



WESTMINSTER
COLORADO

JANUARY 22, 2001
7:00 P.M.

Please turn OFF Cell phones and pagers during meetings

AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
5. Citizen Communication (5 minutes or less)
 - A. Jaricia Griess re Traffic Lights and Signs at Arapahoe Ridge Elementary School
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Bids re Replacement Fire Pumper Truck to Front Range Fire Apparatus for \$378,476
 - B. Bids re Asphalt
 - C. Capital Project Management Services for 2001 with RG Consulting Engineers
 - D. Colorado Municipal League Dues
 - E. Engineering Contract for 112th Avenue Project (Sheridan Blvd to Stuart Street)
 - F. 104th Avenue Median Construction
 - G. Quarterly Insurance Report
 - H. Financial Report for December, 2000
 - I. CB No. 1 re Housekeeping Supplemental Appropriation (Atchison-Hicks)
9. Appointments and Resignations
 - A. Resolution No. 2 Reappointments to Boards and Commissions
10. Public Hearings and Other New Business
 - A. Public Hearing re Legacy Ridge West Filing No. 3 (107th Avenue Connection)
 - B. Determination re 107th Avenue Connection
 - C. Public Hearing re Comprehensive Land Use Plan Amendment 112th & Federal Partnership
 - D. Councillor's Bill No. 2 re Comprehensive Land Use Plan Amendment 112th & Federal
 - E. Contingent Purchase of Federal Investments Open Space
 - F. Resolution No. 3 re South Westminster Strategic Revitalization Plan
 - G. Resolution No. 4 Assignment and Allocation of 2000 Private Activity Bond Carryover Balance
 - H. Resolution No. 5 ROW Acquisition re US 36/92nd Avenue Sheridan Blvd Interchange Project
 - I. IGA re Adams County Community Transit Program
 - J. Resolution No. 6 re Adams County Park Development Grant Request
 - K. Resolution No. 7 Sponsoring Hyland Hills' Grant Application
11. Old Business and Passage of Ordinances on Second Reading
None

12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business

- A. City Council
- B. Request for Executive Session
 - 1. Economic Development Prospects (2)
 - 2. Semper Facilities Trial Update from Attorneys
 - 3. Potential Location of New JeffCo Middle School

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, JANUARY 22, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Dixon to accept the minutes of the meeting of January 8, 2001 with no additions or corrections. The motion carried unanimously.

CITIZEN COMMUNICATION:

Jaricia Griess, 13562 Vallejos Street, Crossing Guard for Arapahoe Ridge Elementary School submitted a petition to Council, with 325 signatures from the citizens of the neighborhood, requesting installation of a 3-way traffic signal at 134th & Pecos and two additional stop signs at the intersection of 132nd and Pecos. Dave Downing, City Engineer was present to address Council. A motion was made by Hicks to approve the installation of stop signs at the intersection of 132nd and Pecos. The motion failed for lack of second.

CITY COUNCIL COMMENTS:

Councillor Moss commented on the financial report showing that the Westminster Plaza Shopping Center has shown a 19% increase in sales over 1999, with an overall increase in City revenue from \$38.9 million to \$40.9 million.

Councillor Hicks commented on the re-opening of the Westminster Mall celebration and that the overall decrease in sales tax revenue at the Mall resulting from the opening of Flat Irons Mall was only 1.2%.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Bids re Replacement Fire Pumper Truck to Front Range Fire Apparatus for \$378,476 for one Pierce Quantum Pumper and authorize a down payment of up to \$90,000 with the expense to be paid from the appropriate 2000 Fire Department budget account with the balance of the cost to be provided by a lease purchase agreement; Bids re Asphalt to Aggregate Industries, West Central Region, Inc. for purchase of asphalt materials at the unit prices indicated on the bid tabulation on an as-needed basis and up to a maximum of \$250,000, and charge the expense to the appropriate 2001 Street Division Operating Budget account; Capital Project Management Services, Authorize the City Manager to execute a contract with RG Consulting Engineers, Inc to provide technical assistance for the Capital Improvements Project program for 2001 on an as needed basis, in an amount not to exceed \$150,000. The expense associated for the services will be charged to the Utility Fund Capital Improvement Fund; Colorado Municipal League Dues, Authorize the payment of \$46,163 for the City's 2001 Colorado Municipal League dues and charge the expense to the appropriate Central Charges budget account in the 2001 Budget; Engineering Contract for 112th Avenue Project (Sheridan Blvd to Stuart Street), authorize the City Manager to execute an Amended Engineering Services Contract with HDR Engineering, Inc. for preparation of construction bid documents for 112th Ave between Sheridan Blvd and Stuart St in an amount not to exceed \$47,076, design contingency of \$10,000, and charge the expense to the appropriate project account in the General Capital Improvement Fund;

104th Avenue Median Construction, Authorize the City Manager to sign a contract with CoCal Landscape in the amount of \$445,808 and authorize a 10 percent project contingency; Quarterly Insurance Report; Financial Report for December, 2000; CB No. 1 re Housekeeping Supplemental Appropriation (Atchison-Hicks).

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

A motion was made by Dixon and seconded by Hicks to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 2 REAPPOINTMENTS TO BOARDS AND COMMISSIONS

A motion was made by Moss and seconded by Atchison to adopt Resolution No. 2 making re-appointments of Christopher Beal, Betty Roan, George Werkmeister, Kim Wolf to the Board of Adjustment; John Brann, Greg Cullison and Delbert Ragland to the Board of Building Code Appeals; Tom Acre, Ben Beaty and Steven Johnson to the Environmental Advisory Board; Ariane Kirby, Jean Pruitt and Ed Thwaites to the Human Services Board; and Ted Fleagle, Catherine Payne and Bette Tellier to the Library Board with all terms of office to expire December 31, 2002. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE LEGACY RIDGE WEST FILING NO. 3 (107TH AVENUE CONNECTION)

At 7:40 P.M. the public hearing was opened on the Legacy Ridge West Filing No. 3, regarding the potential street connection through the project to existing 107th Avenue in the adjacent Wandering View Subdivision east of Legacy Ridge Parkway. Planning Manager Dave Shinneman and Max Ruppeck gave a slide presentation. The following citizens addressed Council: April Glandt, 1063 King Court, Don and Marcie Haloin, 10645 Irving Court, Joan Knapp, 10443 King Street, Joyce Harris, 10702 Hobbit Lane and R. Steven Becker, 10742 King St. A motion was made by Hicks and seconded by Dixon to continue the public hearing to the February 12 City Council meeting. After discussion, Mayor Pro Tem Dixon withdrew her second and Councillor Hicks withdrew the motion to table. At 8:55 P.M. the public hearing was declared closed.

DETERMINATION RE 107TH AVENUE CONNECTION

A motion was made by Dixon and seconded by Atchison to accept the recommendations of the Planning Commission to not make the 107th Avenue connection at the present time, but that the right-of-way remain dedicated to the City. The motion carried unanimously.

PUBLIC HEARING RE COMP LAND USE AMENDMENT 112TH & FEDERAL PARTNERSHIP

At 8:57 P.M. a public hearing was opened on Councillor's Bill No. 2 re a proposed Comprehensive Land Use Plan (CLUP) amendment located at the northeast corner of 112th and Federal Boulevard. This amendment would reduce the 15.7-acre Retail/Commercial use by 8.7 acres to 7 acres. The 8.7 acres are proposed to become Single-Family Detached – Medium Density. Planning Manager Dave Shinneman, City Planning Manager gave a slide show and Kim Straw of Cityscape Urban Design addressed Council. There was no opposition. The public hearing was declared closed at 9:00 P.M.

COUNCILLOR'S BILL NO. 2 RE COMP LAND USE PLAN AMENDMENT 112TH & FEDERAL

A motion was made by Atchison and seconded by Hicks to pass Councillor's Bill No. 2 on first reading approving the proposed amendment to the Westminster Comprehensive Land Use Plan (CLUP) from Retail/Commercial to Single-Family Detached – Medium Density for approximately 8.7 acres located at the northeast corner of 112th and Federal Boulevard based on a finding that the amendment is in conformance with Section 11-4-16 of the Westminster Municipal Code pertaining to the Comprehensive Land Use Plan. Upon roll call vote, the motion carried unanimously.

CONTINGENT PURCHASE OF FEDERAL INVESTMENTS OPEN SPACE

A motion was made by Moss and seconded by Atchison to authorize the City Manager to provide backup commitment for the purchase of the Federal Investments Open Space at a price of \$50,000 per acre in the event the pending sale of this property to Western Property Advisors fails to close, and charge this expense, if it arises, to the Open Space Fund. The motion carried unanimously.

RESOLUTION NO. 3 RE SOUTH WESTMINSTER STRATEGIC REVITALIZATION PLAN

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 3 adopting the South Westminster Strategic Revitalization Plan as presented. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 4 RE 2000 PRIVATE ACTIVITY BOND CARRYOVER BALANCE

A motion was made by Dixon and seconded by Kauffman to adopt Resolution No. 4 authorizing the assignment of the City's Private Activity Bond carry forward balance of \$1,432,674, and execute the Assignment of Allocation agreement for assignment to Mendel-Allison to construct affordable housing, and the Mayor and City Clerk to execute the necessary documents. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 5 ROW ACQUISITION RE US 36/92ND AVENUE SHERIDAN BLVD INTERCHANGE

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 5 on authorizing the expenditure of up to \$250,000 for the acquisition of sufficient rights-of-way and easements for the construction of improvements to the US 36/92nd Avenue/Sheridan Boulevard Interchange Project, through condemnation proceedings, if necessary, and charge the expense to the appropriate project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

IGA RE ADAMS COUNTY COMMUNITY TRANSIT PROGRAM

A motion was made by Atchison and seconded by Dixon to authorize the City Manager to enter into an Intergovernmental Agreement with Adams County and several other Adams County cities, in substantially the same form as the attached draft agreement, for the purpose of continuing to provide special transit services for senior and disabled citizens in Adams County, including the Adams County portion of Westminster, for 2001. The motion carried unanimously.

RESOLUTION NO. 6 RE ADAMS COUNTY PARK DEVELOPMENT GRANT REQUEST

A motion was made by Kauffman and seconded by Hicks to adopt Resolution No. 6 authorizing the submittal of two grant applications to the Adams County Open Space Program for the priority open space, trail and park projects, as determined by Staff through the grant submittal process. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 7 SPONSORING HYLAND HILLS' GRANT APPLICATION

A motion was made by Atchison and seconded by Kauffman to adopt Resolution No. 7 authorizing the City of Westminster to cosponsor a grant application from Hyland Hills Park and Recreation District to Adams County Open Space for the acquisition for six (6) lots at Valley View Park located at 105th Drive, east of Federal Boulevard. Greg Mastriana, Director of Hyland Hills Recreations District was present and addressed Council. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session for discussion on a potential location of new Jefferson County middle school, which is a real estate matter.

ADJOURNMENT:

The meeting was adjourned at 9:20 P.M.

ATTEST

City Clerk _____

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Subject: Citizen Communication re Arapahoe Ridge Elementary School Traffic Signal

Date: January 22, 2001

Prepared by: David R. Downing, City Engineer

Summary

Ms. Jaricia Griess, who lives at 13562 Vallejo Street in the vicinity of Arapahoe Ridge Elementary School, has requested to speak under the Citizen Communications portion of the agenda for the January 22, 2001 City Council meeting. Ms. Griess is concerned about poor traffic circulation on Pecos Street at its intersections with 134th Avenue and 132nd Avenue and the safety issue that this poor circulation poses for children who walk to school. Currently, all vehicular traffic must pass through one or both of these intersections in order to gain access to the school. Specifically, Ms. Griess would like to have the City install additional traffic control devices at these intersections.

Recommendation

Listen to the concerns of Ms. Griess and direct Staff to follow up as is appropriate.

Background Information

Appropriate City Staff will be available at the January 22 City Council meeting to respond to Ms. Griess' request for the installation of additional traffic control devices in the vicinity of Arapahoe Ridge Elementary School. Staff will also be able to comment upon the status of a new, proposed private development to be located immediately south of the school and the additional access to Arapahoe Ridge that will be provided from this development.

Respectfully submitted,

William M. Christopher
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: January 22, 2001
Subject: Bids re Replacement Fire Pumper Truck
Prepared By: Jim Cloud, Fire Chief; Tim Burandt, Fire Lieutenant; Mike Lynch, Fire Engineer
Tim Reisbeck, Fire Engineer

Introduction

City Council action is requested to award the bid for one replacement fire pumper truck. A down payment in the amount of \$90,000 is available in the 2000 Fire Department budget with the remainder of the cost to be financed through a lease purchase agreement.

Summary

City Council allocated funds in the 2000 Fire Department budget for the replacement of a 1982 Mack Fire Pumper. The new pumper will be used as a front line service unit assigned to Fire Station 1, 3948 West 73rd Avenue.

In accordance with City Charter bidding requirements, formal bids were solicited from six vendors located both locally and nationally. Bids were received from three vendors. A summary of the bids including the base cost, cost for missing items, options, and discounts is as follows:

Actual Bid Prices:

Mile-Hi Fire Apparatus (Smeal) -	\$365,984
Transwest (American LaFrance) -	\$358,785
Front Range Fire Apparatus (Pierce) -	\$378,476

Staff has completed an extensive review of each of the bid packages, survey of current users, and on site visits to view each of the vendor products. All of this information was captured on an evaluation form. (Attachment #2) This evaluation included the adherence to the specification, engineering and quality of construction, warranties, dealer support, user surveys, mechanic familiarity, and time for delivery. As a result of this evaluation, Staff was able to compute a cost for deficiencies or concerns and produce a "Comparative Analysis Cost" for each of the vendors. The detail for this recommendations is provided in the background section of this report and the actual totals are as follows:

Comparative Analysis Cost:

Mile-Hi Fire Apparatus (Smeal) -	\$421,248
Transwest (American LaFrance) -	\$408,656
Front Range Fire Apparatus (Pierce) -	\$384,532

Staff Recommendation

Award the bid to Front Range Fire Apparatus, in the amount of \$378,476 for one Pierce Quantum Pumper and authorize a down payment of up to \$90,000 with the expense to be paid from the appropriate 2000 Fire Department budget account with the balance of the cost to be provided by a lease purchase agreement.

Staff would also recommend that City Council approve Pierce as the sole vendor for replacement fire apparatus purchases for a period of five years as long as the product remains superior in quality, engineering, workmanship, utilization of technology, and price remain competitive based on metro area averages. Staff would negotiate prices for replacement units with the local vendor during this period and will again formally review this sole vendor recommendation in 2006.

Background Information

The new pumper will replace an existing 1982 Mack Pumper that is currently being used by the Fire Department in a limited capacity as a reserve unit. This commercial unit was purchased by the City in 1982 on a limited budget and does not possess the technological advances available on the majority of apparatus in the Fire Department fleet. Justification for replacement include the following:

- * Unit has 121,488 miles and 10,759 hours of service.
- * Body and compartments are rusting and require extensive body work.
- * Unit has an open cab design which poses safety and comfort issues for firefighters that have to ride behind the officer and driver.
- * Unit has limited compartment space and cannot be equipped to match the rest of the fire fleet.
- * Unit is 20 years old and does not meet the current safety standard required for fire apparatus including the open cab design, deficient emergency lighting, and lack of reflective stripping.
- * Braking system is sub standard without a retarder system and requires the engineer to down shift to assist in the braking of the apparatus.
- * Repair and maintenance costs excluding tires over the last three years is \$9,868. This amount is excessive as the unit is the secondary reserve unit and is used infrequently.
- * The original manufacturer of Mack no longer produces fire apparatus and parts availability is becoming a concern.
- * Unit is currently experiencing excessive smoke indicating worn piston rings/cylinders.

Base Bid and Options:

Vendors were provided a fire pumper specification and a list of equipment options. The list of option items represented equipment that would make the fire pumper more effective or complete. A listing of the base bids and options cost follows. A detailed listing of the options is provided on Attachment #1.

	<u>Mile-Hi (SMEAL)</u>	<u>Transwest (AMERICAN LAFRANCE)</u>	<u>Front Range (PIERCE)</u>
Base Cost	\$303,710	\$292,568	\$331,592
Options	69,024	73,498	52,414
Down Payment	(\$4,750)	(\$4,100)	(\$3,488)
Discount			
COD Discount	(\$2,000)	(\$3,181)	(\$2,042)
TOTAL	\$365,984	\$358,785	\$378,476

Specification Evaluation:

Staff has completed an extensive review of each of the bid packages as well as completing a reference check of current users of each of the bidding vendors. This detailed evaluation is provided as Attachment #2 at the end of this report. A brief summary of the more significant concerns represented in this evaluation is as follows:

SMEAL:

- • Turning angle is four degrees under specification. Some impact on ability to maneuver in proposed traditional neighborhood developments.
- Medical supply cabinets will require reconfiguration to accommodate forward facing rear seats. Cost for this adjustment not determined.
- Interior engine hood is fiberglass and not metal. Ability to mount equipment on same without long term damage is a concern. Interior noise levels are also a concern.
- Alternator is substandard, 290 amp versus the specified 360 amp unit. The amp draw report submitted by vendor was insufficient to address questions on performance.
- Battery system substandard to specification. Four heavy equipment batteries specified with vendor bidding car batteries in lieu.
- Load management system is fairly complicated and there is some concern over the ability of a shop mechanic to troubleshoot this system.
- Gauges specified were -30 to 600 psi. Vendor bid -30 to 400 psi gauges.
- Stainless steel kick-plates on inside of compartment doors not included in bid.
- New ladder rack system that has no history of performance. Also, this new rack system will reduce available compartment space.
- Compressor bid by vendor for the foam system is unacceptable. If this vendor were selected, the CAFS would not be purchased as part of the contract.

LaFRANCE:

- • Wheel base is 8-10" over specification. Significant impact on ability to maneuver in the proposed traditional neighborhood developments.
- Interior engine hood is fiberglass and not metal. Ability to mount equipment on same without long term damage is a concern. Interior noise levels are also a concern.
- Interior design utilizes lots of plastic and substandard materials. Flooring is vinyl and substandard. Poudre Fire Protection District has a two year old unit that needs to have the flooring replaced.
- Cooling tunnel for drive train components has little margin for error. (Overheating)
- Battery system substandard to specification. Four heavy equipment batteries specified with vendor bidding car batteries in lieu.
- Alternator is substandard, 280 amp versus the specified 360 amp unit. Vendor ignored request to provide an amp draw report to address questions on performance.
- Load management system is fairly complicated and there is some concern over the ability of a shop mechanic to troubleshoot this system.
- Piping system material is rubber hose and is substandard. Normally galvanized pipe with rubber for areas requiring flex is provided. Staff has a concern for increased maintenance costs in 7 to 10 years.
- Poorly constructed hose and compartment body on unit that was bid. During an on-site review of the product, the salesman noted that the WFD would probably prefer an upgraded design that was more inline with the existing fleet. This indicated that a bid for a less desirable unit was provided purely for "bid opening" value. The cost of the upgraded design is \$13,200 and has been added to the respective bid cost.
- Ladder rack system that was initially bid was substandard. An after-bid upgrade proposal is available but is still substandard in that it will consume a great deal of compartment space.
- Compressed air foam system bid does not meet specifications and is substandard. The system is not engineered for the apparatus and is an add on. Staff concerns include installation, performance, and warranty.

PIERCE:

- Turning angle is two degrees under specification. Some impact on ability to maneuver in proposed traditional neighborhood developments.
- Unit is the most expensive.

Engineering:

The engineering of fire apparatus is the determining factor on whether or not the unit will last 15 to 20 years. The following information was summarized from the City's experience, garnered through a phone/written survey of users, and an inspection by staff of the vendor products.

SMEAL: The City has no experience with this make of fire apparatus. Surveyed users rate the units as average to excellent. Denver provided a very favorable survey response concerning this product. Boulder Fire Department offered an average to good review of the product with respect to safety, quality, workmanship, and design. An onsite inspection in Boulder of a 2000 unit and conversation with Boulder staff presented the following:

- Shelving and slides are of a poor quality.
- Low front end clearance with step cross member and steering linkage.
- Compartment lighting very substandard, poorly designed, engineered and manufactured.
- Quality of compartment doors questionable – do not close solidly.
- Plastic door panels and flooring substandard.
- Items indicated as meeting specifications in the bid document were substandard. Example: Door locks.

LaFRANCE: The City has no experience with this make of fire apparatus. Surveyed users rate workmanship as poor to excellent. Parker Fire Protection District has a 1998 unit and rate their experience as excellent. Englewood Fire Department has a 2000 unit and provide a rating of excellent as well. West Metro Fire Protection District purchased an American LaFrance Tele-Squrt two years ago and were dissatisfied with the quality, dealer support and warranty. The Longmont Fire Department purchased a new American LaFrance pumper in the Spring of 2000. Longmont staff indicated that the unit experienced problems with check valves, roll up doors, and several small glitches that impacted on their overall view of the quality of the unit. They also noted that the unit was out of service for approximately one month in Casper, Wyoming for repairs. Longmont also indicated that the assistance provided by the local vendor was much to be desired. An onsite inspection in West Metro Fire Protection District of a 1999 unit and conversation with West Metro staff presented the following:

- Cab lift cylinders very small and have been replaced twice. Potential for dual failure of primary and backup unit could present safety hazard.
- Wire loom is chaffing against exhaust heat shield.
- Cab door panels are plastic. These panels were warped and cracked.
- Quality of compartment doors questionable – do not close solidly.
- Numerous problems with pump piping (Rubber versus the preferred metal.)
- Reyco air ride system has experienced problems with components lining up.

PIERCE: The City's experience with the engineering of seven current units has been good. Minor problems in the past concerning braking, the retarder system, the pressurized air system, and suspension have been addressed adequately between the vendor and Staff. Pierce appears to be the preferred make of fire apparatus in the metro area but is also recognized as one of the more expensive makes. Some departments in the metro area bid and specify only Pierce fire apparatus due to the solid engineering that goes into the development and construction of same. These departments include Golden and West Metro Fire Protection District. Both of these departments rated Pierce as good to excellent across the board.

As previously mentioned the City of Westminster has utilized Pierce as the sole vendor for fire apparatus since 1995 and remains very satisfied with the seven units that are currently part of the fire apparatus fleet. Staff committed to City Council in 1995 to review this sole vendor status approximately every five years to assure a continuing positive comparison with competing vendors including technology, safety, quality, engineering, warranty, price, and vendor support. Problems experienced with the newest Pierce unit (1999) in service for the City of Westminster include:

- Minor problems with the foam system air compressor. Parts are currently on order.
- Air system leak that was the result of faulty engineering.
- Suspension issue which allowed the unit to lean to one side. This was corrected with the addition of a leaf spring and confirmation of proper load management.

Warranty Service and Dealer Support:

Warranty and service after the sale are very important with the purchase of a fire pumper. The following information is summarized from City experience or the survey of other cities or fire departments.

SMEAL: No City experience with this apparatus. Warranty work would be done by Mile-Hi Fire Apparatus out of Denver, Colorado. The unit will be constructed in Snyder, Nebraska. Denver staff indicated a positive experience working with the dealership even though the actual need for contact has been minimal. An onsite inspection in Boulder of a 2000 unit and conversation with Boulder staff presented the following:

- Return calls by dealer mechanic after purchase were not timely.
- Delivery of the unit proved to be a problem because of uncompleted work.

LaFRANCE: No City experience with this apparatus or vendor. Warranty and service work would be conducted by Transwest Trucks in Commerce City, Colorado. The unit will be constructed in Casper, Wyoming. The Parker Fire Protection District provided a rating of good under this category. The Englewood Fire Department rated this area as excellent. Warranty service was rated less than desirable by other users including Longmont and West Metro Fire Protection District. Personnel from Longmont and West Metro provide the following comments:

- Numerous warranty problems remain and the unit has been out of service several times for up to two weeks at a time.
- Problems experienced in the delivery of replacement parts.
- Warranty problems could not be addressed locally and had to be taken to the Casper plant before they were resolved.

Note: City staff interaction with the American LaFrance dealer during the bid review process had a tendency to confirm the Longmont and West Metro evaluation, particularly in the area of dealer support and integrity. A primary example to demonstrate this concern is the fact that staff had to add over \$18,000 to the bid cost for items that were not bid in lieu of an inferior substitute. This increase in cost was for items that Staff discovered and presented to the dealer. The question that now comes to mind is how many other items of this nature have not been addressed.

PIERCE: The City of Westminster would rate warranty service and dealer support as excellent. The City of Golden and the Southwest Adams County Fire Protection District also rate these areas as excellent. Parts and service good, generally one day delivery. Many Pierce apparatus parts are now stocked at the City shops due to the number of Pierce apparatus in the current fleet. Additionally, Fleet Maintenance has invested in the hardware and software to accommodate an on-board computer for Pierce Fire Apparatus to complete diagnostic tests on the engine, transmission, and anti-lock braking system.

Front Range Fire Apparatus out of Boulder will conduct warranty work and has worked well with the City since 1988 when Pierce units were first introduced into the fleet. The unit will be constructed in Appleton, Wisconsin.

Comparative Analysis Cost:

As previously mentioned, Staff completed an extensive review and evaluation of each of the bids received including a detailed review of the specification, warranties, manufacturers experience, and other considerations including fire mechanic familiarity with the product, parts inventory, and delivery time. (See Attachment #2). As part of this evaluation process and as recommended in the book Fire Apparatus Purchasing Handbook, 1995, by William C. Peters, Staff has used the evaluation results to compute a cost for specification deficiencies or other concerns. This cost is based upon the total points garnered in the evaluation converted to a percent when compared to the total points possible. This percentage is then multiplied by the total bid price including the base bid, cost for missing items, options, and discounts to provide a comparative analysis cost. It is important to note that staff was very lenient in the evaluation process and treated all vendors equally. The following table provides a summary of the adjusted cost for each of the vendors when this evaluation process is taken into consideration.

VENDOR		SMEAL	AMERICAN LaFRANCE	PIERCE
Point Totals	1200 Max	1019	1033.2	1180.5
Vehicle Price		\$303,710	\$292,568	\$331,592
Option Totals		\$67,539	\$54,858	\$52,414
Cost for missing items		\$1,485	\$18,640	\$0
Discounts		(\$6,750)	(\$7,281)	(\$5,530)
Total Vehicle Cost		\$365,984	\$358,785	\$378,476
Percent of Evaluation Not Met		15.1%	13.9%	1.6%
Estimated Cost of Evaluation Deficiency		\$55,264	\$49,871	\$6,056
Comparative Analysis Cost of Vehicles		\$421,248	\$408,656	\$384,532

Based upon an evaluation of the bid cost, discounts, engineering, warranty service, adherence to the specifications, and the addition of an evaluation deficiency cost, Staff would suggest to City Council that the Pierce unit bid by Front Range Fire Apparatus is the best bid. The bid from Front Range Fire Apparatus is for a Pierce Quantum Pumper, which meets the City's specifications and is a good bid.

Additionally, Staff would recommend that the sole vendor status of Pierce for replacement fire apparatus purchases be extended for an additional five years until 2006. This extension will be utilized on a purchase by purchase basis and will be based on a continuation of quality construction, workmanship, solid engineering, utilization of technology, and competitive pricing by Pierce and the local vendor. Staff would negotiate prices for replacement units with the local vendor during this period based on a survey of metro area apparatus purchases prices. This recommendation of sole vendor status will expire in 2006 and at that time will be reviewed by Staff and again presented to City Council.

Delivery time for this piece of equipment is 6 to 7 months after the order is placed. This replacement unit is currently scheduled to be assigned to Fire Station 1 at 3948 West 73rd Avenue. Typical calls will include grass and car fires, rescue and medical calls, and hazardous materials alarms. Additionally, the apparatus will be used for business inspections, preplan development, home safety surveys, public education, and firefighter training. Given the assignments for this unit, the projected life expectancy is 15 to 20 years, with 12 to 15 years of front line service and three to five years as a reserve unit.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: (2)

ATTACHMENT #1: Options Detail

Required Purchase with Truck	Pierce	ALF	Smeal
Vogel Automatic Lubrication System (KFU2-40)	\$ 3,088	\$ 3,250	\$ 1,950
Compressed Air Foam System as specified(CAFS) Inc. training	\$ 36,413	\$ 35,950	\$ 52,000
David Clark communication system, model 3800	\$ 3,850	\$ 6,100	\$ 3,700
Provide additional circuit to cab area	\$ 239	\$ 160	\$ 165
Hydraulic Hose Reel W/100' hose, W/power>reel hoses	\$ 2,384	\$ 2,921	\$ 3,000
Task Force XGB-33	\$ 56	\$ 51	\$ 51
Galvaneal Metal for Body and compartments	\$ -	\$ 9,100	\$ -
Air Ride Seats	\$ -	\$ 1,500	\$ 1,485
Classic Body Style	\$ -	\$ 4,100	\$ -
Generator Start	\$ -	\$ 230	\$ -
Valve Upgrade	\$ -	\$ 600	\$ -
Ladder Rack Modification	\$ -	\$ 950	\$ -
ATC Traction	\$ -	\$ 280	\$ -
Added Shelves	\$ -	\$ 1,500	\$ -
Sliding Windows	\$ -	\$ 380	\$ -
Sub-Total	\$ 46,030	\$ 67,072	\$ 62,351

Prefer to purchase with truck

Angus A540ELLK, 4" NST (F) x 5" Storz Elbow	\$ 131	\$ 127	\$ 113
Angus A560RLK, 6" NST (F) x 5" Storz	\$ 202	\$ 118	\$ 107
Angus BC5LK, 5" Storz Blind Cap (3)	\$ 123	\$ 144	\$ 129
Amerex #240 2.5 Gallon Water Extinguisher with mounting bracket	\$ 84	\$ 81	\$ 74
Amerex #330 10 LB. CO2 Extinguisher with mounting bracket	\$ 204	\$ 160	\$ 151
Amerex #A412 20 LB. Extinguisher with mounting bracket	\$ 103	\$ 98	\$ 94
1.00" Reeltex hose made by Neidner – 100' section (2)	\$ 402	\$ 452	\$ 462
500W Portable Light, GFE 500 (2)	\$ 326	\$ 318	\$ 282
Streamlight – "LiteBox" with 12-Volt Mounted Charger (3)	\$ 252	\$ 270	\$ 585
Streamlight – "Survivor Light" with 12-Volt Mounted Charger (3)	\$ 249	\$ 255	\$ 630
(3) Akron #1581 Gated Wye 2.50" (F) NST x (2) 1.50" (M) NST	\$ 289	\$ 165	\$ 314
Task Force XFC-42 Cross Fire Combo Package	\$ 2,283	\$ 2,200	\$ 2,064
Task Force B-BGH Ultimatic 125	\$ 483	\$ 769	\$ 437
Task Force HD-STO Dual Force Series	\$ 544	\$ 426	\$ 492
Task Force F-140 FP Ball Valve With Grip	\$ 211	\$ 190	\$ 191
Task Force F-140 SBI Smooth Bore Insert Kit	\$ 63	\$ 59	\$ 57
Flathead Axe, Fiberglass Handle FA-6	\$ 31	\$ 69	\$ 41
Pickhead Axe, Fiberglass Handle FAP-6	\$ 36	\$ 71	\$ 46
Axe Brackets CHH0#2 (2)	\$ 76	\$ 110	\$ 76
Paratech #22 000600 Holligan Tool 30"	\$ 131	\$ 127	\$ 140
Bolt Cutters 36" HIT-900	\$ 114	\$ 141	\$ 133
Bolt Cutters 18" HIT-450	\$ 47	\$ 76	\$ 55
Sub Total	\$ 6,384	\$ 6,426	\$ 6,673

TOTAL OPTIONS \$ 52,414 \$ 73,498 \$ 69,024

ATTACHMENT #2: Comparative Analysis Evaluation

EVALUATION FACTOR	Point Max.	SMEAL	AMERICAN LAFRANCE	PIERCE
Chassis	100			
Frame	20	Notched frame (-3)	Meets Specs	Meets Specs
Axles	20	Turning angle 4 degrees under spec (-2)	Wheelbase 5" over. (-5) With CAFS 8"-10" over.	Turning angle 2 degrees under spec. (-1)
Suspension	20	Rear suspension does not meet spec (-2)	Rear suspension does not meet spec (-5)	Meets Specs
Driveline	5	Meets Specs	Meets Specs	Meets Specs
Wheels/Tires	5	Meets Specs	Meets Specs	Meets Specs
Fuel System	5	Meets Specs	Meets Specs	Meets Specs
Steering	5	Meets Specs	Meets Specs	Meets Specs
Brake System	20	Meets Specs	Meets Specs	Meets Specs
TOTAL		93	90	99

Cab	100			
Design	20	Seats & cabinets cause tight fit. (-5)	Step not enclosed. (-5) Cab mounting unique.	Meets Specs
Construction	20	Fiberglass engine cover. (-5)	Fiberglass engine cover. (-5)	Meets Specs
Doors	5	Meets Specs	Middle sliding windows missed. Price added.	Meets Specs
Interior	5	Meets Specs	Vinyl flooring does not meet spec. (-5)	Meets Specs
Seats	5	Air-ride seats price added.	Air-ride seats price added.	Meets Specs
Windshield & Wipers	5	Meets Specs	Meets Specs	Meets Specs
Heating	10	Meets Specs	Meets Specs	Meets Specs
Air Conditioning	10	Bid does not meet spec. (-5)	Meets Specs	Meets Specs
Instruments & Controls	5	Meets Specs	Meets Specs	Meets Specs
Interior Lighting	5	Meets Specs	Meets Specs	Meets Specs
Cab Exterior	5	Meets Specs	Plastic Grill (-3)	Meets Specs
Storage Cabinets	5	Meets Specs	Meets Specs	Meets Specs
TOTAL		85	82	100

EVALUATION FACTOR	Point Max	SMEAL	AMERICAN LAFRANCE	PIERCE
ENGINE & TRANS	100			
Engine	25	Meets Specs	Meets Specs	Meets Specs
Cooling System	25	Meets Specs	Meets Specs	Meets Specs
Transmission	25	Meets Specs	Meets Specs	Meets Specs
Retarder	25	Meets Specs	Meets Specs	Meets Specs
TOTAL		100	100	100

Electrical	100			
Starting System	20	Batteries do not meet spec. (-10)	Batteries do not meet spec. (-10)	Meets Specs
Alternator	20	290 AMP provided. 360 AMP spec'd. (-10)	280 AMP provided. 360 AMP spec'd. (-10)	Meets Specs
Wiring	20	Meets Specs	Meets Specs	Meets Specs
Load Management	10	Uses voltage sensor, high idle, and load management. (-5)	Uses voltage sensor, high idle, and load management. (-5)	Meets Specs
Documentation	20	Meets Specs	AMP report not furnished upon request. (-10)	Meets Specs
TOTAL		75	65	100

Pump System	100			
Pump	10	Meets Specs	Meets Specs	Meets Specs
CAFS	10	Compressor unacceptable (-10)	Compressor unacceptable (-10)	Meets Specs
Pressure Control	10	Meets Specs	Meets Specs	Meets Specs
Transfer Valve	10	Meets Specs	Meets Specs	Meets Specs
Priming Device	10	Meets Specs	Meets Specs	Meets Specs
Auxiliary Cooling	10	Meets Specs	Meets Specs	Meets Specs
Pump Panel	10	No step/light shield. Gauges 400 psi (-4)	No step/light shield. (-2)	Meets Specs
Piping	10	Meets Specs	Rubber hose in place of spec'd metal piping. (-6)	Meets Specs
Inlets/Outlets	10	Meet Specs	Correct valves provided and added to truck price.	Meets Specs
Water Tank	10	Meets Specs	Meets Specs	Meets Specs
TOTAL		86	82	100

EVALUATION FACTOR	Point Max	SMEAL	AMERICAN LAFRANCE	PIERCE
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Body & Compartments	100			
Design	25	Meets Specs	Meets Specs	Price adjusted for “Rescue Compartments”
Construction	25	Meets Specs	Price adjusted for Galvaneal body.	Meets Specs
Left Side	10	Missing scuff-plates and shelf. (-2)	Price adjusted for missing items.	Meets Specs
Right Side	10	Missing scuff-plates. (-2)	Price adjusted for missing items.	Meets Specs
Rear	10	Missing scuff-plates. (-2)	Price adjusted for missing items.	Meets Specs
Generator Compartment	5	Meets Specs	Meets Specs	Meets Specs
Generator	15	Meets Specs	Price adjusted for missing start/stop switch.	Meets Specs
	TOTAL	94	100	100

Body Miscellaneous	50			
Ladder Rack	10	Compartment space lost with design. (-2)	Price adjusted. (-8) Compartment space lost.	Meets Specs
Air Bottle Storage	10	Meets Specs	Compartment space lost with one bottle. (-2)	Meets Specs
Hose Body/Bed	10	Meets Specs	Meets Specs	Meets Specs
Hose Bed Cover	10	Meets Specs	Meets Specs	Meets Specs
Steps, Running Boards, Rub Rails	10	Meets Specs	Meets Specs	Meets Specs
	TOTAL	48	40	50

Paint & Striping	100			
Pre-Finish	25	Meets Specs	Meets Specs	Meets Specs
Paint Preparation	25	Meets Specs	Meets Specs	Meets Specs
Paint	25	Meets Specs	Meets Specs	Meets Specs
Striping	25	Meets Specs	Meets Specs	Meets Specs
	TOTAL	100	100	100

EVALUATION FACTOR	Point Max	SMEAL	AMERICAN LAFRANCE	PIERCE
Lights & Siren	70			
Audio	25	Meets Specs	Meets Specs	Meets Specs

Visual	25	Meets Specs	Not per spec. Acceptable. (-3)	Meets Specs
Other Lights	20	Meets Specs	Meets Specs	Meets Specs
	TOTAL	70	67	70

Warranty	200			
Cab	20	Structural – 10 years Workmanship–1 yr(-2)	Structural – 10 years Workmanship – 3 years	Structural – 10 years Workmanship–1 yr (-2)
Body	20	Structural–5 yrs (-6) Workmanship–1 yr (-2)	Structural – 10 years Workmanship – 3 years	Structural – 10 years Workmanship – 1 yr (-2)
Engine	10	5 years by Detroit Diesel	5 years by Detroit Diesel	5 years by Detroit Diesel
Transmission	10	5 years by Allison	5 years by Allison	5 years by Allison
Pump	10	2 years by Waterous	2 years by Waterous	2 years by Waterous
CAFS – Foam Unit & Compressor	15	2 yrs on foam unit and 2 yrs for compressor	1 year for foam unit and 2 years for compressor. (-3)	1 yr for foam unit and compressor (-7)
Water Tank & CAFS Cells	10	Lifetime	Lifetime	Lifetime
Frame / Rails	10	Lifetime	Lifetime	Lifetime
Axles F/R	10	3 years by Meritor	3 years by Meritor	3 years by Meritor
Anti-Lock Brake System	5	3 years by Meritor	3 years by Meritor	3 years by Meritor
Mirrors	5	2 years by Velvac Chrome not listed (-2)	3 years by Velvac Chrome not listed (-1)	2 years by Velvac Chrome is 5 years (-1)
Ladder Rack	5	1 yr by Smeal Structural 5 yrs (-2.5)	1 yr by ALS. Structural not provided. (-2.5)	1 year by Pierce Structural 10 years
Generator	5	2 years by Onan (-1.5)	1 year by Onan (-3)	3 years by Onan
Air Conditioning	5	1 year by SGM	1 year by Red Dot	1 year by Red Dot
Paint/Rust & Lamination	25	7 yrs on paint & corrosion, 3 yrs on lamination. (-4)	7 years paint, 10 years corrosion, 0 – lamination. (-5)	6 yrs paint, 10 yrs corrosion, 3 yrs on Lamination. (-2)
Authorized Repair Facilities	20	Contracts for repairs. 2- bay facility. (-7)	Handles all repairs. 4- bay facility..	Handles all repairs. Facility has seven-bays.
Technicians	15	Two full-time (-5) mechanics & has certification of training.	Four full-time mechanics & certifications.	Four-full time mechanics & certifications.
	TOTAL	168	185.5	186

EVALUATION FACTOR	Point Max	SMEAL	AMERICAN LAFRANCE	PIERCE
Manufacturers Experience	80			
CAFS	10	One plus year installing CAFS (-5)	Five years installing CAFS	Ten years installing CAFS
Cab	15	10 yrs building cabs. No crash testing. (-5)	10 years building cabs. Certified crash testing	20 years building cabs. Crash tested on cab
Body	15	Thirty years building compartment body.	Ten years building compartment body.	Thirty-five years building compartment body.
References	40	Fair to excellent range. (-10)	Fair to excellent range. (-10)	Good to excellent range.
	TOTAL	60	70	80

Other Considerations	100			
Fire Dept. Mechanics Familiarity	50	City mechanics not trained on Smeal fire trucks. (-25)	City mechanics not trained on ALF fire trucks. (-25)	Fire fleet is Pierce trucks. Mechanics factory trained.
Delivery Time (6 mo=30) (12 mo=0)	30	300 – 360 days. (-25)	260 days. (-13.3)	180 – 210 days. (-2.5)
Impact on parts inventory	20	No Smeal parts carried. Some standard items will carryover. (-10)	No ALF parts carried. Some standard items will carryover. (-10)	Good inventory of Pierce parts. Some new items expected. (-2)
	TOTAL	40	51.7	95.5

Point Totals	1200	1019	1033.2	1180.5
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Vehicle Price	\$303,710	\$292,568	\$331,592
Option Totals	\$67,539	\$54,858	\$52,414
Cost for missing items	\$1,485	\$18,640	\$0
Discounts	(\$6,750)	(\$7,281)	(\$5,530)
Total Vehicle Cost	\$365,984	\$358,785	\$378,476
Percent of Evaluation Not Met	15.1%	13.9%	1.6%
Estimated Cost of Evaluation Deficiency	\$55,264	\$49,871	\$6,056
Comparative Analysis Cost of Vehicles	\$421,248	\$408,656	\$384,532



WESTMINSTER
COLORADO

Agenda Memorandum

Date: January 22, 2001
Subject: Asphalt Materials Bid
Prepared by: Sam LaConte, Street Operations Manager

Introduction

City Council action is requested to award the bid to Aggregate Industries for asphalt materials purchases for the year 2001 in an amount not to exceed \$250,000. Funds are available in the 2001 Street Division Operating Budget in the General Fund for this expense.

Summary

City Council previously approved the purchase of asphalt materials when it adopted the City's 2001 Budget. These materials are used by Street Division crews for all types of street maintenance repairs including pothole patching, surface replacement, etc. Adams County School District 50 also participated in the bid for their anticipated asphalt materials purchase of 200 tons.

Formal sealed bids were solicited from four (4) asphalt vendors in accordance with City Charter requirements. Aggregate Industries, West Central Region, Inc. is the low bidder, once the price per ton is adjusted for the distance, time, and round-trip haul by City trucks. Asphalt will be purchased on an as-needed basis in 2001. The total estimated amount to be spent is \$250,000, for an estimated 10,028 tons of various grades of asphalt materials, which is a decrease of material of 3,250 tons. This decrease will have an impact on the City's In-house Street Rehabilitation Program, but will not have any reduction to customer service requests of asphalt repair or pothole repair, as needed. In 2000, the Street Operations Division used approximately 13,000 tons of asphalt. The decrease in 2001 is due to significant increases in the cost per ton of asphalt.

Policy Issue

Should City Council approve the purchase of asphalt from Aggregate Industries on an as needed basis for the calendar year 2001?

Staff Recommendations

Award the bid to Aggregate Industries, West Central Region, Inc. for purchase of asphalt materials at the unit prices indicated on the bid tabulation on an as-needed basis and up to a maximum of \$250,000, and charge the expense to the appropriate 2001 Street Division Operating Budget account.

Background Information

The results of the bidding were as follows:

	Estimated Quantity	Unit Price	Plant Miles	Total Projected Cost
1. Aggregate Industries	10,028	\$ 24.93	19 Miles	\$249,998
2. Brannan Sand & Gravel	10,028	25.88	20 Miles	\$259,525
3. Asphalt Paving	10,028	26.75	30 Miles	\$268,249
4. Western Mobile/Denver	10,028	28.00	16.5 Miles	\$280,784

The 2001 asphalt materials bid reflects a 34% increase over the 2000 prices. The reasons given for the increase are due to oil price increases, transportation costs, and energy costs to run the asphalt plants.

Aggregate Industries, West Central Region, Inc. is the low bidder, after hauling costs are added and unit prices are adjusted. The plant is fully automated and the mix design meets City specifications. Street Division Staff has inspected the facility and does not anticipate any problems with the quality of materials or the service that Aggregate Industries can provide.

Alternative

An alternative for 2001 asphalt purchasing would be to award the bid to the closest bidder without calculating the City's hauling costs. Awarding the bid to Western Mobile/Denver would mean a 1,100 ton decrease in the amount of asphalt purchased for \$250,000 due to the \$3.07 per ton higher price.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: Capital Improvement Program Technical Assistance Services Contract

Prepared by: Diane M. Phillips, Capital Improvement Projects Coordinator

Introduction

City Council action is requested to authorize the City Manager to sign a contract with RG Consulting Engineers, Inc. (RGCE) in the amount of \$150,000 to provide management assistance for the 2001 Public Works and Utilities Capital Improvement Projects program. RGCE functions as an extension of City Staff to provide a variety of technical and management assistance with all phases of the Capital Improvement Program. Funds for this expense are available in the 2001 Utility Fund Capital Improvements Budget.

Summary

The Public Works and Utilities Department underwent a reorganization during 1998 whereby all of Water Resources and Utilities Capital Projects were placed under the general direction of the Capital Improvement Projects Coordinator. The Water Resources and Utilities Capital Improvement Projects budget for 2001 is \$7,875,000. Also, the replacement clearwell and the new water treatment plant will be designed and constructed, which total approximately \$36 million.

Public Works and Utilities retained the services of RGCE on a trial basis during 1998 to assist with the management of the Capital Improvement Project program. In 1999, RGCE worked under contract to the City to provide Capital Improvement Project program assistance. The Department believes that this approach to providing technical assistance has worked well and provides a broad depth of technical services and managerial skills to the City Staff.

Policy Issue

Should the City award a contract to RGCE for Capital Improvement Projects Management services for \$150,000 in 2001 or add additional City Staff to accomplish the desired scope of work.

Alternative

The City could add one additional City full time equivalent staff position and various part-time technical services to assist in the management of the Capital Improvement Projects program. By using a consulting firm, the City can eliminate the cost of permanent positions. In addition, there is a cost savings by only calling for contract services when a capital project demands support assistance.

Staff Recommendation

Authorize the City Manager to execute a contract with RG Consulting Engineers, Inc. to provide technical assistance for the Capital Improvements Project program for 2001 on an as needed basis, in an amount not to exceed \$150,000. The expense associated for the services will be charged to the Utility Fund Capital Improvement Program.

Background Information

The Public Works and Utilities Department has centralized all Water Resources and Utilities Capital Projects under the general direction of the Capital Improvement Projects Coordinator. The projects are managed using a team concept that includes individuals in the Water Resources and Treatment and Utilities Operations Divisions that are familiar with the project and the technical assistance of an outside engineering firm that serves as an extension of the City Staff. RGCE was retained and has successfully provided the needed assistance and support on the Capital Improvement Project program during 1998 and has continued in their through 2000.

Staff originally interviewed other consulting firms and chose RGCE because they are able to provide the technical experience that is needed by the City and because they accepted the condition imposed by the City that the firm chosen to provide CIP assistance would not be allowed to bid on the design of capital projects. Other firms that were contacted were not interested because they wanted the latitude to bid on the design of capital projects. Staff believes at this time that it is prudent to continue with this approach to assist with CIP management during 2001.

At this time Staff believes it is prudent to continue RGCE capital management services to maintain the consistency in capital projects management, taking into consideration that the new reclaimed project is becoming fully operational for the first full season, the clearwell replacement and new water treatment plant are being designed and constructed. Staff anticipates that consulting capital management experience will still be needed in 2002 to assist with Capital Project Management and Staff will interview other consulting firms at that time to again evaluate the most prudent manner to have these services provided to the City.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: January 22, 2001
Subject: Colorado Municipal League Annual Dues
Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council is requested to authorize the payment of \$46,163 for the City's 2001 membership and dues to the Colorado Municipal League. Funds for this membership have been appropriated in the Central Charges portion of the 2001 City Budget.

Summary

The Colorado Municipal League (CML) provides services to over 260 cities and towns throughout the state. The annual membership dues to CML include subscriptions to the bimonthly magazine, *Colorado Municipalities*, and to 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. The CML is the main voice of municipalities at the State Legislature and has been important to cities and towns in advocating and protecting municipal interests.

The City of Westminster's 2001 dues, which are based on population, assessed valuation, and sales tax collections, total \$46,163, an increase of \$3,999.56 over the 2000 dues. These funds have been included in the 2001 budget that was previously approved and adopted by City Council in October 2000.

Policy Issue

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

Staff Recommendation

Authorize the payment of \$46,163 for the City's 2001 Colorado Municipal League dues and charge the expense to the appropriate Central Charges budget account in the 2001 Budget.

Alternatives

- Discontinue City membership with the Colorado Municipal League.
- Reallocate the funds budgeted for the City membership with CML and utilize the funds for other city events throughout the year.

Background Information

The City of Westminster actively participates in CML meetings and workshops, and extensively utilizes the various services offered by the League. CML lobbies legislation 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.

Over 260 cities and towns are members of CML 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 calendar year 1999.

As in previous years, the annual CML dues are included in the City Budget. City Council action is required because the expense is over \$25,000.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: 112th Avenue, Sheridan Boulevard to Stuart Street Amended Engineering Design Contract

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Amended Engineering Design Services Contract with HDR Engineering, Inc. (HDR) in the amount of \$47,076 for the preparation of final engineering and construction bid documents for the 112th Avenue road improvements from Sheridan Boulevard to Stuart Street; and authorize a design contingency in the amount of \$10,000. Funds for this expense are available in the 2001 112th Avenue, Sheridan Boulevard to Stuart Street Project budget of the General Capital Improvement Fund.

Summary

The construction of improvements for 112th Avenue from Sheridan Boulevard to Stuart Street were recently approved by the citizens in the November 2000 when voters authorized the Sales and Use tax bond issue which also included the 136th Avenue and I-25 interchange project funding.

In 1995, HDR was hired by the City prepare the preliminary design of 112th Avenue between Sheridan Boulevard and Federal Boulevard and the final design between Sheridan Boulevard and Stuart Street. In 1997, the design documents were 95% complete when the decision was made to “shelve” these plans until a construction schedule was finalized. With the approval of the bond issue in 2000, it is now necessary to update and complete the final design of this project in anticipation of starting construction in September, 2001.

HDR has proposed a fee of \$47,076 to complete this design bringing their total design fee to \$165,646 which is approximately 5.2% of the cost of construction. Staff believes this fee is very reasonable since engineering design fees typically are seven percent of the cost of construction.

Policy Issues

Does City Council wish to approve the \$47,076 addendum to the existing contract that the City has with HDR Engineering or does City Council wish to solicit proposals from other engineering firms?

Staff Recommendation

Authorize the City Manager to execute an Amended Engineering Services Contract with HDR Engineering, Inc. for the preparation of construction bid documents for 112th Avenue between Sheridan Boulevard and Stuart Street in an amount not to exceed \$47,076; establish a design contingency of \$10,000; and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Alternatives(s)

City Council could decide to solicit proposals from other design firms. Staff does not recommend this alternative since a “new” firm would have to start the project from the beginning and HDR’s fee is very favorable to the City.

Background Information

The proposed construction of 112th Avenue from Sheridan Boulevard to Stuart Street is an effort to upgrade this important roadway to arterial street standards. One interesting feature of this project is the construction of a bridge over Big Dry Creek located approximately 250 feet west of Vrain Street. This bridge will be designed to accommodate pedestrian traffic under the road as a grade-separated crossing for the Big Dry Creek Trail System. Once complete, this bridge will look very similar to the bridge constructed over Big Dry Creek on Sheridan Boulevard (approximately 110th Avenue). Other features of the project include two through lanes in both directions, auxiliary lane at all major intersections, an eight-foot sidewalk on both sides of the street, and the upgrading of the traffic signal at Vrain Street.

The proposed additional fee from HDR Engineering, Inc. for the design services is \$47,076, which is very favorable when compared to other similar projects. Staff believes that the design fees requested by the consultant are reasonable, and their design expertise will result in a very high quality project.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: January 22, 2001
Subject: 104th Avenue Median Landscape Construction
Prepared By: Kathy Piper, Landscape Architect

Introduction

City Council action is requested to authorize a construction contract to CoCal Construction in the amount of \$445,808, and authorize a 10 percent project contingency to construct landscape medians along 104th Avenue, between Sheridan Boulevard and US 36. Funds have been specifically allocated in the 2001 Community Enhancement Fund Capital Improvement Project for this expense.

Summary

The proposed project is part of the City’s Community Enhancement Program. The funding for this comes from an Accommodations Tax, which has been specifically designated to fund priority projects throughout Westminster that improve the physical appearance of the community. The work includes the construction of several raised concrete medians, irrigation, and landscaping along 104th Avenue, between Sheridan Boulevard and US 36. This construction will complete the last section along the entire length of 104th Avenue, from Federal Boulevard to Church Ranch Boulevard.

The median project was bid according to City of Westminster requirements. Staff and the design consultant, Terrasan, contacted qualified firms, which have constructed similar work for the City, along with construction companies currently doing work in the area. Four contractors attended a pre-bid meeting held on November 20, 2000. One additional contractor, Randall and Blake, Inc., picked up project plans after the pre-bid meeting. Bids were accepted and opened on December 18, 2000. The results are as follows:

Park West Landscape	\$580,557
T2 Construction	\$529,500
RBI Construction	\$487,044
CoCal Landscape	\$445,808
Richdell Construction	Did not submit bid

After detailed evaluation, Staff has determined that CoCal Landscape’s bid of \$445,808 for the new concrete medians and landscape represents a good bid, and is under the consultant’s estimate of \$501,648.40.

The proposed project budget is as follows:

Construction by Contractor	\$445,808
Utilities-PSCo/Electric Supply	\$ 8,000
Contingency @ 10%	\$ 45,000
TOTAL	\$498,808

Staff Recommendation

Authorize the City Manager to sign a contract with CoCal Landscape in the amount of \$445,808 and authorize a 10 percent project contingency.

Alternatives

1. City Council could reject the bid and re-bid the project with the intent to gather more interest from contractors. However, two of the construction contractors that did provide a bid already have contracts; Randall and Blake, Inc. for City Park Phase III and CoCal for the "Gathering Place." Both of these projects are in close proximity to the median work. Staff believes that this is, in part, the reason for their lower bids. Secondly, with the continued construction demand in Colorado, a re-bid would likely delay the construction start until early spring or later with new bids probably coming in higher than those already received.
2. The second alternative is to postpone the completion of these medians until the development of the area to the south of 104th Avenue is completed, thus allowing for turn lanes to be added prior to landscaping the medians. This would delay the construction of the medians indefinitely. Staff has taken into consideration irrigation and landscape issues regarding the future possibility of turn lanes into the south parcels of land. The irrigation system has been designed to accommodate the need to shut down a portion of median for construction without affecting the entire section of medians from Sheridan Boulevard to US 36. Construction of these medians would also give the City Park Phase III Ball Fields a "finished" look upon completion in 2002.

Background Information

Initially, 104th Avenue was built in the mid 1980's as part of the US 36 interchange and Church Ranch Boulevard development. After finalizing the Legacy Ridge development plans, the medians between Federal Boulevard and Sheridan Boulevard were completely constructed and then landscaped. To stimulate growth in the mid 1990's, the medians and gateways were designed and constructed. In 1993, City Council established the Community Enhancement Program, utilizing funds provided by an accommodations tax. The program is intended to improve the physical appearance of the City of Westminster at the most visible "gateways" and "travel corridors" throughout the community. These projects are intended to promote community pride and also improve the City's competitive edge in attracting and maintaining businesses.

Respectfully,

William M. Christopher
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: January 22, 2001
Subject: Quarterly Insurance Report
Prepared by: Pierrette Ray, Risk Manager
Nancy Weaver, Risk Management Specialist

Introduction

The following is a list of third party claims filed with the City from October 1, 2000 through December 31, 2000. No Council action is required at this time.

Summary

The information provided on each claim includes the claim number, date of loss, claimant’s name and address, and a brief summary of the claim and the claim’s status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney’s Office to make sure that the interests of both the City and the citizen are addressed in each instance. All of the claims listed in this report are in compliance with City Ordinance No. 1411 of 1984.

For the fourth quarter, Staff observed the following from the report below:

- The number of claims is up from 1999 and 1998.
- The value of claims is down when compared to the fourth quarter of both 1999 and 1998.

CLAIM SUMMARY – FOURTH QUARTER ONLY 2000, 1999, and 1998

	<u>2000</u>	<u>1999</u>	<u>1998</u>
Administration	0	0	0
Police Professional	6	2	9
Auto Liability	10	4	7
Streets and Roads	3	1	0
Sewer Backups	1	0	0
Water Operations	4	7	0
General Liability	6	4	8
No. of Claims Filed	30	18	24
No. of Open Claims	20	0	5
Cost of Claims Pd to Date	\$8,089	\$17,214	\$39,410

Ten of the 30 claims reported in the fourth quarter of 2000 have been paid. There were six Police Professional claims filed; one has been settled for \$1,921.15. There were ten auto liability claims. One for \$1,118.00, involving a citizen who was rear-ended by a Fire Department vehicle, three backing accidents involving Police Staff for \$3,499.00, two citizens who had their vehicle’s tires damaged when they ran over stop sticks, one passenger car for \$213.00 and one tractor trailer truck for \$3,111.00 for a total of \$3,325.00, one collision involving a Police officer who was responding to a call and one for damages from a metal object that came off the back of a Parks truck. Two claims were denied.

There were three claims involving Streets and Roads. One involving a citizen who ran over a bent reflector pole, one involving a citizen whose vehicle hit a sign on Federal Blvd and one involving a citizen who was thrown from his bike when he hit a crack in the sidewalk at 84th and Sheridan.

There was one sewer backup; no damages have been turned in yet.

There were four Water Operation claims. One claim for \$114.00 involving a citizen whose laundry was damaged when dirty water backed up into his washing machine after the City's main was turned back on, one involving a citizen who fell into an uncovered water meter pit, one involving a citizen who is alleging his home was damaged after water was turned back on during a water main replacement and one involving a drainage pipe that sank after the City hired contractors to clean up a sewage spill. These last three claims had unspecified damages.

There were five General Liability claims filed. One for \$32.00 involving a visitor to City Park whose daughter burned her leg on a steam room pipe, one for \$60.00 involving a citizen who had some debris get into her eye from the City's 4th of July firework display, one for \$429.00 involving a citizen who had two windows in her home broken by golf balls, one for an unspecified amount of damages involving a citizen who fell off her bike when she ran into some bushes and tree branches, one seeking \$150,000.00 in damages involving a citizen who fell off his bike when he hit a crack in the bike path and one seeking \$250,000.00 in damages involving a contractor who slipped on a wet floor at the Senior Center.

1999 – There are no claims remaining open from 1999.

1998 – All claims from 1998 have been closed except five Police Professional claims, which were not filed with the City until August 2000.

For the year to date, Staff has noted the following from the report below:

- The year 2000 was slightly better than 1999 in total claims filed, but not as good as 1998.
- Claim payments in 2000 were better because the City did not experience a flood.

Claims Summary – Year to Date 2000, 1999 and 1998

	<u>2000 TOTAL</u>	<u>1999 TOTAL</u>	<u>1998 TOTAL</u>
Administration	0	1	0
Police Professional	7	9	12
Auto Liability	20	17	21
Streets and Roads	8	2	2
Sewer Backups	6	30	1
Waterworks	10	16	0
General Liability	33	14	17
No. of Claims Filed	84	89	53
No. of Open Claims	38	5	5
Cost of Claims Pd to	\$76,500	\$365,817	\$57,603

Policy Issues

There are none at this time.

Staff Recommendation

Staff is not recommending any action at this time.

Background Information

The Risk Management Division received the following claims during the fourth quarter of 2000:

1. WS12510050 Date of Loss: September 9, 2000. Cheryl Wolfson, 7861 South Lafayette Way, Littleton, CO 80122. Claimant alleges that the City is responsible for medical bills incurred when her daughter was burnt on the leg after using the steam room at City Park Recreation Center. CIRSA settled the claim for \$32.89.
2. WS10350051 Date of Loss: July 16, 2000. Linda and Richard Martin, 9181 North Federal Boulevard, #222, Westminster, CO 80030. Claimants allege that the City is responsible for reimbursing them the cost to repair their vehicle after a police department employee backed into their car in the Safeway parking lot. CIRSA settled the claim for \$1,173.42.
3. WS10350052 Date of Loss: April 7, 2000. Robert Calkins and Denise George, 6108 West 92nd Place, Westminster, CO 80030. Claimants allege that they suffered injuries resulting from actions taken by members of the Police Department who responded to a domestic violence call at claimants' residence. Claimants seek \$450,000 in damages. CIRSA is investigating the claim.
4. WS10350053 Date of Loss: April 4, 2000. Chi Myong Chong, 1440 West 116th Avenue, #24, Westminster, CO 80234. Claimant alleges that members of the Westminster Police Department injured him during a call wherein Mr. Chong was arrested for obstructing a police officer and resisting arrest. Claimant seeks \$300,000 in damages. CIRSA is investigating the claim.
5. WS10340054 Date of Loss: October 15, 2000. Rene Ursini, 5109 West 68th Avenue, #E202, Westminster, CO 80030. Claimant alleges that the City is responsible for the cost of repairing her vehicle damaged when a Police Officer responding to a call missed his turn and backed up, striking her vehicle. CIRSA settled the claim for \$2,326.38.
6. WS10390055 Date of Loss: April 18, 2000. Stephanie Topkoff, c/o Attorney Craig Silverman, 1675 Larimer Street, Suite 680, Denver, CO 80202-2398. Claimant alleges that she suffered malicious prosecution, civil conspiracy, defamation, wrongful employment discharge and termination, and outrageous conduct and violation of her civil rights by members of the Westminster Police Department. Claimant seeks \$25,000 in damages. CIRSA is investigating the claim.
7. WS14620056 Date of Loss: October 1, 2000. Allstate Insurance Co., P.O. Box 6680, Englewood, CO 80155-6680. Claimant alleges that the City is responsible for damages to their insured's vehicle caused when he hit a sign that was hanging over into the roadway on Federal Boulevard. CIRSA denied the claim because Federal Boulevard is a State highway, and therefore out of the City's maintenance jurisdiction.
8. WS10300057 Date of Loss: October 3, 2000. Alfredo Monzalvo, 7940 Julian Street, Westminster, CO 80030. Claimant alleges that the City is responsible for paying for repairs to his vehicle caused when he collided with a Police Department employee driving a City vehicle. CIRSA denied the claim based on the claimant's lack of valid driver's license and insurance coverage, the fact that claimant left the scene of the accident, as well as on the fact that the light turned yellow as both parties involved entered the intersection.

9. WS12570058 Date of Loss: July 4, 2000. Angie Rothkamp, 10482 Owens Circle, Westminster, CO 80021. Claimant alleges that the City is responsible for paying \$60.00 in medical bills she incurred when she suffered an injury from debris in her eye at the July 4th fireworks display at City Park. CIRSA denied the claim based on provisions in the Colorado Governmental Immunity Act.
10. WS10330059 Date of Loss: June 9, 2000. State Farm Insurance Companies, P.O. Box 2005, Greeley, CO 80632-2005. Claimant alleges that the City is responsible for reimbursing damages paid to their insured after she was involved in a collision with an Animal Control Officer driving a City vehicle. CIRSA denied the claim as it was determined that the parties involved in the collision shared liability 50/50 since they were backing out at the same time when the collision occurred.
11. WS10350060 Date of Loss: May 4, 2000. Matthew F. Martinez, 2029 Accro, #75, Pueblo, CO 81005. Claimant alleges he suffered false arrest, false imprisonment and improper investigation by members of the Westminster Police Department. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
12. WS12540061 Date of Loss: June 18, 2000. Sue Terrill, 4261 W. 109th Circle, Westminster, CO 80031. Claimant alleges that the City is responsible for the cost of replacing two windows in her home that were damaged by errant golf balls from the Legacy Ridge Golf Course. Claimant seeks \$429.08 in damages. CIRSA denied the claim based on provisions in the Colorado Governmental Immunity Act, but Parks, Recreation and Libraries settled the claim for \$429.08 as a customer service issue.
13. WS16680062 Date of Loss: September 18, 2000. Michael Thomas, 10602 Van Gordon Way, Westminster, CO 80021. Claimant alleges that his clothing was damaged when his washer filled with brown water after employees from the Utilities Division restored water service to his home. Claimant seeks replacement costs for his clothing in the amount of \$114. CIRSA settled the claim for \$114.
14. WS04150063 Date of Loss: October 28, 2000. Renee Strauss, 1314 West 4th Avenue, Broomfield, CO 80020. Claimant alleges that the City is responsible for vehicle repair costs incurred when a member of the Fire Department driving a City vehicle rear-ended her vehicle. Claimant seeks an unspecified amount in damages and has decided to work through her own insurance company. CIRSA is investigating the claim and awaiting a notice of subrogation from claimant's insurance company.
15. WS10300064 Date of Loss: October 29, 2000. Gary Davis, et al., c/o Attorney Wade H. Eldridge, 1120 Lincoln Street, #809, Denver, CO 80203. Claimants allege that Westminster Police Officers violated their constitutional rights by forcing them to leave the premises of the 92nd Street Tavern for wearing "colors". Claimants seek an unspecified amount in damages. CIRSA is investigating the claim.
16. WS05230065 Date of Loss: May 24, 2000. Sharon Sandera, 9404 Otis Street, Westminster, CO 80021. Claimant alleges that the City failed to maintain the bushes and trees bordering the path at 92nd and Lamar thus causing her to fall off of her bike and suffer injuries. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
17. WS14620066 Date of Loss: May 15, 2000. William Lockwood, 7511 Beech Court, Arvada, CO 80004. Claimant alleges that he fell off his bicycle and suffered injuries because of the City's failure to repair cracks in the sidewalk at 84th and Sheridan. Claimant seeks \$5,000,000 in damages. CIRSA is investigating the claim.

18. WS12510067 Date of Loss: August 29, 2000. Russell Gary, 10582 Madison Way, Northglenn, CO 80233. Claimant alleges that the City is responsible for injuries he suffered when he fell off his bike due to a crack in the bike path. Claimant seeks \$150,000 in damages. CIRSA is investigating the claim.
19. WS10340068 Date of Loss: November 14, 2000. Patricia Ishman, 8870 West 49th Place, Arvada, CO 80002. Claimant alleges that the City is responsible for damages done to her vehicle when a Police Officer driving a City vehicle backed into her car in the Police Department parking lot. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
20. WS14620069 Date of Loss: November 2, 2000. Jeannette Heeb, 24994 Simmons Way, Golden, CO 80403. Claimant alleges that the City is responsible for paying the repair costs to fix her vehicle after she drove it into a bent reflector pole that was protruding into the street. Claimant seeks \$3,461 in damages. CIRSA is investigating the claim.
21. WS16680070 Date of Loss: November 28, 2000. Lindsey Berlin, 6329 West 95th Avenue, Westminster, CO 80031. Claimant alleges that the City is responsible for injuries she suffered when she fell into an uncovered water meter pit at the Environs development. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
22. WS10350071 Date of Loss: December 7, 2000. Michele Deanda, 6512 West 98th Avenue, Westminster, CO 80021. Claimant alleges that the City is responsible for the cost to replace her tires after the tires were damaged when she drove over stop sticks deployed by members of the Police Department in order to apprehend a suspect. CIRSA settled the claim for \$213.82.
23. WS16680072 Date of Loss: August 1, 2000. Kurt Von Cloedt, 6335 West 115th Avenue, Westminster, CO 80030. Claimant alleges that the City is responsible for paying the cost to repair property in his home that was water damaged after Utilities crews did some work to the water line near his home. Claimant seeks and unspecified amount in damages. CIRSA is investigating the claim
24. WS16680073 Date of Loss: December 15, 2000. Ken Pister, 7655 Osceola Street, Westminster, CO 80030. Claimant seeks reimbursement from the City for clean up costs and damages incurred when he experienced a sewer back up in his home. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
25. WS12570074 Date of Loss: December 18, 2000. William Roy Staliwe, 1977 South Josephine, #103, Denver, CO. Claimant alleges that a City vehicle driven by a Parks Division employee threw a metal object up at his car, damaging his vehicle. Claimant seeks \$446.38 in repair costs. CIRSA is investigating the claim.
26. WS10360075 Date of Loss: June 9, 2000. Cynthia Lauber, et al., P.O. Box 865, Wheat Ridge, CO 80034. Claimants allege that the City's police officers did not respond to their needs after they experienced a vehicle collision wherein a drunk driver being pursued by Northglenn police struck their car. Claimants seek \$400,000 in damages. CIRSA is investigating the claim.

27. WS12500076 Date of Loss: July 1, 2000. John Speight, through his attorney, the Law Office of Neil O'Toole, and State Farm Insurance, 5400 Sheridan Boulevard, #316, Arvada, CO 80002. The claimant is a contractor hired by the Senior Center to clean carpets. Claimant alleges that the City is responsible for injuries he suffered when he slipped and fell on a floor being mopped at the Senior Center while he was there cleaning carpet. Claimant has filed a claim with his workers' compensation insurer, State Farm. State Farm is seeking reimbursement of the funds that it has spent on claimant's workers' compensation claim. Claimant also seeks \$250,000 in damages, separate from his workers' compensation claim. CIRSA is investigating the claim.
28. WS16680077 Date of Loss: June 30, 2000. Francis Heffley, 4340 West 64th Avenue, Arvada, CO 80003. Claimant alleges that the City is responsible for a sinking pipe on his business property. Claimant seeks an unspecified amount in damages. CIRSA is investigating the claim.
29. WS10350078 Date of Loss: December 18, 2000. Tam Nguyen, 1680 West 85th Avenue, #208, Denver, CO 80206. Claimant alleges that the City is responsible for damage done to her vehicle when an officer responding to a call with his lights and siren on struck her vehicle while attempting to avoid another vehicle that was pulling out into his lane. Claimant seeks an unspecified amount in repair costs. CIRSA is investigating the claim.
30. WS10360079 Date of Loss: December 7, 2000. Legacy Trucking, Inc., 8430 Quebec Street, Commerce City, CO 80022. Claimant alleges that the City is responsible for the cost to replace the tires on a tractor trailer after the tires were damaged when the crew drove over stop sticks deployed by members of the Police Department in order to apprehend a suspect. Claimant seeks \$3,111.95 in damages. CIRSA is investigating the claim.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: Financial Report for December 2000

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements, which reflect 2000 transactions through December 2000. Please note that many adjustments could be made prior to final December year-end statements being prepared in April, 2001. These adjustments can and do occur because of expenditures from year 2000 being posted after year end, revenues requiring adjustment due to accruals and other reasons as the year-end audit work-papers are prepared.

Summary

There are three sections to the attached report:

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

At this time, 100% of revenues and expenditures should be realized after the twelfth month in the budget year.

General Fund revenues represent 106% of the total budget estimate while General Fund expenditures and encumbrances represent 93% of the 2000 appropriation.

Utility Fund revenues represent 81% of the total budget estimate due to appropriation of borrowed monies for the new water treatment plant. The borrowed monies are for the new water treatment plan currently under construction (\$14,999.283). The borrowed funds have been recorded as an increase to budgeted revenues. However, they have not been completely received as actual revenues yet, so it appears that actual revenues are much lower than budgeted revenues. Because these monies are received on a reimbursement basis (monies must be spent and then reimbursed to the City), this disparity will disappear over time as the plant is completed next year. Looking at the year end numbers for the Utility Fund without this debt component reveals that actual fund revenues exceeded budgeted revenues by over 15%.

Utility fund expenditures and encumbrances represent 88% of the 2000 appropriation. Water sales ended the year at 119% of budget due to a hot, dry summer and revenues exceeding budget. Wastewater sales ended at 99% of budget. The variance between 1999 and 2000 contributions is a year-end adjustment for fixed asset amortization that has not yet been adjusted for 2000, but will be done for the audited year-end report in April.

The Sales and Use Tax Fund revenues represent 106% of the total budget estimate, while expenditures and encumbrances in that fund represent 100% of the 2000 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 7% from the same period last year and increased 8% year-to-date. Audit and enforcement revenue is greater than anticipated because of a use tax audit on a large construction project within the City.

The Open Space Fund revenues represent 114% of the total budget estimate while expenditures and encumbrances in that fund represent 78% of the 2000 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 92% of the total budget estimate while operating expenditures and encumbrances represent 92% of the 2000 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 76% of the total budget estimate while operating expenditures and encumbrances represent 90% of the 2000 appropriation. The 1999 Golf Course operating revenues reflect a grant from Jefferson County. Staff will be reviewing the golf course financial position with City Council in a separate meeting now that year-end information is available.

Policy Issues

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

Staff Recommendation

Accept the report as presented.

Background

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: January 22, 2001
Subject: Resolution No. 2 Reappointments to Boards and Commissions
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to consider the re-appointments to the Board of Adjustment; Board of Building Code Appeals, Environmental Advisory Board, Human Services Board and Library Board where terms of office expired on December 31, 2000.

Summary

In 1993, Council implemented a performance feedback system in conjunction with the consideration of reappointment of individual Board and Commission members when terms of office were to expire. The Chairperson and Vice Chair of each Board were requested to give performance feedback to Council. This information has previously been submitted to City Council. Beginning in 1994, Council has considered the various re-appointments over several Council meeting periods.

Each individual whose term expired December, 2000 was contacted and asked if they were interested in being re-appointed to the Board, if Council so desires. The re-appointments are for a two year term.

Staff Recommendation

Adopt Resolution No. 2 making re-appointments to the Board of Adjustment; Board of Building Code Appeals, Environmental Advisory Board, Human Services Board and Library Board with all terms to expire on December 31, 2002.

Background Information

The terms of office of four of the Board of Adjustment members expired on December 31, 2000. Christopher Beal, Betty Roan, George Werkmeister and Kim Wolf are all interested in being reappointed to the Board of Adjustment.

The terms of office of three of the Board of Building Code Appeals members expired on December 31, 2000. John Brann, Greg Cullison and Delbert Ragland are all interested in being re-appointed to the Board of Building Code Appeals.

The terms of office of three of the Environmental Advisory Board members expired on December 31, 2000. Tom Acre, Ben Beaty and Steven Johnson have all indicated that they are interested in being re-appointed to the Environmental Advisory Board.

The terms of office of three of the Human Services Board members expired on December 31, 2000. Ariane Kirby, Jean Pruitt and Ed Thwaites are all interested in being re-appointed to the Human Services Board.

Resolution re Board and Commission Re-appointments
Page 2

The terms of office of three members of the Library Board expired on December 31, 2000. Ted Fleagle, Catherine Payne and Bette Tellier are all interested in being re-appointed to the Library Board.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **2**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, The City Council has established a review process for members of the various Boards and Commissions prior to expiration of the current term of office; and

WHEREAS, City Council has reviewed evaluations of the current Board and Commission members for the Board of Adjustment; Board of Building Code Appeals, Environmental Advisory Board, Human Services Board and Library Board; and

WHEREAS, Each member whose term expired on December 31, 2000 has been contacted and asked if they wish 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 appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby reappoint the following individuals to the City of Westminster Board or Commission listed below with the terms of office to expire December 31, 2002.

NAME	BOARD/COMMISSION
Christopher Beal	Board of Adjustment
Betty Roan	Board of Adjustment
George Werkmeister	Board of Adjustment
Kim Wolf	Board of Adjustment
John Brann	Board of Building Code Appeals
Greg Cullison	Board of Building Code Appeals
Delbert Ragland	Board of Building Code Appeals
Tom Acre	Environmental Advisory Board
Ben Beaty	Environmental Advisory Board
Steven Johnson	Environmental Advisory Board
Ariane Kirby	Human Services Board
Jean Pruitt	Human Services Board
Ed Thwaites	Human Services Board
Ted Fleagle	Library Board
Catherine Payne	Library Board
Bette Tellier	Library Board

Passed and adopted this 22nd day of January, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: Legacy Ridge West Filing No. 3 (107th Avenue Connection)

Prepared by: Max Ruppeck, Senior Project Manager

Introduction

City Council is requested to hold a public hearing and take action on the Official Development Plan (ODP) for Legacy Ridge West Filing No. 3 regarding the potential street connection through the project to existing 107th Avenue in the adjacent Wandering View Subdivision. The ODP was approved by the Planning Commission on March 28, 2000, subject to this street connection issue coming back to the Planning Commission for a decision. Planning Commission held a public hearing on the 107th Avenue connection on December 12, 2000, and took action to not require the 107th Avenue connection be made, but that the right-of-way remain dedicated to the City. The decision of the Planning Commission has been appealed to Council (see attached letter) because local residents believe there is a “loophole” in the Planning Commission’s action, in that the retention of the right-of-way leaves the possibility of building the connector street in the future. The appellants desire that Council take action to permanently prohibit a connector street between Legacy Ridge and Wandering View. (See attached letter addressed to the City Manager). However, according to the City Attorney, Council cannot bind any future City Council by permanently allowing or prohibiting anything.

Summary

Property Owner : The Genesee Company, 603 Park Point Drive Suite 201 Golden, Colorado 80401

Location: Filing No. 3 is located on the east side of Legacy Ridge Parkway immediately west of the existing Wandering View Subdivision. (See attached location map).

Size of Site: Filing No. 3 is 17.46 acres.

Description of Use Filing No. 3 is an approved 43 lot single family detached development. The density is 2.5 dwelling units per acre with an average lot size of 10,980 square feet.

Major Issue: When the Planning Commission approved the ODP for Legacy Ridge West Filing No. 3 on March 28, 2000, the Planning Commission added the following language to the ODP.

“The connection of the north/south local street to West 107th Avenue will be delayed subject to the City preparing a traffic study, conducting a neighborhood survey and holding another public hearing before the Planning Commission. The developer shall be obliged to dedicate the right-of-way for the street connection and to construct the street if the decision of the City is to connect to 107th Avenue. Such decision shall be made within six (6) months of the adoption of this Official Development Plan.”

Staff responded to this directive by hiring the traffic engineering firm of Felsburg Holt Ullevig. (There was some delay in contracting this firm due to prior commitments. Work did not begin until September 20, 2000). Some Wandering View neighborhood residents conducted a door-to-door survey and received signatures opposing the 107th Avenue connection from 194 out of a total 347 dwellings in the Wandering View and Autumn Chase Developments. (See attached sample petition). The neighborhood residents also appointed a committee to provide citizen input to City Staff regarding the traffic study and meetings were held with this committee on July 1, 2000, and November 28, 2000. The majority of the committee, and the majority of the other residents attending the meetings remain opposed to the connection.

Summary of the Traffic Study

Attached is a copy of the study prepared by Lawrence Lang, Project Engineer for the firm of Felsburg Holt and Ullevig entitled "Evaluation of Connector Roadway Between the Legacy Ridge and Wandering View/Autumn Chase Neighborhoods".

The purpose of the study was to compare the existing traffic volumes on the through streets in the Wandering View neighborhood with anticipated traffic volumes if the 107th Avenue connection was made for both existing development and for anticipated ultimate buildout of Legacy Ridge.

Exhibit A (page 3) shows the existing traffic volumes along the through-streets in Wandering View and the existing dead-end 107th Avenue. Exhibit H (page 16) shows the projected traffic volumes if the 107th Avenue connection is made to Legacy Ridge Parkway both for existing development (top number) and for ultimate buildout of the Legacy Ridge development (bottom number in parenthesis).

Traffic volumes along King Street are relatively unaffected by the 107th Avenue connection to Legacy Ridge Parkway, but traffic along 107th Avenue east of King Street, 108th Avenue and Grove Street do show some volume increases under both existing and buildout scenarios. The most affected street is 107th Avenue west of King Street where there would be an immediate four-fold increase in volume from 200 vehicles per day to 825 vehicles per day. Future buildout volumes may reach as high as 1,300 vehicles per day. 107th Avenue is a collector street with only four (4) homes directly fronting on it and was designed to extend west to Legacy Ridge.

Traffic on 107th Avenue east of King Street will approximately double (300 to 625) in the short range, but will increase to 800 vehicles per day (VPD) at buildout. Other streets will be less dramatically affected. The maximum recommended carrying capacity of a local street is approximately 2,500 VPD. None of the local streets will approach this maximum volume (Grove Street is a collector street at 2,475 VPD at buildout).

One of the major concerns of the neighborhood was the safety of children crossing 107th and 108th Avenue to access Windsor Park. Many neighborhood residents contend that increased traffic volumes could pose some safety problems. Access to the park would remain as the 107th Avenue/King Street intersection that currently has a 2-way stop sign. A four-way stop sign would be a possible alternative with increased volumes. Neighbors claim, that there are frequent speeding and stop sign violations, and do not believe that adding a four-way stop sign will help matters.

Policy Issue(s)

Westminster's "Comprehensive Land Use Plan" (CLUP) contains Policy B2a that states:

New neighborhoods will be designed with a system of interconnected local streets offering multiple routes for any given trip, and bikeways and pedestrian paths that provide links to other neighborhoods as well as mass transit corridors and commercial areas along arterial roadways.

The general purpose of this policy is to interconnect residential neighborhoods, which would reduce travel time between adjacent neighborhoods and reduce the demand on surrounding arterial streets to carry local traffic. Furthermore, at the time of the approval of the Wandering View Preliminary Development Plan (PDP) in 1972, 107th Avenue was specifically designed to connect to the vacant property to the west (currently Legacy Ridge West development). Nevertheless, the majority of the current residents of the Wandering View neighborhood oppose this connection and Staff believes that there is no urgency to make this connection. However, Staff recommends that the right-of-way for 107th Avenue in Filing No. 3 should, remained dedicated for use in the event that a future interconnection becomes desirable.

Planning Commission Recommendation

At their regular meeting held on December 12, 2000, the Planning Commission voted 5-2 that the 107th Avenue connection not be made at the present time, but that the right-of-way remain dedicated to the City. Two persons spoke in support of the 107th Avenue connection stating it would be more convenient to Legacy Ridge. Five persons spoke against the connection for reasons of safety and security. (See attached minutes of the December 12, 2000, regular Planning Commission meeting).

Staff Recommendation

1. Hold a public hearing.
2. Make a determination that the 107th Avenue connection not be made at the present time, but that the right-of-way remain dedicated to the City.

Alternative(s)

1. Approve the immediate construction of the 107th Avenue connection to Legacy Ridge Parkway along with the construction of the other public improvements to Legacy Ridge West Filing No. 3.
2. Vacate the right-of-way reserved for the 107th Avenue connection to Legacy Ridge Parkway.

Background Information

A comparable situation occurred in this same general neighborhood in 1983, when the Autumn Chase development was approved by City Council. At that time, the extension of 107th Avenue to Grove Street was not constructed because of objections of local residents, but the street right-of-way was reserved. In 1991, the Autumn Chase residents asked Council to construct this connection and after a public hearing Council voted to open 107th Avenue to Grove Street.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: 112th & Federal Blvd Amendment to Westminster Comprehensive Land Use Plan

Prepared by: Patrick Caldwell, Planner II

Introduction

City Council is requested to hold a public hearing and take action on a Councillor's Bill re a proposed Comprehensive Land Use Plan (CLUP) amendment from Retail/Commercial to Single-Family Detached – Medium Density at the northeast corner of 112th Avenue and Federal Boulevard. (See attached maps.)

Summary

The applicant, Bosch Land Group LLC, has proposed an amendment to the Westminster Comprehensive Land Use Plan (CLUP). This amendment would reduce the 15.7 acre Retail/ Commercial use by 8.7 acres to 7 acres. The 8.7 acres are proposed to become Single-Family Detached - Medium Density.

Applicant

F. David Boschert
Bosch Land Group LLC
3223 Arapahoe Avenue, Suite 123
Boulder, Colorado 80303

Property Owner

Cooper Investments
3515 South Tamarac Drive, Suite 300
Denver, Colorado 80237

Location

The project is located east of Federal Boulevard and north of 112th Avenue. The Ranch Reserve 2 Subdivision is to the north and east of this property and the remainder of the 112th and Federal Partnership Preliminary Development Plan (PDP) (zoned for commercial use) is adjacent to the west. Savory Farm Subdivision is to the south across 112th Avenue.

Size of Site

The site area of the CLUP amendment is approximately 8.7 gross acres.

Description of Proposed Use

The proposed use would allow single-family detached dwellings and private open space. The density proposed, Single-Family Detached - Medium Density, allows up to a maximum of 3.5 dwellings per acre with an average lot size of 7,000 square feet.

Comprehensive Land Use Plan Designation

The property is currently designated as Retail/Commercial. The attached map indicates the existing designation and the proposed amendment. Approximately 8.7 acres of the eastern portion of the 15.7 acre Retail/Commercial site is proposed to be amended from Retail/ Commercial to Single-Family Detached - Medium Density.

Major Issues

There are no major issues related to this proposed change to the CLUP.

Policy Issues

The major policy issue is whether to amend the CLUP for this property.

Planning Commission Recommendation

The Planning Commission held a public hearing on January 9, 2001, and by a unanimous vote (7-0), recommended that the City Council approve:

1. An amendment to the Westminster CLUP designation for approximately 8.7 acres of land near the northeast corner of 112th and Federal within the 112th & Federal Partnership PDP. The amendment would change the Westminster CLUP designation of approximately 8.7 acres from Retail/Commercial to Single-Family Detached – Medium Density. This recommendation is based upon the following findings:
 - There is justification for the proposed amendment.
 - The amendment is in conformance with the goals and policies of the Comprehensive Land Use Plan.
 - The proposed amendment is compatible with the existing and planned surrounding uses.
 - The amendment will not result in detrimental impacts to the City's existing or planned infrastructure system.
 - The amendment is in conformance with Section 11-4-16 of the Westminster Municipal Code pertaining to the Comprehensive Land Use Plan.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councillor's Bill No. 2 on first reading approving the proposed amendment to the Westminster Comprehensive Land Use Plan (CLUP) from Retail/Commercial to Single-Family Detached – Medium Density for approximately 8.7 acres.

Alternative

1. Denial of the amendment to the CLUP.

Background Information

Comprehensive Land Use Plan Evaluation Criteria

The following criteria shall be used when considering a Comprehensive Plan amendment proposal proposed by a property owner or their representative. The proposed amendment proposal shall:

- A. Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed.

Direct access to the Retail/Commercial site has been prohibited from Federal Boulevard (which is a federal highway regulated by the State) by the Colorado Department of Transportation and is restricted to 112th Avenue. This reduced access is more conducive for residential use. Further, new retail centers at 104th Avenue, Federal Boulevard, 128th Avenue and Zuni Street have reduced the need for additional retail space in the immediate area.

- B. Be in conformance with the overall purpose and intent and the goals and policies of the Plan.

The proposed change is in conformance with many of the goals and policies contained in the Plan.

“Policy D3a Encourage development patterns within neighborhood centers that are pedestrian-oriented and compatible with surrounding neighborhoods.” This proposed change is pedestrian-oriented.

“Policy D3b Existing zoning patterns should be altered to limit retail commercial development to one or two quadrants of arterial intersections, to meet the needs of neighborhoods without unnecessary burdening the transportation system or negatively impacting the visual environment.” The reduced size for commercial use is more appropriate for the needs of the adjacent neighborhoods.

- C. Be compatible with existing and planned surrounding land uses.

The proposed change is compatible with the existing and planned surrounding land uses. The proposed medium density residential use provides a good transition between a lower density residential use to the north and east and retail/commercial uses to the west. In addition, the owner has proposed office and retail uses at a residential scale in order to be compatible with the surrounding uses.

- D. Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or provide measures to mitigate such impacts.

The proposed change will produce less traffic and less impact than the retail uses allowed by the current CLUP designation.

Public Land Dedication, Parks/Trails

The required public land dedication for the residential use would be made through cash-in-lieu of land based on the residential density of the site at the time of the Official Development Plan (ODP) approval.

Access and Circulation

The primary vehicular access to the site is from 112th Avenue. The access to 112th Avenue will align with Decatur Street, the main access to the Savory Farm Subdivision on the south side of 112th Avenue. A secondary access would be available to the north through the Ranch Reserve Subdivision via 113th Avenue.

Site Design

A very preliminary concept plan is shown in Exhibit B. The residential area is shown with 27 dwelling units and a private open space. All lots exceed 7,000 square feet.

Service Commitment Category

Service Commitments for the dwellings would be awarded from Category B-1 per City Council action contingent on competing and winning the annual Residential Competition.

Referral Agency Responses

All issues have been addressed.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The Ranch Reserve 2 Subdivision is to the north and the east. This development is designated as Single-Family Detached - Medium Density in the CLUP and is being developed as such. To the west is the 7-acre remainder of the Retail/Commercial zoned use. This is vacant and is consistent with the designation on the CLUP. Savory Farm Subdivision is to the south across 112th Avenue. The CLUP designation is Single-Family Detached - Low Density and the use is in compliance with this designation.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

ORDINANCE NO.

COUNCILLOR'S BILL NO. **2**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City has received an application requesting a land use change for the property shown in "Exhibit A"; and

WHEREAS, an amendment to the Plan is necessary to change the existing land use designation from Retail Commercial to Single-Family Detached - Medium Density; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to change the existing land use designation of Retail Commercial, shown in "Exhibit A" attached hereto. The property shall be designated "Single-Family Detached – Medium Density."

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of January, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of February, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: Backup Commitment to Purchase Land for Open Space, Park and Possible Future School Site

Prepared by: Martin R. McCullough, City Attorney
Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to authorize the City Manager to execute a letter of commitment for a backup purchase of approximately 34 acres of land for open space, park and a possible future elementary school located northeast of 112th Avenue and Federal Boulevard (see attached map). Open Space funds are available to purchase this property.

Summary

City Council previously authorized the purchase of this open space property (see March 20, 2000, Agenda Memo, attached). The proposed commitment would take effect only if the pending sale of the property to Western Property Advisors did not close as anticipated.

This property (the “Federal Investments Open Space”) has long been desired for open space, a park and an elementary school. An old irrigation reservoir known as Vogel Pond, many large trees and a wetland make up a portion of the site, and fit the criteria for open space preservation very well.

In March of 2000, City Council approved the purchase of the Federal Investments Open Space from Western Property Advisors, along with related commitments to participate in street and utility development with the proposed Ranch Reserve II project. Western Property Advisors is the developer who is under contract with the property owner, Federal Investments, to purchase the entire site.

The purchase price approved by City Council for the purchase of the Federal Investments Open Space from Western Property Advisors is approximately \$64,000 per acre. This price recognizes other commitments and cooperation between the City and the developer to benefit the site and the community. The purchase price under the backup commitment is \$50,000 per acre. The sale of the Federal Investments Property to Western Property Advisors, and the subsequent conveyance of the Open Space Land to the City, are scheduled to close the first or second week of February, and all parties are working smoothly toward the closings.

A lawsuit was initiated by Federal Investments, Inc., against the City regarding the City’s Comprehensive Land Use Plan. This case is on appeal and is scheduled for hearing before the Court of Appeals on January 30, 2001. This appeal has been delayed several times to allow this purchase to take place, but the Court is not supportive of further extensions or delays.

All parties agree that the transfer of this property would render the lawsuit moot. Federal Investments has agreed to dismiss this case if the backup commitment is made by the City.

Discussion

The Open Space Advisory Board strongly supports preserving the pond, trees and wetland on this property for passive public use. Funds are available for the entire purchase in the Open Space Fund. Federal Investments is unwilling to drop their lawsuit without a commitment by the City to purchase the open space portion of their property in the event their sale to Western Property advisors does not close. They feel they need this commitment to protect themselves from being “stuck” with a sizeable piece of property zoned for open space with no purchaser if their agreement with Western does not close.

Federal Investments and Western have assured City Staff that there are no known impediments to closing their agreement. However, the attorney for Federal Investments advises that this closing is now scheduled for the first or second week in February, which is past the date of the Court of Appeals hearing. To avoid the time and expense of preparing for what is very likely to be an unnecessary appearance in the Court of Appeals, Federal Investments has agreed to dismiss their lawsuit in exchange for this backup commitment.

City Staff and the City Attorney believe that this proposal is a “win-win” for all concerned. The proposal saves the time of preparing for this hearing, but, more importantly, it assures the ability of the City to acquire this important open space parcel even if the transaction between Federal Investments and Western fails to close for any reason.

Alternatives to the Proposed Action:

1. Do not approve the backup agreement, proceed with the Court of Appeals hearing, and forego the opportunity to purchase this open space site in the event the sale of this property to Western Property Advisors fails to close.
2. Attempt to negotiate a lower backup purchase price. This is highly unlikely given the fact that the \$50,000 per acre price is \$14,000 an acre lower than what the City is currently under contract with Western to pay, and is the price per acre that Federal Investments currently has in its contract with Western.

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

Staff Recommendation

Authorize the City Manager to provide a backup commitment for the purchase of the Federal Investments Open Space at a price of \$50,000 per acre in the event the pending sale of this property to Western Property Advisors fails to close, and charge this expense, if it arises, to the Open Space Fund.

Background Information

The Open Space Advisory Board and City Council have long been interested in preserving the existing pond, large trees and wetland area as open space. This property was a “top priority” when the first open space “wishlist” was prepared in 1989, and has remained a top priority. Two unsuccessful Hyland Hills Metropolitan Parks and Recreation District bond issues in the early 1990’s had proposed to acquire 30 to 40 acres of this property, including the pond and trees, for a combination of open space, park and a possible elementary school.

The property was zoned many years ago to allow “garden apartments” of up to 20 dwelling units per acre. If this property were built out as apartments, this could have added 1,240 apartment units, with an additional population of approximately 2,200 new residents and the resulting traffic and service demands. City Council approved the application for rezoning submitted by Western for this property in 1999. The new plan calls for 61 single family homes, with approximately 175 new residents.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: Resolution No. 3 South Westminster Strategic Revitalization Plan adoption

Prepared by: Tony Chacon, South Westminster Revitalization Coordinator

Introduction

The South Westminster Strategic Revitalization Plan has been prepared and is ready for City Council approval. The Plan will provide guidance towards future redevelopment and revitalization efforts within South Westminster.

Summary

South Westminster revitalization efforts to date have been directed to the completion of the Westminster Plaza shopping center redevelopment and setting the stage for future revitalization and redevelopment endeavors. Towards this end, Staff has been improving and building relationships with School District 50, local-based non-profits organizations, prospective developers, other government agencies, and the South Westminster community. Through this effort, City Staff has prepared a strategic revitalization plan for South Westminster that is intended to be used to guide future decisions on priorities and project funding for the area. Attached is the South Westminster Strategic Revitalization Plan for City Council consideration.

Policy Issues

The Plan sets forth prioritized strategies to direct revitalization efforts within South Westminster. As such City proposed programs and projects serving the area will be evaluated to receive Staff support relative to adherence to the approved strategies. Therefore, all City Departments and other institutions will be expected to comply with the Plan.

Staff Recommendation

Adopt Resolution No. 3 adopting the South Westminster Strategic Revitalization Plan as presented.

Background Information

With the conclusion of the Westminster Plaza shopping center redevelopment, City Staff pursued the preparation of a plan that would guide further redevelopment and revitalization activities within the neighborhood. To assist in this endeavor, the City conducted a scientific community survey to gauge citizen priorities for improvement. Many community meetings and focus group meetings were conducted to provide additional input. In addition, a working group of about 30 Staff members representing all City Departments met over a 6-month period to identify problems and opportunities within the neighborhood, and recommend strategies for inclusion in the Plan. From these endeavors, a framework emerged from which a draft of the Strategic Revitalization Plan was prepared. The Plan was then circulated for comment from the Department Heads and City Manager's Office and revised for City Council review and comment.

The strategies recommended in the Plan apply towards four principal goals, those being:

- Provide a wide range of safe and habitable residential opportunities promoting and sustaining social and economic diversity;
- Promote and facilitate development and rehabilitation activity to support and sustain a healthy economic base aimed at developing, attracting, and retaining a diverse range of neighborhood supporting businesses;
- Develop and promote the neighborhood as a positive and desirable Westminster asset attractive to existing residents and newcomers alike; and,
- Improve opportunities for community participation in social, recreation and social programs and use of public facilities and property, in an innovative manner that is enticing and fulfilling to residents and visitors.

Based on these goals strategies were developed that apply to one of the following categories:

- Housing;
- Economic Development;
- Community Image and Character; and,
- Public Facilities and Services.

The strategies under each category are generally listed in order of priority. However, regardless of the relative priorities, the strategic plan is intended to be implemented in a flexible manner so as to take advantage of opportunities that may arise unexpectedly. In this regard, the Plan can also be revisited to take into consideration missed opportunities or changing circumstances.

The recommended strategies are prepared in such a manner as to allow City Staff to devise and evaluate alternative mechanisms by which to implement each strategy. This will allow for the development of cost-effective programs and projects, hopefully in partnership with the community, other public institutions, and the private business and development sector. In this regard, the Plan also identifies potential funding sources with which to implement the strategies.

It should also be noted that actions relative to many of the strategies are already underway. Such activities include the following:

- Preparation and adoption of the Career Enrichment Park Site and Utilization Plan in conjunction with District 50 Schools;
- Finalization of design plans for reconstructing 73rd Avenue between Bradburn and Lowell Boulevards
- Hosting developer forums facilitated by Dr. Marshall Kaplan;
- Preparation of residential development concepts for vacant sites;
- Initiation of a strategic redevelopment plan for 73rd Avenue/Lowell Blvd. intersection; and,
- Initiation of EPA Brownfields Pilot Project.

Elements of the South Westminster Strategic Revitalization Plan have been incorporated into the City's 5-Year Consolidated Community Development Block Grant (CDBG) Plan as approved by the U.S. Department of Housing and Urban Development. As such, these strategies, programs and projects are readily eligible for CDBG funding on an annual basis. Such prospective funding sets a solid foundation by which partnerships and financial leveraging can be more readily attained.

The Plan, as presented, provides direction to City staff and agencies or enterprises seeking City support relative to revitalizing South Westminster. Staff should use the plan regularly in its program and project planning and development as it relates to South Westminster.

Staff will further review the plan on a regular basis to develop short-term actions relative to implementation of the strategies.

Following presentation of the Plan to City Council at a previous Study Session, the Plan was distributed for public review and comment. Staff attended a meeting of the Progressive Homeowners Association meeting to present and distribute the Plan. Additional copies were distributed to local businesses, the Westminster Historical Society, Adams County School District No. 50, and made available for public viewing at public facilities. The City received no public comments regarding the Plan. Staff, further, presented the Plan at a City of Westminster Department Head meeting for discussion and comment.

Alternatives

- 1) City Council may choose to not approve the Plan, thereby evaluating prospective programs, projects and improvements within the neighborhood on their individual merits; or,
- 2) City Council may choose to conditionally approve the Plan with changes. This alternative would require City Staff to gather additional public input on proposed changes prior to final approval.

Respectfully Submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 3

INTRODUCED BY COUNCILMEMBERS

SERIES OF 2001

RESOLUTION APPROVING ADOPTION OF THE SOUTH WESTMINSTER STRATEGIC REVITALIZATION PLAN.

WHEREAS, the City of Westminster City Council has indicated its desire to revitalize the area referred to and more commonly known as South Westminster; and,

WHEREAS, the revitalization of South Westminster should be made in a comprehensive and strategic manner; and,

WHEREAS, the City desires to plan for and prioritize improvements, projects, and programs over the next several years; and,

WHEREAS, the South Westminster Strategic Revitalization Plan provides a framework from which to identify and implement such improvements, projects, and programs.

NOW, THEREFORE, the members of City Council of the City of Westminster resolves that:

The South Westminster Strategic Revitalization Plan is hereby approved and the provisions of the Plan shall be used to guide future improvements, projects, and programs within South Westminster.

Passed and adopted this 22nd day of January, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: Resolution No. 4 Assignment and Allocation of 2000 Private Activity Bond Carry Forward Balance

Prepared by: Robin Byrnes, Community Development Programs Coordinator

Introduction

City Council action is requested to adopt the attached Resolution and execute the Assignment of Allocation agreement authorizing the assignment of the City of Westminster Year 2000 Private Activity Bond (PAB) allocation carry forward balance of \$1,432,675, to the Colorado Housing and Finance Authority (CHFA). The assignment and allocation of the City's Year 2000 PAB carry forward balance to CHFA will then be allocated to Mendel-Allison Development Company. CHFA will also allocate Low Income Housing Tax Credits (LIHTC) to Mendel-Allison, another federal tax-reduction program to fund and develop affordable housing.

The City's Private Activity Bonds and CHFA Low Income Housing Tax Credits will fund the development of affordable senior cottage rental housing at Panorama Point. The senior cottage housing would be rent restricted and available to low to moderate-income seniors. Council action is required to be completed by February 15, 2001.

Summary

The City of Westminster Year 2000 PAB allocation was \$2,432,675. This allocation, which is set forth under Federal legislation, allows municipalities to issue bonds for private purposes, i.e., single-family mortgage programs, and redevelopment financing such as was done on the Westminster Plaza Shopping Center. The Metro Mayor's Caucus previously issued a request from interested Denver area municipalities regarding participation in the Year 2000 single-family mortgage bond program. This program allows individuals and families to take advantage of lower mortgage rate funds in order to purchase single-family homes, where otherwise they would likely not be able to qualify for the mortgage. On March 27, 2000, City Council assigned \$1.0 million of the City's Year 2000 PAB allocation for this purpose, leaving a remaining balance of \$1,432,675.

City Council on September 11, 2000 adopted a resolution expressing the intent of the City of Westminster to issue bonds in the principle amount of \$1,432,675 to finance a qualified project and authorizing City Council to proceed and continue with steps preliminary to the issuance of such bonds. This Resolution was adopted so that the balance would not revert back to the State private activity pool by September 15, 2000, which was the deadline to carry forward the allocation.

The attached Resolution and Assignment of Allocation agreement are the documents needed to assign and allocate the remaining Year 2000 PAB balance of \$1,432,675 to a qualified housing project – Panorama Point Senior Cottage Rental Housing. The remaining PAB allocation will be assigned to CHFA, which will allocate the bonds to Mendel-Allison Development Company for the construction of senior cottage rental housing. In conjunction with the PAB allocation, CHFA will also provide Mendel-Allison an allocation of Low Income Housing Tax Credits. These combined funds will provide affordable, rent restricted, senior cottage housing for low to moderate income seniors. The rent restrictions would be in effect for 20 years and rent would be based on the HUD issued low income rent schedule at 50% and 80% of area median income.

The total number of units that would be rent restricted has not been determined at this time, however, the number of rent restricted units will be determined when CHFA and Mendel-Allison finalize the financing package for this senior housing project in March 2001. If the Assignment of Allocation and Resolution are not executed by February 15, 2001 the balance of \$1,432,675 will revert back to the federal government and will be lost to the City of Westminster and the State of Colorado.

Policy Issue

The policy issue before City Council is whether to allocate the Private Activity Bond funds to provide for the building of affordable senior housing as outlined, or have the PAB balance of \$1,432,674 revert back to the federal government.

Staff Recommendation

Adopt Resolution No 4 authorizing the assignment of the City's PAB carry forward balance of \$1,432,674, and execute the Assignment of Allocation agreement for assignment to Mendel-Allison to construct affordable senior housing, and the Mayor and City Clerk to execute the necessary documents.

Alternatives

1. Take no action, and direct Staff to allow the PAB allocation to lapse and revert back to the federal government. This option is not recommended, as the City cannot recapture the balance in future years.
2. Assign the allocation to another development project in Westminster. This option is not recommended, as no other projects have formally requested the allocation, that can meet project-financing requirements, and can meet the City allocation process by the February 15, 2001 deadline.

Background Information

Public financing of private development projects using tax-exempt bonds (such as redevelopment of the Westminster Plaza) requires authorization of the federal government. Annually the federal government, through the State, authorizes such activity through a Private Activity Bond (PAB) allocation. Each year, the City of Westminster receives an allocation of approximately \$2.4 million, to use towards financing private development ventures, through the issuance of tax-exempt bonds. This financing mechanism approach can save developers the higher costs of private financed debt, which in turn can be used to defray related costs. Such cost reductions, can then be used to pursue projects of public benefit. A recent example of this was the use of PAB's to redevelop the Westminster Plaza. This project would not have been viable without the ability to issue tax-exempt bonds to finance the project.

There is a carry forward provision in the federal law that allows the City's 2000 allocation to continue to be available through February 15, 2001. This action was initiated by City Council on September 11, 2000 by adopting Resolution No. 68. The next step is a specific assignment of the allocation to a project, by February 15, 2001 or the City and State will lose the allocation to the federal government. Therefore, this resolution and the Assignment of Allocation agreement will formally assign and allocate the remaining year 2000 PAB allocation balance.

Respectfully submitted,

William M. Christopher, City Manager

Attachments

RESOLUTION

RESOLUTION NO. 4

INTRODUCED BY COUNCILLORS

SERIES OF 2001

A RESOLUTION AUTHORIZING ASSIGNMENT TO THE COLORADO HOUSING AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND ALLOCATION OF CITY OF WESTMINSTER PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT

WHEREAS, the City of Westminster is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing multi-family rental housing for low and moderate income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to finance such rental housing projects and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, City of Westminster has an allocation of the 200 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2000 (the "2000 Allocation"); and

WHEREAS, City of Westminster has determined that, in order to increase the availability of adequate housing by low and moderate income persons and families within the City of Westminster and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2000 Allocation, and

WHEREAS, The City of Westminster has determined that the 2000 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more rental housing projects for low and moderate income persons and families; and

WHEREAS, the City Council of the City of Westminster has determined to assign \$1,432,675.00 of its 2000 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City of Westminster and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, IN THE COUNTIES OF ADAMS AND JEFFERSON, STATE OF COLORADO:

1. The assignment to the Authority of \$1,432,675 of the City of Westminster's 2000 Allocation be and hereby is approved.

2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Council be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The City Council of the City of Westminster be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City of Westminster and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

4. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be 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.

5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this 22nd day of January, 2001.

Mayor

(SEAL)

ATTEST:

City Clerk

ASSIGNMENT OF CARRY FORWARD ALLOCATION

This Assignment of Allocation (the "Assignment"), dated this _____ day of _____, 2001, is between the City of Westminster (the "Assignor") and the Colorado Housing and Finance Authority (the "Assignee").

WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing multi-family rental housing for low and moderate income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to finance such rental housing projects and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, The Assignor has an allocation of the 2000 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to **September 15, 2000** (the "2000 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable housing by low and moderate income persons and families within the City of Westminster and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2000 Allocation; and

WHEREAS, the Assignor has determined that the 2000 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low and moderate income persons and families ("Revenue Bonds"), and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2000 Allocation; and

WHEREAS, the City Council of the Assignor has determined to assign to the Assignee \$1,432,675.00 of its 2000 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$1,432,675.00 of its 2000 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.

2. The Assignee hereby accepts the assignment to it by the Assignor of \$1,432,675.00 of Assignor's 2000 Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds, in one or more series, and to make a mortgage loan to finance the Senior Cottage Housing Project, a senior rental housing project located at 84th Avenue and Zuni Street, Westminster, Colorado (the "Project"). In the event Assignee is unable to finance the Project or other multi-family rental housing projects located within Assignor's boundaries on or prior to December 31, 2002, Assignee agrees to use its best efforts to use the 2000 Allocation hereby assigned in connection with the issuance of Revenue Bonds to finance one or more other multi-family rental housing projects anywhere within the State, as it may in its discretion determine.

3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carry-forward purpose.

4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

5. Nothing contained in this Assignment shall obligate the Assignee to finance the Project or to use the allocation hereby assigned it to finance any other multi-family rental housing project located in the City of Westminster.

6. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the parties have duly executed this Assignment on the date first written above.

[S E A L]

ATTEST:
By: _____
Title: City Clerk

City Attorney: _____

City of Westminster

By: _____
Title: Mayor

[S E A L]

ATTEST:

By: _____
Assistant Secretary

COLORADO HOUSING AND FINANCE
AUTHORITY

By: _____
Executive Director



WESTMINSTER COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: Resolution No. 5 re: US36/92nd Avenue/Sheridan Boulevard – Right-of-Way Acquisition

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the acquisition of right-of-way and easements needed for the construction of the US 36/92nd Avenue/Sheridan Boulevard Interchange Project through condemnation proceedings, if necessary. Further City Council action is requested to authorize the expenditure of an amount not to exceed \$250,000 for the purchase of rights-of-way and easements and pay for any legal fees and closing costs associated with the land purchases needed for the improvements to this interchange. Funds for this expense are available in the appropriate project account in the General Capital Improvement Fund.

Summary

In October, 2000, City Council authorized a final engineering design contract with Felsburg, Holt and Ullevig. This design is 75% complete and has identified all the rights-of-way and easements necessary to construct this project.

Appraisals were prepared by Bonnie Roerig and Associates to determine the fair market value for the acquisitions and easements necessary to construct the project.

The firm of Dial and Associates was recently hired to represent the City in these acquisitions. Pending authorization from Council, Letters of Intent to Acquire will be offered to the affected property owners.

Policy Issues

Does City Council wish to proceed with right-of-way and easement acquisitions for the US 36/92nd Avenue/Sheridan Boulevard Interchange project?

Staff Recommendation

Adopt Resolution No. 5 authorizing the expenditure of up to \$250,000 for the acquisition of sufficient rights-of-way and easements for the construction of improvements to the US 36/92nd Avenue/Sheridan Boulevard Interchange Project, through condemnation proceedings, if necessary, and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Alternatives(s)

Staff could not identify any alternatives to this proposed action since the acquisition of these parcels is necessary for the construction of this Interchange project.

Background Information

In 1991, Felsburg, Holt and Ullevig (FHU) was hired by the City to prepare a Comprehensive Roadway Master Plan. This Plan, adopted by Council in 1994, provided a “big picture” look at the City’s expected growth to identify areas needing roadway system improvements. It identified the Westminster Center area and the streets around the Westminster Mall as a high priority for operational improvements. Based on the results of this study, the City hired FHU to analyze alternatives and to identify specific improvements in the area generally bounded by Sheridan Boulevard on the east, Harlan Street on the west, 92nd Avenue on the north and 88th Avenue on the south.

One of the recommended projects that would provide significant relief to the traffic congestion within the Westminster Center area is improving the U.S. 36/Sheridan Boulevard/92nd Avenue Interchange (see attached map). The improvements would include a loop “off-ramp” from westbound US 36 to westbound 92nd Avenue and an “on-ramp” from eastbound 92nd Avenue to eastbound US 36. These changes would relieve congestion at the Sheridan Boulevard/92nd Avenue intersection and elsewhere. Funds for the design of these improvements were included in the bond issue approved by Westminster citizens in November of 1996.

Final design documents are being prepared by Felsburg, Holt and Ullevig and are currently 75% complete. Construction is anticipated to begin in June 2001.

The subject of this Agenda Memorandum is the right-of-way acquisition for this Interchange project. Appraisals have been prepared by Bonnie Roerig and Associates to determine the fair market value for the one acquisition that is necessary for the construction of this project. Pending Council authorization, Letters of Intent to Acquire will be sent to the following owners:

- SB Del Amo LLC, a California limited liability company as to an undivided 18% Interest;
- BP PAC LP, a Colorado limited partnership as to an undivided 28% interest;
- IG Equities, a California general partnership, as to an undivided 10% interest;
- Frederic Rosenberg and Barbara Rosenberg, as to an undivided 29% interest;
- HUD Two LLC, a California limited liability company, as to an undivided 5% interest;
- Arizona Thrifty Partners, a California general partnership, as to an undivided 5% interest;
- 5613 Lexington LLC, a California limited liability company, as to an undivided 5% interest, all owners of the property where the Gart Sports Store is located.

Negotiations with these owners need to begin immediately in order to secure the property rights necessary for this project and to keep the project on schedule. The City’s negotiator, Dial and Associates, will attempt to reach agreement with the property owners based on the results of the appraisals. If the negotiations cannot be successfully concluded or if they threaten the project schedule, it is recommended that the City invoke its right of eminent domain to secure the property rights needed. The attached Resolution authorizes the City Attorney to proceed with condemnation of the parcels should negotiations fail.

Respectfully submitted,

William M. Christopher
City Manager

Attachments - Map, Resolution

RESOLUTION

RESOLUTION NO. **5**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain the land described in Exhibit A to accommodate the construction of the US 36/92nd Avenue/Sheridan boulevard Interchange Project; and

WHEREAS, an appraisal has been made by a professional company experienced in performing appraisals to determine the Fair Market Value for these parcels; and

WHEREAS, the City will make an earnest good faith offer to purchase for each of the subject parcels; and

WHEREAS, a municipal public purpose exists to acquire the property in that a delay in the acquisition of the parcel could result in a delay of construction of the Interchange, thus creating a hardship on the general population of the City of Westminster wishing to access and use the proposed improvements; and

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail;

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City will be necessary for the public health, safety and welfare due to bidding and construction deadlines.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the property.

2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the parcels and interests identified in Exhibit A on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation, and the City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete these purchases.

3. The City Attorney of the City of Westminster is authorized take all necessary legal measures to acquire the properties in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the properties should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the properties.

4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The costs shall be charged to the appropriate project account of the General Capital Improvement Project Fund; and

5. The City Manager is hereby authorized to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of construction.

PASSED AND ADOPTED this 22nd day of January, 2001

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: Intergovernmental Agreement for Continuation of Community Transit Program in Adams County

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to approve an intergovernmental agreement (IGA) with Adams County and several other Adams County cities, which would allow the continuation of special transit services for senior and disabled residents within urban areas of the County. There are sufficient funds within the Community Transit Program that are being carried over from 2000 to fund the program through 2001.

Summary

The Adams County Special Transit Program, which later became known as the Adams County Community Transit Program, officially became a reality in January 2000. However, it was late spring before the program was fully operational due to the delays in having all of the participating entities obtain the necessary approvals.

During 2000, the participating cities and the County contributed a total of \$202,490, of which \$34,946 was the City of Westminster's contribution. All of the other entities contributed at a level which was commensurate with the amount previously identified as 3% of unmet need, while the Westminster City Council approved funding at the level of 5% of unmet need. Through aggressive grant acquisition efforts by Adams County Community Outreach Department Staff, substantial funds were obtained for the Community Transit Program from RTD and Federal and State grant funds administered by DRCOG. The use of these revenues allowed the City and County contributions to go largely unused. These local funds, plus unused grant funds, are available in 2001 and thus, the continuation of the intergovernmental agreement will require no additional expenditures of City funds for 2001.

Policy Issue

Should the City continue to participate with Adams County and other Adams County cities in this special transit program?

Staff Recommendation

Authorize the City Manager to enter into an Intergovernmental Agreement with Adams County and several other Adams County cities, in substantially the same form as the attached draft agreement, for the purpose of continuing to provide special transit services for senior and disabled citizens in Adams County, including the Adams County portion of Westminster, for 2001.

Background Information

Up until April 1998, Metro Mobility provided transportation services to senior citizens and persons with disabilities in Adams County. However, at that time the agency discontinued operations due to financial and management issues. Later in 1998, the Adams County Commissioners created a Special Transportation Task Force, which completed preliminary planning and hired McDonald Transit Associates, Inc., a transportation consulting firm from Fort Worth, to determine the level of need for transportation services in the County, develop service and organizational alternatives in meeting the transportation need and recommend an equitable funding model. Using these recommendations, the Task Force developed a transit program for seniors and the disabled population within the urban areas of the County. The participants in this effort initially identified a goal of meeting 5% of the unmet need. This goal was later reduced to 3% so that most of the interested entities would be able to participate at an affordable minimal or “baseline” level. Under the model proposed by the consultant, a broker agency would be hired to administer the program under guidelines provided by a policy advisory group.

In the summer of 1999, Westminster City Council, the County, and other city governments within the County approved a plan for providing a special transportation system for senior citizens and disabled residents and appointed representatives to serve on the policy board. The policy board subsequently utilized an RFP process to obtain the services of a transportation broker. As a result of this process, the Senior Resource Center (SRC) based in Wheat Ridge was selected. A number of different rates were charged based on the contracted funding source, but for most rides, the contracted rate for SRC to provide transit services for Adams County residents was \$18.20 per ride. What initially appears to be a high cost per ride is justified by the nature of this service compared with other mass transit and individualized transportation services. There is a tremendous overhead in administering and operating this type of program and residents using the service frequently require much greater assistance than someone who would normally take the bus or use a taxi.

The funding for the first year’s operations of Community Transit was \$202,490 from County and City contributions and \$178,000 from Title III Grant dollars available through DRCOG. Through the efforts of Adams County Staff, these funds were augmented by a one-time grant from RTD of \$250,400, additional monies totaling \$11,700 through DRCOG and approximately \$56,000 from other funding sources. The availability of these outside funding sources has enabled the County and city funds to stay largely intact. It is therefore possible to continue the existing program at least through 2001 with no additional contributions being needed from the County and the participating municipalities.

The total usage of the service at 9,500 was markedly less than the 16,000 rides that had been anticipated for 2000, mainly due to the program not being fully operational until the spring. With ridership currently running at approximately 1,000 rides per month and increasing monthly, the program will easily achieve 12,000 rides during 2001. There are currently approximately 100 to 110 rides being provided for Westminster Adams County residents each month and this number will likely continue to grow as information about the program gets out to the community.

Currently, the Policy Advisory Council of Community Transit is made up of representatives from Adams County and the member cities, Arvada, Commerce City, Federal Heights, Thornton, and Westminster, as well as representatives from DRCOG, RTD, and the Colorado Department of Transportation. Westminster’s representative, Deputy City Manager for Administration Matt Lutkus currently serves as the elected chairperson of the Council.

In 2001, the per ride cost for transportation provided by the Senior Resource Center will be a fixed rate of \$10.37 for administrative costs and a variable rate for operations that reflects the actual costs for contracting the ride. After 12,000 rides have been provided, the fixed rate goes down to \$9.30 per ride. The Policy Advisory Council determined that this would be the best method for insuring that the program paid no more than the actual costs of providing the service while at the same time provided SRC with a cash flow to run the program.

The attached intergovernmental agreement is very similar to the IGA that Council passed one year ago that authorized the City's participation in the program. The document has been reviewed by City Staff, the City Attorney's Office, and the Policy Advisory Council of Community Transit but it has not yet been reviewed by the County Commissioners and the other city councils. , City Council is being asked to approve it in substantially the same form as presented here due to the fact that there may be some wording changes that occur as a result of the review by the other entities. If any substantive changes are made as a result of those reviews, Staff would bring the final document back to City Council for reconsideration. Staff believes that it is in the best interest of the City and the Program to have Council approve the document now because the year for its implementation has already begun.

Alternative(s)

City Council could decide to discontinue its involvement in a program that provides subsidized transit services for seniors and those with disabilities, or it could direct Staff to pursue an alternative means for providing such services. Given the success of the Community Transit Program to date, City Staff is not recommending that either of these options be pursued.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: January 22, 2001

Subject: Resolution No. 6 Grant Applications to Adams County Open Space Program

Prepared by: Julie Meenan Eck, Landscape Architect
Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to adopt the attached Resolution authorizing Staff to submit two grant applications to the Adams County Open Space Program for priority open space, trail and park projects.

Summary

The Adams County Open Space Program provides matching grants to eligible jurisdictions for a variety of open space, trail and park projects, as outlined in the ballot issue approved by voters in November, 1999. Based upon review of the criteria for scoring grant applications, Staff is proposing two projects that best fit Westminster's and Adams County's priorities. A key requirement of the program is that any grant projects must be completed within one year in order to maximize the use of funds in the early years of the new program. The projects described below fit this requirement – the McKay Lake purchase is just completed, and Foxshire Park will be completed this year. Staff asks that City Council authorize the submittal of these two projects. If awarded one or more grants, Staff would return to City Council for approval of an agreement(s) between the City and County for the completion of the grant project(s).

- The purchase of McKay Lake, located at approximately 144th Avenue and Zuni Street, for open space and trails was just completed in late December, as previously approved by City Council (see attached map). This large lake with its trees, wetlands and wildlife habitat is also recommended for preservation in Adams County's Open Space Master Plan and is currently located in unincorporated Adams County. Staff will investigate available funding further, and anticipates requesting matching funds of approximately \$200,000 to \$300,000 from Adams County to partially reimburse the purchase price of \$600,000. Beyond the purchase price, Westminster, Farmers Reservoir and Irrigation Company, and an adjacent developer will expend another approximate \$1,300,000 on improvements to McKay Lake in the near future. In light of the total budget, a grant from the County might represent approximately 10 to 15 percent of these costs.
- The construction of Foxshire Park is located at 108th Avenue/Alcott Street and along the Farmers High Line Canal Trail (see attached map). City Council approved the master plan for the park in May of 2000. Staff will be ready to send the project, which consists of two playgrounds, swings, picnic shelter, restroom enclosure, concrete trails, soft trails and landscaping, out to bid at the end of January. The project should be finished in the summer of 2001. Staff recommends requesting a matching grant of \$50,000 from Adams County toward a total park construction cost of approximately \$750,000 for this project. The City's matching share of \$700,000 is available in the Foxshire Park (Cedar Bridge Park) Capital Improvement Program.

Policy Issues

Shall City Staff pursue matching grants for these projects from the Adams County Open Space Program? McKay Lake has already been purchased using City Open Space funds, and a grant would represent partial reimbursement, allowing the City to acquire additional open space in another priority location. Foxshire Park is budgeted this year and last year in the Capital Improvement Program, and a grant would provide additional funding for contingencies, a game table, and adult glider swing. If successful with these grants, no new City funding is required.

Alternatives

City Council could direct Staff to not submit any grant applications to Adams County or could direct Staff to submit one or more other projects for funding. However, these two projects represent the highest priorities for open space, trail and park acquisitions and improvements as determined by the respective Advisory Boards; by prior City Council approvals of specific projects and the Capital Improvement Plan budgeting process; and based on citizen requests received by staff.

Staff Recommendation

Adopt Resolution No. 6, authorizing the submittal of two grant applications to the Adams County Open Space Program for the priority open space, trail and park projects described above, as determined by Staff through the grant submittal process.

Background Information

In the first round of grants from Adams County's new Open Space Program last Summer, Westminster submitted two applications and was successful in receiving grants of \$150,000 toward the purchase of the Gussies Pond property for park and open space uses and of \$75,000 to extend the Big Dry Creek trail north of 128th Avenue. The creation and use of the open space tax funds were approved by Adams County voters on November 2, 1999. It is important to select projects that are of high priority and that can be completed quickly, creating a successful partnership that will hopefully continue with many future projects.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Resolution and Maps

RESOLUTION

RESOLUTION NO. 6

INTRODUCED BY COUNCILLORS

SERIES OF 2001

GRANT REQUESTS TO THE ADAMS COUNTY OPEN SPACE PROGRAM

WHEREAS, Adams County has established an Open Space Grant application process to assist with development of passive and active use projects for eligible jurisdictions within Adams County, Colorado; and

WHEREAS, the City of Westminster has budgeted for and has acquired McKay Lake for open space and trails; and

WHEREAS, the City of Westminster has budgeted for and intends to construct Foxshire Park; and

WHEREAS, matching grant funding from the Adams County Open Space Program would assist in the acquisition and construction of the above projects, for the benefit and enjoyment of those residents of both Adams County and the City of Westminster.

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit grant applications to the Adams County Open Space Program, requesting funding for acquisition of McKay Lake, and for construction of Foxshire Park.

Passed and adopted this 22nd day of January 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: January 22, 2001
Subject: Resolution No. 7 Sponsoring Hyland Hills Grant Application
Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council action is requested to pass a resolution sponsoring Hyland Hills Park and Recreation District's application to Adams County Open Space for a grant to acquire six (6) vacant lots at Valley View Park, located north of John Elway Mazda at 105th Avenue and Federal Boulevard. No City funds are required for this action.

Summary

With the passage of its sales tax initiative in 1999, Adams County Parks and Open Space has created a joint venture grant program for its surrounding cities and park districts. However, in order for park and recreation districts to qualify for funding, they must seek sponsorship of their application from the entity in which the project is located. Therefore, a resolution indicating sponsorship for the Hyland Hills application for this land acquisition is required. The value of the six (6) vacant lots is approximately \$125,000. Although this project will be placed in the pool of applications, it is not anticipated that this project would "bump" the City's two applications (McKay Lake reimbursement and Foxshire Park construction). Results from the last application cycle showed that all grant applications were funded.

Policy Issue

Does City Council support the idea of Hyland Hills expanding Valley View Park?

Alternative

City Council could deny Hyland Hills' request for support of its grant application to the Adams County Open Space Program for acquisition of six (6) vacant lots at Valley View Park.

Staff Recommendation

Adopt Resolution No. 7 authorizing the City of Westminster to cosponsor a grant application from Hyland Hills Park and Recreation District to Adams County Open Space for the acquisition of six (6) lots at Valley View Park located at 105th Drive, east of Federal Boulevard.

Background Information

Valley View Park was acquired by Hyland Hills Park and Recreation District back in the 1960s. The existing park is approximately five acres in size and contains two (2) little league ballfields. The park and ballfields do not have an irrigation system, and the condition of the ballfields has deteriorated over the years.

Hyland Hills staff has been working with the homeowners surrounding the park and have developed a master plan to expand and renovate the park, incorporating more neighborhood park amenities such as a play ground and picnic shelter, along with renovating the little league fields.

Staff feels that this project is worthy of City support and feels the City residents who live in Meadowlark Subdivision will benefit from this acquisition.

Respectfully submitted,

William M. Christopher
City Manager

Attachment(s)

RESOLUTION

RESOLUTION NO. **7**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

SPONSORSHIP OF HYLAND HILLS PARK AND RECREATION DISTRICT APPLICATION
TO ADAMS COUNTY OPEN SPACE PROGRAM

WHEREAS, Adams County has established an Open Space Grant application process to assist with development of passive and active use projects for eligible jurisdictions within Adams County, Colorado; and

WHEREAS, the County will accept applications from park and recreation districts located within the county provided that the entity in which the project is located will sponsor the application; and

WHEREAS, the City of Westminster is the sponsoring entity for the application to acquire six (6) lots at the Hyland Hills Valley View Park; and

WHEREAS, matching grant funding from the Adams County Open Space Program would assist in the acquisition of the above projects, for the benefit and enjoyment of those residents of Hyland Hills Park and Recreation District, Adams County, and the City of Westminster.

NOW, THEREFORE, the Westminster City Council hereby resolves that the City of Westminster sponsor the grant application to the Adams County Open Space Program, from Hyland Hills Park and Recreation District, requesting funding for acquisition of six (6) vacant lots at Valley View Park located at 105th Drive, east of Federal Boulevard.

Passed and adopted this 22nd day of January 2001.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, January 22, 2001.

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

The minutes of the January 8, 2001 Council meeting were approved with no additions or corrections.

Council re-appointed Christopher Beal, Betty Roan, George Werkmeister, Kim Wolf to the Board of Adjustment; John Brann, Greg Cullison and Delbert Ragland to the Board of Building Code Appeals; Tom Acre, Ben Beaty and Steven Johnson to the Environmental Advisory Board; Ariane Kirby, Jean Pruitt and Ed Thwaites to the Human Services Board; and Ted Fleagle, Catherine Payne and Bette Tellier to the Library Board with all terms of office to expire December 31, 2002.

Council approved the following: Bids re Replacement Fire Pumper Truck for \$378,476 with a \$90,000 down payment; Bids re Asphalt up to a maximum of \$250,000; Capital Project Management Services contract in an amount not to exceed \$150,000; Colorado Municipal League Dues in the amount of \$46,163; Engineering Contract for 112th Avenue Project in an amount not to exceed \$47,076 with a \$10,000 contingency; 104th Avenue Median Construction contract in the amount of \$445,808 with a 10% project contingency; Quarterly Insurance Report; Financial Report for December 2000.

The following public hearings were held: At 7:40 P.M. Legacy Ridge West Filing No. 3 regarding potential street connection to existing 107th Avenue in Wandering View Subdivision. At 8:57 P.M. a proposed Comprehensive Land Use Plan (CLUP) amendment.

Council approved the recommendations of the Planning Commission to not make the 107th Avenue connection at the present time, but the right-of-way remain dedicated to the City.

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN.
Purpose – Comprehensive Land Use Plan amendment for the northeast corner of 112th Avenue and Federal Boulevard to Single Family Detached.

The following Councillor's Bill was adopted on second reading:

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL, WATER PORTION OF THE UTILITY AND GENERAL CAPITAL IMPROVEMENT FUNDS.

The following Resolutions were adopted:

Resolution No. 2 - making re-appointments to the Board of Adjustment, Board of Building Code Appeals, Environmental Advisory Board, Human Services Board and Library Board.

Resolution No. 3 - South Westminster Strategic Revitalization Plan.

Resolution No. 4 - 2000 Private Activity Bond carryover balance.

Resolution No. 5 - Right of Way Acquisition US 36/92nd Avenue Sheridan Boulevard exchange.

Resolution No. 6 - Adams County Park Development Grant request.

Resolution No. 7 – Sponsoring Hyland Hills' Grant Application.

At 9:20 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on February 1, 2001