

AGENDA

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
SPECIAL MEETING**

MONDAY, JULY 28, 2014

AT 7:00 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (July 14, 2014)
- 3. Public Hearings and New Business**
 - A. Public Hearing to Consider Amendment to 2014 Budget
 - B. Resolution No. 156 Authorizing Supplemental Appropriation to 2014 Budget
 - C. Westminster Center Urban Reinvestment Project Grading Design Contract Amendment and Construction Engineering Contract
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, JULY 14, 2014, AT 7:25 P.M.

ROLL CALL

Present at roll call were Chairperson Herb Atchison and Board Members Bruce Baker, Bob Briggs, Alberto Garcia, Emma Pinter, and Anita Seitz. Vice Chairperson Faith Winter was absent. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Secretary.

APPROVAL OF MINUTES

Board Member Briggs moved, seconded by Board Member Baker, to approve the minutes of the meeting of June 23, 2014, as written. The motion carried unanimously.

MASTER PLANNING PROFESSIONAL SERVICES CONTRACTS FOR THE WURP

It was moved by Board Member Pinter, seconded by Board Member Garcia, in order to more clearly communicate the costs associated with the Torti Gallas contract, to rescind the July 8, 2013, limit on other contracts as necessary with other consultants for work related to the Westminster Center Urban Reinvestment Project (WURP) in an amount not to exceed \$125,000 and to authorize the Executive Director to execute an amended contract with Torti Gallas for an additional \$125,000 for a total not to exceed \$500,000 for planning, urban design and infrastructure analysis related to the development of the WURP site. The motion passed by a 5:1 margin with Board Member Baker casting the dissenting vote.

ADJOURNMENT

With no further business for the Authority's consideration, Chairperson Atchison adjourned the meeting at 7:26 p.m.

ATTEST:

Chairperson

Secretary

WEDA Agenda Item 3 A - B

Agenda Memorandum

Westminster Economic Development Authority Meeting
July 28, 2014



SUBJECT: Public Hearing and Resolution No. 156 Authorizing Supplemental Appropriation to the 2014 budget

Prepared By: Karen Creager, Special Districts Accountant

Recommended Board Action

- 1) Hold a Public Hearing on the budget amendment for the Westminster Economic Development Authority.
- 2) Adopt Resolution No. 156 authorizing a supplemental appropriation to the 2014 Westminster Economic Development Authority budget.

Summary Statement

- To simplify administrative procedures and reduce paper work, City Staff will typically prepare a resolution on a quarterly basis to appropriate unanticipated revenues and adjust the budget side of transactions that occur during the year for the Westminster Economic Development Authority (WEDA). However, situations may arise where a more immediate need for additional funding is required causing a supplemental request to be presented to the Board between the traditional quarterly supplemental appropriation requests. This is such a request.
- This supplemental appropriation is related to the City's carryover appropriation ordinance approved by City Council on first reading on July 14, 2014 and the anticipated approval of the ordinance on second reading at the Council meeting held just prior to this Board meeting.
- 2014 Amendments:
 - Westminster Center Urban Reinvestment Plan (WURP) Urban Renewal Area (URA)
 - \$600,000 Transfers-in
- A public hearing is required pursuant to Section 29-1-108 of the Colorado Revised Statutes.

Expenditure Required: \$600,000

Source of Funds: Transfers-in

Policy Issue

Should the WEDA Board appropriate funds as set forth in the attached Resolution?

Alternatives

The Board could decide not to appropriate the transfers-in revenue to the WURP project and appropriate those funds to other WEDA URA projects. This alternative is not recommended as City Council authorized transferring these funds specifically for the WURP redevelopment efforts.

Background Information

On July 14, the Westminster City Council approved a supplemental appropriation ordinance for the City on first reading that authorized the transfer of \$600,000 from Sales and Use Tax Fund carryover to WEDA's Westminster Center Urban Reinvestment Plan Area specifically to assist with the continued redevelopment efforts at the former Westminster Mall site. In anticipation of City Council passing the ordinance on second reading at the City Council meeting held prior to this WEDA meeting, the requested action in this agenda appropriates those funds to the WURP project. The City and WEDA continue to work to redevelop the former Westminster Mall site. These funds are proposed to be allocated at this time for expenses related to the redevelopment that will be incurred over the balance of 2014 and will have contractual obligations associated with them for payment. These funds will be used by WEDA for planning, architectural services, other consulting contracts and administrative costs related to the WURP Project.

The amendment listed in the attached resolution will bring WEDA's accounting records up-to-date to reflect the various detailed transactions.

The action requested in this agenda memorandum relates to Council's Strategic Plan goals of "Dynamic, Diverse Economy" and "Vibrant & Inclusive Neighborhoods." These goals are met by ensuring revenues are appropriated to expenditure accounts so the funds can be utilized as intended including continued progress in the redevelopment of the Westminster Center Urban Reinvestment Plan Area.

Respectfully submitted,

Stephen P. Smithers
Acting Executive Director

Attachment: WEDA Resolution

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **156**
SERIES OF 2014

INTRODUCED BY BOARD MEMBERS

**2014 WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
BUDGET SUPPLEMENTAL APPROPRIATION**

WHEREAS, the Westminster Economic Development Authority (WEDA) initially adopted the 2014 budget on October 8, 2012; and

WHEREAS, proper notice for this amendment was published on July 24, 2014, pursuant to the requirements of Section 29-1-106 Colorado Revised Statutes; and

WHEREAS, a public hearing for this amendment was held on July 28, 2014, pursuant to the requirements of Section 29-1-108 Colorado Revised Statutes; and

WHEREAS, on July 28, 2014 City Council authorized the transfer of \$600,000 from Sales and Use Tax Fund 2013 carryover to WEDA to fund expenses related to the redevelopment of the former Westminster Mall site; and

WHEREAS, as necessary a resolution to make adjustments to the budget is presented to the Board; and

WHEREAS, there are adjustments to be made to the 2014 budget; and

WHEREAS, the revenue adjustment consists of an increase of \$600,000; and

WHEREAS, the expense adjustment consists of an increase of \$600,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Westminster Economic Development Authority:

Section 1. The \$600,000 increase shall be allocated to WEDA Revenue and Expenditure accounts as described below:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers-in	6800.45000.0530	\$0	\$600,000	\$600,000
Total Change to Revenues			\$600,000	

EXPENDITURES

Description	Account Number	Current Budget	Amendment	Revised Budget
Appropriation Holding-City Participation	80968005952.80400.8888	\$1,094,088	\$600,000	\$1,694,088
Total Change to Expenses			\$600,000	

Section 2. The resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED 28th day of July, 2014.

ATTEST:

Chairperson

Secretary

WEDA Agenda Item 3 C

Agenda Memorandum

Westminster Economic Development Authority Meeting
July 28, 2014



SUBJECT: Westminster Center Urban Reinvestment Project Grading Design Contract
Amendment and Construction Engineering Contract

Prepared By: David W. Loseman, Assistant City Engineer

Recommended Board Action

Based upon the recommendation of the Executive Director, find that the public interest will be best served by a negotiated contract with Martin/Martin, Inc. for Construction Engineering Services during the grading of the Westminster Center Urban Reinvestment Project (WURP); award the grading Construction Engineering Services contract to Martin/Martin, Inc. and authorize the Executive Director to execute a contract in the amount of \$57,120 for this work and an additional \$25,000 as a contingency; and authorize an amendment to Martin/ Martin's current design contract in the amount of \$44,300 and an additional \$10,000 as a contingency.

Summary Statement

- Based upon staff's previous recommendation that it is in the City's best interests to remove any remaining asphalt, curb, gutter and minor structures from the site of the former Westminster Mall as well as perform the over lot grading of the site in preparation for the eventual redevelopment of the property, WEDA authorized the execution of a grading design contract with Martin/Martin, Inc. on February 24, 2014.
- Martin/Martin, Inc. is now recommended to perform construction engineering services during the grading activities as a sole source selection due to this firm's superior knowledge of the grading design for the site. Furthermore, Martin/Martin is currently employed as a subconsultant to Torti Gallas and Partners Inc., on the preparation of the Specific Plan for the Downtown Westminster project. It is staff's belief that this firm's familiarity with the site and its previous work on the Specific Plan allow Martin/Martin to provide excellent services to the City that would not be available from any other engineering consultant. Martin/Martin's fee of \$57,120 is approximately 1.5% of the anticipated cost of this construction, which is very favorable as compared to the fees normally associated with other similar projects. The recommended \$25,000 contingency is reasonable for a project of this magnitude and complexity.
- An Amendment to Martin/Martin's current design contract in the amount of \$44,300 is also requested. This amendment is due to significant, unanticipated revisions to the grading plan suggested by Oliver McMillan, the selected developer of the site. Martin/Martin's effort also includes the addition of the design of booster pumps for the potable water system for the project.

Expenditure Required: \$136,420

Source of Funds: Westminster Center Urban Reinvestment Project Capital Improvement Project

Policy Issue

Should the WEDA Board hire Martin/ Martin, Inc. on a sole source basis as the Construction Engineering firm for the grading of the Downtown Westminster site?

Alternative

The WEDA Board could chose to not move forward with this project or direct staff to conduct a formal selection process for the grading construction engineering services. City staff recommends the approval of this contract since this action will keep the project moving forward in a manner to meet the aggressive schedule of this project. Staff firmly believes that Martin/Martin has a strong familiarity with the project that would be difficult to match by another design and construction engineering firm and has offered a very competitive pricing.

Background Information

Over the past few years, the Authority has purchased many properties at the former Westminster Mall, making WEDA the owner of approximately 90% of the site. In 2012, the demolition of the old Mall began with the first phase of this effort being the demolition of the Mervyn's, Macy's, Steak and Ale and theater buildings. The second phase of demolition included the Dillard's, Montgomery Ward's, Sears, Sears Automotive and the main Mall corridor buildings - essentially all structures within the Mall complex with the exception of the J.C. Penney store. As part of this next proposed demolition and grading project, accommodations for fire protection, parking lot lighting and electrical, gas, water and sanitary sewer services will be made to maintain all of these services to the J.C. Penney, Olive Garden, U.S. Bank, Brunswick Bowling and Dr. McMurtry's properties once the demolition and grading are completed.

Staff is recommending the use of Martin/Martin Inc. as the sole source consultant to act as WEDA's representative during construction. Martin/Martin is currently under contract with the City for the design of the grading of the site and is also currently serving as a subconsultant to Torti Gallas and Partners, Inc., the planning firm previously hired by the WEDA Board to prepare the Specific Plan for Downtown Westminster. The fee that Martin/Martin proposed for construction engineering services is \$57,120, which is approximately 1.5% of the cost of construction. This design fee percentage is much less than that of many other past projects performed by the City and is largely due to the fact that Martin/Martin is currently working on the Specific Plan as a consultant. Under Staff's current schedule, the demolition and grading of the property should begin late in the summer of 2014.

The requested amendment to Martin/Martin's design contract is due to significant revisions to the plans that became necessary when WEDA selected Oliver McMillan as the developer of the project. This selection of Oliver McMillan required revisiting the roadway layout of the project that affected the grading as well. In addition to the impacts to the site grading, Martin/Martin will design booster pumps to the potable water system on site to boost system pressure to an acceptable level and allow for the removal of the old Mall private booster pumps. Martin/Martin's request for additional funds in the amount of \$45,100 brings their total contract amount to \$164,490, which is approximately 4.1% of the estimated cost of construction. This design fee percentage is very favorable when compared to other design contracts of previous capital improvement projects.

City Council action on this item meets elements of two goals in the City's Strategic Plan: Dynamic, Diverse Economy and Ease of Mobility.

Respectfully submitted,

Stephen P. Smithers
Acting Executive Director