



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are 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 except when addressing the City Council during Section 12 of the agenda.

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

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any 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. 2009 Medium Water Meter and Meter Parts Purchases
 - C. Colorado Municipal League Annual Dues Authorization
 - D. Rodeo Market Façade Restoration Construction Contact
 - E. Purchase of Analytical Device for Water Quality Measures
 - F. Huron Street / West 124th Avenue Intersection Improvements – Contract Change Order
 - G. Second Reading Councillor's Bill No. 53 re CLUP Amendment for the Turnpike Motel
 - H. Second Reading Councillor's Bill No. 54 re Amending the Rezoning of Lots for the Turnpike Motel to PUD
 - I. Second Reading Councillor's Bill No. 55 re Shoenberg Farm Partial Acquisition Grant Supplemental Appropriation
9. Appointments and Resignations
 - A. Rocky Flats Stewardship Council Appointments
10. Public Hearings and Other New Business
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.

- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.

- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.

- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.

- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;

- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);

- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;

- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.

- J.** Final comments/rebuttal received from property owner;

- K.** Final comments from City Staff and Staff recommendation.

- L.** Public hearing is closed.

- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 22, 2008 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Mayor Pro Tem Dittman, to approve the minutes of the regular meeting of December 8, 2008, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that this was Council's last meeting of the year. City offices would be closed on December 25 and January 1 during the holiday season. Mr. McFall was pleased to report that the City's financial position at the end of 2008 was good and that Staff was providing good services to the citizens. Given the national economy, the City's finances were being monitored and steps were being taken to identify areas where expenditures could be delayed if the local economy were to decrease. He wished the Mayor, Council, Staff and all those present Happy Holidays and was pleased to work with all. In conclusion, Mr. McFall reported that the Board of Directors of the Westminster Housing Authority and the Westminster Economic Development Authority would be held after adjournment of this meeting.

CITY COUNCIL COMMENTS

Councillor Briggs wished Councillor Major Happy Birthday and everyone Merry Christmas.

Councillor Major thanked fellow Councillors for his birthday celebration, wished everyone Happy Holidays, and was grateful for the successes of 2008.

Councillor Kaiser wished everyone a Merry Christmas and Happy New Year. He reported having enjoyed a Christmas luncheon at the MAC and thanked those who had helped organize and host it.

Mayor Pro Tem Dittman extended kudos to the Fire Department for the successful Employee Holiday Party they had planned and hosted at the Westin on December 19. He predicted the event would be hard to follow for the next host department.

Councillor Lindsey regretted missing the Employee Holiday Party and extended good wishes to all during the holiday season.

Mayor McNally reported having participated in the Mayors' Night of Canning hosted by a metro area Church of Latter Day Saints. As a result of her participation, Have a Heart had received 125 cases of canned food. The Mayor wished everyone Happy Holidays.

CITIZEN COMMUNICATION

Leonard Holtzclaw, 10115 Sheridan Boulevard, commended Street Division crews for their fast response in plowing snow from City streets following a recent snowstorm. Parks crews also had cleared trails quickly. There were marked differences when comparing Westminster to neighboring communities.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the November 2008 Financial Report; authorize purchase of rock salt from the two low quote vendors, Independent Salt Company and Envirotech Services, Inc., in an amount not to exceed \$324,000; based on the City Manager's report, find that the public interest would be best served by accepting the cashier system bid from Active Network and authorize the City Manager to sign a contract for the purchase of a new cashier system at City Hall for an amount not to exceed \$95,764, approve a contingency of \$9,576 and associated expenses of \$34,000 for equipment and software for a total project budget of \$139,340; based on the City Manager's report and recommendation, determine that the public interest would be best served by awarding these contracts to the following vendors, ratify past purchases and approve future 2008 expenses with Frontier Radio Communications up to a maximum of \$90,000, C West Code Consultants up to a maximum of \$90,000, Titleist up to a maximum of \$91,000, Nike U.S.A. Golf Division up to a maximum of \$54,000, Thunder Mountain Harley Davidson up to a maximum of \$90,000, Fence Consultants up to a maximum of \$70,000, and Public Safety Warehouse up to a maximum of \$120,000 and additional ratification and approval above what had already been approved by Council for HD Waterworks Inc up to a maximum of \$79,767 and National Water Meter & Automation up to a maximum of \$56,527; find that the Western States Contracting Alliance pricing meets City Charter bid requirements and authorize Staff to proceed with 2009 calendar year purchases of desktop PCs, laptop PCs, storage hardware, computer servers, printers and software through Dell Computer Corporation in an amount not to exceed \$250,478; find that the State of Colorado Microsoft Select pricing meets City Charter bid requirements and authorize Staff to proceed with 2009 calendar year purchases of 1,000 Microsoft Exchange and Outlook licenses through Software Spectrum in an amount not to exceed \$126,450; authorize the City Manager to execute a contract with the low bidder, Innovative Interiors & Construction, Inc., in the amount of \$149,270 for the renovation of the Oakhurst Park Shelter and authorize a 10% contingency; authorize the City Manager to execute a contract with the low bidder, Premier Paving, Inc., in the amount of \$3,200,115 for the construction of 144th Avenue, authorize a construction contingency in the amount of \$320,000, authorize the payment of an amount not to exceed \$250,000 to Xcel Energy for the design and installation of street lights for the project, authorize the City Manager to execute an agreement with PBS&J for construction engineering services in the amount of \$276,586, and authorize a construction engineering contingency in the amount of \$25,000; authorize the City Manager to execute an Intergovernmental Cooperation Agreement between the City of Westminster and the Westminster Economic Development Authority (WEDA), in substantially the same form as that attached to the agenda memorandum, providing payment to the City from WEDA for reimbursement of City incurred costs related to the planning, design, and construction of City Center Park as well as future operating and capital costs incurred after the park is in commission, as long as WEDA has fulfilled all, if any, superior obligations including but not limited to: debt service and covenant requirements as detailed in the respective Indenture of Trust, Bank Agreement and any other obligation deemed to be superior over the City's reimbursement request; pass Councillor's Bill No. 50 on second reading authorizing the City Manager to execute and implement the Amendment to the Church Ranch Hotel Company LLC Business Assistance Agreement to facilitate the development of the Hyatt Place Hotel; pass Councillor's Bill No. 51 on second reading appropriating funds received from the City and County of Denver in the amount of \$184,000 for the City of Westminster Police Department's participation at the Democratic National Convention; and pass Councillor's Bill No. 52 on second reading amending the Westminster Municipal Code concerning the General Employee and Police Pension Plans in order to comply with changes required by applicable federal pension laws and U.S. Treasury regulations.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. None did, and it was moved by Councillor Major, seconded by Councillor Lindsey, to approve the consent agenda as presented. The motion passed unanimously.

RESOLUTION NO. 61 APPOINTING REPRESENTATIVE TO ADAMS COUNTY HOUSING AUTHORITY

It was moved by Mayor Pro Tem Dittman, seconded by Councillor Major, to adopt Resolution No. 61 to appoint Councillor Faith Winter to a two-year term on the Adams County Housing Authority Board of Commissioners effective January 1, 2009. At roll call, the motion passed unanimously.

PUBLIC HEARING ON CLUP AMENDMENT, REZONING, PDP/ODP FOR TURNPIKE MOTEL

At 7:13 p.m. the Mayor opened a public hearing to consider the Comprehensive Land Use Plan amendment, rezone, Preliminary Development Plan (PDP), and Official Development Plan (ODP) for the Turnpike Motel properties at 7151 Federal Boulevard. The City Inn, an existing motel with 16 rooms, had been constructed four years earlier; and this proposal would add two lots to the west for construction of an additional 36 rooms and 24 parking spaces. One of the adjacent lots was vacant; the other contained a single-family residence that would be rehabilitated and rented or used as a residence for the motel manager. Within one year of PDP/ODP approval, all three lots would be replatted into one lot of 1.04-acre size. Mac Cummins, Planning Manager, provided background information and entered the agenda memorandum and attachments into the record. Public notification had been satisfied pursuant to the Westminster Municipal Code. There was a typographical error relative to the land use change for Lot 43 in the agenda material, as the designation was from R-3.5, not R-2.5, to Retail Commercial. The Planning Commission had reviewed this application on December 9 and had voted to recommend approval.

Stanley Pouw, architect and planner, represented the owner. He provided design sketches of the structure proposed and of the overall site to show access and landscaping. Councillors had no questions and no others wished to testify. The Mayor closed the hearing at 7:22 p.m.

COUNCILLOR'S BILL NO. 53 AMENDING CLUP DESIGNATION FOR TURNPIKE PROPERTIES

It was moved by Mayor Pro Tem Dittman, seconded by Councillor Major, to pass Councillor's Bill No. 53 on first reading to amend the Comprehensive Land Use Plan for Turnpike properties by changing the designation of Lot 43, Federalview Subdivision, from R-3.5 to Retail Commercial and of Lot 44, Federalview Subdivision, from R-18 to Retail Commercial based on finding that the proposed amendment would be in the public good; that there was justification for the proposed change and the Plan was in need of revision as proposed; that the amendment was in conformance with the overall purpose and intent and the goals and policies of the Plan; that the proposed amendment was compatible with existing and planned surrounding land uses; and that the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure system. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 54 TO REZONE TURNPIKE PROPERTIES

Mayor Pro Tem Dittman moved, seconded by Councillor Major, to pass Councillor's Bill No. 54 on first reading to rezone Lots 43 and 44 of the Federalview Subdivision from R-4 and Lot 1, Block 1, Turnpike Motel Final Plat from C-1 to Planned Unit Development based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code had been met. The motion passed with all Council members voting yes on roll call vote.

TURNPIKE MOTEL PDP/ODP APPROVED

It was moved by Mayor Pro Tem Dittman and seconded by Councillor Major to approve the Preliminary Development Plan and Official Development Plan of the Turnpike Motel based on a finding that the criteria set forth in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code had been met. The motion passed unanimously.

CITY MANAGER AUTHORIZED TO SIGN DEVELOPMENT AGREEMENT

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Major, the Council voted unanimously to authorize the City Manager to sign the Development Agreement between the City and the landowner of Lot 43 of the Federalview Subdivision.

RESOLUTION NO. 62 RE IGA FOR HISTORIC PRESERVATION GRANT – SHOENBERG FARM

Councillor Lindsey moved to adopt Resolution No. 62 authorizing the City Manager to execute an Intergovernmental Agreement with the State of Colorado concerning the use of State Historical Fund grant monies awarded to the City for the partial acquisition of Shoenberg Farm. Councillor Kaiser seconded the motion, and it passed unanimously on roll call.

COUNCILLOR’S BILL NO. 55 RE SHOENBERG FARM GRANT SUPPLEMENTAL APPROPRIATION

It was moved by Councillor Major and seconded by Mayor Pro Tem Dittman to pass Councillor’s Bill No. 55 on first reading to appropriate funds received from the State Historical Fund in the amount of \$501,125 for the City’s partial acquisition of Shoenberg Farm. At roll call, the motion carried with all Council members voting yes.

RESOLUTION NO. 63 TRANSFERRING FUNDS FOR QUAGGA/ZEBRA MUSSEL PROGRAM

Councillor Briggs moved, seconded by Councillor Winter, to adopt Resolution No. 63 transferring funds from the Public Works and Utilities Department to the Parks, Recreation and Libraries Department within the Water Fund for the protection of Standley Lake from invasive species. At roll call, the motion passed unanimously.

ADJOURNMENT

There being no further business to come before the City Council, the Mayor adjourned the meeting at 7:28 p.m.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 12, 2009



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 Boards and Commissions pursuant to §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 will be posted shall be designated annually by the governing body at its first regular meeting of each calendar year.
- City Staff posts all notices of City Council meetings and study sessions, all WEDA meetings, and all WHA 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 serve the purpose of providing public notice.

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.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 12, 2009



SUBJECT: 2009 Medium Water Meter and Meter Parts Purchases

Prepared By: Richard A. Clark, P.E., Utilities Operations Manager

Recommended City Council Action

Upon recommendation of the City Manager, City Council finds that the public interest will best be served by authorizing a negotiated purchase from the sole source provider, National Meter & Automation, Inc. for new water meter replacement transponders, and chambers and disc assembly purchases, in the amount of \$146,382 and authorize a contingency of \$13,618.

Summary Statement

- The Utilities Division anticipates purchasing Orion transponders, replacement measuring elements and new meters to complete the medium meter portion of the meter retrofit program.
- Funding for the water meter retrofit program is in the 2009/2010 Utilities Fund CIP account, with \$300,000 for 2009 and \$250,000 for 2010.
- Staff is requesting to negotiate the purchase from National Meter & Automation, Inc., due to the Badger TRACE meter system being a proprietary item and only available from Badger Meter Company through the authorized local distributor, National Meter & Automation, Inc.
- Authorize the purchase of the listed materials for a cost of \$146,382 and authorize a contingency amount of \$13,618.

Expenditure Required: \$160,000

Source of Funds: Utility Fund – Capital Improvement Fund – Meter Retrofit

Policy Issue

Should the Utilities Division utilize budgeted 2009 CIP funds to purchase Badger Orion transponders, replacement measuring elements and new meters?

Alternative

An alternative would be to only purchase a portion of the transponders and chamber and disc assemblies and delay the purchase of the replacement transponders and measuring elements to next year. This is not recommended as this would delay installing new meter parts, which could lead to problems with the accuracy of the meters.

Background Information

In 2005, the City of Westminster began a series of water meter retrofit programs for the entire City. All existing Badger TRACE water meters were replaced or retrofitted with the new ORION transponder as it is more effective and reliable than the TRACE transponder. Badger water meters have long been established as the City’s standard water meter. National Meter and Automation, Inc. is the western regional Badger Water Meter sole supplier. The meters and transponders furnished by National Meter & Automation, Inc. meet all required specifications set by the City.

Throughout 2007 and 2008, Utilities meter staff, along with the contractor, replaced approximately 29,000 residential meter systems. This work is basically complete and the attention will now be focused on medium sized meters, 1-inch, 1-1/2 inch and 2-inch meters. Those meters still fitted with the older TRACE reading equipment will be updated to the newer ORION system. New measuring chambers for all pre-2000 meters will be purchased and installed on an as-needed basis. Some 3 and 4-inch turbine meters are being purchased to replace some of the older meters completely. Some obsolete Model 120 meters will also require complete replacement.

Following the installation of all the material in this purchase, only a handful of larger, special purpose meters will continue to use the TRACE system, along with about 1,500 residential accounts, which will be replaced over the next 3 years. There will also be approximately 75 Badger Recordall style meters that are programmed for replacement. The Recordall series meters are no longer manufactured and parts availability is spotty. These meters are programmed for replacement at the conclusion of the medium meter phase of the project and will be funded out of the remaining 2009 funds and the 2010 funds.

Cost information is listed below:

Quantity	Item	Unit Cost	Extended Cost
85	Model 70 Orion Unit w/ Data Profiling	\$ 136.90	\$ 11,636.50
210	Model 120 Orion Unit w/ Data Profiling	\$ 211.92	\$ 44,503.20
80	Model 170 Orion Unit w/ Data Profiling	\$ 222.78	<u>\$ 17,822.40</u>
	Subtotal		\$ 73,962.10
4	3-inch Series Turbine 450	\$1,824.40	\$ 7,297.60
4	Model 450 Orion Unit w/ Data Profiling	\$ 299.25	\$ 1,197.00
4	4-inch Series Turbine 1000	\$2,373.00	\$ 9,492.00
4	Model 1000 Orion Unit w/ Data Profiling	\$ 330.75	\$ 1,323.00
30	Orion Transponder with Connector	\$ 202.00	<u>\$ 6,060.00</u>
	Subtotal		\$ 25,369.60
40	M160 turbine measuring element	\$ 610.00	\$ 24,400.00
20	M200 turbine measuring element	\$ 915.00	<u>\$ 18,300.00</u>
	Subtotal		\$ 42,700.00

<u>Quantity</u>	<u>Item</u>	<u>Unit Cost</u>	<u>Extended Cost</u>
10	Model 120 Body - with test plug	\$ 435.00	<u>\$ 4,350.00</u>
	Subtotal		\$ 4,350.00
	Contingency		\$ 13,618.30
	Total		\$ 160,000.00

Staff is requesting authority to purchase the material on an as-needed basis. Material will be ordered and used as required to provide accurate water meter readings. Staff is confident that the pricing provided by National Meter & Automation, Inc. is reasonable and competitive.

This purchase helps achieve the City Council's Strategic Plan Goal of "Financially Sustainable City Government" by contributing to the objective of well-maintained City Infrastructure and Facilities.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 12, 2009



SUBJECT: Colorado Municipal League Annual Dues Authorization

Prepared By: Phil Jones, Management Analyst

Recommended City Council Action

Authorize payment of \$59,307 for the City's 2009 Colorado Municipal League dues.

Summary Statement

- The City of Westminster's Colorado Municipal League (CML) 2009 dues, which are based on a formula that factors population, assessed valuation, and sales tax collections, total \$59,307, an increase of \$1,793 (or 3.1%) over the 2008 dues.
- Adequate funds have been included in the central charges section of the 2009 budget that was approved and adopted by City Council in October 2008. Since these annual membership dues exceed \$50,000, City Council authorization is required, per Section 15-1-2 of the Municipal Code.
- CML provides services to 265 cities and towns throughout the state. The annual membership dues to CML include subscriptions to the bimonthly magazine, *Colorado Municipalities*, and the biweekly CML Newsletter for community officials. Other League services include municipal information services, municipal conferences and workshops, legislative and legal services, administrative agency services, sample ordinances, research and publications. CML is the main voice of municipalities at the State Legislature and has played a critical role for cities and towns in advocating and protecting municipal interests.

Expenditure Required: \$59,307

Source of Funds: General Fund - Central Charges Budget

Policy Issue

Does City Council wish to continue the City's membership in the Colorado Municipal League?

Alternative

Discontinue City membership with the CML, reallocate the funds budgeted for the City membership with CML and utilize the funds for other City priorities. This is not recommended by Staff as CML provides important services, as outlined in this memorandum, that assist the City in many ways.

Background Information

The City of Westminster actively participates in CML meetings and workshops, and extensively utilizes the various services offered by the League. CML advocates on behalf of municipalities throughout the State, distributes numerous publications that provide information on timely topics and trends, hosts workshops and meetings on important municipal issues, and performs research as requested by member jurisdictions.

CML was founded in 1923 and currently represents more than 99 percent of the municipal population in the state. 265 cities and towns are members of CML (out of 271 total cities and towns in the state) and pay dues on an annual basis. CML's formula for arriving at a municipality's dues payment is based on a per capita charge using Department of Local Affairs population estimates, a fraction of the assessed valuation figures from the State Division of Property Taxation, and a fraction of state sales tax collections for the previous calendar year.

As in previous years, the annual CML dues are included in the City Budget. City Council action is required because the expense is over \$50,000 in accordance with Section 15-1-2 of the Municipal Code.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
January 12, 2009



SUBJECT: Rodeo Market Façade Restoration Construction Contract

Prepared By: Vicky Bunsen, Community Development Projects Coordinator

Recommended City Council Action

1. Based on the report of the City Manager, City Council finds that the public interest would be best served by accepting the bid for this work from Spectrum General Contractors.
2. Authorize the City Manager to award and execute a contract with Spectrum General Contractors Inc. in the amount of \$72,752 for the façade restoration of the Rodeo Super Market, and authorize a construction contingency of 10% in the amount of \$7,275, subject to final budget approval by the grant agency, the State Historical Fund.

Summary Statement

- The Rodeo Super Market is a City Council designated local historic landmark located at 3915 West 73rd Avenue, and is owned by the Westminster Housing Authority.
- Using State Historical Fund grants, the building was assessed and construction drawings were prepared for a façade restoration. A grant application was filed October 1, 2007 with the State Historical Fund to complete the restoration project.
- The grant budget proposed a \$107,165 project, which included a 20% contingency, \$4,863 for professional services and \$85,252 for construction services. A grant in the amount of \$79,165 was awarded based on this budget.
- The Request for Bids for the construction of this project was posted on the City website and forwarded to seven contractors known to be experienced with historic preservation projects. The bids were opened on December 22, 2008. Seven bids were received.
- Staff has reviewed the bids and recommends award of the contract to the second-lowest bidder, Spectrum General Contractors, based on the fact that their bid was very close to the low bid and this firm demonstrated more extensive experience with this type of project. A 10% contingency of \$7,275 is also recommended for a total project budget of \$80,027.
- This bid is lower than the State Historic Fund (SHF) budget. The budget will be revised by SHF so that the grant will not exceed 75% of the actual cost of the project. The remaining 25% cash match will be paid by the South Westminster CIP account.

Expenditure Required: \$80,027

Source of Funds: \$20,007 - South Westminster CIP
\$60,020 - State Historical Fund

Policy Issue

Should the City proceed with the façade restoration of the Rodeo Super Market, a local historic landmark located at 3915 West 73rd Avenue?

Alternatives

Alternatives include postponing or abandoning the construction of this project. Given the very favorable bids for the construction of this project coupled with the availability of 75% grant funding, these alternatives are not recommended.

Background Information

The bid results are as follows:

<u>Contractor</u>	<u>Submitted Bid</u>
Colon-Collawn	\$70,073
Spectrum General Contractors	\$72,752
Walsh Construction	\$89,000
TC 2, Inc.	\$93,310
W.M.Brown	\$99,019
White Construction	\$129,950
Milendar White Construction	\$184,403
Project Estimate	\$85,252

The difference between project estimate and the actual bids reflects the volatile state of the economy, falling costs for some materials, and stiff competition among general contractors.

The qualifications of the two lowest bidders were investigated by Staff. Spectrum provided information on 18 projects supported by grants from the State Historical Fund between 1995 and 2007 and Staff interviewed four representatives of project owners and two architectural firms to gain information on Spectrum’s performance. All information was extremely positive, citing efficiency, cost effectiveness, staying on schedule, good management and a high level of customer service. Spectrum’s proposed project manager was interviewed and he related several projects he had completed that involved masonry restoration and a glass storefront installation, which is what is to be completed on the Rodeo Market. Their extensive experience with State Historical Fund projects indicates the desired level of expertise with rehabilitation standards for historic buildings and familiarity with the SHF accounting requirements.

Colon-Collawn was provided eight additional days after the bid opening to provide information concerning the firm’s experience with rehabilitation of historic buildings. They provided a reference for a project completed for the City of Arvada, which was completed satisfactorily. However, no further references were provided for Staff to interview by December 30.

It appears that Colon-Collawn is a good firm with at least one prior project involving rehabilitation of historic buildings. However, Spectrum has much more extensive experience and the proposed project manager for the Rodeo Market has experience with masonry restoration and storefront installation, as is required by the Rodeo Market façade restoration. Therefore, it is recommended that Spectrum be awarded the bid based on their superior qualifications and experience.

SUBJECT: Rodeo Market Façade Restoration Construction Contract

Page 3

The funding for this project comes from two sources: The State Historical Fund and the South Westminster CIP account. The State Historical Fund will not pay more than 75% of the actual project cost, so the grant is expected to be reduced based on the contract that is awarded by the City.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 12, 2009



SUBJECT: Purchase of Analytical Device for Water Quality Measures

Prepared By: Mike Happe, Water Resources and Treatment Manager
Mary Fabisiak, Water Quality Administrator
Christine Anderson Gray, Management Analyst

Recommended City Council Action

1. Based on the recommendation of the City Manager, find that the public interest would best be served by authorizing the purchase of a water quality analytical device from Fluid Imaging Technologies, Inc. in the amount of \$82,531.
2. Authorize the transfer of \$55,000 from the Semper Water Treatment Facility (SWTF) Filter 1-14 Media Replacement capital project and transfer of \$27,531 from the Semper Water Treatment Facility (SWTF) Filter 1-6 Effluent Valve Replacement capital project to the Utility Fund-Water Treatment Plant operating budget to fund the water quality analytical device.

Summary Statement

- The ability to quickly and accurately identify aquatic invasive species such as the Zebra or Quagga mussel is essential to protecting and responding to threats to Standley Lake.
- Current monitoring methods are slow, tedious and unreliable. New technology is available to quickly and accurately process samples, allowing for immediate detection of sparse populations of an aquatic nuisance species. Fluid Technologies Inc. is the only company currently manufacturing this product, which necessitates a sole source purchase.
- The Semper Water Treatment Facility (SWTF) Filter 1-14 Media Replacement Project was approved in the 2007 CIP budget for \$250,000. This project was successfully completed in early 2008 well below budget, with a savings of over \$55,000, which is now available. These savings are proposed to be utilized to fund the proposed purchase.
- The Semper Water Treatment Facility (SWTF) Filter 1-6 Effluent Valve Replacement Project was approved in the 2007 CIP budget for \$80,000. This project was successfully completed in 2008 well below budget with a savings of \$32,000. These savings are proposed to be utilized to fund the proposed purchase.
- Staff is requesting a transfer of \$82,531 total from both identified capital projects to the Water Fund Operating Budget in 2009 to fund the purchase of this device.

Expenditure Required: \$82,531

Source of Funds:	Utility Fund CIP - SWTF Filter 1-14 Media Replacement CIP	\$55,000
	Utility Fund CIP - SWTF Filter 1-6 Effluent Valve Replacement CIP	\$27,531

Policy Issues

1. Should the City of Westminster proceed with purchasing an analytical device for detecting the presence of aquatic nuisance species in water samples?
2. Should City Council approve the transfer of \$55,000 from the SWTF Filter 1-14 Media Replacement capital project and \$27,531 from the SWTF Filter 1-6 Effluent Valve Replacement capital project into a Water Fund operating budget to pay for this device?

Alternatives

1. Reject the purchase and continue to rely upon in-house testing to determine the presence of aquatic nuisance species. Staff does not recommend this alternative because the City must rely on time-consuming and labor-intensive Staff efforts to examine small water samples by microscope. Currently Staff is only able to manually inspect a portion of a water sample, which introduces the possibility that a nuisance species would not be included in the viewed sample. This alternative would also take quite a long time to test large sample batches for a minute population of nuisance species. Without the ability to test larger samples, Staff could be unaware of the contamination of the City's water supply.
2. Reject the purchase and send samples to the State for genetic testing. Staff does not recommend this alternative, as the genetic testing does not always accurately identify the specific nuisance species and is also expensive. For Staff to feel comfortable with genetic testing results, many samples would need to be drawn from the Lake; and even then, the reliability of matching the genetics of a nuisance species would be uncertain.
3. Reject the funding source. Staff does not recommend this alternative as surplus funds in two capital projects are available for use at this time. Funding was not identified in the 2009 budget process as staff was unaware of the existence of this device.

Background Information

Zebra Mussels were discovered in Pueblo Reservoir in early 2008. This invasive species multiplies rapidly and profusely. Zebra Mussels have a devastating effect on a water body by destroying the lake ecology (which leads to a decline in fish population), compromising water treatment infrastructure with massive accumulations of mussels on structures and negatively affecting drinking water quality with an increase in algae bloom formations that lead to taste and odor problems.

This discovery prompted the swift formation of an Inspection/Cleaning/Tagging program at Standley Lake in advance of the 2008 recreation season. Approved by Council, this program was designed to focus primarily on boating, which is the most prevalent means of spreading Zebra and Quagga Mussels. Other measures were implemented for fishing and untrailerred boats to reduce the possibility of the species entering the lake in another manner.

As of October 2008, Quagga and/or Zebra Mussels have been detected in six more Colorado lakes (Tarryall Reservoir, Jumbo Reservoir, Grand Lake, Lake Granby, Shadow Mountain Reservoir, and Willow Creek Reservoir) and the Arkansas River. To date, no Zebra or Quagga mussels have been detected in Standley Lake, and the inspection/quarantine program is expected to continue in 2009.

Currently, testing for the presence of this species is conducted by Westminster Staff and the State of Colorado Division of Wildlife. Westminster conducts manual microscopic analysis of water samples, which is a slow process. By virtue of the method used and the small sample size, this process is unreliable. The State performs microscopic analysis and if necessary, genetic analysis to search for Quagga and/or Zebra Mussel indicators. The genetic analysis is not fail-safe and is expensive (\$350/sample). Staff could purchase a large number of genetic tests for the same funding level but would recommend the accuracy and precision of the FlowCAM device to properly identify aquatic nuisance species.

The recommended FlowCAM device detects the presence of any microorganism by processing large samples of water through a computer microscope. Recognition software then identifies any invasive species including veligers, which are the larval stage of Quagga and Zebra Mussels. Fluid Imaging Technologies Inc. is currently the only company producing this type of technology. Please see the attached Statement of Proprietary Technology from Fluid Imaging Technologies, Inc.

With the ability of Quagga and Zebra Mussels to spread at such prolific rates, City Staff is concerned about the presence of these mussels in Standley Lake as well as in other lakes in the Standley Lake watershed. Staff believes that it is crucial to the protection of Standley Lake to be able to aggressively sample for this and other invasive species. The FlowCAM analytical device will allow for rapid identification of Quagga and Zebra Mussels, as well as other aquatic nuisance species that can threaten the quality of Standley Lake. Early identification of aquatic nuisance species will allow Staff to implement an action plan best suited to protect Standley Lake. Council has approved a 2009 capital project titled Quagga/Zebra Mussel Treatment Plan, which will research options available to the City if Standley Lake becomes contaminated.

Staff is proposing the transfer of surplus funds from completed capital accounts to a Water Fund Operating account to purchase this device. Funds from the SWTF Filter 1-14 Media replacement project and the SWTF Filter 1-6 Effluent Valve replacement project have been identified.

This project helps achieve the City Council's Strategic Plan Goal of a Safe and Secure Community by providing safe drinking water. It is a factor in providing a Financially Sustainable City Government by contributing to the objective of a Well-maintained City Infrastructure and Facilities and a Secure Water Supply. The project adds to the Goals of Vibrant Neighborhoods and Commercial Areas and a Beautiful and Environmentally Sensitive City by striving to protect Standley Lake as a successful and enjoyable recreational area.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



Statement of Proprietary Technology

The FlowCAM[®] is a unique digital imaging flow cytometer that is exclusively manufactured by Fluid Imaging Technologies, Inc. of Yarmouth, Maine, USA.

The technology is protected by U.S. Patent # 6,115,119 that embodies the use of novel imaging techniques, simultaneous fluorescence & light scatter detection / measurement, and proprietary interactive VisualSpreadsheet[®] scattergram software. The FlowCAM[®] can only be sourced through Fluid Imaging Technologies, Inc.

The patented invention and related equipment include:

- A depth of focus enhancer: an optical device including a unique binary optical element which increases the depth of focus of the imaging system.
- A triggering mechanism whereby particle fluorescence or scattered light triggers a signal which results in the imaging of particles passing through the flow chamber.
- Computer algorithms that acquire particle images, generate size, scattered light and fluorescence information files, and perform interactive scattergram functions.

During the spring and summer of 2008 Fluid Imaging Technologies applied for two additional patents that reflect extensions of the basic technology that take advantage of special optical properties of certain organisms and particles:

- A patent describing the use of a special optical filter to work in concert with the 532 nm Laser to detect and measure the presence of the phycocyanin pigment found in cyanobacteria.
- A patent embodying the use of a set of Cross Polarizing filters for the purpose of detecting and identifying microscopic particles that are birefringent.

The FlowCAM[®] is the only device to provide fluorescence & light scatter triggering, fluorescence measurement and visual (monochrome or color) imaging of particles in a continuous flow.

The Portable FlowCAM[®] is the only portable digital imaging flow cytometer available running on either 120/220 volts AC, or 12 volts DC. Fluid Imaging Technologies, Inc. is the sole manufacturer of this equipment.

Kent A. Peterson
Chief Executive Officer
Fluid Imaging Technologies, Inc.

Date: _____



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
January 12, 2009



SUBJECT: Huron Street/West 124th Avenue Intersection Improvements - Contract Change Order

Prepared By: Stephen C. Baumann, Assistant City Engineer

Recommended City Council Action

Authorize the City Manager to execute a final change order to the contract with Goodland Construction, Inc. for the Huron Street/124th Avenue Intersection Improvements in the amount of \$38,454.

Summary Statement

- In May of 2008, City Council awarded a contract worth \$266,174 for the reconstruction of the intersection of Huron Street and 124th Avenue to Goodland Construction, Inc. (Goodland). The project would build the fourth (eastern) leg of the intersection, thus creating an access to the Adams County School District 12 school complex located east of Huron Street.
- Unanticipated major utility conflicts held up the work, resulting in an 80-day delay for Goodland while Comcast and Xcel Energy moved communication, gas and electric facilities. A change order of \$10,499 was administratively approved for the relocation of a portion of a reclaimed water main, also in conflict with the intersection work. During this delay period, the material cost of asphalt was climbing due to soaring crude oil costs, so it was necessary to negotiate an increase of approximately 17% for asphalt, a primary component of the project. All together, the additional costs of the water main relocation, increased traffic control costs, a revised pavement structure and other delay-related costs necessary to complete the project totaled \$48,953. The project was completed in mid-November 2008.
- A contingency of \$29,540 was approved at the time of the contract award, but there are sufficient available funds from cost savings elsewhere in the project to cover the necessary overall contract adjustment. Approval of the recommended change order will allow the close-out of the City's contract with Goodland.

Expenditure Required: \$38,454

Source of Funds: General Capital Improvement Fund –
Huron Street/124th Avenue Project Account

Policy Issue

Should the construction contract change order with Goodland Construction, Inc. for improvements to the intersection of Huron Street and West 124th Avenue be approved?

Alternatives

Alternatives to the proposed change order consist of denying in whole or in part that Goodland Construction, Inc. has earned compensation for additional work that was necessitated by delays to their schedule due to utility conflicts with the proposed improvements. Since the utility conflicts were quite real, and City Staff has determined that the increments of additional work were necessary and not otherwise included in the City's contract with Goodland, Staff has no real alternatives to the recommended action. The proposed change order covers the combined negotiated cost of the changes needed to close out the contract.

Background Information

On May 19, 2008, City Council awarded a contract worth \$266,174 to Goodland Construction, Inc. (Goodland) for construction of the intersection improvements at Huron Street and 124th Avenue. The work consisted of the construction of the east leg of that intersection where none existed before as well as creating access to the Adams County School District 12 campus of the Silver Lake Middle School and Mountain Range High School. The City and the School District collaborated on the funding needed for the project that included the intersection project contract, installation of street lighting and modifications to the traffic signal at this intersection.

The initial grading of the east side of Huron Street commenced in July, but soon exposed major conflicts with utilities in the area. Gas mains, electric facilities and communication lines were too shallow to construct the proposed pavement, and the same condition existed for the City's reclaimed water main. The contractor did as much of his work as was possible but was forced to suspend effort on the activities on his critical path while arrangements were made to relocate the conflicting facilities. Under the franchise agreements with Xcel and Comcast, their facilities must be moved at no cost to the project, but they are allowed a reasonable amount of time to do so. The cost of relocating the reclaimed water main was negotiated with Goodland under an administratively-approved change order for \$10,499.

In total, the delay to the contract time attributable to the utility relocations was almost 80 days, and as a result, additional costs had to be absorbed by Goodland. Those costs directly-related to the suspension of work include \$12,275 for construction signing and traffic control that had to remain in place adjacent to Huron Street after the utility conflicts were discovered. The timing of the utility delay also coincided with the soaring cost of crude oil in the summer of 2008. Goodland and its paving subcontractor requested a price adjustment, and City staff negotiated a new contract price for asphalt based on an approximate material cost upward adjustment of 17%. Most significant of the delay-related items was the effect it had on the schedule for paving, which was pushed from August to late October 2008. The as-bid design of the pavement structure included a lime-treated soil subgrade (supporting the asphalt) that does not cure properly in cold weather. An alternative pavement structure had to be developed that was suited to cool weather placement. The combined adjustments related to paving were agreed to with Goodland at an additional cost of \$26,179.

In summary, the modifications to the contract included the cost of relocating the reclaimed water main at \$10,499, performed under Change Order No. 1. Proposed Change Order No. 2, which will reconcile all final quantities and the changes described above, is \$38,454, for a total increase to the contract of \$48,953. City Council is being asked to approve Change Order No. 2 since that single change order exceeds 10% of the original contract amount and to authorize the increased expenditure using contingency funds approved at the time of contract award (\$29,540), along with other funds in the project account that were savings from actual versus expected costs of street lighting for the project.

SUBJECT: Huron Street/W. 124th Avenue Intersection Improvements

Page 3

The project was substantially complete in mid-November. With the exception of some minor restoration items and irrigation system checks in the spring of 2009, Goodland has fulfilled the contract requirements. Staff is recommending approval of Change Order No. 2 so that the contract can be closed out.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 G&H

WESTMINSTER COLORADO

Agenda Memorandum

City Council Meeting
January 12, 2009



SUBJECT: Second Reading of Councillor’s Bill No. 53 and 54 re a Comprehensive Land Use Plan Amendment and Zoning for the Turnpike Motel

Prepared By: Patrick Caldwell, Planner II

Recommended City Council Action

1. Pass Councillor’s Bill No. 53 on second reading amending the Comprehensive Land Use Plan for the Turnpike Motel properties changing the designation of Lot 43 of the Federalview Subdivision from R-3.5 to Retail Commercial, and Lot 44 of the Federalview Subdivision from R-18 to Retail Commercial. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a) There is justification for the proposed change and the Plan is in need of revision as proposed;
 - b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
2. Pass Councillor’s Bill No. 54 on second reading amending the zoning of Lots 43 and 44 of the Federalview Subdivision from R-4; and amending the zoning of Lot 1 Block 1 of the Turnpike Motel Final Plat from C-1 to Planned Unit Development (PUD). This recommendation is based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code have been met.

Summary Statement

- An existing motel, called the City Inn, with 16 rooms was constructed 4 years ago on a lot at 7151 Federal Boulevard. This replaced a smaller deteriorated motel at the same location. Two lots to the west are being added and proposed new construction of 20 rooms and 24 new parking spaces will occur on those 2 lots. One of the 2 new lots is vacant and the other lot contains a single family house that would be rehabilitated and rented or used as a residence for the motel manager. Within one year of PDP/ODP approval all three lots will be replatted as one lot, 1.04 total acres.
- To make zoning and land use consistent, the 3 lots are proposed to be rezoned to PUD. The CLUP is proposed to be amended to allow a consistent Retail Commercial land use designation for the three lots.
- The proposed building is to be three stories and is proposed to be connected by an open air bridge at the third level to the existing three story motel. The stucco, brick, roof, paint color and overall building design are proposed to match the existing motel.
- These Councillor’s Bills were approved on first reading by City Council on December 22, 2008.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **53**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
Dittman - Major

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below, incorporated herein by reference, requesting a change in the land use designations from "R-3.5 on Lot 43 and R-18 on Lot 44" to "Retail Commercial" for the .605 acres of the two lots located at the northeast corner of Craft Way and Grove Street.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 9, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly the redevelopment of the South Westminster area as a pathway to economic development and improved physical conditions.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties more particularly described as follows: Lot 43 and Lot 44 of the Federalview Subdivision, to "Retail Commercial", as depicted on the map attached as Exhibit A.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd of December, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of January, 2009.

ATTEST:

Mayor

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **54**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

Dittman - Major

A BILL

**FOR AN ORDINANCE AMENDING THE ZONING OF
Lot 43 a .31 acre lot at 3055 Craft Way in the Federalview Subdivision,
Lot 44 a .295 acre lot at 7150 Grove Street in the Federalview Subdivision and
Lot 1 Block 1 a .435 acre lot at 7151 Federal Boulevard,
ADAMS COUNTY, COLORADO FROM R-4 and C-1 TO PUD**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the rezoning of the properties generally located at and near 7151 Federal Boulevard, as described below, from the R-4 and C-1 zones to the PUD zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.
- b. That the notice requirements of W.M.C. §11-5-13 have been met.
- c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 9, 2008 and has recommended approval of the requested amendments.
- d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.
- e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the properties, described as follows:
Lot 43 of the Federalview Subdivision; Lot 44 of the Federalview Subdivision; and Lot 1 Block 1 of the Turnpike Motel Final Plat from the R-4 and C-1 zoning district to the PUD zoning district, as depicted on the map marked Exhibit A, attached hereto.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of December, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of January, 2009.

ATTEST:

Mayor

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

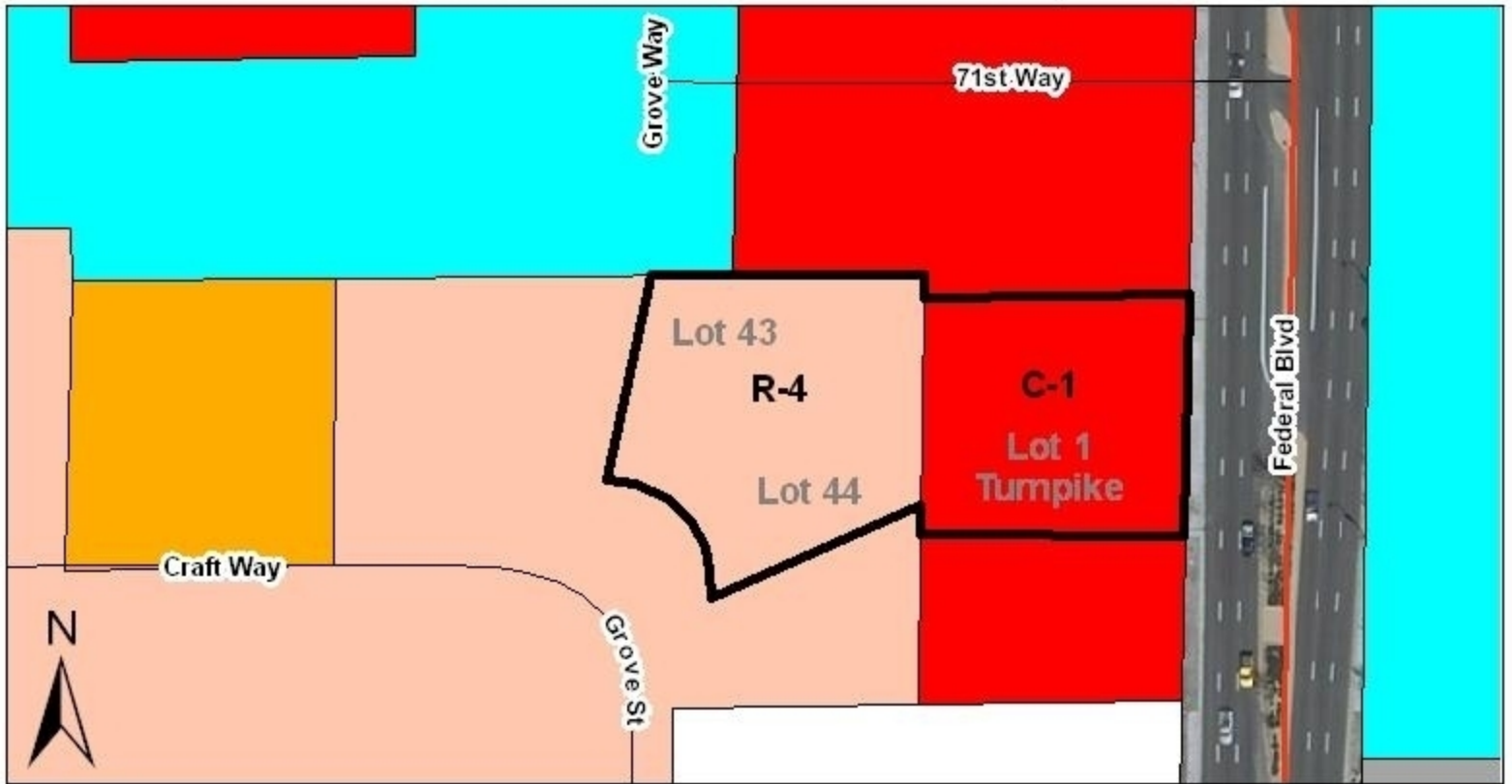
Turnpike CLUP Map: R-3.5 and R-18 to Retail Commercial
















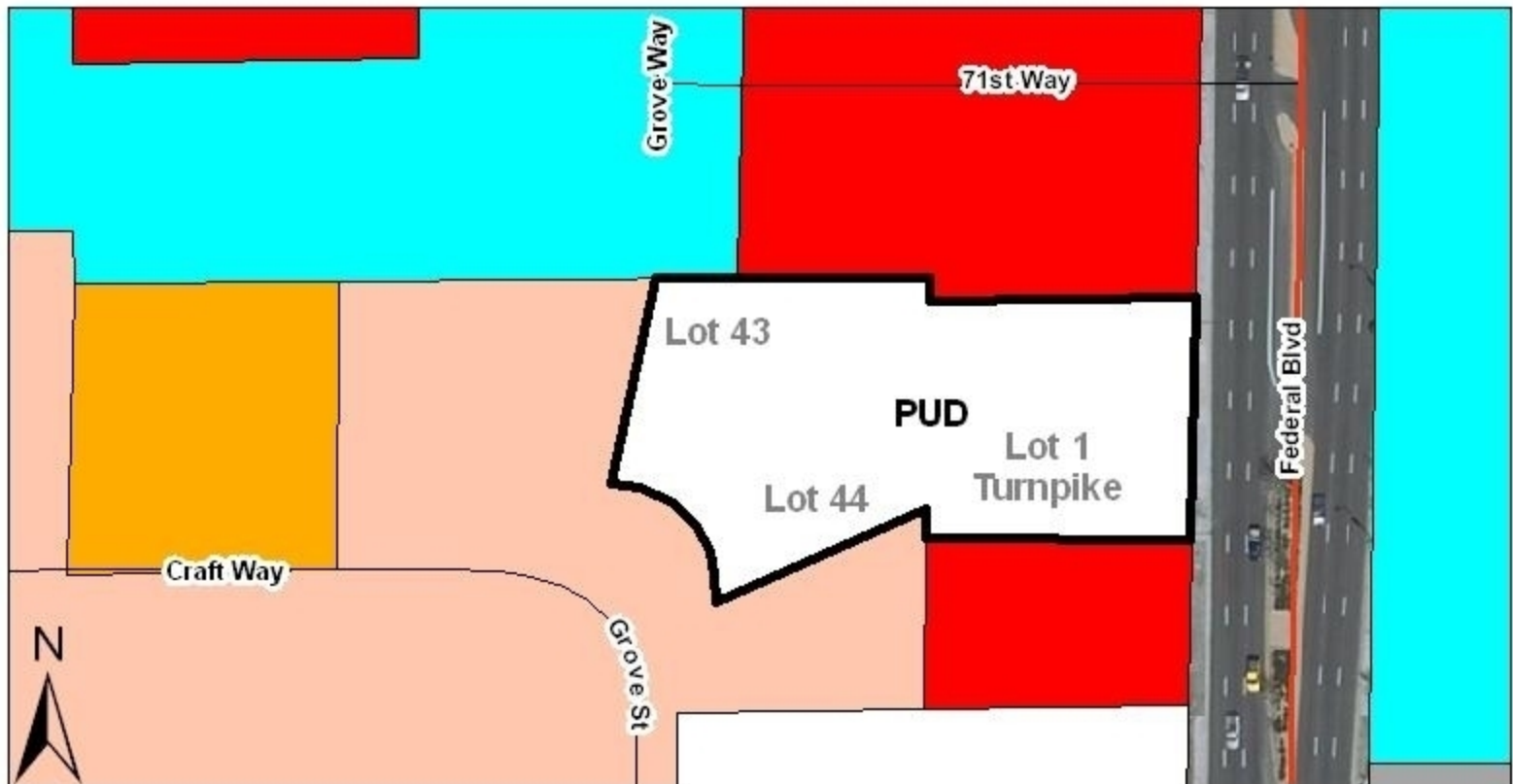
Legend					
CompPlan	R-5	Industrial	City Owned Open Space	N.E. Comprehensive Land Use Plan	
CP_DESIG	R-8	Business Park	Public Parks	Major Creek Corridor Non Public	
	R-1	Office/Residential	Private Parks/Open Space		
	R-2.5	Retail Commercial	Golf Courses		
	R-3.5	Office	Traditional Mixed Use		
			Public/Quasi Public		



Turnpike Motel Zoning Map: R-4 and C-1 to Planned Unit Development



Legend									
	B-1		O-1		R-1		R-5		T-1
	C-1		PUD		R-2		R-A		
	M-1		R-3		R-4		R-E		





Agenda Item 8 I

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 12, 2009



SUBJECT: Second Reading of Councillor's Bill No. 55 re Shoenberg Farm Partial Acquisition Grant Supplemental Appropriation

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 55 on second reading appropriating funds received from the State Historical Fund in the amount of \$501,125 for the City's partial acquisition of Shoenberg Farm.

Summary Statement

- City Council previously approved an intergovernmental agreement (IGA) with the State Historical Fund that awards a grant to the City in the amount of \$501,125 for the partial acquisition of Shoenberg Farm, located at the southwest corner of 73rd Avenue and Sheridan Boulevard.
- City Council action is needed to appropriate these grant funds.
- In order to complete this acquisition, the City is required to contribute a 25% cash match of \$164,170. These funds were approved as part of the 2009 Budget.
- This Councillor's Bill was passed on first reading on December 22, 2008.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **55**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

Major - Dittman

A BILL

FOR AN ORDINANCE AMENDING THE 2008 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2008 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3316 is hereby increased by \$501,125. This appropriation is due to the receipt of state grant funds.

Section 2. The \$501,125 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10G , dated December 22, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$501,125</u>
Total	<u>\$501,125</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 22nd day of December, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of January, 2009

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
January 12, 2009



SUBJECT: Rocky Flats Stewardship Council Appointments

Prepared By: Ron Hellbusch, Special Projects Coordinator

Recommended City Council Action

Re-appoint City Councillor Bob Briggs as the City's representative to the Rocky Flats Stewardship Council (RFSC) Board of Directors and re-appoint Special Projects Coordinator Ron Hellbusch as the alternate representative.

Summary Statement

- The by-laws of the RFSC require that all designated representatives be appointed by City Council to serve on the RFSC board of directors.
- The appointments will be effective February 1, 2009. These appointments will expire on January 31, 2010.
- City Councilor Bob Briggs and Special Projects Coordinator Ron Hellbusch are being recommended to represent the City on the RFSC due to their personal interest and past experience and knowledge of the Rocky Flats site and Rocky Flats National Wildlife Refuge.
- The board of directors of the RFSC consists of nine members, each with one vote and each serve in accordance with the Intergovernmental Agreement (IGA) established among the original seven members. Alternates may serve in lieu of Directors in the event of absences, resignation or removal of directors.
- Upon appointment action by City Council, Staff will draft a letter to the RFSC designating elected and Staff representatives for the City.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City of Westminster continue to be an active member of the RFSC, and in turn, formally appoint a City Councillor and an alternate to the Board of Directors of the RFSC per the terms of the IGA?

Alternative

City Council can choose to not be an active participant and member of the RFSC, or the City Council can choose to appoint other City Councillors or Staff members as the City's Director and alternate on the RFSC Board of Directors.

Background Information

The RFSC is made up of elected officials and staff representing nine local governments that are contiguous to the Rocky Flats National Wildlife Refuge and the retained lands held by the Department of Energy, three community organizations and one individual. The nine local governments include the cities of Westminster, Arvada, Golden/Northglenn (alternating years), Boulder, Boulder County, Jefferson County, the City and County of Broomfield and the Town of Superior, plus the League of Woman Voters, Rocky Flats Cold War Museum, Rocky Flats Homesteaders and an individual Karen Imbierowicz (Superior).

The former Rocky Flats Environmental Technology Site has been "certified" by the Environmental Protection Agency (EPA) as officially cleaned up, closed as a DOE facility and meeting all federal and state environmental cleanup and long-term monitoring requirements.

The original Rocky Flats site established in 1951 consisted of approximately 6,000 acres. Currently the DOE retained lands, which are fenced and closed to public access, total about 1,000 acres. The new national wildlife refuge, established by Congress consists of about 5,000 acres. The retained lands (DOE) and the national wildlife refuge (USFWS) are totally separate lands with different missions and long-term plans and purposes, and are managed under different federal agency jurisdictions.

The national wildlife refuge Congressional legislation was strongly supported by the cities of Westminster, Northglenn and Thornton as well as the City and County of Broomfield, since federal designation would provide a permanent "land use" that would assure no further land development and water quality impacts to the Standley Lake cities and City and County of Broomfield water supplies. Because of this "land use" priority for the cities, it is essential the RFSC maintain a strong focus on water quality monitoring and maintenance and related environmental issues at the site.

The purpose of the RFSC now is to provide communication and coordination among the nine members and the Department of Energy (DOE); to provide oversight of the ongoing ground and surface water monitoring programs and serve as an advocate for the surrounding communities with state and federal agencies regarding DOE regulatory closure issues, and site monitoring programs and commitments.

The RFSC was formed to meet the mandates of Congressional legislation that requires that all former DOE facilities once closed must have a Local Stakeholders Organization (LSO) to provide environmental oversight, communication and advocacy between the DOE and nearby communities on any issues involving the retained DOE lands. Membership in the RFSC by the City continues to be based on continued focus on site water quality monitoring and maintenance and related environmental issues and federal funding support for the RFSC. The RFSC meeting schedule has been reduced to five times per year, since site cleanup has been accomplished.

Staff will keep City Council updated and informed of activities of the RFSC and progress of the new Rocky Flats National Wildlife Refuge and related US Fish & Wildlife Service activities and issues, to assure the land use of the Rocky Flats site continues to be that of a National Wildlife Refuge, and that the new Refuge is supported in funding and program and service implementation.

This action helps achieve the City Council's Strategic Plan Goal of a Safe and Secure Community by overseeing the City's interests and ensuring a safe, long-term water quality monitoring of Rocky Flats. This action also supports City Council's Strategic Plan Goal of a Beautiful and Environmentally Sensitive City by providing oversight of the post-closure management of the Rocky Flats Environmental Technology Site as it transitions to a national wildlife reserve.

Respectfully submitted,

J. Brent McFall
City Manager