



WESTMINSTER
COLORADO

DECEMBER 8, 2003
7:00 P.M.

CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Recognition of Exemplary Volunteer Work
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. Quarterly Insurance Report July-September 2003
 - B. Emergency Management Program Grant
 - C. 2004 Capital Improvement Technical Staff Support Services
 - D. PVC and Ductile Iron Water Pipe Purchase
 - E. Crestview Water and Sanitation District Intergovernmental Agreement
 - F. 144th Avenue/Interstate 25 IGA with City of Thornton
 - G. CB No. 73 re Brauch Annexation (McNally-Dixion)
 - H. CB No. 74 re Brauch CLUP Amendment (McNally-Dixion)
 - I. CB No. 75 re Brauch Zoning (McNally-Dixion)
 - J. CB No. 76 re Local Law Enforcement Grant (Dixion-McNally)
 - K. CB No. 77 re Allocation of 2002 Carryover Revenues (Dittman-Kauffman)

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. TABLED Construction of Reclaimed Waterline Extension at 113th and Pecos
- B. Councillors Bill No. 78 re Slapshot Hockey Center Transfer of Lease of the Breakaway Center
- C. Public Hearing re Westminster Center Urban Renewal Area
- D. Resolution No. 52 re Westminster Center Urban Renewal Area
- E. Resolution No. 53 allocating Service Commitments for the year 2004
- F. Resolution No. 54 revising the City of Westminster Single-Family Detached Design Guidelines
- G. Resolution No. 55 revising the City of Westminster Single-Family Attached Design Guidelines
- H. Resolution No. 56 revising the City of Westminster Multiple-Family Design Guidelines
- I. Resolution No. 57 revising the City of Westminster Senior Housing Design Guidelines
- J. Public Hearing re amending WMC re off-street parking requirements for single-family attached
- K. Councillor's Bill No. 79 amending WMC re off-street parking requirements for single-family attached
- L. Councillor's Bill No. 80 re Vacation of a Portion of Reed Street Right-of-Way
- M. Pre-development Agreement Related to West 70th Avenue & Hooker Street (McDermott Properties)

- 11. Old Business and Passage of Ordinances on Second Reading**
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
 - A. City Council
 - B. Executive Session
- 13. Adjournment**

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 8, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present at roll call were Mayor Moss, Mayor Pro-Tem McNally, and Councillor Kauffman. Absent Councillors Dittman, Dixon, Hicks, and Price. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. At 7:55 p.m. Councillor Hicks arrived.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the first storm of the winter with snow removal beginning today and Westminster having the best road conditions in the metro area.

CITY COUNCIL COMMENTS

Councillor Kauffman commented on the Metro North Chamber of Commerce meeting addressing the fiscal restraints on education, the Transit Oriented Development presentation and congratulated Parks Staff on the train in the Christmas display.

Mayor Pro-Tem McNally commented on the Holiday Lighting ceremony, on the Boards & Commission interviews held on Friday and Saturday.

Mayor Moss reported on the Lucas Elementary school mock congressional hearings, on the US 36 Transit Coalition in Superior, on the DRCOG road funding, and on the BDC Train and railroad crossing.

RECOGNITION OF BETTY WHORTON

Mayor Moss and Police Chief Dan Montgomery, presented Betty Whorton with a plaque for recognition of Exemplary Volunteer Work.

At 7:30 p.m. Mayor Moss called a recess. The meeting reconvened at 7:55 p.m. when Councillor Hicks arrived.

CONSIDERATION OF MINUTES

Mayor Pro-Tem McNally moved, seconded by Councillor Hicks to approve the minutes of the meeting of November 24, 2003, at 7:00 p.m. with no corrections or additions. The motion carried unanimously.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Quarterly Insurance Report; Emergency Management Program Grant; 2004 Capital Improvement Technical Staff Support Services with RG Consulting Engineers not to exceed \$120,000; Purchase of PVC and Ductile Iron Water Pipe from National Water Works for \$59,604; Crestview Water and Sanitation District Intergovernmental Agreement; 144th Avenue/Interstate 25 IGA with City of Thornton; CB No. 73 re Brauch Annexation; CB No. 74 re Brauch CLUP Amendment; CB No. 75 re Brauch Zoning; CB No. 76 re Local Law Enforcement Grant; and CB No. 77 re Allocation of 2002 Carryover Revenues.

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

Mayor Pro-Tem McNally moved, seconded by Hicks to adopt the consent agenda items as presented. The motion carried unanimously.

COUNCILLOR'S BILL NO. 78 RE SLAPSHOT HOCKEY TRANSFER OF LEASE

Councillor Hicks moved, seconded by Kauffman to as an emergency ordinance authorizing the transfer of the remainder of the lease term for the Breakaway Center (with the noted changes) dated August 6, 2001, from Inline Endeavors to the Slapshot Hockey Center Inc. of Richardson Texas. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING WESTMINSTER CENTER REINVESTMENT STUDY/URBAN RENEWAL PLAN

At 7:58 p.m. the public hearing was opened for the Westminster Center Reinvestment Study and Urban Renewal Plan. Aaron Gagne, Capital Projects Coordinator, entered the following information into the record: a copy of the Agenda Memorandum, and other related items. Richard Anema, 4895 W 93rd Ave, Gil Friesen, 4894 W 93rd Ave, and David Masters, 88th & Sheridan, addressed Council. The public hearing was declared closed at 8:15 P.M.

RESOLUTION NO. 52 RE WESTMINSTER CENTER URBAN RENEWAL PLAN

Councillor Kauffman moved, seconded by Hicks to adopt Resolution No. 52 adopting the Westminster Center Urban Renewal Plan and direct Staff to commence the implementation of the Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 53 RE SERVICE COMMITMENTS FOR THE YEAR 2004

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 53 allocating Service Commitments for the year 2004 to the various categories of the Growth Management Program including Service Commitments for residential competitions for new single-family detached, single-family attached, multi-family, senior housing, and traditional mixed use neighborhood developments. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 54 RE WESTMINSTER SINGLE-FAMILY DETACHED DESIGN GUIDELINES

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 54 revising the City of Westminster Single-Family Detached Design Guidelines. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 55 RE WESTMINSTER SINGLE-FAMILY ATTACHED DESIGN GUIDELINES

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 55 revising the City of Westminster Single-Family Attached Design Guidelines. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 56 RE WESTMINSTER MULTIPLE-FAMILY DESIGN GUIDELINES

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 56 revising the City of Westminster Multiple-Family Design Guidelines. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 57 RE WESTMINSTER SENIOR HOUSING DESIGN GUIDELINES

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 57 revising the City of Westminster Senior Housing Design Guidelines. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE AMENDMENT TO OFF-STREET PARKING REQUIREMENTS

At 8:18 p.m. the public hearing was opened for the amendments to the Westminster Municipal Code pertaining to off-street parking requirements for single-family attached projects. Shannon Sweeney, Planning Coordinator, entered the following information into the record: a copy of the Agenda Memorandum, and other related items. No one spoke in opposition. The public hearing was declared closed at 8:20 P.M.

COUNCILLOR'S BILL NO. 79 RE AMENDMENT TO OFF-STREET PARKING REQUIREMENTS

Councillor Hicks moved, seconded by McNally, to pass Councillor's Bill No. 79 on first reading amending Title XI, Chapter 7 of the Westminster Municipal Code pertaining to off-street parking requirements for single-family attached projects. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 80 RE VACATION OF PORTION OF REED STREET RIGHT-OF-WAY

Councillor Kauffman moved, seconded by McNally, to pass Councillor's Bill No. 80 as an emergency ordinance, vacating a portion of Reed Street Right-of-Way within the Mandalay Town Center Property. Upon roll call vote, the motion carried unanimously.

PREDEVELOPMENT AGREEMENT RE W 70TH AVE/HOOKER ST PARCEL ACQUISITION

Mayor Pro-Tem McNally moved, seconded by Kauffman, to approve a pre-development agreement with McDermott Properties, LLC relative to acquisition and development of a 7-acre parcel of land generally located at West 70th Avenue and Hooker Street (Attachment A) for the purpose of developing "workforce" housing in conjunction with the City's south Westminster transit-oriented development (TOD) project.

Councillor Hicks moved to TABLE this item to the December 22, 2003 meeting. The motion failed for lack of a second.

The motion to approve the pre-development agreement carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss two land negotiations.

ADJOURNMENT:

The meeting was adjourned at 8:25 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Recognition of Betty Whorton

Prepared By: Tim Torres, Police Department Investigator

Recommended City Council Action:

Present the recognition plaque to Betty Whorton.

Summary Statement

Since 1997, Betty Whorton has been involved in volunteer work for the Westminster Police Department and is currently a volunteer for the City of Westminster. Betty has selflessly dedicated her free time to various projects and programs associated with the Westminster Police Department, as well as several community related functions. Betty Whorton is truly the benchmark for volunteers. City Council is requested to present a plaque to Betty in recognition for her time and dedication to the City of Westminster and the Westminster Police Department.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issues

No policy issue identified

Alternatives

No alternatives identified.

Background Information

Betty Whorton has been involved in volunteer work for the City of Westminster, the Police Department and the community since 1997, and she is currently a volunteer for the City of Westminster. Betty was one of the original graduates of the Westminster Police Department Citizen's Academy. Shortly thereafter, she was elected to the Westminster Citizen's Police Academy Alumni Board of Director (WCPAAA). As a board member and volunteer, Betty Whorton has selflessly dedicated her free time to various projects and programs associated with the Westminster Police Department. She has also been contributing her time to several community related functions. Some of areas of her involvement include but not are limited to:

- Volunteer instructor in Citizen's Academy Traffic Stops
- Member of the Board of Directors for the "911 Recognition Foundation"
- Member of the Board of Directors for the Westminster Citizen's Police Academy Alumni Association since 1998
- Volunteer for this year's FBI National Academy Association Conference in Colorado Springs, CO
- Westminster Police Department volunteer for scenario based training for S.W.A.T. and Defensive Tactics Program
- Current volunteer member of the Westminster Police Department Internal Affairs Review Team
- Member of the 17th Judicial District Nominating Committee
- Member of the Westminster Literacy Boosters Organization
- Member of the Board of Directors for the Adams County Sheriff's Office Employees Orphan Foundation
- Westminster Police Department building tour coordinator

These are only some of the areas where Betty Whorton has volunteered her time in an effort to assist the City of Westminster, the Westminster Police Department and the community in general. No matter what project or program Betty is volunteering for, she brings a high level of enthusiasm and commitment.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Quarterly Insurance Report: July - September 2003

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action:

This report requires no action at this time.

Summary Statement:

- The attached document provides detailed information on each claim including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer acting as the City Manager's designee has the authority to settle claims of less than \$30,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjustor and settlement of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issues

None identified.

Alternatives

None identified.

Background Information

Information on the status of each claim received during the second quarter is provided on the attached spreadsheet.

For the third quarter to date, Staff has noted the following summary information:

- Only five of the 39 claims reported in the first and second quarters of 2003 remain open at this time.
- Eight of the 11 claims reported in the third quarter of 2003 have been paid or denied and are now closed.
- Total claims for the quarter and year-to-date breakdown by department as follows:

Department	3rd Qtr 2003			YTD
	Total Claims	Open	Closed	Total
Fire	1	0	1	4
CD	0	0	0	1
Police	3	1	2	12
PR&L	3	0	3	12
PWU - Streets	3	1	2	18
PWU - Utilities	1	1	0	3
TOTAL	11	3	8	50

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

Claim	DOL	Dept	Claimant	Address	Description	Reserves	Payments	Status*	Notes
2003-323	02-Jul-03	PWU - St	Michelle Lucero	1755 W 51st Ave Denver CO 80221	Claimant alleges an object thrown up by a City truck she was following, hit and broke her vehicle windshield.	\$0	\$0	C	Denied based on lack of negligence on the City's part.
2003-332	14-Jul-03	PRL	Cerida and Ben Gagliardi	7103 Elati St Denver CO 80021	Claimants allege a City employee using a grass trimmer flipped a rock up and damaged a window in their vehicle as they were driving by.	\$0	\$0	C	Denied based on Colorado Governmental Immunity Act.
2003-337	15-Jul-03	PWU - Util	Lynn Scanlon	13822 68th Way Arvada CO 80004	Employee driving a City truck changed lanes into the claimant's vehicle	\$11,000	\$3,312	O	
2003-477	30-Jul-03	PWU - St	Renee Szafranski	7495 70th Ave Arvada CO 80003	Claimant alleges damage to her vehicle caused from driving over a loose manhole cover.	\$0	\$0	C	Denied based on Colorado Governmental Immunity Act.
2003-439	31-Jul-03	PWU - St	Arbor Valley Nursery	15300 E 132nd Ave Brighton CO 80601	Claimant alleges damage to semi tractor caused from driving over loose manhole cover	\$4,805.	\$1,090	O	Unable to deny based on Colorado Governmental Immunity Act since City had been put on notice of possible hazardous condition with the previous claim (Szafranski) and failed to respond timely.
2003-529	05-Aug-03	PRL	John D Ellard	11842 Vallejo St Westminster CO 80234-2410	Claimant alleges his retaining wall and fence were damaged as a result of landscaping changes made to the Park behind his house.	\$0	\$0	C	Denied based on Colorado Governmental Immunity Act.
2003-440	10-Aug-03	PRL	Marisol Cantu	3114 W Gill Pl Denver CO 80219	Claimant, a 7-year-old, slipped on swimming pool deck and cut her head.	\$0	\$0	C	Denied based on Colorado Governmental Immunity Act.
2003-437	12-Aug-03	PD	Ascension DelRio	10828 Alcott Circle Westminster CO 80030	Officer failed to remove stop sticks used to successfully stop a fleeing suspect completely from the roadway. Claimant's vehicle was damaged when she drove over the sticks.	\$184	\$184	C	
2003-507	18-Sep-03	Fire	Pamela Simons	P O Box 416 Lafayette CO 80026	Claimant alleges Fire paramedics stole her cash from her purse during transport to the	\$0	\$0	C	Claimant also filed charges through Wheat Ridge PD against Lutheran Hospital staff. Security staff at Lutheran later admitted to

					hospital.				the theft.
2003-516	18-Sep-03	PD	June Kelly	9980 Grove St #A Westminster CO	Claimant's vehicle was rear ended by Officer driving City vehicle.	\$658	\$658	C	
					SUBTOTAL	\$16,647	\$5,243		

CLAIMS SUBMITTED IN 3RD QUARTER WITH OCCURANCE DATES PRIOR TO 3RD QUARTER 2003

2003-491	10-Apr-02	PD/N MTF	Barbara Adriaens	9866 Lane St Thornton CO	Claimant alleged damages suffered during a strip search conducted as part of a decontamination process during the execution of a search warrant seeking evidence of a meth lab by the North Metro Drug Task Force.	\$0	\$0	O	CIRSA investigating. Thornton, Adams County, Westminster, Commerce City, Federal Heights, Northglenn, Broomfield and Brighton all put on notice for this claim.
					SUBTOTAL	\$0	\$0	*O = Open	
					GRAND TOTAL	\$16,647	\$5,243	*C = Closed	



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Emergency Management Program Grant

Prepared By: Mike Reddy, Emergency Management Coordinator

Recommended City Council Action

Authorize staff to submit a Local Emergency Management Support (LEMS) Grant Application to the Colorado Office of Emergency Management.

Summary Statement

- The Federal Emergency Management Agency, through the Colorado Office of Emergency Management, is offering Local Emergency Management Support (LEMS) Grants to municipalities for administrative support and expenses related to the emergency management programs.
- Funding requires soft match that can be achieved through existing budgeted funds for the emergency management program.
- Funds are made available on a cost reimbursement basis through quarterly submittals.
- An annual program paper and quarterly reports are required.
- Funding for municipal programs ranges from \$18,750 - \$40,000 based on population and federal appropriations.
- Once the funding level is established for local jurisdictions, the state will set aside that amount for future years.

Expenditure Required: \$0.00
Additional City of Westminster funds are not required to receive this grant.

Source of Funds: Federal Emergency Management Agency

Policy Issue

Should the City of Westminster apply for LEMS grant funds and continue to participate in the grant program in future years as funds are made available? Should the City use emergency management program budgeted fund match for the LEMS grant?

Alternatives

The City of Westminster may choose not to pursue LEMS grant funds, continuing to fund the emergency management program without federal financial support.

Background Information

The Federal Emergency Management Agency, through the Colorado Office of Emergency Management, is offering Local Emergency Management Support (LEMS) grants to municipalities with established emergency management programs. Funds may be used for program operations, salary and benefits, related to the emergency management program. The grant program has provided funding to counties and, more recently, municipalities to support local government emergency management priorities. Recently, municipal governments with populations over 100,000 have been allowed to apply due to increased federal appropriations. At present, Colorado Springs, Aurora, Lakewood and Ft. Collins participate in the program and receive federal funds ranging from \$18,750 to \$40,000 depending on population. The LEMS grant program is relatively flexible; allowing staff to continue to meet City established program priorities and still comply with the program requirements.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: 2004 Capital Improvement Technical Staff Support Services

PREPARED BY: Diane M. Phillips, Capital Improvement Projects Coordinator
Ron Hellbusch, Director of Public Works and Utilities

Recommended City Council Action

Authorize the City Manager to execute a contract with RG Consulting Engineers, Inc. to provide technical assistance for the Capital Improvement Projects Program for 2004 in an amount not to exceed \$120,000.

Summary Statement

- Public Works and Utilities Capital Improvement Projects (CIP) Program is under the general direction of the CIP Coordinator and with technical engineering and management support provided by outsourced private sources.
- Public Works and Utilities has found it is cost effective to have a broad depth of skills provided by an outside consulting firm for CIP staff support services.
- Request for Proposals were sent to seven engineering consulting firms for 2004 CIP technical staff support services.
- Two firms submitted proposals. RG Consulting Engineers, Inc. (the City's current consultant) proposed the lowest cost, with all the required technical services, combined with the most experience.
- RG Consulting Engineers, Inc. has done a good and thorough job providing technical and management CIP staff assistance in 2003.
- It is recommended that the City contract with RG Consulting Engineers, Inc. in 2004 to provide Public Works and Utilities CIP Program technical staff support services.

Expenditure Required: Not to exceed \$120,000

Source of Funds: 2004 Utility CIP Fund Account

Policy Issue

Should the City award a not to exceed contract to RG Consulting Engineers, Inc. (RGCE) for Capital Improvement Staff Support Services in the amount of \$120,000 in 2004.

Alternative

The City could add additional staff to assist with the management of the Capital Improvement Program. By using a consulting firm, the City can eliminate the need for varied technical permanent positions. In addition, there is a cost savings by only calling for contract services when a capital project requires support.

Background Information

The Public Works and Utilities Department underwent a reorganization in 1998 whereby all of the Utilities, Water Resources and Treatment Capital Projects were placed under the general direction of the Capital Improvement Projects Coordinator. The 2004 budget for these capital projects is \$20,550,000. In addition to the 2004 budgeted projects, the MSC Satellite Facility and Salt Storage Expansion, the North Huron Reclaimed Line Extension, the Silo Pump Station, the England Waterline are all key projects that will be managed in 2004.

Public Works and Utilities retained the services of RGCE on a trial basis during 1998 to assist with the Capital Improvement Program. At that time RGCE was the only firm contacted that would agree to the condition imposed by the City that the firm chosen to provide CIP assistance would not be allowed to propose for the design of capital projects due to an obvious conflict of interest. In 1999 through 2003 RGCE worked under contract and successfully provided CIP assistance. The Department believes that this method of providing technical and management assistance has worked well and provides a broad depth of skills that are available as needed.

Public Works and Utilities Staff conducted a Request for Proposal (RFP) process to evaluate the most prudent services available to assist with the Capital Improvement Program for 2004. RFP's were sent to seven various engineering firms that might provide both the needed technical engineering and CIP management skills. Technical skills that are needed include computer modeling, highly technical engineering design evaluation, surveying, project planning, and operation and maintenance and construction trouble shooting experience. Management skills that are needed include agency and City Staff coordination, construction management oversight, budgeting and bidding process experience.

The two firms that submitted proposals include Merrick and Company and RG Consulting Engineers, Inc. Rates per hour for their services are listed below.

Merrick and Company:

Project Management Services	\$130
Construction Management Services	\$105
Other Technical and Management Support	\$95

RG Consulting Engineers, Inc.:

Project Management Services	\$115
Construction Management Services	\$100
Other Technical and Management Support	\$100

RG Consulting Engineers, Inc. had both the lowest cost and the most technical and management experience providing this type of CIP support service. They have provided similar on-call client services of this type for over 15 years to Parker, Edgewater, Superior, Lafayette, City and County of Denver, Black Hawk, Castle Rock and other organizations. RGCE is familiar with the City's policies, procedures, staff and utility systems and has proven that they have technical staff and can do a very good job at providing Capital Improvement Staff Support Services to the City.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Purchase of PVC and Ductile Iron Water Pipe

Prepared By: Richard A. Clark, Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Recommended City Council Action

Award the bid for PVC and Ductile Iron water pipe to the low qualified bidder, National Water Works in the amount of \$59,604.

Summary Statement

- The Purchasing Division issued formal bids for PVC and Ductile Iron water pipe in November, 2003.
- There were four bids received, with the lowest responsible bid from National Water Works.
- City Council is requested to authorize the purchase of PVC and Ductile Iron water pipe in the amount of \$59,604.
- Funds were budgeted and are available for this purchase.

Expenditure Required: \$59,604

Source of Funds: 2003 Utilities Fund, Public Works and Utilities Department, Utilities Division Operating Budget

Policy Issue

Should the City accept the bid submitted by National Water Works for the PVC and Ductile Iron water pipe.

Alternative

The alternative would be not to purchase the PVC and Ductile Iron water line pipe for 2003, and delay needed water line replacements. This would increase the risk of pipe failures and increase customer water supply interruptions.

Background Information

The PVC and Ductile Iron water pipe will be utilized by the Utilities Division Construction Crew water line replacement program. This program was established in order to reduce the frequency and number of water line failures that customers experience in the City's water distribution system. This bid was for 11,740 feet of pipe.

The Utilities Division construction crew replaces approximately four miles of deteriorated ductile and cast iron pipe per year with the PVC pipe, which performs much better in the soil conditions found in the City. The ductile iron pipe being purchased this year will be utilized for fire hydrant lead lines to ensure maximum strength against vehicles hitting the hydrants and breaking the adjoining water line.

Bids were received from four vendors. These vendors included:

National Water Works	\$59,604
Huges Supply	\$60,041
Dana Kepner	\$62,228
C.P.S.	\$66,522

The proposal from Waterworks Sales meets the specifications and requirements set by the City. The items to be purchased are: 550 each 8" x 20' PVC pipe, at \$4.98/foot; 10 each, 6" x 20' PVC pipe, at \$2.97/foot; and 30 each 6" x 18' Ductile Iron pipe, at \$7.83/foot.

In comparison, the per-foot pipe cost for this PVC water line pipe in 2002 was \$4.87/foot for the 8-inch pipe and \$3.10/foot for the 6-inch pipe. Since the PVC water pipe is made with petroleum products, the rise and decline of oil prices can drastically affect the price-per-foot paid for the PVC water pipe.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Crestview Water and Sanitation District Intergovernmental Agreement

Deleted: ¶

Deleted: (IGA)

Prepared By: Richard A. Clark, Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Recommended City Council Action

Authorize the Mayor to sign an Intergovernmental Agreement (**IGA**) with Crestview Water and Sanitation District to allow a portion of the City of Westminster's sewer system to flow into the Crestview collection system in the event of a failure of the Shadow Ridge Lift Station at 80th Avenue and Clay Street.

Summary Statement

- City Staff and representatives of Crestview Water and Sanitation District met earlier this year to discuss the possibility of connecting the Westminster sewer system to the Crestview collection system to be used in the event of a possible overflow/failure at the Shadow Ridge Lift Station.
- Westminster would design and construct the appurtenances and facilities required to make the sewer connection. This includes an 8-inch PVC sewer to provide for the overflow and a new manhole on the Crestview sewer.
- Westminster will be responsible for any maintenance or repairs needed for the sewer connection. Annual inspections will be completed to determine the condition of the sewer connection.
- Crestview has reviewed the IGA and will recommend formal approval at its Board meeting on December 10, 2003.

Expenditure Required: \$34,133 (for design and construction of the connection to Crestview)

Deleted: \$ 0

Source of Funds: Water and Sewer CIP Fund, Project: Major Wastewater Management System Repairs and Replacements

Deleted: N/

Deleted: A

Deleted: SUBJECT: Intergovernmental Agreement with Crestview Water and Sanitation District<sp> Page 3¶

Policy Issue

Should the City enter into an Intergovernmental Agreement (IGA) with Crestview Water and Sanitation District to provide for an emergency sewer connection located at 80th Avenue and Clay Street.

Alternative

Delay the approval of the IGA with Crestview and associated sewer connection project work to a later time. This would leave the City responsible for any sewer overflow caused by failure of the Shadow Ridge Lift Station.

Background Information

Over the last few years, Utilities Staff have responded to emergency sewer overflows and failures at the Shadow Ridge Lift Station, located at 80th Avenue and Clay Street. In order to provide a positive means to deal with any future sewer system emergencies at the Shadow Ridge Lift Station, staff has contacted the Crestview Water and Sanitation District and discussed the possibility of making a sewer connection into the Crestview sewer system that would provide for handling any emergency overflow/failure at the Shadow Ridge Lift Station. Representatives of the Crestview Water and Sanitation District have agreed to allow the City to construct a sewer bypass line between the systems based on the terms and conditions set forth in the IGA (attached).

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The City would be responsible for the design and construction required to effectuate the sewer connection, along with routine maintenance and any repairs as needed. Any sewer flows handled by Crestview will be billed at the lowest commercial rate of Crestview and billed to the City. The connection will only be active in the event of a actual failure at the Shadow Ridge Lift Station.

Staff is recommending that this IGA be approved to allow for the sewer connection to the Crestview sewer system to handle any emergency overflows in this area. This connection will provide for improved service to the area, along with eliminating any possible health and safety issues that could arise from a sewer system failure at the Shadow Ridge Lift Station. This proposal is the least costly solution to prevent future lift station overflows. The construction contract for this project has already been awarded as part of the 2003 Sanitary Sewer System Improvements project awarded by City Council to American West LLC on September 22, 2003. The contract amount is \$76,997, of which \$34,133 is for the Crestview connection.

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The Utilities Division has previously entered into an IGA with the Crestview Water and Sanitation District to provide emergency water connections between the water systems servicing residents of both agencies and has utilized the agreement numerous times to benefit area residents in providing potable water when necessary.

The attached IGA, authorizing the sewer connection between the City and Crestview Water and Sanitation District, has been reviewed by Utilities Staff, the City Attorney's Office, and Crestview Staff. The Board of Directors of the Crestview Water and Sanitation District is expected to approve this IGA at its next meeting on December 10, 2003.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

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INTERGOVERNMENTAL AGREEMENT

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Intergovernmental Agreement with
Crestview Water and Sanitation
District<sp> Page 3¶
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This AGREEMENT is made and entered into this 10th day of December 2003, by and between the CITY OF WESTMINSTER, COLORADO, hereinafter referred to as "Westminster", and CRESTVIEW WATER AND SANITATION DISTRICT, hereinafter referred to as "Crestview" and hereinafter referred to collectively as "Parties".

WITNESSETH

WHEREAS, the parties are authorized by Colorado Constitution, Article XIV, Section 18 and C.R.S. Section 29-i-201 et seq., to enter into cooperative agreements to provide to each other any function, service, or facility lawfully authorized to each of them; and

WHEREAS, both Westminster and Crestview operate sanitary sewer systems for the benefit of their respective citizens and customers; and

WHEREAS, in the event of emergency, as hereinafter defined, said Parties deem it desirable to provide for the possible overflow/failure at the Shadow Ridge Lift Station; and

WHEREAS, in order to facilitate a sewer connection between the respective systems, it is the desire of the Parties to construct a sanitary sewer bypass line between their systems upon the terms and conditions hereinafter appearing.

NOW, THEREFORE, in consideration of the covenants and agreements below, the parties agree as follows:

1. DESCRIPTION OF PROJECT. The project is to provide a gravity sewer overflow to allow the City of Westminster's sewer system to flow into the Crestview Water and Sanitation District collection system in the event of a failure of the Shadow Ridge Lift Station.
2. DESIGN AND CONSTRUCTION. Westminster shall act as the contracting agent for both design and construction of other appurtenances and facilities required to effectuate the sewer connection. Crestview shall approve the design before the project is let for bid. The City shall have all necessary survey work done, design an 8-inch PVC sewer to provide for the overflow and construct a new manhole on the Crestview sewer.
3. MAINTENANCE. Westminster shall be responsible for the routine maintenance of the sewer connection located in the vicinity of 80th Avenue and Clay Street. All repairs other than routine maintenance and replacement must first be approved by both Parties. Costs for repair and replacement shall be the responsibility of the City of Westminster. The sewer connection shall be inspected annually by personnel from Crestview and Westminster in order to determine the condition of the sewer connection
4. METERING AND RATES. Sewer flows shall be estimated based on the average flows to the lift station on the date(s) prior to the use of the overflow and the duration for which the overflow occurs. All sewer flows going through the connection shall be billed at the lowest commercial rate of Crestview, which is presently \$2.12 per thousand gallons. Payment shall be made to Crestview within thirty (30) days after date of billing.
5. OPERATION. The sewer connection may be used by Westminster only. In the event of an emergency, which shall include extraordinary maintenance operations or any occurrence within either party's sewer system, that may result in curtailment or interruption of sewer services to customers of the respective parties, notification shall be made to the representatives listed under paragraph 6. Also, for purposes of this Agreement, the term "emergency" is defined as a force main break, a pump failure, sewer blockage, any unforeseen system or mechanical failure of the sewer system. In the event of any such emergency, Westminster shall notify Crestview by telephone concerning the estimated time period of said

need, with confirmation in writing within 5 working days. The sewer connection shall be operated only with representatives of both municipalities present. Delivery of flow through the connection shall be subject to the availability of capacity in the sewer system with that determination resting solely in the reasonable discretion of Crestview.

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Intergovernmental Agreement with
Crestview Water and Sanitation
District<sp> Page 3¶
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The sewer connection will be built to the current Westminster specifications for handling gravity sewer overflows and in accordance with Exhibit A attached.

An 8-inch PVC sewer will be installed for the overflow and a new manhole will be added to the Crestview sewer.

6. NOTICE OF EMERGENCY. Westminster shall notify Crestview to the following representatives of the Parties:

WESTMINSTER - PRIMARY CONTACT

WESTMINSTER - SECONDARY CONTACT

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NAME: Richard A. Clark, P.E.
Utilities Operations Manager
ADDRESS: 6575 West 88th Avenue
Westminster, CO 80031
TELEPHONE: (303) 430-2400, Extension 2507
AFTER HOURS: (303) 430-2400, Extension 2447

NAME: Bob Booze
Utilities Services Supervisor
ADDRESS: 6575 West 88th Avenue
Westminster, CO 80031
TELEPHONE: (303) 430-2400, Extension 2532
AFTER HOURS: (303) 430-2400, Extension 2447

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CRESTVIEW - PRIMARY CONTACT

CRESTVIEW - SECONDARY CONTACT

NAME: William R. Roecker
District Manager
ADDRESS: 7145 Mariposa Street
Denver, CO 80221
TELEPHONE: (303) 429-1881
AFTER HOURS: (303) 452-9472

NAME: Mitch Terry
Utility Superintendent
ADDRESS: 7145 Mariposa Street
Denver, CO 80221
TELEPHONE: (303) 430-1660
AFTER HOURS: (303) 434-2982

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7. TERM. The term of the Agreement shall be for thirty (30) years from the date hereof, but shall be deemed to be automatically extended thereafter from year to year in the absence of written notification. This Agreement may be terminated at will by either Party upon thirty (30) days written notice to the non-terminating Party.

In the event of termination of this Agreement by either Party, the meter, pipes, valves and other items of equipment that constitute a physical sewer connection sites shall be removed.

8. This Agreement is entered into in accordance with the charters and ordinances of the City of Westminster and rules and regulations of Crestview Water and Sanitation District and any provision hereof not in compliance with said charters and ordinance shall be void and of no effect.

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CITY OF WESTMINSTER

By: _____
Ed Moss

Mayor _____
ATTEST

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Michelle Kelly
City Clerk

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Intergovernmental Agreement with
Crestview Water and Sanitation
District<sp> Page 3¶
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APPROVED AS TO LEGAL FORM:

City Attorney

CRESTVIEW WATER AND SANITATION DISTRICT

By: _____
President

ATTEST:

Secretary

APPROVED AS TO LEGAL FORM:

Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: 144th Avenue/Interstate 25 Interchange IGA with the City of Thornton

Prepared By: Susan F. Grafton, Economic Development Manager

Recommended City Council Action

Authorize the Mayor to sign an Intergovernmental Agreement (IGA) between the Cities of Thornton and Westminster to share the cost and cooperate on the design of the proposed interchange at 144th Avenue and Interstate 25.

Summary Statement

- The Cities of Thornton and Westminster have a strong interest in the planning and development of the I-25 Corridor and have shared the costs of the 136th Avenue Interchange, scheduled for completion in summer 2004.
- The Project Level Feasibility Study for the 144th Avenue Interchange is now complete and was approved by the Colorado Department of Transportation in November 2003.
- This IGA provides for the City of Westminster and the City of Thornton to cooperate and share the cost for the design of the 144th Avenue Interchange.
- The IGA has been reviewed and approved by the City Attorney's offices of Westminster and Thornton.
- Thornton is scheduled to take action on the IGA during their council meeting on December 16.

Expenditure Required: \$750,000 (this is 50% of the total cost, with the City of Thornton paying the remaining portion)

Source of Funds: General Capital Improvement Fund, 144th Avenue Interchange Account

Policy Issues

Should the City of Westminster continue in its efforts to construct a new interchange at 144th Avenue and Interstate 25; and further to formalize that commitment in an Intergovernmental Agreement with the City of Thornton.

Alternative

Do not authorize the execution of the Intergovernmental Agreement. This is not recommended because Westminster will benefit equally from the construction of the interchange, which is needed to relieve traffic and provide areas for future development.

Background Information

Staff from the Cities of Thornton and Westminster began joint planning of the 136th Avenue interchange with I-25 several years ago. Both cities are equally interested in advancing the approvals and progress of new 144th Avenue Interchange and confirming its place on the Denver Regional Council of Government's Regional Transportation Plan. The required Systems Level Feasibility Study of the 144th Avenue interchange was completed in 2001. The Project Level Feasibility Study was completed this year and determined that a diamond interchange design is the preferred alternative for 144th Avenue and I-25. The Colorado Department of Transportation and the Federal Highway Administration have approved moving ahead on the 144th Interchange project. The next step is to design the new interchange.

With Council's approval of the attached Intergovernmental Agreement, staff will immediately complete the Project Scope and initiate the RFP process for selection of the design consultant. Once the design consultant is selected and the design is completed, it is anticipated that construction will begin during the spring of 2005, with the interchange being complete by September 2006.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: IGA with City of Thornton for the Design of the 144th Avenue Interchange

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF THORNTON AND THE CITY OF
WESTMINSTER FOR THE DESIGN OF THE
144TH AVENUE AND INTERSTATE 25 INTERCHANGE

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this ___ day of _____, 2003, by and between the City of Thornton, a home rule municipal corporation ("Thornton") and the City of Westminster, a home rule municipal corporation ("Westminster") (or collectively referred to as the "City or Cities, Party or Parties").

WITNESSETH

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution and Sections 29-1-201, et seq., and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, the growth of residential and commercial development along I-25 is a matter of local concern to the Cities and such concern affects the health, safety and welfare of the citizens of each of the Cities; and

WHEREAS, the Cities along with the City of Broomfield entered into an Intergovernmental Agreement dated June 18, 1997, to jointly fund the North I-25 Corridor Study, Phase I, that evaluated each of the Cities needs, the possible locations for future I-25 interchanges and recommended, among other things, an interchange at 144th Avenue; and

WHEREAS, the Cities are parties to that certain "Interstate 25 Corridor Growth Area Intergovernmental Agreement," dated July 10, 2000 (the "Revenue Sharing Agreement") which provides among other things, for the sharing of sales and use tax revenues within the I-25 Corridor between 132nd Avenue to the south, 150th Avenue to the north, Huron Street to the west and Washington Street to the east; and

WHEREAS, Thornton has entered into an agreement with Washington Group International, Inc. successor in interest to MK Centennial to perform Feasibility Studies and Environmental Assessment for the 144th Interchange ("Planning Studies"); and

WHEREAS, the Cities desire to enter into an agreement for the design of the 144th Avenue Interchange ("the Project") in accordance with the provisions contained herein.

NOW, THEREFORE, in consideration of the promises and conditions contained herein the Cities hereto agree as follows:

I. PRELIMINARY REQUIREMENTS

Upon completion of the Planning Studies, Thornton shall submit the Planning Studies to CDOT for approval. Upon completion of the Planning Studies, Thornton shall invoice Westminster for 50% of the Planning Studies costs. Westminster shall remit such amount to Thornton within 30 days of receipt of such invoice.

II. DESIGN ADMINISTRATION

A. The Parties shall jointly develop and approve a scope of work for the design of the Project ("Scope") and a time line by which to send out the Request for Proposals, award the contract and issue the notice to proceed, Thornton will use its best efforts to award the Design Contract no later than 60 days after the opening of the proposals subject to any occurrences related to the bids beyond the control of Thornton. The Design Consultant shall be selected by mutual agreement of the Parties. A notice to

proceed with the design shall be issued after the Design Consultant is selected pursuant to paragraph III B.

1. The Project scope (“Scope”) shall include the design of the 144th Interchange at I-25 as well as streets, street lighting sidewalks, storm water drainage, utilities, landscaping and traffic signalization improvements to 144th Avenue west to Huron Street and east to Washington Street. The Scope shall be prepared in strict compliance with Federal Highway Administration, the Colorado Department of Transportation, the City of Thornton Standards and Specifications for those improvements located in Thornton, and the City of Westminster Standards and Specifications for those improvements located in Westminster.

2. The Scope shall include surveying and development of legal descriptions of the right of way acquisition requirements for the Project consistent with the approved design.

3. The Design Contract shall provide that time is of the essence in completing the final design of the Project and that the Design Consultant will pursue the final design of the Project with all due diligence.

B. Thornton shall administer the Design Contract and award the contract to the jointly selected professional Design Consultant. Concurrence on the completed design shall be evidenced by exchange of letters from each City to the other accepting the Design Consultant’s design pursuant to the notice provisions provided in Section VI herein. Both Parties shall jointly own the work product of the Design Consultant.

C. The Parties shall share equally in the costs of the Design Contract in accordance with Section III herein.

D. Thornton and Westminster shall each designate a City Representative who shall oversee the Project on behalf of each City. The Cities recognize that it is an important goal that decisions are promptly made in order to avoid delays and/or additional costs on the Project and to that end, each City will delegate sufficient authority to its City Representative to enable each to meet that goal. Each City Representative shall remain current on all events impacting the Project and shall promptly respond to all issues such that the Project is not adversely impacted.

III. DESIGN CONTRACT FUNDING

A. Each Party shall provide written notices to the other that provides that it has appropriated sufficient funds or has approved another payment mechanism to pay all of costs of the Project prior to awarding the Design Contract.

B. Subject to paragraph III.D. below, the Parties shall share equally in the costs of the Design Contract. Upon selection of a mutually approved professional consultant, Westminster shall deposit with Thornton its share of the Design Contract. Thornton shall issue a notice to proceed upon receipt of the funds.

C. In the event that the deposited funds are insufficient to cover the anticipated financial obligation for the Design Contract, Westminster shall pay to Thornton additional and sufficient funds in an equal amount to that allocated by Thornton within thirty (30) days of notification. Upon termination of this Agreement, any unexpended funds shall be returned to the Cities in an amount according to the pro-rated share contributed.

1. If Westminster requests that the Parties agree to begin the design prior to the issuance of the Finding of No Significant Impact (“FONSI”), Westminster also agrees to be responsible for any costs associated with design modifications attributable to the issuance of a notice to proceed to the Design Consultant prior to the issuance of a FONSI for the Project, should such issuance result in additional costs for redesign.

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IV. CONSTRUCTION

A. It is the intent of the parties to diligently pursue and complete the construction of the Project immediately following the completion of the final design for the Project and the attainment of all necessary Colorado Department of Transportation and other governmental approvals.

B. The parties agree to negotiate in good faith an intergovernmental agreement for the construction of the Project (the "Construction IGA") such that the Construction IGA can be approved by the Cities no later than the completion of design and prior to the bidding of the construction project.

C. Subject to paragraph IV.D. below, the material terms of the Construction IGA shall be substantially similar to the material terms of the IGA previously entered into by the Cities with respect to the construction of the 136th Interchange.

D. If the Construction IGA contains a funding provision whereby one Party funds the construction of the 144th Interchange, the funding Party shall receive reimbursement of the other Party's share of the funds that the non-funding Party is entitled to under the Revenue Sharing Agreement unless otherwise provided.

V. TERM

This Agreement shall terminate the earlier of: a) in the event Thornton does not receive CDOT approval of the Planning Study; b) in the event that the Parties are unable to agree on the design of the Project; c) funds for the Design Contract are not appropriated by either Party; or d) as otherwise agreed upon by the Cities as provided in Article X herein; or (e) the 144th Interchange is not constructed within three (3) years after approval of the Project Feasibility Study by the Colorado Transportation Commission.

VI. NOTICE

Any notice required by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing, to the other Party or Cities. Such notice shall be deemed to have been given when deposited in the United States mail.

City of Thornton
City Manager
9500 Civic Center Drive
Thornton, CO 80229

City of Westminster
City Manager
4800 West 92nd Avenue
Westminster, CO 80030-6399

VII. DISPUTE RESOLUTION

In the event of any disagreement associated with the Project and prior to the commencement of any formal proceedings, the Parties shall continue performance as set forth in this Agreement and the City Representatives in good faith shall attempt to resolve the dispute. In the event the City Representatives are unable to reach agreement and one of the City Representatives concludes that a good faith amicable resolution through continued negotiation of the matter at issue does not appear likely, such City Representative shall notify the other Party in writing.

In the event the Cities reach such an impasse relating to a decision or issue that threatens to significantly delay or stop construction of the Project, the Parties agree to retain, within five (5) business days following such notice, a mutually acceptable Independent Decision maker to make an interim decision and /or determination that will allow construction of the Project to proceed according to the Project's schedule. The Parties agree to share equally the fees of the Independent Decision maker.

While each City agrees to abide by said interim decision until the Project has been substantially completed, it shall do so under a complete reservation of its rights and without prejudice to any claims it may have against the other Party or others.

VIII. LITIGATION

Each Party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions.

IX. INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the Cities and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Cities.

X. TERMINATION OF AGREEMENT

This Agreement may be terminated in writing by either of the Cities pursuant to the provision contained herein. All costs associated with the cancellation of the Design Contract shall be paid equally by the Cities.

XI. VENUE

This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in the County of Adams, State of Colorado.

XII. SEVERABILITY

If any article, section, paragraph, sentence, clause or phrase of this Agreement is held to be unconstitutional or invalid for any reason, such holding shall not affect the validity, enforceability or constitutionality of the remaining provisions of this Agreement.

XIII. WAIVER

A waiver by any Party of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either Party.

XIV. PARAGRAPH CAPTIONS

The captions of the paragraphs are set forth only for the convenience and reference of the Cities and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

XV. GOVERNMENTAL IMMUNITY

The Cities acknowledge that each Party, their officers and employees, are relying on, and do not waive or intend to waive, by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the Cities, their officers, or employees.

IN WITNESS WHEREOF, the Cities here have executed this Agreement to be effective as of the date first above written.

CITY OF THORNTON

Noel Busck, Mayor

ATTEST:

Nancy A. Vincent, City Clerk

APPROVED AS TO FORM:

Margaret Emerich, City Attorney

CITY OF WESTMINSTER

Ed Moss, Mayor

ATTEST:

Michele Kelley, City Clerk

APPROVED AS TO FORM:

Martin McCullough, City Attorney



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Second Reading of Councillor's Bills No. 73, 74, and 75 re the Brauch Property Annexation, Comprehensive Land Use Plan Amendment and Zoning

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

- Pass Councillor's Bill No. 73 on second reading annexing the Brauch property to the City of Westminster.
- Pass Councillor's Bill No. 74 on second reading amending the Comprehensive Land Use Plan to include the Brauch property and to assign the designation of Public Open Space. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan:
 - a. There is justification for the proposed amendment and the Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - a. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
- Pass Councillor's Bill No. 75 zoning the Brauch property O-1.

Summary Statement:

- The Brauch property is located immediately east of the Mower Reservoir, north of 96th Avenue. (Please refer to the attached vicinity map.) The property consists of 17.9 acres and is improved with a single-family residence and accessory building.
- The property was purchased in May of 2003 as a joint project with the City Parks, Recreation and Libraries Department and Open Space funds. The existing residence and "quonset" type storage building will remain on the property and be used by the City Parks and Recreation Department as a maintenance facility and offices. The parcel is completely surrounded by City open space.
- These Councillor's Bills were passed on first reading on November 24, 2003.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3077**

COUNCILOR'S BILL NO. **73**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
McNally-Dixon

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements, and has determined that the property is not solely a public street or right-of-way; and,

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of November, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2003.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO. **3078**

COUNCILOR'S BILL NO. **74**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

McNally-Dixon

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

A parcel of land, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 acres more or less.

The Brauch annexation property shall be changed from Unincorporated Jefferson County, to Public Open Space, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th of November, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2003.

Mayor

ATTEST:

City Clerk

BY AUTHORITY

ORDINANCE NO. **3079**

COUNCILOR'S BILL NO. **75**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

McNally-Dixon

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. A parcel of land more particularly described as follows:

A parcel of land, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of November, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003

SUBJECT: Second Reading of Councillor's Bill No. 76 re 2003 Local Law Enforcement Block Grant (LLEBG) Funds

Prepared By: Dan Montgomery, Chief of Police
Mike Simmons, Senior Management Analyst

Recommended City Council Action

Pass Councillor's Bill No. 76 on first reading appropriating \$28,774 from the Local Law Enforcement Block Grants (LLEBG) Program to the Police Department's Patrol Services division budget.

Summary Statement

In August 2003, the Police Department applied for a federal Local Law Enforcement Block Grant which provides funding for the purchase of law enforcement related equipment. The grant was approved and the police department accepted the award and special conditions on August 5, 2003. The funding of \$28,774 will be used to purchase vehicle communications equipment and OSHA-approved motorcycle helmets.

This Councillor's Bill was passed on first reading November 24, 2003.

Expenditure Required: \$28,774 grant/\$3,197 match

Source of Funds: Department of Justice Local Law Enforcement Block Grant

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **76**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$28,774 which, when added to the fund balance as of the City Council action on November 24, 2003 will equal \$71,102,207. 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 local law enforcement matching grant.

Section 2. The \$28,774 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 Grants			
1000.40610.0000	\$0	<u>\$28,774</u>	\$28,774
Total Change to Revenues		<u>\$28,774</u>	
EXPENSES			
Other Equip-Police Dept			
10020500.76000.0000	\$0	<u>\$28,774</u>	\$28,774
Total Change to Expenditures		<u>\$28,774</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 AND PUBLISHED this 24th day of November, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: 2nd Reading Councillor's Bill No. 77 re Allocation of 2002 Carryover Revenues

Prepared By: Steve Smithers, Assistant City Manager

Recommended City Council Action:

Pass Councillor's Bill No. 77 on second reading allocating the 2002 Carryover Revenues.

Summary Statement

- Each year City Council takes two separate actions to appropriate the previous year's carryover revenues in the funds where actual revenues exceed budgeted revenues.
- 2002 revenues proposed to be carried over in this memo total \$12,755,000.
- These carryover revenues are derived from higher than anticipated revenue collections and lower than anticipated expenditures in various City funds. Examples of the sources of the higher revenue collections include: tap fees from the continued residential and commercial growth the City has been experiencing, Park Development Fees, and other development assessments in excess of what was anticipated.
- The City has historically allocated these funds to be spent on various general and utility capital improvements (as well as specific purposes where the funds are from a dedicated source of revenues). This follows the City's policy of spending one-time revenues on one-time expenses.
- This Councillor's Bill was passed on 1st Reading on November 24, 2003.

Expenditure Required: \$12,755,000

Source of Funds: 2002 Carryover Funds

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3081**

COUNCILOR'S BILL NO. **77**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dittman-Kauffman

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$7,755,000 which, when added to the fund balance as of the City Council action on November 24, 2003 will equal \$18,917,186. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2002 carryover.

Section 2. The \$7,755,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover 7500.40020.0000	\$5,165,914	\$2,155,000	\$7,320,914
Transfer from Utility Fund 7500.45000.0210	0	<u>5,600,000</u>	5,600,000
Total Change to Revenues		<u>\$7,755,000</u>	
EXPENSES			
City Hall Space Allocation 80275012534.80400.8888	\$283,000	\$150,000	\$433,000
HVAC Upgrades to City Hall 80275012506.80400.8888	680,000	50,000	730,000
Public Safety Building 80175020086.80400.8888	3,121,369	190,000	3,311,369
Huron Street 129 th /144 th 80175030069.80400.8888	4,200,000	500,000	4,700,000
Heritage Golf Course Expansion 80375050324.80400.8888	0	75,000	75,000
City Park Main Facility 80175050092.80400.8888	1,200,000	300,000	1,500,000
PR&L Master Plan 80375050325.80400.8888	0	40,000	40,000
City Park Skateboard Park 80375050326.80400.8888	0	75,000	75,000
Parks Renovation Program 80375050305.80400.8888	500,000	250,000	750,000
Recreation Center Improvements 80175050027.80400.8888	444,417	150,000	594,417
PR&L CIP Reserve 80175050186.80400.8888	469,912	375,000	844,912
McKay Lake Outfall Drainage 80375030313.80400.8888	694,496	<u>5,600,000</u>	6,294,496
Total Change to Expenditures		<u>\$7,755,000</u>	

Section 3. The 2003 appropriation for the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$36,964,744 is hereby increased by \$10,600,000 which, when added to the fund balance as of the City Council action on November 24, 2003 will equal \$49,736,245. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2002 carryover.

Section 4. The \$10,600,000 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover 2100.40020.0000	\$3,962,500	<u>\$10,600,000</u>	\$14,562,500
Total Change to Revenues		<u>\$10,600,000</u>	
EXPENSES			
BDC Expansion 80121035044.80400.8888	\$4,361,819	\$5,000,000	\$9,361,819
Transfer to GCIF 21010900.79800.0750	0	<u>5,600,000</u>	5,600,000
Total Change to Expenditures		<u>\$10,600,000</u>	

Section 5. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of November, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2003.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Councillors Bill No. 78 re Slapshot Hockey Center Inc. Transfer of Lease of the Breakaway Center From Inline Endeavors L.L.C.

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

Recommended City Council Action

Pass Councillors Bill No. 78 as an emergency ordinance authorizing the transfer of the remainder of the lease term for the Breakaway Center (with the noted changes) dated August 6, 2001, from Inline Endeavors to the Slapshot Hockey Center Inc. of Richardson Texas.

Summary Statement

Mr. Greg Hartman, managing member of Inline Endeavors, recently approached Staff from the City of Westminster and Hyland Hills Park and Recreation District about the possibility of transferring the lease of the Breakaway Center to a new operator. The new group, Slapshot Hockey, is owned and operated by two brothers, Charles and Michael Billera, and their father, Charlie Billera. The Billera family currently owns and operates an inline skate center in Richardson, Texas. They have successfully been in this business for over 10 years and are anxious to operate a facility in Colorado. The Mayor of Richardson, Texas, provided a reference letter. Staff has reviewed the background of these individuals and finds them qualified to operate The Breakaway Center. Staff has recommended two minor changes to the original lease. They are as follows:

1. Add a condition that the City can store mowing equipment year round in the old Zamboni room. This equipment is used to maintain the park.
2. Add a condition that gives the Hyland Hills enterprise first right of refusal in the event that Slapshot Hockey wants to sell it's leasehold interest in the facility.

All other conditions of the original lease remain in effect and the lease permits this type of transfer with Council and Hyland Hills Board approval. Therefore, City Staff recommends approving the attached Councillors' Bill assigning the remaining term of the lease of the Breakaway Center to Slapshot Hockey Inc. Slapshot Hockey is desirous to take over the facility by mid-December 2003, therefore this action is recommended to take place as an emergency ordinance. The Hyland Hills Board of Directors will review this proposal on December 9, 2003.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to reassign the lease for the Breakaway Center to Slapshot Hockey Center Inc.?

Alternative

City Council could reject this proposal and require that Inline Endeavors fulfill its obligation of the lease dated August 6, 2001. This alternative is not recommended as Staff has an alternative operator that meets the City's requirements.

Background Information

A summary of the major points of the existing lease agreement is as follows:

- The tenant shall operate the leasehold premises primarily as an inline hockey facility.
- The initial term of the lease is for 10 years. This lease has eight years remaining.
- The annual rent shall be \$60,000 per year or 5% of annual gross revenue over \$1,200,000, whichever is greater, for the first year. Thereafter, the gross percentage shall increase to 7% for the second year, 9% for the third year, and 10% for every year thereafter. In any case, the minimum base rent shall be \$60,000 per year.
- After the initial 10-year lease term, and if the tenant conforms to the conditions of the lease agreement without default, the lease shall be automatically extended for an additional 60 months and continuously for four (4) additional terms as long as the tenant is not in default of the agreement. These automatic renewals shall be for each 60-month extension, the base lease fee shall increase by applying an increase to the last effective minimum rental equal to the percentage increase in the consumer price index urban, Denver, Colorado, for each twelve-month period of the last renewal term.
- The tenant shall pay for all utility and maintenance costs to operate the building.
- The tenant may elect to notify the landlord 180 days prior to any extension renewal of tenant's intent to terminate the lease.
- A series of default conditions have been incorporated into the lease agreement. The tenant will have 30 days to correct any situation that places this agreement in default.
- The tenant shall make no improvements to the premises without prior written consent of the landlord.
- The tenant shall pay all taxes and fees applicable to the operation of the leasehold premises.
- The tenant shall maintain the interior and exterior of the building.
- The tenant shall be responsible for snow removal.
- The tenant shall operate the facility in accordance to operational protocols agreed to by both parties.
- All appropriate insurance coverage will be provided by the tenant.

The City of Westminster and Hyland Hills Park and Recreation District jointly own Carroll Butts Park and the former Hyland Hills Ice Arena building, which is located within the Park. Staff from both entities worked together to lease the former Ice Arena building to a private operator who has renovated the facility into an inline skating rink that now provides a revenue source for both the City and the District.

Originally, a Request For Proposals (RFP) to renovate the former Ice Arena was developed and advertised to potential investors. Several inquiries were received; however after extensive evaluation, the field was narrowed to two legitimate groups. After review by Westminster City Council and the Hyland Hills Board of Directors, the decision was made to finalize a lease agreement with Inline Endeavors L.L.C. Many of the principal partners in this group had experience participating in and running inline skate programs. The new operators, the Billera family, also have extensive experience operating an inline skate facility.

SUBJECT: Councillors Bill re Slapshot Hockey Center Inc. Transfer of Lease of the Breakaway
Center From Inline Endeavors L.L.C. Page 3

Staff believes that converting the former Hyland Hills Ice Arena into an inline skate facility has been a win-win proposition. Not only did this project take a vacant building that had been a target for vandals and convert it to an active use, but it also provides a needed recreational program to the local community as well as helping produce an outside source of revenue.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **78**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF WESTMINSTER, HYLAND HILLS PARK AND RECREATION DISTRICT, AND SLAPSHOT HOCKEY CENTER INC. FOR THE LEASE OF THE FORMER HYLAND HILLS ICE ARENA LOCATED AT 94TH AVENUE AND PERRY STREET, WESTMINSTER, CO.

WHEREAS, City Council previously authorized an intergovernmental agreement between the City and Hyland Hills Park and Recreation District, which makes the City and the District co-owners of Carroll Butts Park and the former Hyland Hills ice Arena building; and

WHEREAS, the City and Hyland Hills had previously selected Inline Endeavors L.L.C. as the lessee of the former Hyland Hills Ice Arena Building; and

WHEREAS, Inline Endeavors now desires to assign the remainder of their lease term to Slapshot Hockey Center Inc.; and

WHEREAS, the final form of the lease agreement has been agreed to by the parties; and

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreement between the City, Hyland Hills Park and Recreation District, acting by and through its Recreational Facilities Enterprise, and Slapshot Hockey Inc. for the lease of the former Hyland Hills Ice Arena located at 94th Avenue and Perry Street, Westminster, CO, is approved per the terms outlined in the lease as prepared by Hyland Hills and City legal Staff.

Section 2. This ordinance shall take effect in full upon its passage.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 8th day of December 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Westminster Center Reinvestment Study and Urban Renewal Plan

Prepared By: Aaron Gagne, Capital Projects Coordinator

Recommended City Council Action

- Hold a Public Hearing.
- Adopt Resolution No. 52 adopting the Westminster Center Urban Renewal Plan and direct staff to commence the implementation of the Plan.

Summary Statement

- In November of 2000 and again in March of 2002, the City Council was presented with drafts of the Westminster Center Reinvestment Study and Plan. Subsequent to each presentation, Council directed staff to proceed with the drafting of an Urban Renewal Plan for the area.
- As market conditions and development prospects have changed, staff considered it prudent to refrain from “starting the clock” on an Urban Renewal Area, allowing future projects and the area as a whole to maximize the benefit of the Urban Renewal Area designation. State law provides that urban renewal projects must be completed within a 25-year time frame. Similarly, the tools enabled by the law expire 25 years from the date of Urban Renewal Area designation.
- In August of 2003, in response to two pending redevelopment projects, staff did commence a review of the Study and Plan, and made certain boundary amendments to maximize the potential benefit of this Urban Renewal Area designation to the City.
- On October 20, 2003, City Council directed staff to prepare an urban renewal plan for the eastern sub-area of the Westminster Center area and to commence the review and implementation process for that plan.
- During the ongoing review of the area, the addition and deletion of certain parcels of land were considered. With respect to the possible deletion of certain parcels to the north of the proposed area, four reasons were established to retain them in the URA. First, these parcels directly contribute to the economic viability of the proposed URA by their potential future contribution to the overall tax increment financing ability of the area. Second, in order to assure the cohesive design of utility infrastructure, transportation infrastructure and the overall built environment, it is important to allow these parcels to be planned and developed in tandem with the remainder of the area. Third, to be added at a later date, these parcels would have to meet the tests of blight on their own, not in conjunction with the proposed area as a whole. These tests might be more difficult to meet under those circumstances. The final recommendation of staff, as supported by a review by the consultants responsible for the research and preparation of the Reinvestment Study, is to add one parcel, the vacant land already owned by the City of Westminster opposite City Hall across 92nd Avenue.
- In accordance with Colorado Revised Statutes, the draft plan was forwarded to the City of Westminster Planning Commission and on November 11, 2003 the Commission concluded that the draft plan is consistent with the adopted Comprehensive Land Use Plan and recommended adoption of the urban renewal plan by the City Council.
- In accordance with Colorado Revised Statutes, the draft plan and a property tax summary of the area and anticipated projects was forwarded to the Adams and Jefferson Counties as well as JeffCo Schools and Adams County District 50 Schools for review and comment.
- In accordance with Colorado Revised Statutes, three mailings were conducted as a means of notification of both property owners and tenants about the plan and the public hearing scheduled for December 8, 2003.

SUBJECT: Westminster Center Reinvestment Study and Urban Renewal Plan Page 2

Expenditure Required: \$5,840

Source of Funds: General Fund - Community Development Operating Budget

Policy Issue

Should the City pursue designation of the eastern sub-area of Westminster Center as an urban renewal area, and proceed with the implementation of the urban renewal plan?

Alternative

Do not designate the eastern sub-area of Westminster Center as an urban renewal area. This would not enable the City to pursue the use of urban renewal powers in the Westminster Center. Staff does not recommend this option since urban renewal powers could be critical to facilitating redevelopment of older commercial projects in the area.

Background Information

At the direction of City Council, the consulting firms of BRW (now URS Corp.) and the Leland Group were retained to prepare a blight study for the Westminster Center area. Attorney Malcolm Murray from Gorsuch Kirgis also assisted in the preparation of the study and preparation of the formal urban renewal plan. The attached blight study evaluates commercial properties between Sheridan Boulevard and Yates Street and Wadsworth Boulevard generally between 88th Avenue and 92nd Avenue. A detailed map of the area is contained in the attached Study. The blight study finds a number of substandard conditions that meet the definition of blight contained in the urban renewal law.

These conditions include faulty lot layout, unsanitary or unsafe conditions, deterioration of site or other improvements, and inadequate public improvements or utilities. As a result of these findings, the entire study area is believed to be eligible for designation as an urban renewal area. Based on the 25-year time limitation of a designated Urban Renewal Area, Staff believes that it is important to only create an Urban Renewal Area where redevelopment efforts are imminent and can benefit from the urban renewal area designation. These efforts include the redevelopment of the Mobile Tool site on 88th Avenue and the expansion of the existing Wal-Mart on Sheridan Boulevard. To maximize potential future program benefits, designation of the eastern sub-area only is being pursued at this time.

The urban renewal plan, which incorporates the blight determination, has been submitted to City Council for its review and adoption with a formal public input process. If the urban renewal plan is adopted, the Westminster Economic Development Authority (WEDA) would be authorized to undertake projects within the urban renewal area that may include infrastructure improvements or redevelopment of specific properties utilizing tax increment financing and other mechanisms available to the Westminster Economic Development Authority. The urban renewal powers can also be used to prevent deterioration, not just to remedy it once it has occurred.

As Council is aware, WEDA has powers that the City government lacks as they relate to land assemblage for redevelopment purposes as well as being able to issue tax increment bonds (TIF) to finance needed infrastructure.

City Staff for this project will be prepared to make a presentation and answer Council's questions at the December 8, 2003 City Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

RESOLUTION

RESOLUTION NO. **52**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

Kauffman - Hicks

A RESOLUTION

FOR APPROVAL OF THE WESTMINSTER CENTER URBAN RENEWAL PLAN AND FINDING THAT THE EASTERN SUB-AREA OF THE WESTMINSTER CENTER URBAN RENEWAL AREA IS A BLIGHTED AREA, DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT PURSUANT TO THE URBAN RENEWAL PLAN, AND FINDING THAT THE ACQUISITION, CLEARANCE, REHABILITATION, CONSERVATION, DEVELOPMENT, REDEVELOPMENT OR A COMBINATION THEREOF OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE OF THE CITIZENS OF THE CITY OF WESTMINSTER.

WHEREAS, an urban renewal plan for the Westminster Center Area has been submitted to the City Council of the City of Westminster for appropriate action pursuant to Part 1 of Article 25 of Title 31, C.R.S.; and

WHEREAS, the Westminster Center Eastern Sub-Area which is subject to the Westminster Center Urban Renewal Plan is described in Exhibit A to this Resolution; and

WHEREAS, the City Council of the City of Westminster adopted the Westminster Comprehensive Land Use Plan on June 23, 1997, which is the general plan for the development of the City of Westminster; and

WHEREAS, the Westminster Center Urban Renewal Plan has previously been submitted to the Westminster Planning Commission for its review and recommendations as to conformity with the Westminster Comprehensive Land Use Plan pursuant to C.R.S. §31-25-107(2); and

WHEREAS, the Westminster Planning Commission has determined that the Westminster Center Urban Renewal Plan does conform to the Westminster Comprehensive Land Use Plan; and

WHEREAS, no property in the Westminster Center Urban Renewal Area has been included in an urban renewal plan previously submitted to the City Council of the City of Westminster; and

WHEREAS, the City Clerk of the City Westminster has published the notice of the time, place, and purpose of the public hearing to consider the adoption of the Westminster Center Urban Renewal Plan in the Westminster Window in conformance with C.R.S. §31-25-107(3); and

WHEREAS, the City Westminster has provided written notice of the public hearing to consider the adoption of the Westminster Center Urban Renewal Plan to all property owners, residents, and business owners within the proposed Westminster Center Urban Renewal Area at their last known addresses in conformance with C.R.S. §31-25-107(4)(c); and

WHEREAS, the Jefferson and Adams County Commissioners have received notification of and copies of the Westminster Center Urban Renewal Plan as well as such additional information as is required by C.R.S. §31-25-107(3.5); and

WHEREAS, the Jefferson County and Adams County 50 School Districts have received notification of and copies of the Westminster Center Urban Renewal Plan and has been given an opportunity to participate in an advisory capacity; and

WHEREAS, the City Council of the City of Westminster has considered the Westminster Center Blight Survey prepared by URS Corporation and the proposed Westminster Center Urban Renewal Plan; and

WHEREAS, City Council of the City of Westminster has conducted a public hearing and considered the public testimony received.

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

1. Blight, as defined by C.R.S. §31-25-103(2), is present in the Westminster Center (Eastern Sub-Area) Urban Renewal Area as documented by the Westminster Center Blight Survey prepared by URS Corporation and based on evidence presented at the public hearing. The following blight factors are present in the Westminster Center Urban Renewal Area: slum, deteriorated or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout; unsanitary or unsafe conditions; deterioration of site or other improvements; defective or unusual conditions of title rendering the title non-marketable; and inadequate public improvements or utilities.
2. The Westminster Center Eastern Sub-Area Urban Renewal Area is a blighted area and is appropriate for an urban renewal project pursuant to Part 1 of Article 25 of Title 31, C.R.S.
3. The boundaries of the Westminster Center Urban Renewal Area have been drawn as narrowly as feasible to accomplish the planning and development objectives for the Westminster Center Urban Renewal Area.
4. The Westminster Center Eastern Sub-Area Urban Renewal Area does not consist of an area of open land.
5. The Westminster Center Urban Renewal Plan conforms to the Westminster Comprehensive Land Use Plan, which is the general plan for the development of the City of Westminster.
6. The Westminster Center Urban Renewal Plan is hereby approved.
7. There exist feasible methods for the relocation of individuals and families and business concerns in accommodations or areas suitable for their relocation.
8. The Westminster Center Eastern Sub-Area Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the City of Westminster as a whole, for the rehabilitation or redevelopment of the Westminster Comprehensive Land Use Area by private enterprise.
9. The acquisition, clearance, rehabilitation, conservation, development or redevelopment of a combination thereof of the Westminster Center Urban Renewal Area pursuant to the Westminster Center eastern Sub-Area Urban Renewal Plan is necessary in the best interests of the public health, safety, morals, and welfare of the citizens of the City of Westminster.

Passed and adopted this 8th day of December, 2003.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Resolution No. 53 re Service Commitment Allocations; Resolution Nos. 54, 55, 56, and 57 re Revised Residential Design Guidelines; Councillor's Bill No. 79 re Single-Family Attached Parking Code Amendment

Prepared By: Shannon Sweeney, Planning Coordinator

Recommended City Council Action

1. Adopt Resolution No. 53 allocating Service Commitments for the year 2004 to the various categories of the Growth Management Program including Service Commitments for residential competitions for new single-family detached, single-family attached, multi-family, senior housing, and traditional mixed use neighborhood developments.
2. Adopt Resolution No. 54 revising the City of Westminster Single-Family Detached Design Guidelines.
3. Adopt Resolution No. 55 revising the City of Westminster Single-Family Attached Design Guidelines.
4. Adopt Resolution No. 56 revising the City of Westminster Multiple-Family Design Guidelines.
5. Adopt Resolution No. 57 revising the City of Westminster Senior Housing Design Guidelines.
6. Hold a public hearing.
7. Pass Councillor's Bill No. 79 on first reading amending Title XI, Chapter 7 of the Westminster Municipal Code pertaining to off-street parking requirements for single-family attached projects.

Summary Statement

- At the November 17, 2003 City Council Study Session, City Council directed Staff to draft the resolutions and ordinance necessary to proceed with the recommended Service Commitment allocations for 2004, including service Commitments for new residential competitions in all of the competition categories, and the revised residential design guidelines.
- City Council also directed Staff to include an incentive in the Single-Family Detached and Single-Family Attached Residential Design Guidelines to encourage development of ranch models and two-story models with a first-floor master bedroom and bath with a tub or shower. This change and three additional changes have been incorporated in these two sets of guidelines (as detailed in the Background section).
- As indicated in the November 17, 2003 City Council Staff Report, only one of the proposed guidelines revisions requires a Westminster Municipal Code amendment as detailed on the attached Councillor's Bill. This involves a change in the parking requirements for new single-family attached projects that would more closely correspond to requirements of other area jurisdictions.

Expenditure Required: \$0
Source of Funds: N/A

SUBJECT: Resolution re Service Commitment Allocations; Resolutions re Revised Residential Design Guidelines; Councillor’s Bill re Single-Family Attached Parking Code Amendment – Page 2

Policy Issues

- Should the City allocate Service Commitments to the various Growth Management categories as detailed in this report?
- Should the City conduct competitions next year in all of the new residential categories?
- Should the City amend the City’s adopted residential design guidelines as proposed?

Alternatives

- Do not adopt the attached resolution allocating Service Commitments to the various Growth Management categories for use in 2004. These allocations are necessary on an annual basis to serve the needs of new development in the upcoming year. Because these allocations must be in place for any new development to proceed in 2004, this option would cause delays for new development (including City projects). The City did not conduct a service competition in 2003.
- Do not pass the attached resolutions revising the various residential design guidelines. The residential competitions are based on the City’s adopted design guidelines, and Staff recommends City Council adopt the revisions prior to the competitions. Should City Council choose this alternative, the City could conduct the competitions using the existing, adopted design guidelines for each category.

Background Information

Service Commitment Allocations

As detailed in the November 17, 2003 City Council Staff Report, Staff is recommending Service Commitment allocations as detailed in Table I below. The total allocation is 1,323 Service Commitments from the potable water supply and 177 Service Commitments from the reclaimed water system. The potable Service Commitment allocation is an 11 percent reduction from the existing 2003 allocation.

2004 SERVICE COMMITMENT ALLOCATIONS

<u>CATEGORY</u>	<u>DESCRIPTION</u>	PROPOSED ALLOCATIONS
	<u>Potable Water Supply</u>	
A and L	All Active and Legacy Ridge Residential	670
B-1	New Single-Family Detached	40
B-2	New Single-Family Attached	35
B-3	New Multi-Family	13
B-4	New Traditional Mixed Use (Residential)	40
C	Non-Residential	394
D	Outside City Contracts	25
E	Senior Housing	47
F	Public and Contingency	<u>59</u>
	Total Potable Water Supply	1323
	<u>Non-Potable</u>	
R	Reclaimed	<u>177</u>
	Total Non-Potable (Reclaimed)	177

SUBJECT: Resolution re Service Commitment Allocations; Resolutions re Revised Residential Design Guidelines; Councillor's Bill re Single-Family Attached Parking Code Amendment – Page 3

According to figures supplied by the City's Water Resources Staff, in the Department of Public Works and Utilities, there were approximately 10,927 Service Commitments available in the potable water supply at the beginning of 2003. With the 516 Service Commitments awarded in 2003 as of November 1, this leaves approximately 10,411 treated water Service Commitments for future new development. This estimate of Service Commitments is for a water supply sufficient to provide full water service during a drought as severe as the one in the 1950's. If, in the future, the City decides to change its planning assumptions to address more severe droughts, the number of Service Commitments available may decrease. It is important to keep in mind, that even though the supply would accommodate this number of new Service Commitments, the City would be unable to serve such development at this point from an infrastructure standpoint. Distribution system improvements would be necessary to serve that many more customers.

New Residential Competitions

The potable allocation of 1,323 Service Commitments includes 139 Service Commitments to be awarded on a competitive basis for new residential projects as follows:

- 40 SCs (40 new units in 2004) for one or two new single-family detached (SFD) projects
- 35 SCs (50 new units in 2004) for one or two new single-family attached (SFA) projects
- 13 SCs (25 new units in 2004) for one new multiple-family (MF) project
- 40 SCs (40-80 new units in 2004 depending on unit types) for one or two new traditional mixed use neighborhood developments (TMUND)
- 11 SCs (30 new units in 2004) for one new senior housing project

Staff is recommending competitions in all of the new residential categories listed above. No competitions were held in 2003, and since the last set of competitions were conducted early in 2002, two years have passed since the last competition process was authorized. Additionally, competitions for multiple-family and traditional mixed use neighborhood developments were last held in 1999.

As discussed at the November 17 City Council Study Session, Staff will plan to begin the competition process following adoption of the attached resolutions. While this would be prior to the adoption of the Comprehensive Land Use Plan (CLUP) update, this would enable developers to proceed as previously indicated, without further delay. Prior to the competitions, an informational meeting is scheduled for applicants, and Staff will have a copy of the proposed CLUP changes for them to review and follow. In most cases with the inquiries Staff has received regarding the competitions thus far, no land use designation change is recommended for the sites. Developers have been informed and will continue to be informed that any development submittals will need to be in conformance with the final CLUP update.

Because Service Commitments are awarded to new residential projects on a competitive basis and many developers do not want their possible competitors to know their plans in advance, Staff has not included a specific list of the potential sites for competition submittals. However, Staff has received inquiries on 11 different sites at this point.

Residential Design Guidelines Revisions

At the November 17 Study Session, City Council reviewed the proposed design guidelines revisions and directed Staff to make some changes. Staff has completed those amendments as attached to this agenda memorandum.

One of the changes removes the new provision requiring brick perimeter walls along arterial streets. This has been changed in all of the guidelines documents and is no longer proposed as a new minimum requirement for all new projects. Staff will continue the practice of reviewing this on a project-by-project basis. The second change added an incentive to encourage ranch models and two-story models with a first floor master bedroom and bath with a tub or shower.

City Staff contacted the Denver Metropolitan Home Builders Association (HBA) regarding this second change, since that had not been previously reviewed with them when they mailed the City a letter supporting the proposed changes. Because this is an incentive item that a developer could choose if they wish, rather than a minimum requirement, the HBA supports this incentive. Two local builders also responded that many builders are already recognizing a changing demographic and are offering options to homebuyers to meet this type of market demand.

Based upon subsequent conversations between Staff and City Council, Staff has included the additional following revisions:

- Where applicable, concrete path connections from cul-de-sacs to trails will be required: 25 points;
- Lighting along both sides of off-street paths will be provided: 25 points;
- Benches will be provided along pedestrian pathways throughout the project: 25 points;
- Choose one from below (if applicable):
 - 25% or more ranch homes or two-story homes with a first-floor master bedroom and bath with a shower or tub will be built: 25 points;
 - 50% or more ranch homes or two-story homes with a first-floor master bedroom and bath with a shower or tub will be built: 50 points

As a reminder, most of the design guidelines changes apply to the Site Design and Architectural Design sections. No substantial changes to the Landscaping Design section of each set of guidelines are proposed because City Staff is currently working on revisions to the City's adopted Landscape Regulations. Once those revised regulations have been reviewed with City Council (by the end of the first quarter of 2004) and adopted, those landscaping requirements will apply to all new residential projects entering future competitions. These regulations will likely be in place before the winning projects are submitted for review, so those revised regulations will also apply to projects receiving Service Commitments in the 2004 competitions. No changes are recommended at this time for the Traditional Mixed Use Neighborhood Development Design Guidelines.

The attached ordinance amending the single-family attached parking requirements within the Westminster Municipal Code changes the current off-street parking requirement to 2 spaces for every unit with up to four bedrooms and 3 spaces for every unit with four or more bedrooms. The current parking specification requires 1.5 spaces per efficiency or one-bedroom unit and 2 spaces for each unit with two or more bedrooms. This change corresponds more closely to requirements of other local jurisdictions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **53**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

ALLOCATING SERVICE COMMITMENTS FOR THE YEAR 2004 PURSUANT TO THE CITY'S GROWTH MANAGEMENT PROGRAM AS SET FORTH IN CHAPTER 3, TITLE XI OF THE WESTMINSTER MUNICIPAL CODE

WHEREAS, the City of Westminster has adopted by Ordinance a Growth Management Program through 2010; and

WHEREAS, the City's Growth Management Program as set forth in Chapter 3, Title XI of the Westminster City Code calls for the periodic determination of the availability of Service Commitments and allocation of such Service Commitments among various categories of potential users; and

WHEREAS, the City Council of the City of Westminster has, with the aid of detailed factual reports and expert opinions from its Staff and consultants, examined the raw water supply, the sewage treatment capacity, the water treatment capacity, and other factors affecting the availability of Service Commitments; and

WHEREAS, the City Council of the City of Westminster has previously determined, in connection with its adoption of Chapter 3 of Title XI of the Westminster Municipal Code, that the City's ability to award Service Commitments is restricted; and

WHEREAS, the demand of different land uses on the City's ability to provide utilities and other services vary due to density and intensity of the particular use; and

WHEREAS, City Council has previously determined that the Comprehensive Land Use Plan shall assist the City in making future decisions concerning the desired mix of land uses at build-out of the City; and

WHEREAS, it is the intent of City Council to recognize the many factors influencing demand for new water and sewer service, while remaining cognizant of the large capital investments in land and public improvements made by developers with projects that are already started, and recognizing the efficiencies inherent in encouraging the completion of existing development projects that can use existing public capital facilities before approving new ones.

NOW, THEREFORE, be it resolved that the City Council of Westminster, in accordance with Sections 11-3-4 and 11-3-5 of the Official Code of the City of Westminster, the City Council hereby determines that:

1. Based on all of the information available to the City Council on this date, for the period beginning January 1, 2004 through December 31, 2004, the City can make available 670 Service Commitments ("SCs") to Categories A (A-1, A-2, and A-3) and L (L-1, L-2, and L-3), 40 SCs to Category B-1, 35 SCs to Category B-2, 13 SCs to Category B-3, 40 SCs to Category B-4, 394 SCs to Category C, 25 SCs to Category D, 47 SCs to Category E, 59 SCs to Category F, and 177 SCs to Category R without adverse effect on existing water users and without in any way endangering the health, safety, and welfare of the citizens of Westminster and of other persons dependent upon the operation of a safe and efficient public water and sanitation system by the City.
2. This Resolution supersedes and replaces all previous allocation resolutions by City Council.

Passed and adopted this 8th day of December, 2003.

ATTEST:

City Clerk

Mayor

RESOLUTION

RESOLUTION NO. **54**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

REVISED SINGLE-FAMILY DETACHED RESIDENTIAL DESIGN GUIDELINES

WHEREAS, in Chapter 3 of Title XI, the City of Westminster has adopted a Growth Management Program through 2010; and

WHEREAS, W.M.C. 11-3-5(F) provides that Service Commitments for new single-family detached residential projects shall be awarded on a competitive basis from Category B-1; and

WHEREAS, the compliance with such guidelines is required by W.M.C. 11-3-5(E) for Category B Projects; and

WHEREAS, the City Council hereby determines that the attached Single-Family Detached Residential Design Guidelines are in the best interests of the citizens in light of the City's desire of managed growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community.

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

1. In accordance with Chapter 3 of Title XI of the Westminster Municipal Code, City Council hereby adopts as revised the attached Single-Family Detached Residential Design Guidelines for new single-family detached residential developments that shall govern the award of Service Commitments within Category B-1 projects as defined in W.M.C. Section 11-3-5.

2. The Single-Family Detached Residential Design Guidelines shall apply to all future Preliminary Development Plans (PDP's) and amendments and Official Development Plans (ODP's) and amendments for new single-family detached developments.

3. Compliance with the Comprehensive Land Use Plan shall be required for new residential development through the residential competition process.

4. The Comprehensive Land Use Plan shall be used to guide future development in the City.

Passed and adopted this 8th day of December, 2003.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. **55**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

REVISED SINGLE-FAMILY ATTACHED RESIDENTIAL DESIGN GUIDELINES

WHEREAS, in Chapter 3 of Title XI, the City of Westminster has adopted a Growth Management Program through 2010; and

WHEREAS, W.M.C. 11-3-5(F) provides that Service Commitments for new single-family attached residential projects shall be awarded on a competitive basis from Category B-2; and

WHEREAS, the compliance with such guidelines is required by W.M.C. 11-3-5(E) for Category B Projects; and

WHEREAS, the City Council hereby determines that the attached Single-Family Attached Residential Design Guidelines are in the best interests of the citizens in light of the City's desire of managed growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community.

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

1. In accordance with Chapter 3 of Title XI of the Westminster Municipal Code, City Council hereby adopts as revised the attached Single-Family Attached Residential Design Guidelines for new single-family attached residential developments that shall govern the award of Service Commitments within Category B-2 projects as defined in W.M.C. Section 11-3-5.

2. The Single-Family Attached Residential Design Guidelines shall apply to all future Preliminary Development Plans (PDP's) and amendments and Official Development Plans (ODP's) and amendments for new single-family attached developments.

3. Compliance with the Comprehensive Land Use Plan shall be required for new residential development through the residential competition process.

4. The Comprehensive Land Use Plan shall be used to guide future development in the City.

Passed and adopted this 8th day of December, 2003.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. **56**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

REVISED MULTIPLE-FAMILY RESIDENTIAL DESIGN GUIDELINES

WHEREAS, in Chapter 3 of Title XI, the City of Westminster has adopted a Growth Management Program through 2010; and

WHEREAS, W.M.C. 11-3-5(F) provides that Service Commitments for new multiple-family residential projects shall be awarded on a competitive basis from Category B-3; and

WHEREAS, the compliance with such guidelines is required by W.M.C. 11-3-5(E) for Category B Projects; and

WHEREAS, the City Council hereby determines that the attached Multiple-Family Residential Design Guidelines are in the best interests of the citizens in light of the City's desire of managed growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community.

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

1. In accordance with Chapter 3 of Title XI of the Westminster Municipal Code, City Council hereby adopts as revised the attached Multiple-Family Residential Design Guidelines for new multiple-family residential developments that shall govern the award of Service Commitments within Category B-3 projects as defined in W.M.C. Section 11-3-5.

2. The Multiple-Family Residential Design Guidelines shall apply to all future Preliminary Development Plans (PDP's) and amendments and Official Development Plans (ODP's) and amendments for new multiple-family developments.

3. Compliance with the Comprehensive Land Use Plan shall be required for new residential development through the residential competition process.

4. The Comprehensive Land Use Plan shall be used to guide future development in the City.

Passed and adopted this 8th day of December, 2003.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. **57**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

REVISED SENIOR HOUSING DESIGN GUIDELINES

WHEREAS, in Chapter 3 of Title XI, the City of Westminster has adopted a Growth Management Program through 2010; and

WHEREAS, W.M.C. 11-3-5(F) provides that Service Commitments for new senior housing projects shall be awarded on a competitive basis from Category E; and

WHEREAS, the compliance with such guidelines is required by W.M.C. 11-3-5(E) for new Category E Projects; and

WHEREAS, the City Council hereby determines that the attached Senior Housing Design Guidelines are in the best interests of the citizens in light of the City's desire of managed growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community.

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

1. In accordance with Chapter 3 of Title XI of the Westminster Municipal Code, City Council hereby adopts as revised the attached Senior Housing Design Guidelines for new senior housing developments that shall govern the award of Service Commitments within Category E projects as defined in W.M.C. Section 11-3-5.

2. The Senior Housing Design Guidelines shall apply to all future Preliminary Development Plans (PDP's) and amendments and Official Development Plans (ODP's) and amendments for new senior housing developments.

3. Compliance with the Comprehensive Land Use Plan shall be required for new residential development through the residential competition process.

4. The Comprehensive Land Use Plan shall be used to guide future development in the City.

Passed and adopted this 8th day of December, 2003.

ATTEST:

Mayor

City Clerk

ORDINANCE NO.

COUNCILLOR'S BILL NO. **79**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 7 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY ATTACHED PROJECTS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-7-4(B)2(a)(2), W.M.C., is hereby AMENDED as follows:

11-7-4: OFF-STREET PARKING STANDARDS:

(B) OFF STREET VEHICLE PARKING:

2. MINIMUM OFF STREET VEHICLE PARKING SPACES:

(a) Residential

- (2) Single family attached: ~~One and one half (1.5)~~ TWO (2) spaces per ~~one bedroom unit~~ ~~or~~ efficiency, ONE-BEDROOM, TWO-BEDROOM, AND THREE-BEDROOM unit; ~~Two (2)~~ THREE (3) spaces per ~~two~~ FOUR or more bedroom unit; ~~plus~~ and one (1) space per three units for guest parking.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of December, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of December, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Councillor's Bill No. 80 re Vacation of a Portion of Reed Street Right-of-Way

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

Pass Councillor's Bill No. 80 as an emergency ordinance, vacating a portion of Reed Street Right-of-Way within the Mandalay Town Center property.

Summary Statement

- City Council action is requested on the above referenced Councillor's Bill to vacate a portion of Reed Street Right-of-Way (see attached map).
- The vacation is needed in order to develop the second phase of the Mandalay Town Center project as shown on the approved Preliminary Development Plan.
- An emergency ordinance is required in order to meet several time sensitive deadlines pertaining to the construction of the Town Center area and associated infrastructure.
- Description of the street is included within the Background Information section of this Agenda Memorandum.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Councillor's Bill re Vacation of a Portion of Reed Street Right-of-Way
within the Mandalay Town Center project

Page 2

Policy Issue

Should the City Council vacate portions of the Reed Street right-of-way, which by State Statute, must be vacated by an ordinance of the City Council?

Alternative

Do not vacate the subject right-of-way. This alternative is not recommended because the subject portion of the street runs through the middle of the proposed Mandalay Town Center development and would inhibit the implementation of that project.

Background Information

The portion of Reed Street affected by the proposed ordinance runs through the middle of the property that has been planned for the Mandalay Town Center project. The right-of-way to be vacated currently runs north from Church Ranch Boulevard and heads north where it terminates at the west boundary of US 36. The total amount of land proposed for vacation is 0.699 Acres.

If the Council agrees to the vacation, the land would become the property of RED Development. RED Development would then proceed with the development of the phase two area of the Mandalay Town Center Project.

Staff is recommending that the vacation be passed as an emergency ordinance in order to meet time sensitive deadlines pertaining to the transfer of ownership needed to proceed with phase two of the Mandalay Town Center Project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3083**

COUNCILLOR'S BILL NO. **80**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Kauffman-McNally

A BILL

FOR AN ORDINANCE VACATING PORTIONS OF REED STREET BETWEEN CHURCH RANCH BOULEVARD AND US 36.

WHEREAS, a certain portion of Reed Street was dedicated as public right-of-way by the Mandalay Gardens Subdivision; and

WHEREAS, this portion of the street lies within the boundaries of the Mandalay Town Center PUD; and

WHEREAS, this portion of the street is not necessary for access to any private parcels within the development; and

WHEREAS, the vacation is necessary in order to make the improvements to the property in accordance with the approved Preliminary Development Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portion of Reed Street herein described.

Section 2. Legal Description of Reed Street:

A parcel of land being a portion of that certain unnamed roadway (now known as Reed Street), and West 105th Avenue (formerly known as Haney Drive), as shown on the plat of Mandalay Gardens in the City of Westminster, County of Jefferson, State of Colorado, recorded in the office of the Clerk and Recorder of said County, lying in the southeast quarter of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, in said City, County and State, more particularly described as follows:

Commencing at the south quarter corner of said Section 11;

Thence along the southerly line of said southeast quarter of Section 11, North 88°52'45" East 69.80 feet to the easterly right-of-way of Wadsworth Avenue (now known as West 105th Avenue) as shown on said plat of Mandalay Gardens;

Thence along the easterly and southeasterly right-of-way of said West 105th Avenue the following two (2) courses:

1. North 15°16'11" East 187.26 feet;
2. North 40°36'25" East 601.22 feet to the southerly right-of-way of said West 105th Avenue (formerly known as Haney Drive);

Thence along said southerly right-of-way South 89°59'27" East 1498.86 feet to the southerly prolongation of the westerly right-of-way of said Reed Street and the True Point of Beginning.

Thence along said southerly prolongation and said westerly right-of-way North 00°05'42" East 1040.46 feet to the southwesterly right-of-way of U. S. Highway 36;

Thence along said southwesterly right-of-way, South 29°43'04" East 60.34 feet to the easterly right-of-way of said Reed Street;

Thence along said easterly right-of-way, South 00°05'42" West 988.06 feet to southerly right-of-way of said West 105th Avenue;

Thence along said southerly right-of-way, North 89°59'27" West 30.00 feet to the **True Point of Beginning**. Containing 0.699 acres (30,428 square feet), more or less.

Section 3. Because any delay in initiating and completing the Mandalay Town Center improvements pursuant to the Redevelopment Agreement with the developer could jeopardize the timely opening of the Project and the ability of the Authority to meet the debt service for the bond issue for the project, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on December 8, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 8th day of December 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 8, 2003



SUBJECT: Pre-development Agreement Related to West 70th Avenue and Hooker Street Parcel Acquisition (McDermott Properties Project)

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action:

Approve a pre-development agreement with McDermott Properties, LLC relative to acquisition and development of a 7-acre parcel of land generally located at West 70th Avenue and Hooker Street (Attachment A) for the purpose of developing “workforce” housing in conjunction with the City’s south Westminster transit-oriented development (TOD) project.

Summary Statement

- McDermott Properties, LLC, a prospective developer (Developer), approached the City over two years ago to discuss rezoning and development of a 7-acre parcel of land at 70th Avenue/Hooker Street for “workforce” housing. (See attached vicinity map)
- The Developer is proposing to enter into a pre-development agreement with the City of Westminster and the Westminster Housing Authority (WHA), whereby the Developer would proceed with the acquisition of the referenced property upon obtaining a loan (approximately \$825,762) from the WHA, dependant upon the WHA obtaining a line-of-credit from Fannie Mae (an affordable housing lender).
- The agreement requires the WHA to buy the property back from the Developer in the event the City’s TOD plan does not designate a reasonable portion of the parcel for a multi-family housing project. The buyback provision would not apply to the inability of the Developer to obtain Preliminary Development Plan and/or Official Development Plan (ODP) approval from the City.
- In the event a multi-family residential use is designated for the site, the Developer intends to immediately move forward with the preparation of plans related to the development project.

Required Expenditure: \$825,762

Source of Funds: Fannie Mae Line-of-Credit through the Westminster Housing Authority

Policy Issue:

Should the City support the WHA providing a loan to a private developer to purchase property for which the City's Comprehensive Land Use Plan and zoning do not currently permit the intended land use (multi-family housing), and provide a financial "guarantee" in the event residential use is not designated for the parcel within the TOD redevelopment plan?

Alternatives:

1. The City may choose not to approve the agreement as proposed and advise the developer and property owner to await the adoption of the TOD plan. Such a decision could result in the property owner choosing to sell the property to another buyer for a prospective use that may be contrary to the interests of the TOD plan and associated redevelopment.
2. The City may choose to not approve an agreement at this time and work with the WHA to pursue acquisition of the property directly, hold it until such time as a land use determination has been made, and offer it for development at some time in the future. Staff recommends that this alternative not be pursued as the WHA and/or City would have to carry the loan not knowing if and when a new development prospect may become interested.

Background Information:

Several years ago, the City of Westminster partnered with Marshall Kaplan from the University of Colorado at Denver to implement the South Westminster Strategic Revitalization Plan. As part of this process, developers and investors throughout the Denver metro area were invited to pursue redevelopment projects within the revitalization area. Through this process, McDermott Properties, LLC approached the City about developing a vacant 7-acre parcel, just south of 71st Avenue and west of Federal Boulevard, as a "workforce" housing project. "Workforce" housing generally provides housing for households earning 60% to 80% of median income. Based on the median income for the Westminster market, eligible households could earn between \$40,000 and \$54,000 to qualify. McDermott Properties, LLC selected this site for a possible project primarily due to its eligibility to receive significant Private Activity Bond (PAB) assistance and tax incentives through the Colorado Division of Housing.

The property is not currently zoned nor designated in the City's Comprehensive Land Use Plan (CLUP) for residential use. However, City staff advised the prospective Developer that it would give consideration to recommending that City Council amend the CLUP and zoning dependent upon the scale, quality, and tenant mix of the project. Accordingly, the Developer prepared several concept plans for City review. Based upon the review, the City staff and Developer agreed to collectively look at expanding the scope of the project to include property immediately north along 71st Avenue and along the Federal Boulevard frontage. Accordingly, the Developer proceeded to prepare alternative development concepts for the larger area.

Several months into this process, the Regional Transportation District (RTD) announced that the south Westminster area was designated for a commuter-rail transit stop. RTD did not specify the location for the station, but rather noted it to be located somewhere between Federal and Lowell Boulevards along the BNSF railroad tracks. Given the station designation, the Westminster City Council expressed its interest in developing a TOD redevelopment plan for the station and the surrounding area. With the proximity of the 7-acre site to the rail line (a few hundred feet south of the southerly property line) and the City's interest in preparing a redevelopment plan for the area, the Developer was advised decisions related to the proposed "workforce" housing project would be deferred until such time as the TOD plan was completed in the Spring of 2004. Because of these developments the Developer was not able to fulfill his contractual obligation to purchase the property.

The Developer continued to maintain an interest in pursuing the proposed project, and as a result sought an extension of the purchase option. However, the property owner (seller) voiced significant concern over his inability to sell the property. The owner expressed his frustration in being unable to sell the parcel for over 5-years, contending in part that the prospective sales have been hindered by lack of City support towards proposed industrial projects. While upset at the prospect of not being able to sell the property immediately, the owner has agreed to a short time extension (about 3 months) within which the Developer would be required to close on the sales transaction. Unfortunately, this time frame does not provide sufficient time for the TOD plan to be concluded, thereby placing the Developer in a situation whereby he would own the property but may not be able to develop the “workforce” housing.

In response, the property owner and Developer met with City staff to formulate a strategy to allow the Developer to purchase the property assuming a reasonable level of financial risk while securing the site for compatible TOD redevelopment projects. Based on these discussions it has been proposed that the WHA, the City of Westminster, and the Developer enter into a pre-development agreement that includes the following provisions.

1. The Developer would proceed to extend an option to purchase the referenced property at a price of \$825,762. The Developer would provide any required earnest payment and set closing at about 90 days following approval of the pre-development agreement. The closing on the sale would be premised on the WHA providing a loan to the Developer after obtaining a line-of-credit from Fannie Mae (an affordable housing lender).
2. The WHA will work to secure the line-of-credit from Fannie Mae. If the WHA successfully secures the line-of-credit, it would then extend a loan offer to the Developer to purchase the property at the designated closing time. In the event the WHA is unable to secure a Fannie Mae funding, the Developer would have the option of proceeding with the acquisition using personal resources or terminating the purchase contract. If the Developer is not able to secure funding sufficient to close on the Parcel, the City or WHA will reimburse actual costs incurred by the Developer, including earnest money, option fee or other costs, up to a maximum of \$20,000 within thirty days after termination of the purchase agreement for the parcel.
3. The Developer agrees to pursue a Private Activity Bond (PAB) allocation from the Metro Mayors Caucus TOD Workforce Housing Fund to fund the development. If such funding is denied or insufficient to provide the necessary level of PAB required, the City of Westminster would agree to assign a portion of its Private Activity Bonds (PAB) to the project as a match towards State PAB funding.
4. If the TOD plan designates a reasonably sized portion of the property for multi-family development to accommodate at least 120 units, the developer shall proceed with the preparation of development plans and repay the balance of the WHA loan upon receiving private financing for the project. The City would have the “first right of refusal” to acquire any remaining balance of the property not used in conjunction with the Developer’s housing project.
5. In the event a reasonably sized portion of the site is not specified for multi-family housing upon completion of the TOD plan, the ownership of the property and the Fannie Mae debt obligation may be assigned to the WHA, thereby terminating the Developer’s financial obligations and development rights to the property. In such an occurrence, the WHA would market the property for the development purposes reflected in the TOD plan.
6. The agreement further stipulates that the City would give consideration to financial assistance pertaining to development-related fees and taxes. Any actual support would be established in conjunction with a subsequent Development and Disposition Agreement to be negotiated at such time the project moves forth with the preparation of development plans.

Respectfully Submitted,

J. Brent McFall, City Manager

Attachment

A TRI-PARTY PRE-DEVELOPMENT AGREEMENT

between the
City of Westminster,
The Westminster Housing Authority, and
McDermott Properties, LLC.

Related to the
**REDEVELOPMENT OF A 7-ACRE PARCEL LOCATED ON HOOKER STREET
IMMEDIATELY SOUTH OF WEST 71ST AVENUE, WITHIN THE TRANSIT-ORIENTED
DEVELOPMENT PROJECT AREA**

This Agreement is made and entered into this ____ day of _____, 2003, by and between the CITY OF WESTMINSTER (City), the WESTMINSTER HOUSING AUTHORITY (WHA), and McDERMOTT PROPERTIES, LLC. (Developer).

WHEREAS, the City has indicated its desire to improve and redevelop the area in the area bounded by Lowell Boulevard, Federal Boulevard, 68th Avenue and 72nd Avenue, including a vacant 7-acre parcel of land immediately west of Federal Boulevard and south of 71st Avenue as shown in Appendix A, hereinafter referred to as the Parcel; and,

WHEREAS, the City is in the process of preparing a transit-oriented development (TOD) plan for the area around and including the Parcel in anticipation of redevelopment and development activity around a commuter-rail transit station proposed along the Burlington Northern Santa Fe Railway tracks between Lowell Boulevard and Federal Boulevard, and,

WHEREAS, it is in the City's and WHA's interest to secure the Parcel prior to completion of the TOD plan so as to preserve it for appropriate transit-oriented development; and,

WHEREAS, the Developer has expressed an interest in developing the property for workforce housing (Project) and has offered to assist the City in securing the property for development at such time the TOD plan is completed; and,

WHEREAS, the Developer and City wish to set forth terms and conditions upon which the Developer shall proceed with land acquisition, development plan submittal, and financial considerations.

NOW, THEREFORE, in consideration of the above premises, covenants, promises, and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy of which, are hereby acknowledged, the parties agree as follows:

A. Land Acquisition and Financing

1. The Developer shall enter into an agreement with the property owner to purchase the Parcel for \$825,762.00.
2. The City and WHA shall attempt to secure funding from Fannie Mae and lend the proceeds to the Developer in order to close the purchase agreement for the Parcel. The Developer shall cooperate to the extent necessary and will enter into such further agreement as may be necessary concerning this funding source and the terms of repayment to the City or WHA. In the event the WHA or the City is not successful in securing such funding the Developer may seek alternative funding to purchase the Parcel or terminate the contract to purchase the Parcel. If the Developer is not able to secure funding sufficient to close on the Parcel, the City or WHA will reimburse actual costs incurred by the Developer, including earnest money, option fee or other costs, up to a maximum of \$20,000 within thirty days after termination of the purchase agreement for the Parcel..

3. Upon acquiring the Parcel, the Developer agrees to retain ownership and properly maintain the Parcel until such time as the City determines the most appropriate use for the land through the TOD planning process, which shall be done by June 30, 2004, unless otherwise agreed to by the Developer. The City contemplates the formal adoption of the TOD plan to be completed by April 1, 2004. It is the intent of the parties that the Developer will pursue the development process for a multi-family residential project and reimburse the City and WHA the full costs incurred by the City and WHA when the Developer's project is approved by the City and the Developer obtains a construction loan. The details of repayment shall be further negotiated in the loan agreement between the parties if Fannie Mae funding is obtained. "Full Costs" shall include the loan principal, accrued interest pursuant to the Fannie Mae terms, and other fees and costs related to the financing.
4. Upon written request from the Developer, the City agrees to re-purchase the Parcel from the Developer at the full cost paid by the Developer, only upon one of the following conditions being met.
 - a. The City chooses not to permit development of multi-family housing on any portion of the Parcel purchased by the Developer;
 - b. The City has not determined the appropriate land use for the Parcel by June 30, 2004;
 - c. The City shall retain a first –right –of refusal relative to the purchase of any remaining portion of the Parcel not used in conjunction with the Project at a price of \$2.75 per square foot of land. A memorandum of this first right of refusal may be prepared by the City and recorded in the real property records of Adams County

"Full cost" re-purchase shall include the loan principal, accrued interest pursuant to the loan terms, survey, and applicable legal fees and closing costs.

B. Environmental Remediation and Demolition

1. The City has completed a Phase I assessment of the area, inclusive of the property to be acquired, and shall make such report available to the Developer. The Developer shall evaluate the applicability of the assessment completed to date and conduct additional environmental assessment as determined necessary to secure construction financing for the project. The City and/or WHA shall require a comparable level of assessment as required by such lender prior to repurchase of the property from the Developer as provided for in Subsection A.4.
2. In the event environmental remediation is determined to be necessary, the City or WHA shall not be required to re-purchase the property until such remediation is completed to standards specified by the State of Colorado.
3. In the event environmental clean-up becomes necessary, The City agrees to sponsor an application to the Colorado Brownfield's Revolving Loan Fund as necessary and applicable pursuant to U.S. Environmental Protection Agency regulations.

C. Plan Preparation and Land Use Considerations

1. The City agrees to move forward diligently with the preparation of the South Westminster Transit Oriented Development (TOD) plan for the immediate area including the Parcel to be purchased by the Developer. The City further agrees to evaluate one or more scenarios giving consideration to higher density residential development upon all or a significant portion of the subject property.
2. In the event the City determines higher density residential housing is not a suitable use for the Parcel, the City shall work with the Developer to assist in the identification of a site suitable for such development within the TOD area.

3. Upon City consent relative to site selection, the Developer agrees to proceed with and assume all costs relative to the preparation of initial conceptual site and architectural plans, in association with submittal of necessary Comprehensive Land Use Plan (CLUP) amendments, Preliminary Development Plans (PDP), and Official Development Plans (ODP).
4. In the event the Developer terminates the project as a result of its own choice or action, WHA and the City shall not be required to reimburse the Developer for any costs incurred up to such date.
5. The Developer shall adhere to a plan processing and review timeline as determined by the Planning Division and/or the project planner. The City agrees to work with WHA and the Developer to accelerate the process whenever applicable and reasonable.
6. The Developer agrees to abide by development guidelines to be identified as part of the TOD planning process.

D. Financial Considerations

1. The WHA agrees to pursue a line of credit from Fannie Mae, which shall be sufficient to provide the funds to Developer sufficient to acquire the Parcel in accordance with Section A of this agreement. In the event the City is successful in securing the Fannie Mae funds, City staff will work towards making the funds available to the Developer no later than 30 days after obtaining the line of credit. The Developer and WHA shall negotiate the terms and conditions of such loan upon the WHA receiving acceptable term sheet and contract from Fannie Mae.
2. The City agrees to defer the payment of all planning and engineering plan submittal fees related to any CLUP, PDP and/or ODP submittal until such time as all subject parties agree to a final Development and Disposition Agreement (DDA).
3. Staff will explore the use of development-related fees and use tax relative to assist the Developer in offsetting excessive costs associated with land acquisition and associated public improvements in conjunction with the preparation of the DDA. Such fees and use tax may include, but are not limited to, the following:
 - a. Planning and engineering processing fees;
 - b. Building permit fees related to demolition and construction activity;
 - c. Use tax as it relates to the cost of construction;
 - d. Park Development Fee and Land Dedication Requirement;
 - e. The open space portion of the City sales and use tax shall not be reduced or waived.
4. The City shall support the Developer in efforts to secure an allocation of Private Activity Bonds (PAB) to make the project financially viable.
 - a. The Developer agrees to assess, and as applicable, pursue a PAB allocation from the Metro Mayors Caucus Transit Oriented Multi-family Pool in lieu of using the City's PAB capacity.
 - b. In the event it is determined that the Metro Mayors Caucus Transit Oriented Multi-family Pool is not suitable to assist in financing the project, the City shall give consideration to allocating some of its Private Activity Bond (PAB) capacity to the Project.

E. Water and Sewer Service

1. The City shall give consideration to waiving the requirement for the project to participate in the City's Growth Management Residential Competition to receive a tap allocation, ensuring that water and sewer taps necessary to complete the project are made available when needed, so long as all other obligations of the Developer pursuant to this agreement and future agreements with the City and WHA are met.

2. The Developer agrees to pay the full cost for City water and sewer taps based on a Rate Schedule in effect at the time the Disposition and Development Agreement (DDA) is approved.
3. The Developer shall be entitled to receive tap credits based on tap sizes and/or historic water use currently serving the affected redevelopment properties. The Developer shall use such credits in conjunction with the approved development plans. In the event the tap credits to the Developer exceed the cost for new taps to service the development, the credit balance shall be conveyed by the Developer to the Westminster Economic Development Authority (WEDA) for use in other redevelopment projects relative to South Westminster revitalization.

F. Development and Disposition Agreement

1. The Developer and WEDA shall negotiate and enter into a final Development and Disposition Agreement at such time as an ODP is completed. Development activity, including condemnation of property, shall not proceed prior to WEDA approval of the agreement. The Developer and WEDA may mutually agree to finalize and approve such agreement at any time prior to formal approval of the ODP by the City.

CITY OF WESTMINSTER

McDermott Properties, LLC

J. Brent McFall
City Manager

Arthur McDermott

WESTMINSTER HOUSING AUTHORITY

J. Brent McFall
Executive Director

ATTEST:

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, December 8, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem McNally, and Kauffman. Absent Councillors Dittman, Dixon, Hicks, and Price. At 7:55 p.m. Councillor Hicks arrived.

The minutes of the November 24, 2003 meetings were approved.

Mayor Moss and Dan Montgomery, Police Chief, presented Betty Whorton with a plaque for recognition of Exemplary Volunteer Work.

The following Public Hearings were held: At 7:58 p.m. on the Westminster Center Urban Renewal Area; at 8:18 p.m. on the amendment to off-street parking requirements for single-family detached.

Council approved the following: Quarterly Insurance Report; Emergency Management Program Grant; 2004 Capital Improvement Technical Staff Support Services with RG Consulting Engineers not to exceed \$120,000; Purchase of PVC and Ductile Iron Water Pipe from National Water Works for \$59,604; Crestview Water and Sanitation District Intergovernmental Agreement; 144th Avenue/Interstate 25 IGA with City of Thornton; and Pre-Development Agreement related to West 70th Avenue & Hooker Street.

The following Councillor's Bill was passed on first reading:

A BILL FOR AN ORDINANCE AMENDING CHAPTER 7 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING OFF-STREET PARKING STANDARDS FOR SINGLE-FAMILY ATTACHED PROJECTS purpose: amending off-street parking requirements for single-family detached

The following Councillor's Bills were adopted as emergency ordinances:

A BILL FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF WESTMINSTER, HYLAND HILLS PARK AND RECREATION DISTRICT, AND SLAPSHOT HOCKEY CENTER INC. FOR THE LEASE OF THE FORMER HYLAND HILLS ICE ARENA LOCATED AT 94TH AVENUE AND PERRY STREET, WESTMINSTER, CO purpose: transfer of lease of the Breakaway Center

A BILL FOR AN ORDINANCE VACATING PORTIONS OF REED STREET BETWEEN CHURCH RANCH BOULEVARD AND US 36 purpose: vacating of Reed Street right-of-way

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

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

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS

The following Resolutions were adopted:

Resolution No. 52 re Westminster Center Urban Renewal Area

Resolution No. 53 re allocating Service Commitments for the year 2004

Resolution No. 54 re revising City of Westminster Single-Family Detached Design Guidelines

Resolution No. 55 re revising City of Westminster Single-Family Attached Design Guidelines

Resolution No. 56 re revising City of Westminster Multiple-Family Detached Design Guidelines

Resolution No. 57 re revising City of Westminster Senior Housing Design Guidelines

At 8:25 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 18, 2003

ORDINANCE NO. **3077**

COUNCILOR'S BILL NO. **73**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
McNally-Dixon

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements, and has determined that the property is not solely a public street or right-of-way; and,

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

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of November, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2003.

ORDINANCE NO. **3078**

COUNCILOR'S BILL NO. **74**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
McNally-Dixon

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

A parcel of land, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 acres more or less.

The Brauch annexation property shall be changed from Unincorporated Jefferson County, to Public Open Space, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 24th of November, 2003. PASSED, ENACTED ON SECOND READING, AND FULL
TEXT ORDERED PUBLISHED this 8th day of December, 2003.

ORDINANCE NO. **3079**

COUNCILOR'S BILL NO. **75**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
McNally-Dixon

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

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

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. A parcel of land more particularly described as follows:

A parcel of land, an enclave completely surrounded by the corporate boundary of the City of Westminster, in the west half of the northeast quarter of Section 18, Township 2 south, Range 69 west of the sixth principal meridian in the City of Westminster, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the north quarter corner of said Section 18; thence along the west line of the northeast quarter of said Section S00°15'00"E, 1283.56 feet to a point on lines of the Brauch Open Space Annexation to the City of Westminster as recorded at Reception #0384522 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said lines N87°44'1"E, 429.86 feet; thence continuing along said lines S15°04'36"E, 1359.58 feet; thence continuing along said lines N88°01'19"W, 778.09 feet to a point on the west line of the northeast quarter of said section, a point on the east line of the Woman Creek Reservoir Annexation to the City of Westminster as recorded at Reception #0034601 of said records; thence along said line N00°15'00"W, 1268.96 feet to the true point of beginning. Said parcel contains 778,248 square feet or 17.87 acres more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of November, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2003.

ORDINANCE NO. **3080**

COUNCILLOR'S BILL NO. **76**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dixon-McNally

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$28,774 which, when added to the fund balance as of the City Council action on November 24, 2003 will equal \$71,102,207. 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 local law enforcement matching grant.

Section 2. The \$28,774 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 Grants 1000.40610.0000	\$0	<u>\$28,774</u>	\$28,774
Total Change to Revenues		<u>\$28,774</u>	
EXPENSES			
Other Equip-Police Dept 10020500.76000.0000	\$0	<u>\$28,774</u>	\$28,774
Total Change to Expenditures		<u>\$28,774</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 AND PUBLISHED this 24th day of November, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dittman-Kauffman

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$7,755,000 which, when added to the fund balance as of the City Council action on November 24, 2003 will equal \$18,917,186. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2002 carryover.

Section 2. The \$7,755,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover 7500.40020.0000	\$5,165,914	\$2,155,000	\$7,320,914
Transfer from Utility Fund 7500.45000.0210	0	<u>5,600,000</u>	5,600,000
Total Change to Revenues		<u>\$7,755,000</u>	
EXPENSES			
City Hall Space Allocation 80275012534.80400.8888	\$283,000	\$150,000	\$433,000
HVAC Upgrades to City Hall 80275012506.80400.8888	680,000	50,000	730,000
Public Safety Building 80175020086.80400.8888	3,121,369	190,000	3,311,369
Huron Street 129 th /144 th 80175030069.80400.8888	4,200,000	500,000	4,700,000
Heritage Golf Course Expansion 80375050324.80400.8888	0	75,000	75,000
City Park Main Facility 80175050092.80400.8888	1,200,000	300,000	1,500,000
PR&L Master Plan 80375050325.80400.8888	0	40,000	40,000
City Park Skateboard Park 80375050326.80400.8888	0	75,000	75,000
Parks Renovation Program 80375050305.80400.8888	500,000	250,000	750,000
Recreation Center Improvements 80175050027.80400.8888	444,417	150,000	594,417
PR&L CIP Reserve 80175050186.80400.8888	469,912	375,000	844,912
McKay Lake Outfall Drainage 80375030313.80400.8888	694,496	<u>5,600,000</u>	6,294,496
Total Change to Expenditures		<u>\$7,755,000</u>	

Section 3. The 2003 appropriation for the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$36,964,744 is hereby increased by \$10,600,000 which, when added to the fund balance as of the City Council action on November 24, 2003 will equal \$49,736,245. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 2002 carryover.

Section 4. The \$10,600,000 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover 2100.40020.0000	\$3,962,500	<u>\$10,600,000</u>	\$14,562,500
Total Change to Revenues		<u>\$10,600,000</u>	
EXPENSES			
BDC Expansion 80121035044.80400.8888	\$4,361,819	\$5,000,000	\$9,361,819
Transfer to GCIF 21010900.79800.0750	0	<u>5,600,000</u>	5,600,000
Total Change to Expenditures		<u>\$10,600,000</u>	

Section 5. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of November, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of December, 2003.

ORDINANCE NO. **3082**

COUNCILLOR'S BILL NO. **78**

SERIES OF 2003
Hicks-Kauffman

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF WESTMINSTER, HYLAND HILLS PARK AND RECREATION DISTRICT, AND SLAPSHOT HOCKEY CENTER INC. FOR THE LEASE OF THE FORMER HYLAND HILLS ICE ARENA LOCATED AT 94TH AVENUE AND PERRY STREET, WESTMINSTER, CO.

WHEREAS, City Council previously authorized an intergovernmental agreement between the City and Hyland Hills Park and Recreation District, which makes the City and the District co-owners of Carroll Butts Park and the former Hyland Hills ice Arena building; and

WHEREAS, the City and Hyland Hills had previously selected Inline Endeavors L.L.C. as the lessee of the former Hyland Hills Ice Arena Building; and

WHEREAS, Inline Endeavors now desires to assign the remainder of their lease term to Slapshot Hockey Center Inc.; and

WHEREAS, the final form of the lease agreement has been agreed to by the parties; and

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreement between the City, Hyland Hills Park and Recreation District, acting by and through its Recreational Facilities Enterprise, and Slapshot Hockey Inc. for the lease of the former Hyland Hills Ice Arena located at 94th Avenue and Perry Street, Westminster, CO, is approved per the terms outlined in the lease as prepared by Hyland Hills and City legal Staff.

Section 2. This ordinance shall take effect in full upon its passage.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 8th day of December 2003.

ORDINANCE NO. **3083**

COUNCILLOR'S BILL NO. **80**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Kauffman-McNally

A BILL

FOR AN ORDINANCE VACATING PORTIONS OF REED STREET BETWEEN CHURCH RANCH BOULEVARD AND US 36.

WHEREAS, a certain portion of Reed Street was dedicated as public right-of-way by the Mandalay Gardens Subdivision; and

WHEREAS, this portion of the street lies within the boundaries of the Mandalay Town Center PUD; and

WHEREAS, this portion of the street is not necessary for access to any private parcels within the development; and

WHEREAS, the vacation is necessary in order to make the improvements to the property in accordance with the approved Preliminary Development Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portion of Reed Street herein described.

Section 2. Legal Description of Reed Street:

A parcel of land being a portion of that certain unnamed roadway (now known as Reed Street), and West 105th Avenue (formerly known as Haney Drive), as shown on the plat of Mandalay Gardens in the City of Westminster, County of Jefferson, State of Colorado, recorded in the office of the Clerk and Recorder of said County, lying in the southeast quarter of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, in said City, County and State, more particularly described as follows:

Commencing at the south quarter corner of said Section 11;

Thence along the southerly line of said southeast quarter of Section 11, North 88°52'45" East 69.80 feet to the easterly right-of-way of Wadsworth Avenue (now known as West 105th Avenue) as shown on said plat of Mandalay Gardens;

Thence along the easterly and southeasterly right-of-way of said West 105th Avenue the following two (2) courses:

1. North 15°16'11" East 187.26 feet;
2. North 40°36'25" East 601.22 feet to the southerly right-of-way of said West 105th Avenue (formerly known as Haney Drive);

Thence along said southerly right-of-way South 89°59'27" East 1498.86 feet to the southerly prolongation of the westerly right-of-way of said Reed Street and the True Point of Beginning.

Thence along said southerly prolongation and said westerly right-of-way North 00°05'42" East 1040.46 feet to the southwesterly right-of-way of U. S. Highway 36;

Thence along said southwesterly right-of-way, South 29°43'04" East 60.34 feet to the easterly right-of-way of said Reed Street;

Thence along said easterly right-of-way, South 00°05'42" West 988.06 feet to southerly right-of-way of said West 105th Avenue;

Thence along said southerly right-of-way, North 89°59'27" West 30.00 feet to the **True Point of Beginning**. Containing 0.699 acres (30,428 square feet), more or less.

Section 3. Because any delay in initiating and completing the Mandalay Town Center improvements pursuant to the Redevelopment Agreement with the developer could jeopardize the timely opening of the Project and the ability of the Authority to meet the debt service for the bond issue for the project, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on December 8, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 8th day of December 2003.