



WESTMINSTER
COLORADO

NOVEMBER 27, 2000
7:00 P.M.

Please turn OFF Cell phones and pagers during meetings

AGENDA

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

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

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

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

8. Consent Agenda
 - A. Financial Report for October, 2000
 - B. CB No. 102 amending Comprehensive Land Use Plan to retail commercial, single family low density and public/quasi public uses (Atchison-Hicks)
 - C. CB No.104 re Marriott/Spring Hill Suites Business Assistance Package (Merkel-Hicks)
 - D. CB No. 105 re Supplemental Appropriation of Grants into Open Space Funds (Kauffman-Moss)
 - E. CB No. 106 re 2001 Appropriations (Hicks-Merkel)
9. Appointments and Resignations
 - A. Appointment of Westminster Legacy Foundation Board of Directors
 - B. Resolution No. 90 re Resignations and Appointments to Various Boards and Commissions
10. Public Hearings and Other New Business
 - A. Wesley Chapel Cemetery Purchase located at 120th Avenue & Huron Street
 - B. Resolution No. 91 transferring funds for Wesley Chapel Purchase
 - C. Councillor's Bill No. 107 re ViewPoint Technology Center Business Assist. at 120th Ave & Federal Blvd
 - D. Councillor's Bill No. 108 re SW Sheridan, LLC Business Assistance Package at 8601 Sheridan Blvd
 - E. Purchase of Open Space at 93rd Avenue east side of Wadsworth Parkway 11.5 acres
 - F. Design Services Contract for McKay Lake Dam to GEI Consultants for \$167,000
 - G. Councillor's Bill No. 109 re FEMA Terrorism Consequence Management Preparedness Assistance Grant
 - H. Resolution No. 92 re Career Enrichment Park Master Plan Adoption
 - I. Change Date of Last Council Meeting in December
11. Old Business and Passage of Ordinances on Second Reading
 - A. Councillor's Bill No. 103 re Accessory Building Code Amendment (Hicks-Merkel)
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Request for Executive Session
 1. Business Assistance Package No. 1
 2. Business Assistance Package No. 2
 3. South Westminster Development/Redevelopment Sites
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, NOVEMBER 27, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Atchison to accept the minutes of the meeting of November 13, 2000 with no additions or corrections. The motion carried unanimously.

A motion was made by Merkel and seconded by Atchison to accept the minutes of the meeting of November 20, 2000 with no additions or corrections. Councillor Atchison requested to abstain as he was not present at the meeting. The motion carried with 6 aye votes and Councillor Atchison abstaining.

PRESENTATION:

Dan Noreen, Colorado Lottery representative, presented the People's Choice Award for the City's Sensory Park, located at 10376 Wadsworth Boulevard, to Mayor Heil and Landscape Architect Kathy Piper.

CITIZEN COMMUNICATION:

Patrick Raymond, 2531 West 108th Place and Ron Marco of Cedar Bridge subdivision addressed Council concerning speeding in the Cedar Bridge subdivision area and requested either raised cross-walks or other means to slow down the traffic in the area.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Financial Report for October 2000; Councillor's Bill No. 102 re Comprehensive Land Use Plan amendment; Councillor's Bill No. 104 - Marriott/Spring Hill Suites Business Assistance Package; Councillor's Bill No. 105 – Appropriation of Grants into Open Space Fund; and Councillor's Bill No. 106 – 2001 Appropriations.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. Councillor Moss requested that item 8C, Councillor's Bill No. 104 re Marriott/Spring Hill Suites Business Assistance Package, be removed from the Consent Agenda.

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

ORDINANCE NO. 2840 – CHURCH RANCH HOTEL COMPANY II ASSISTANCE AGREEMENT:

A motion was made by Atchison and seconded by Merkel to adopt Councillor's Bill No. 104 on second reading approving the amendment to the existing agreement with Church Ranch Hotel Company II, LLC. which establishes that if the limited partnership is unable to commence construction on the full service hotel by March 1, 2004, the Church Ranch Hotel Company will provide the City with the full set, wet stamp construction plans and specifications for the full service hotel and convey the 2.59 acre site where the full service hotel is planned to be located, to the City of Westminster, at no cost and free and clear of all liens except a \$4 per square foot lien in favor of Key Bank. Councillor Moss requested to abstain due to a previous relationship with Church Ranch Marriott Hotel. Upon roll call vote, the motion carried with 6 aye votes and Councillor Moss abstaining.

APPOINTMENT OF WESTMINSTER LEGACY FOUNDATION BOARD OF DIRECTORS:

A motion was made by Merkel and seconded by Dixon to appoint Mr. Ron Schaefer and Mr. David Westerlund as "at large directors" with a term of office to expire December 31, 2003 to the Westminster Legacy Foundation. The motion carried unanimously.

RESOLUTION NO. 90 – BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS:

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 90 accepting the resignation of Raymond Parsons from the Environmental Advisory Board, Colleen Peace from the Personnel Board and appointing Mary Lindsey as an Alternate member to the Board of Adjustment with term of office to expire December 31, 2001; Carol DiGiacomo as an Alternate member and Bruce Vine as a Regular member to the Environmental Advisory Board with terms of office to expire December 31, 2001; Wesley Underwood from Alternate to Regular member and Dennis Sargent as an Alternate member to the Personnel Board with terms of office to expire December 31, 2001; Douglas Kennard as an Alternate member and Donna McMillan as a Regular member to the Special Permit and License Board with terms of office to expire December 31, 2001; and Robert Belote as an Alternate member to the Transportation Commission with term of office to expire December 31, 2001. Upon roll call vote, the motion carried unanimously.

WESLEY CHAPEL CEMETERY PURCHASE AND SALE AGREEMENT:

A motion was made by Moss and seconded by Hicks to approve the Purchase and Sale Agreement with the Wesley Methodist Chapel Cemetery Association with the intent of closing on the land transaction prior to January 31, 2001 and authorize the City Manager and City Clerk to execute the Agreement. Vi June and Jim Hutchinson of the Wesley Chapel Cemetery Board of Directors addressed Council. The motion carried unanimously.

RESOLUTION NO. 91 – TRANSFER OF FUNDS FOR WESLEY CHAPEL PURCHASE:

A motion was made by Moss and seconded by Hicks to adopt Resolution No. 91 transferring funds from the General Fund Contingency account to the General Capital Improvement Fund in the amount of \$25,000 to commence implementation of Option #2 regarding the level of physical enhancements to be implemented in 2001 at the Wesley Chapel Cemetery after the site has been conveyed to the City. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 107 – VIEWPOINT TECHNOLOGY BUSINESS ASSISTANCE PACKAGE:

A motion was made by Hicks and seconded by Atchison to pass Councillor's Bill No. 107 on first reading authorizing the execution and implementation of the Business Assistance Agreement with ViewPoint Technology Center in the amount of \$30,000 for the purpose of assisting with off-site road improvements. Edward Barsocchi, VP of Commercial Development for Lowe Enterprises, was present to address Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 108 – SW SHERIDAN LLC BUSINESS ASSISTANCE PACKAGE:

A motion was made by Kauffman and seconded by Hicks to pass Councillor’s Bill No. 108 on first reading authorizing the execution and implementation of the Business Assistance Agreement with SW Sheridan, LLC in an amount of \$596,000 to aid in the redevelopment of the retail center located at 8601 Sheridan Boulevard. Mark Campbell of SW Investment Group, was present to address Council. Upon roll call vote, the motion carried unanimously.

OPEN SPACE PURCHASE:

A motion was made by Hicks and seconded by Dixon to authorize the City Manager to purchase for Open Space, approximately 11.5 acres of land at a cost of \$105,000 from Gamma Investment Company; acknowledge a donation of value between the appraised value and the purchase price; accept the dedication of right of way needed for (Old) Wadsworth Boulevard; charge the expense to the Open Space Fund; acknowledge that approximately 0.7 acres of the property being acquired is intended for future right of way for the frontage road and an east-west street; and acknowledge that Staff will propose to budget funds in a future budget year for the anticipated street improvement costs, when adjacent development requires such improvements. The motion carried unanimously.

DESIGN SERVICES CONTRACT FOR MCKAY LAKE DAM:

A motion was made by Merkel and seconded by Hicks to authorize the City Manager to execute a consulting services contract in the amount of \$167,000 for the final design of improvements to the McKay Lake Dam with GEI Consultants Inc.; authorize a \$25,000 design contingency; and charge the expense to the Open Space Fund. The motion carried unanimously.

COUNCILLOR’S BILL NO. 109 – APPROPRIATION OF FEMA TCMCA GRANT FUNDING:

A motion was made by Atchison and seconded by Dixon to pass Councillor’s Bill No. 109 on first reading appropriating the FEMA Terrorism Consequence Management Preparedness Assistance grant funding of \$12,000 to the Police Department’s patrol Services Division 2000 Training Budget. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 92 – ADOPTION OF THE CAREER ENRICHMENT PARK MASTER PLAN:

A motion was made by Hicks and seconded by Merkel to adopt Resolution No. 92 which formally adopts the Career Enrichment Park Master Plan. Upon roll call vote, the motion carried unanimously.

CHANGE DATE FOR REGULAR CITY COUNCIL MEETING IN DECEMBER:

A motion was made by Dixon and seconded by Hicks to change the date of the last City Council meeting of December from December 25th to December 18th. The motion carried unanimously.

ORDINANCE NO. 2841 – ACCESSORY BUILDING CODE AMENDMENT:

A motion was made by Hicks and seconded by Merkel to adopt Councillor’s Bill No. 103 on second reading amending Section 11-4-5: Density Schedule and 11-4-6: Special Regulations of the Westminster Municipal Code. Upon roll call vote, the motion carried with 6 aye votes and a dissenting vote by Atchison.

CITIZEN COMMUNICATION:

Jesse Chaves, of AJC Car Sales, located at 7220 Bradburn Boulevard asked the status of his business license. Vi June of the Progressive HOA requested that the HOA be advised of any hearings on this license and/or appeal.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session regarding a Business Assistance Package and an update on South Westminster Development/Redevelopment Sites.

ADJOURNMENT:

The meeting was adjourned at 7:50 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 27, 2000
Subject: Presentation re Colorado Lottery People's Choice Award
Prepared by: Kathy Piper, Landscape Architect

Introduction

City Council is requested to accept the People's Choice Award from the Colorado Lottery for the City's Sensory Park.

Summary

Each year, the Colorado Lottery Starburst Award recognizes regional parks and recreation projects throughout the State of Colorado. This year, there were five finalist categories ranging in size of project from \$20,000 to over \$1 million or more. At the Ninth Annual Starburst Awards, Sensory Park received the award for projects costing between \$100,000 to \$300,000. The regional award winners were then afforded the opportunity to compete for the new People's Choice Award. Members of the Colorado Parks and Recreation Association (CPRA) were invited to vote for the project of their choice at the annual CPRA Conference this past September. Peers throughout the State of Colorado selected Sensory Park as the overwhelming choice for the first ever People's Choice Award for excellence in the use of Colorado Lottery proceeds.

Dan Noreen, from the Colorado Lottery, will be present to make these presentations. Landscape Architect Kathy Piper, Design Development Manager Philo Shelton and members of the Parks Construction Crew who designed and constructed this project will also be in attendance.

Staff Recommendation

Mayor accept the Colorado Lottery People's Choice Award from Dan Noreen, representative for the Colorado Lottery.

Policy Issues

There are no policy issues associated with the acceptance of this award.

Background Information

Each year, the City renovates and designs new parks that meet or exceed the standards as set forth by the Americans with Disabilities Act (ADA). The ADA, does not require that the entire playground or park be accessible. Children's Hospital Northwest Facility and Charlie McKay approached the City to provide a 100 percent-accessible playground in 1998. Since no other playground in the northwest metro area had such access, Staff believed that such a playground would benefit both the general public and Children's Hospital.

In 1999, Staff applied for and received a Great Outdoors Colorado Grant (GOCO) and a Jefferson County Joint Venture Grant in February 2000. Children's Hospital and Church Ranch Business Center also contributed to this project both financially and with in-kind donations. In addition to financing, Staff worked with Children's Hospital staff, who provided assistance with the therapeutic requirements of special-needs children. The result is a playground that promotes both therapeutic and social opportunities for all those who use the park. Parents and hospital staff provided volunteer efforts for the planting of the park. Through cooperation and financial leveraging with Children's Hospital staff, surrounding businesses, parents, volunteers and City Staff, the City of Westminster now affords a unique playground that benefits everyone.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 27, 2000
Subject: Financial Report for October 2000
Prepared by: Mary Ann Parrot, Finance Director

Introduction

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

Policy Issues

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

Summary

There are three sections to the attached report:

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

General Fund revenues represent 88% of the total budget estimate while General Fund expenditures and encumbrances represent 75% of the 2000 appropriation.

Utility Fund revenues represent 71% of the total budget estimate due to appropriation of borrowed monies for the new water treatment plant. Utility fund expenditures and encumbrances represent 68% of the 2000 appropriation. Water sales are currently 106% of budget due to a hot, dry summer and revenues exceeding budget. Wastewater sales are currently on target at 83% of budget.

The Sales and Use Tax Fund revenues represent 88% of the total budget estimate, while expenditures and encumbrances in that fund represent 83% of the 2000 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 4% from the same period last year and increased 8% year-to-date. Audit and enforcement revenue is greater than anticipated because of a use tax audit on a large construction project within the City.

The Open Space Fund revenues represent 116% of the total budget estimate while expenditures and encumbrances in that fund represent 62% of the 2000 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 89% of the total budget estimate while operating expenditures and encumbrances represent 61% of the 2000 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 72% of the total budget estimate while operating expenditures and encumbrances represent 66% of the 2000 appropriation. The 1999 Golf Course operating revenues reflect a grant from Jefferson County. This financial activity is consistent with the seasonal nature of golf.

Theoretically, 83% of revenues and expenditures should be realized after ten months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 27, 2000

Subject: Appointment of Westminster Legacy Foundation Board of Directors

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

Introduction

City Council action is requested to appoint two individuals to the Westminster Legacy Foundation Board of Directors. The Parks and Recreation Advisory Board has interviewed these individuals and recommends their appointment.

Summary

On Thursday, November 16, the Park and Recreation Advisory Board (PRAB) interviewed two individuals who have expressed a strong desire to serve as volunteer Directors for the Foundation. The PRAB believes that both candidates are worthy of a three-year appointment and that each individual brings a high level of enthusiasm and expertise that would be beneficial in establishing and operating this new foundation. The two individuals recommended to serve on the initial Board of Directors for the Westminster Legacy Foundation are Mr. Ron Schaefer and Mr. David Westerlund. Mayor Nancy Heil, Councillor Ann Merkel, and Councillor Ed Moss participated in the interviews and are in agreement with the PRAB recommendations.

Policy Issue(s)

No policy issues are applicable at this time based on prior Council direction and approval for the selection and appointment of “at large” members of the Board of Directors for the Westminster Legacy Foundation.

Alternative(s)

Instruct Staff to arrange for another set of interviews of these two “at large” candidates and have City Council conduct the interviews.

Staff Recommendation

Appoint Mr. Ron Schaefer and Mr. David Westerlund to be Directors of the Westminster Legacy Foundation. The term of the appointment is to be three years.

Background Information

In 1999, City Council directed the PRAB to pursue the development of a non-profit tax-exempt public foundation whose goal would be to generate support for various City projects and programs. The PRAB has been meeting monthly to focus on this project. The purpose and mission of this new Foundation would be to enlist, organize and encourage various types of support from individuals, businesses, and the community for City projects and programs. The Articles of Incorporation and the selection of the Westminster Legacy Foundation name were approved by Council in late 1999 and the Articles were then filed with the State of Colorado.

The process to recruit and select individuals to serve as Directors of the Foundation was also reviewed and approved by Council in early May.

City Council agreed at that time that the PRAB would conduct interviews of qualified candidates and submit a list of recommendations to City Council for final approval/appointment. Brief biographical sketches of the two candidates are provided below and their resumes and applications are also attached for review by City Council:

Mr. David Westerlund is a Senior Vice President of Administration with Ball Corporation and a resident of the City. He has served on the United Way Foundation in Muncie, Indiana, and on the board of Directors for Meals on Wheels, also in Muncie (see attached application). Mr. Westerlund brings valuable corporate experience to the Legacy Foundation as well as previous experience in nonprofit foundations.

Mr. Ron Schaefer is a long-time resident and businessman in the City of Westminster. He has served as president of the Westminster Noon Rotary Club and held various board positions with the club. He is responsible for organizing the Rotary Charity Ball and has helped raise thousands of dollars for charitable causes. Mr. Schaefer's experience in private business, as well as his exceptional fundraising skills, make him an excellent candidate for the Legacy Foundation.

These initial "at large" appointments, if approved by City Council, would work with the other designated members of the Board of Directors in the start up and management of the Foundation. The other members of the Board of Directors include:

- One member of City Council (Mayor Heil)
- The City Manager or his designee (Bill Walenczak)
- One member of the Parks and Recreation Advisory Board (John Polston)
- One member of the Open Space Advisory Board (Ed Getsch)
- One member of the Library Board (Marilyn Flachman)

It was Council's direction that, in addition to the above "in-house" Directors, there would be ten (10) at large appointments so that the Board would have fifteen (15) total members. Advertisement and recruitment for at large applicants was done in May and June and three applications were received. Efforts will continue to attract more applicants interested in serving on this Board.

A "kick off" meeting for new board members is scheduled for November 30 to be held at the College Hill Library.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 27, 2000
Subject: Resolution No. 90 re Board and Commission Resignations and Appointments
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of Raymond Parsons from the Environmental Advisory Board and the resignation of Colleen Peace from the Personnel Board, and appoint new members to several of the Boards and Commissions.

Summary

Raymond Parsons has recently resigned from the Environmental Advisory Board due to work commitments. Raymond Parsons was appointed to the Environmental Advisory Board on January 31, 2000, and has served continually since that time. (See attached letter.)

Colleen Peace has recently resigned from the Personnel Board. Colleen was appointed to the Personnel Board on March 6, 1995 and has served continually since that time. (See attached letter.)

Recently, City Council set the deadline of October 31, 2000 for citizens to apply for the Boards and Commissions pool. Since City Council members will be interviewing new applicants on Friday, November 17th, Tuesday, November 21st and Wednesday, November 23rd, Council members will need to determine who to appoint to each of the Board and Commission vacancies that currently exist.

Board of Adjustment – Alternate Position (Resignation of William Wendt)

Environmental Advisory Board – Alternate Position and Regular Position (Resignation of James Wood and Raymond Parson)

Personnel Board – Alternate Position (Resignation of Colleen Peace)

Special Permit and License Board – Alternate Position and Regular Position (Resignation of Carole Pool and Tim Kauffman)

Transportation Commission – Alternate Position (Resignation of Rance Nethken)

In addition, 6 citizens within the 2000 pool are interested in having their applications considered for appointments during 2001.

Currently, the 2 alternate members of the Personnel Board are Nicholas DiTirro and Wesley Underwood. It is recommended that Wesley Underwood be appointed as a regular member of the Personnel Board and the new appointee will serve as an Alternate member.

Policy Issue

Should City Council appoint new members to the various Boards and Commissions where vacancies currently exist?

Staff Recommendation

Adopt Resolution No. 90 accepting the resignation of Raymond Parsons from the Environmental Advisory Board and Colleen Peace from the Personnel Board and appoint new members to the various Board and Commission vacancies.

Background Information

A Resolution has been prepared for Council to formally accept the resignation of Raymond Parsons from the Environmental Advisory Board and Colleen Peace from the Personnel Board.

Council will need to decide which citizens within the 2001 Board and Commission pool to appoint to the various Board and Commission vacancies.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **90**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, A resignation has been received from Raymond Parsons from the Environmental Advisory Board; and

WHEREAS, A resignation has been received from Colleen Peace from the Personnel Board; and

WHEREAS, Currently there are vacancies on the Board of Adjustment; Environmental Advisory Board; Personnel Board; Special Permit and License Board and Transportation Commission

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

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Raymond Parsons from the Environmental Advisory Board and Colleen Peace from the Personnel Board and appoint the following individuals to the City of Westminster Board and Commission vacancies as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Mary Lindsey Alternate Member	Board of Adjustment	December, 2001
Carol DiGiacomo Alternate member	Environmental Advisory Board	December, 2001
Bruce Vine Regular Member	Environmental Advisory Board	December, 2001
Wesley Underwood (Moved from Alternate member to Regular Member)	Personnel Board	December, 2001
Dennis Sargent Alternate Member	Personnel Board	December, 2001
Douglas Kennard Alternate Member	Special Permit and License Board	December, 2001
Donna McMillan Regular Member	Special Permit and Licensed Board	December, 2001
Robert Belote Alternate Member	Transportation Commission	December, 2001

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

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 27, 2000

Subject: Wesley Chapel Cemetery Purchase and Sale Agreement

Prepared by: Richard Dahl, Park Services Manager
Bill Christopher, City Manager

Introduction

City Council action is requested to approve the agreement with the Wesley Methodist Chapel Cemetery Association that would convey their cemetery to the City of Westminster. In addition, City Council is requested to approve a contingency fund transfer in the amount of \$99,275 to commence implementation of improvements based on City Council's previous direction in June 2000; funds are available in the General Fund contingency account.

Summary

The final version of the Wesley Chapel Cemetery Purchase and Sale Agreement is ready for City Council's review and approval. City Attorney Marty McCullough and the attorney for the Wesley Methodist Chapel Cemetery Association have completed their work reflecting input from the cemetery board of directors and City staff.

The attached agreement sets forth the terms and conditions of the transaction whereby the City would become the owner of the entire cemetery site and would commit to operating and maintaining the cemetery in perpetuity. The agreement calls for a closing on this transaction no later than December 31, 2000.

Based on previous direction from City Council in June of this year, Staff has followed through on the key "deal points" and this item is now ready for City Council review and policy concurrence. The major provisions of the agreement are outlined in the background section of this agenda memorandum.

Policy Issue(s)

- Whether to proceed with the conveyance of the cemetery to the City at no cost and for the City to gear up and take on this new service as part of the Westminster City government.
- Whether or not to provide unbudgeted funds to provide start up costs for the initial improvements, which City Council selected (Option #2) in June of this year.

Staff Recommendation

1. Approve the Purchase and Sale Agreement with the Wesley Methodist Chapel Cemetery Association with the intent of closing on the land transaction prior to December 31, 2000 and authorize the City Manager and City Clerk to execute the Agreement.
2. Approve Resolution No. 91 transferring funds from the General Fund Contingency account to the General Capital Improvement Fund in the amount of \$99,275 to commence implementation of Option #2 regarding the level of physical enhancements to be implemented in 2001 at the Wesley Chapel Cemetery after the site has been conveyed to the City.

Alternatives

1. City Council could choose to not acquire the cemetery. This action would disappoint citizens and is not being recommended by Staff.
2. A second alternative would be to approve the agreement but hold off on initial improvements. Staff would not recommend this approach as it delays the landscape improvements necessary to market the cemetery effectively.

Background Information

The City Council previously expressed interest in the acquisition of the Wesley Chapel Cemetery which Staff has pursued with the Wesley Methodist Chapel Cemetery Association Board of Directors for more than a year since the initial meeting with board members. The first meeting was initiated with the assistance of Mrs. Vi June. The various steps involving the feasibility study and then the negotiations on the key provisions of the sale and purchase agreement have been accomplished and the agreement is ready for City Council's consideration.

The key provisions of the agreement are basically the same ones that were highlighted in the June 8, 2000 Staff Report (see attachment). The key provisions consist of the following:

- The Wesley Methodist Chapel Cemetery Association would convey the approximate 2.7-acre site located on the northeast corner of 120th Avenue and Huron Street to the City at a cost of \$1.00 based on the expressed condition that the City would operate and maintain the site as a cemetery on a perpetual basis.
- The City agrees to provide perpetual maintenance at the cemetery at a level equivalent to or better than the previous maintenance practices of the Association.
- The City shall obtain a current commitment for a title insurance policy within five business days after the effective date of the agreement at the City's sole expense.
- If the City deems in its sole discretion that title for any reason is not merchantable to the Seller, the City shall give notice to the Seller no later than seven days after the title deadline and the Seller shall make a reasonable effort to correct any defects objectionable to the City prior to the closing. If the Seller is unable to correct such defects on or before the closing date, the City at its option may declare the agreement void and the closing will not take place.
- The Association shall provide a special warranty deed to the City to convey ownership of the cemetery in fee simple.
- The closing shall take place no later than December 31, 2000.
- The Association shall allow the City and its authorized representatives to enter upon the property from time to time prior to the closing in order to inspect said properties, conduct surveys and perform environmental audits.
- The Seller represents that there is neither asbestos on the property, nor underground storage tanks.
- The Association shall indemnify the City for any liabilities occurring prior to the City's acceptance of the cemetery.
- The City shall market and sell cemetery lots within the cemetery subject to certain expressed exceptions and that such marketing or sales shall not be restricted to Westminster residents only.
- The City may establish a mausoleum within the cemetery if the City decides to do so.

- The City may make any improvements it may deem necessary or appropriate within the cemetery such as signage, fencing, tree plantings, provided however, the City shall not fence off or otherwise separate the Pioneer Tract as shown on exhibit B from the rest of the cemetery without the written approval of the Association or its successor entity. The old wrought iron fence around the Hutchison's lots shall remain intact. Before or after closing, the Association may mark any unmarked graves within the Pioneer Tract and may put up a monument identifying the cemetery in a size and design approved by the City such consent not to be unreasonably withheld.
- The name of the cemetery will remain "Wesley Chapel Cemetery."
- The Association shall provide the City with copies of any and all records regarding the Association and the persons interred in the cemetery, including family information and histories.
- The City shall make no improvement or change any portion of the Pioneer Tract without the written approval of the Association or its successor entity.
- The City and the Association shall cooperate with the Westminster Historical Society to preserve and maintain the history of the cemetery. The Association agrees to submit to the City copies of any and all of the historical records in their possession that now exist when the closing is held.

The concept of the City of Westminster providing a cemetery within the City limits as a final resting place for those Westminster citizens who choose to be buried at such a cemetery has been a concept that goes back to a budget request by Mrs. Vi June in 1992. This concept has been reviewed and discussed on numerous occasions, but only when Mrs. June was successful in getting members of the Association Board of Directors in contact with the City Manager did this concept begin to tangibly take shape. It has been a most rewarding endeavor for Staff to work with the Board members of the Wesley Chapel Cemetery Association on this interesting and challenging endeavor. Their Board members are genuinely interested and concerned in the continued existence and maintenance of the cemetery and it was their initiative to present the concept of providing the cemetery to the City at no cost if the City would commit to perpetual management and maintenance of the subject cemetery. They have demonstrated their confidence in the City to be a good steward of the cemetery and that it will be managed in a capable fashion.

Staff will bring back to Council a request for funding in 2001 to provide for the operating costs of the Cemetery, anticipated to be approximately \$12,000. Off-setting this expense are projected revenues of \$11,400 if the cemetery can be marketed through proposed agreements with local mortuaries.

The survey work as been completed as has the environmental scan of the property. It is important to note the contribution of Marty McCullough, Bill Walenczak and Rich Dahl on this assignment. The "cemetery team" has produced a viable product for City Council's approval.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **91**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL CONTINGENCY FUND FOR THE PURPOSE OF SITE IMPROVEMENTS AND MASTER PLAN DEVELOPMENT OF WESLEY CHAPEL CEMETERY.

WHEREAS, the City of Westminster and the Wesley Methodist Chapel Cemetery Association desire to enter into a Purchase and Sale Agreement for the Wesley Methodist Chapel Cemetery located at 120th and Huron; and

WHEREAS, the City of Westminster will own, operate and maintain in perpetuity the property known as the Wesley Chapel Cemetery; and

WHEREAS, a General Fund Contingency transfer of \$99,275 is needed for the purpose of Master Plan and Site Improvements (Alternative #2) as outlined in the March 2000 Feasibility Study and identified by City Council as the preferred improvements option in June 2000;

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

Section 1. The City Manager is hereby authorized to transfer \$99,275 from the General Fund Contingency account into the General Capital Improvement Fund and create a project account for the Wesley Chapel Cemetery for the purpose of site improvements and master plan development.

Passed and adopted this 27th day of November, 2000

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 27, 2000

Subject: Councillor's Bill No. 107 re ViewPoint Technology Center Business Assistance Package

Prepared by: Becky Johnson, Economic Development Program Coordinator

Introduction

City Council action is requested on the attached Councillor's Bill to approve a business assistance package for ViewPoint Technology Center for a 246,000 square foot business park development.

Summary

The developers of the ViewPoint Technology Center have decided to construct an office park, comprised of two single story buildings and two multi-story buildings, on a 20 acre site located near the northeast corner at 120th Avenue and Federal Boulevard. Staff is recommending a business assistance package in the amount of \$30,000 to accommodate off-site improvements, which include the addition of a “theme road” and traffic circle. Staff believes that these additions will enhance transportation and access to ViewPoint Technology Center, as well as set the tone for a high quality business park environment east of Pecos in Park Centre. Over \$440,000 in permit fees and construction use tax revenue will be paid to the City when all four buildings are under construction.

Policy Issue(s)

The policy issue for City Council’s consideration is whether or not to approve a business assistance package to accommodate off-site improvement costs for transportation enhancements, incurred in the development of ViewPoint Technology Center.

Staff Recommendation

Pass Councillor's Bill No. 107 on first reading, authorizing the execution and implementation of the Business Assistance Agreement with ViewPoint Technology Center in the amount of \$30,000 for the purpose of assisting with off-site road improvements.

Background Information

The City’s standard practice has been to provide assistance to an end user of a new business park development. The developer of ViewPoint Technology Center has requested assistance to help off-set additional road improvement costs requested by the City.

During the project’s Official Development Plan review process, City Staff had the architectural and planning firm of Downing, Thorpe, and James (DTJ) provide an overall transportation and access plan for the 204 acres of vacant land west of Pecos Street and north of 120th Avenue including the ViewPoint site. This study was undertaken because four multiple land ownerships, if developed without an overall transportation and urban design plan, could have resulted in disjointed, non-compatible development. The major result of the study was the recommendation that a “theme road” with traffic circle enhancements be built to connect the four separate parcels and to provide an attractive, distinctive design feature. The plans also include upgrades to Decatur Street, which forms the eastern boundary of ViewPoint Technology Center.

ViewPoint Technology Center was in the final stages of completing the Official Development Plan when DTJ made the recommendations for additional road improvements. Staff believes that these road improvements will give the entire area a more unified look, much like Legacy Ridge, despite multiple land ownerships. To help accomplish this goal, Staff requested that ViewPoint Technology Center incorporate the theme road and traffic circle into their plan. Developers of ViewPoint agreed to implement the DTJ plan on the condition that the City compensate them for the incremental road and landscaping costs, not originally planned and anticipated by the developer. The additional costs involve more landscaping, architectural and engineering redesign fees, additional surveys, additional curb and gutter, asphalt, and contract plan changes. These costs total approximately \$60,000 for the traffic circle and road improvements to Decatur (both east and west sides). The purpose of this assistance package is to off-set the developers portion for the western half of Decatur (\$30,000). A recovery will be set up for the remaining road improvements.

To assist in off-setting the developers costs for the theme road and traffic circle addition, Staff recommends the following assistance package:

Building Permit Fee Rebate	\$30,000
\$30,000 of the building related permit fees will be rebated (water and sewer tap fees are not included in the assistance offer)	
<u>Total Assistance Package</u>	<u>\$30,000</u>

Alternative(s)

There were three alternatives considered in presenting the business assistance package to ViewPoint Technology Center. The alternatives were as follows:

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result may be that the developer is no longer able to accommodate the infrastructure improvements, requested by the City.

Provide Less: Another alternative is to provide less assistance than what is recommended. Again, it may not drive the company away, but the assistance being recommended is already very modest, and is being offered to off-set costs for off site improvements recommended by the City.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. As noted above, Staff has recommended an assistance package that will compensate the developer for the additional costs incurred by the developer for the traffic circle and road improvements. There is room for additional funding, however it may impact the ability to provide funds for future companies looking to locate in ViewPoint Technology Center. Therefore it is the opinion of staff and the developer that additional assistance is not needed.

Conclusion

By the time all buildings have been permitted, over \$440,000 will have been paid to the City in fees and use tax. The \$30,000 rebate is only 7% of the estimated revenue projected. Staff believes that the addition of the theme road and traffic circles will enhance transportation and access to ViewPoint Technology Center, as well as set the tone for a higher quality business park environment. In addition, the request for the changes was made late in the review process and resulted in unanticipated additional costs to the developer. Staff is recommending assistance to accommodate these off-site improvements. This assistance package also is an investment in potential future jobs.

Respectfully submitted,

William M. Christopher, City Manager
Attachments

**ASSISTANCE AGREEMENT
FOR VIEWPOINT TECHNOLOGY CENTER
IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2000, between the CITY OF WESTMINSTER (the "City"), and ViewPoint Technology Center.

WHEREAS, the City wishes to provide certain assistance to ViewPoint Technology Center to aid in off-site improvements for a 20 acre business park within the City, located at the northeast corner of 120th Avenue and Federal Boulevard; and

WHEREAS, the proposed the facility will provide 246,000 square feet of leaseable office space for future businesses, thus providing primary job creation within the City; and

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

In consideration of the mutual promises set forth below, the City and ViewPoint Technology Center agree as follows:

1. **Building Fee Rebate:** The City shall rebate to ViewPoint Technology Center \$30,000 of building related fees required under W.M.C. 11-9-3 (E). but excluding water and sewer tap fees. Such rebate shall be payable exclusively from building permit fees collected by the City of Westminster. This rebate payment shall be made by the 20th day after the close of the first quarter in which the first Certificate of Occupancy is issued for the first new office building in Westminster.

2. **Conditions Subsequent:**

(a) This Assistance Agreement shall terminate and become void and of no force or effect upon the City if ViewPoint Technology Center has not completed the first two buildings by April 1, 2002.

(b) In the event ViewPoint Technology Center discontinues construction of the business park campus, as stated on the Official Development Plan, within three (3) years of the date of this Agreement, then in such event ViewPoint Technology Center shall reimburse the City the total amount of fees paid by the City to ViewPoint Technology Center pursuant to this Agreement.

3. **Entire Agreement:** This Agreement constitutes the entire agreement between the City and ViewPoint Technology Center concerning the subject of incentives and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

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

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

VIEWPOINT TECHNOLOGY CENTER

CITY OF WESTMINSTER

By _____
Edward Barsocchi
Vice-President, Commerical Development

William M. Christopher
City Manager

ATTEST:

ATTEST:

Title Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **107**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT
WITH VIEWPOINT TECHNOLOGY CENTER**

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

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

WHEREAS, ViewPoint Technology Center has indicated interest in constructing a 20 acres business park, comprised of four buildings totaling 246,000 square feet, in the City of Westminster on property on the northeast corner of 120th Avenue and Federal Boulevard; and

WHEREAS, a proposed Assistance Agreement between the City and View Point Technolgy Center is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

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

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

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

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

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

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 27, 2000

Subject: Councillor's Bill No. 108 re SW Sheridan, LLC Business Assistance Package located at 8601 Sheridan Boulevard

Prepared by: Becky Johnson, Economic Development Program Coordinator

Introduction

City Council action is requested on the attached Councillor's Bill to approve a business assistance package for SW Sheridan, LLC redevelopment project for the retail center at 8601 Sheridan Boulevard.

Summary

SW Sheridan, LLC recently purchase the 71,800 square foot center and plans to invest over \$1.4 million in upgrading the landscaping, parking, and building façade. Upon completion it is anticipated that the renovated space will generate approximately \$400,000 in City sales tax annually, for the entire center. Staff is recommending a business assistance package in the amount of \$596,300 for the purpose of redevelopment of the retail center at 8601 Sheridan.

Policy Issue(s)

The policy issue for City Council's consideration is whether or not to approve a business assistance package to aid in the redevelopment of this center.

Staff Recommendation

Pass Councillor's Bill No. 108 on first reading, authorizing the execution and implementation of the Business Assistance Agreement with SW Sheridan, LLC in the amount of \$596,000, to aid in the redevelopment of the retail center, located at 8601 Sheridan Boulevard.

Background Information

Mark Campbell of SW Sheridan, LLC purchased the retail center at 8601 Sheridan in April 2000. The original center was constructed in 1977 and was operated as Labelle's. This center is currently occupied by T&C Men's Wear (a subsidiary of Men's Warehouse) and the Guitar Center. The property being redeveloped does not include the existing Office Max Center, which is under a different ownership, and not currently owned or managed by SW Sheridan, LLC.

The center was purchased in a state of major disrepair and requires substantial renovation. Maintenance neglect had resulted in dead landscaping, broken irrigation lines, a deteriorated parking lot, and a very bland building façade. The renovation to this center would serve a number of purposes:

- Improve the image of the retail center: The redevelopment plan includes a new parking lot, upgraded landscaping and a new building façade (preliminary proposed building elevations are attached).
- Improve the leasability of vacant space: Approximately 37,000 square feet is available for lease. A substantial renovation is required to market and lease this space to a quality tenant(s). In its current state, the retail center has attracted lower sales tax generating uses and discount retailers.

- Increase tax revenue to the City: A renovated center will result in an increase in sales on a per square foot basis. The current tenants are averaging sales of \$150 per square foot. A renovated center is projected to increase sales by at least \$25 per square foot.

SW Sheridan, LLC has estimated that the investment in the redevelopment of this center will be in excess of \$1.4 million. They are requesting assistance from the City to offset a portion of the improvement costs.

A total of \$1,017,541 in fees, property tax and sales and use tax is projected for the first five (5) years of operation for the remaining 37,000 square feet of lease space. Based upon these projections, Staff recommends the following assistant package to assist in the redevelopment of the retail center at 8601 Sheridan:

Assistance

<u>Permit-Fee Rebate</u>	\$ 4,304
60% of the building related fees (excluding water & sewer tap fees) will be rebated (\$7,174 x 60% = \$4,304)	
<u>Building Use Tax Rebate</u>	\$ 6,997
60% of the Use Tax on construction materials for this project will be rebated (\$11,662 x 60% = \$6,997)	
<u>Sales Tax Rebate</u>	\$585,000
60% of the sales tax over the first five years of operation will be rebated (Based on a total of \$195,000 per year x 5 years x 60% = \$585,000)	
Total Assistance	\$596,301

Alternative(s)

There were three alternatives considered in presenting the business assistance package to SW Sheridan, LLC. The alternatives were as follows:

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result may be that the developer is no longer able to make the necessary modifications to the site and may not attract quality future users.

Provide Less: Another alternative is to provide less assistance than what is recommended. Again, it may not drive the company away, but the assistance being recommended is only a portion of the overall investment of the owner and will be provided over a five year time period, while the owner's investment to upgrade the center will take place in the first year.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. As noted above, Staff has recommended an assistance package that will aid in the redevelopment of this center. It is the opinion of staff and the developer that additional assistance is not needed.

SW Sheridan, LLC is making a significant investment in this center. Given the retail center's proximity to Westminster Mall, the renovation of this center is consistent with the City's desires for upgrading the areas adjacent to the Mall. The joint redevelopment of the center at 8601 Sheridan will serve as one of the cornerstones for redevelopment of the Westminster Mall perimeter.

Respectfully submitted,

William M. Christopher, City Manager

Attachments

**ASSISTANCE AGREEMENT
FOR SW SHERIDAN, LLC FOR THE REDEVELOPMENT OF THE RETAIL CENTER AT
8601 SHERIDAN BOULEVARD IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2000, between the CITY OF WESTMINSTER (the "City"), and SW Sheridan, LLC.

WHEREAS, the City wishes to provide certain assistance to SW Sheridan, LLC to aid in redevelopment of the retail center at 8601 Sheridan Boulevard; and

WHEREAS, this center was originally constructed in 1977 and is in need of revitalization to stay vibrant and competitive; and

WHEREAS, this center includes T&C Men's Wear and the Guitar Store and an additional strong retail tenant would make the center an important tax generator; and

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

In consideration of the mutual promises set forth below, the City and SW Sheridan, LLC agree as follows:

1. **Building Fee Rebate:** The City shall rebate 60% of all building related fees, but excluding water and sewer tap fees, required under W.M.C. Section 11-9-3 (E) to SW Sheridan, LLC which will result in the redevelopment of 71,800 square foot retail center, expected to be completed by December 31, 2001. The estimated value of the permit fee rebate is estimated to be \$4,304.

2. **Use Tax Rebate:** The City shall rebate 60% of the Building Use Tax on the construction materials, which are to be used in the redevelopment of the 71,800 square foot retail center, required under W.M.C. sections 4-2-9 and 4-2-3 to SW Sheridan, LLC. The value of the rebate is estimated to be \$6,997.

3. **Sales Tax Rebate:** The City shall rebate 60% of the general sales tax collected from business(s) which lease the 37,000 square feet of available space (excluding T&C Men's Wear and the Guitar Center) to SW Sheridan, LLC during the first five (5) years of operation from the date the first new business opens in the center. Such rebate shall be payable exclusively from sales tax revenue collected by the City attributable to the imposition of the City's 3.0 general sales tax (excludes the City's .25% Open Space Tax). The rebate shall be paid by the City in quarterly installments from sales tax revenue actually collected and received by the City and shall not exceed \$585,000. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter.

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

5. **Subordination:** The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes.

For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

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

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

SW SHERIDAN, LLC, A COLORADO LIMITED LIABILITY COMPANY

Mark D. Campbell, Agent

SHERIDAN MANAGEMENT CORPORATION
Manager

CITY OF WESTMINSTER

By _____

Earl L. Wright, President

William M. Christopher
City Manager

ATTEST:

ATTEST:

Title Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO. **2843**

COUNCILLOR'S BILL NO. **108**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

Kauffman-Hicks

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH SW SHERIDAN, LLC FOR THE REDEVELOPMENT OF THE RETAIL CENTER AT 8601 SHERIDAN BOULEVARD

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

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

WHEREAS, SW Sheridan, LLC has indicated interest in redevelopment of the 71,800 square foot retail center at 8601 Sheridan Boulevard, in the City of Westminster; and

WHEREAS, a proposed Assistance Agreement between the City and SW Sheridan, LLC is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

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

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

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

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

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of December 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 27, 2000
Subject: Purchase of Open Space
Prepared by: Lynn Wodell, Open Space Acquisition Agent

Introduction

City Council action is requested to authorize the City Manager to purchase for open space approximately 11.5 acres of land located along the east side of Wadsworth Parkway at 93rd Avenue, directly south of the Hugh M. Woods store (see attached map). Open Space funds are available for this purchase.

Summary

An old irrigation pond, many large trees and wetland vegetation make up the majority of the site, and this land fits the criteria for open space preservation very well. Any property with water and mature vegetation is very special in this arid environment, and this property is home to a variety of wildlife, particularly bird life. It is anticipated that the only development to the site would be a trail around the pond/wetland.

Staff has negotiated a proposed purchase and donation of this property. The City would pay \$105,000 for the land, approximately 11.5 acres, and would acknowledge a donation by the landowner in the amount of the difference between the full appraised value and this purchase price. If City Council approves this acquisition, the landowner will hire an appraiser to determine the total property and donation values, but he does not wish to expend these funds until Council's direction has been determined. The landowner would retain approximately four acres, apart from the 11.5 acres being sold to the City, with this land for future development.

From this acquired land, the City would agree to provide right of way for, and budget and pay for the extension of the frontage road and one half of an east west street across or adjacent to the City's property only, at a future date when the adjacent properties develop and require these streets for access. The estimated cost of these improvements is \$80,000 to \$90,000. These streets have recently been identified as desirable to support quality new development in this area, and to improve general traffic circulation. (Further detail is provided in the Background section below.) Funds for the street construction would be budgeted in a future year, when required to provide access to new development projects, and subject to City Council approval.

The landowners also propose to dedicate at this time the right of way needed to widen (Old) Wadsworth Boulevard along the eastern edge of their property. The dedication would allow the City to move ahead at the appropriate time with this important project.

The City's Open Space Advisory Board strongly supports acquiring the pond, trees and wetland (approximately 10 acres) on this property for passive public use. Funds are available for this purchase in the Open Space Fund. A very small portion of the property (approximately 0.7 acres) would be used for street right of way in the future, while all the valuable natural areas on the site would be protected as open space.

Policy Issue

Shall the City purchase this property for open space?

Staff Recommendation

Authorize the City Manager to purchase for Open Space approximately 11.5 acres of land at a cost of \$105,000 from Gamma Investment Company; acknowledge a donation of value between the appraised value and the purchase price; accept the dedication of right of way needed for (Old) Wadsworth Boulevard; charge the expense to the Open Space Fund; acknowledge that approximately 0.7 acres of the property being acquired is intended for future right of way for the frontage road and an east-west street; and acknowledge that Staff will propose to budget funds in a future budget year for the anticipated street improvement costs, when adjacent development requires such improvements.

Background Information

Grattan Reservoir is an old irrigation pond, no longer in use, and has evolved into a very attractive natural area/wetland. At some future date, it is likely that the reservoir would be filled in and developed. It has been a goal of the Open Space Program to preserve this and other similar water and wetlands to preserve their natural character as open space. Any water body and associated wildlife and vegetation in this arid climate are quite valuable.

In addition to the purchase price, Staff proposes that the City contribute the right of way and pay the costs to extend the Wadsworth Parkway frontage road south across the western boundary of the property, and contribute one-half of the right of way and pay one-half the costs of an east-west street adjacent to the City's property only. Staff has carefully estimated these costs as between \$80,000 and \$90,000 at today's costs – including earthwork, hauled in fill material, paving, curb and gutter, wide sidewalk/trail and related work.

Prior to the proposed open space purchase, Planning, Engineering and Economic Development Division Staffs had been working with adjacent property owners and a consultant to “assemble” several small properties at this location for the sake of coordinated planning. This group has considered alternate plans for acceptable land uses, and anticipated access and street improvements that would be necessary to support quality new development. Extension of the frontage road from Homestead House and Hugh M. Woods south along the east side of Wadsworth Parkway, and an east-west street connection to (Old) Wadsworth Boulevard were considered essential to support quality new development. Such improvements might also improve traffic flow in this general area.

With this cooperative planning work in place, it seemed reasonable that if the City were to acquire a major portion of this particular landowner's property, that it was reasonable for the City to pay for its pro rata portion of these future street improvement costs – if required by developments approved by City Council at some future date. If and when such developments are approved by Council, Staff would propose to budget these street construction costs in New Development Participation in the Capital Improvement Program.

The proposed acquisition fits the City's Open Space Ordinance criteria for the selection of open space sites very well, as follows:

< AESTHETICS: This property includes the entirety of the reservoir, wetland and vegetation; preserves views across the wetlands to the mountains, and is highly visible from Wadsworth Parkway. The great views on and from this site and the unique natural character would be preserved. This is a unique and highly visible property in the City of Westminster.

< PROTECTION AND PRESERVATION: Acquiring the property would protect the environmentally sensitive features of the wetland, adjacent trees and wildlife cover, and prevent filling or development of Grattan Reservoir. Preserving small water bodies such as this broadens the variety of wildlife that may be seen as the City builds out. Water is extremely rare and valuable, and this old reservoir provides considerable scenic and wildlife values.

< LOCATION: This property adds wetland vegetation, wildlife habitat and variety to this highly developed commercial area of the City. This property is highly visible from Wadsworth Parkway.

< USE POTENTIAL: This acquisition would provide passive enjoyment such as nature study, photography or trail usage and would generally provide a special, quiet retreat. It is well used by wildlife and bird life.

< NEED FOR IMMEDIATE ACTION and ACQUISITION CONSIDERATION: The landowners are now motivated to sell the property by the end of the year. The proposed purchase seems the best solution, at a very minimal cost. The landowners are willing sellers and partners, the price they ask is very reasonable, and funds are available for the purchase.

Alternatives

1. Do not acquire the property, and hope that the land remains in its natural condition. However, the old pond is not a naturally occurring wetland, and could probably be filled for development. This alternative also falls short of the Open Space Advisory Board's recommendation to formally preserve this particular property for public enjoyment.

2. Attempt to delay the acquisition to some future date. However, funding is available now, and the landowner wishes to sell at very favorable terms. The funds and/or opportunity to preserve this natural area may not exist at some future date.

Staff does not recommend the alternatives in light of the previously described benefits of acquiring this property.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 27, 2000

Subject: Design Services Contract for the McKay Lake Dam

Prepared by: Sheila Beissel, Senior Civil Engineer

Introduction

City Council previously authorized the purchase of McKay Lake by the City for use as open space and a regional stormwater detention facility. As the owner of the lake, the City will have the responsibility to comply with all relevant regulations that apply to the dam. Due to the impending construction of a single-family development immediately downstream, the existing dam must be upgraded and modified to provide regional stormwater detention. City Council action is requested to approve a consulting services contract for the final design of these improvements with GEI Consultants, Inc in the amount of \$167,000 and authorize a \$25,000 design contingency. Funds for this project are available in the Open Space Fund.

Summary

McKay Lake is located at the southeast corner of 144th Avenue and Zuni Street. McKay Lake is being purchased from the Farmers Reservoir and Irrigation Company (FRICO) by the City of Westminster's Open Space program as an open space amenity and for use as a regional stormwater detention facility.

The dam, which forms McKay Lake, is regulated by the State Engineer's Office. As the owner of the dam, the City is responsible for insuring that the dam meets all relevant regulations. Due to the impending development of Huntington Trails Subdivision immediately downstream of the dam, the dam will be re-classified by the State Engineer's Office (SEO) from Class III (a low hazard dam) to Class I (high hazard dam) because of the potential loss of life during a dam failure. This re-classification will require substantial modifications to the dam, however, the benefits of the stormwater detention that will be provided by these modifications are significant and will allow the downstream properties to develop more cost effectively.

The purchase agreement for the lake calls for a sharing of the cost of the dam improvements, estimated at \$1,630,000, between the City and FRICO. The downstream property owners who will benefit from the regional detention facility are also contributing to the cost of the dam improvements. The developer of Huntington Trails, Ed Sutton, has agreed to fund approximately \$900,000 of the cost of the improvements.

A final design cost of \$167,000 was negotiated with GEI Consultants. GEI Consultants was approached by City Staff to perform the final design due to this firm's expertise in the field, knowledge of the project, previous work on this project, and ability to meet the project schedule.

Policy Issues

City Council is being asked to authorize a design contract with a consultant based on a negotiated contract cost. Typically, at least three proposals are solicited to compare design fees and scopes of work. However, due to the special nature of the project and their previous work and familiarity with the project, Staff is recommending awarding the final design contract to GEI Consultants on a sole source basis.

Staff Recommendation

Authorize the City Manager to execute a consulting services contract in the amount of \$167,000 for the final design of improvements to the McKay Lake Dam with GEI Consultants, Inc.; authorize a \$25,000 design contingency; and charge the expense to the Open Space Fund.

Alternatives

- A Request for Proposals (RFP) could be sent to several firms to provide a cost comparison for final design services. Soliciting other firms for design proposals will delay the construction of the dam improvements past the date of the anticipated construction of the Huntington Trails Subdivision.
- Postpone the design and construction of improvements to the McKay Lake Dam.

Background

The Alternatives Development and Evaluation Report of the Broomfield and Vicinity Outfall Systems Planning Study (i.e., the Urban Drainage and Flood Control District "Master Plan" for the northeastern portion of the City of Westminster), which includes the McKay Lake drainageway, indicates that improving McKay Lake for use as a regional stormwater detention facility is cost beneficial. The regional stormwater detention provided in McKay Lake will reduce the downstream stormwater flow, reducing the size of the floodplain and the channel and culvert sizes required and, thus, the associated costs.

Due to the lake's size, the lake's dam structure is regulated by the State Engineer's Office (SEO). With the current lack of development downstream and, the corresponding low loss of life hazard during a dam failure, the dam structure is currently classified as Class III by the SEO. With the impending development of single-family homes immediately downstream of the dam, the dam will be re-classified by the SEO to a higher hazard classification, Class I. With the higher hazard classification, the safety, design, and construction requirements are more stringent.

Once the City is the owner of the dam, the City will be responsible for ensuring that the dam meets all relevant SEO criteria. The purchase agreement with FRICO provides for FRICO and the city to share the cost of the dam modifications, estimated at \$1,630,000. Also, the downstream property owners benefiting from the regional detention in McKay Lake are participating in the cost to modify the dam.

The single-family development downstream of the lake is projected to begin in April 2001, so the dam modifications need to be made in a timely fashion. Several floodplain issues for the downstream development are resolved with regional detention in the lake. This is the basis for the developer's cost participation in the project. Presently, construction of the dam improvements could begin November 2001. This construction schedule will take advantage of the low lake level in the winter, thus, reducing the construction cost and time.

Rather than advertise for bids for the subject design services, City Staff negotiated directly with GEI Consultants on a cost to perform this work. GEI Consultants has great expertise in this particular field and was previously retained by the City to evaluate the condition of the McKay Lake dam. During the course of that earlier evaluation of the dam, this consulting firm gained a great deal of knowledge about the structure that would be invaluable to the City as we continue with the final design of the necessary improvements. Furthermore, the selection of a second consultant to work on this next step of the process could raise certain issues with respect to liability. More specifically, Staff is concerned that, in the event of a failure, the firm that prepared the final design might attempt to place blame upon the firm that performed the initial evaluation (and vice versa). Rather than face such a possibility, Staff strongly endorses the use of a single consultant to provide all of the necessary services for this project.

The representative of the developer of Huntington Trails, Mr. Ed Sutton, also favors this proposal to contract directly with GEI Consultants in the interest of time. This developer will fund approximately \$900,000 of the cost of the subject improvements.

The negotiated final design cost of \$167,000 is approximately 10% of the estimated construction cost, which is comparable to fees associated with similar projects. GEI Consultants has indicated an ability to meet the City's schedule for this work, which would allow the necessary improvements to be in place by the time that the Huntington Trails Subdivision is developing

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 27, 2000

Subject: Councillor's Bill No. 109 re FEMA Terrorism Consequence Management Preparedness Assistance Grant

Prepared by: Mike Reddy, Emergency Preparedness Coordinator, Steve Peterson, Admin Patrol Lieutenant, and Mark Yamashita, Professional Standards Unit Investigator

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating the approved FEMA Terrorism Consequence Management Preparedness Assistance (TCMPA) Grant funding of \$12,000 from the Intergovernmental Federal Grant Revenue to the Police Department's Patrol Services Training Budget. The funding will be utilized to provide a Critical Incident Management Training Program to Westminster Law Enforcement personnel, Jefferson and Adams County Sheriff's Office personnel, and personnel from other surrounding law enforcement agencies.

Summary

In November 2000, Mike Reddy, Emergency Management Coordinator applied for a FEMA Terrorism Consequence Management Preparedness Assistance Grant. The application was approved and funding in the amount of \$12,000 will be provided in December 2000. This funding will be utilized to fund a BowMac Educational Services, Inc. Critical Incident Management Training Program that will be provided for free to supervisors and select line law enforcement officers of the Westminster Police Department, Jefferson and Adams County Sheriff's Office, and surrounding law enforcement agencies. The approved funding will pay for the BowMac Educational Services, Inc. three day course fee for all participants, travel and expenses for BowMac Educational Services Instructors, shipping of the Course Simulator, workshop expenses, etc. The training has been scheduled for December 11, 12, and 13, 2000 and the course will include instructional fees, student notebooks and materials, set-up of the model city simulator, and course certificates.

The Critical Incident Management Training allows participants to work through a four phased "Critical Incident/Event Activity Flow" that tracks event characteristics, agency response, and desired outcomes for any incident. The course utilizes the national recognized Incident Command System (ICS) to build an effective decision making team to bring about a successful resolution to the event.

Policy Issue

Whether to accept the FEMA funds from the TCMPA Grant for the Critical Incident Management Training Program for the Budget Year 2000.

Staff Recommendation

Pass Councillors Bill No. 109 on first reading appropriating the FEMA TCMPA grant funding of \$12,000 to the Police Department's Patrol Services Division 2000 Training Budget.

Background Information

Westminster has been recognized as a leader in the Denver metropolitan area with regard to law enforcement and law enforcement training. Special tactical teams are well trained and work closely with other jurisdictions. The potential for a terrorist event in the Denver metro area exists, and to date, little training on the management of such types of complex incidents has been available to the northern suburbs. The risks posed if an event is improperly managed are tremendous and City Staff have investigated various training programs that provide this element of training for law enforcement response. Staff believes this type of training will significantly improve Westminster's ability to respond to and effectively manage a critical incident.

Mike Reddy, Emergency Management Coordinator, submitted an application for a FEMA Terrorism Consequence Management Preparedness Assistance Grant on November 2, 2000. The grant objective and purpose is to provide training through BowMac Educational Services, Inc. for emergency responders addressing the management of complex incidents such as terrorist attacks, school violence, hostage incidents, barricaded gunmen, hazardous spills, transportation disasters, natural disasters, civil disorders, and other emergency situations.

The program will be a combination of classroom instruction and practical hands-on scenarios that provides the audience of law enforcement officers with the opportunity to manage several types of critical incidents. The course utilizes the nationally recognized Incident Command System to build an effective decision-making team. The training will focus on law enforcement agencies that provide mutual aid to the City of Westminster. Invited representatives from Jefferson and Adams County Sheriff's Offices and surrounding Police Departments will be asked to participate with the Westminster Police Department in this focused training. The training will concentrate on the management considerations for terrorist attacks, school violence, hostage incidents, hazardous materials spills, transportation disasters, civil disorders, natural disasters, and other emergency incidents. The audience will be supervisors and select line law enforcement officers from Westminster and the other agencies that are participating. Next year, it is Staff's intent to pursue further funding from Colorado OEM to coordinate a similar five day program that will involve multiple departments within the City. The training event has been planned for December 11, 12, and 13, 2000 and will include instructional fees, student notebooks and materials, set-up of the model city simulator and course certificates.

Details in the area of at risk facilities will help identify those facilities that pose terrorist/technical industrial hazards and those facilities that may be attractive targets for terrorist attacks. (This includes chemical production/storage facilities, significant power and communication facilities, stadiums, convention centers, etc.) Major employers in the City include numerous "high tech" industries; rail lines that pass through the heart of the City with active daily transport of numerous hazardous materials; and the Rocky Flats Nuclear Weapons Plant, which requires mutual aid response to events on and surrounding the plant. The City is also home to the Colorado Rapids, the State's only professional soccer team that attracts international events to the area.

There is no time when a public safety employee is more severely tested or when their actions come under closer scrutiny than immediately after their community has experienced a critical incident. These situations require special organizational skills and decision-making abilities, and are not only crucial to an acceptable outcome of the incident, but also to the employee's very survival and longevity. The proposed training will enhance both the knowledge and working relationships of Westminster and surrounding jurisdictions by enhancing skills in effective ICS management principals specifically focused on law enforcement response in a terrorist event.

Respectfully submitted,

William M. Christopher, City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **109**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2728 in the amount of \$61,747,852 is hereby increased by \$12,000 which, when added to the fund balance as of the City Council action on December 11, 2000 will equal \$66,321,658. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a FEMA Terrorism Consequence Management Preparedness Assistance Grant awarded to the City which is to be utilized for the Police Department personnel training.

Section 2. The \$12,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Federal Intergovernmental Grants			
10-0426-000	\$46,643	<u>\$12,000</u>	\$58,643
Total Change to Revenues		<u>\$12,000</u>	
EXPENSES			
PD Patrol Services Training			
10-20-50-144-000	\$22,550	<u>\$12,000</u>	\$34,500
Total Change to Expenditures		<u>\$12,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of November, 2000. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of December, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: November 27, 2000

Subject: Resolution No. 92 re Adoption of the Career Enrichment Park Master Plan

Prepared by: Bill Christopher, City Manager
Tony Chacon, Senior Projects Coordinator

Introduction

City Council is requested to adopt the attached Resolution that would formally adopt the Career Enrichment Park (CEP) Master Plan. The School District 50 Board of Education will be taking action on a similar Resolution at their meeting on Tuesday, November 28.

Summary

City Council and the Adams County School District No. 50 Board of Education recently met to resolve remaining site improvement issues prior to considering adoption of the Career Enrichment Park (CEP) Site Improvement and Utilization Plan. The modifications represent the final phase of a joint planning endeavor that has transpired over the last year and a half to guide the future improvement to the visual character and functional use of the CEP, located at the northeast corner of 72nd Avenue and Lowell Boulevard. The CEP Site and Utilization Plan is the product of a cooperative planning effort. Now that both governing bodies have concurred with the plan, it is scheduled for adoption by both the City Council and the District 50 School Board of Education. Upon adoption of the Plan, the document will be used by the City and District to guide future investment and improvements to the property.

An estimate of improvement costs is also included in the Plan. However, it is important to note that the Plan does not identify specific funding sources to be used nor does it obligate either the City or the District to any level of funding at this time. As partners, the City and District agree to negotiate funding levels prior to proceeding with improvements. Staff proposes that funding for the project would be allocated over several years, and that the City's share of the funding could come from several sources including the City CIP, CDBG, WEDA (when revenues again become available), and outside grant sources, such as the State Historical Society and GOCO. An emphasis will be made to use City and District funds to leverage significant levels of outside funding. Such requests for funding the improvements would be incorporated into the annual budgeting process.

The Council resolution to formally adopt the Plan is attached and ready for Council action. By adopting the Plan, no specific funding commitments are stated or implied.

Policy Issue(s)

- Does City Council want to formally adopt the Master Plan that both the School Board and City Council have indicated informally is acceptable?
- Funding obligations by both entities would be addressed on a project by project basis.

Staff Recommendation

Adopt Resolution No. which formally adopts the Career Enrichment Park Master Plan.

Alternative(s)

Council could decide to not formally adopt the Plan. However, this would be contrary to a recent discussion with the School Board.

Background Information

In July, 1998, the City of Westminster and Adams County School District No. 50 entered into an intergovernmental agreement to prepare a plan to improve the aesthetic and functional quality of the Career Enrichment Park (CEP) at 72nd Avenue and Lowell Boulevard. The CEP is owned and operated by District 50. The strategic location and public context of the CEP make the campus a focal point from which neighborhood revitalization can be further stimulated. Based on this principal, City Staff and representatives of District 50, serving as a CEP planning group, worked cooperatively with a team of consultants to prepare a Plan addressing the following general areas:

- Providing aesthetic improvements on the perimeter and throughout the site to enhance the visual quality of the campus;
- Providing physical improvements to the site and buildings to support and attract continual active use of the campus by the community;
- Identifying opportunities to provide indoor space to support general community use;
- Identifying opportunities to improve, expand or create new programs for District students and the general public; and,
- Identifying potential partners for future program development.

The draft plan was presented to City Council for approval in April, 2000. However, the City Council withheld final approval based upon a request by the District to further refine elements of the site plan. Further discussion between the District and City Staff has resulted in agreement on the proposed physical improvements as shown on the attached diagrammatic plan. Accordingly, the CEP Site and Utilization Plan is recommended for City Council and School District 50 for adoption. The full Plan is generally comprised of two parts:

1. A site improvement plan recommending specific improvements along with cost estimates and an implementation schedule; and,
2. A facilities utilization component identifying potential opportunities for improving or expanding existing, or developing new, educational and community-based programs.

The primary emphasis of the CEP Plan is to improve the functional and aesthetic quality of the campus grounds and peripheral rights-of-way. The Plan recommends specific site improvements to be phased in over a five to ten year period. Proposed improvements include the following general activities:

Construction of a new access drive and 72nd Avenue landscaping enhancements -- A new entry drive providing primary vehicular access from 72nd Avenue is proposed to be constructed, replacing the existing “alley” access from Lowell Boulevard immediately south of the CEP North Mall building. The drive would be enhanced with landscaping to reemphasize the original “historical” building entry on the south side of the North Mall building. The drive will be lined with shade trees that will eventually form a “tree-canopy” upon maturity. The parking lot between the ACE (Union High School) building and the DeSpain School building will also be reconstructed and landscaped to accentuate the entry into the CEP campus. The existing modular building and tennis courts are proposed to be removed in conjunction with the parking lot improvements.

Creation of public park space adjacent to Lowell Boulevard -- Approximately 1-½ acres of the CEP site immediately adjacent to Lowell Boulevard and south of the North Mall building is proposed to be improved as public park space. The park would be designed to promote and accommodate more leisurely activity, since the small park area limits its use for active recreational purposes.

Relocation and improvement to the soccer field to support more active use -- The Plan recommends relocating the soccer field slightly to the south and east concurrent with extending the new access drive and developing the public park adjacent to Lowell Boulevard. The relocated field would continue to meet regulation dimensions for District use. Further, it would be equipped with an up-to-date irrigation system to keep it in good repair for competitive level play. In an effort to open the field to more community use and activity, the Plan also calls for the installation of enclosures within which to provide portable restroom facilities.

Construction of an interconnected network of pedestrian paths -- Extensive improvements are proposed to the pedestrian path system throughout the site. A main spine running from east to west along the existing “alley” access would provide a continuous pedestrian linkage between the new Westminster Plaza Shopping Center, the Westminster Senior Center, and the “historic” district at Bradburn and 73rd Avenue. In addition, a series of interconnecting loops would replace the existing oval track as a safe and enticing opportunity for walkers.

Construction of a history-based public plaza in conjunction with restoration and improvement to the DeSpain school -- The CEP has a long history that closely parallels the history of the City of Westminster and the surrounding area. In fact, the three principal structures on the site are important historical artifacts that the plan proposes to preserve and restore. The historic importance of the site (DeSpain School, ACE-Union High School and North Mall-original Westminster High School) will provide the foundation for designing and constructing a public plaza immediately north of the DeSpain building, in recognition of the site’s history relative to “Westminster’s” public school system. This improvement would include an effort to restore the historically designated DeSpain building to its architectural grandeur.

Providing for the expansion and improvement to the Crowne Point Charter School including construction of a joint-use playground -- Crown Point Charter School is a community asset to be retained and enhanced. A partnership between the City, District 50 and the Charter School will pave the way to future improvements and possible expansion. Accordingly, the plan provides for the expansion of the school to accommodate one set of classes for each grade level of K – 8. The Plan further recognizes the need for playground equipment to be shared for both the school children and other children within the neighborhood.

Development of a mini-arboretum garden and natural resources learning lab -- The CEP is home to unique natural resources program incorporating such disciplines as horticulture, wetland management, and landscape architecture. In addition, the CEP site is home to a number of unique tree and shrub species not readily grown or seen in Colorado that have been planted over the years. By combining these unique resources, the opportunity exists to develop and maintain a small-scaled arboretum interspersed throughout the CEP grounds, interconnected by an extensive internal pedestrian trail network. Such a facility would provide a central attraction to the South Westminster community.

Provision of facilities to support cultural/performing arts programming -- **The District and community are in need of facilities to promote the development of cultural and arts programs. The CEP provides a unique, centrally located site capable of accommodating programs and supporting facilities. As a long-term measure, the plan proposes the eventual development of both indoor and outdoor space devoted exclusively to performing arts programs. In the interim, minimal improvements to the “Union High School” (ACE) building could be made to promote artistic programming.**

Improvements to parking layout, circulation and landscaping throughout campus and streetscaping along street frontages

-- Parking is essential relative to operations and activities on the CEP site. While the site has a substantial amount of parking, it generally lacks visual appeal to the general public. The configuration and layout of the parking is also confusing and inefficient. It is the intent of the plan, therefore, to provide adequate parking to support the multitude of activities on the site while enhancing the aesthetic quality from highly visible locations. The plan, further, recommends an intensive landscaping program to improve the visual character along adjoining streets. The CEP currently has 290 parking spaces, the proposed plan would increase parking to 368 spaces.

The facilities utilization section of the Plan is solely intended to offer ideas for future educational and community programming opportunities. The areas identified in the plan as having the potential for program enhancement or development are the following:

- Culinary Arts and Restaurateur Program / LeParc Café;
- Business Support and Incubator Services;
- Child Care Center and Care Provider Learning Module;
- Natural Resources Planning, Design and Operations;
- Arts Curriculum and Programs; and,
- Hispanic/Latino and Asian Resources and Outreach

The Plan identifies opportunities present relative to each of the programming areas that can be pursued by the District independently or in partnership with the City of Westminster or other agencies. In the spirit of promoting partnerships, the Plan provides a list of potential stakeholders and partners that could be approached in some mutually beneficial capacity, relative to the following needs and/or resources:

- Operational space and facility improvements;
- Revenue enhancement;
- Program development and support;
- Employment and internships; and,
- Community services and outreach.

At the most recent meeting of City and School District representatives, the topic of what improvement should be pursued first was discussed at length. Given the significant cost to accomplish the desired cultural facility, the consensus of the group was to identify some small, quick “ successes” which would be fiscally achievable.

Adoption of the CEP Site and Utilization Plan provides the initial step in reinstating the campus as the community resource and focus it held for many years.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 2000

FORMAL ADOPTION OF THE CAREER ENRICHMENT PARK MASTER PLAN

WHEREAS, Adams County School District No. 50 Board of Education and the City of Westminster City Council previously entered into an intergovernmental agreement to develop a mutually acceptable master plan for the Career Enrichment Park site, and

WHEREAS, representatives from both entities recognize the strategic location and value of the Career Enrichment Park located at 72nd Avenue and Lowell Boulevard as it relates to the South Westminster Revitalization efforts, and

WHEREAS, the School District and the City contracted with the firm of Wenk Associates, planners and landscape architects to collaborate with representative from both entities to develop the desired master plan and the final plan has recently been discussed and reviewed by both governing bodies, and

WHEREAS, the Adams County School District No. 50 Board of Education and the Westminster City Council desire to formally adopting the master plan to be used as a guide in the phased improvements identified in said plan, and

It is acknowledged by both governing bodies that funding of the desired identified improvements will be phased over an undetermined number of years due to financial constraints and at the same time both entities will use their best offices to secure outside funding such as GOCO grants and foundation grants to facilitate phased improvements, and

WHEREAS, by formally adopting the master plan it is not to be construed that the two governing bodies are committing to accomplishing the desired funding within any particular timeline but both entities will pursue funding on an ongoing basis, and

NOW THEREFORE, BE IT RESOLVED, that the Westminster City Council resolves that:

1. The City of Westminster hereby approves and adopts the Career Enrichment Park Master Plan as finalized by Wenk Associates.
2. The City of Westminster at its discretion shall provide funding and seek outside funding sources in collaboration with School District No. 50 on an ongoing basis to implement the identified master plan improvements on a phased basis as funding may permit.

Passed and adopted this _____ day of November, 2000.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: November 27, 2000
Subject: Change Date for Regular City Council Meeting
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to change the date of the regular City Council meeting scheduled for Monday, December 25th.

Summary

The last regular meeting of December would normally be held on Monday, December 25th. Since this is Christmas Day, and City Hall will be closed, it is suggested that the date of the last Council meeting of December be changed to Monday, December 18th.

Policy Issue

Whether to change the date of the last Council meeting in December so there is no conflict with the Christmas holiday.

Staff Recommendation

Change the date of the last City Council Meeting of December from December 25th to December 18th.

Respectfully submitted,

William M. Christopher
City Manager

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, November 27, 2000.

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

The minutes of the November 13 and November 20, 2000 Council meetings were approved with no additions or corrections.

Mayor Heil accepted the Colorado Lottery People's Choice Award for the City's Sensory Park project.

Council appointed Mr. Ron Schaefer and Mr. David Westerlund to be Directors of the Westminster Legacy Foundation; accepted the resignations of Raymond Parsons from the Environmental Advisory Board and Colleen Peace from the Personnel Board; and appointed Mary Lindsey as an Alternate member to the Board of Adjustment; Carol DiGiacomo as an Alternate member and Bruce Vine as a Regular member to the Environmental Advisory Board; Wesley Underwood moved from Alternate to Regular member and Dennis Sargent as an Alternate member to the Personnel Board; Douglas Kennard as an Alternate member and Donna McMillan as a Regular member to the Special Permit and License; and Robert Belote as an Alternate member to the Transportation Commission.

Council approved the following: Wesley Chapel Cemetery Purchase and Sale Agreement; Open Space Purchase at 93rd Avenue and Wadsworth Parkway; Design Services Contract for McKay Lake Dam; and changed date of the last City Council meeting in December from December 25 to December 18.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH VIEWPOINT TECHNOLOGY CENTER. Purpose: Assistance agreement for off-site road improvements.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH SW SHERIDAN, LLC FOR THE REDEVELOPMENT OF THE RETAIL CENTER AT 8601 SHERIDAN BOULEVARD. Purpose: Assistance for redevelopment of the Shopping Center.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Appropriate FEMA Terrorism Consequence Management Preparedness Assistance Grant funds.

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

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

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE OPEN SPACE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND.

A BILL FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 2001 AND OTHER PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW.

A BILL FOR AN ORDINANCE AUTHORIZING THE AMENDING OF THE ASSISTANCE AGREEMENT WITH CHURCH RANCH HOTEL GROUP.

A BILL FOR AN ORDINANCE AMENDING CHAPTER 4 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING ACCESSORY BUILDINGS.

The following Resolutions were adopted by City Council:

Resolution No. 90 – Boards and Commissions Resignations and Appointments

Resolution No. 91 – Transfer of Funds for Wesley Chapel Cemetery Purchase as amended

Resolution No. 92 – Career Enrichment Park Master Plan Adoption

At 7:50 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on December 7, 2000