



## 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. Many items have been previously discussed at a Council Study Session.

**Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 4) is reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration.**

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings** (December 28, 2015)
4. **Citizen Communication (5 minutes or less)**
5. **Report of City Officials**
  - A. City Manager's Report
6. **City Council Comments**
7. **Presentations**
  - A. National Mentoring Month Proclamation

**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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.**

8. **Consent Agenda**
  - A. Designation of Official Places to Post Public Notices
  - B. Council Chambers Renovation Project – Contract for Preparation of Construction Documents
  - C. 2016 Open Space Demolition Project Contract
  - D. Well Abandonment Project Construction Contract
  - E. Reallocation of Funds for Well Abandonment Project
9. **Appointments and Resignations**
  - A. Resolution No. 1 Reappointing Members to Boards and Commissions and Filling Vacancies
10. **Public Hearings and Other New Business**
  - A. Councillor's Bill No. 1 re 2015 Supplemental Appropriation for COPs, Series 2015, and POST Refunding Bonds
  - B. Resolution No. 2 to Reimburse Utility Enterprise Capital Expenses before Bond Financing
  - C. Swearing In of New City Clerk
11. **Old Business and Passage of Ordinances on Second Reading**
  - A. Second Reading of Councillor's Bill No. 59 Approving Legacy Partners Business Assistance Agreement
12. **Miscellaneous Business and Executive Session**
  - A. City Council
  - B. Executive Session
    1. To discuss strategy and progress on the sale, acquisition, trade or exchange of property or property rights; to discuss the City's position on issues subject to formal negotiation and the progress and status of such negotiation; and to discuss strategy and progress on an economic development matter, disclosure of which would seriously jeopardize the City's ability to secure the development, all as authorized by Sections 1-11-3(2),(4) and (7), W.M.C., and Sections 24-6-402(4)(a) and (e) – *Verbal*
    2. To discuss pending litigation with the City Attorney and receive legal advice in the Brandt v City of Westminster Case, as authorized by Section 24-6-402(4)(b), C.R.S., and Section 1-11-3(C)(3), W.M.C. – *Verbal*
13. **Adjournment**

**NOTE:** Persons needing an accommodation must notify the City Clerk no later than noon on the Thursday prior to the scheduled Council meeting to allow adequate time to make arrangements. You can call 303-658-2161/TTY 711 or State Relay or write to [lyeager@cityofwestminster.us](mailto:lyeager@cityofwestminster.us) to make a reasonable accommodation request.

\*\*\*\*\*

**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 28, 2015, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Herb Atchison, Mayor Pro Tem Alberto Garcia and Councillors Bruce Baker, Shannon Bird, Maria De Cambra, Emma Pinter, and Anita Seitz were present at roll call. Also present were City Manager Donald M. Tripp, City Attorney David Frankel, and Deputy City Clerk Carla Koeltzow.

CONSIDERATION OF MINUTES

Mayor Pro Tem Garcia moved, seconded by Councillor Baker, to approve the minutes of the regular meeting of December 14, 2015, as presented. The motion carried unanimously.

CITIZEN COMMUNICATION

Eric Brandt, PO Box 133 in Westminster, urged Council to work with him to solve the problems he has presented prior. If not dealt with soon, to apply pressure, several federal lawsuits designed to advise the public of the issues will be filed and there will also be an increase in demonstrations throughout the City. He stated that he would be attending every Council meeting until the problems are addressed.

David DeMott, 9640 West 105<sup>th</sup> Way, thanked Council for their support of Ralston House. Mr. DeMott also stated his support of the Police Department and the outstanding work that they do. Many Citizens, along with himself and especially their children, don't appreciate being subject to Mr. Brandt's demonstrations. He urged Council to not be captive to Mr. Brandt's demands.

CITY MANAGER'S REPORT

Mr. Tripp reported there would be no post meeting tonight but there would be a meeting of the Downtown General Improvement District following this meeting. He expressed his appreciation for the many City employees that were scheduled or called in to work on Christmas Day and for City Council who took the time to visit staff and say thank you. The City is a 24/7 operation.

COUNCIL REPORTS

Council had nothing to report.

CONSENT AGENDA

The following items were presented on the consent agenda for City Council's action: accept the Financial Report for November as presented; approve the 2016 Council assignments list as discussed at the December 19 City Council Teambuilding Retreat; authorize the Mayor or Mayor Pro Tem to execute an Intergovernmental Agreement with the City of Northglenn, Ralston House, the Cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City and Aurora, the City and County Of Broomfield and the County of Adams regarding construction of the Northglenn Ralston House, which authorizes a contribution of \$30,000 by the City for the design of this project; authorize the reallocation of \$400,000 from the McKay Lake Outfall Drainage Project and \$600,000 from the Little Dry Creek Bridge Replacement Project to the 120<sup>th</sup> Avenue and Federal Boulevard Project; authorize the City Manager to award the bid and execute a contract with the lowest and most qualified bidder, Jalisco International, Inc., in the amount of \$4,982,990.85 for the construction of the US 287 (120<sup>th</sup> Avenue) Federal Boulevard Intersection Improvements Project; and authorize a construction contingency of \$400,000; ratify the 2016 contracted purchase of 170,000

gallons of unleaded, E-10 gasoline and 90,000 gallons of diesel fuel from Hill Petroleum to be delivered to City sites for a cost not to exceed \$408,552; and final passage on second reading of Councillor's Bill No. 58 appropriating grant monies to be received from the 2016 Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) Grant to the 2016 General Fund budget.

No one wished to remove any item for individual consideration, and it was moved by Councillor Baker and seconded by Councillor De Cambra to approve the consent agenda as presented. The motion carried with all Council members voting affirmatively.

COUNCILLOR'S BILL NO. 59 APPROVING A BUSINESS ASSISTANCE AGREEMENT

Councillor Seitz moved to pass on first reading Councillor's Bill No. 59 authorizing the City Manager to execute and implement a business assistance agreement with Legacy Partners, Residential LLC in substantially the same form as provided to Council. Councillor Bird requested that the motion be revised to accept the changes to section 1, 2 and 3 of the assistance agreement as discussed at tonight's pre-meeting. Seitz amended her motion to accept the changes. Councillor De Cambra seconded the motion.

Following discussion, the motion carried on a 6:1 vote with Councillor Baker voting no.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 7:24 p.m.

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

\_\_\_\_\_  
Mayor



## Agenda Item 7 A

### Agenda Memorandum

City Council Meeting  
January 11, 2016



**SUBJECT:** National Mentoring Month Proclamation

**Prepared By:** Linda Yeager, City Clerk

### Recommended City Council Action

Mayor Pro Tem Garcia present the National Mentoring Month proclamation to the Adams County Youth Initiative.

### Summary Statement

- The mission of the Adams County Youth Initiative (ACYI) is to work together to ensure our youth excel from cradle through career. Recognizing that “programs do not save youth, relationships do,” the ACYI has created the Caring Adult Network, a partnership of existing local non-profit agencies and organizations to match adult volunteers with youth seeking the stable influence and guidance of an adult mentor.
- Partnering in the Caring Adult Network are Metro Denver Partners, The Senior Hub, Save Our Youth, Young Life, Juvenile Justice Ministry, Boys & Girls Clubs of Metro Denver, Big Brothers Big Sisters, The Connection Youth Center and CASA (Court Appointed Special Advocates for Children).
- In an effort to raise awareness of the need for youth-adult mentoring relationships, Zach Kreeger, a representative of ACYI, will be present to accept the National Mentoring Month Proclamation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

On average, 22% of 9<sup>th</sup> grade students (the equivalent of more than 1,350 youth) in our community do not have a caring and trusted adult outside of their home and school. Lacking needed influence and reinforcement of their abilities, they are turning to undesirable habits that not only interfere with their academic performance, but also put them at risk of life-long behavioral issues.

Realizing that mentors offer youth valuable encouragement, motivation and hope by providing consistent adult friendship and role models, non-profit public and private agencies and organizations have formed the Caring Adult Network and is seeking volunteers to make a difference in children's lives by matching adults with youth for life-long healthy relationships.

This proclamation supports City Council's Strategic Plan goal of "Visionary Leadership, Effective Governance and Proactive Regional Collaboration" by spreading awareness of the need for qualified adult mentors and celebrating everyone who teaches, inspires, and guides our children and young people as they reach for their potential.

Zach Kreeger of ACYI will be present to accept the proclamation.

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachment: Proclamation

**WHEREAS**, mentors support our next generation to shape their ambitions, set a positive course, and achieve their boundless potential; and during National Mentoring Month, we support everyone who teaches, inspires, and guides our children and young people as they reach for their potential; and

**WHEREAS**, mentors offer valuable encouragement, motivation and hope for our children and youth by providing a consistent adult friend and role model; and

**WHEREAS**, relationships with caring mentors offer children and youth valuable support to guide them toward making positive, healthy choices; and

**WHEREAS**, research has shown mentored youth are less likely to skip school, start using drugs and alcohol, or engage in violence, and are more likely to attend college. Mentored children and youth also exhibit improved self-esteem, better relationships, and feel greater connectedness to their community and schools; and

**WHEREAS**, partnerships between businesses, schools and other youth service organizations, and mentoring programs are an effective way for businesses to support children and youth within the community; and

**WHEREAS**, collaborative mentoring programs that are supported by the entire community are more visible and therefore able to serve more children and youth; and

**WHEREAS**, our public and private organizations throughout our community are committed to working collaboratively to increase the number of quality mentoring matches.

**NOW, THEREFORE I, HERB ATCHISON**, Mayor of the City of Westminster, on behalf of the entire Council and Staff do hereby proclaim January to be

### **NATIONAL MENTORING MONTH**

in support of a commitment for more children and young people to have access to a quality mentor in our community.

Dated this 11th day of January, 2016.

---

Herb Atchison, Mayor



## Agenda Item 8 A

### Agenda Memorandum

City Council Meeting  
January 11, 2016



**SUBJECT:** Designation of Official Places to Post Public Notices

**Prepared By:** Linda Yeager, City Clerk

### Recommended City Council Action

Designate the bulletin board in the lobby of City Hall and the City of Westminster website as the locations for posting public notices of official meetings of the City Council, the Westminster Housing Authority, the Westminster Economic Development Authority, Special and General Improvement Districts, and the City's Boards and Commissions pursuant to Section 24-6-402 (2)(c), C.R.S., of the Colorado Open Meetings Act.

### Summary Statement

- The referenced section of the Colorado Open Meetings Act provides that the places where notices of official public meetings are to be posted shall be designated annually by the governing body at its first regular meeting of each calendar year.
- The City Council is the governing body of the City, and is also the governing body of the City's Special and General Improvement Districts (pursuant to Section 31-25-609, C.R.S.), the Westminster Housing Authority (pursuant to Section 29-4-205, C.R.S.), and the Westminster Economic Development Authority (pursuant to Section 31-25-114, C.R.S.).
- City Staff posts all notices of City Council meetings and study sessions, all Special and General Improvement Districts, all Westminster Economic Development Authority meetings, all Westminster Housing Authority meetings, and other official public meetings on the bulletin board across from the cashiers' counter in the lobby of City Hall. Identical notifications are posted on the City's website.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

Does City Council concur with the designation of the City Hall lobby bulletin board and City of Westminster website as the locations for posting public notices for official meetings?

**Alternative**

Identify other locations for posting public notices. This is not recommended as the City Hall bulletin board and City website not only serve the purpose of providing public notice, but also are the locations on which the public has come to rely for notices of meetings and agendas.

**Background Information**

The Open Meetings Act, more commonly called the Colorado Sunshine Act, provides that the public place or places for posting public notice of meetings shall be designated annually at the local governing body's first regular meeting of each calendar year. Historically, notices have been posted in paper format on the City Hall lobby bulletin board and electronically on the City's website. This process appears to work well as a means of providing public notice of upcoming agenda items, and the Staff recommends the continuing designation of these locations.

Remaining compliant with State statutes is key to City Council's Strategic Plan goals of "Visionary Leadership, Effective Governance and Proactive Regional Collaboration" by ensuring transparency of the City's official business considerations to citizens and of "Vibrant, Inclusive and Engaged Community" by promoting citizen involvement in local government through consistent and timely awareness of all public meetings they can attend.

Respectfully submitted,

Donald M. Tripp  
City Manager



Agenda Memorandum

City Council Meeting  
January 11, 2016



**SUBJECT:** Council Chambers Renovation Project – Anderson Hallas Architects Contract for Preparation of Construction Documents

**Prepared By:** Debbie Mitchell, General Services Director  
Barbara Opie, Assistant City Manager  
Mark Ruse, Facilities CIP and Operations Manager  
Matthew Booco, Business Operations Coordinator

**Recommended City Council Action**

Based on a recommendation of the City Manager, find the public interest will best be served by authorizing the City Manager to enter into a sole source contract with Anderson Hallas Architects, PC in the amount of \$111,656, and authorize a 10% contingency in the amount of \$11,166 for the preparation of construction documents for the renovation of the Council Chambers in City Hall.

**Summary Statement**

- A Request for Proposals (RFP) was issued on November 13, 2014, for master planning efforts to develop design renovation options to the City Council Chambers and Board Room. The architectural firm of Anderson Hallas Architects, PC (Anderson Hallas) was selected.
- Staff, in cooperation with Anderson Hallas drafted a Staff Report and conducted a presentation on this project for Council on April 6, 2015. Council was asked to provide input on their needs and priorities for these rooms with the expectation that Staff would return with design options and project cost estimates.
- That master planning effort is now complete. Initial cost estimates for both rooms range from \$1.5 to \$2.0 million.
- The Council Chambers was identified as a priority because it is the more publicly utilized space and has numerous security, ADA accessibility, and building code issues, not to mention significant audio-visual challenges (recording of meetings, microphone system, voting system and presentation system that also create accessibility and transparency challenges). Elizabeth Hallas from Anderson Hallas Architects presented four design options for the Council Chambers portion of this project to City Council at a Study Session on December 7, 2015, and explained the extent to which each design option met the City’s requirements for this meeting space.
- Council directed Staff to proceed with construction documents based on design option 1B with option 1A as a bid alternative (see attached diagrams).
- Staff will return to Council with updated cost estimates for the project at the fifty percent design stage in mid-March.
- Staff recommends a sole source award to Anderson Hallas Architects for the preparation of construction documents based on several significant factors as outlined in the background section of this memorandum. This sole source approval will save significant time, funding and continue the strong partnership with this firm.
- The total amount appropriated for this project to date is \$745,000, including the mid-year 2016 budget amendment. Approximately \$58,000 has been expended for master planning and cost estimating, leaving approximately \$687,000 available for the construction documents and renovation.

**Expenditure Required:** \$122,822  
**Source of Funds:** General Capital Improvement Fund – City Council Chambers & Board Room

## **Policy Issue**

Should the City hire Anderson Hallas Architects on a sole source basis for the preparation of construction documents for the renovation of City Council Chambers?

## **Alternatives**

City Council could choose not to move forward with this project or direct Staff to conduct a formal selection process for construction document preparation. City Staff does not recommend these alternatives and recommends the approval of this contract since this action will keep the project moving forward in a timely manner. Staff firmly believes that Anderson Hallas is the best selection due to its history on the project and their design expertise and experience on similar projects.

## **Background Information**

Westminster City Hall opened in 1988 and included state-of-the-art technology and audio-visual (AV) equipment at the time. Minor updates to AV adjustments have been made to the City Council Chambers and Council Board Room over the last 27 years. Staff believes these facilities are in need of significant reinvestment to improve accessibility, safety, and maintain the functionality and professionalism desired and expected at City Council meetings, City Council Study Sessions, and Board and Commissions meetings and hearings.

The architectural firm of Anderson Hallas Architects, PC (Anderson Hallas) was selected after a competitive bid process. Their project team includes: K2 Audio, Inc. for audio/acoustics; JVA, Inc. for structural engineering; Three Sixty Engineering, Inc. for mechanical engineering; AEDG, Inc. for electrical engineering and IT; and Parametrix, Inc. for cost estimating.

A steering committee was formed and comprised of representatives from the following departments/divisions: Police, Information Technology, General Services-City Clerk's Office, General Services-Building Operations & Maintenance, City Manager's Office-Communication & Outreach, City Manager's Office-Management & Budget, and Community Development. The committee reviewed what is working well and what needs improvements in both the Council Chambers and Board Room. In addition, the committee discussed the timeline and feedback process.

Anderson Hallas Architects met with the steering committee, a focus group including representatives from several Boards and Commissions, and then with City Council on April 6, 2015, to gather feedback on needs, priorities and expectations for renovation of both the Council Chambers and the Board Room.

Based on this collaborative and broad collection of requirements, Anderson Hallas Architects developed initial design options and preliminary construction costs for both the Council Chambers and the Board Room. The Committee identified the Council Chambers as a priority because it is the more publicly utilized space and has numerous security, ADA accessibility, and building code issues, not to mention significant audio-visual challenges.

Elizabeth Hallas with Anderson Hallas Architects presented four design options for the Council Chambers to City Council at a Study Session on December 7, 2015, and explained the extent to which each design option met the City's requirements for this meeting space. Council directed Staff to proceed with design of option 1B with option 1A as a bid alternative (see attached diagrams). Staff will report back to Council at the fifty percent design stage with updated cost estimates in mid-March. With this updated information, Staff will request that City Council provide final design direction to Staff for the renovation of the Council Chambers. Staff will also identify potential sources to close the funding gap once direction is received on final design. Once construction documents are complete for this project and funding source identified, a Request For Bids will be released. Construction proposals will be then be reviewed and a recommendation will be presented to Council to award the renovation construction contract.

Staff recommends a sole source award to Anderson Hallas Architects for the preparation of construction documents based on several significant factors to maximize the investment the City has already made with this architect firm as outlined below.

- The originally master planning contract was a competitively bid design services contract and Anderson Hallas Architects was selected based on their design expertise and experience;
- Design time and expenses will be minimized by using the existing sub-contractors and preliminary design concepts that Council has reviewed and approved; and
- The City has a strong working relationship with this firm and Council has had several presentations from Anderson Hallas.

Staff also utilized a competitive process for the original selection of Anderson Hall for the master planning efforts.

The City Council Chambers renovation project supports the following Strategic Plan goals:

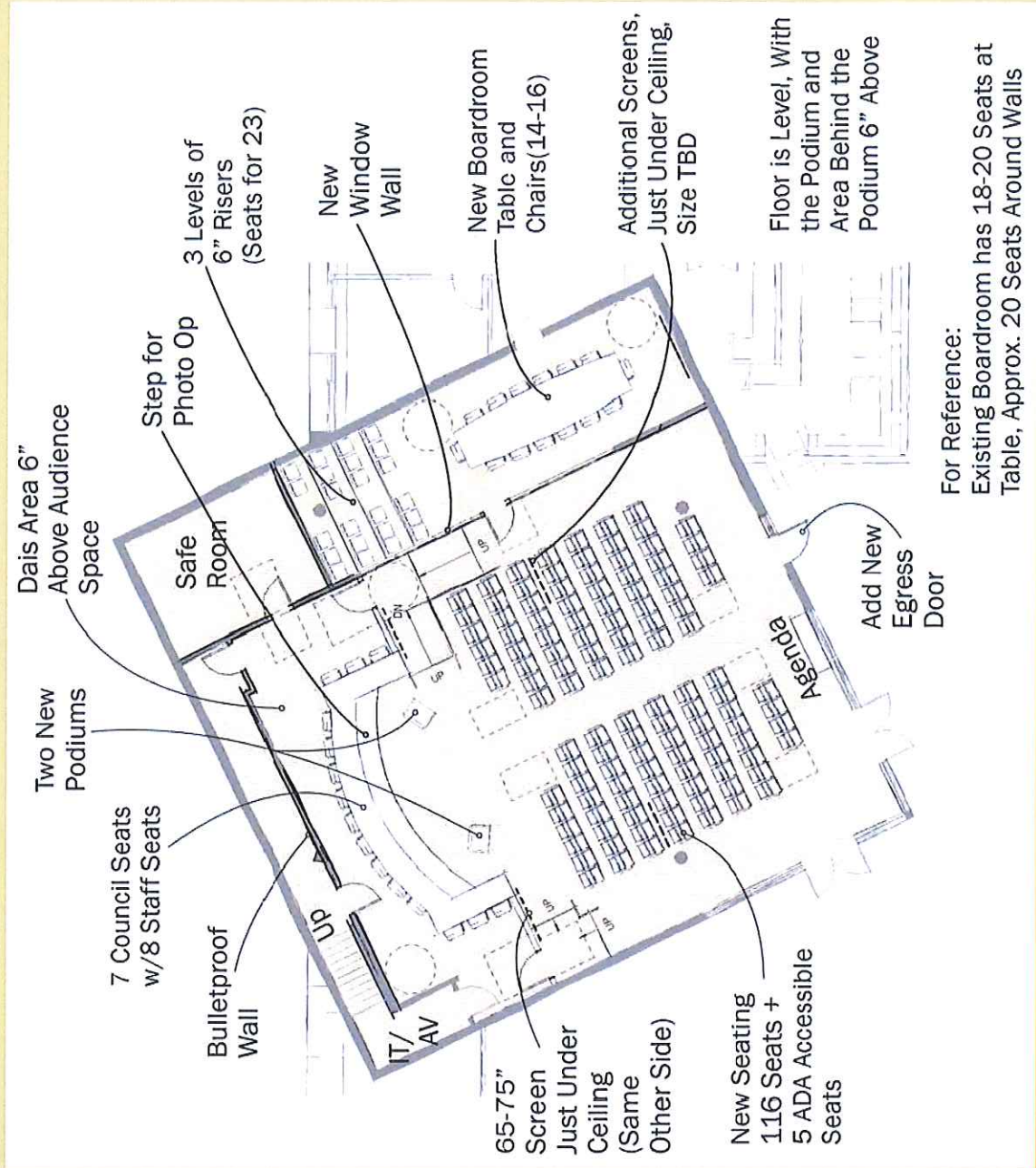
1. “Vibrant, Inclusive, and Engaged Community” by providing facilities that are inclusive and welcoming for residents and businesses to attend and participate in Council meetings;
2. “Beautiful, Desirable, Safe and Environmentally Responsible City” by ensuring City Hall remains a special place and provides the appropriate setting for people to participate in their government; and
3. “Financially Sustainable Government Providing Excellence in City Services” by retaining “the Westy Way” in the quality of facility and ability for developers, businesses and residents to present and participate in their local government.

Respectfully submitted,

Donald M. Tripp  
City Manager

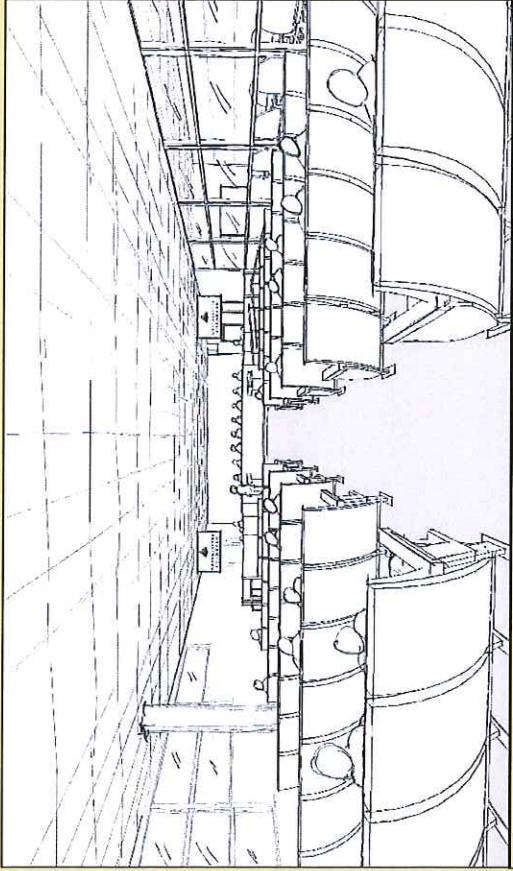
Attachments: City Council Chambers Diagrams

**COUNCIL CHAMBERS OPTION 1A**



**COUNCIL CHAMBERS OPTION 1A/1B**

**PUBLIC BENEFITS OF OPTION 1A/1B**



Conceptual Sketch of Council Chambers Option 1A/1B

Requested by Council and Staff: Option 1A Option 1B

UPDATE AV/VOTING EQUIPMENT

ADDRESS CODE COMPLIANCE

REPLACE AGENDA CONSOLE

REPLACE CARPETING

ADDRESS ADA COMPLIANCE

REPLACE WALL FINISHES

REPLACE PODIUM

CREATE SAFER PHOTO OP AREA

UPDATE LIGHTING

ADDRESS SECURITY CONCERNS

REPLACE SEATING

INTEGRATE STAFF WITH COUNCIL SEATING

ADD CONFERENCE ROOM

ADD ADJACENT SAFE ROOM





Agenda Memorandum

City Council Meeting  
January 11, 2016



**SUBJECT:** 2016 Open Space Demolition Project Contract

**Prepared By:** Heather Cronenberg, Open Space Coordinator

**Recommended City Council Action**

Authorize the City Manager to execute a contract with the lowest bidder, Property Assurance, in the amount of \$135,028 for the 2016 Open Space Demolition Project, which includes Bid Schedules F, G, and H and authorize a construction contingency in the amount of \$13,502 for a total authorized expenditure of \$148,530.

**Summary Statement**

- In order to complete the construction of Creekside Drive and the entrance to the future Little Dry Creek Park south of the FasTracks station scheduled to open in July, 2016, the City purchased four houses along Lowell in 2015 with the intention of removing the homes and all improvements made on these sites. The properties are as follows:

- 6930 Lowell Boulevard- Bid Schedule F
- 6940 Lowell Boulevard- Bid Schedule G
- 6950 Lowell Boulevard- Bid Schedule H
- 6960 Lowell Boulevard- Not included in this contract

- The Request for Bids for the demolition of the improvements on these properties was sent to a select list of 7 demolition and asbestos abatement contractors, and bids were opened on December 16, 2015. Three bids were received, and the lowest responsible bidder was Property Assurance with a bid of \$135,028. This bid includes Bid Schedules F, G, and H. The house at 6960 Lowell is currently occupied by a tenant. Once the tenant locates suitable replacement housing (expected by the end of February, 2016), staff will seek Council approval to amend this contract to include the removal of the improvements at 6960 Lowell. Staff has reviewed the bids and recommends awarding this construction contract to Property Assurance. A 10% contingency of \$13,502 is also recommended.
- Council approved submitting this demolition project for an Adams County Open Space grant and the County Commissioners approved funding in the amount of 58% of the project cost. Assuming this percentage, it is estimated that approximately \$86,147 will be reimbursed by Adams County after the project is complete. This same percentage will be reimbursed once the improvements at 6960 Lowell are removed as well.
- Adequate funds are available and were budgeted for this expense.

**Expenditure Required:** \$148,530

**Source of Funds:** General Capital Improvement Fund – Trail Development and Connectivity Project

**Policy Issue**

Should the City proceed with the demolition of all structures on Bid Schedules F, G, and H in order to facilitate the construction of Creekside Drive and the entrance to the future Little Dry Creek Park?

**Alternative**

Council could chose to delay the demolition of any of the structures on the three properties or not pursue this project at all. Staff recommends proceeding with schedules F, G, and H since favorable bids were received. Postponing these demolitions may result in higher costs in the future. Removing the structures on these properties is necessary for the construction of Creekside Drive and the entrance to Little Dry Creek Park.

**Background Information**

The City purchased four properties along Lowell Boulevard (6930, 6940, 6950, and 6960 Lowell) in 2015 using POST and Adams County grant funds. The City purchased these properties in order to remove the homes and all improvements to allow for the construction Creekside Drive, which will serve the future Little Dry Creek Park. The City is also moving forward with a contract to provide design services for the park. Staff expects some type of active use and possibly parking in this area of the park. In order to facilitate these uses, the improvements on all four properties need to be removed. Once they are removed, the site will be graded and ready for construction for the Little Dry Creek Park and Creekside Drive. Asbestos will be abated and improvements will be removed at the following properties:

- 6930 Lowell Boulevard- Bid Schedule F
- 6940 Lowell Boulevard- Bid Schedule G
- 6950 Lowell Boulevard- Bid Schedule H
- 6960 Lowell Boulevard- Not included in this contract

During negotiations to purchase the property at 6960 Lowell, the owner requested permission to lease the property back after the sale for six months. Due to market conditions, the tenant has had difficulty finding suitable housing during the term which expired on November 28, 2015, and has requested an extension through February, 2016. Once the tenant vacates the property, staff intends to request Council approval to amend this demolition contract to include the removal of improvements at 6960 Lowell Boulevard. The construction of Creekside Drive will not be delayed by this extension as the location of this street is designed to impact the properties at 6930 and 6940 Lowell Boulevard.

The Request for Bids for this demolition project was sent to a select list of 7 demolition and asbestos abatement contractors, and bids were opened on December 16. Three bids were received, and the lowest responsible bidder was Property Assurance with a bid of \$135,028.

The bid results are as follows:

<b>BID SUMMARIES</b>			
<b>Schedule</b>	<b>Property Assurance</b>	<b>Hillen Corporation</b>	<b>American Demolition</b>
	<b>Unit \$</b>	<b>Unit \$</b>	<b>Unit \$</b>
F	\$44,268	\$45,885	\$49,150
G	\$46,442	\$50,375	\$49,150
H	\$44,318	\$47,835	\$49,150
<b>TOTAL BID</b>	<b>\$135,028</b>	<b>\$144,095</b>	<b>\$147,450</b>



Staff has reviewed the results of the bidding procedure and recommends that the low bidder, Property Assurance be awarded the contract in the amount of \$135,028 for Bid Schedules F, G, and H. The City recently worked with Property Assurance for the 2014 Open Space Demolition Project, which included the removal of improvements at four properties. Property Assurance was very capable and completed this project within the approved budget. Staff has also reviewed the references for Property Assurance and believes that the company is very capable of performing this type of demolition project. The contingency amount of \$13,502 is 10% of the cost of project. Staff believes that this is an adequate contingency for this type of work.

Staff submitted this demolition project to the Adams County Open Space Grant Program and received funding in the requested amount of 58% of project costs. Assuming this percentage, approximately \$86,147 will be reimbursed to the City for the current contract amount. That same percentage will be reimbursed to the City after the improvements are removed at 6960 Lowell Boulevard.

This demolition project meets the goals of Beautiful, Desirable, Safe and Environmentally Responsible City by responsibly removing the asbestos inside the buildings, removing the empty structures and improvements, and facilitating the construction of improvements to serve the future Little Dry Creek Park.

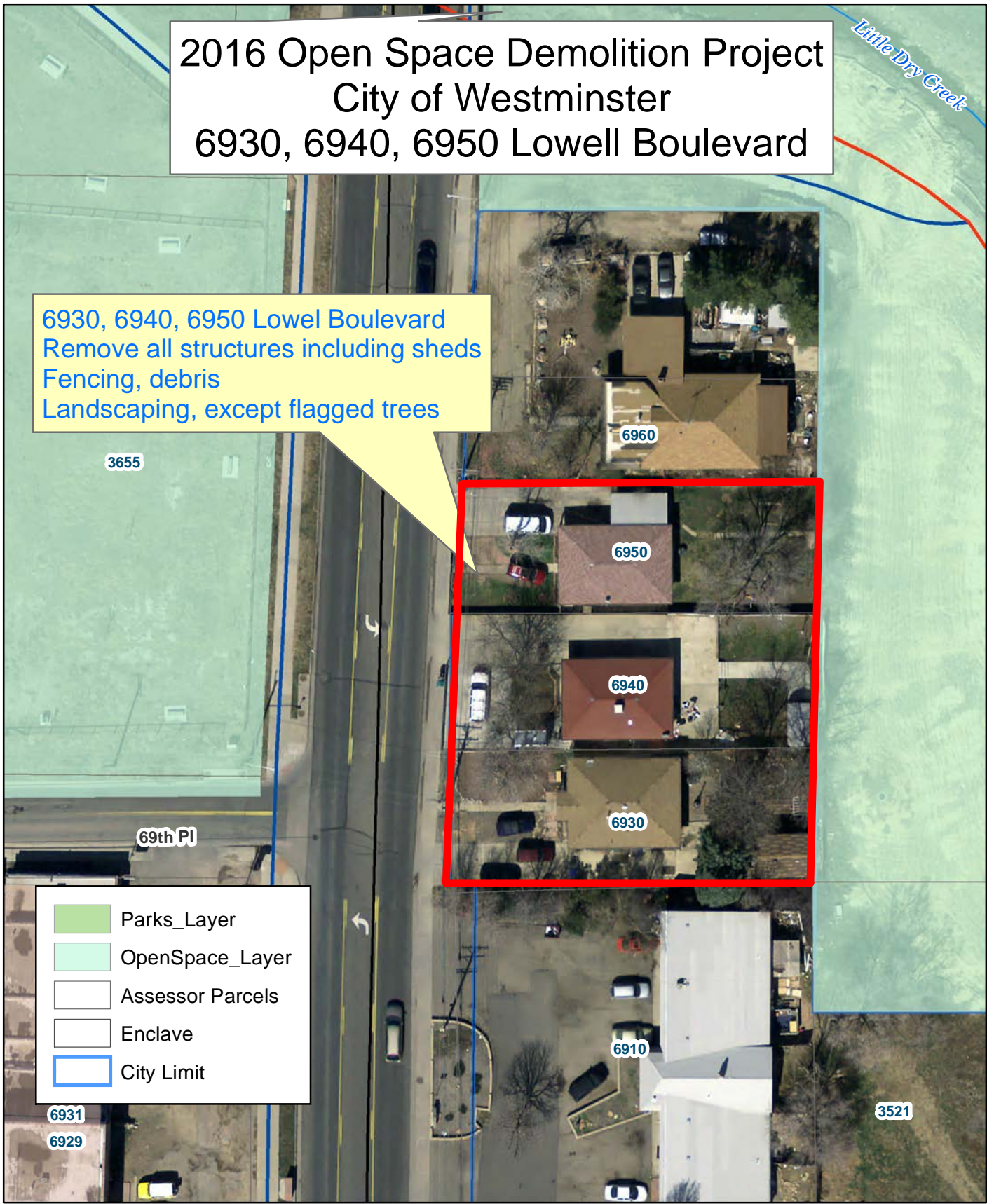
Respectfully submitted,

Donald M. Tripp  
City Manager

Attachment: Site Map

# 2016 Open Space Demolition Project City of Westminster 6930, 6940, 6950 Lowell Boulevard

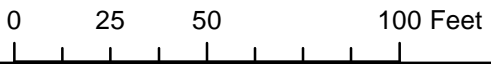
6930, 6940, 6950 Lowell Boulevard  
Remove all structures including sheds  
Fencing, debris  
Landscaping, except flagged trees



- Parks\_Layer
- OpenSpace\_Layer
- Assessor Parcels
- Enclave
- City Limit

**City of Westminster**  
Parks, Open Space and Golf Courses

\\gis-apps\GIS-Apps\WestGIS\ArcGIS93Templates\Westminster\_Basic\_93.mxd





Agenda Memorandum

City Council Meeting  
January 11, 2016



**SUBJECT:** Well Abandonment Project Construction Contract

**Prepared By:** Ceila Rethamel, Senior Engineer  
Stephen Grooters, Senior Projects Engineer

**Recommended City Council Action**

1. Authorize the City Manager to execute a contract with the low bidder, J-2 Contracting Company, in the amount of \$414,475 for construction services related to the abandonment of four well sites, plus a contingency amount of \$41,448 for a total authorized expenditure of \$455,923.
2. Authorize the reallocation of \$480,000 in project savings from the Hydropillar 2 Million Gallon Tank project account to a new Well Abandonment Project account.

**Summary Statement**

- Part of the City’s original water supply included groundwater from six wells located in the southern parts of the City. The location of the six wells is shown on the attached map.
- The wells have not been used by the City in the last 20 years and do not provide a long-term, reliable, or economical water supply for the City.
- In addition, the well facilities are aged and have become a maintenance burden and public safety hazard.
- For these reasons, it is a priority to demolish properly and abandon the well facilities and their above-ground well houses.
- This project consists of work at these six well sites in accordance with Colorado State Engineer’s requirements. Also included is formally disconnecting all pipe connections from the wells to the City’s existing water distribution system.
- Staff sent a Request for Bids to nine construction companies qualified for this type of construction work. Of the three bids received, the lowest and most responsive bidder was J-2 Contracting Company, (J-2). Staff is recommending they be awarded the construction contract.
- The abandonment process is scheduled to begin in February with completion in summer 2016.
- To accommodate this project, \$480,000 of funding is requested. Project savings are available through the recently completed Hydropillar 2 Million Gallon Tank Repair & Replacement Project and Staff believes this is the highest priority use of the funds. Staff requests authorization to reallocate these funds into a new Well Abandonment Project account.
- There are currently \$47,729 in funds budgeted for this purpose, bringing the total recommended funding for this project to \$527,729.

**Expenditure Required:** \$527,729

**Source of Funds:** Utility Capital Improvement Fund – Hydropillar 2 Million Gallon Tank

**Policy Issues**

1. Should the City award the contract for the well abandonment project to J-2?
2. Should City Council authorize the reallocation of \$480,000 in savings from the Hydropillar 2 Million Gallon Tank project account to fund this project?

**Alternatives**

1. City Council could decline to approve the contract and place the project on hold. This is not recommended since the wells do not provide sustainable water supply, require maintenance, and are a public safety hazard.
2. City Council could choose not to authorize the reallocation of funds from the Hydropillar 2 Million Gallon Tank account to finance this project work. Staff does not recommend this alternative since savings from this recently completed project are currently available to fund this project, and this is the highest priority use of these funds.

**Background Information**

The City of Westminster’s original water supply included groundwater from a number of wells located in the southern part of the City. These wells were in use as late as the 1970s, and as the City transitioned to the use of surface water primarily from Clear Creek, these water supply wells have been abandoned. This project will abandon and demolish six potable wells at four sites. These well facilities have not been used by the City for over 20 years because of poor water quality, high pumping and maintenance costs, and low overall reliability as a water supply. In addition, the facilities are aged, are targeted for graffiti/vandalism, and are now a public health and safety hazard. For these reasons, it is a priority to demolish properly and abandon the well facilities. The abandonment of these wells does not impact the City’s rights (now or in the future) to use groundwater beneath the City’s service area.

The attached map shows the location of the wells included as part of this project. All of the sites involve pipe disconnection work, demolition of any above ground structures, and site restoration. The work on the wells will be performed in accordance with Colorado regulations. Two of the well sites are located on City-owned lots in residential and commercial areas that potentially have some land value. These lots range in size and can potentially be sold by the City once the well facilities are abandoned.

The project design was completed in November 2015 and requests for bids were sent to nine qualified contractors. Three competitive bids were received in December 2015 and are summarized in the following table:

<b>Contractors</b>	<b>Bid Price</b>
J-2 Contracting Company	\$414,475
Velocity Constructors Inc.	\$465,460
Northern Colorado Contractors	\$426,200
City Engineering Cost Estimate	\$450,000

A review of the bids received indicated that J-2’s bid was valid and the dollar amount reasonable for the scope of work. The tight bid range indicates a very competitive bid. J-2 provided references, including references for City of Westminster projects, which were all favorable. Staff recommends J-2 be awarded the construction contract, plus a 10% contingency of \$41,448 for a total authorized expenditure of \$455,923. Construction is anticipated to commence following award of the contract, with completion in the summer of 2016.

To complete the project, Staff is requesting authorization to reallocate \$480,000 of project savings from the recently completed Hydropillar 2 Million Gallon Tank project into the Well Abandonment Project account. Due to the public health and safety concerns that the well sites present, construction of the Well

Abandonment project is the highest priority use of the funds. The funding request includes the construction costs, the 10% construction contingency, and approximately 6% of the construction costs to cover miscellaneous City project expenses that will occur outside of the construction contract, including the State Engineer permit fees and costs for decommissioning of the City’s electrical services. A summary of the project budget is presented below.

<b>2015 Well Abandonment Budget</b>	
<b>Project Expenses</b>	<b>Amount</b>
Design and Construction Management (Existing funds encumbered)	\$43,390
Design and Construction Management Contingency (Existing funds encumbered)	\$4,339
Construction	\$414,475
Construction Contingency (10%)	\$41,448
Miscellaneous Costs (6%)	\$24,077
<b>Total Project Expenses</b>	<b>\$527,729</b>
<b>Project Funding Sources</b>	
	<b>Amount</b>
Currently Authorized Expenses	\$47,729
Remaining Budget Request	\$480,000
<b>Total Project Funding Sources</b>	<b>\$527,729</b>

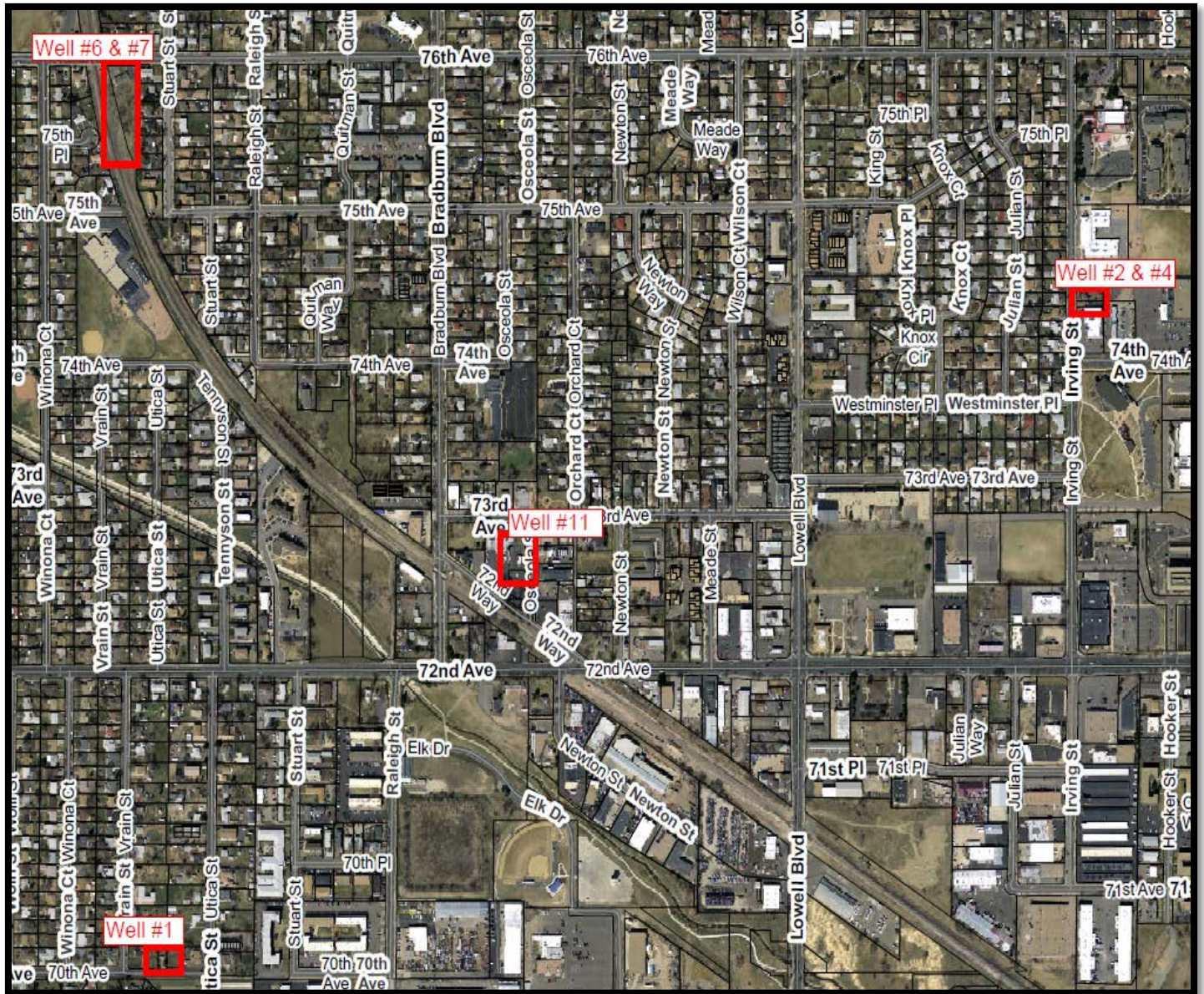
Completion of this project will help achieve the City’s 2015 Strategic Plan Goals of “Financially Sustainable Government Providing Excellence in City Services” by contributing to the objective of a well-maintained City infrastructure and facilities. The project also will help maintain a “Beautiful, Desirable, Safe and Environmentally Responsible City” by removing unsightly facilities and graffiti targets.

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachment: Well Abandonment Location Map

# Well Abandonment Project Location Map





**Agenda Memorandum**

City Council Meeting  
January 11, 2016



**SUBJECT:** Resolution No. 1 Reappointing Members to Boards and Commissions and Filling Vacancies

**Prepared By:** Linda Yeager, City Clerk

**Recommended City Council Action**

Adopt Resolution No. 1 reappointing members whose terms of office expired on December 31, 2015, to an additional two-year term and appointing alternate members to regular membership, where applicable, on the Election Commission, the Environmental Advisory Board, the Historic Landmark Board, the Human Services Board, the Parks, Recreation, Libraries, and Open Space Advisory Board, the Personnel Board, the Planning Commission, and the Special Permit and License Board.

**Summary Statement**

- City Council action is requested to reappoint citizens serving as members of the aforementioned City Boards and Commissions whose terms of appointment expired on December 31, 2015, and to appoint alternate members to regular membership where vacancies exist.
- All affected Board members were contacted to determine interest and willingness to continue serving. New terms are for two-year periods.
- The remaining vacancies on City Boards and Commissions will be filled at a later date after City Council has had the opportunity to conduct interviews of interested Westminster citizens applying for appointment. The deadline for application is January 21, 2016.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Does City Council want to reappoint those individuals on Boards and Commissions whose terms of office expired on December 31, 2015, and to fill vacancies through the appointment of alternate members to regular membership?

**Alternative**

None identified.

**Background Information**

The terms of office of all members of the Election Commission expired on December 31. Denis DuFresne, David Betz, and Sharon Powers wish to be reappointed to another two-year term. Having been a valued, active member of the Commission for 27 years, William “Bill” Nooning submitted his resignation to afford an opportunity for another Westminster resident to become involved. If adopted, the attached resolution reappoints Ms. Powers and Messrs. DuFresne and Betz to two-year terms that will expire December 31, 2017. The vacancy created by Mr. Nooning’s resignation will be filled at a later date.

The terms of Lisa Bressler, Ellen Buckley, Victor Karels (alternate), and Nick Pizzuti on the Environmental Advisory Board expired December 31. All have indicated they would like to be reappointed and will be if the attached resolution is adopted. Their terms of office will expire December 31, 2017. There are no vacancies on this Board.

The terms of office of Linda Cherrington, Gargi Duttgupta (alternate), Linda Graybeal, and Julie Marino on the Historic Landmark Board expired on December 31. All except Ms. Marino have voiced interest in being reappointed for additional two-year terms, which will expire December 31, 2017. After much thought, Ms. Marino decided with regret to resign due to scheduling conflicts. If adopted, the attached resolution names Ms. Duttgupta a regular member to fill the vacancy created by Ms. Marino’s vacancy. The alternate member vacancy on this Board will be filled at a later date.

The terms of office of David Aragoni, Joe Sloan (alternate), Lisa Fiola, and Dennis White on the Human Services Board expired December 31. All have indicated a willingness to be reappointed and the attached resolution, if adopted, will do so. Their terms of office will expire December 31, 2017. There are no vacancies on the Human Services Board.

The terms of office of four members on the Parks, Recreation, Libraries, and Open Space Advisory Board expired at year end. Bernice Aspinwall, Dan Dolan, Jonathan Herrmann, and Terrance Ramirez would like to be reappointed, which the attached resolution will do, if adopted. Terms of office will expire December 31, 2017. This Board has three vacancies that were created through the resignations of Ron Dickerson, Ben Beaty, and Pat Wales in the first half of 2015 and will be filled at a later date.

The terms of office of three regular members and two alternates on the Personnel Board expired on December 31. John Brann, Wesley Underwood, Fred Dorr (first alternate) and Steve Pischke (second alternate) have indicated they are interested in being reappointed. Candee Wells has resigned, citing infrequency of meetings. The attached resolution reappoints Messrs. Brann and Underwood; names Fred Dorr a regular member, and names Mr. Pischke the first alternate. All terms of office expire on December 31, 2017. The vacancy in the second alternate position will be filled at a later date.

On the Planning Commission, the terms of James Boschert, David Carpenter (first alternate), Richard Mayo, and Tracey Welch (second alternate) expired on December 31. All four would like to continue serving another two-year term. If adopted, the attached resolution reappoints them to additional terms that will expire December 31, 2017. There are no vacancies on the Planning Commission.



The terms of office of four members of the Special Permit and License Board expired on December 31. Martha Brundage, Mildred DeSmet, Eric Wyns, and Sean Forest (alternate) have indicated they would like to be reappointed. The attached resolution accomplishes their reappointments to terms that will expire on December 31, 2017. There are no vacancies on this Board.

Letters expressing City Council's appreciation for their years of service and contributions to the community have been signed by Mayor Atchison and mailed to the individuals who resigned their offices.

The citizens volunteering to serve on the City's Boards and Commissions play important roles in helping the City reach its strategic goals. Working in coordination with Staff and City Council, the member contributions assist the City gain strides to achieve Visionary Leadership, Effective Governance and Proactive Regional Collaboration; Vibrant, Inclusive and Engaged Community; Beautiful, Desirable, Safe and Environmentally Responsible City; Dynamic, Divers Economy; Financially Sustainable Government Providing Excellence in City Services; and Ease of Mobility.

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachment – Resolution

RESOLUTION

RESOLUTION NO. **1**

INTRODUCED BY COUNCILLORS

SERIES OF 2016

---

**A RESOLUTION FOR CITY OF WESTMINSTER BOARD AND COMMISSION  
REAPPOINTMENTS AND NEW APPOINTMENTS**

WHEREAS, each member of the City's Boards and Commissions whose term expired on December 31, 2015, has been contacted and the majority of them have conveyed the desire to be re-appointed to the Board where they are currently serving; and

WHEREAS, it is important to have each City Board or Commission working with its full complement of authorized members to carry out the business of the City of Westminster with citizen representation; and

WHEREAS, Council has, with regret, accepted the resignations received from William Nooning of the Election Commission, Julie Marino of the Historic Landmark Board, and Candee Wells of the Personnel Board.

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

Section 1. The following individuals are hereby reappointed members of the City of Westminster Board or Commission listed below with terms of office to expire December 31, 2017.

<b><u>BOARD/COMMISSION</u></b>	<b><u>NAMES OF RE-APPOINTEES</u></b>
Election Commission	Denis DuFresne, David Betz, and Sharon Powers
Environmental Advisory Board	Lisa Bressler, Ellen Buckley, Victor Karels (alternate), and Nick Pizzuti
Historic Landmark Board	Linda Cherrington and Linda Graybeal
Human Services Board	David Aragoni, Lisa Fiola, Dennis White, and Joe Sloan (alternate)
Parks, Recreation, Libraries, and Open Space Advisory Board	Bernice Aspinwall, Dan Dolan, Jonathan Herrmann, and Terrance Ramirez
Personnel Board	John Brann and Wesley Underwood
Planning Commission	James Boschert, David Carpenter (first alternate), Richard Mayo, and Tracey Welch (second alternate)
Special Permit and License Board	Martha Brundage, Mildred DeSmet, Eric Wyns, and Sean Forest (alternate)

Section 2. The following appointment of an alternate member is made to fill a vacancy in regular membership created by a resignation with a term of office to expire December 31, 2017:

<b><u>BOARD/COMMISSION</u></b>	<b><u>NAMES OF APPOINTEES</u></b>
Historic Landmark Board	Gargi Duttgupta
Personnel Board	Fred Dorr

Section 3. The following appointment is made to fill a vacancy of an alternate membership with a term of office to expire December 31, 2017.

<b><u>BOARD/COMMISSION</u></b>	<b><u>NAMES OF APPOINTEE</u></b>
Personnel Board	Steve Pischke (first alternate)

PASSED AND ADOPTED this 11th day of January, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney



## Agenda Item 10 A

### Agenda Memorandum

City Council Meeting  
January 11, 2016



**SUBJECT:** Councillor's Bill No. 1 re 2015 Budget Supplemental Appropriation for Certificates of Participation, Series 2015 (Downtown Westminster Project) and Special Purpose Sales and Use Tax Refunding Bonds, (POST Project) Series 2015

**Prepared By:** Tammy Hitchens, Finance Director  
Rachel Price, Financial Analyst

### Recommended City Council Action:

Pass Councillor's Bill No. 1 on first reading appropriating \$2,766,643 in the General Capital Improvement Fund for the 2015 Certificates of Participation proceeds and \$670,475 in the Parks, Open Space and Trail Fund for the 2015 POST Refunding Bonds.

### Summary Statement

- On June 22, 2015, Council approved the issuance and appropriation of \$40 million in par of Certificates of Participation to finance the Westminster Downtown project. \$30 million of Series A Certificates were issued tax-exempt. \$10 million of Series B Certificates were issued taxable. On July 30, 2015, the Series A certificates priced with a net premium of \$2,766,644.
- On December 1, 2015, Council approved the issuance and appropriation of up to \$20,000,000 in Revenue Refunding Bonds for the POST 2007 D. On December 17, the \$18,500,000 of bonds were refunded and priced with a premium of \$2,170,475 (with a net premium of \$670,475).

**Expenditure Required:** \$3,437,119

**Source of Funds:** Financing premiums from COP and Bond issuances in 2015

**Policy Issue**

Does City Council support amending the appropriations for the 2015 budget of the General Capital Improvement and Parks, Open Space and Trails Funds as outlined?

**Alternatives**

The alternative would be not to amend the 2015 budget appropriations for the General Capital Improvement and POST Funds and to utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already planned for these additional revenues as part of the project budget.

**Background Information**

On June 22, 2015, Council approved the issuance of \$40 million in par of Certificates of Participation to finance the Westminster Downtown project and appropriated \$40 million to the various Westminster Downtown projects. \$30 million of Series A Certificates were issued tax-exempt. \$10 million of Series B Certificates were issued taxable. On July 30, 2015, the Series A certificates priced with a premium of \$2,863,465 and a discount of \$96,821, for a net premium of \$2,766,644. Additionally, on December 1, 2015, Council approved the issuance of up to \$20 million in Revenue Refunding Bonds for the POST 2007 D and appropriated \$20 million for the refinancing. On December 17, \$18.5 million of bonds were refunded and priced with a premium of \$2,170,475.

The par value of securities is the stated maturity or face value. On the day of pricing, securities are often sold for more or less than their par value because of changing interest rates. Securities sold at a discount will result in the City receiving fewer proceeds than the amount issued. In contrast, selling securities at a premium will result in the City receiving a greater amount of proceeds than the amount issued.

Staff is requesting that the net premium of \$2,766,644 be appropriated to projects in the Series A budget accounts as indicated in the table below to ensure 100% of the proceeds are allocated to the intended purpose of funding public infrastructure related to the Downtown Westminster project. Additionally, Staff is requesting to appropriate \$670,475 to the Open Space financing operating accounts to adjust the original appropriation to match the actual transaction. The amount requested to be appropriated is the net amount of the premium of \$2,170,475 and the \$1,500,000 difference between the authorized par amount (\$20,000,000) and the final par amount (\$18,500,000).

The appropriation will amend the General Capital Improvement Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Lease Proceeds - 2015 COP A - Premium/Discount	7500.46005.0286	\$30,000,000	\$2,766,644	\$32,766,644
Total Change to Revenues	7500.46005.0286	\$30,000,000	<u>\$2,766,644</u>	\$32,766,644

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
WURP COP Road & Infrastructure	81475030078.80400.8888	\$18,000,000	\$1,195,640	\$19,195,640
WURP COP A Parking Garage	81575030184.80400.8888	\$0	<u>1,571,004</u>	1,571,004
Total Change to Expenses			<u>\$2,766,644</u>	

The appropriation will amend the Parks, Open Space, and Trails Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Sources- 2015 POST Refunding	5400.46000.0193	\$20,000,000	<u>\$670,475</u>	\$20,670,475
Total Change to Revenues			<u>\$670,475</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Uses - 2015 POST Refunding	54010900.78800.0193	\$19,898,248	<u>\$670,475</u>	\$20,568,723
Total Change to Expenses			<u>\$670,475</u>	

This recommended action supports the strategic objectives of a Financially Sustainable Government Providing Excellence in City Services.

Respectfully submitted,

Donald M. Tripp  
City Manager

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **1**

SERIES OF 2016

INTRODUCED BY COUNCILLORS

---

**A BILL FOR AN ORDINANCE AMENDING THE 2015 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT AND PARKS OPEN SPACE AND TRAILS FUNDS, AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2015 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2015 appropriation for the General Capital Improvement and Parks, Open Space, and Trails Funds, initially appropriated by Ordinance No. 3737 is hereby increased in aggregate by \$3,437,119. This appropriation is due to the receipt of funds from issuance of the 2015 Certificates of Participation and 2015 Special Purpose Sales and Use Tax Refunding (POST) Bonds.

Section 2. The \$3,437,119 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 A dated January 11, 2016 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

Parks, Open Space, and Trails Fund	\$670,475
General Capital Improvement Fund	<u>2,766,644</u>
Total	<u>\$3,437,119</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 11th day of January, 2016.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of January, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**Agenda Memorandum**

City Council Meeting  
January 11, 2016



**SUBJECT:** Resolution No. 2 re Reimbursement for Utility Enterprise Capital Expenses Before Bond Financing

**Prepared By:** Tammy Hitchens, Finance Director  
Fred Kellam, Senior Financial Analyst

**Recommended City Council Action**

Adopt Resolution No. 2 permitting reimbursement for costs incurred for capital projects from the proceeds of a bond issuance to be issued in the spring of 2016 to fund high priority water and wastewater system infrastructure needs as identified in the 2016 amended budget.

**Summary Statement**

- City Staff is recommending the issuance of tax exempt bonds to finance public improvement projects for the Water and Wastewater Utility Enterprise in the spring of 2016. While the precise timing of both the bond issuance and the commencement of related projects may vary, Staff is clear that the City will commence project activities ahead of bond issuance.
- Federal law permits a municipal government to approve a resolution that allows it to finance capital projects from existing financial resources and reimburse itself from proceeds of debt or other financing issued in the future. The resolution will permit reimbursement of all hard costs, such as actual materials, construction costs, and land purchases incurred up to 60 days prior to the approval of the reimbursement resolution and allocated thereto in writing. Additionally, qualified preliminary expenditures (soft dollar expenses in amounts that do not exceed 20% of the issue price of the bond issue) with respect to a specific project may be reimbursed outside of the 60-day requirement.

**Expenditure Required:** \$0

**Source of Funds:** N/A



### **Policy Issue**

Should the City Council pass the reimbursement resolution to allow the City to reimburse itself for costs incurred prior to the financing proceeds being received?

### **Alternative**

Do not pass the reimbursement resolution. This action is not recommended. Time sensitive projects and/or purchases would have to be delayed, or without the reimbursement resolution, the City would not be able to recover costs paid prior to the issuance of financing from the proceeds. Federal law requires that a reimbursement resolution be adopted in order for a municipality to pre-pay construction costs and subsequently reimburse itself from financing proceeds.

### **Background Information**

The City has typically utilized reimbursement resolutions when project expenditures are anticipated ahead of a financing. The last reimbursement resolution passed was prior to the issuance of the 2015 Certificates of Participation. Reimbursement Resolutions are an important tool employed in order to commence capital projects initially utilizing City funds, which are subsequently reimbursed with the financing proceeds.

As the precise timing of bond issuance to support project activities is unknown, there is a probability for project activities to commence prior to bond issuance, activities such as engineering design, permitting, easement and/or land acquisition, and construction of some sewer pipeline repairs using trenchless techniques.

Current law mandates the following provisions must be included by a municipality to properly pass a Reimbursement Resolution:

- An announcement and acknowledgement of the municipality's expectation to issue financing. This will be done by the inclusion of this item in the agenda for the Council's January 11, 2016 meeting.
- An announcement and acknowledgement that the municipality will reimburse itself from proceeds for costs pre-funded through other means, in this case through the City's Utility Enterprise Fund.

If the Reimbursement Resolution is not approved, the City will be limited to recovering only soft costs associated with the project. If the Reimbursement Resolution is passed, design and construction for the various projects can be pursued. Approving the resolution will allow the City to be reimbursed from future borrowings to recover capital costs incurred over a 3-year period that starts 60 days prior to when the resolution was adopted. The adoption of the resolution does not impede or complicate the anticipated financing. In fact, it facilitates issuance of a financing as it allows Staff to continue to move forward with potential sources of funding without the concern of trying to exactly time the financing with a project's planning, construction, and purchases.

Qualified preliminary expenditures are defined as architectural, engineering, surveying, soil testing, and similar costs that are incurred prior to commencement of the acquisition, construction, or rehabilitation of

**Subject:** Reimbursement Resolution for Utility Enterprise Capital Expenses

Page 3

a project other than land acquisition, site preparation, and similar costs incident to commencement of construction.

The recommended action supports the strategic objectives of a Financially Sustainable Government Providing Excellence in City Services. The proposed reimbursement resolution permits the City to commence project activities for water and wastewater public improvements ahead of the anticipated bond financing. The bond financing is necessary to support costs associated with projects including the Little Dry Creek Interceptor Repair/Replacement, the Pressure Zone 3 Expansion and the Big Dry Creek Dewatering and Biosolids Handling Improvements.

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. 2

INTRODUCED BY COUNCILLORS

SERIES OF 2016

---

**A RESOLUTION EXPRESSING THE INTENT OF THE CITY TO  
BE REIMBURSED FOR CERTAIN CAPITAL EXPENDITURES  
FOR THE CONSTRUCTION, RENOVATION AND  
REPLACEMENT OF WATER AND WASTEWATER PUBLIC  
IMPROVEMENTS.**

**WHEREAS**, the City of Westminster, Colorado (the “City”) is a legal and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the Charter; and

**WHEREAS**, the members of the City Council of the City (the “Council”) have been duly elected and qualified; and

**WHEREAS**, the Council has heretofore determined that the municipal water and wastewater system (the “System”) constitutes an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and has heretofore created the City of Westminster, Colorado, Water and Wastewater Enterprise (the “Enterprise”); and

**WHEREAS**, it is the current intent of the City, acting by and through its Enterprise, to construct certain water and wastewater improvements for the benefit of the City and its residents (the “Project”); and

**WHEREAS**, the Council has determined that it is in the best interest of the City to finance the Project through one of the following: (i) by the issuance of bonds; (ii) by the execution and delivery of a lease purchase agreement; or (iii) by any other means legally available to the City (the “Financing”); and

**WHEREAS**, the Council has determined that it is necessary to make capital expenditures in connection with the Project prior to the time that the City arranges for the specific financing of the Project; and

**WHEREAS**, it is the Council’s reasonable expectation that when such Financing occurs, the capital expenditures will be reimbursed with the proceeds of the Financing; and

**WHEREAS**, in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), it is the Council’s desire that this resolution shall constitute the “official intent” of the Council to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

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

Section 1. All action (not inconsistent with the provisions of this resolution) heretofore taken by the Council and the officers, employees and agents of the City directed toward the Financing is hereby ratified, approved and confirmed.

Section 2. The City intends to finance approximately \$48,000,000 to pay the costs of the Project, including the reimbursement of certain costs incurred by the City prior to the receipt of any proceeds of a financing, upon terms acceptable to the City, as authorized in an ordinance to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution.

Section 4. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this resolution.

Section 5. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 6. This resolution is intended to be a declaration of “official intent” to reimburse expenditures within the meaning of Treasury Regulation §1.150-2

Section 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 8. All acts, orders and resolutions of the Council, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 9. The resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this January 11, 2016.

CITY OF WESTMINSTER, COLORADO

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

STATE OF COLORADO )  
 ) SS.  
 CITY OF WESTMINSTER )

I, Linda Yeager, the City Clerk of the City of Westminster, Colorado, do hereby certify that:

1. The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the City Council (the “Council”) at a regular meeting held on January 11, 2016.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of January 11, 2016, by an affirmative vote of a majority of the members of the Council as follows:

Name	“Yes”	“No”	Absent	Abstain
Herb Atchison				
Alberto Garcia				
Shannon Bird				
Bruce Baker				
Emma Pinter				
Anita Seitz				
Maria De Cambria				

3. The members of the Council were present at such meetings and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor of the City, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Resolution.

6. Notice of the meeting of January 11, 2016, in the form attached hereto as Exhibit A, was posted at the Westminster City Hall, 4800 West 92nd Avenue, in the City, not less than twenty-four (24) hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of the City affixed January 11, 2016.

\_\_\_\_\_  
 City Clerk

(SEAL)

EXHIBIT A

(Attach Form of Notice of Meeting)

19316924 v1



**Agenda Memorandum**

City Council Meeting  
January 11, 2016



**SUBJECT:** Swearing In New City Clerk, Michelle Parker

**Prepared By:** Linda Yeager, City Clerk

**Recommended City Council Action:**

Municipal Court Judge John Stipech will swear into office Michelle Parker, the newly selected City Clerk.

**Summary Statement:**

- On January 11, 2016, Michelle Parker began her employment with the City.
- Ms. Parker was selected after an extensive competitive employee recruitment process.
- Michelle comes to Westminster from Austin, Texas, where she was Assistant Director of Elections for the Travis County Clerk.
- Linda Yeager, the current City Clerk, is retiring.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

There is no policy issue identified.

**Alternative**

There are no alternatives identified.

**Background Information**

Since the current City Clerk is retiring on February 7, the new City Clerk will need to be officially sworn into office. This achieves Council's Strategic Plan goal of "Financially Sustainable Government Providing Excellence in City Services" by ensuring a seamless transition in the City Clerk position.

Respectfully submitted,

Donald M. Tripp  
City Manager





## Agenda Item 11 A

### Agenda Memorandum

City Council Meeting  
January 11, 2016



**SUBJECT:** Second Reading of Councillor's Bill No. 59 Approving Business Assistance Agreement with Legacy Partners Residential LLC

**Prepared By:** Stephen P. Smithers, Deputy City Manager

### Recommended City Council Action

Pass Councillor's Bill No. 59 on second reading authorizing the City Manager to execute and implement a business assistance agreement with Legacy Partners, Residential LLC in substantially the same form as the attached agreement.

### Summary Statement

- The City has worked over the past 17 years to develop the Promenade into a vibrant entertainment and retail project.
- The Promenade has had particular challenges over the last 5-7 years with maintaining traffic levels, which has resulted in substantial vacancies on the west side of the development.
- The parcel of land located between the Ice Centre and the Westin Hotel has been brought forward with several different development proposals; however, none of these has moved forward. This vacant parcel has been a concern to the Westin Hotel and is a concern to the City.
- Legacy Partners has now brought forward a proposal to develop a residential project that Staff believes will inject some needed energy into the Promenade.
- Legacy Partners has requested assistance to make this high cost project feasible and after detailed review Staff concurs that this assistance is necessary.
- The assistance being proposed is in the form of fee waivers and rebates resulting directly from the project. No assistance will be provided unless the project moves forward.

**Expenditure Required:** \$4,141,436

**Source of Funds:** Fee Waivers and Rebates from the Project

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachment: Councillor's Bill and Agreement

BY AUTHORITY

ORDINANCE NO. **3814**

COUNCILLOR'S BILL NO. **59**

SERIES OF 2015

INTRODUCED BY COUNCILLORS  
**Seitz – De Cambra**

**A BILL  
FOR AN ORDINANCE AUTHORIZING THE ECONOMIC DEVELOPMENT AGREEMENT  
WITH LEGACY PARTNERS, RESIDENTIAL LLC**

WHEREAS, the City wishes to provide assistance to aid in the development of a residential project of the Company in the City; and

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

WHEREAS, the Company has proposed construction of a 300 unit residential project for the purpose of providing high-density housing for future residents of the City, thus providing housing diversity within the City; and

WHEREAS, a proposed Economic Development Agreement between the City, and Legacy Partners, Residential LLC , is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of December, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of January, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

**ECONOMIC DEVELOPMENT AGREEMENT  
FOR  
LEGACY AT PROMENADE**

THIS ECONOMIC DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2015, between the CITY OF WESTMINSTER (the "City") and Legacy Partners Residential LLC, a Delaware limited liability and its assigns (the "Company").

WHEREAS, the City wishes to provide assistance to aid in the development of a residential project of the Company in the City; and

WHEREAS, the Company has proposed construction of a 300 unit residential project known as the "Legacy at Promenade" as described in the Third Amended Official Development Plan Westminster Promenade East (the "Legacy Project") at Lots 2A & 2B of the second replat, Westminster Promenade East (A replat of Lot 2 of the first replat of Westminster Promenade East), Plat Book No. 155, Page No's. 40 & 41, Reception No. F1084600, Dated July 14, 2000, County of Jefferson, State of Colorado (the "Development Parcel"); for the purpose of providing high-density housing for future residents of the City, thus providing housing diversity within the City; and

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

NOW, THEREFORE in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Company hereby agree to the following:

1. Use Tax Rebate-Construction. The City shall rebate 92% of the Building Use Tax (excludes the City's 25% Open Space Tax and .6% Public Safety Tax) required under W.M.C. Sections 4-2-9 and 4-2-3 for construction of the Legacy Project. The rebate on use tax on construction materials shall be in an amount not to exceed \$850,466.

2. Public Land Dedication Fee. The City shall reduce the required fee-in-lieu of Public Land Dedication required under W.M.C. Section 11-6-8 from \$15.00 per square foot to \$5.00 per square foot for the Legacy Project. The reduction in the public land dedication fee-in-lieu shall be in an amount not to exceed \$3,136,320.

3. Park Development Fee. The City shall waive 50% of the Park Development Fee required under W.M.C. 11-6-8(C) for development of the Legacy Project. The park development fee waiver shall be in an amount not to exceed \$154,650.

4. Common Area Maintenance (CAM) Charges. The Company agrees to pay 100% of the West Promenade CAM charges associated with development and operation of the company's Legacy Project on the Development Parcel.

5. Application of Waivers. The tax and fee waivers described above in sections one through four (the "Tax and Fee Waivers") shall be applied at time payment would otherwise be due.

6. Entire Agreement. This Agreement shall constitute the entire agreement between the City and the Company regarding the Tax and Fee Rebates and Waivers and supersedes any prior agreements between the parties and their agents or representatives related to the same subject matter, all of which are merged into and revoked by this Agreement with respect to its subject matter.

7. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if the Company has not commenced construction of the Legacy Project by December 31, 2016 or should the Company not comply with the City regulations or code.

8. Business Termination. In the event following completion of construction, the Legacy Project ceases to conduct business for a period of ninety (90) or more consecutive days at any time prior to July 31, 2021 for reasons solely within the discretion or control of Company, including but not limited to reorganization, restructuring, dissolution or bankruptcy, then the Company shall pay to the City within sixty (60) days of such business termination the total amount of fees and taxes that were waived or rebated pursuant to the terms of this Agreement.

9. Subordination. The City's obligations pursuant to this agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

10. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

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

12. Successors and Assigns. The terms of this Agreement for the Legacy Project shall inure to the benefit of the parties and their respective successors and assigns and shall be deemed to run with the Development Parcel.

LEGACY PARTNERS RESIDENTIAL LLC,  
a Delaware limited liability company

CITY OF WESTMINSTER

\_\_\_\_\_

\_\_\_\_\_  
Donald M. Tripp  
City Manager

NOTARY:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_  
Linda Yeager  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

**AGENDA**

**CITY OF WESTMINSTER DOWNTOWN  
GENERAL IMPROVEMENT DISTRICT  
MEETING**

**MONDAY, JANUARY 11, 2016**

**AT 7:00 P.M.**

- 1. Roll Call**
- 2. Consideration of Minutes of Preceding Meetings** (December 28, 2015)
- 3. Public Hearings and Other New Business**
- 4. Old Business**
  - A. Second Reading of Councillor's Bill No. 60 re Petition for Inclusion of Certain WEDA-owned Property into the City of Westminster Downtown General Improvement District
- 5. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE DOWNTOWN  
GENERAL IMPROVEMENT DISTRICT MEETING  
MONDAY, DECEMBER 23, 2015, AT 7:24 P.M.

ROLL CALL

Present at roll call were Chairperson Atchison, Vice Chairperson Garcia, and Board Members Baker, Bird, De Cambra, Pinter, and Seitz. Also present were Donald M. Tripp, Executive Director, David Frankel, Attorney, and Carla Koeltzow, Acting Secretary.

PUBLIC HEARING – PETITION FOR INCLUSION OF PROPERTY INTO THE DOWNTOWN GID

At 7:27 p.m., the Chairperson opened a public hearing to consider the petition for inclusion of certain Westminster Economic Development Authority land into the Downtown General Improvement District. Attorney Frankel advised the Board that he was available for any questions and explained the requirement for a public hearing. There were no questions and no one wished to speak. The Chair closed the hearing at 7:28 p.m.

COUNCILLOR’S BILL NO. 60 APPROVE INCLUSION OF WEDA PROPERTY INTO GID

It was moved by Vice Chairperson Garcia, seconded by Board Member Seitz, to pass Councillor’s Bill No. 60 on first reading to approve the inclusion of Westminster Economic Development Authority land into the Downtown General Improvement District. The motion passed unanimously.

ADJOURNMENT

There was no further business and the meeting adjourned at 7:30 p.m.

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Acting Secretary

# Downtown GID Agenda Item 4 A

## Agenda Memorandum

City of Westminster Downtown General Improvement District Meeting  
January 11, 2016



**SUBJECT:** Second Reading of Councillor's Bill No. 60 re Petition for Inclusion of certain WEDA-owned Property into the City of Westminster Downtown General Improvement District

**Prepared By:** David Frankel, City Attorney

### Recommended Board Action

Pass Councillor's Bill No. 60 on second reading to approve the inclusion of Westminster Economic Development Authority land into the Downtown General Improvement District.

### Summary Statement

- General Improvement Districts (GIDs) are a financing tool utilized to help fund improvements and operational costs within certain developments to ensure financial sustainability.
- Under a GID structure, a property tax mill levy is assessed on owners within the GID boundaries as they are the primary beneficiaries of public improvements, such as streets, lights, parks, parking improvements, etc. to be built and maintained for the benefit of the users.
- The City of Westminster Downtown GID was established on August 24, 2015, and a mill levy not to exceed 50 mills was approved at the November 3, 2015 election.
- Including the WEDA-owned property at the Downtown Westminster site into the GID would facilitate funding of improvements and services for the new Downtown.
- The GID received a Petition for Inclusion of the WEDA-owned land at the Downtown Westminster site on November 23, 2015.
- The Clerk to the GID has published the required notices for tonight's hearing and the next procedural step is for the GID to approve on first reading an ordinance including the WEDA land.
- This Councillor's Bill was passed on first reading on December 28, 2015, after conclusion of the public hearing.

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

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO. **3815**

COUNCILLOR'S BILL NO. **60**

SERIES OF 2015

INTRODUCED BY COUNCILLORS  
**Garcia - Seitz**

A BILL

FOR AN ORDINANCE INCLUDING PROPERTY WITHIN THE  
CITY OF WESTMINSTER DOWNTOWN GENERAL  
IMPROVEMENT DISTRICT

WHEREAS, a Petition for the Inclusion of Property within the City of Westminster Downtown General Improvement District (the "Petition") has been filed with the City Council of the City of Westminster (the "City"), sitting ex officio as the Board of Directors (the "Board") of the City of Westminster Downtown General Improvement District (the "District"); and

WHEREAS, the Petition states that it has been signed by the authorized representative fee title owners of the property which the petitioner seeks to have included within the boundaries of the District; and

WHEREAS, the Petition has been reviewed by the City Clerk and the City Attorney; and

WHEREAS, notice of filing of the Petition has been given and published pursuant to Section 31-25-618, Colorado Revised Statutes; and

WHEREAS, the Board has heretofore conducted a hearing at which all persons having objections to the Petition were given an opportunity to appear and show cause why the Petition should not be granted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER DOWNTOWN GENERAL IMPROVEMENT DISTRICT:

Section 1. Findings and Determinations. The Board hereby finds and determines as follows:

a. In accordance with C.R.S. section 31-25-618, the owners of the property described in Exhibit A to this ordinance (the "Property") have filed the Petition with the Board requesting that the Property be included within the boundaries of the District.

b. The Petition accurately describes the Property and such legal description has been verified by the City Clerk ex officio Secretary of the Board.

c. A deposit of moneys sufficient to pay all costs of the inclusion proceedings accompanied the filing of the Petition.

d. The City Clerk, as secretary of the Board (the "Secretary") has caused a notice of the filing of such Petition to be given and published, according to the requirements of the pertinent provisions of C.R.S. Title 31, Article 25, Part 6, including the mailing of such notice to each elector of the District.



e. The notice states the filing of such Petition, the names of the petitioners, descriptions of the Property sought to be included, and the request of said petitioners. The notice notifies all persons having objections to appear at the office of the Board at the time stated in the notice and show cause why the Petition should not be granted.

f. The Board, at the time and place stated in the notice, has heard the Petition and all objections presented by any person showing cause why said Petition should not be granted and overrules any such objections.

g. The Board has determined to grant the Petition.

Section 2. Inclusion of Property. The Board hereby grants the Petition.

Section 3. Filing of Ordinance. Within ten days after final publication of this ordinance, the City Clerk ex officio Secretary of the Board shall file a certified copy of this ordinance with the County Clerk and Recorder of Jefferson County. Thereupon the Property shall be included within the boundaries of the District.

Section 4. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this ordinance, the intent being that the same are severable.

Section 5. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency.

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

Section 7. 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 28th day of December, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of January, 2016.

CITY OF WESTMINSTER DOWNTOWN  
GENERAL IMPROVEMENT DISTRICT

---

Mayor ex officio President

ATTEST:

---

City Clerk ex officio Secretary

Approved as to form:

---

Attorney for District

STATE OF COLORADO )  
 )  
 COUNTY OF JEFFERSON ) SS.  
 )  
 CITY OF WESTMINSTER DOWNTOWN )  
 GENERAL IMPROVEMENT DISTRICT )

I, Linda Yeager, City Clerk of the City of Westminster, Colorado (the "City") and ex officio Secretary of the City of Westminster Downtown General Improvement District (the "District"), do hereby certify:

Section 1. The foregoing is a true and correct copy of an ordinance (the "Ordinance") introduced and passed on first reading at the regular meeting of the Board of Directors of the District (the "Board") on December 28, 2015, and passed and adopted on second reading by the Board at the regular meeting of the Board on January 11, 2016. A quorum of the Board was in attendance at each meeting.

Section 2. The members of the Board voted on passage and adoption of the Ordinance on first reading on December 28, 2015, as follows:

Those Voting Aye:	<u>Mayor ex-officio President Atchison</u>
	<u>Mayor Pro Tem ex-officio Vice President Garcia</u>
	<u>Councillor ex-officio Member Baker</u>
	<u>Councillor ex-officio Member Bird</u>
	<u>Councillor ex-officio Member De Cambra</u>
	<u>Councillor ex-officio Member Pinter</u>
	<u>Councillor ex-officio Member Seitz</u>
Those Voting Nay:	<u>None</u>
Those Absent:	<u>None</u>
Those Abstaining:	<u>None</u>

Section 3. The adoption of the Ordinance was duly moved and seconded and the Ordinance was adopted on second reading by an affirmative vote of a majority of the members of the Board at the regular meeting of the Board on January 11, 2016, as follows:

Those Voting Aye: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Those Voting Nay: \_\_\_\_\_

Those Absent: \_\_\_\_\_

Those Abstaining: \_\_\_\_\_

Section 4. The Ordinance was approved and authenticated by the signature of the Mayor as ex officio President of the District, attested by the Clerk as ex officio Secretary of the District and recorded in the minutes of the Board.

Section 5. Attached hereto as Exhibit B are affidavits of publication by title and in full of the Ordinance in the Westminster Window on January 7, 2016, and on January 21, 2016.

Section 6. Attached hereto as Exhibit C are copies of the notices of the meetings of December 28, 2015, and January 11, 2016, each of which were posted at the City Hall not less than 24 hours in advance of the meeting.

Section 7. On \_\_\_\_\_, 201\_\_ I filed a certified copy of the Ordinance with the Jefferson County Clerk and Recorder.

Section 8. On \_\_\_\_\_, 201\_\_, I caused to be filed with the Board of County Commissioners of Jefferson County, the Jefferson County Assessor, and the Division of Local Government of the State of Colorado, a Notice of Inclusion, a true and correct copy of which is attached here to as Exhibit D.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of the City this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
City Clerk ex officio Secretary of the Board

EXHIBIT A

(Attach Verified Legal Description for Property  
to be included within the Boundaries of the  
City of Westminster Downtown General Improvement District)

**LEGAL DESCRIPTION OF THE WESTMINSTER ECONOMIC DEVELOPMENT  
AUTHORITY OWNERSHIP AT THE DOWNTOWN WESTMINSTER SITE**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N44°34'47"W A DISTANCE OF 105.18 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SAID EASTERLY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES;

- 1.) 128.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 73°44'29" AND A CHORD WHICH BEARS N36°09'44"W A DISTANCE OF 120.00 FEET;
- 2.) THENCE N00°42'30"E A DISTANCE OF 252.68 FEET;
- 3.) THENCE 104.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 103.53 FEET;
- 4.) THENCE N29°17'30"W A DISTANCE OF 253.49 FEET;
- 5.) THENCE 52.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 51.76 FEET;
- 6.) THENCE N00°42'30"E A DISTANCE OF 1022.79 FEET;
- 7.) THENCE 241.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 360.00 FEET, A CENTRAL ANGLE OF 38°30'06" AND A CHORD WHICH BEARS N19°57'33"E A DISTANCE OF 237.39 FEET;
- 8.) THENCE N39°12'36"E A DISTANCE OF 216.41 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET AND THE SOUTHERLY LINE OF WEST 92<sup>ND</sup> AVENUE RECORDED AT RECEPTION NO. F0832987; THENCE ALONG THE SAID EASTERLY LINE AND SOUTHERLY LINE OF WEST 92<sup>ND</sup> AVENUE THE FOLLOWING FOURTEEN (14) CONSECUTIVE COURSES;
  - 1.) S50°48'48"E A DISTANCE OF 20.34 FEET;
  - 2.) THENCE N39°11'12"E A DISTANCE OF 55.78 FEET;
  - 3.) THENCE 26.01 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 90°18'15" AND A CHORD WHICH BEARS N05°39'40"W A DISTANCE OF 23.40 FEET TO A POINT OF REVERSE CURVATURE;
  - 4.) THENCE 208.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 393.50 FEET, A CENTRAL ANGLE OF 30°25'28" AND A CHORD WHICH BEARS N24°16'43"E A DISTANCE OF 206.50 FEET;
  - 5.) THENCE N09°03'59"E A DISTANCE OF 16.12 FEET;

6.) THENCE 33.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 03°47'05" AND A CHORD WHICH BEARS N07°10'20"E A DISTANCE OF 33.05 FEET TO A POINT OF REVERSE CURVATURE;

7.) THENCE 38.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 45°13'15" AND A CHORD WHICH BEARS N27°53'25"E A DISTANCE OF 37.29 FEET;

8.) THENCE S89°13'00"E A DISTANCE OF 100.73 FEET;

9.) THENCE S89°12'30"E A DISTANCE OF 16.89 FEET;

10.) THENCE 51.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1036.00 FEET, A CENTRAL ANGLE OF 02°50'33" AND A CHORD WHICH BEARS S87°47'44"E A DISTANCE OF 51.39 FEET;

11.) THENCE S86°22'27"E A DISTANCE OF 303.71 FEET;

12.) THENCE 69.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1260.31 FEET, A CENTRAL ANGLE OF 03°08'13" AND A CHORD WHICH BEARS S87°56'42"E A DISTANCE OF 68.99 FEET TO A POINT OF COMPOUND CURVATURE;

13.) THENCE 8.73 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1259.00 FEET, A CENTRAL ANGLE OF 00°23'51" AND A CHORD WHICH BEARS S89°42'48"E A DISTANCE OF 8.73 FEET;

14.) THENCE S89°54'43"E A DISTANCE OF 162.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92<sup>ND</sup> AVENUE RECORDED AT RECEPTION NO. F1097396; THENCE ALONG SAID SOUTHERLY LINE S89°55'03"E A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92<sup>ND</sup> AVENUE RECORDED AT RECEPTION NO. F083987; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S00°45'31"W A DISTANCE OF 9.26 FEET;

2.) THENCE S89°16'45"E A DISTANCE OF 495.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG THE SAID WESTERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S45°07'17"E A DISTANCE OF 143.20 FEET;

2.) THENCE S15°22'31"E A DISTANCE OF 102.65 FEET TO THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 1, LAKE ARBOR COMMERCIAL OFFICE PARK FILING NO. 1; THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

1.) N89°17'30"W A DISTANCE OF 175.87 FEET;

2.) THENCE S00°42'30"W A DISTANCE OF 160.00 FEET;

3.) THENCE S89°17'30"E A DISTANCE OF 222.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG SAID WESTERLY LINE S15°22'31"E A DISTANCE OF 1207.45 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 901; THENCE ALONG SAID WESTERLY LINE S00°05'03"W A DISTANCE OF 904.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88<sup>TH</sup> AVENUE; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) 23.73 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°37'27" AND A CHORD WHICH BEARS S45°23'47"W A DISTANCE OF 21.33 FEET;

2.) THENCE N89°17'30"W A DISTANCE OF 1682.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88<sup>TH</sup> AVENUE RECORDED AT RECEPTION NO. 89053018; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

- 1.) N00°39'31"E A DISTANCE OF 2.10 FEET;
- 2.) THENCE N88°29'13"W A DISTANCE OF 135.26 FEET;
- 3.) THENCE N89°17'30"W A DISTANCE OF 74.75 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM LOT 1, BLOCK 1, BRUNSWICK CENTER AND A PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N06°32'50"E A DISTANCE OF 1909.92 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 AND THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY AND NORTHERLY LINE OF SAID PARCEL THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

- 1.) N00°42'30"E A DISTANCE OF 350.00 FEET;
- 2.) THENCE S89°17'30"E A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, BRUNSWICK CENTER; THENCE ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

- 1.) S89°17'30"E A DISTANCE OF 280.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
- 2.) THENCE S00°42'30"W A DISTANCE OF 350.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
- 3.) THENCE N89°17'30"W A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION 85121731; THENCE ALONG SOUTHERLY LINE OF SAID PARCEL OF LAND N89°17'30"W A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM A 10' BY 20' PARCEL OF LAND WITHIN A PORTION OF BLOCK A-2 OF WESTMINSTER CENTER SUBDIVISION, FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 2015002087, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN; CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 24; THENCE S89°17'30"E A DISTANCE OF 334.92 FEET ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 24; THENCE DEPARTING SAID SOUTHERLY LINE, N00°42'30"E A DISTANCE OF 746.02 FEET TO THE EASTERLY MOST CORNER OF SAID BLOCK A-2 BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK A-2, S58°10'03"W A DISTANCE OF 20.00 FEET; THENCE N31°49'57"W A DISTANCE OF 10.00 FEET, THENCE, N58°10'03"E A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID

BLOCK A-2; THENCE ALONG SAID NORTHEASTERLY LINE S31°49'57"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 100.098 ACRES (4,360,280 SQ. FT.), MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING S89°17'30"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP PLS #17488 AT THE SOUTH QUARTER CORNER AND A FOUND 3-1/4" ALUMINUM CAP PLS #13155 AT THE SOUTHEAST CORNER.

EXCLUSION

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY OWNED BY JC PENNEY LOCATED AT 5453 W. 88<sup>TH</sup> AVE, WESTMINSTER CO 80031. SAID TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY A FUTURE PETITION FILED BY JC PENNEY WHICH IS CURRENTLY A TENANT OF WEDA.

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS AND PERSONAL PROPERTY OF OLIVE GARDEN, LOCATED AT 5551 W. 88<sup>TH</sup> AVE, WESTMINSTER CO 80031 AND U.S. BANK, LOCATED AT 5971 W. 88<sup>TH</sup> AVE, WESTMINSTER, CO 80031. SAID TENANT IMPROVEMENTS AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY FUTURE PETITIONS FILED BY THEIR OWNERS WHICH ARE CURRENTLY TENANTS OF WEDA.



EXHIBIT B

(Attach Affidavits of Ordinance publication by title and in full)

EXHIBIT C

(Attach Notices of Meetings on December 28, 2015, and January 11, 2016)

EXHIBIT D

(Attach Notice of Inclusion of Property within the  
City of Westminster Downtown General Improvement District)