Division within the Public Works and Utilities Department to implement the additional landscape and irrigation plan review, field inspections, and written agreements necessary with the adoption of the Landscape Regulations.

Summary Statement

- On June 28, 2004, City Council adopted revised Landscape Regulations and Staff indicated at that time that formal authorization of additional staffing to implement the revisions would be brought to City Council prior to the September 1, 2004 effective date of the regulations.
- As reviewed with City Council in the May 17, 2004 Staff Report, two additional full-time employee positions (Landscape Architect II and Official Development Plan Inspector) are needed to implement the additional level of landscape and irrigation plan review and field inspections necessary with the approved regulations. The regulations require expertise regarding review of landscape design, irrigation design, plant materials, and require additional field inspections and written agreements in order to implement numerous, detailed water conservation measures.
- These two positions would be part of the City's development review and construction plan review processes including field inspections and review of the use of non-potable water where possible in the landscape. The Official Development Plan Inspector would be within the Water Resources and Treatment Division in the Public Works and Utilities Department and the Landscape Architect II would be within the Planning Division in the Department of Community Development.
- The total estimated cost in 2004 to fund the Landscape Architect II salary, office equipment, and computer software is \$20,300. The ODP Inspector position will be funded separately in 2004 through a revision to the Water Resources and Treatment Division budget totaling \$18,740.

Expenditure Required: \$20,300

Source of Funds: Utility Fund

Policy Issues

Should the City amend the budgets of the General Fund and the Utility Fund by authorizing a transfer from the Utility Fund to the General Fund in 2004 to fund the new Landscape Architect II position?

Should the City amend to the 2004 Staffing Plan to add two additional full-time employee positions to implement the City's revised Landscape Regulations adopted by City Council on June 28, 2004?

Alternative

Do not pass the attached Councillor's Bill appropriating funds for a new Landscape Architect II position and do not adopt the attached resolution amending the 2004 Staffing Plan and authorizing two new FTE positions to implement the City's revised Landscape Regulations. Because these two positions are critical to the implementation of the revised regulations, this option is not recommended. Extensive plan review regarding landscape design, irrigation design, plant materials, additional field inspections, and written agreements will be necessary for successful implementation of the comprehensive water conservation measures adopted within the Landscape Regulations.

Background Information

In response to the ongoing drought in Colorado and the desire to use water resources more efficiently, the Planning Division, Water Resources Division, and Department of Parks, Recreation and Libraries Staff worked closely to draft revisions to the City's existing Landscape Regulations. These revisions were reviewed with the City Council at the May 17, 2004 Study Session and with the Planning and Zoning Commission on June 8. City Council adopted the revised Landscape Regulations on first reading on June 28 and second reading on July 12.

Because the revised regulations include significant modifications and requirements in the area of water conservation, additional staffing is needed to successfully implement the new provisions and achieve the water conservation measures as identified in the regulations. As reviewed in the May 17 Staff Report and June 28 Agenda Memorandum to City Council, one Landscape Architect II and one Official Development Plan Inspector are requested to implement the additional level of landscape and irrigation plan review and complete additional field inspections and written agreements necessary.

The cost in 2004 to fund the Landscape Architect II position includes \$14,360 in salary costs, and \$5,940 in office equipment and software costs. In 2005, costs for this position include \$52,408 in salary costs, and \$440 in lease payments to others for ongoing computer lease payments. The ODP Inspector position totals \$11,900 in salary costs in 2004 (\$42,189 in 2005), and \$6,840 in office equipment and software costs (\$440 for a computer lease in 2005). A truck for this inspector position has been included in the Proposed 2005 Budget totaling \$15,400.

Funds for these positions are available in the Utility fund, and the Utility Fund source is appropriate for funding these two positions as both positions focus on water conservation measures, design, procedures, and policies. The ODP Inspector position will be funded in 2004 through a revision to the Water Resources and Treatment Division budget with savings from the Thornton water account (lease payments to others). The Landscape Architect is proposed to be funded via a transfer payment from the Utility Fund to the General Fund from savings from the Thornton water account as well. It is proposed that the position be funded on an ongoing basis via the Utility Fund transfer to the General Fund as the water conservation focus makes it appropriate to continue to charge the Utility Fund. The Utility Fund pays the General Fund an annual fee for services rendered by various Staff and Departments on behalf of the Utility Fund (eg: City Attorney's Office reviews contracts and assists in legal matters, Community Development conducts plans reviews and helps collect tap fees, etc.). To keep consistent in budgeting

SUBJECT: Councillor's Bill re Supplemental Budget Appropriation and Resolution re Staffing
to Implement the Revised Landscape Regulations Page 3

and accounting for these services, Staff proposes that the Landscape Architect be officially authorized as an FTE in the General Fund and its salary be budgeted there as well. The annual fee for services that the Utility Fund pays the General Fund will be adjusted in 2005 and future years to cover the expense associated with this position (i.e., the transfer payment from the Utility Fund into the General Fund will be increased by the amount associated with this position's salary).

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **50**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

A RESOLUTION TO AMEND THE 2004 PERSONNEL SCHEDULE TO ADD ONE LANDSCAPE ARCHITECT II FTE AND ONE OFFICIAL DEVELOPMENT PLAN INSPECTOR FTE TO IMPLEMENT THE CITY'S REVISED LANDSCAPE REGULATIONS

WHEREAS, Section 1-24-1 and 1-24-4 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the personnel schedule for all position classifications in the municipal service; and

WHEREAS, the City Council previously approved the 2004 personnel schedule as part of the amended personnel schedule adopted on June 28, 2004; and

WHEREAS, in response to the ongoing drought in Colorado and the desire to use water resources more efficiently, City Staff revised the Landscape Regulations to include significant modifications and requirements in the area of water conservation; and

WHEREAS, the Westminster City Council adopted the revised Landscape Regulations on first reading on June 28, 2004 and second reading on July 12, 2004; and

WHEREAS, one (1.0) Landscape Architect II FTE and one (1.0) Official Development Plan Inspector FTE are needed to implement the additional level of landscape and irrigation plan review, field inspections, and written agreements necessary with the approved regulations.

NOW, THEREFORE, BE IT RESOLVED THAT THE WESTMINSTER CITY COUNCIL RESOLVES that the attached Amended 2004 personnel schedule be amended to reflect one (1.0) additional Landscape Architect II FTE in the Planning Division within the Department of Community Development and one (1.0) additional Official Development Plan Inspector FTE in the Water Resources and Treatment Division within the Public Works and Utilities Department effective on August 9, 2004.

Passed and adopted this 9th day of August, 2004.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2004

COUNCILLOR'S BILL NO. **56**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$20,300 which, when added to the fund balance as of the City Council action on August 9, 2004 will equal \$86,415,292. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to a transfer from the Utility Fund to fund a Landscape Architect II position in the Planning Division.

Section 2. The \$20,300 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer – Utility Fund	1000.45000.0200	\$1,344,856	<u>\$20,300</u>	\$1,365,156
Total Change to Revenues			<u>\$20,300</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Salaries	10030360.60200.0000	\$826,479	\$14,360	\$840,839
Office Equip	10030360.75200.0000	200	5,600	5,800
Comp	10030360.75400.0000	0	<u>340</u>	340
Hard/Software				
Total Change to Expenses			<u>\$20,300</u>	

Section 3. The 2004 appropriation for the Utility Fund does not change with the City Council action on August 9, 2004. However, the expenditure accounts amended are shown here for informational purposes.

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Lease Pymts to Other	20035490.67700.0000	\$2,940,889	\$(39,040)	\$2,901,849
Transfer to General Fund	20010900.79800.0000	1,344,856	20,300	1,365,156
Salaries	20035480.60400.0000	508,989	11,900	520,889
Office Equipment	20035480.75200.0000	0	5,600	5,600
Comp	20035480.75400.0000	915	<u>1,240</u>	2,155
Hard/Software				

Total Change to
Expenses

\$0

Section 4. – 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 5. This ordinance shall take effect upon its passage after the second reading.

Section 6. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 9th day of August, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of August, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: Councillor's Bill No. 57 re Proposed Water and Sewer Rates Adjustment

PREPARED BY: Bob Krugmire, Water Resources Engineer
Stu Feinglas, Water Resources Analyst
Mike Happe, Water Resources and Treatment Manager

Recommended City Council Action

Pass Councillor's Bill No. 57 on first reading implementing water and sewer rate adjustments.

Summary Statement

- This proposal is in keeping with City Council's biennial water and sewer rates adjustments.
- The proposed 2005 and 2006 Utility Fund budgets are predicated on a 9% overall increase in operating revenues effective January 1, 2005. These rates will be in effect for two years.
- The recommended revenue increase is necessary to meet cash flow requirements for increased operating costs, pay-as-you-go capital improvement projects and the continuing debt service for the Reclaimed Water System, Big Dry Creek Wastewater Treatment Facility, and the Northwest Water Treatment Facility, as well as budget impacts to the City of Westminster from the street cut impact fees.
- The Big Dry Creek Wastewater Treatment Facility renovation and expansion will also extend the life of the existing facility for current users. As a result, it is necessary to recover a portion of these costs through water and sewer rates.
- Staff, utilizing water billing records and the long-range financial planning model, has analyzed water rates and usage patterns and is recommending changes to water and sewer rates in order to meet these revenue requirements.
- These rates are designed to avoid impacting lower water users and will increase the incentive to conserve water in the future.
- These rates would be effective January 1, 2005 and barring unexpected costs or significant revenue reductions due to a continued drought, no additional increase would be recommended for calendar years 2005 and 2006.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

Should the meter service charges, water and sewer rates and tap fees recover the costs of providing water and sewer services?

Is it appropriate to utilize the meter service fee increase to offset the budget impacts to the City of Westminster from the street cut impact fee?

Alternatives

1. Do not adjust water and sewer rates and instead reduce expenditures to balance the budget. To maintain current level of service, the operating and capital improvement budgets for 2005 and 2006 have been reviewed and adjusted to minimize the requested rate modifications. Further reductions in these budgets could result in a reduced level of service to customers.

2. Do not increase the monthly meter service fee to offset the effects of the street cut impact fee to the City of Westminster. If the meter service fee is not increased to offset the effects of the street cut impact fee, these funds will need to be made available from an alternative budget source, or through expenditure reductions.

Background Information

The 2005 and 2006 Utility Fund budgets are predicated on a 9% (or 4.5% per year) overall increase in operating revenues in response to the following increased costs:

- Thornton treated water contract – While the overall amount of water used under the contract has been reduced, the cost per thousand gallons has increased resulting in an additional annual cost of \$65,700. Additionally, savings realized through the overall contract reduction are being used to fund replacement water supplies.
- Permitting fees – In order to balance the State budget, Colorado has increased permitting fees and moved charges related to regulatory requirements to end-users. In addition, regulatory requirements have been increased resulting in additional monitoring and testing costs.
- Energy costs continue to increase at a rate greater than the Consumer Price Index (CPI), resulting in substantial increases to operating costs.
- Metro wastewater fees, which cover the treatment of wastewater within the Little Dry Creek basin, continue to increase. Metro is proposing a 6% increase annually until 2015, and a 4% increase annually from 2015 through 2023.

Additionally, the recommended revenue increase is required to meet cash flow requirements for pay-as-you-go capital improvement projects and the continuing debt service for the Reclaimed Water System, the Big Dry Creek Wastewater Treatment Facility upgrade/expansion project, the Northwest Water Treatment Facility as well as financial impacts to the City of Westminster from the required street cut impact fees.

City Council has historically adjusted water and sewer rates every two years. Staff, utilizing water billing records and the long-range financial planning model, has analyzed water rates and usage patterns and, in addition to the proposed conservation incentive rates, recommends the following changes to water rates to arrive at an overall nine percent increase over the 2005/2006 period. The rate increases would be effective January 1, 2005, and remain in effect through 2006.

1. Single Family Residential Water Rates: Adjust the residential block rates as follows:

- a. The “lifeline rate” of \$1.95 per 1,000 gallons for the first 4,000 gallons would remain unchanged.
- b. Add \$0.27 to the middle block, going from \$2.95 to \$3.22 per 1,000 gallons for usage between 5,000 and 20,000 gallons per month.
- c. \$0.50 would be added to the top block, going from \$4.25 to \$4.75 per 1,000 gallons for consumption above 20,000 gallons per month. While individual residential customers have use that falls within this top tier, the typical residential customer does not exceed 19,000 in any given month. This proposed residential rate structure provides incentive for customers to conserve water.

2. Single Family Meter Service Charge: Increase the residential Meter Service Charge from \$4.70 per month to \$5.45. This increase is intended to cover the financial impacts to the City resulting from the street cut impact fee. The monthly water bill for the average residential customer, including the recommended rate adjustment and meter service charge, would increase by \$2.20 per month. By increasing this account to address the street cut impact fee, a proportional increase will be realized by all customers and not be based on water consumption.

4. Meter Service Charge for Non-Single Family Residential: Adjust the Meter Service Charge for all non-Single Family Residential meters by adding a pro-rata increase in their meter service charge based upon meter size.

5. Commercial Water Rates: Adjust the commercial block rates by:

- a. adding \$0.35 to the bottom block, going from \$3.65 to \$4.00 per 1,000 gallons.
- b. adding \$0.35 to the top block, going from \$4.50 to \$4.85 per 1,000 gallons. The breakpoint for commercial blocks is based upon meter size.

6. Residential Irrigation, Townhome, Condo, Public/Quasi-Public Users and Residential Irrigation: Add \$0.35 to the rate charged to these customers, going from \$3.65 to \$4.00 per 1,000 gallons. Additionally, townhome communities that apply for, and can prove at least 80% occupancy, are entitled to receive a blended rate (currently \$3.00 per 1,000 gallons). The new blended rate would increase to \$3.30.

7. Shaw Heights: Shaw Heights water users, per the perpetual comprehensive agreement, are charged the corresponding in-City rates plus 10%.

8. Sewer Rates: Adjust residential and public rates from \$2.84 to \$3.10 and Commercial from \$3.17 to \$3.46 per 1,000 gallons of average winter water usage. This increase equates to a 9% increase in rates.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **57**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S WATER RATE SCHEDULE AND SANITARY SEWERAGE SERVICE AND USER CHARGES

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, the City of Westminster operates a water and wastewater enterprise utility; and

WHEREAS, the City Charter requires that the utility be self-supporting; and

WHEREAS, the last water rate increase and the last rate increase for sewer user charges took effect October, 2002; and

WHEREAS, costs to operate the Water and Wastewater Utility have increased; and

WHEREAS, since the Utility is operated as an enterprise exempt from the TABOR amendment, the City Council may set rates to adequately fund the operation of the enterprise; and

WHEREAS, the City wishes to minimize the need for large increases in the future; and

WHEREAS, water rates have been designed so as to encourage conservation.

NOW, THEREFORE, be it ordained by the City Council of the City of Westminster as follows:

Section 1. Section 8-7-7, W.M.C., is hereby AMENDED to read as follows:

8-7-7: WATER RATE SCHEDULE:

(A) Except for fire hydrant use for municipal purposes and water used by the Water Department, all water delivered from the City water system shall be metered, including water used by the City or departments thereof, and the charge therefore shall be as hereinafter set forth.

(B) RESIDENTIAL: Three (3) dwelling units or less served by one meter primarily used for residential occupancy shall be charged a ~~four dollar and seventy cent (\$4.70)~~ FIVE DOLLAR AND FORTY-FIVE CENT (\$5.45) per month meter service charge plus:

Block Rate	Consumption Range
\$1.95 per 1,000 gallons	First 4,000 gallons
\$2.95 \$3.22 per 1,000 gallons	5,000 to 20,000 gallons
\$4.25 \$4.75 per 1,000 gallons	21,000 gallons and over

per unit. Unit consumption shall be determined by dividing the number of units using one meter.

(C) RESIDENTIAL IRRIGATION, TOWNHOME/CONDOMINIUM (CONSISTING OF FOUR UNITS OR MORE), PUBLIC/QUASI-PUBLIC USERS: Shall be charged a monthly meter service charge based on the meter size as listed in Schedule A plus: ~~\$3.65~~ \$4.00 per 1,000 gallons.

Non-irrigation accounts for multiple residential units consisting of four (4) units or more that are not individually metered and that are classified as town homes or condominiums and can demonstrate that they are eighty percent (80%) owner occupied on a complex wide basis shall be charged a monthly meter service charge based on the meter size as listed in Schedule A plus: ~~three dollars (\$3.00)~~ THREE DOLLARS AND THIRTY CENTS (\$3.30) per thousand (1,000) gallons for all water delivered through the meter. The Director of Finance is authorized to prescribe and accept such forms of documentation as the Director may deem sufficient to demonstrate an applicant's eligibility for the rate described in this paragraph. For purposes of this section, a town home or condominium is a residential unit physically attached to another residential unit and separately owned.

(D) COMMERCIAL: Commercial users shall be charged a monthly meter service charge based on meter size as listed in Schedule A plus: ~~three dollars and sixty five cents (\$3.65)~~ FOUR DOLLARS (\$4.00) per 1,000 gallons for the number of gallons used per monthly billing up to the breakpoint for the meter size listed in Schedule A. ~~Four dollars and fifty cents (\$4.50)~~ FOUR DOLLARS AND EIGHTY-FIVE CENTS (\$4.85) per 1,000 gallons for all consumption exceeding the breakpoint on a monthly basis for the applicable meter size as listed in Schedule A.

SCHEDULE A				
Meter Size Code	Meter Size	Number of Service Commitments	Monthly Meter Service Charge	Breakpoint For Second Tier Based On Meter Size (Gallons)
1	5/8" X 3/4"	1	\$4.70 \$5.45	20,000
2	3/4" x 3/4"	1.5	\$7.50 \$8.63	30,000
3	1"	2.5	\$10.00 \$11.88	50,000
5	1-1/2"	5	\$15.00 \$18.75	100,000
6	2"	8	\$20.00 \$26.00	160,000
7	2" x 5/8"	8	\$20.00 \$26.00	160,000
8	3"	17.5	\$40.00 \$53.13	350,000
9	3" x 3/4"	17.5	\$40.00 \$53.13	350,000
10	4"	30	\$40.00 \$62.50	600,000
11	4" x 1"	30	\$40.00 \$62.50	600,000
12	6"	62.5	\$50.00 \$96.88	1,250,000
13	6" x 1-1/2"	62.5	\$50.00 \$96.88	1,250,000
14	6" x 3"	62.5	\$50.00 \$96.88	1,250,000
15	8"	90	\$90.00 \$157.50	1,800,000
18	10"	145	\$110.00 \$218.75	2,900,000
20	10" x 12" x 6"	215	\$110.00 \$271.25	4,300,000

(E) CONTINUANCE OF CUSTOMER CHARGES: Monthly customer charges shall be assessed in all cases including where no water is consumed until such time as City personnel are specifically requested to discontinue water service at the meter.

(F) ~~Rebate~~ REBATE: Effective January 1, 2001, a seventy-five dollar (\$75) rebate shall be given once annually to low-income residential users who submit an application on a form prescribed by the Finance Director.

1. For purposes of this paragraph, "low income" shall be the current Federal poverty level, plus ten percent (10%).

2. The Director of Finance is authorized to prescribe and accept such forms of eligibility as the Director may deem sufficient to demonstrate an applicant's eligibility for the rebate provided for in this section.

3. Such rebate will be paid in the form of a credit applied to the water account of the eligible residential user.

Section 2: Section 8-8-5, subsection (D), is hereby AMENDED to read as follows:

8-8-5: SERVICE AND USER CHARGES:

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. The minimum monthly rate for use of the City of Westminster sanitary sewerage system by residential, including multiple unit residential, and public users shall be a sum equal to ~~two dollars and eighty four cents (\$2.84)~~ THREE DOLLARS AND TEN CENTS (\$3.10) per thousand (1,000) gallons multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly rate for use of the City of Westminster's Sanitary Sewage System by multiple units and commercial users shall be a sum equal to ~~three dollars and seventeen cents (\$3.17)~~ THREE DOLLARS AND FORTY-SIX CENTS (\$3.46) per thousand (1,000) gallons multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly sewer charge for commercial users may be appealed to the Utility Billing Division for user charges resulting from the average monthly water billed during the period of January through March and may be adjusted if the water billed during the months of July through September is less. Commercial users shall be allowed to install a separate meter to record out of house use which consumption will not be assessed a sewer use charge. The meter readings actually taken prior to and closest to the specified time frame shall be used for purposes of accomplishing the required calculation. However, City Council may by Resolution adjust the period of time to be used to calculate said user charges when, in the opinion of the Council, climate conditions and water consumption patterns warrant such an adjustment. The monthly charge shall apply to an account that is billed for more than fifteen (15) days service. Any new occupant of a residential unit shall be charged fifteen dollars and fifty cents (\$15.50) sewer charge until an experience rate has been established.

Residential users who appeal the initial sewer charge rate can have the rate adjusted to actual usage of the first four (4) months of occupancy. Any new multi-unit or commercial account shall be charged a rate based on water consumption of similar accounts in the Westminster or the Denver Metro area. Any account not receiving Westminster water will be based on actual consumption, if available or consumption of similar accounts.

Section 3. This ordinance shall be effective for any water charges billed after January 1, 2005.

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 9th day of August, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of August, 2004.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: Extension of Business Assistance Rebate for the Westin Hotel

Prepared By: Steve Smithers, Assistant City Manager

Recommended City Council Action

Authorize the City Manager to enter into a Second Amendment to the Lease Agreement with Inland Pacific Corporation (IPC) in substantially the same form as the attached agreement with such non-monetary modifications that may be approved by the City Manager and City Attorney.

Summary Statement

- The City entered into a Joint Development Agreement and a subsequent Lease Agreement in 1998 with Inland Pacific Corporation for the construction, occupancy, use and operations, and financial considerations for the Westminster Conference Center.
- Included in the two agreements were the terms and conditions by which the conference center was financed including the schedule of lease payments by IPC and the Business Assistance Rebate (BAR) by the City.
- The original financing for the hotel was for a three-year period and expired last year. IPC has been in negotiations since that time to locate new long term financing, which has been complicated by the declines suffered due to September 11 and the economic downturn that has been experienced over the last three years.
- The hotel has operated on a profitable basis since it's opening in 2000, and has made all scheduled lease payments for the Conference Center to the City and all loan payments for the Hotel to the bank.
- IPC has located new financing for the hotel through two lenders; however, one of the requirements of this financing is the reworking of certain portions of the lease agreement with the City.
- Staff is in the process of negotiating changes to the lease agreements, including an extension of the existing Business Assistance Rebate from 15 to 26 years at the same maximum dollar level established in the current lease. The attached agreement addresses the changes to the BAR. The other changes to the lease will be brought back to City Council for consideration in the next several weeks.
- Staff anticipates that if these new terms are approved, IPC will finalize the new financing for the hotel in the next 30 days. This action will create greater security for the Westin Hotel and for the Promenade Complex as a whole.

Expenditure Required: BAR Remains at Net Present Value of \$13.75 million

Source of Funds: Business Assistance Rebate

Policy Issues

Should the City amend the Conference Center Lease Agreement including an extension of the BAR from 15 to 26 years at the fixed net present dollar amount of \$13.75 million?

Alternatives

- The City could choose to not extend the time period of the BAR. This would most likely result in IPC inability to close on new financing for the Westin Hotel. The current note holder, Deutsche Bank, has indicated that if IPC is unable to pay off the current note they will proceed with measures necessary to close out the note.

- This City could negotiate with IPC to pursue the sale of the hotel in an effort to continue the current BAR and other terms of the lease agreement. This alternative has been actively pursued by both the City and IPC and the interested buyers have all indicated that they would not be willing to pursue purchasing the hotel unless the City was willing to extend the BAR term to match up with the term of the Conference Center Lease.

Background Information

Staff was contacted by Tim O’Byrne, President of IPC and owner of the Westin Westminster Hotel, last year to notify the City of potential issues with refinancing of the Hotel. The original financing was done through Deutsche Bank for a three-year period and it was anticipated that the bank would extend this financing on a longer-term basis at the end of this period. Because of the events surrounding September 11, 2001 and the declines experienced in the economy, hotels across the country have experienced lower occupancy rates and declining revenues. These factors lead Deutsche Bank to make the decision to not extend the financing on the Westminster Westin Hotel, even though the Westin has never missed a payment to Deutsche Bank.

IPC has been able to negotiate a series of forbearance agreements with Deutsche Bank to allow time to either sell the hotel or find new financing. Tim O’Byrne has made it clear that he sees the Westin Westminster Hotel as a tremendous asset to IPC’s portfolio and that they will do everything they can to continue ownership of the hotel. Staff has worked with IPC to locate new financing and after several failed attempts, two lenders have been identified that are very interested in providing longer term financing (seven years) for the Westin. The two lenders are CIBC World Markets Corporation and Ashford Hospitality Trust.

The two lenders have made it a condition of the financing that the Business Assistance Rebate (BAR) be extended to match the term of the lease payments that the Westin Hotel is making to the City for the leasing of the City owned Conference Center. The concern the lenders have raised is that the Conference Center lease payments ramp up from the current \$600,000 to \$2,100,000 over the 26 year term of the lease; whereas the BAR payments terminate in year 15. In order to meet the underwriting requirements for the loans, the terms of the lease need to be modified to extend the BAR at the existing maximum net present value of \$13,750,000 to 104 payments, or 26 years. If approved by City Council, the new language will continue the provision eliminating the BAR if the net present value total is reached.

SUBJECT: Extension of Business Assistance Rebate for the Westin Hotel

Page 3

The lenders have identified some additional modifications to the lease language that Staff is in the process of negotiating. The BAR approval is being moved forward at this time to meet the requirements set forth by Deutsche Bank to continue the existing loan until the new financing can be secured. Staff has made it clear to IPC and the new lenders that should City Council authorize Staff to move forward with this extension of the BAR, no documents will be signed until such time as all lease modifications have been finalized and approved by City Council.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

SECOND AMENDMENT TO THE
AGREEMENT BETWEEN THE CITY OF WESTMINSTER
AND INLAND PACIFIC COLORADO
FOR THE COOPERATIVE DEVELOPMENT AND CONSTRUCTION
OF THE WESTMINSTER PROMENADE EAST HOTEL, CONFERENCE
CENTER AND COMMERCIAL BUILDINGS

This Second Amendment (the "Amendment") is entered into this 9th day of August, 2004, and modifies that certain agreement between the City of Westminster, a Colorado home-rule municipality ("City") and Inland Pacific Colorado, LLC, a Colorado Limited Liability Company ("IPC") titled AGREEMENT BETWEEN THE CITY OF WESTMINSTER AND INLAND PACIFIC COLORADO FOR THE COOPERATIVE DEVELOPMENT AND CONSTRUCTION OF THE WESTMINSTER PROMENADE EAST HOTEL, CONFERENCE CENTER AND COMMERCIAL BUILDINGS dated April 28, 1997 (the "Original Agreement"), as amended by letter dated _____ ("First Amendment").

Whereas, the Original Agreement contemplated certain lease terms for the conference center which were superceded by that certain Conference Center Lease Agreement dated September 21, 1995 (the "Conference Center Lease") extending the term of the base lease term to 104 quarterly payments;

Whereas, the Original Agreement provided for a Business Assistance Rebate ("BAR");

Whereas, the term of the of the BAR was limited in Section 2.10.3;

Whereas, the purpose of the BAR was to assist in the financing and operation of the Hotel and Conference Center;

Whereas, the financing has matured and, without an exit prior to the expiration of loan forbearance dates, the lender has threatened foreclosure and other lender remedies that would negatively impact the operation of the Hotel, Conference Center and surrounding facilities;

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

Section 2.10.2 of the Original Agreement is hereby amended to read as follows:

"2.10.2 At such time as the aggregate amount of the quarterly rebates equal \$13,750,000 present value, as of the date of the transfer of the Hotel parcel (**from the City to IPC**) using a discount rate of eight percent (8%) per annum, or upon the City's rebate of **one hundred and four (104) quarterly installments**, whichever occurs first, the quarterly payments shall cease. The first quarterly installment rebate shall be made within fifteen days (15) after the last day of the first quarter the Hotel and Conference Center opens for business. In the event the first rebate is prorated, the last payment shall include the additional days not included in the first rebate to provide **104** full quarterly installments."

This Second Amendment Agreement is dated as of the date first written above.

City of Westminster

Inland Pacific Colorado, LLC

By: _____

By: _____

ATTEST:

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 9, 2004



SUBJECT: TABLED Swim & Fitness Center Renovation

Prepared By: Peggy Boccard, Recreation Facilities and Programs Manager

Recommended City Council Action

Remove the Swim and Fitness Center Renovation from the Table

Authorize Staff to reallocate \$125,000 of the existing funds from the Ryan School Park Improvements CIP account designated for the Ryan School Park design into the Recreation Facilities Improvements CIP account.

Summary Statement

- The annual maintenance shut down of the Swim & Fitness Center is scheduled from September 7, 2004, to October 17, 2004. Council approved the Department of Parks, Recreation and Libraries to contract with American Mechanical Services to replace the building boiler at the Swim & Fitness Center during this shutdown.
- This six-week shutdown presents an opportunity to address several other projects that will better meet safety and customer needs at the Swim and Fitness Center. These projects would include painting the pool and lobby area ceilings; placing an 8-foot tile band around the pool walls; re-plastering the pool (which has stains and was last done 10 years ago); and fixing shower stalls and partitions in the locker rooms.
- The Ryan School Park project is nearing completion and surplus funding is available to allow for the pressing needs of the Swim and Fitness Center to be met.

Expenditure Required: \$125,000

Source of Funds: General Capital Improvement Fund Transfer from Ryan School Park Capital project to Recreation Facilities Improvements Capital Improvements project

Policy Issue

Should the City approve reallocation of funds to the Swim & Fitness Center renovation?

Alternative

City Council could choose to not authorize any transfer of funds. Staff does not recommend this option, as the existing needs of the Swim and Fitness Center and its patrons are not being met. Staff believes that the overall financial needs of the Ryan School Park project have been met.

Background Information

The Swim & Fitness Center is a 29,850-square-foot multipurpose recreation facility that serves City residents and non-residents of all ages. The Swim & Fitness Center was the first recreation center built by the City in 1975. The center amenities include an 8-lane 25-yard pool, diving well, teaching/play pool, sauna, steam room, hot tub, racquetball and handball-wallyball courts, a cardiovascular and strength training room, an aerobic studio and locker rooms. The center also has a community room that is used for programming as well as being available to the public for rental for private parties, events and meetings.

An extended shut down of the Swim and Fitness Center is scheduled from September 7, 2004 to October 17, 2004. During the closure, the replacement of the boiler, as was approved by Council on June 28, 2004, will be completed to address customer service concerns. The length of time needed to close the facility for the boiler project affords Staff the opportunity to address several other much-needed projects. Additional projects Staff would like to have completed during this closure include painting the pool and lobby area ceilings; placing an 8-foot tile band around the pool walls; replastering the pool (which has stains and was last done 10 years ago); and fixing shower stalls and partitions. A thorough cleaning will also take place during the closure, as well as conducting staff trainings on safety and customer service.

Respectfully submitted,

J. Brent McFall
City Manager

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, August 9, 2004. . Mayor McNally, Councillors Davia, Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call. Absent none.

The minutes of the July 26, 2004 meeting were approved.

Council recognized Employees with 20, 25, and 30 years service.

Council approved the following: Bid for Fiber Optic Project with Integrated Electric, Inc. for \$67,945; Revised 2004 City Council Assignments; established a deadline of October 8, 2004 to receive applications from citizens for the Boards and Commissions pool; Extension of Business Assistance Rebate for the Westin Hotel; and authorized Staff to reallocate \$125,000 of the existing funds from the Ryan School Park Improvements CIP account into the Recreation Facilities Improvements CIP account.

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

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND purpose: Supplemental appropriation for Landscape Architect II position

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S WATER RATE SCHEDULE AND SANITARY SEWERAGE SERVICE AND USER CHARGES purpose: water and sewer rates adjustment

The following Councillor's Bills were passed on second reading:

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 28, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE ESTABLISHING A FEE FOR USE OF COLLECTION AGENCIES TO COLLECT FINES, PENALTIES, COSTS, FEES, OR RESTITUTION IN MUNICIPAL COURT

The following Resolutions were adopted:

Resolution No. 49 re Amendment to Urban Renewal Area – Harris Park Townhomes Site II and III

Resolution No. 50 re Staffing to Implement the Revised Landscape Regulations

At 7:55 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on August 20, 2004

Dixon - Price

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. 42 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land being a portion of Tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the office of the Clerk and Recorder of said County, lying within the county and state, more particularly described as follows:

Commencing at the northeast corner of said Section 14, whence the north quarter corner of said Section 14 bears 88°52'45" West, and all bearings are made as a reference hereon, said northeast corner being a point on the westerly boundary of the former Hawn Property annexation to the City of Westminster per annexation map recorded at Reception No. F1444643 in said office of the Clerk and Recorder; thence along the easterly line of said northeast quarter and the westerly line of said former Hawn Property annexation, South 00°42'14" West 78.99 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at Reception No. F0321025 in the office of the Clerk and Recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at Reception No. F1027164 in said office of the Clerk and Recorder and the point of beginning; thence departing said southerly right-of-way and continuing along said easterly line and said westerly boundary, South 00°42'14" West 284.01 feet to the southerly boundary of said Tract 55 and the northerly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at Reception no. 88080480 in said office of the Clerk and Recorder; thence along said southerly boundary and said northerly boundary, South 88°52'14" West 441.63 feet to the easterly boundary of the Church Ranch Amoco annexation to the City of Westminster per annexation map recorded at Reception No. F2020175 in said office of the Clerk and Recorder; thence along the easterly and southeasterly boundary of said Church Ranch Amoco annexation the following 4 courses:

- 1) North 00°05'32" East 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears North 49°54'59" West;
- 2) Northeasterly along said curve through a central angle of 03°41'56" an arc length of 8.62 feet;
- 3) Tangent to said curve, North 36°23'05" East 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet;
- 4) Northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to said southerly right-of-way of Reed Street and said southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster;

Thence along the southerly and southeasterly right-of-way of said Reed Street and along the southerly and southeasterly right-of-way of said U.S. Highway 36/Church Ranch Boulevard annexation the following 3 courses:

- 1) North 89°48'37" East 251.02 feet to the beginning of a tangent curve concave southwestwardly having a radius of 33.00 feet;
- 2) Southeasterly along said curve through a central angle of 52°48'12" an arc length of 30.41 feet to the beginning of a reverse curve concave northeasterly having a radius of 80.00 feet;
- 3) Southeasterly along said curve through a central angle of 43°08'25" an arc length of 60.24 feet to the point of beginning.

Containing 3.147 acres (137,067 sq. ft.), more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

BY AUTHORITY

ORDINANCE NO. **3139**
SERIES OF 2004

COUNCILLOR'S BILL NO. **50**
INTRODUCED BY COUNCILLORS
Dixon - Davia

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Chamberlain East annexation property, legally described as follows:

A parcel of land being a portion of Tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the office of the Clerk and Recorder of said County, lying within the county and state, more particularly described as follows:

Commencing at the northeast corner of said Section 14, whence the north quarter corner of said Section 14 bears 88°52'45" West, and all bearings are made as a reference hereon, said northeast corner being a point on the westerly boundary of the former Hawn Property annexation to the City of Westminster per annexation map recorded at Reception No. F1444643 in said office of the Clerk and Recorder; thence along the easterly line of said northeast quarter and the westerly line of said former Hawn Property annexation, South 00°42'14" West 78.99 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at Reception No. F0321025 in the office of the Clerk and Recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at Reception No. F1027164 in said office of the Clerk and Recorder and the point of beginning; thence departing said southerly right-of-way and continuing along said easterly line and said westerly boundary, South 00°42'14" West 284.01 feet to the southerly boundary of said Tract 55 and the northerly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at Reception no. 88080480 in said office of the Clerk and Recorder; thence along said southerly boundary and said northerly boundary, South 88°52'14" West 441.63 feet to the easterly boundary of the Church Ranch Amoco annexation to the City of Westminster per annexation map recorded at Reception No. F2020175 in said office of the Clerk and Recorder; thence along the easterly and southeasterly boundary of said Church Ranch Amoco annexation the following 4 courses:

North 00°05'32" East 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears North 49°54'59" West;
Northeasterly along said curve through a central angle of 03°41'56" an arc length of 8.62 feet;
Tangent to said curve, North 36°23'05" East 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet;
Northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to said southerly right-of-way of Reed Street and said southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster;

Thence along the southerly and southeasterly right-of-way of said Reed Street and along the southerly and southeasterly right-of-way of said U.S. Highway 36/Church Ranch Boulevard annexation the following 3 courses:

- 1) North $89^{\circ}48'37''$ East 251.02 feet to the beginning of a tangent curve concave southwesterly having a radius of 33.00 feet;
- 2) Southeasterly along said curve through a central angle of $52^{\circ}48'12''$ an arc length of 30.41 feet to the beginning of a reverse curve concave northeasterly having a radius of 80.00 feet;
- 3) Southeasterly along said curve through a central angle of $43^{\circ}08'25''$ an arc length of 60.24 feet to the point of beginning.

Containing 3.147 acres (137,067 sq. ft.), more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to Retail Commercial, as shown on the attached "Exhibit A".

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th of July, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

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-2 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 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

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

A parcel of land being a portion of Tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the office of the Clerk and Recorder of said County, lying within the county and state, more particularly described as follows:

Commencing at the northeast corner of said Section 14, whence the north quarter corner of said Section 14 bears 88°52'45" West, and all bearings are made as a reference hereon, said northeast corner being a point on the westerly boundary of the former Hawn Property annexation to the City of Westminster per annexation map recorded at Reception No. F1444643 in said office of the Clerk and Recorder; thence along the easterly line of said northeast quarter and the westerly line of said former Hawn Property annexation, South 00°42'14" West 78.99 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at Reception No. F0321025 in the office of the Clerk and Recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at Reception No. F1027164 in said office of the Clerk and Recorder and the point of beginning; thence departing said southerly right-of-way and continuing along said easterly line and said westerly boundary, South 00°42'14" West 284.01 feet to the southerly boundary of said Tract 55 and the northerly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at Reception no. 88080480 in said office of the Clerk and Recorder; thence along said southerly boundary and said northerly boundary, South 88°52'14" West 441.63 feet to the easterly boundary of the Church Ranch Amoco annexation to the City of Westminster per annexation map recorded at Reception

No. F2020175 in said office of the Clerk and Recorder; thence along the easterly and southeasterly boundary of said Church Ranch Amoco annexation the following 4 courses:

- 1) North 00°05'32" East 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears North 49°54'59" West;
- 2) Northeasterly along said curve through a central angle of 03°41'56" an arc length of 8.62 feet;
- 3) Tangent to said curve, North 36°23'05" East 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet;
- 4) Northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to said southerly right-of-way of Reed Street and said southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster;

Thence along the southerly and southeasterly right-of-way of said Reed Street and along the southerly and southeasterly right-of-way of said U.S. Highway 36/Church Ranch Boulevard annexation the following 3 courses:

- 1) North 89°48'37" East 251.02 feet to the beginning of a tangent curve concave southwestly having a radius of 33.00 feet;
- 2) Southeasterly along said curve through a central angle of 52°48'12" an arc length of 30.41 feet to the beginning of a reverse curve concave northeasterly having a radius of 80.00 feet;
- 3) Southeasterly along said curve through a central angle of 43°08'25" an arc length of 60.24 feet to the point of beginning.

Containing 3.147 acres (137,067 sq. ft.), more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 28, 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 Adams, 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. 43 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 in the northwest quarter of Section 28, Township 1 South, Range 68 West of the Sixth Principal Meridian, County of Adams, State of Colorado more particularly described as follows: Commencing at the west quarter corner of said section from whence the northwest corner of said section bears N01°06'51"W, 2667.87 the bearing of which all bearing hereon are based, the true point of beginning;

Thence along the west line of said quarter, said line being the east line of the corporate limits of the City of Broomfield, Colorado N06°06'51"W, 2637.87 feet to a point on the south line of that parcel annexed to the City of Westminster as recorded at Reception Number B621803 of the records of the Adams County Clerk and Recorder; thence along said line N89°41'15"E, 30.00 feet to the northwest corner of that parcel annexed to the City of Westminster as recorded at Reception Number 964080 of said records.

Thence along the east line of said annexation S01°06'51"E, 2637.69 feet to a point on the south line of said quarter on the north line of that parcel annexed to the City of Westminster as recorded at Reception Number B621803 of said records; thence along said north line S89°21'21"W, 30.00 feet to the true point of beginning. Said parcel contains 79133 square feet or 1.8167 acres more or less. Total perimeter = 5335.56 feet

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

Price - Hicks

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there exists an unincorporated parcel of land which is entirely contained within the boundaries of the City of Westminster, and said parcel has been entirely surrounded for a period of time not less than three years; 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. 44 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 in the southeast quarter of Section 30, Township 2 South, Range 68 West of the Sixth Principal Meridian, County of Adams, State of Colorado more particularly described as follows:

Commencing at the southeast corner of said section from whence the south quarter corner of said section bears S89°39'40"W, 2650.19 feet on which all lines hereon are based; thence along said line S89°39'40"W, 1295.40 feet; thence N00°03'40"E, 989.99 feet to the true point of beginning on the east line of LaPlace Court at the northeast corner of that parcel annexed into the City of Westminster and recorded at Reception Number 456402 of the records of the Adams County Clerk and Recorder; thence along the north line of said annexation N89°28'53"W, 66.00 feet to a point on the west line of said court at the southeast corner of that parcel of land annexed to the City of Westminster and recorded at Reception Number 619706 of said records; thence along the lines of said annexation and the following three courses;

N00°03'40"E, 300.83 feet to a point on the south line of West 82nd Avenue; Along said south line N89°28'53"W, 21.33 feet to a point on the southeasterly line of Bradburn Boulevard; Along said southeasterly line S41°58'20"W, 401.37 feet to a point on the north line of said annexation recorded at Reception Number 456402; thence along said line N89°28'53"W, 53.37 feet to a point on the centerline of said Boulevard a point on the southeasterly line of that parcel annexed into the City of Westminster and recorded at Reception Number 474881; thence along said line N41°58'20"E, 562.60 feet to a point on the west line of that parcel annexed to the City of Westminster and recorded at Reception Number 788048 of said records; thence along said line S00°03'40"W, 120.58 feet to a point on the southline of 82nd Avenue; thence along said line and the lines of said annexation S89°28'53"E, 33.00 feet to the east line of LaPlace Court on the west line of the original City of Westminster boundary; thence along said line S00°03'40"W, 301.09 feet to the true point of beginning.

Said parcel contains 42426 square feet or 0.97396 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of August, 2004.

ORDINANCE NO. **3143**
SERIES OF 2004

COUNCILLOR'S BILL NO. **55**
INTRODUCED BY COUNCILLORS
Davia - Dittman

A BILL

FOR AN ORDINANCE ESTABLISHING A FEE FOR USE OF COLLECTION AGENCIES TO
COLLECT FINES, PENALTIES, COSTS, FEES, OR RESTITUTION IN MUNICIPAL COURT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 22, Section 14, W.M.C., is hereby amended BY THE ADDITION OF
A NEW SUBSECTION (D) to read as follows:

1-22-14: ~~COMMITMENT FOR FAILURE TO PAY FINES:~~

(D) TO COLLECT PAST DUE ORDERS OF FINES, PENALTIES, COSTS, FEES, OR
RESTITUTION, THE COURT MAY ASSIGN SUCH ACCOUNTS TO A PRIVATE COLLECTION
AGENCY. ANY FINES, PENALTIES, COSTS, FEES OR RESTITUTION OF THE COLLECTION
AGENCY SHALL BE ADDED TO THE AMOUNT DUE, BUT NOT TO EXCEED TWENTY-FIVE
PERCENT (25%) OF THE AMOUNT COLLECTED.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 26th day of July, 2004. PASSED, ENACTED ON SECOND READING, AND FULL
TEXT ORDERED PUBLISHED this 9th day of August, 2004.