



CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) 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. **Report of City Officials**
 - A. City Manager's Report
5. **City Council Comments**
6. **Presentations**
 - A. Proclamation Honoring Ann Merkel
7. **Citizen Communication (5 minutes or less)**

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. **Consent Agenda**
 - A. December 2005 – Financial Report
 - B. Quarterly Insurance Report: October – December 2005
 - C. Table Mountain Animal Center Annual Assessment
 - D. Ferric Chloride Tank Replacement at Semper Water Treatment Facility
 - E. 2006 Chipseal Project Award
 - F. Deicing Materials Purchase
 - G. Water Treatment Chemicals Purchase
 - H. Purebred Arabian Trust Open Space Property Purchase and Grant Application to Adams County Open Space
 - I. Second Reading CB No. 2 re "Westminster Center District Center" CLUP Amendment
 - J. Second Reading CB No. 3 re Three Parcels at 7309-7319 Orchard Court CLUP Amendment
 - K. Second Reading CB No. 4 re Three Parcels at 7309-7319 Orchard Court Rezoning
 - L. Second Reading CB No. 5 re Annexation of the Camalick Property
 - M. Second Reading CB No. 6 re CLUP Amendment for the Camalick Property
 - N. Second Reading CB No. 7 re Zoning the Camalick Property

9. **Appointments and Resignations**

10. **Public Hearings and Other New Business**

- A. Public Hearing re Proposed Amendments to the Service Plan, Huntington Trails Metropolitan District
- B. Public Hearing re Second Amended PDP for Prospector's Point Condominiums PUD
- C. Second Amended PDP for Prospector's Point Condominiums PUD
- D. Public Hearing re First Amended PDP and Eighth Amended ODP for St. Anthony North Hospital PUD
- E. First Amended PDP and Eighth Amended ODP for St. Anthony North Hospital PUD
- F. Contract for Purchase of Golf Course Equipment
- G. Councillor's Bill No. 8 re Appropriation of Lease Proceeds for Golf Course Equipment
- H. Addition of Golf Course Equipment to the City Master Lease
- I. Resolution No. 3 re 2005 Private Activity Bond Allocation Assignment

11. **Old Business and Passage of Ordinances on Second Reading**

- A. Remove from the Table Councillor's Bill No. 46 re Cellular Tower Leases for Second Reading
- B. Second Reading CB No. 46 re Cellular Tower Leases for Countryside Recreation Center and the Hydropillar
- C. Continued Public Hearing re TMUND Land Use Category CLUP Amendment
- D. Remove from the Table Councillor's Bill No. 1 re TMUND Land Use Category CLUP Amendment
- E. Councillor's Bill No. 1 re TMUND Land Use Category CLUP Amendment

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

- A. City Council
- B. Executive Session – Discussion of proposed settlement agreement in contested tax case with City Attorney and obtaining Council direction, pursuant to Section 1-11-3(C)(7) and 1-11-3(C)(8) of the Westminster Municipal Code

13. **Adjournment**

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (Separate Agenda)

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 23, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Price, to approve the minutes of the regular meeting of January 9, 2006. The motion passed unanimously.

CITY MANAGER COMMENTS

Mr. McFall announced that the Westminster Economic Development Authority (WEDA) would meet immediately following this meeting. Additionally, Council would be asked to meet in executive session to discuss with the City Attorney and obtain direction regarding a proposed settlement agreement in a contested sales tax case pursuant to Sections 1-11-3(C)(7) and 1-11-3(C)(8) of the Westminster Municipal Code. Finally, the Council would conduct a study session on January 30 at 6:30 p.m., to which the public was invited.

CITY COUNCIL COMMENTS

Mayor McNally reported having attended the Metro Mayors' Retreat where it was agreed to focus attention this year on the following issues of metro-wide concern: early childhood school resource readiness; Denver Health and Wellness Commission efforts to bring awareness to fitness and thereby reduce obesity; water conservation; the impact of legislation, such as vicious animals and smoking, on neighboring municipalities; and better communication.

Councillor Dittman reported having attended a fundraiser sponsored by the Westminster Police Academy Alumni that was held at the Outback Steakhouse. The event was not only enjoyable, but also worthwhile, as it generated contributions to the Academy.

Councillor Kaiser reported having attended the first of three DRCOG training forums in which he would participate. The training had been informative and valuable.

PRESENTATION

Mayor McNally read a proclamation honoring Ann Merkel for her legend of community service in numerous capacities, which included two terms on City Council where she served as Mayor Pro Tem for two years and membership on the Adams County Open Space Advisory Board where she served as Chair in 2005. The Mayor was pleased to present the proclamation to Ms. Merkel.

CITIZEN COMMUNICATION

Betty Whorton, 3720 West 103rd Drive, pointed out that the Citizens Police Academy Alumni fundraiser had not only benefited the Academy, but also the Public Safety Recognition Foundation.

Jane Fancher, 7260 Lamar Court; Michael Melio, 8219 West 90th Place; Michael Hay, 5556 West 75th Drive; Louse McClure, 8671 West 88th Place; Denise Roberts, 5742 West 71st Circle; the resident of 8645 Clay Street, #401; Arnita Strutz, 7131 Wolff; Margie Mays, 5960 West 72nd Drive; Michelle Spencer, 8219 West 90th Place; Brooke Glasmann, 5010 West 71st Court; Tim Stevensen, 2561 West 105th Place; Jill and Dennis Smits, 5692 West 77th Avenue; Charlotte Rybkowski, 7480 Raleigh; Gary Wildung, 6901 Wolff; Jane and Bob Banzin, 5630 West 102nd Place; and Jim Martinez, 7070 Utica; commented in opposition to the Shoenberg Venture redevelopment agreement to be considered at the Westminster Economic Development Authority meeting.

Mike Litzau, 10716 Zuni Drive, and Randal Whorton, 3720 West 103rd Drive, commented in support of the Shoenberg Venture redevelopment agreement to be considered at the Westminster Economic Development Authority meeting.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: December 2005 financial report; 4th quarter 2005 insurance report; authority to pay \$71,217.12 to Table Mountain Animal Center for the 2006 assessment for sheltering services; authority for the City Manager to execute a \$125,214 contract and a project contingency of \$15,000 with Lillard and Clark Construction Company, Inc. for replacement of two ferric chloride tanks at Semper Water Treatment Facility, engineering costs up to \$35,000 for a total project budget of \$175,214, and authority to transfer \$175,000 from Water Capital Project Reserve account to the Semper Ferric Tank Improvements capital project account to cover costs of construction, project contingency, and engineering services; based on the City Manager's recommendation, find that the public interest would be best served by awarding the 2006 Chipseal contract to A-1 Chipseal Company as the sole source contractor and authorize the City Manager to sign a \$1,533,347 contract with said company; based on the City Manager's recommendation, find that the public interest would be best served by purchasing, on an as-needed basis, 1,343 tons of Ice Slicer from the sole source supplier Environtech Services, Inc. at a cost not to exceed \$89,470 and authorize the purchase of 1,725 tons of rock salt from the low quote, Transloaders, Inc., at a cost not to exceed \$89,475; award bids for the purchase of ferric chloride to Kemiron Companies, for caustic soda and sodium hypochlorite to DPC Industries, and for polyaluminum chloride to General Chemical at the unit prices indicated in the bid tabulation on an as-needed basis up to a maximum of \$444,000, charging the expense to the appropriate 2006 Water Resources Division budget; authority for the City Manager to execute a Purchase and Sale Agreement for the Purebred Arabian Trust property located at the southwest corner of 122nd Avenue (extended) and Federal Parkway, to expend an amount not to exceed \$358,000 in City Open Space Funds to purchase said property and pay related due diligence and closing costs, to execute all necessary closing documents, and to authorize staff to execute a \$353,000 grant application to Adams County Open Space Program for 50% of the purchase price of the property; final passage of Councillor's Bill No. 2 re "Westminster Center District Center" Comprehensive Land Use Plan amendment; final passage of Councillor's Bill No. 3 re three Parcels at 7309-7319 Orchard Court Comprehensive Land Use Plan amendment; final passage of Councillor's Bill No. 4 re three Parcels at 7309-7319 Orchard Court rezoning; final passage of Councillor's Bill No. 5 re annexation of the Camalick property; final passage of Councillor's Bill No. 6 re Comprehensive Land Use Plan amendment for the Camalick property; and final passage of Councillor's Bill No. 7 re zoning the Camalick property.

Mayor McNally asked if any member of Council wished to remove an item from the consent agenda for discussion purposes or separate vote. There was no request.

It was moved by Councillor Dittman and seconded by Councillor Price to approve the consent agenda as presented. The motion passed unanimously.

HEARING ON AMENDMENTS TO HUNTINGTON TRAILS METROPOLITAN DISTRICT SERVICE PLAN

At 8:00 p.m., the Mayor opened a hearing to consider Amendments to the Huntington Trails Metropolitan District Service Plan and continued the hearing to February 13, 2006 to allow staff additional time to evaluate changes the developer had recently proposed to the finance plan for the District.

HEARING ON SECOND AMENDED PDP FOR PROSPECTOR'S POINT CONDOMINIUMS PUD

At 8:01 p.m., the Mayor opened a public hearing to consider the Second Amended Preliminary Development Plan (PDP) within the Prospector's Point Condominiums Planned Unit Develop (PUD). Dave Shinneman, Planning Manager, introduced the hearing and entered into evidence the agenda memorandum and associated documents. He stated the notice of this hearing had been published in the local newspaper, posted on the property, and mailed to property owners within 300 feet of the parcel under consideration.

Testifying on behalf of the applicant, Design Collaborative Planning and Landscape Architecture, was Liz Lancaster, who described the purpose of the request as pertinent to expansion of St. Anthony North Hospital located at 84th Avenue and Bryant Street. The hospital had purchased land within the Prospector's Point PUD, and the requested action was to remove that land area from the Prospector's Point PUD so it subsequently could be incorporated into the St. Anthony Hospital PUD for coordinated planning and development purposes. Also testifying of the need for this action was James Dover, administrator of St. Anthony North Hospital.

A resident of Prospector's Point at 8645 Clay Street, #401 asked if any traffic impacts to Prospector's Point might result from the proposed development. Michael Melio, 8219 West 90th Avenue, asked if the proposed development would result in any cost to taxpayers. Mr. Dover responded. Most traffic to the new facility would use Bryant Street rather than Clay, resulting in minimal traffic impact to the residents of Prospector's Point. The hospital was building Clay Street at a projected cost of \$500,000 and would dedicate the street to the City upon completion. The extension of Clay Street had been approved previously but would now be undertaken.

In conclusion, Mr. Shinneman advised that the Planning Commission had considered this proposal on January 10, 2006, and had voted to recommend approval. No others wished to testify. The Mayor closed the hearing at 8:08 p.m.

SECOND AMENDED PDP IN PROSPECTOR'S POINT CONDOMINIUMS PUD APPROVED

Upon a motion by Councillor Major, seconded by Councillor Dittman, the Council voted unanimously to approve the Second Amended Preliminary Development Plan within the Prospector's Point Condominiums Planned Unit Development contingent upon subsequent approval by City Council of the First Amended Preliminary Development Plan and the Eighth Amended Official Development Plan for St. Anthony North Hospital Planned Unit Development. This action was based on a finding that the criteria contained in Section 11-5-14 of the Westminster Municipal Code had been met.

HEARING RE 1ST AMENDED PDP AND 8TH AMENDED ODP FOR ST. ANTHONY NORTH HOSPITAL PUD

At 8:14 p.m., a hearing was opened to consider the First Amended Preliminary Development Plan (PDP) and Eighth Amended Official Development Plan (ODP) for St. Anthony North Hospital Planned Unit Development (PUD). The purpose of this request was to incorporate a 15-acre parcel of land purchased by the hospital that was previously contained in the Prospector's Point PUD so that all of the land owned by the hospital was covered within the same document for planning and development purposes. Secondly, it was to propose development of a new three-story, 65,700-square foot medical office building adjacent to the existing hospital. Dave Shinneman, Planning Manager, provided background information and entered into the record the agenda memo and attendant documents, advising that notice of this public hearing had been published in the *Westminster Window*, the property had been posted and affected property owners within 300 feet of the parcel under consideration had been mailed notification of this hearing.

Liz Lancaster of Design Collaborative Planning and Landscape Architecture reviewed technical aspects concerning design and access to the proposed development. Nancy Thompson, 7080 Beacon Way, inquired about the need for a new medical office building given the proximity of existing medical office structures. James Dover, administrator of the hospital, responded. It was not anticipated that all doctors practicing at St. Anthony North would relocate to the new facilities. The building would provide room for future growth.

In concluding remarks, Mr. Shinneman advised that the Planning Commission had considered this proposal on January 10, 2006 and had voted to recommend approval subject to contingencies relative to right-of-way vacations of Bryant and Alcott Streets and the drainage outfall from detention pond C. The hearing was closed at 8:29 p.m.

1ST AMENDED PDP AND 8TH AMENDED ODP FOR ST. ANTHONY NORTH HOSPITAL PUD APPROVED

Based on a finding that the criteria set forth in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code had been met, Councillor Price moved to approve the combined First Amended Preliminary Development Plan and Eighth Amended Official Development Plan for St. Anthony North Hospital Planned Unit Development contingent upon the approval of the right-of-way vacations of Bryant Street and Alcott Street, and approval by City Staff of the drainage outfall from detention pond C. Councillor Major seconded the motion, and it passed unanimously.

CONTRACT FOR HERITAGE GOLF COURSE MAINTENANCE EQUIPMENT

Based on the report and recommendation of the City Manager, Councillor Dittman moved, seconded by Mayor Pro Tem Kauffman, to determine that the public interest would be best served by awarding the negotiated contract with a single source vendor to LL Johnson Distributing (for Toro maintenance equipment) and award the Multiple Assembly of Procurement Officials (MAPO) bid to Colorado Golf and Turf (for John Deere turf utility vehicles). The motion passed with all Council members voting yes.

COUNCILLOR'S BILL NO. 8 APPROPRIATING FUNDS FOR LEASE OF GOLF COURSE EQUIPMENT

Councillor Dittman moved to pass Councillor's Bill No 8 on first reading appropriating \$582,144 in the Golf Course Fund for the lease proceeds for golf course maintenance equipment at the Heritage Golf Course. Mayor Pro Tem Kauffman seconded the motion, and it passed unanimously on roll call vote.

HERITAGE GOLF COURSE MAINTENANCE EQUIPMENT LEASE/PURCHASE AGREEMENT

It was moved by Councillor Dittman, seconded by Mayor Pro Tem Kauffman, to authorize the City Manager to add to the existing master lease, a lease/purchase agreement in an amount not to exceed \$693,544, including approximately \$111,400 in financing cost, to fund the Heritage Golf Course maintenance equipment package. The motion passed unanimously.

RESOLUTION NO. 3 RE 2005 PRIVATE ACTIVITY BOND ALLOCATION ASSIGNMENT

Mayor Pro Tem Kauffman moved to adopt Resolution No. 3 assigning \$4,180,880 of the City of Westminster's 2005 Private Activity Bond allocation to the Colorado Housing and Finance Authority (CHFA) for the Metro Mayors Caucus Transit-Oriented Housing Pool, and to authorize the Mayor and City Clerk to execute the necessary documents in a form acceptable to CHFA and the City Attorney's Office. Councillor Price seconded the motion, which passed unanimously on roll call vote.

CB NO. 46, SERIES 2005, RE CELLULAR TOWER LEASES ON CITY PROPERTY REMOVED FROM TABLE

Upon a motion by Councillor Major, seconded by Councillor Price, the Council voted unanimously to remove Councillor's Bill No. 46, Series 2005, from the table.

FINAL PASSAGE OF CB NO. 46 RE CELLULAR TOWER LEASES ON CITY PROPERTY

It was moved by Councillor Major, seconded by Councillor Price, to pass on final reading Councillor's Bill No. 46, Series 2005, authorizing the City Manager to sign a lease agreement with T-Mobile West, successor in interest to VoiceStream, to provide space at Countryside Recreation Center and the Hydropillar for cellular transmission antenna installation. At roll call, the motion passed with all Council members voting affirmatively.

CONTINUED HEARING RE CLUP AMENDMENT TO REMOVE TMUND MINIMUM SIZE RESTRICTION

At 8:34 p.m., a hearing continued to consider a Comprehensive Land Use Plan amendment to remove the minimum size restriction from the Traditional Mixed Use Neighborhood Development (TMUND) land use category. The hearing had been opened on January 9, 2006, and continued in response to public requests for additional time to review the proposed amendment.

Larry Dean Valente, 3755 West 81st Avenue, thanked Council for affording an opportunity for public review and Dave Shinneman, Planning Manager, for presenting the proposed amendment to members of SWORD (South Westminster Organized for Responsible Development). No others wished to comment, and the hearing was closed at 8:35 p.m.

COUNCILLOR'S BILL NO. 1 RE CLUP FOR TMUND REMOVED FROM TABLE

Councillor Dittman moved to removed Councillor's Bill No. 1 from the table. Councillor Price seconded the motion, and it passed unanimously.

COUNCILLOR'S BILL NO. 1 RE CLUP AMENDMENT REMOVING TMUND MINIMUM SIZE RESTRICTION

Councillor Dittman moved to pass Councillor's Bill No. 1 on first reading amending the Comprehensive Land Use Plan (CLUP) to remove the minimum size restriction of 50 acres from the text describing the Traditional Mixed Use Neighborhood Development category based upon a finding that the proposed amendment was in the public good; that there was justification for the proposed change and the Plan was in need of revision as proposed; that the amendment conformed with the overall purpose and intent and the goals and policies of the Plan; that the proposed amendment was compatible with existing and planned surrounding land uses; and that the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. Councillor Price seconded the motion, and on roll call vote, the motion passed unanimously.

CITIZEN PRESENTATIONS

Presentations in opposition to the proposed redevelopment agreement with Shoenberg Venture were made by Larry Dean Valente, 3755 West 81st Avenue; Karen Sawicki, 6768 Zenobia Loop in Arvada; Russell Wisefield, 7340 West 74th Place in Arvada; Dennis Smits, 5672 West 77th Avenue; Dorothy Davies, 5055 West 73rd Avenue in Arvada; and Teresa Kotka, 7480 Raleigh Street. Making a presentation in support of the same agreement was Sam Dixon, 11745 Decatur Street.

ADJOURNMENT:

Before the meeting adjourned City Attorney McCullough reiterated that City Council would be asked to meet in executive session following the meeting of the Westminster Economic Development Authority. The proposed executive session would be to discuss a proposed settlement agreement in a contested tax case with the City Attorney and to obtain direction pursuant to Sections 1-11-3(C)(7) and 1-11-3(C)(8) of the Westminster Municipal Code.

There was no further business to come before City Council, and the meeting adjourned at 9:05 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006

SUBJECT: Proclamation Honoring Ann Merkel

Prepared By: Ruth C. Becker, Open Space Coordinator

Recommended City Council Action

Present the attached proclamation honoring Ann Merkel for her service to the City of Westminster and its citizens.

Summary Statement

- The City Council is being requested to present a proclamation honoring Ann Merkel.
- Ann Merkel has served the citizens of the City of Westminster as an able, thoughtful representative and volunteer during her forty plus years as a resident of the City of Westminster.
- The purpose of the proclamation is to honor Ann Merkel for her service to the community.
- Ann Merkel has been invited to attend the City Council meeting to accept this proclamation.
- Mayor Nancy McNally will present the proclamation.

Expenditure Required: \$ 0

Source of Funds: N/A

SUBJECT:

Proclamation Honoring Ann Merkel

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Policy Issue

None identified

Alternative

None identified

Background Information

Ann Merkel served as Westminster's representative on the Adams County Open Space Advisory Board from 2002-2005, and was Chair of the Board in 2005. Her term ended on December 31, 2005. During her tenure, she was an ardent supporter of the City of Westminster's open space program and the Adams County Open Space program, and a moving force behind the acquisition of the Metzger Farm property for open space preservation. In addition, Ann has served in numerous other capacities. She was a City Councillor and Mayor Pro Tem for the City of Westminster. She was the Co-Chair of the Public Safety Tax ballot committee in 2003 and her leadership was instrumental in the passage of this measure. She is currently a member of the Public Safety Recognition Foundation and was a moving force behind the creation of the Foundation, which has been an important morale booster for the Fire and Police Departments. She has also been active with numerous volunteer activities during her more than forty years living in Westminster. Ann has been a powerful voice for the entire community and is known for her calm, statesmanlike approach to all of her public service endeavors.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Ann Merkel has been elected and appointed to numerous positions in government over the course of her career, and has served the citizens of the City of Westminster as an able, thoughtful representative and volunteer during her forty plus years as a resident of the City of Westminster;

WHEREAS, Ann Merkel most recently served as a Board member for the Adams County Open Space Advisory Board from 2002-2005, and as Chair of the Open Space Advisory Board in 2005;

WHEREAS, Ann Merkel's term on the Adams County Open Space Advisory Board ended on December 31, 2005;

WHEREAS, during her tenure on the Adams County Open Space Advisory Board, Ann was an ardent supporter of the City of Westminster's open space program and the Adams County Open Space program, and a moving force behind the acquisition of the Metzger Farm property for open space preservation;

WHEREAS, during her illustrious public service career Ann Merkel also served two terms as a Westminster City Councillor, first elected in 1993, and served as the Mayor Pro Tem for the City of Westminster from 1997-1999;

WHEREAS, Ann Merkel also served as the co-chair of the Public Safety Tax ballot committee in 2003 and her leadership was instrumental in the passage of this measure;

WHEREAS, Ann is currently a member of the Public Safety Recognition Foundation and was influential in the creation of the Foundation, which has been an important morale booster for the Fire and Police Departments, and Ann is currently assisting to secure a piece of art to honor public safety employees;

WHEREAS, Ann Merkel has also been an active volunteer for many organizations including the American Cancer Society, Colorado Public Radio, the Adams County TB Society (now the American Lung Association), her church, Inter-Church ARMS, and The Friends of the Westminster Public Library;

WHEREAS, Ann Merkel has been a powerful voice for the entire community and known for her calm, statesmanlike approach to all of her public service endeavors during her long and active career;

WHEREAS, the City of Westminster wishes to publicly recognize the significant contributions of Ann Merkel to the Westminster community.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby issue this proclamation to honor

ANN MERKEL

and recognize her time and dedication on the Adams County Open Space Advisory Board, City Council, public safety issues and numerous volunteer activities in the Westminster community.

Signed this 23rd day of January, 2006.

Nancy McNally, Mayor



**WESTMINSTER
COLORADO**

Agenda Memorandum

Agenda Item 8 A

City Council Meeting
January 23, 2006



SUBJECT: Financial Report for December 2005
Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

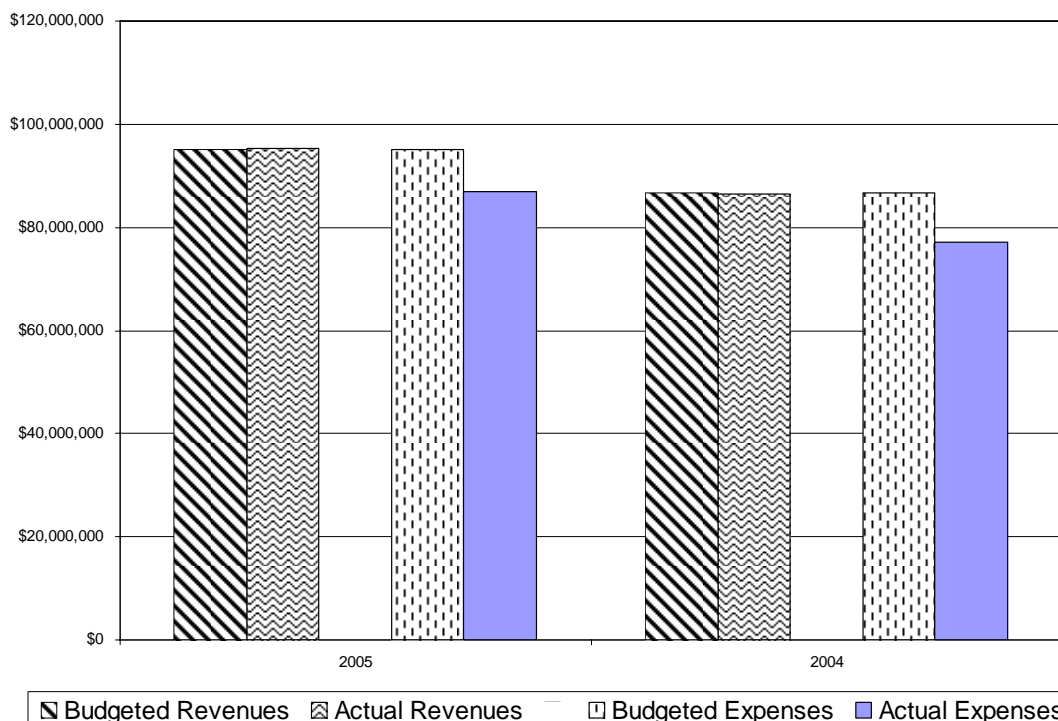
Accept the Financial Report for December as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. The budget numbers that are presented reflect the City's adopted budget. This statement reflects December month end figures. There are several modifications based on year end accruals, both revenue and expense, that will be made and will be part of the December year end figures that will be presented to Council in June, after the audit is complete. Some of the more significant accruals include about one-half of a payroll cycle with associated benefits, revenue earned in 2005 but not received until 2006, in particular intergovernmental revenue, and all expenses incurred in 2005 but paid in 2006.

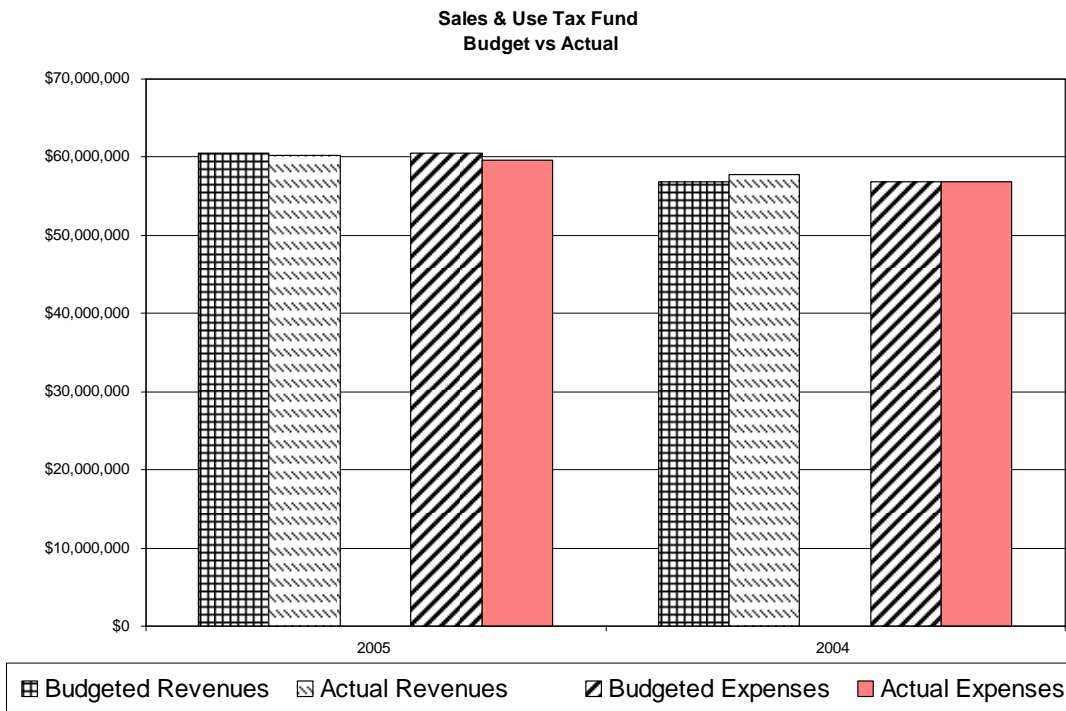
The General Fund revenues exceed expenditures by \$8,475,000. The following graph represents Budget vs. Actual for 2004 – 2005. However, in addition to the accruals mentioned above, there is \$1,720,000 of Other Financing Use and \$880,000 of contingency that was not spent, that inflate this number.

**General Fund
Budget vs Actual**

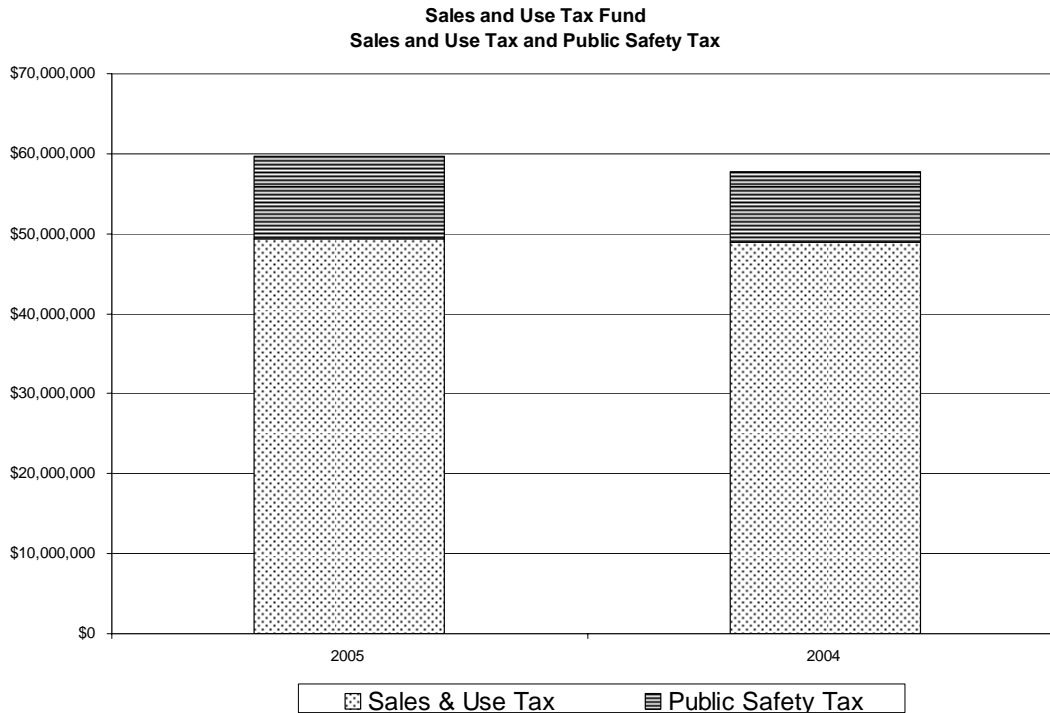


The Sales and Use Tax Fund's revenues exceed expenditures by \$562,000. Revenues came in under budget by \$439,000. However as a result of managing the expenses, the fund is in a positive position. Staff began reducing the transfer to the General Fund in October by \$88,000 per month due to anticipated lower revenue collections. In addition, there was contingency of \$737,920 that was not spent.

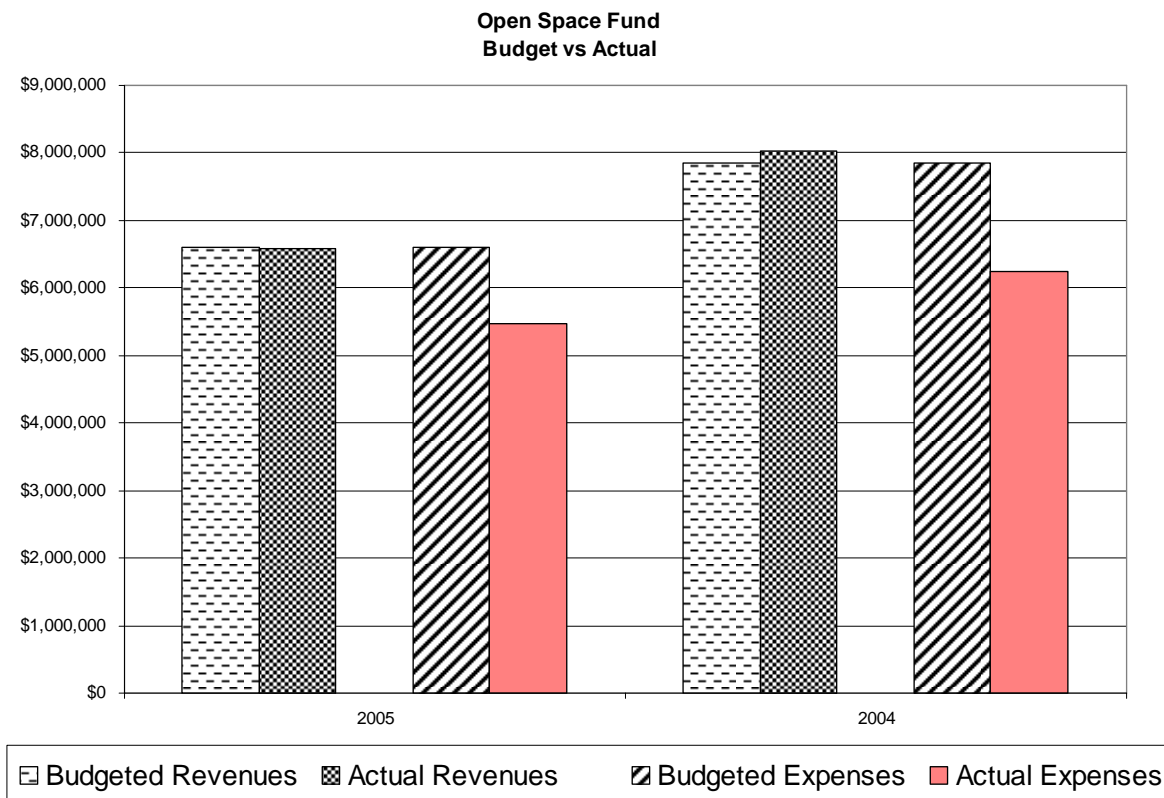
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 3%. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 0.1%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were down 3.3% for the month. This includes Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 9% for the year.
- The transfer to the General Fund was reduced by \$88,000 per month to accommodate the projected revenue shortfall in the Sales Tax Fund.



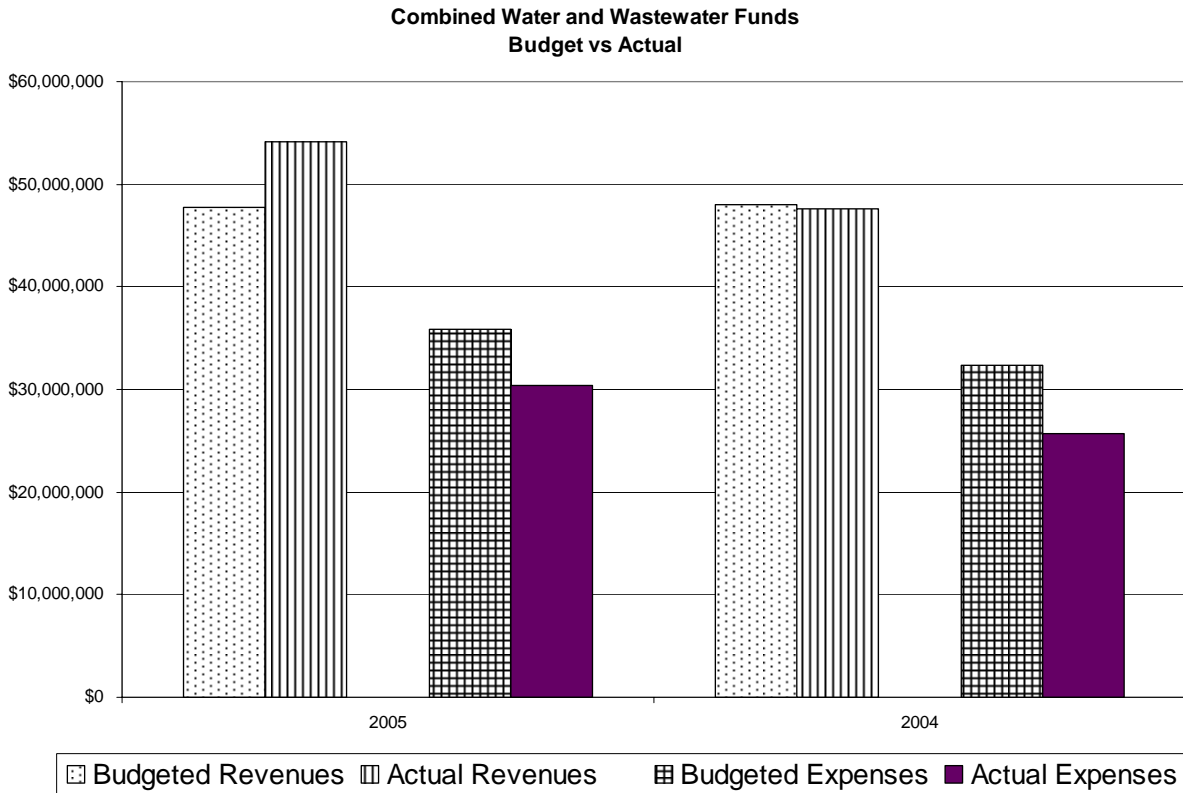
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



The Open Space Fund revenues exceed expenditures by \$1,119,000.

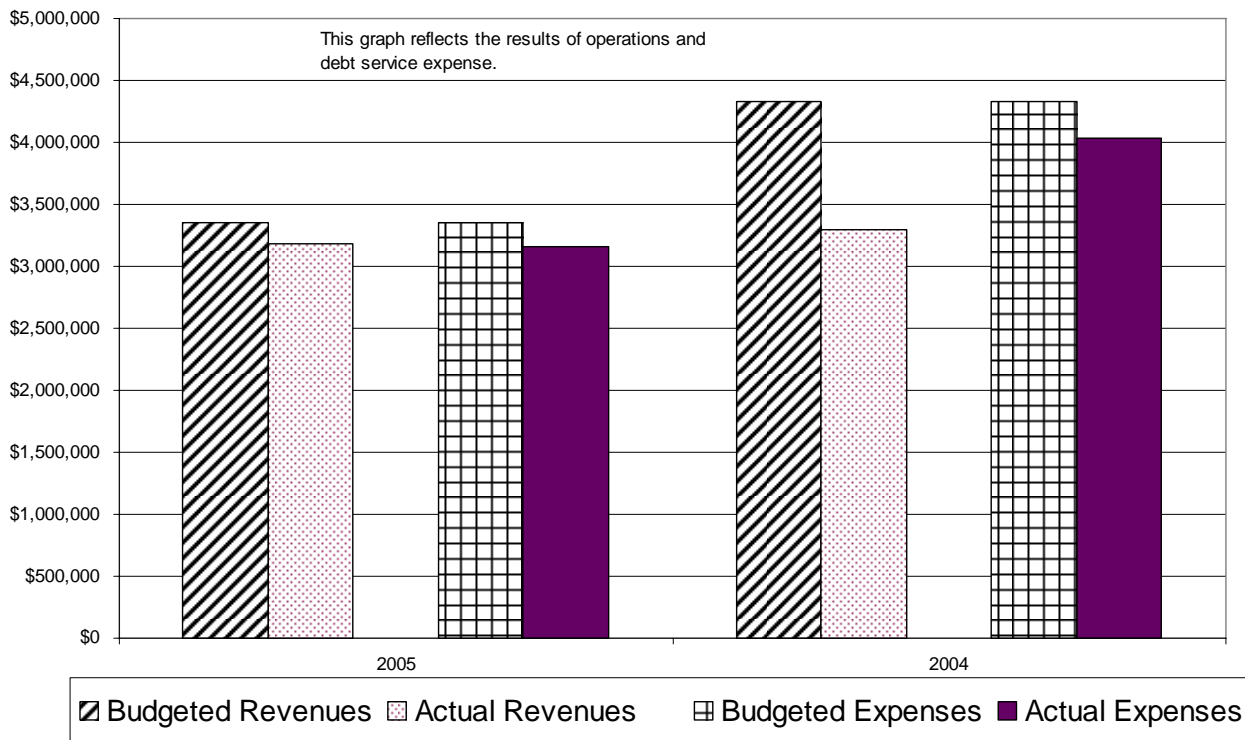


The combined Water & Wastewater Funds' revenues exceed expenses by \$23,767,000. Approximately \$11,900,000 of that amount is currently budgeted for capital projects. The remaining \$11.9 million is comprised of expenditure savings and higher than anticipated revenues, particularly tap fees. This will be carried over in to 2006. Staff will be evaluating the use of these funds in conjunction with the long-term fiscal model that is currently in process.



The combined Golf Course Funds' revenues exceed expenditures by \$2,478,000. This reflects \$2,453,000 in cancelled interfund loans. This is an accounting anomaly in that the write-off will increase fund balance. From a cash standpoint, the combined golf courses have a cumulative multi year negative cash balance of \$1,564,000. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years. This was the first year under the program and from an operating standpoint, the combined courses reflect revenues over expenditures of \$25,000. Again, year-end adjustments still need to be made but the courses are close to break-even on an operating basis.

**Golf Course Enterprise
Budget vs Actual**



Policy Issue

A monthly review of the City’s financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternative

Conduct a quarterly review. This is not recommended, as the City’s budget and financial position are large and complex, warranting a monthly review by the City Council.

Background Information

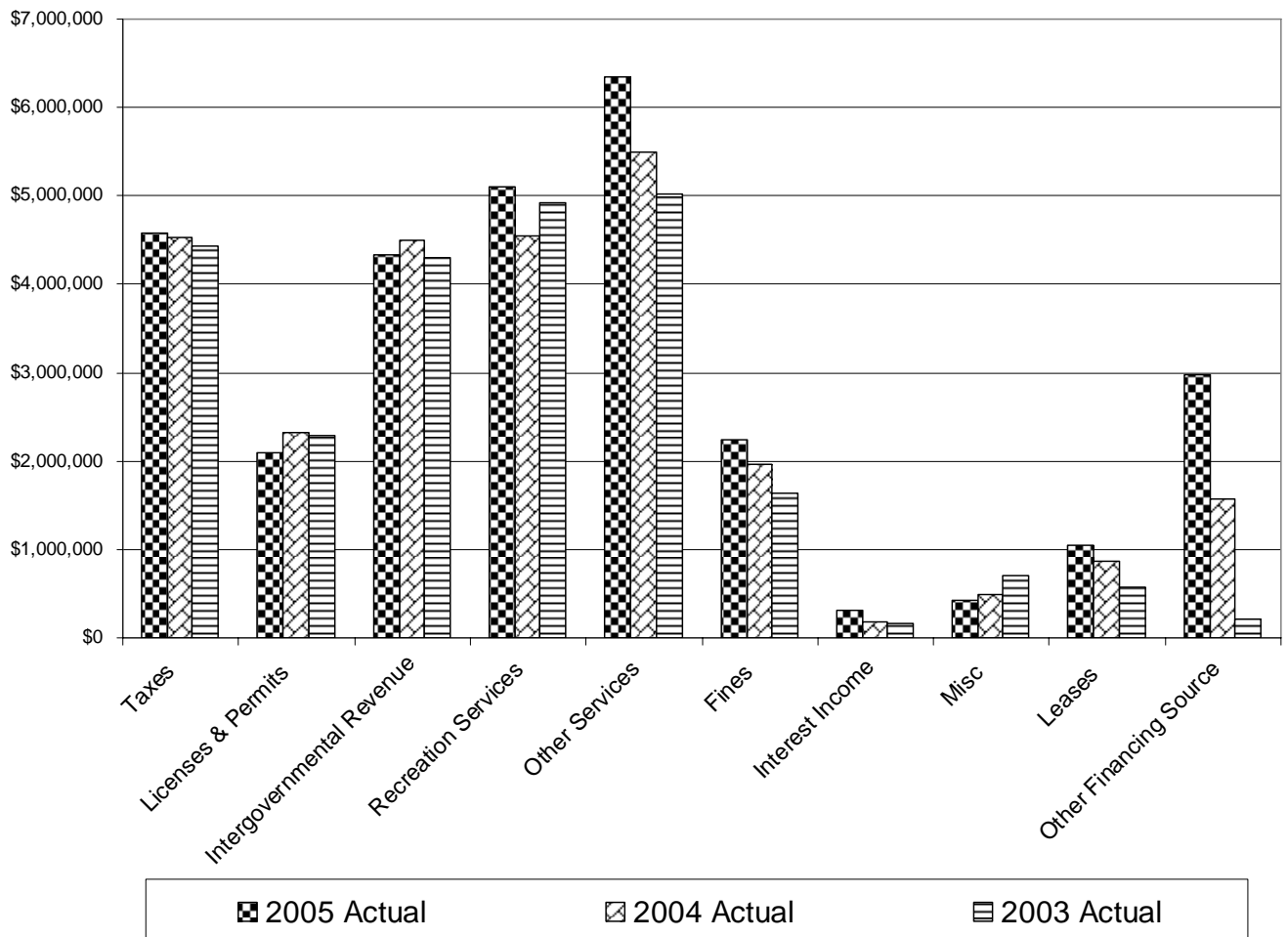
This section includes a discussion of highlights of each fund presented.

General Fund

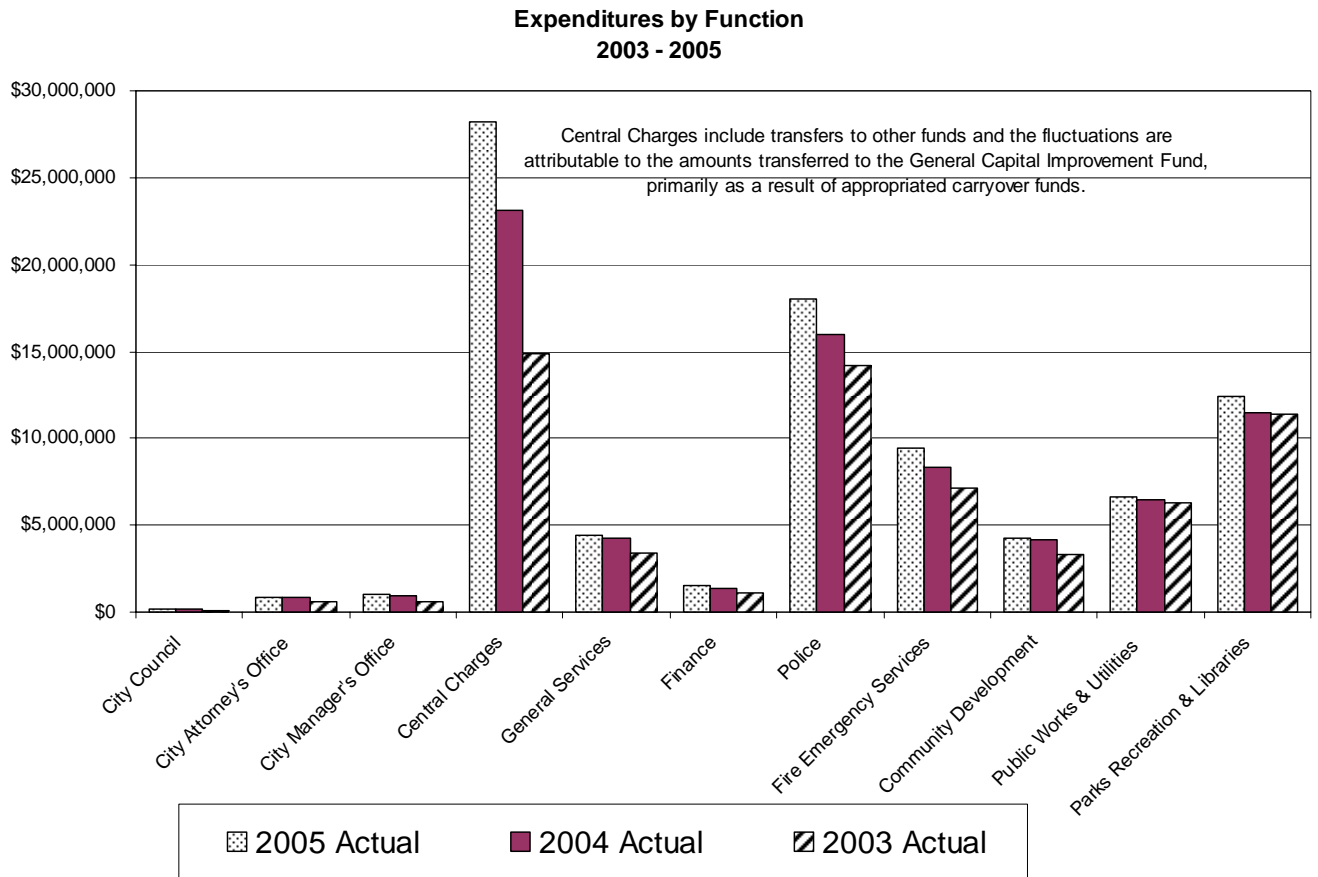
This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2003 – 2005 year-to-date.

**General Fund Revenues without Transfers and Carryover
2003 - 2005**



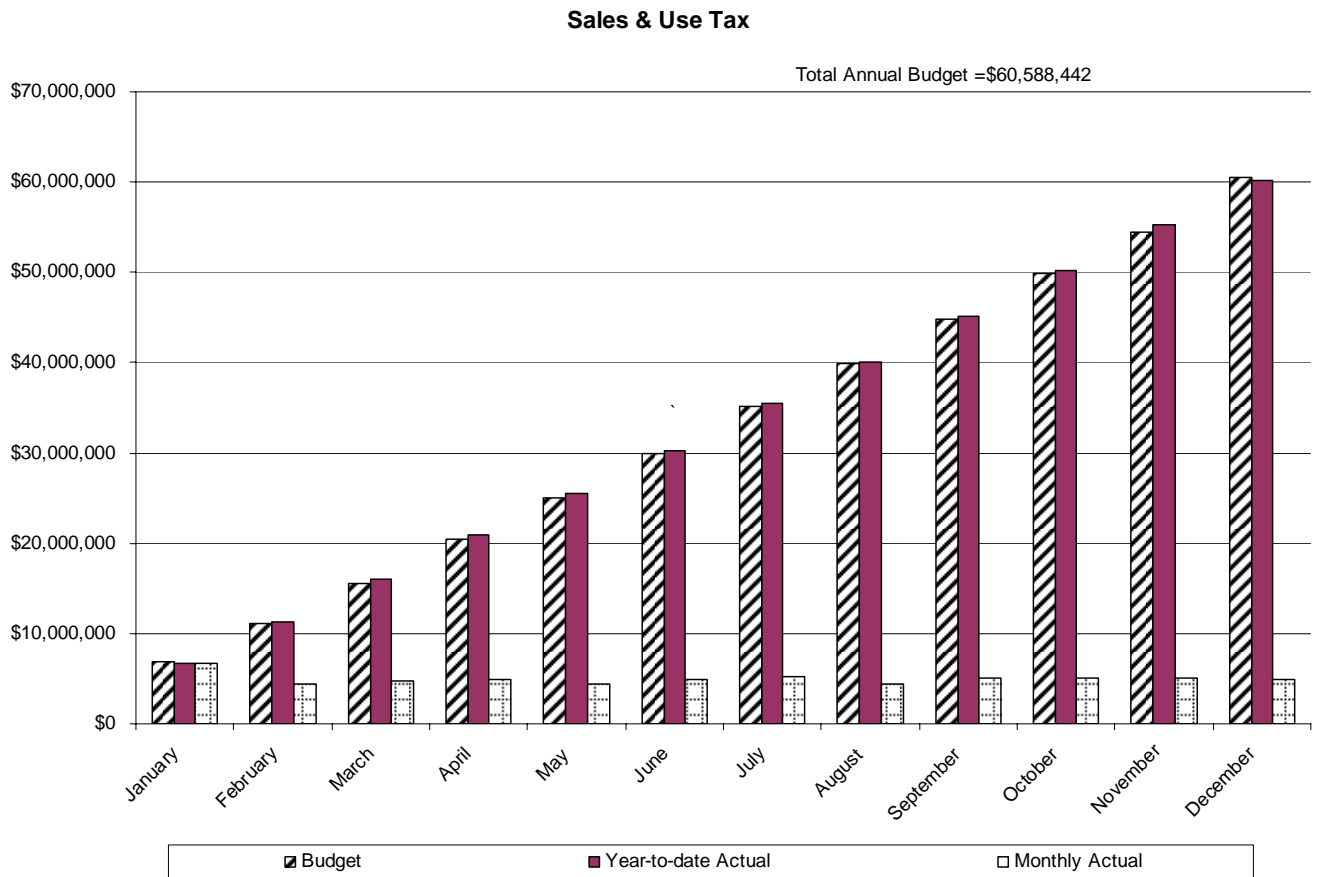
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2003 –2005.



Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.

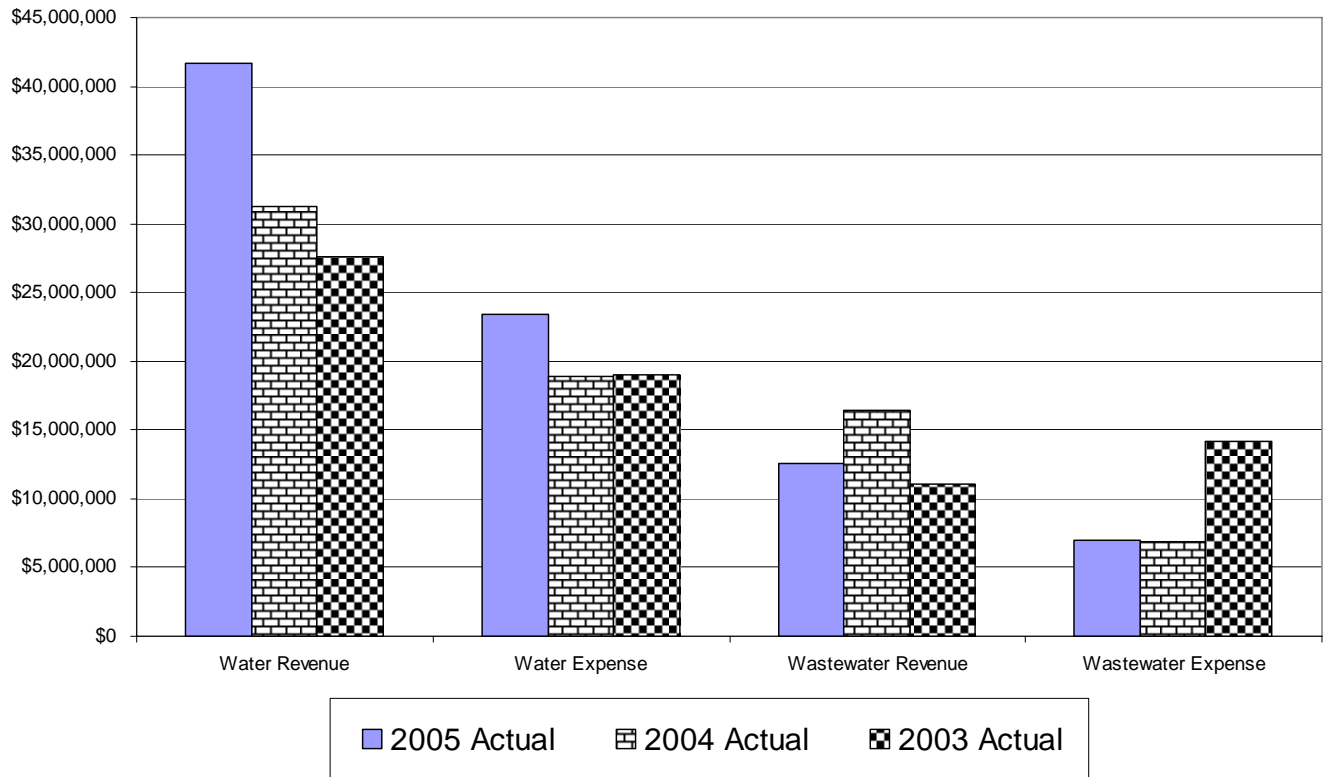


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

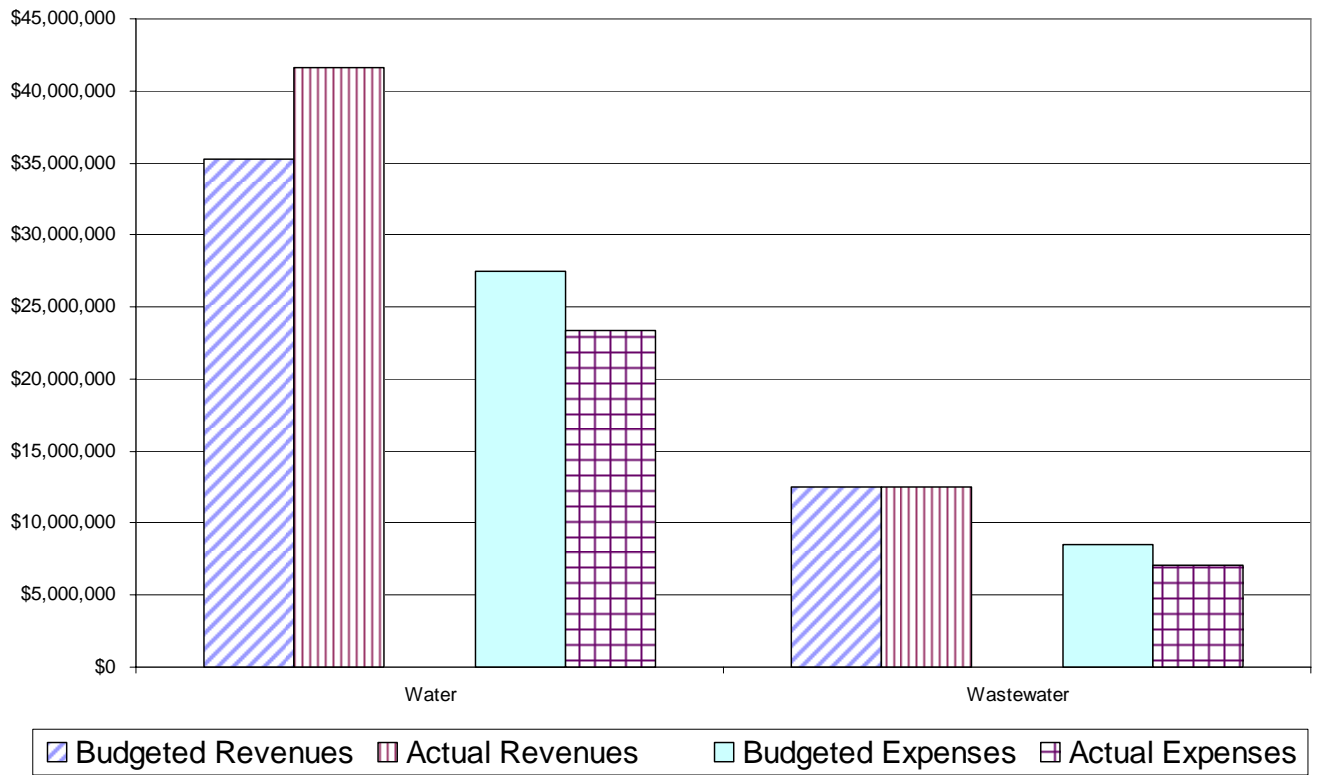
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds. The trend for wastewater revenues indicate that revenues are down for 2005. However, this is a reflection of using only \$323,000 of carryover in 2005 versus \$5,541,000 in 2004 and \$3,963,000 in 2003.

**Water and Wastewater Funds
Revenue and Operating Expenses 2003-2005**



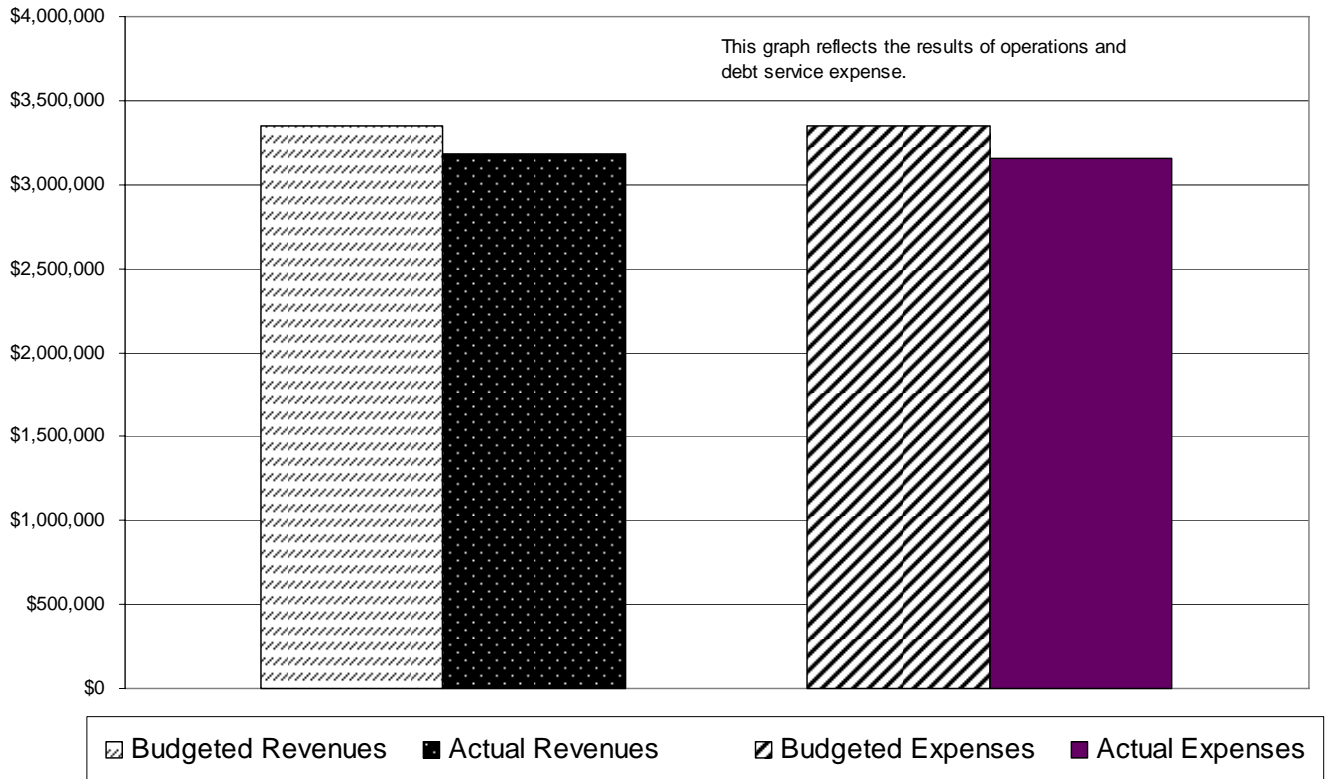
**Water and Wastewater Funds
Budget vs Actual**



Golf Course Enterprise (Legacy and Heritage Golf Courses)

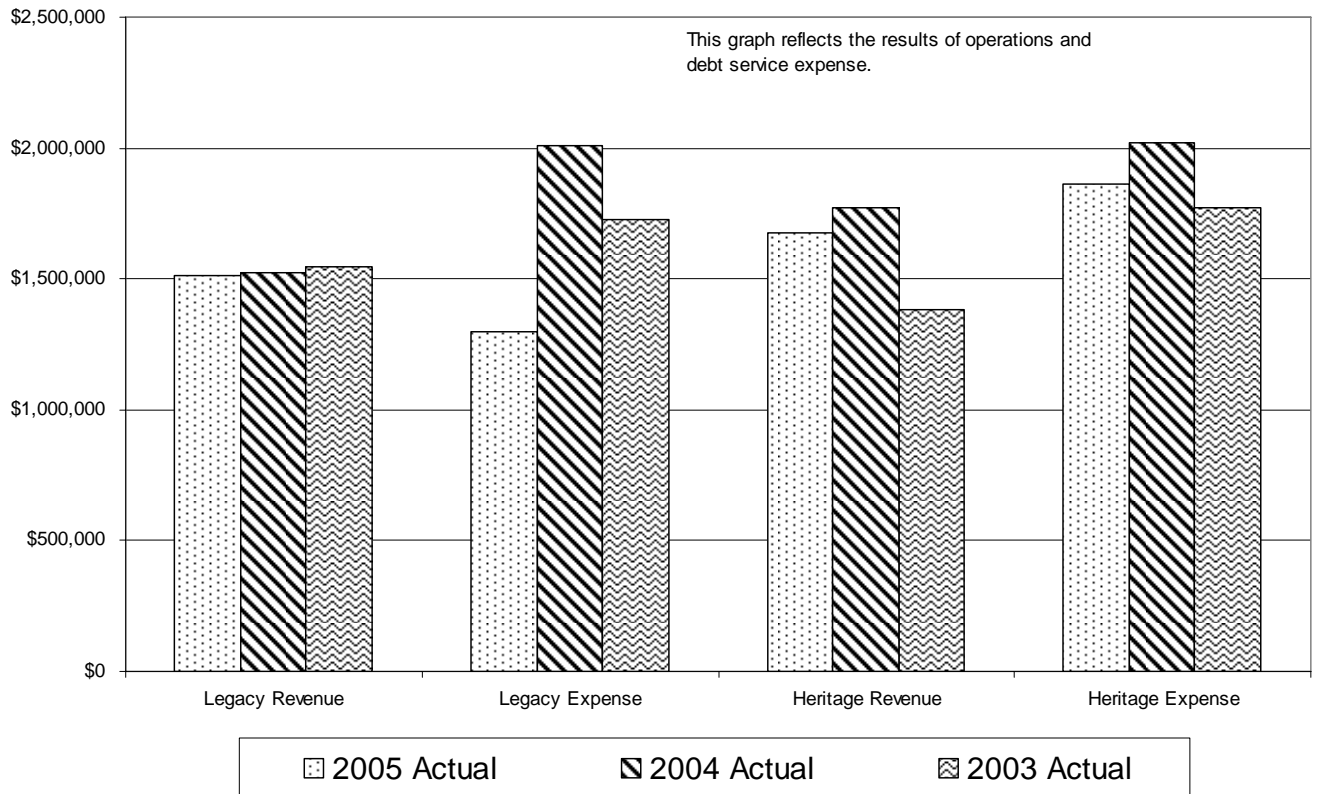
This enterprise reflects the operations of the City's two municipal golf courses. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years. This was primarily as a result of the City paying the Debt Service.

**Combined Golf Courses
Budget vs Actual**

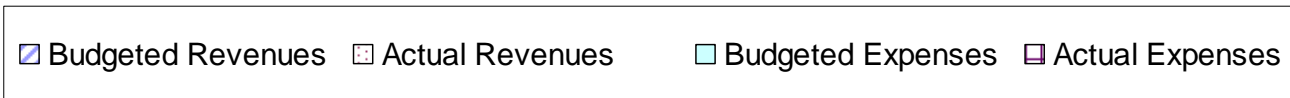
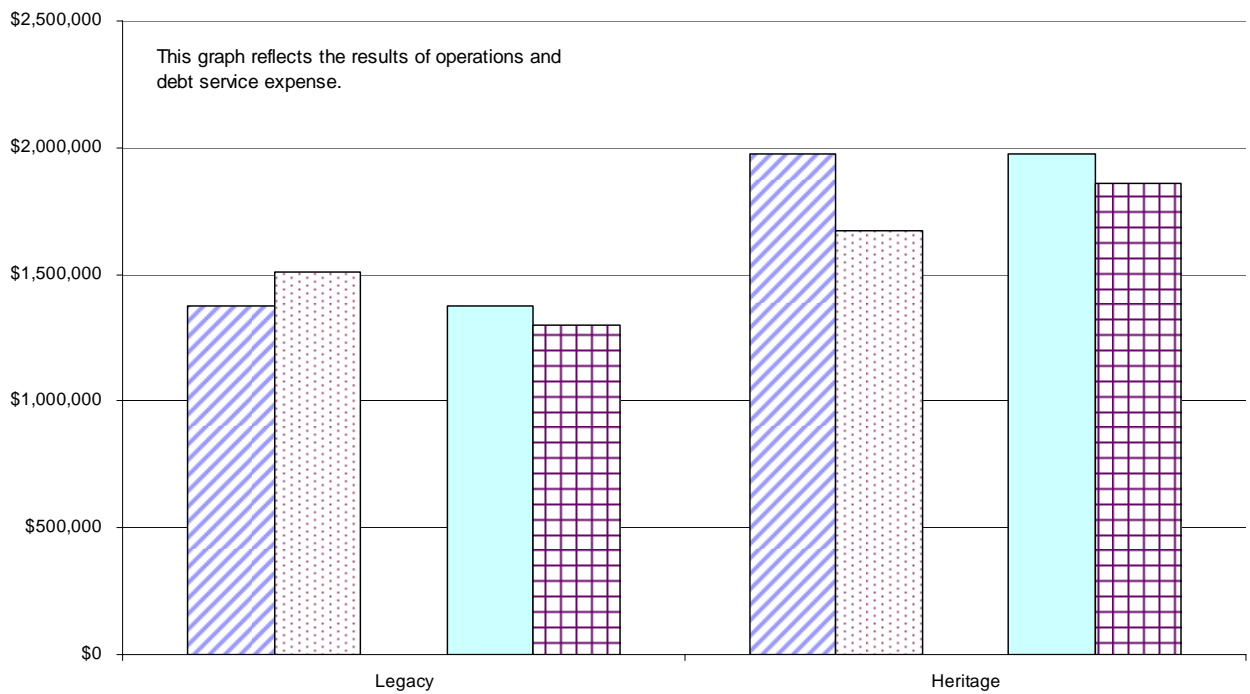


The following graphs represent the information for each of the golf courses. The Legacy Ridge expenses show significant fluctuations between 2003-2005. That is a direct result of the amount paid for debt service. In 2003, Legacy paid \$329,000; in 2004, \$494,000; and 2005, -0-. In addition, the golf cart fleet was replaced in 2004 for both Legacy and Heritage.

**Legacy and Heritage Golf Courses
Revenue and Expenses 2003 - 2005**



**Legacy and Heritage Golf Courses
Budget vs Actual**



Respectfully submitted,

J. Brent McFall
City Manager

Attachments -
Statements
Receipts

**City of Westminster
Financial Report
For the Twelve Months Ending December 31, 2005**

Description General Fund	Budget	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover					
Taxes	4,503,416		4,571,434	68,018	101.5%
Licenses & Permits	1,730,000		2,088,817	358,817	120.7%
Intergovernmental Revenue	4,826,840		4,326,282	(500,558)	89.6%
Charges for Services					
Recreation Services	5,258,843		5,108,588	(150,255)	97.1%
Other Services	6,077,757		6,340,486	262,729	104.3%
Fines	1,950,000		2,232,785	282,785	114.5%
Interest Income	250,000		310,411	60,411	124.2%
Misc	373,697		418,329	44,632	111.9%
Leases	1,025,000		1,050,000	25,000	102.4%
Refunds	(65,000)		(3,037)	61,963	4.7%
Interfund Transfers	57,290,850		57,026,850	(264,000)	99.5%
Other Financing Sources	2,984,418		2,984,418	-	100.0%
Sub-total Revenues	<u>86,205,821</u>		<u>86,455,363</u>	<u>249,542</u>	<u>100.3%</u>
Carryover	8,937,153		8,937,153	-	100.0%
Revenues and Carryover	<u>95,142,974</u>		<u>95,392,516</u>	<u>249,542</u>	<u>100.3%</u>
Expenditures					
City Council	200,123		165,972	(34,151)	82.9%
City Attorney's Office	920,080		860,401	(59,679)	93.5%
City Manager's Office	1,113,609		1,040,792	(72,817)	93.5%
Central Charges	32,607,601	(1)	28,188,311	(4,419,290)	86.4%
General Services	4,952,324		4,422,911	(529,413)	89.3%
Finance	1,748,923		1,534,300	(214,623)	87.7%
Police	19,000,322		17,990,288	(1,010,034)	94.7%
Fire Emergency Services	10,037,676		9,441,825	(595,851)	94.1%
Community Development	4,493,795		4,284,688	(209,107)	95.3%
Public Works & Utilities	7,092,197		6,619,780	(472,417)	93.3%
Parks, Recreation & Libraries	12,976,324		12,367,860	(608,464)	95.3%
Total Expenditures	<u>95,142,974</u>		<u>86,917,128</u>	<u>(8,225,846)</u>	<u>91.4%</u>
Revenues and Carryover					
Over(Under) Expenditures	<u>-</u>		<u>8,475,388</u>	<u>8,475,388</u>	

(1) Includes \$880,000 of contingency that was not spent and does not reflect a \$1,720,000 entry to Other Financing Uses.

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF DECEMBER 2005

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	451,327	3,057	454,383	528,967	2,369	531,336	-15	29	-14
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	386,132	13,324	399,456	341,947	1,665	343,612	13	700	16
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	222,370	1,787	224,156	221,024	2,710	223,734	1	-34	0
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	200,497	1,531	202,028	197,520	322	197,842	2	376	2
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	196,818	1,938	198,756	204,211	714	204,924	-4	172	-3
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	158,015	858	158,872	162,315	1,241	163,556	-3	-31	-3
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	106,775	26,236	133,011	93,414	23,722	117,136	14	11	14
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	113,010	1,163	114,173	65,239	170	65,409	73	584	75
SHOPS AT WALNUT CREEK 104TH & REED TARGET	107,643	5,716	113,359	93,050	2,366	95,417	16	142	19
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	79,373	97	79,470	149,763	44	149,808	-47	120	-47
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	71,104	1,443	72,547	113,949	90	114,040	-38	1496	-36
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	10,643	61,548	72,191	15,239	35,739	50,978	-30	72	42
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	56,724	837	57,561	61,225	116	61,341	-7	621	-6
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	55,757	153	55,910	57,602	104	57,706	-3	47	-3
WILLOW RUN 128TH & ZUNI	53,491	337	53,828	56,659	4,564	61,223	-6	-93	-12

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF DECEMBER 2005

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	38,496	12,549	51,045	37,168	390	37,558	4	3114	36
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	48,186	134	48,320	50,354	158	50,512	-4	-15	-4
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	35,129	175	35,304	41,159	2,124	43,283	-15	-92	-18
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	33,273	258	33,531	55,837	8,177	64,014	-40	-97	-48
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	31,282	12	31,294	27,424	0	27,424	14	*****	14
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	27,730	84	27,814	32,539	146	32,685	-15	-42	-15
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	27,271	211	27,483	22,983	383	23,366	19	-45	18
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	24,252	297	24,549	24,733	763	25,496	-2	-61	-4
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	21,326	65	21,391	21,892	78	21,970	-3	-16	-3
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	19,234	764	19,997	19,158	282	19,440	0	171	3
	2,575,857	134,574	2,710,430	2,695,371	88,437	2,783,808	-4	52	-3

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF DECEMBER 2005

Center Location Major Tenant	YTD 2005			YTD 2004			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	5,134,053	47,178	5,181,232	5,610,770	69,517	5,680,287	-9	-32	-9
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	3,804,444	90,980	3,895,424	4,371,493	23,769	4,395,262	-13	283	-11
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	2,684,799	13,652	2,698,451	2,698,676	42,531	2,741,207	-1	-68	-2
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,530,686	5,516	2,536,202	2,521,580	5,670	2,527,250	0	-3	0
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	2,360,288	46,934	2,407,222	2,357,363	26,369	2,383,732	0	78	1
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,959,981	33,337	1,993,318	1,797,483	41,433	1,838,916	9	-20	8
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,481,467	301,931	1,783,398	1,249,757	247,249	1,497,006	19	22	19
SHOPS AT WALNUT CREEK 104TH & REED TARGET	1,226,038	27,953	1,253,991	164,219	73,390	237,610	647	-62	428
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	1,172,987	48,551	1,221,539	566,045	4,488	570,533	107	982	114
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,107,094	7,208	1,114,302	1,216,700	2,974	1,219,674	-9	142	-9
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	915,194	7,499	922,692	964,101	5,407	969,508	-5	39	-5
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	728,048	7,162	735,210	641,464	4,621	646,086	14	55	14
WILLOW RUN 128TH & ZUNI SAFEWAY	705,885	13,030	718,915	667,370	18,418	685,788	6	-29	5
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	705,777	2,652	708,428	769,755	5,156	774,911	-8	-49	-9
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	645,555	7,771	653,326	685,005	3,983	688,989	-6	95	-5

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF DECEMBER 2005

Center	YTD 2005			YTD 2004			%Change		
Location Major Tenant	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
SAFEWAY									
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	578,440	5,964	584,403	357,846	417	358,263	62	1331 63	
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	527,085	5,736	532,821	588,771	6,591	595,362	-10	-13 -11	
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	502,398	16,407	518,805	467,482	7,138	474,620	7	130 9	
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	396,682	3,279	399,961	446,952	3,952	450,904	-11	-17 -11	
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	374,078	3,452	377,531	442,923	9,710	452,633	-16	-64 -17	
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	308,327	15,731	324,058	308,250	6,087	314,337	0	158 3	
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	306,033	13,044	319,078	305,500	26,034	331,534	0	-50 -4	
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	302,215	8,409	310,625	288,398	4,000	292,398	5	110 6	
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	275,692	1,627	277,319	297,192	7,690	304,882	-7	-79 -9	
FEDERAL STRIP W SIDE FEDERAL 68TH-72ND BOVAS	235,330	327	235,657	243,568	305	243,872	-3	7 -3	
	30,968,578	735,331	31,703,909	30,028,663	646,899	30,675,561	3	14 3	



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Quarterly Insurance Report: October - December 2005

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Accept the 4th Quarter 2005 Insurance Report.

Summary Statement

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

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Information on the status of each claim received during the 4th quarter of 2005 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee Representatives and Department Heads. Follow up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the 4th quarter of 2005, Staff has noted the following summary information:

- Four of the eleven claims reported in the 4th quarter of 2005 remain open at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

Department	4th Qtr 2005			YTD
	Total Claims	Open	Closed	Total
CD	0	0	0	1
Fire	3	0	3	5
Police	5	3	2	17
PR&L	2	1	1	7
PWU - Streets	0	0	0	3
PWU - Utilities	1	0	1	13
TOTAL	11	4	7	46

The attached report provides detailed information on each claim made during the fourth quarter of 2005.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**Quarterly Insurance Report
October - December 2005**

Claim	Date	Dept	Claimant	Address	Description	Reserves	Paid	Status	Notes
2005-407	05-Oct-05	PR&L	Paula Nakayama	11854 Vallejo St., Westminster CO	Claimant alleges she tripped on a raised portion of sidewalk, causing her to fall receiving multiple injuries.	\$0.00	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act
2005-425	13-Oct-05	Fire	Marc Hoffman	4610 109th Pl., Westminster CO	Paramedics responded to a 911 medical call, and after gaining access into this residence by breaking a window, discovered they had the wrong home.	\$65.65	\$65.65	Closed	
2005-448	28-Oct-05	Fire	Peter Gimeno	6885 W. 91st Ct., Westminster CO	Fire department employee driving a City vehicle rear ended another vehicle being driven by claimant	\$1,108.00	\$1,108.00	Closed	
2005-522	28-Oct-05	PWU-Util	Nick Gallegos	6831 Navajo St., Denver CO	Claimant alleges a sewer manhole lid in the parking lot at the Westminster Mall was propped up, and he ran over it, causing damage to his vehicle.	\$0.00	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City
2005-474	01-Nov-05	Fire	Debbie Lovato	300 W. 12th Ave. #2523, Westminster CO	Fire personnel responded to a 911 fire call where they found a fire in a plastic flower pot on the balcony of an apartment. When they attempted to remove the pot through the apartment, the bottom fell out and hot plastic melted the carpet. The Apartment management is billing the claimant for all damages.	\$100.00	\$100.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City employees. Claimant was offered \$100 "good neighbor" settlement per agreement between Police/Fire and Risk Management.
2005-478	15-Nov-05	PD	Thomas Wees	687 Somerset Dr., Golden CO	Police officer responding to a call attempted to maneuver his patrol car around some vehicles stopped at a light and clipped the claimant's vehicle with the patrol car, causing damage.	\$500.00	\$0.00	Open	CIRSA Investigating
2005-480-2	16-Nov-05	PD	Danny Fitch	13186 Birch Way, Thornton CO	Police officer backed his patrol car out of a parking space and hit the claimant's vehicle, which was parked and unattended at the time.	\$500.00	\$0.00	Open	CIRSA Investigating
2005-512	05-Dec-05	PR&L	Annette Berg	11555 W. 102nd Ave., Westminster CO	Strong winds blew a large empty water storage tank from a City facility across Open Space land and into a citizen's fence and deck.	\$625.00	\$0.00	Open	Contractor repair of the damage is being scheduled
					SUB TOTAL	\$2,898.65	\$1,273.65		

CLAIMS SUBMITTED IN 4th QUARTER WITH OCCURRENCE DATES PRIOR TO 4thD QUARTER 2005:									
Claim	Date	Dept	Claimant	Address	Description	Reserves	Paid	Status	Notes
2005-343-2	24-May-05	PD	Gerald Kenneth Jorgenson	Adams County Detention Center, 150 N 19th St., Brighton CO	Claimant alleges he suffered injuries and damages at the hands of Westminster Police Officers during an arrest after a standoff at the La Quinta Inn.	\$0.00	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and that the investigation determined the actions of the officers were lawful and followed the City's current polices and procedures.
2005-289-3	01-Jul-05	PD	Dean M. Chavez	C.T.C.F., PO Box 1010, Canyon City CO	Claimant alleges he suffered injuries and damages at the hands of Westminster Police Officers during an arrest.	\$0.00	\$0.00	Open	CIRSA Investigating
2005-491	11-Aug-05	PD	Progressive Insurance on behalf of their insured Cassie J. Francone	325 E Riverview Ave #12, Fort Morgan CO	Claimant alleges her stopped vehicle was hit by the driver of a suspect vehicle, which was being chased by City police officers.	\$0.00	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and that the investigation determined the actions of the officers were lawful and followed the City's current polices and procedures.
					SUB TOTAL	\$0.00	\$0.00		
					GRAND TOTAL	\$2,898.65	\$1,273.65		



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Table Mountain Animal Center Annual Assessment

Prepared By: Janice Kraft, Neighborhood Services Administrator

Recommended City Council Action

Authorize payment of \$71,217.12 to Table Mountain Animal Center for the City's 2006 assessment for animal sheltering services.

Summary Statement

On November 25, 1996 City Council authorized the City Manager to enter into an intergovernmental agreement for the provision of all animal sheltering functions for the City of Westminster to be located at Table Mountain Animal Center (TMAC). Westminster is party to this intergovernmental agreement with Jefferson County, Lakewood, Wheat Ridge, Arvada, Golden, Morrison, Mountain View, and Edgewater. Annual contributions to the operating costs of TMAC are shared by these nine entities and are determined by an assessed valuation based on population. The intergovernmental agreement restricts these assessments paid to TMAC to no more than 50% of the annual operating costs. The remaining amount is to be obtained through fundraising efforts.

The \$71,217.12 2006 assessment is \$1,217.12 more than the amount budgeted for this expense. This is due to the fact that a preliminary estimate was received from Table Mountain prior to adoption of the 2005/2006 budget. This overage will be absorbed within the 2006 General Fund Police Department Operating Budget.

Expenditure Required: \$71,217.12

Source of Funds: 2006 General Fund Police Department Operating Budget

Policy Issue

Should City Council authorize the expense of \$71,217.12 for Westminster's 2006 assessment of operating costs for Table Mountain Animal Center?

Alternative

The City could examine alternatives to obtaining animal sheltering services from Table Mountain Animal Center. Staff has examined cost effective alternatives for this service in the past and will evaluate options again in advance of the 2007/2008 budget process.

Background Information

City Council directed Staff to research the feasibility of outsourcing the animal control function and in March of 1996 Staff presented several options to City Council that included:

- Total outsourcing of the entire animal control operation to another agency such as Adams County or Jefferson County.
- Total outsourcing of the entire animal control operation to a private entity, such as Boulder Valley Humane Society.
- Outsourcing of only the animal sheltering operation to Table Mountain Animal Center.

In November 1996 City Council directed the City Manager to enter into an agreement with Table Mountain Animal Center for the provision of all animal sheltering functions, effective January 1, 1997. This intergovernmental agreement set out the method for calculating each participating agencies assessment for TMAC operating expenses. An annual operating budget is to be established by the TMAC Director and approved by a Board of Directors made up of representatives of each of the nine participating agencies. Each of those participating entities' contribution to that operating budget is determined based on population. No more than 50% of TMAC's annual operating budget is funded through these assessments. The remaining amount comes through fundraising efforts by the Table Mountain Animal Center Foundation Board.

Historically, the City's assessment has raised an average of 5% per year. The assessment in 2000 was \$30,906, in 2001 it was \$34,451, in 2002 it was \$35,664, in 2003 it was \$38,188, and in 2004 it was \$38,952. City Council authorized a 2005 assessment of \$67,676.85 which was an increase of \$28,724.85 from the 2004 assessment. This amount was to support salary increases, increases in annual operating expenses and capital expenses to the infrastructure of the building. The increase from the 2005 assessment amount to the 2006 assessment is 5%.

The Table Mountain Animal Center Board has begun a process to evaluate constructing a new facility. The current structure, located at approximately I-70 and Youngfield, is over 30 years old. Service demands placed on the facility by the participating agencies' increases in animal management calls for service have stretched the capabilities of the building significantly. Over 11,000 animals moved through the shelter in 2005. Additionally, animal shelter regulating agencies have increased the requirements placed on a facility housing animals and the TMAC shelter has been faced with several capital expenses to meet these regulations, in addition to expenses for infrastructure repairs commonly encountered with a building of this age.

The TMAC Board has contracted with an architect and preliminary work has begun on options for determining a new site, which may not be required, and space needs for a new building. Staff's understanding of the project is that Jefferson County has provided the seed money for the architect's preliminary work and will donate the land for the location of the new facility. Capital costs will be raised through donations and fundraising efforts and participating agencies will have no financial obligation for construction costs. Staff has requested that the TMAC Board provide estimates of operating costs for this new facility, which they hope to open in late 2007, so that any changes in assessments can be accounted for during the 2007/2008 budget process.

Respectfully submitted,

J. Brent McFall, City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Ferric Chloride Tank Replacement at Semper Water Treatment Facility

Prepared By: Mike Happe, P.E., Water Resources and Treatment Manager

Recommended City Council Action

Authorize the City Manager to execute a contract with Lillard and Clark Construction Company, Inc. for replacement of two Ferric Chloride Tanks at the Semper Water Treatment Facility (SWTF) at a cost of \$125,214, and a project contingency in the amount of \$15,000. Authorize engineering costs of up to \$35,000, and a total project budget of \$175,214. In addition authorize the transfer of \$175,000 from the Water Capital Project Reserve account to the newly created Semper Ferric Tank Improvements capital project account to cover costs of construction, project contingency and engineering services.

Summary Statement

- In November 2005, water treatment Staff noticed a crack in the outer layer of one of two 16,500 gallon ferric chloride storage tanks. Staff immediately drained the cracking tank and had the tank manufacturer’s representative and the engineering firm of Burns and McDonnell investigate the crack to determine if this was repairable or if the tank needed to be replaced.
- The manufacturer’s local representative recommended that this tank should not be repaired or returned to service.
- Burns and McDonnell Engineering inspected the tanks and have recommended replacing both tanks with two new fiberglass reinforced plastic storage tanks.
- Due to the complexity involved in the building configuration, the estimate for replacement of the tanks including materials, labor (Lillard and Clark), engineering and contingency is \$175,000.
- Staff sought bids for the construction phase of the replacement. Three contractors responded with the costs listed below. Costs listed include the cost of the new tanks (estimated \$58,000):

<u>Contractor</u>	<u>Cost</u>
Lillard & Clark	\$125,214
Garney	\$174,677
Jennison	\$165,098

- The project must move forward quickly to ensure the replacement is complete by May 1 and the Semper Facility is fully ready for spring and summer water demands.

Expenditure Required: \$175,000

Source of Funds: Utility Fund – Water Capital Project Reserve Account

Policy Issue

Should the City replace the two Ferric Chloride tanks with fiberglass reinforced plastic storage tanks prior to May 1 of this year?

Alternatives

1. The City could decide to operate the last remaining ferric chloride tank through the summer and implement contingency plans should the tank fail and the SWTF is taken out of service. This alternative would allow time to further evaluate alternatives and have more time for installation. Staff does not recommend this alternative, as the potential for tank failure and implementation of contingency plans may have the impact of requiring temporary mandatory watering restrictions. It is unlikely that this alternative will save significant amounts of money or result in a superior design. There simply are no practical alternatives to the basic tank selection and construction alternative that is being recommended.
2. The City could decide to only replace one ferric chloride tank at this time. Staff does not recommend this alternative, as the replacement of one tank would save approximately \$20,000 initially, but the remaining tank would likely need to be replaced in the near future at a cost far in excess of the \$20,000 savings. In the long run, it is unlikely that this alternative would be a net benefit to the City, but could be considered if initial funding is a concern.

Background Information

Ferric chloride is used at the Semper Water Treatment Facility (SWTF) for coagulation prior to sedimentation and is an essential component of the water treatment process. The two existing 16,500 gallon storage tanks were installed in 1995, and one of these tanks has developed a crack in its outer tank wall rendering it unusable. If the remaining ferric chloride tank were to crack or otherwise become unusable, it would not be possible to use the SWTF to meet the water demand of the system until a replacement tank could be put in place. It is possible to meet winter demand using the Northwest Treatment Facility (NWTF) temporarily; however as the summer months approach and the demand increases, the SWTF becomes necessary to meet total system demand. It should be noted that running the NWTF to meet the entire City demand in April is only a temporary solution, and if SWTF is taken out of service, some measures will need to be taken to have a temporary system in place to allow the SWTF to supplement the flow using portable tanker trucks for coagulant storage. Barring an unusually warm and dry spring, there is sufficient capacity at the NWTF and temporary tankers at Semper, if necessary, to meet full demand through April of this year. Beyond April, there is the risk of the second ferric chloride tank failing and having to implement emergency actions (either through mandatory water restrictions or installation of a temporary chemical storage and feed system).

The ferric chloride storage tanks were installed in 1995 as part of a SWTF upgrade project. Upon discovery of the problem, Staff immediately drained the cracking tank and had the tank manufacturer's representative and the engineering firm of Burns and McDonnell investigate the crack to determine if this was repairable or if the tank needed to be replaced. Burns and McDonnell was selected to assist Staff with this evaluation since they are on-site working on the tube settler replacement project and are familiar with the SWTF. The manufacturer's local representative, Municipal Treatment Equipment, Inc., recommended that this tank should not be repaired or returned to service. The 10+ year old tanks are made of high-density polyethylene and have a design life expectancy of between 8-10 years according to the manufacturer. Since both tanks were installed at the same time and have been exposed to equal amounts of service, it is very possible that a similar failure in the other tank may occur in the near future.

Burns and McDonnell has inspected the tanks and the chemical storage building where the tanks reside and have recommended replacing both tanks with two new fiberglass reinforced plastic storage tanks. These tanks have a life expectancy of 25 to 30 years (as opposed to the 10-year life of the existing tanks). Due to the building configuration, work related to mechanical and electrical rerouting required and the fact that the second tank is subject to failure in the near future, Burns and McDonnell is recommending replacing both tanks at the same time, saving significant labor costs in the long run. This firm will provide the necessary engineering services at an estimated cost of \$25,000-\$35,000, and these costs are included in the total project funding being requested for transfer. The final engineering costs are being negotiated and the City Manager will execute the contract at the conclusion of negotiations.

The requested \$175,000 funding is available in the Water Capital Project Reserve account.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 E

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: 2006 Chipseal Project Award

Prepared By: Ray Porter, Street Operations Division Manager
Dave Cantu, Contract Maintenance Foreman

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest would be best served by awarding this contract to A-1 Chipseal Company as the sole source contractor. Authorize the City Manager to sign a contract for the 2006 Chipseal Project to A-1 Chipseal Company in the amount of \$1,533,347 which includes a 2% contingency amount.

Summary Statement

- City Staff negotiated project costs with A-1 Chipseal Company for 154,119 square yards of conventional chipseal to be applied on 46 Westminster residential and collector streets and another 366,861 square yards of 7/8" thick double bonded hot applied chipseal resurfacing on thirteen arterial and collector streets (see location list and map), in the amount of \$1,498,347.
- A-1 Chipseal has successfully completed chipseal projects in the City of Westminster for the past nine years (1997 – 2005).
- 2006 negotiated unit prices for the combined hot applied and conventional chipseal will increase 7.6% over the 2005 negotiated price due primarily to the escalating costs for oil.
- 2006 project includes major streets such as 92nd Avenue from Federal Boulevard to Harlan Street; 88th Avenue from Wadsworth Parkway to Independence Drive; 72nd Avenue from Sheridan Boulevard to Pierce Street and 104th Avenue from Federal Boulevard to Sheridan Boulevard.

Expenditure Required: \$ 1,533,347

Source of Funds: General Fund
- Street Division Operating Budget (\$1,033,347)
General Capital Improvement Fund
- Arterial Roadway Resurfacing (\$500,000)

Policy Issue

Should the City accept the negotiated costs with A-1 Chipseal Company?

Alternatives

1. Bid the chipseal work with the annual Asphalt Pavement Rehabilitation Project.
 - Costs would increase by an estimated 15% due to the fact that both the general contractor and sub-contractor will calculate profit into the project.
 - A-1 Chipseal Company would ultimately be the sub-contractor performing the work. A-1 Chipseal Company has been and remains the sole contractor in the metropolitan area for chipseal construction. An advantage would be that only one contract would be necessary, which would reduce administrative time; however, this alternative is not recommended by Staff due to the additional costs.

2. Resurface the conventional chipseal streets with a thin 1” overlay of hot-mix asphalt (HMA).
 - Staff does not recommend this alternative for the following reasons:
 - With this alternative, the cost would double and the added strength of the pavement structure would be similar to conventional chipseal.
 - The pavement’s flexibility would not increase as it does with the chipseal.

Background Information

The 2006 Chipseal Project represents a total of 74 lane miles of pavement surface improvements to 59 street segments throughout the City of Westminster through a combination of two processes; double bonded hot applied chipseal resurfacing and conventional single process chipseal.

The double bonded hot applied chipseal resurfacing will be applied on 13 major roadways, totaling 57 lane miles of improvements. The extended pavement life is 8 – 10 years for the double chipseal resurfacing application on major roadways. The double bonded hot applied chipseal application price of \$3.53 per square yard represents an increase of 6.5% from the 2005 price.

The conventional single process chipseal will be done to 17 lane miles of residential roadways at 46 locations throughout the city. The life expectancy of these residential roadways will be extended 8 – 10 years with this economical process. The conventional chipseal unit price of \$1.52 per square yard increased 10% from the 2005 price.

In an effort to respond to citizens’ questions, Staff will be sending a letter to affected residents explaining the process of the conventional chipseal application and what to expect during the curing period. Special attention will be given to consistent and timely inspection during the construction process and sweeping will be scheduled the day after the conventional chipseal is applied. Once sweeping is done, a fogseal will be applied over the surface to seal loose rock from the top down. The fogseal finish has upgraded the quality of construction and has been done successfully for the past 13 years.

The contractor, A-1 Chipseal Company, has successfully completed chipseal projects over the past nine years in Westminster and the cities of Denver, Aurora, Frederick, Lakewood, Arvada, Golden, Northglenn, Loveland, Estes Park, Adams County, Douglas County, Jefferson County, Elbert County, and the Colorado Department of Transportation (CDOT). A-1 Chipseal’s owner has been in the business since 1981 and the City of Westminster has been chipsealing city streets since 1976.

SUBJECT: 2006 Chipseal Project Award

Page 3

This combined chipseal project is recommended by Staff after each street segment was carefully analyzed through the computerized Pavement Management process. Through this careful analytical process it was determined that the preventative maintenance strategies outlined in this memorandum continue to be the most cost effective.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment
Location List
Location Map

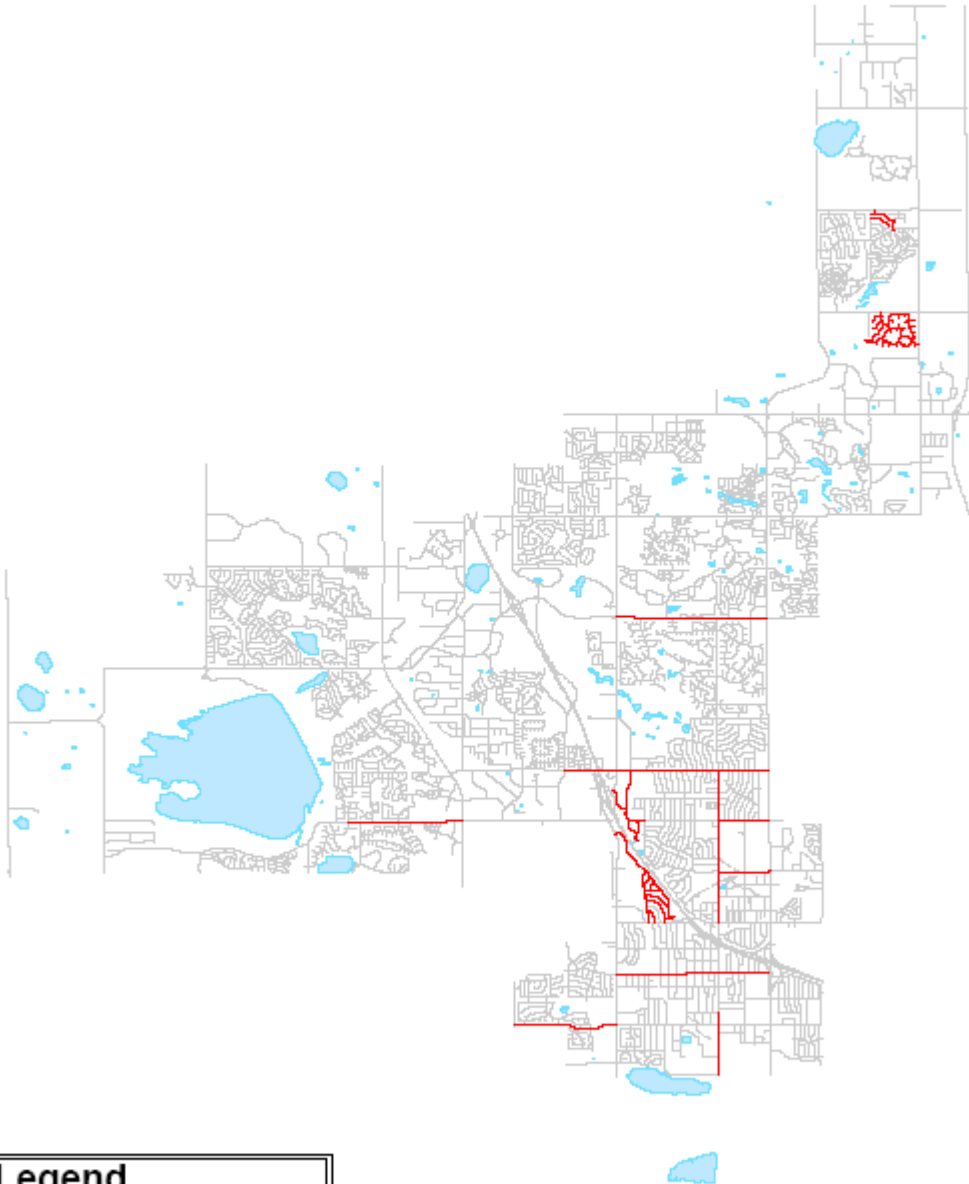
*City of Westminster
Public Works & Utilities
Street Operations Division
2006 Chipseal Project Location List
Project # IICS-06-1*

1	104th Avenue, Sheridan Blvd to Federal Blvd
2	72nd Avenue, Sheridan Blvd to Pierce Blvd
3	76th Avenue, Turnpike Drive to Sheridan Blvd
4	84th Avenue, Federal Blvd to Lowell Blvd
5	88th Place, Yates Street to Sheridan Blvd
6	88th Avenue, Lowell Blvd to Federal Blvd
7	88th Avenue, Wadsworth Parkway to West Independence Drive
8	88th Avenue, Yates Street to Wagner Lane
9	92nd Avenue, Federal Blvd to Harlan Street
10	Lowell Blvd, 68th Avenue to 73rd Avenue
11	Lowell Blvd, 80th Avenue to 92nd Avenue
12	Turnpike Drive, Sheridan Blvd to South End
13	Wolff Court, 88th Avenue to South End
14	Yates Street, 88th Avenue to Wolff Court
15	Yates Street, 92nd Avenue to 88th Avenue
16	124th Court, 1164 to 1194
17	124th Courtt, 124th Drive to West End
18	124th Drive, Home Farm Avenue to 124th Court
19	125th Drive, Home Farm Lane to 124th Court
20	126th Court, Home Farm Drive to East End
21	126th Court, Home Farm Lane to West End
22	126th Place, Home Farm Circle to East End
23	126th Place, Home Farm Drive to East End
24	127th Court, Home Farm Drive to East End
25	127th Court, Home Farm Drive to West End
26	127th Court, Home Farm Lane to West End
27	127th Place, Home Farm Drive to East End
28	127th Place, Home Farm Lane to East End
29	135th Drive, Kalamath Street to West End
30	135th Place, Osage Street to 134th Place
31	80th Avenue, Raleigh Street to East End
32	82nd Avenue, Turnpike Drive to Tennyson Street
33	Apex Lane, Turnpike Drive to Tennyson Street
34	Barr Lane, Turnpike Drive to 82nd Avenue
35	Home Farm Circle, 951 to 981
36	Home Circle, 124th Drive to 124th Drive
37	Home Farm Court, Home Farm Avenue to South End
38	Home Farm Drive, 12586 to 12556
39	Home Farm Drive, 12715 to 12745
40	Home Farm Drive, 12716 to 12736

*City of Westminster
Public Works & Utilities
Street Operations Division
2006 Chipseal Project Location List
Project # IICS-06-1*

41	Home Farm Drive, Home Farm Avenue to Home Farm Lane
42	Home Farm Avenue, Huron Street to Home Farm Circle
43	Home Farm Lane, 128th Avenue to South End
44	Jason Court, 124th Drive to South End
45	Jason Court, Home Farm Avenue to South End
46	Kalamath Court, Home Farm Circle to North End
47	Kalamath Court, Home Farm Drive to South End
48	Kalamath Court, 124th Drive to South End
49	Kalamath Street, 134th Avenue to 135th Place
50	Lipan Court, 124th Drive to South End
51	Mariposa Court, 124th Drive to South End
52	Navajo Court, 124th Court to South End
53	Navajo Street, 135th Drive to 136th Avenue
54	Raleigh Place, Tennyson Street to 80th Avenue
55	Raleigh Street, Tennyson Street to 80th Place
56	Stuart Place, Tennyson Street to 80th Avenue
57	Stuart Street, Tennyson Street to 80th Avenue
58	Tennyson Street, 80th Avenue to Turnpike Drive
59	Turnpike Drive, Raleigh Street to North End

**City of Westminster
2006 Chipseal Project**



Legend

- 2006 Chipseal
- City of Westminster





**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Deicing Materials Purchase

Prepared By: Ray Porter, Street Operations Manager

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest would be best served by the purchase, on an as needed basis, of 1,343 tons of “Ice Slicer” from the sole source supplier Envirotech Services, Inc., for a cost not to exceed \$89,470, and authorize the purchase of 1,725 tons of rock salt from the low quote, Transloaders, Inc., for a cost not to exceed \$89,475.

Summary Statement

Ice Slicer

- Ice Slicer, which is mined in Utah, is a complex chloride-based solid chemical deicer used to keep roads safe during winter months. The City began using Ice Slicer during the 1999/2000 snow season.
- Ice Slicer is an approved product by the Regional Air Quality Council and the Colorado Department of Public Health and Environment in meeting the PM 10 Standards set forth for the Metro area as a measure to reduce the “brown cloud” effect associated with street sanding.
- Ice Slicer is the primary product used by most cities and counties throughout the Metro area.
- Envirotech Services, Inc. is the sole supplier in the Rocky Mountain Region of Ice Slicer.

Salt

- Salt is also purchased as a deicing product to ensure safer travel for the motoring public. Staff mixes the salt and Ice Slicer to provide greater deicing strength during the winter driving conditions.
- Bids for salt were solicited through the Multiple Assembly of Procurement Officials (MAPO) organization and are as follows for the City of Westminster.

Independent Salt	\$66.82
Tri-State Commodities	\$59.50
- However, Staff negotiated a price of \$51.87 with Transloaders, Inc. of Denver and will take advantage of the lower price and purchase salt for the 2006 season from Transloaders, Inc.

Expenditure Required: Not to exceed \$178,945

Source of Funds: General Fund - Public Works and Utilities 2006 Street Operations Budget

Policy Issue

Should City Council authorize the purchase of up to 1,343 tons of Ice Slicer from the sole source supplier, Envirotech Services, Inc., in an amount not to exceed \$89,470 and up to 1,725 tons of salt from the low quote, Transloaders, Inc., in an amount not to exceed \$89,475?

Alternatives

One alternative is to not purchase deicing materials, which is not recommended as keeping the streets safe for the motoring public during the winter months is of the highest priority.

A second alternative is to re-bid the salt purchase. However, this alternative is not recommended since Staff does not believe the unit cost of salt will decrease.

Background Information

Ice Slicer meets the Regional Air Quality Council and the Colorado Department of Public Health and Environment PM 10 Standards for air quality control. It also eliminates the use of sand, which, in turn, reduces additional street sweeping during winter months.

Envirotech Services, Inc. is the sole supplier in the Rocky Mountain Region of Ice Slicer. During the winter months, delivery can take up to three weeks, as all cities and counties in the Denver metro area use Ice Slicer and Envirotech Services. Ordering Ice Slicer now and receiving early delivery assures the City of Westminster's snow removal program continues to set the standard in the Metro area.

The low quote from Transloaders, Inc. bears no problems as the City has done business with them for the past 20 years as they are reliable in obtaining salt on an as-needed basis. Salt is purchased in conjunction with Ice Slicer as it is blended at a ratio of 50% to be effective in assuring safe driving conditions.

These expenditures are within the approved 2006 Public Works and Utilities Street Operations Division budgeted amount for these items.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Item 8 G

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Purchase of Water Treatment Chemicals

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Award the bids for the purchase of Ferric Chloride to Kemiron Companies, Caustic Soda and Sodium Hypochlorite to DPC Industries, and Polyaluminum Chloride to General Chemical at the unit prices indicated on the bid tabulation on an as-needed basis up to a maximum of \$444,000, and charge the expense to the appropriate 2006 Water Resources Division Budget.

Summary Statement

- Sufficient funds for the purchase of water treatment chemicals were included in the approved 2006 Water Resources Division Budget.
- Three chemicals will be purchased in large quantities in 2006. They are: Ferric Chloride, Caustic Soda, and Sodium Hypochlorite.
- In November 2005, the Multiple Assembly of Procurement Officials (MAPO) issued a bid for water treatment chemicals. These joint purchase bids are being recommended for the purchase of Ferric Chloride, Caustic Soda, and Sodium Hypochlorite.

Expenditure Required: Not to exceed \$444,000

Source of Funds: Utility Fund - Water Resources Division Budget

Policy Issue

Should the City accept the MAPO bids for Water Treatment Chemicals or seek bids separately for the City of Westminster?

Alternative

Reject the MAPO bid and re-bid the chemicals. This is not recommended as the bids received through MAPO are valid bids that the City would most likely not to be able to improve upon.

Background Information

As part of the 2006 Budget, City Council approved the purchase of water treatment chemicals for the City’s water supply. Information regarding each chemical and its approximate annual usage and low bid price follows:

CHEMICAL	APPROXIMATE QUANTITY	PRICE	EXTENDED PRICE	VENDOR
Ferric Chloride	400 tons	\$ 539 ton	\$215,600	Kemiron Companies
Caustic Soda	150 tons	\$ 584 ton	\$ 87,600	DPC Industries
Sodium Hypochlorite	80 tons	\$1,760 ton	\$140,800	DPC Industries

Ferric Chloride is used for coagulation/clarification in the treatment process at the Semper Water Treatment Facility. Caustic Soda is used for pH control and chlorine is used for disinfection. These chemicals are used at the Semper Water Treatment Facility and the Northwest Water Treatment Facility. The usage numbers are approximate since this is for the whole year’s usage, and factors such as weather and demand are unpredictable. The approximate usage figures are based on last year’s actual usage.

This bid was put out on behalf of MAPO, a cooperative of state, municipal, county, special district, school district and other local government agencies. This is a competitive bid and offers greater volume and lower prices to the City than the City can obtain on its own. Westminster City Code 15-1-4-A1 specifically states that this is an acceptable form of purchasing for the City.

Fourty-three chemicals were put out on the MAPO bid. Twenty-one water chemical vendors responded to the bid notification. They were American Pride; Baker Tanks; Basic Chemical Solutions; BHS Marketing; Cal Pacific Carbon; Carus Chemical Corp; DPC Industries; Dimmitt Sulfur Products Ltd; Industrial Chemicals; Interstate Chemical; General Chemical Performance Products, LLC; Harcros Chemicals; Kemiron North America; Mississippi Lime; Nalco Company; NORIT; Peak Polymer; Polydyne; Thatcher Company; Treatment Tech.; and Univar.

The low bids for the three chemicals, Ferric Chloride to Kemiron in the annual approximate amount of \$215,600, Caustic Soda to DPC Industries in the annual approximate amount of \$87,600, and Sodium Hypochlorite to DPC Industries in the annual approximate amount of \$140,800 meet all specifications and requirements set by the City.

The annual estimated cost of the chemicals is within the amount previously approved by City Council for this expense.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Purchase of the Purebred Arabian Trust Open Space Property and Grant Application to Adams County Open Space Program for Fifty Percent of the Purchase Price for the Property

Prepared By: Ruth C. Becker, Open Space Coordinator

Recommended City Council Action

Authorize the City Manager to execute a Purchase and Sale Agreement for the Purebred Arabian Trust property located at the southwest corner of 122nd Avenue (extended) and Federal Parkway and authorize the City Manager to expend an amount not to exceed \$358,000 of City Open Space Funds for the purchase of the property and related due diligence and closing costs and execute all necessary closing documents for the acquisition of the property.

Authorize Staff to submit a grant application for \$353,000 to the Adams County Open Space Program for fifty percent (50%) of the purchase price for the Purebred Arabian Trust property.

Summary Statement

- The acquisition of this property will allow the City to preserve a portion of the Big Dry Creek Trail Corridor and assemble another key parcel to provide one of the final connections for a permanent, continuous trail from Interstate 25 to Standley Lake.
- Staff has negotiated the purchase of the approximately 6.35 acres located at the southwest corner of 122nd Avenue (extended) and Federal Parkway (see attached location map) for a total purchase price of \$706,000 (or \$2.55 per square foot).
- This parcel has been a Priority One open space acquisition for the Open Space Advisory Board for a long time.
- The Adams County Open Space Program provides grants to eligible jurisdictions for open space, trail and park projects and staff is recommending submittal of a grant application for fifty percent (50%) of the purchase price for the Purebred Arabian Trust Property.

Expenditure Required: \$353,000 plus due diligence and closing costs not to exceed \$5,000.

Source of Funds: Open Space Land Purchases Account

Policy Issues

Should the City's Open Space Funds be used for this acquisition?

Should the City apply for a grant from the Adams County Open Space program spring 2006 grant cycle to acquire the Purebred Arabian Trust open space property?

Alternatives

Not acquire the property at this time. This alternative is not recommended because staff believes the acquisition is in a key location along the Big Dry Creek Trail corridor.

Not apply for a grant from Adams County in this cycle. Staff does not recommend this alternative because the City's open space budget is not adequate to fund this acquisition in whole. In addition, staff has received positive feedback from the Adams County Open Space Advisory Board and Board of County Commissioners regarding the City's open space preservation efforts particularly along Big Dry Creek. The POST (Parks, Open Space and Trails) Committee, a Westminster staff committee, has reviewed this proposal and recommends submittal of this application.

Background Information

The Purebred Arabian Trust owns approximately 35 acres of land along Federal Parkway, southwest and southeast of 122nd Avenue. Federal Parkway bisects the Purebred Arabian Trust Property. The proposed acquisition is the 6.35 acre parcel located west of Federal Parkway that is a portion of the Big Dry Creek Corridor. The Trust would retain the remainder of the property east of Federal Parkway. Negotiations with the Trust have been underway for some time. The Trust offered to sell the property for \$2.75 per square foot last fall. The City obtained an appraisal for the Property that provides a range of value of \$2.40 - \$2.70 per square foot. The Trust has agreed to a purchase price of \$2.55 per square foot, the midpoint of our appraisal's range of value. This property, unlike many of the Big Dry Creek properties, is outside of the floodway (except for approximately ¼ acre), and could easily be developed.

The Purchase and Sale Agreement provides that the purchase is contingent upon approval of the grant request by Adams County. If the grant request is denied, in whole or in part, the City will have the option to terminate the purchase agreement or to purchase the property if other funds become available.

This parcel meets the criteria for the selection of open space as established by the City Code, Section 13-5-2, A. Aesthetics, B. Protection and Preservation, C. Location, D. Use Potential, E. Need for Immediate Action, and F. Acquisition Consideration. It provides a scenic view corridor to the creek valley and mountains, protects a portion of the Big Dry Creek Corridor and a key trail linkage, is under development pressure, and it is available now for a fair price. This has been a Priority One Open Space Parcel for the City's Open Space Advisory Committee for many years.

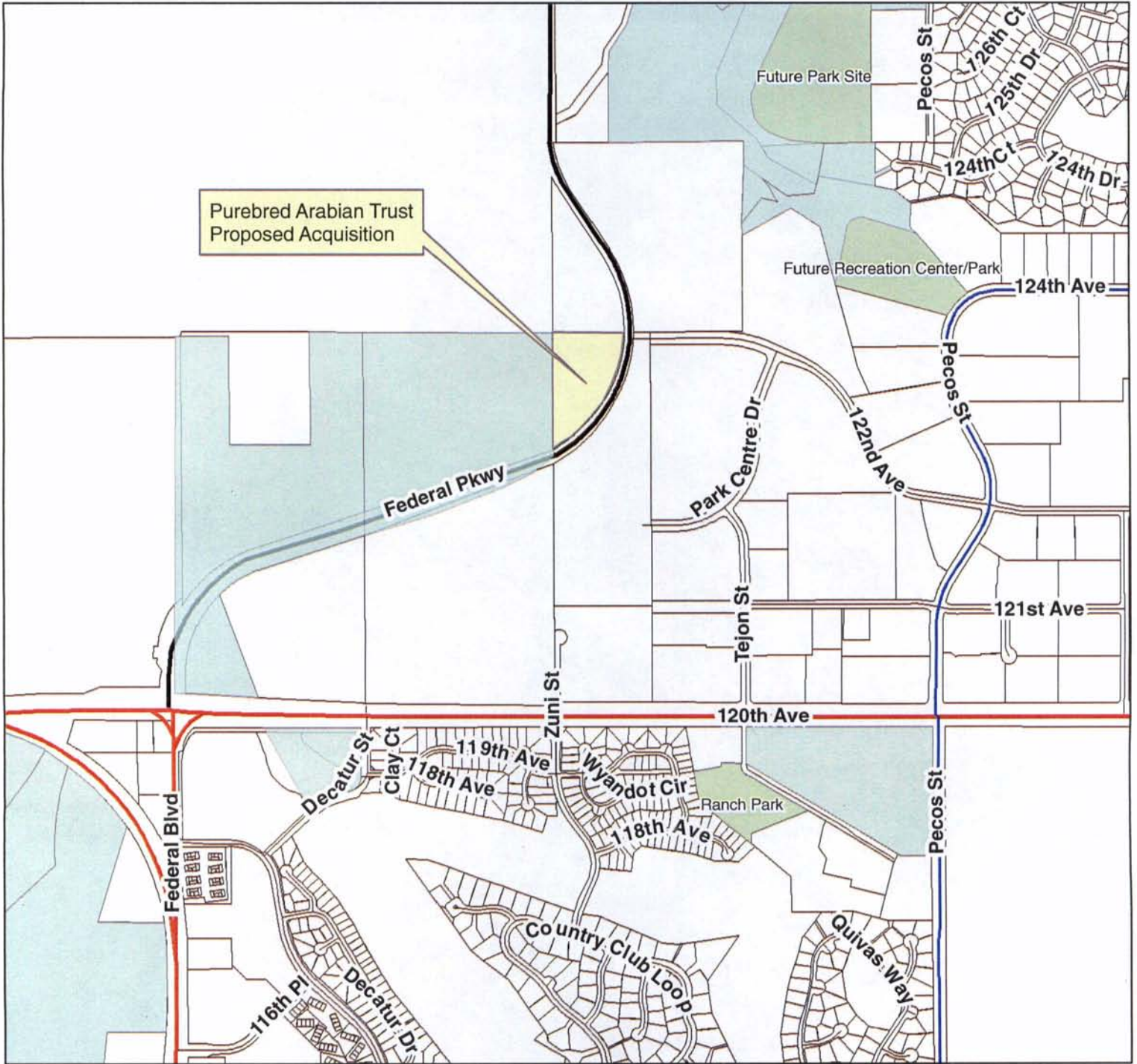
Staff recommends that the City purchase the Purebred Arabian Trust property and submit a grant application for 50% of the purchase price to Adams County.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments – Location Map

City of Westminster



Purebred Arabian Trust Project Site Plan

Legend

-  OpenSpace
-  Parks

0 625 1,250 2,500 Feet





**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Second Reading of Councillor’s Bill No. 2 amending the Comprehensive Land Use Plan to Expand the Boundaries of the “Westminster Center District Center” and Add Language to Allow Medium to High Density Residential Uses

Prepared By: Max Ruppeck, Senior Projects Manager

Recommended City Council Action

Pass Councillor’s Bill No. 2 on second reading amending the Comprehensive Land Use Plan (CLUP) to extend the “District Center” land use designation westward to Wadsworth Parkway, between W. 92nd Avenue and W. 88th Avenue, and eastward to US 36 to include the existing Regional Transportation District (RTD) Park-n-Ride and former Police Building and amend the language in the Comprehensive Land Use Plan (P. IV-30) to allow medium to high density residential uses. This recommendation is based on a finding that the proposed amendment is in the public good and that:

- a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
- b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
- c) The proposed amendment is compatible with existing and planned surrounding land uses; and
- d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.

Summary Statement

- This request was approved on first reading by the City Council on January 9, 2006.
- The first part of this amendment would expand the Westminster District Center west to Wadsworth Parkway and east to US 36. Due to the Regional Transportation Districts (RTD’s) plans for a commuter rail station and the need to encourage redevelopment in the area. This change would expand the development and/or redevelopment opportunities in the area.
- The second part of this amendment would add medium to high density residential uses to the list of allowed uses within the Westminster District Center. This would allow for residential and mixed use projects in this area in addition to the presently allowed land uses.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

BY AUTHORITY

ORDINANCE NO. **3258**

COUNCILLOR'S BILL NO. **2**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman – Major

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the City for the properties depicted in Exhibit A, attached hereto and incorporated herein by reference, requesting a change in the land use designations from “R-8 Residential; R-18 Residential; Retail Commercial; Office; Industrial; Business Park, Private Park/Open Space, Public/Quasi-Public” to “District Center” for the property described in Exhibit B, attached hereto.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 13, 2005, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B).

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

e. That the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly its policies and goals on redevelopment and economic revitalization.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties in attached Exhibit B to “District Center.”

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th of January, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT B

“All of the properties surrounded by West 92nd Avenue on the north, US 36 on the east, West 88th Avenue on the south, and Wadsworth Parkway on the west; except for those properties already designated as “District Center” and those properties not currently within the City of Westminster city limits. In addition, all of the properties surrounded by Sheridan Boulevard on the west, US 36 right-of-way on the north and east and Turnpike Drive on the south which include the existing RTD Park-n-Ride and the former City Police Building.



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Second Reading of Councillor’s Bills No. 3 and 4 re the Comprehensive Land Use Plan Amendment and Rezoning of Three Parcels at 7309-7319 Orchard Court

Prepared By: Hazel Cho, Planner II

Recommended City Council Action

1. Pass Councillor’s Bill No. 3 on second reading amending the Comprehensive Land Use Plan (CLUP) for a portion of Block 35 of Harris Park Subdivision (Parcel D) and Lot 2A of the First Replat of House’s Resubdivision changing the designation from Retail Commercial to Public Parks; and the CLUP amendment for Lot 1A of the First Replat of House’s Resubdivision changing the designation from Retail Commercial to R-3.5 Residential. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a. There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.

2. Pass Councillor’s Bill No. 4 on second reading rezoning Lots 1A and 2A of the First Replat of House’s Resubdivision from C-1 (Commercial District) to R-A (One-Family Residential District). This recommendation is based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code have been met.

Summary Statement

- These requests were approved on first reading by City Council on January 9, 2006.
- The CLUP amendment and rezoning of the three parcels are City initiated applications to bring the properties’ CLUP and zone district designations into conformance with the existing and future intended use of the properties.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3259**

COUNCILLOR'S BILL NO. **3**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

Lindsey – Price

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner of three parcels of land, for a change in the land use designation for an approximately 0.161 acre parcel located at 7319 Orchard Court from "Retail Commercial" to "R-3.5 Residential" and a change in the land use designations for an approximately 0.355 acre parcel located at 7019 Orchard Court and an approximately 0.720 acre portion of Block 35 of Harris Park Subdivision from "Retail Commercial" to "Public Parks", as depicted on Exhibit A, attached hereto and incorporated herein by reference.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 13, 2005, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

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

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

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly its policies on neighborhoods and parks facilities.

Section 2. The City Council approves the requested amendments and authorizes City staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the land use designations of three parcels of land described on Exhibit B, attached hereto and incorporated herein by reference, as follows:

- from "Retail Commercial" to "R-3.5 Residential" for Lot 1A of the First Replat of Houses's Resubdivision,
- from "Retail Commercial" to "Public Parks" for Lot 2A of the First Replat of Houses's Resubdivision, and
- from "Retail Commercial" to "Public Parks" for Parcel D, a portion of Block 35 of Harris Park Subdivision.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th of January, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT B

CLUP Amendment change from “Retail Commercial” to “R-3.5 Residential” for:

Lot 1A of the First Replat of House’s Resubdivision, Section 31, Township 2 South, Range 68 West, 6th P.M., City of Westminster, Adams County, Colorado. (approx. 0.161 acres)

CLUP Amendment change from “Retail Commercial” to “Public Parks” for:

Lot 2A of the First Replat of House’s Resubdivision, Section 31, Township 2 South, Range 68 West, 6th P.M., City of Westminster, Adams County, Colorado. (approx. 0.355 acres)

CLUP Amendment change from “Retail Commercial” to “Public Parks” for:

Legal Description for Parcel D (a portion of Block 35 of Harris Park Subdivision,) located in the SE ¼ of Section 31, Township 2 South, Range 68 West, 6th P.M., City of Westminster, Adams County, Colorado, more particularly described as follows:

That part of Block 35, Harris Park, and that part of reserved Hawthorne Street East of and adjoining said Block 35, according to the recorded plat thereof, more particularly described as follows; beginning at a point on the West line of said Block 35 which is 480 feet south of the Northwest corner of said Block 35; thence East to a point which is 110 feet west of the East line of said block, which is the true point of beginning; thence north a distance of 166.5 feet; thence East 190 feet to the east line of said Hawthorne Street; thence South along the East line of said Hawthorne Street a distance of 166.5 feet; thence West a distance of 190 feet to the true point of beginning.

(approx. 0.720 acres)

BY AUTHORITY

ORDINANCE NO. **3260**

COUNCILLOR'S BILL NO. **4**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

Lindsey – Dittman

A BILL

**FOR AN ORDINANCE AMENDING THE ZONING OF TWO PARCELS OF LAND
GENERALLY LOCATED AT THE NORTHWEST CORNER OF 73RD AVE. AND ORCHARD
CT. IN SECTION 31, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., ADAMS COUNTY,
COLORADO FROM CITY OF WESTMINSTER C-1 (COMMERCIAL DISTRICT) TO
CITY OF WESTMINSTER R-A (ONE-FAMILY RESIDENTIAL).**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property described below from City of Westminster C-1 (Commercial District) to City of Westminster R-A (One-Family Residential) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 13, 2005, and has recommended approval of the requested amendments.

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

e. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Sections 11-4-3 and 11-5-3(A).

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the properties described as follows:

Lot 1A & Lot 2A, First Replat of House's Resubdivision, Westminster, Adams County, Colorado from City of Westminster C-1 (Commercial District) to City of Westminster R-A (One-Family Residential).

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 9th day of January, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

ATTEST:

City Clerk

Mayor

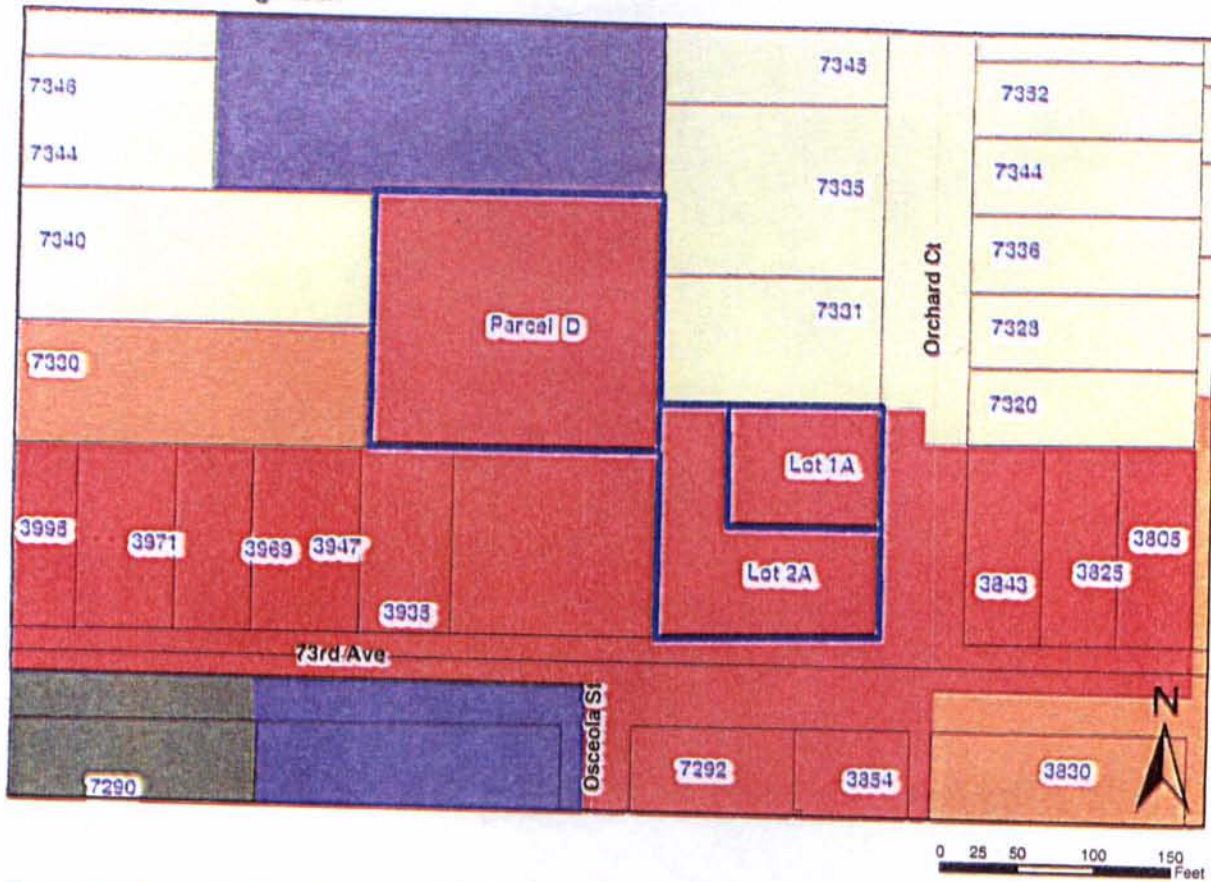
APPROVED AS TO LEGAL FORM:

City Attorney's Office
Orchard Court Zoning

Orchard Court CLUP Amendment

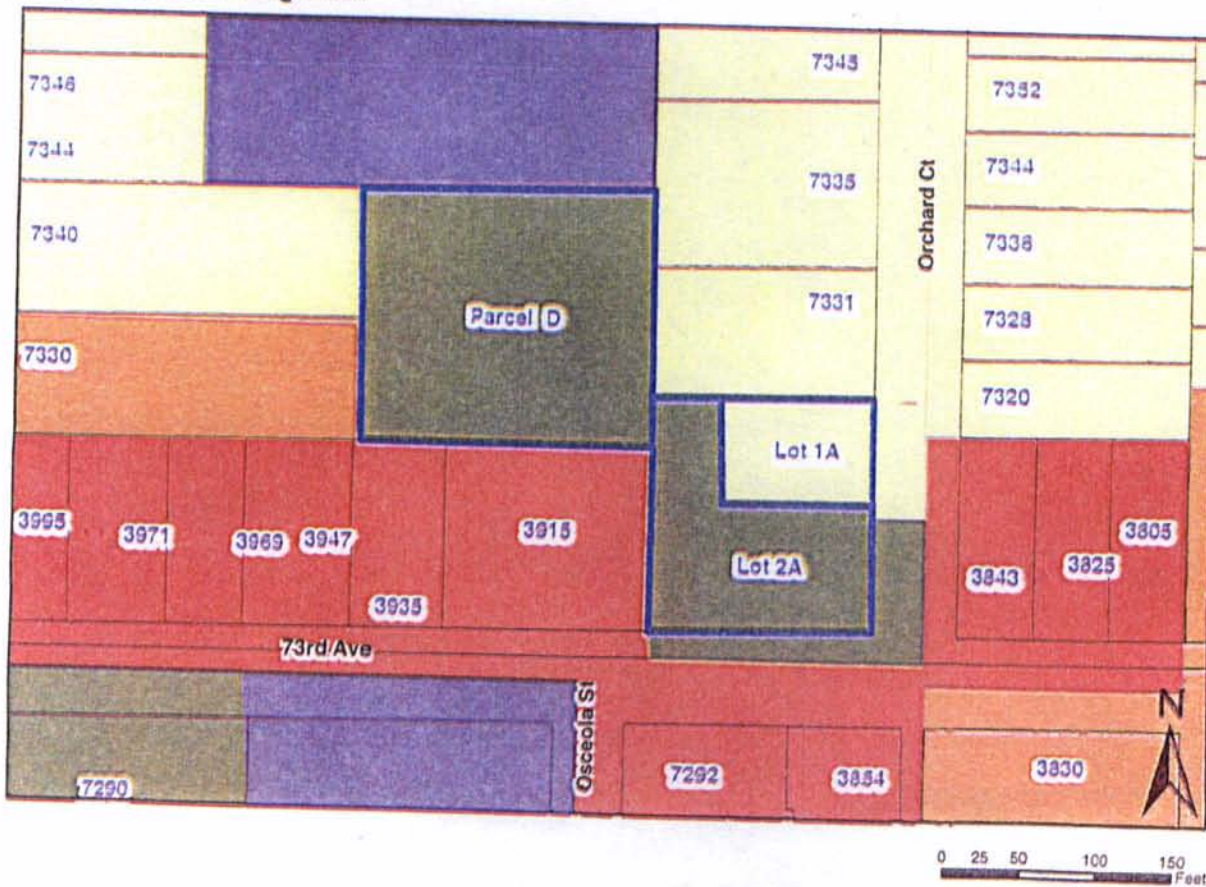
EXHIBIT A

Current CLUP Designation



Description of Change:
CLUP designation is currently Retail-Commercial. Proposed designation is Public Parks and R-3.5.

Proposed CLUP Designation



Legend	
Comprehensive Plan	
[Light Blue Box]	R-1
[Light Green Box]	R-2.5
[Light Yellow Box]	R-3.5
[Light Orange Box]	R-5
[Orange Box]	R-8
[Red Box]	R-18
[Dark Red Box]	Retail Commercial
[White Box]	Office
[Purple Box]	Industrial
[Pink Box]	Business Park
[Light Purple Box]	Office/Residential
[Dark Purple Box]	District Center
[Brown Box]	Traditional Mixed Use
[Light Green Box]	City Owned Open Space
[Dark Green Box]	Public Parks
[Light Green Box]	Priv. Parks/Open Space
[Light Blue Box]	Golf Courses
[Dark Blue Box]	Public/Quasi Public
[Dotted Box]	N.E. Dev. Plan
[Hatched Box]	Maj. Crk. Corr. Non Public



Agenda Item 8 L-N

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Second Reading of Councillor's Bill's No. 5, 6, and 7 re the Annexation, Comprehensive Land Use Plan Amendment and Zoning of the Camalick Property

Prepared By: David Falconieri, Planner III

Recommended City Council Action

1. Pass Councillor's Bill No. 5 on second reading annexing the Camalick property open space to the City.
2. Pass Councillor's Bill No. 6 on second reading amending to the Comprehensive Land Use Plan for the Camalick property changing the designation from Northeast Comprehensive Development Plan to City Owned Open Space be approved. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a. There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
3. Pass Councillor's Bill No. 7 on second reading rezoning the Camalick property from A-1 (Jefferson County) to O-1. This recommendation is based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code have been met.

Summary Statement

- These requests were approved on first reading by City Council on January 9, 2006.
- The Camalick property is located at the northwest corner of Barber Drive and Zephyr Street, adjacent on the west to the Chambers Preserve/Walnut Creek Open Space, and is 9.7 acres in size. The property was purchased in 2005 by the City with open space funds. Staff is including in the annexation adjacent portions of the Burlington Northern Santa Fe Railroad.
- The property is governed by the provisions of the Northeast Comprehensive Development Plan that permits the use of the property as open space. The property is currently vacant and provides the last remaining link for the Walnut Creek Open Space corridor between Wadsworth Parkway and Wadsworth Boulevard.

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

Respectfully submitted,

J. Brent McFall,
City Manager

BY AUTHORITY

ORDINANCE NO. **3261**

COUNCILOR'S BILL NO. **5**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman – Price

A BILL

**FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF
CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN
SECTIONS 11 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF
JEFFERSON, STATE OF COLORADO.**

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

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the application and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 1 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the application may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land situated in portions of the southwest quarter of Section 11 and the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of Parcel 2, as shown in the Mandalay Gardens Exemption Survey Number 3, recorded at Book 108, Page 10, at Reception No. 92015695 in the records of said Jefferson County;

Thence south along the west line of said parcel to the northwest corner of Parcel 3, said Mandalay Gardens Exemption No. 3;

Thence southerly on the west line of Parcel 3 and its extension thereof to the southerly right-of-way line of Barber Drive;

Thence northeasterly along the south right-of-way line of said Barber Drive to the most northerly corner of Tract 67C., Mandalay Gardens, as recorded in Book 5, Page 36 in the records of said County;

Thence southeasterly along the northeasterly line of said Tract 67C and its extension thereof to the southeasterly right-of-way line of the Burlington Northern Railroad;

Thence northeasterly along said southeasterly right-of-way to the most westerly corner of the Bott annexation map;

Thence northeasterly along the northwesterly line of said Bott annexation map, said line also being the southeasterly right-of-way of the Colorado and Southern Railroad to a point on a curve, said point being the most northerly line of said Bott annexation map;

Thence southeasterly along said curve to a point on the westerly right-of-way of 105th Avenue;
Thence northeasterly along said westerly right-of-way line of 105th Avenue, said line being shown on the Bott annexation map and the annexation map for Woods third annexation to the City of Westminster to the south line of the southeast quarter of said Section 11;

Thence southwesterly along the south line of said southeast quarter to the south quarter corner of said Section 11;

Thence northerly along the west line of said southeast quarter to a point on the northerly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said northwesterly right-of-way to the northeasterly right-of-way of Old Wadsworth, shown as Standley Avenue on the map of Mandalay Gardens;

Thence southeasterly along said northeasterly right-of-way line to the southeasterly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said southeasterly right-of-way line to the southwesterly right-of-way of said Old Wadsworth;

Thence northwesterly along said southwesterly right-of-way to the northwesterly right-of-way of Zephyr Street as shown on Mandalay Gardens Exemption Survey No. 3;

Thence southwesterly along said northwesterly right-of-way to the north line of the aforementioned Parcel 3 of Mandalay Gardens Exemption Survey No. 3;

Thence westerly along said north line to the southeasterly corner of the aforementioned Parcel 2 Mandalay Gardens Exemption Survey No. 3;

Thence northerly along the east line of said Parcel 2 to the northeast corner of said Parcel 2;

Thence westerly along the north line of said Parcel 2 to the point of beginning.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of January, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Camalick Annexation

BY AUTHORITY

ORDINANCE NO. **3262**

COUNCILLOR'S BILL NO. **6**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

Dittman – Price

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owners of the properties described in Exhibit A, attached hereto and incorporated herein by reference, requesting a change in the land use designations from “Northeast Comprehensive Development Plan” to “City Owned Open Space” for the approximately 9.7 acre property located west of the Burlington northern rail;road tracks and north of the 103rd Avenue alignment.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 13, 2005, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

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

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

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly the goal that encourages the enhancement of the City’s open space system to preserve and protect natural areas, vistas, and view corridors, and to complete the open space and trail system.

Section 2. The City Council approves the requested amendments and authorizes City staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties described in attached Exhibit A to “City Owned Open Space.”

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th of January, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney’s Office

EXHIBIT A

A parcel of land situated in portions of the southwest quarter of Section 11 and the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of Parcel 2, as shown in the Mandalay Gardens Exemption Survey Number 3, recorded at Book 108, Page 10, at Reception No. 92015695 in the records of said Jefferson County;

Thence south along the west line of said parcel to the northwest corner of Parcel 3, said Mandalay Gardens Exemption No. 3;

Thence southerly on the west line of Parcel 3 and its extension thereof to the southerly right-of-way line of Barber Drive;

Thence northeasterly along the south right-of-way line of said Barber Drive to the most northerly corner of Tract 67C., Mandalay Gardens, as recorded in Book 5, Page 36 in the records of said County;

Thence southeasterly along the northeasterly line of said Tract 67C and its extension thereof to the southeasterly right-of-way line of the Burlington Northern Railroad;

Thence northeasterly along said southeasterly right-of-way to the most westerly corner of the Bott annexation map;

Thence northeasterly along the northwesterly line of said Bott annexation map, said line also being the southeasterly right-of-way of the Colorado and Southern Railroad to a point on a curve, said point being the most northerly line of said Bott annexation map;

Thence southeasterly along said curve to a point on the westerly right-of-way of 105th Avenue;

Thence northeasterly along said westerly right-of-way line of 105th Avenue, said line being shown on the Bott annexation map and the annexation map for Woods third annexation to the City of Westminster to the south line of the southeast quarter of said Section 11;

Thence southwesterly along the south line of said southeast quarter to the south quarter corner of said Section 11;

Thence northerly along the west line of said southeast quarter to a point on the northerly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said northwesterly right-of-way to the northeasterly right-of-way of Old Wadsworth, shown as Standley Avenue on the map of Mandalay Gardens;

Thence southeasterly along said northeasterly right-of-way line to the southeasterly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said southeasterly right-of-way line to the southwesterly right-of-way of said Old Wadsworth;

Thence northwesterly along said southwesterly right-of-way to the northwesterly right-of-way of Zephyr Street as shown on Mandalay Gardens Exemption Survey No. 3;

Thence southwesterly along said northwesterly right-of-way to the north line of the aforementioned Parcel 3 of Mandalay Gardens Exemption Survey No. 3;

Thence westerly along said north line to the southeasterly corner of the aforementioned Parcel 2 Mandalay Gardens Exemption Survey No. 3;

Thence northerly along the east line of said Parcel 2 to the northeast corner of said Parcel 2;

Thence westerly along the north line of said Parcel 2 to the point of beginning.

BY AUTHORITY

ORDINANCE NO. **3263**

COUNCILLOR'S BILL NO. **7**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman – Price

**A BILL
FOR AN ORDINANCE AMENDING THE ZONING OF
THE CAMALICK ANNEXATION PROPERTY, A 9.7 ACRE PARCEL LOCATED WEST OF
THE BURLINGTON NORTHERN RAILROAD TRACKS AND NORTH OF THE 103RD
AVENUE ALIGNMENT, JEFFERSON COUNTY, COLORADO FROM A-1 TO O-1.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located WEST OF THE Burlington Northern Railroad tracks and north of the 103rd Avenue alignment, as described in attached Exhibit A, incorporated herein by reference, from the A-1 zone to an O-1 zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 9th, 2005 and has recommended approval of the requested amendments.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, the proposed O-1 zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described in attached Exhibit A, from the A-1 zoning district to the O-1 zoning district.

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 9th day of January, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of, January, 2006.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

A parcel of land situated in portions of the southwest quarter of Section 11 and the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of Parcel 2, as shown in the Mandalay Gardens Exemption Survey Number 3, recorded at Book 108, Page 10, at Reception No. 92015695 in the records of said Jefferson County;

Thence south along the west line of said parcel to the northwest corner of Parcel 3, said Mandalay Gardens Exemption No. 3;

Thence southerly on the west line of Parcel 3 and its extension thereof to the southerly right-of-way line of Barber Drive;

Thence northeasterly along the south right-of-way line of said Barber Drive to the most northerly corner of Tract 67C., Mandalay Gardens, as recorded in Book 5, Page 36 in the records of said County;

Thence southeasterly along the northeasterly line of said Tract 67C and its extension thereof to the southeasterly right-of-way line of the Burlington Northern Railroad;

Thence northeasterly along said southeasterly right-of-way to the most westerly corner of the Bott annexation map;

Thence northeasterly along the northwesterly line of said Bott annexation map, said line also being the southeasterly right-of-way of the Colorado and Southern Railroad to a point on a curve, said point being the most northerly line of said Bott annexation map;

Thence southeasterly along said curve to a point on the westerly right-of-way of 105th Avenue;

Thence northeasterly along said westerly right-of-way line of 105th Avenue, said line being shown on the Bott annexation map and the annexation map for Woods third annexation to the City of Westminster to the south line of the southeast quarter of said Section 11;

Thence southwesterly along the south line of said southeast quarter to the south quarter corner of said Section 11;

Thence northerly along the west line of said southeast quarter to a point on the northerly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said northwesterly right-of-way to the northeasterly right-of-way of Old Wadsworth, shown as Standley Avenue on the map of Mandalay Gardens;

Thence southeasterly along said northeasterly right-of-way line to the southeasterly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said southeasterly right-of-way line to the southwesterly right-of-way of said Old Wadsworth;

Thence northwesterly along said southwesterly right-of-way to the northwesterly right-of-way of Zephyr Street as shown on Mandalay Gardens Exemption Survey No. 3;

Thence southwesterly along said northwesterly right-of-way to the north line of the aforementioned Parcel 3 of Mandalay Gardens Exemption Survey No. 3;

Thence westerly along said north line to the southeasterly corner of the aforementioned Parcel 2 Mandalay Gardens Exemption Survey No. 3;

Thence northerly along the east line of said Parcel 2 to the northeast corner of said Parcel 2;

Thence westerly along the north line of said Parcel 2 to the point of beginning.



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Public Hearing and Action on Proposed Amendments to the Service Plan,
Huntington Trails Metropolitan District

Prepared By: Robert C. Smith, Treasury Manager

Recommended City Council Action

- Open the public hearing.
- Continue the public hearing until February 13, 2006, to permit staff additional time to evaluate changes the developer recently proposed to the finance plan for the District.

Summary Statement

- The Huntington Trails Metropolitan District was created in 2000 when Council approved the Service Plan for the District on September 25, 2000.
- The District has petitioned the City to amend the Service Plan to permit it to issue up to \$6,000,000 of debt that is in excess of the amount stipulated in the Service Plan.
- The developer recently changed the assumptions contained in the original petition staff had reviewed that affect the assessed value of the properties in the District. Staff requires additional time to evaluate the impact of these changes on the ability of the District to generate sufficient property tax revenue to pay the debt service.
- Notice of Public Hearing on the proposed amendment to the Service Plan was published in the Westminster Window on January 19, 2006.
- This item will be brought back before City Council on February 13, 2006.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should City Council continue the public hearing to allow Staff more time to evaluate the proposed amendment?

Alternative

Recommend the City Council not open and continue the Public Hearing on the proposed amendment to the Service Plan for Huntington Trails Metropolitan District. This is not recommended as staff requires additional time to assess recent changes to the Financing Plan in the Service Plan that the Developer has proposed.

Background Information

The Huntington Trails Metropolitan District was created in 2000 when Council approved the Service Plan for the District on September 25, 2000. In an election held on November 7, 2000 voters of the District authorized the District to issue up to \$6,000,000 of debt that would be paid for by a voter authorized mill levy not to exceed 35 mills on the assessed value of properties in the District. The Service Plan approved by Council in 2000 stipulated that the District would be required to obtain Council approval prior to issuing debt in excess of \$4,750,000. The District has petitioned the City to amend the Service Plan to permit it to issue up to \$6,000,000 of debt.

The developer recently changed the assumptions contained in the petition that affect the assessed value of the properties in the District. This will require staff to evaluate the impact of these changes on the ability of the District to generate sufficient property taxes to pay the debt service.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 10 B&C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Public Hearing and Action on the Second Amended Preliminary Development Plan for Prospector's Point Condominiums Planned Unit Development

Prepared By: Terri Hamilton, Planner III

Recommended City Council Action

1. Hold a public hearing.
2. Approve the Second Amended Preliminary Development Plan (PDP) within the Prospector's Point Condominiums Planned Unit Development contingent upon subsequent approval by City Council of the First Amended Preliminary Development Plan (PDP) and Eighth Amended Official Development Plan (ODP) for St. Anthony North Hospital Planned Unit Development (PUD). This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

Summary Statement

- St. Anthony North Hospital, located at 84th Avenue and Bryant Street, has purchased adjacent land currently within the Prospector's Point Planned Unit Development. This land area is proposed to be removed from the Prospector's Point Planned Unit Development so it can subsequently be incorporated into the St. Anthony Hospital Planned Unit Development documents for coordinated planning and development purposes.
- Other parcels within the Prospector's Point Planned Unit Development, both developed and undeveloped, are under different ownerships and no changes for these parcels are under consideration with this amendment.
- The proposed amendment is generally housekeeping in nature. However, the public hearing process is required due to the amount of land area that is proposed to be shifted from the Prospector's Point PUD to the St. Anthony North Hospital PUD.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

At its regular meeting held on January 10, 2006, the Planning Commission voted unanimously (7-0) to recommend approval of the Second Amended Preliminary Development Plan for Prospector's Point Condominiums Planned Unit Development contingent upon subsequent approval by City Council of the First Amended Preliminary Development Plan (PDP) and Eighth Amended Official Development Plan (ODP) for St. Anthony North Hospital Planned Unit Development (PUD). Three individuals spoke at the public hearing, each with a general question that was answered to his or her satisfaction.

Policy Issue

Should the City approve the Second Amended Preliminary Development Plan within the Prospector's Point Planned Unit Development?

Alternative

Deny the Second Amended Preliminary Development Plan within the Prospector's Point Planned Unit Development. City Staff does not recommend this alternative as there are no unresolved issues with the proposed amendment.

Background Information

Nature of Request

St. Anthony North Hospital, located at 84th Avenue and Bryant Street, has purchased adjacent land currently within the Prospector's Point Planned Unit Development (Parcel 2, Lot 1). This land area (15 acres) is proposed to be removed from the Prospector's Point Planned Unit Development so it can be incorporated into the St. Anthony North Hospital Planned Unit Development. (The hospital is currently developing a portion of this 15 acre parcel for additional parking, detention, and extension of Clay Street, based upon recent administrative approval of an Official Development Plan.)

Location

The site (Parcel 2, Lot 1) is located at the northwest corner of West 85th Avenue and Bryant Street. (Please see attached vicinity map.)

Public Notification

Westminster Municipal Code 11-5-13 requires the following three public notification procedures:

- **Published Notice:** Notice of public hearings scheduled before City Council shall be published and posted at least 4 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on January 12, 2006.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. One sign was posted on the property on January 13, 2006.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner's associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on January 13, 2006.

Applicant/Property Owner

Liz Lancaster with Design Collaborative Inc. is the applicant. James Dover, Hospital Administrator, is representing St. Anthony North Hospital.

Surrounding Land Use and Comprehensive Land Use Plan Designation

Development Name	Zoning	CLUP Designation	Use
Prospector’s Point; North (Parcel 2, Lot 2)	PUD	R-18 Residential	Undeveloped
Prospector’s Point; West	PUD	R-18 Residential	Residential (condominiums)
St. Anthony North Hospital; East across Bryant Street	PUD	Public/Quasi-Public	Hospital
Medical Plaza North; South across West 85 th Avenue	B-1	Office	Office, primarily developed

Site Plan Information

The proposed Second Amended PDP is limited in its scope to removing Parcel 2, Lot 1 from the existing PDP. Site plan information indicated by the First Amended Preliminary Development (PDP) for the remaining undeveloped Parcel 2, Lot 2 (under different ownership) remains unchanged and is not under consideration with this amendment.

A portion of Parcel 2, Lot 1 (the parcel proposed to be removed from the Prospector’s Point PDP) recently received administrative approval for an Official Development Plan for construction of a parking lot and detention area for St. Anthony North Hospital, and an extension of Clay Street north of West 85th Avenue.

Service Commitment Category

The land use designation for Parcel 2, Lot 1 is non-residential, therefore Service Commitments will be from Category C, Non-Residential Development, and are not subject to competition. A total of 11.25 Service Commitments were awarded for development of the parking lot and related site landscape and detention improvements. Any future improvements to this parcel will require an amended Official Development Plan and additional Service Commitments from Category C would be awarded at that time.

The land use designation for the remaining undeveloped Parcel 2, Lot 2 is residential, and will be subject to future competition for Service Commitments when the property owner desires to develop this parcel.

Referral Agency Responses

A copy of the proposed plans was sent to the following agencies: Comcast, Qwest and Xcel Energy. Staff has not received any responses from these agencies regarding the PDP amendment. This is not an issue with City Staff because of the housekeeping nature of the PDP amendment.

Neighborhood Meeting(s) and Public Comments

Representatives of St. Anthony North Hospital held a neighborhood meeting on July 25th, 2005. Representatives of the hospital discussed their upcoming development proposals for construction of parking on Parcel 2, Lot 1, and a new medical office building adjacent to the existing hospital building. Six adjacent residents attended. After presentation by representatives of St. Anthony North Hospital, questions and concerns related primarily to existing hospital operations and traffic related to emergency vehicles and Flight for Life (no changes proposed); development plans for Parcel 2, Lot 1 for additional parking for St. Anthony's Hospital (lighting will be directed downward, the parking lot will be patrolled by Security personnel); and future construction of Clay Street and the desire for a future connection to existing Prospector's Point condominiums north of existing West 86th Avenue. All questions and concerns appeared to be responded to in a satisfactory manner to the attendees.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Vicinity Map
- Criteria and Standards for Land Use Applications

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.
9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

City Initiated Rezoning

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

Official Development Plan (ODP) Application

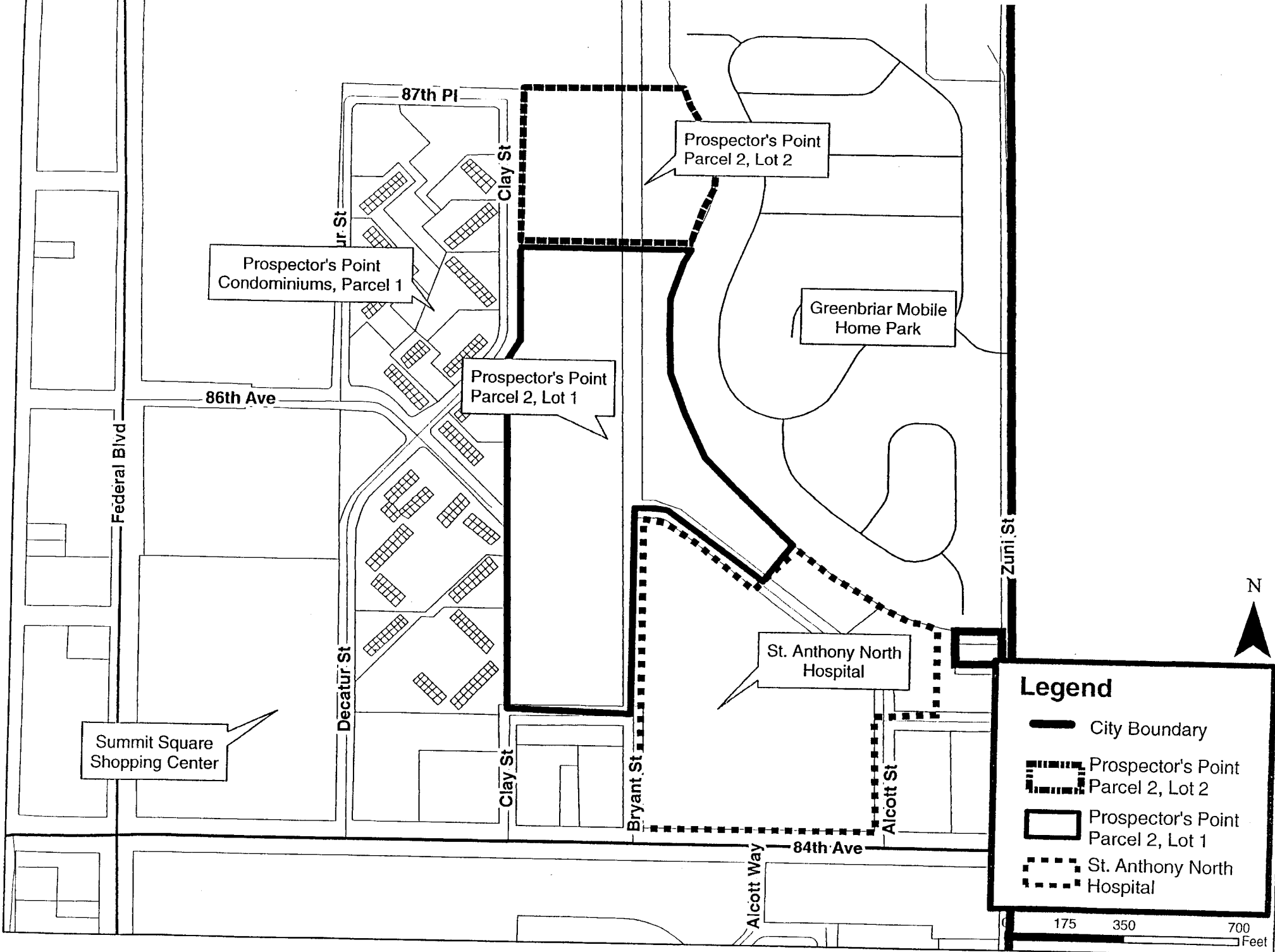
11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:





1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.

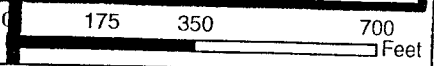
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.



Legend

-  City Boundary
-  Prospectors Point Parcel 2, Lot 2
-  Prospectors Point Parcel 2, Lot 1
-  St. Anthony North Hospital





Agenda Item 10 D&E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Public Hearing and Action on the First Amended Preliminary Development Plan and Eighth Amended Official Development Plan for St. Anthony North Hospital Planned Unit Development

Prepared By: Terri Hamilton, Planner III

Recommended City Council Action

1. Hold a public hearing.
2. Approve the combined First Amended Preliminary Development Plan (PDP) and Eighth Amended Official Development Plan (ODP) for St. Anthony North Hospital Planned Unit Development (PUD) contingent upon the approval of the right-of-way vacations of Bryant Street and Alcott Street, and approval by City Staff of the drainage outfall from detention pond C. This recommendation is based on a finding that the criteria set forth in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code have been met.

Summary Statement

- The purpose of the First Amended PDP and Eight Amended ODP for St. Anthony North Hospital is twofold: to incorporate a 15-acre parcel of land purchased by the hospital that was previously contained in the Prospector's Point PUD so that all of the land owned by the hospital is covered under the same document for planning and development purposes; and to propose development of a new three story, 65,700 square foot, medical office building adjacent to the existing hospital.
- Approval is proposed to be contingent upon separate action by City Council on related right-of-way vacations of portions of Alcott Street and Bryant Street because the combined PDP/ODP site plan is predicated upon these vacations.
- Approval is proposed to also be contingent upon approval by City Staff of the drainage outfall from detention pond C to a major drainage way. This contingency gives the applicant additional time to either finalize a drainage agreement with an adjacent property owner, or provide outfall via an alternative means.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

At its regular meeting January 10, 2006, the Planning Commission voted unanimously (7-0) to recommend approval of the First Amended Preliminary Development Plan (PDP) and Eighth Amended Official Development Plan (ODP) for St. Anthony North Hospital Planned Unit Development (PUD) contingent upon the approval of the right-of-way vacations of Bryant Street and Alcott Street, and approval by City Staff of the drainage outfall from detention pond C. No one spoke in favor or in opposition to the amendment.

Policy Issue

Should the City approve the First Amended Preliminary Development Plan and Eighth Amended Official Development Plan within the St. Anthony North Hospital Planned Unit Development?

Alternative

Deny the First Amended Preliminary Development Plan and Eighth Amended Official Development Plan within the St. Anthony North Planned Unit Development. City Staff does not recommend this alternative as there are no major unresolved issues with the proposed amendment.

Background Information

Nature of Request

St. Anthony North Hospital, located at 84th Avenue and Bryant Street, has purchased adjacent land previously contained within the Prospector's Point Planned Unit Development (Parcel 2, Lot 1). This land area (15 acres) will be removed from the Prospector's Point Planned Unit Development, contingent upon it being incorporated into the St. Anthony North Hospital PUD, for coordinated planning and development purposes. (The Hospital is currently developing a portion of this parcel for additional parking, detention, and extension of Clay Street, based upon recent administrative approval of an Official Development Plan.)

The combined PDP and ODP for St. Anthony North Hospital also indicates proposed development of a three story, 65,700 square foot medical office building adjacent to the existing hospital.

Location

The Hospital is located on approximately 15 acres at the northeast corner of 84th Avenue and Bryant Street. An additional 15 acres purchased by the hospital located north of 85th Avenue and west of the hospital is proposed to be added to the combined Preliminary and Official Development Plan for St. Anthony North Hospital PUD, for a total hospital land area of 30 acres. (Please see attached vicinity map.)

Public Notification

Westminster Municipal Code 11-5-13 requires the following three public notification procedures:

- **Published Notice:** Notice of public hearings scheduled before City Council shall be published and posted at least 4 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on January 12, 2006.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. One sign was posted on the property on January 13, 2006.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner's associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on January 13, 2006.

Applicant/Property Owner

Liz Lancaster with Design Collaborative Inc. is the applicant. James Dover, Hospital Administrator, is representing St. Anthony North Hospital.

Surrounding Land Use and Comprehensive Land Use Plan Designation

Development Name	Zoning	CLUP Designation	Use
Prospector’s Point; North (Parcel 2, Lot 2)	PUD	R-18 Residential	Undeveloped
Prospector’s Point; West	PUD	R-18 Residential	Residential (condominiums)
Greenbriar Mobile Home Park; East	PUD	R-3.5 Residential	Residential (mobile home park)
Press Subdivision; East	C-1	Office	Office
Medical Plaza North; South of W.85 th Ave.	B-1	Office	Office (primarily developed)
Undeveloped land; South of W. 85 th Ave.	C-1 & B-1	Commercial & Office	Undeveloped

Site Plan Information

The following site plan information provides a few examples of how the proposals comply with the City’s land development regulations and guidelines; and the criteria contained in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code (attached).

- **Traffic and Transportation:** This combined PDP/ODP indicates previously approved traffic patterns whereby the hospital and the proposed new medical office building (MOB) are served by three existing streets that intersect 84th Avenue, Alcott Street, Bryant Street, and Clay Street. The hospital site plan is predicated upon the right-of-way vacations of Alcott Street and Bryant Street, north of 85th Avenue - changing these streets from public streets into private streets/drives. Clay Street is intended to remain a public street and provide access to Prospectors Point Condominiums, the hospital, and eventually 88th Avenue.
- **Drainage:** A new detention pond, north of the recently constructed parking lot H is already under construction as part of the approval by the City staff of the parking lot construction. This pond has been sized for detention that will be necessary for construction of the new medical office building. Outfall from this detention pond (detention pond C per construction plans) is intended to be accommodated via a drainage way on the adjacent Greenbriar Mobile Home Park. However the final drainage agreement has not been finalized. Outfall could also be accomplished via another alternative if necessary. Approval of the combined PDP/ODP is conditioned upon City Staff’s approval of either the final drainage agreement or alternative means for accommodating this necessary drainage outfall to a major drainage way. No building permit or land disturbance permit will be issued prior to approval of this drainage outfall and the combined PDP/ODP.
- **Site Design:** The new medical office building (MOB) is proposed to be located adjacent to the northwest corner of the hospital, displacing most of the existing parking in this area which is being replaced with the current construction of additional parking north of 85th Avenue. The MOB includes an enclosed pedestrian access to the existing hospital. Primary access to the MOB is on the west side of the building adjacent to a new 533 stall parking lot that will serve both the MOB and the existing hospital.
- **Landscape Design:** Landscaping around the new MOB incorporates water conservation measures in the design and selection of plant material, and the PDP/ODP proposes a financial surety for five mature trees that will be removed. The financial surety will be used for additional, future landscaping elsewhere on the hospital property.
- **Public Land Dedication/School Land Dedication:** This requirement is not applicable to the proposed development.

- Parks/Trails/Open Space: This requirement is not applicable to the proposed development.
- Architecture/Building Materials: The proposed architecture and building materials closely tie into the existing hospital. Brick and cement plaster are the primary building materials. Rooftop mechanical equipment is clustered and screened from view with materials and design similar to the existing hospital building. A covered drop-off/pick-up area is proposed at the main entrance. The ground utility area is screened with a brick wall to match the building.
- Signage: No signage is proposed at this time. Signage can be reviewed and approved with an administrative amendment to the ODP, when necessary.
- Lighting: Architectural lights are proposed on the building to enhance the building and provide night lighting. Parking lot lighting is provided in the parking area north and east of the new medical office building.

Service Commitment Category

A total of 18.73 Service Commitments from Category C, non-residential development will be required by the proposed development of the 65,700 square foot medical office building.

Referral Agency Responses

A copy of the proposed plans was sent to the following agencies: Comcast, Qwest, and Xcel. Staff received a response from Xcel, and their concern regarding a request for a utility easement reservation within vacated Bryant Street for continued operation and maintenance of utility lines has been addressed on the ODP by reserving a utility easement.

Neighborhood Meeting(s) and Public Comments

Representatives of St. Anthony North Hospital held a neighborhood meeting on July 25, 2005. Six adjacent residents attended. After presentation by representatives of St. Anthony North Hospital, questions and concerns related primarily to existing hospital operations and traffic related to emergency vehicles and Flight for Life (no changes proposed); development of Parcel 2, Lot 1 for additional parking (lighting will be directed downward, the parking lot will be patrolled by Security personnel); and the construction of Clay Street and its future connection to the existing Prospector's Point Condominiums north of existing West 86th Avenue. All questions and concerns appeared to be responded to in a manner satisfactory to the attendees.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Vicinity Map
- Criteria and Standards for Land Use Applications

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.
9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

City Initiated Rezoning

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

Official Development Plan (ODP) Application

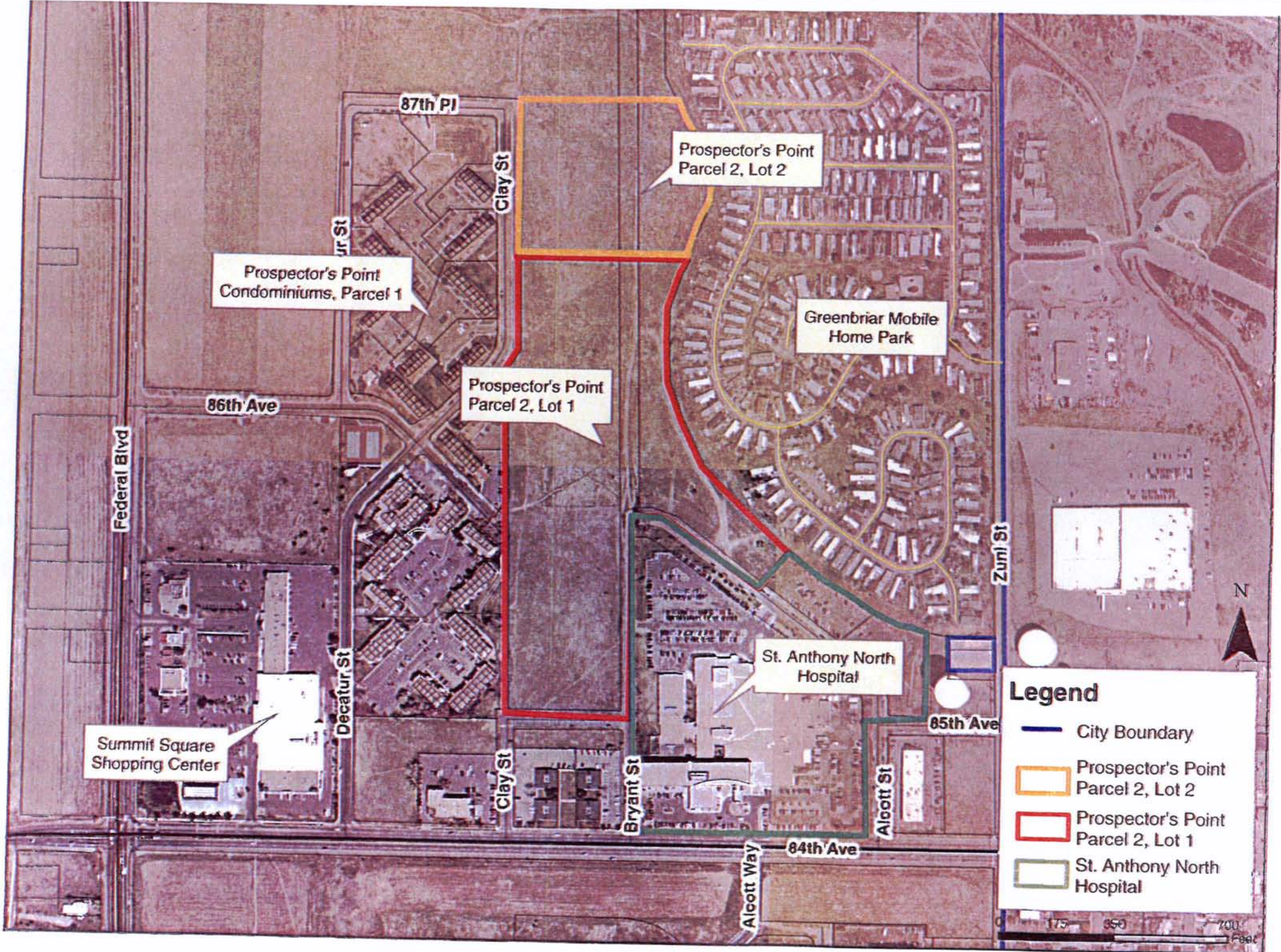
11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.

8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.



Prospector's Point
Condominiums, Parcel 1

Prospector's Point
Parcel 2, Lot 2

Prospector's Point
Parcel 2, Lot 1

Greenbriar Mobile
Home Park

St. Anthony North
Hospital

Summit Square
Shopping Center

- Legend**
- City Boundary
 - Prospectors Point Parcel 2, Lot 2
 - Prospectors Point Parcel 2, Lot 1
 - St. Anthony North Hospital

N

0 175 350 700 Feet



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Lease/Purchase of Heritage Golf Course Maintenance Equipment

Prepared By: Lance Johnson, Golf Course Superintendent
Ken Watson, Regional Parks and Golf Manager

Recommended City Council Action

1. Based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding the negotiated contract with a single source vendor to LL Johnson Distributing (for Toro maintenance equipment) and award the Multiple Assembly of Procurement Officials (MAPO) bid to Colorado Golf and Turf (for John Deere turf utility vehicles).
2. Pass Councillor's Bill No 8 on the first reading appropriating \$582,144 in the Golf Course Fund, for the lease proceeds for golf course maintenance equipment at the Heritage Golf Course.
3. Authorize the City Manager to add to the existing master lease, a lease/purchase agreement in the amount not to exceed \$693,544, including approximately \$111,400 in financing cost, to fund the Heritage Golf Course maintenance equipment package.

Summary Statement

Approval of the lease/purchase will:

- Fund the lease/purchase and financing costs of the new golf course maintenance fleet;
- Replace an aging fleet of equipment that requires increased labor and parts purchases to keep the fleet running efficiently;
- Provide essential equipment necessary to maintain the Heritage Golf Course to the high standards demanded in a competitive golf market;
- Continue standardization of equipment at both golf courses to reduce maintenance costs and inventory; and
- Provide staff the flexibility to maximize revenue through decreased course preparation time.

The lease/purchase and financing cost is estimated to be \$693,544, and the associated lease payments are included in the 2006 Heritage Golf Course budget. The lease term is seven years and the interest rate is anticipated to be between 4.5 and 5 percent. The interest rate will be determined on the date of commitment by the City as defined in the master lease agreement approved by City Council in 2001.

Expenditure Required: Not to exceed \$693,544

Source of Funds: Golf Course Fund - Heritage Operating Accounts

Policy Issue

Should the City replace the existing Heritage Golf Course maintenance equipment?

Alternatives

1. Take no action. This option is not recommended, however, as this approach would jeopardize the maintenance staff's ability to maintain the Heritage Golf Course to expected high standards. Such action could adversely affect revenue and also increase costs associated with labor hours and parts inventory to keep equipment running efficiently.
2. Finance the equipment package with cash. This option is not recommended as cash funding of this purchase would require use of funds that the golf course does not currently have budgeted. The master lease/purchase program stretches out the annual cost of funding the equipment package over many years, at a very favorable lease rate. By using the master lease concept, the cash flow needed can be scheduled and budgeted with certainty over the life of the lease.

Background Information

The Heritage Golf Course, as designed by Hurdzan/Fry Golf Course Design in 1998, uses existing land grades, man-made forms and environmental areas to create a course that is both challenging and interesting for golfers of all skill levels. With a commitment to the environment and sustainable resource management, The Heritage Golf Course became the 40th golf course world-wide to be certified in the Audubon International Signature Sanctuary Program in 2002. To maintain a championship golf course at consistent levels with such a design and environmental practices, equipment that is specifically designed for golf course operations is required.

The current equipment was acquired on a lease/purchase agreement in the summer of 1998. The lease/purchase of this equipment was paid in full at the end of the third quarter of 2005. This equipment has been used extensively throughout the seven years of the lease including the grow-in of the Heritage and nearly 300 days of play a year. Labor hours and parts costs continue to increase each year in order to maintain the current equipment, highlighting the importance of acquiring a new equipment package. Various pieces of equipment from the previous package will be kept within the fleet. This will give staff the flexibility to prepare and open the golf course earlier for tournament play throughout the season to help maximize potential revenue streams.

Golf course equipment is very job specific and reliability and available options varies from vendor to vendor. Golf course staff did extensive testing of various pieces of equipment from numerous vendors. It was determined that soliciting a single source vendor bid would be more beneficial to the City than the traditional bid process for a number of reasons. A single source vendor bid allows staff to standardize the fleet from lease to lease keeping parts inventories consistent between both courses and keeping costs lower through bulk purchasing programs. It also allows staff to select the best piece of equipment with the available options needed at the lowest possible price. Selecting a single source vendor gives staff the flexibility to acquire equipment with the necessary options. Such options would include: dual screw click height adjustment, maximum horsepower for high altitude work, sealed bearing design for lower maintenance, cutting unit down pressure kits for consistent height of cut, hydraulic fluid leak detector systems to prevent turf damage, three wheel drive units for specific areas of the golf course and many standard safety options not available with other units.

Single source vendor bids were solicited from LL Johnson Distributing of Denver, CO. Prices from LL Johnson were negotiated through the Federal GSA pricing to receive the lowest possible pricing available through the use of federal bid price contracts on the Toro turf maintenance equipment specified in the bid specifications. Prices from Colorado Golf and Turf are from the MAPO pricing contract for the John Deere turf utility equipment and light duty turf utility vehicles.

Respectfully submitted,

J. Brent McFall, City Manager

**HERITAGE AT WESTMOOR PROJECTED
EQUIPMENT PACKAGE 2006**

LL Johnson

Dist.	Quantity
TORO 1000 Walk Behind Greens Mowers	4
Groomer Attachments	4
Single mower trailers	4
TORO 3150 Triplex Greens Mowers	2
11 Bladed Reels	2
Turf groomers	1
TORO 3150 Triplex Tee/Approach Mowers	4
8 Bladed Reels	4
Turf groomers	1
TORO 5400 D Fairway Mowers	3
Thatching Reels	1
TORO 3500 D Rough Mowers	2
TORO 1250 200 Gallon Spray Rig	1
Foam Marking Kit	1
Electric Hose Reel Kit	1
TORO 3020 Bunker Rake	1
TORO 3300 D Heavy Duty Utility Vehicle	3
Dakota 410 top dresser	1
Highflow hydraulic kit	3
Hand Throttle kit	3
4x4	1
TORO e2050 Light Duty Utility Vehicle	2
TORO 5200 Turf Sweeper	1
Trailer jack	1

Colorado Golf and Turf

JD 3720 38 HP Tractor	1
Loader	1
JD 4520 42 HP Tractor	1
Loader	1
Backhoe Attachment	1
Club Car CC-II Light Duty Utility Vehicle	8
JD 2000 Aercore Aerifier	2

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2006

COUNCILLOR'S BILL NO. 8
INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE 2006 BUDGET OF THE GOLF COURSE FUND AND
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED
REVENUES IN THE FUND.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the Golf Course Fund initially appropriated by Ordinance No. 3162 in the amount of \$1,996,718 is hereby increased by \$582,144 which, when added to the fund balance as of the City Council action on January 23, 2006 will equal \$2,578,862. The actual amount in the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of Heritage maintenance equipment lease proceeds.

Section 2. The \$582,144 increase in the Golf Course Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Note Proceeds	2300.46000.0225	\$0	<u>\$582,144</u>	\$582,144
Total Change to Revenues			<u>\$582,144</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Use	23010900.78800.0000	\$0	<u>\$582,144</u>	\$582,144
Total Change to Expenses			<u>\$582,144</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of January, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of February, 2006.

Mayor

ATTEST: _____
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Resolution No. 3 re 2005 Private Activity Bond Allocation Assignment

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action:

Adopt Resolution No. 3 assigning \$4,180,880 of the City of Westminster’s 2005 Private Activity Bond allocation to the Colorado Housing and Finance Authority (CHFA) for the Metro Mayors Caucus Transit-Oriented Housing Pool, and authorize the Mayor and City Clerk to execute the necessary documents in a form acceptable to CHFA and the City Attorney’s Office.

Summary Statement

- The City’s 2005 Private Activity Bond (PAB) total allocation is \$4,180,880.
- On August 22, 2005, City Council passed Resolution No. 30 exercising the “carry forward” PAB provision in the total amount of \$4,180,880, thereby moving the assignment deadline to February 15, 2006, pursuant to federal Internal Revenue Service regulations governing Private Activity Bonds.
- The City entered into an intergovernmental agreement in 2004 with other municipalities to form an association to be known as the Metro Mayors Caucus Multifamily Tax-Exempt Bond Allocation Association for the purposes of promoting the financing of transit-oriented affordable rental housing projects (Metro Mayors Caucus IGA)
- Pursuant to the Metro Mayors Caucus IGA, the City may assign a portion or all of its annual PAB allocation and the organization formed by the IGA will consider applications from eligible projects throughout the metro area for funding assistance, including Westminster projects.
- Staff recommends that City Council allocate \$4,180,880 of the City’s 2005 PAB to support the program created by the Metro Mayors Caucus IGA.
- If Westminster transit-oriented housing projects require PAB allocation, the developers will be able to apply to the Metro Mayors Caucus for an allocation.
- Neither the City nor WEDA have any projects identified to use the PAB allocation and WEDA already has \$6,046,378 of PAB capacity from 2003 and 2004.
- Staff recommends that the allocation be assigned so that near-term projects can be funded, rather than assigned to WEDA and potentially losing this financing capacity due to a lack of projects.
- Staff consulted with county and housing authority officials and developers known to be looking at projects that might qualify for tax-exempt bond financing, but no other potential projects were found that could use an assignment of 2005 PAB.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City participate in a Metro-wide program to provide affordable housing in transit areas, knowing that the assignment does not guarantee that proceeds from the assignment may serve Westminster residents?

Alternative

City Council may choose to take no action, and allow the City's allocation to revert to the federal PAB pool. This option is not recommended because it decreases the amount of tax-exempt financing that is available in the Denver metro area for qualified uses. City Council may also choose to assign the allocation to WEDA. This option is not recommended, since no projects have been identified that would benefit from the assignment. Past assignments to WEDA have been lost due to the passage of more than three years since the assignment.

Background Information

Private Activity Bonds (PAB) are tax-exempt bonds that can be issued for qualified public purposes. Qualified uses of PAB include:

- Industrial bonds for construction of manufacturing facilities;
- Single-family mortgage revenue bonds;
- Redevelopment bonds to acquire property in blighted areas and prepare land for redevelopment activities;
- Student loans for eligible students;
- Residential rental project bonds to finance new construction or acquisition/rehabilitation of housing for persons with low to moderate incomes;
- Exempt facility bonds such as hazardous waste facilities, water, sewer and solid waste facilities.

The State of Colorado is the authorized agent to administer the PAB allocations from the federal government. The Colorado PAB allocation program was established by state statute to provide for the allocation of the state PAB under the federal tax laws.

Fifty percent (50%) of the state allocation is made available directly to state authorities. Eligible state authorities include the Colorado Housing and Finance Authority, Colorado Agricultural Development Authority, Colorado Post-Secondary Education Facility Authority, Colorado Health Facilities Authority and the Colorado Student Obligation Bond Authority. The remaining 50% of the PAB allocation is made available to local governments based on population. Those local governments whose populations warrant an allocation of \$1 million or more receive a direct allocation from the State of Colorado.

The City of Westminster receives a direct annual allocation in PAB as determined by the Colorado State Division of Local Affairs. In 2005, the City received an allocation of \$4,180,880. The allocation is available to local governments from January 1 to September 15 of each year. Any portion of a direct allocation not assigned for a qualified project by a local government by September 15 of each funding year reverts to the statewide balance, unless the local government exercises its right to "carry forward" the decision on an assignment(s) to February 15th of the following year.

The City has utilized its PAB allocation in the past to fund the following projects:

TOTAL PRIVATE ACTIVITY BOND ASSIGNMENTS 1999 – 2004		
YEAR	BONDS ASSIGNED TO	AMOUNT ASSIGNED
1999	Metro Mayors Caucus Mortgage Program	\$250,000
1999	WEDA	\$2,148,300
2000	Metro Mayors Caucus Mortgage Program	\$1,000,000
2000	Mendel-Allison Panorama Point	\$1,432,675
2001	WEDA	\$3,069,281
2002	WEDA	\$3,785,250
2003	Metro Mayors Caucus TOD Housing	\$500,000
2003	WEDA	\$3,385,938
2004	Toscana Apartments	\$500,000
2004	Metro Mayors Caucus TOD Housing	\$1,000,000
2004	WEDA	\$2,660,440
TOTAL PRIVATE ACTIVITY BOND ASSIGNMENTS		\$15,571,444

PAB allocations are lost if not used in three years. Allocations made to WEDA in 1999, 2001 and 2002 have expired due to non-usage, leaving WEDA with allocations from 2003 and 2004 in the total amount of \$6,046,378 remaining to be used. No housing or urban renewal projects are currently available for WEDA to assist with private activity bonds. The City has received another \$4,207,080 allocation for 2006 that will need to be assigned by February 15, 2007.

Since there are no current projects available for funding in Westminster, staff proposes that the 2005 allocation be assigned in its entirety to the Metro Mayors Caucus Transit-Oriented Housing Pool pursuant to the 2004 intergovernmental agreement executed by the City. This would provide a better opportunity for the PAB allocation for metro area housing needs and Westminster transit-oriented housing projects would continue to have the opportunity to apply for financing in the future as the need arises.

The Metro Mayors Caucus Transit-Oriented Housing Pool is governed by a board representing participating jurisdictions and administered by CHFA. The purpose is to provide financing for development of transit-oriented affordable rental housing. Eligible projects must be located within a 1500-foot radius of and have direct pedestrian access to a permanent transit facility on either an existing transit corridor or a corridor included in the FasTracks plan.

City Staff contacted Adams County Office of Community Development, Jefferson County Housing Authority and private housing developers to determine whether any other projects might need PAB assistance in the near future, but did not locate any new projects.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

Resolution No. 3, Assignment to Metro Mayors Caucus
Assignment of Allocation

RESOLUTION

RESOLUTION NO. 3

INTRODUCED BY COUNCILLORS

SERIES OF 2006

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF \$4,180,880 OF THE CITY OF WESTMINSTER PRIVATE ACTIVITY BOND ALLOCATION FOR 2005 TO THE COLORADO HOUSING AND FINANCE AUTHORITY FOR THE METRO MAYORS CAUCUS TRANSIT-ORIENTED HOUSING POOL; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Private Activity Bond Ceiling Act, constituting Title 24, Article 32, Part 17, Colorado Revised Statutes (the "Allocation Act"), the City of Westminster, Colorado (the "City") has received a direct allocation of the State of Colorado's 2005 Private Activity Bond Ceiling in the amount of \$4,180,880 (the "2005 Allocation"); and

WHEREAS, the City desires to assign \$4,180,880 of the 2005 Allocation to the Colorado Housing and Finance Authority (the "Authority") pursuant to Section 24-32-1706 of the Allocation Act to be used to as provided in the form of Assignment of Allocation (the "Assignment") presented to City Council (the "Council") at this meeting; and

WHEREAS, the Authority has agreed to accept the 2005 Allocation on the terms set forth in the Assignment.

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

Section 1. The City hereby authorizes the assignment of the 2005 Allocation to the Authority for use solely in the manner described in the Assignment.

Section 2. The form, terms and provisions of the Assignment hereby are approved and the Mayor or Director of Finance of the City hereby is authorized and directed to execute and deliver the Assignment, with such necessary or desirable changes thereto as are reasonable and necessary to facilitate the transactions contemplated thereby, all as are approved by the officers of the City executing the Assignment. The execution of the Assignment shall be conclusive evidence of the approval by the City of such document in accordance with the terms hereof.

Section 3. The officers of the City shall take such other steps or actions necessary or reasonably required to carry out the terms and intent of this Resolution and the Assignment.

Section 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.

Section 5. All action not inconsistent with the provisions of this Resolution heretofore taken by the Council and the officers of the City directed toward the assignment of the 2005 Allocation and the authorization of the Assignment hereby are ratified, approved and confirmed.

Section 6. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, ADOPTED AND APPROVED this 23rd day of January 2006.

Mayor

ATTEST:

City Clerk

ASSIGNMENT OF ALLOCATION

THIS ASSIGNMENT (the "Assignment") dated this 23rd day of January 2006, is between the City of Westminster (the "Assignor"), and the Colorado Housing and Finance Authority (the "Assignee").

RECITALS

A. 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 multifamily rental housing projects for low- and moderate-income persons and families.

B. 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").

C. 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.

D. Pursuant to Section 24-32-1706 of the Allocation Act the Assignor has an allocation of the 2005 State Ceiling for the issuance of a principal amount of Private Activity Bonds equal to \$4,180,880 (the "2005 Allocation") which it desires to assign to the Assignee for the purposes further described herein.

E. The Assignor intends to participate with one or more other Denver metropolitan area cities (the "Metro Cities"), who are also making similar allocation assignments to the Assignee, in selecting multi-family rental housing projects, with a preference for public transit-oriented projects, for financing and Assignee has expressed its willingness to hold such collective allocations on behalf of such entities (the "Pooled Allocation").

F. The Assignor and other Metro Cities have determined that the Pooled Allocation will enhance their ability to facilitate the financing of one or more multifamily rental housing projects for low- and moderate-income persons and families within the Denver metropolitan area, and the Assignee has expressed its willingness to attempt to issue multifamily housing revenue bonds ("Revenue Bonds") for such purpose.

G. Assignor and Assignee recognize that for federal income tax purpose an allocation may be carried forward for a period limited to three calendar years and to the extent such allocation is not then applied it shall expire.

H. The Assignor has determined to assign to the Assignee the 2005 Allocation for the purposes described herein, 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 \$4,180,880 of the 2005 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 \$4,180,880 assignment to it by the Assignor of the 2005 Allocation, subject to the terms and conditions contained herein.

3. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds, in one or more series to finance the multifamily rental housing project or projects selected by the Metro Cities. In the event Assignee is unable to finance the project or projects selected by the Metro Cities, Assignee hereby agrees to assign an equal amount of State Ceiling allocation to the Assignor or its designee in an amount equal to the Pooled Allocation, or such lesser amount as is requested by the Metro Cities, at the written request of Assignor and other participating Metro Cities.

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 any project or projects selected by the Metro Cities.

6. This Assignment shall not constitute the debt or indebtedness or financial obligation of the Assignor within the meaning of the constitution or statutes of the State of Colorado nor give rise to a pecuniary liability or charge against the general credit or taxing power of the Assignor.

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

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this instrument to be executed to be effective as of the date and year first written above.

By: _____
Mayor as Assignor

ATTEST:

By: _____
City Clerk

ATTEST:

Its _____

COLORADO HOUSING AND FINANCE AUTHORITY, as Assignee

[SEAL] By: _____
Executive Director

ATTEST:

Assistant Secretary



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Second Reading of Councillor's Bill No. 46 re Approval of Cellular Tower Leases for Countryside Recreation Center and the Hydropillar

Prepared By: Hazel Cho, Planner II

Recommended City Council Action

1. Remove Councillor's Bill No. 46 from the table in order to consider the bill for second reading.
2. Approve Councillor's Bill No. 46 on second reading which authorizes the City Manager to sign a lease agreement with T-Mobile West, successor in interest to VoiceStream, to provide space at Countryside Recreation Center and the Hydropillar for cellular transmission antenna installation.

Summary Statement

- This Councillor's Bill was approved on first reading by City Council on September 12, 2005.
- The delay between City Council's review of the first and second readings were due to the need for additional revisions to be incorporated in the lease agreements. The revisions address concerns that Public Works & Utilities Department had for the Hydropillar site and adjustments were made to the renewal terms for both leases.
- Additional cellular sites within the City are needed by cellular phone companies to enhance and expand cellular services for customers.
- T-Mobile West has evaluated locations and determined that the Countryside Recreation Center and the Hydropillar sites are ideal for the placement of cellular antennas.
- The proposed lease requirements provide for a site that will be constructed of materials that are consistent with Design Standards as outlined in the WMC 11-4-11 for Antennas, Towers and Telecommunication Facilities.
- Execution of these agreements will generate \$2,000 per month in revenue for the City of Westminster.
- The site plan has been reviewed by the Planning Division, the Parks, Recreation and Libraries Department and the Public Works Department to ensure that the tower, antenna and associated structures meet code requirements and will fit in visually at each location.
- The City Charter requires that leases of City land be ratified by ordinance.

Expenditure Required: \$ 0

Source of Funds: N/A

Background Information

In past years, City Council has authorized staff to lease space on City property for the construction of cellular towers and antenna in order to generate revenue and provide for enhanced cell service in the Westminster area.

Due to the technical requirements of a regional cellular telephone network, T-Mobile West needs a transmission tower located near Countryside Recreation Center and one near the Hydropillar. T-Mobile West contacted the City to determine regulatory and land use requirements. While evaluating appropriate sites that would meet the system requirements, it became apparent that the Countryside Recreation Center site would be the ideal location for the tower. Collocation of telecommunication facilities is a City of Westminster preferred practice; and the Hydropillar site currently has existing antennas on site and the approval of T-Mobile West at this location will reduce the amount of new free-standing towers in the City.

The proposed lease at the Countryside Recreation Center includes 308 square feet area of land for the ground cabinets screened by a brick wall similar to the brick building at Countryside Recreation Center and would allow for the installation of a 40-foot high monopole. The lease at the Hydropillar would include 242 square feet area of land and the installation of antenna on the side of the Hydropillar painted the same color as the water storage tank.

The City will receive \$2,000 a month in rent for the use of both sites. Westminster citizens, businesses and others using services provided by T-Mobile West should experience better coverage and service with these additional antennas.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3231**

COUNCILLOR'S BILL NO. **46**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Price - Dixon

A BILL

FOR AN ORDINANCE APPROVING CELLULAR TOWER LEASE AGREEMENTS WITH VOICESTREAM FOR THE LEASE OF A PORTION OF THE COUNTRYSIDE RECREATION CENTER AND THE HYDROPIILLAR FOR THE CONSTRUCTION OF CELLULAR TOWERS AND ANTENNAS

WHEREAS, additional cellular sites within the City are needed by cellular phone companies to enhance and expand cellular services for customers; and

WHEREAS, VoiceStream has evaluated locations and determined that the Countryside Recreation Center and the Hydropillar sites are ideal for the placement of cellular antennas; and

WHEREAS, execution of these agreements will generate \$2,000 per month in revenue for the City; and

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreements between the City and VoiceStream for the lease of a portion of the Countryside Recreation Center and the Hydropillar for the construction of cellular towers and antennas are approved in substantially the same form as attached as Attachment "A."

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of September, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
January 23, 2006



SUBJECT: Continued Public Hearing and Action on a Comprehensive Land Use Plan Amendment to Remove the Minimum Size Restriction from the Traditional Mixed Use Neighborhood Development (TMUND) Land Use Category

Prepared By: Max Ruppeck, Senior Projects Manager

Recommended City Council Action

1. Continue the public hearing from the January 9, 2006, City Council meeting.
2. Remove Councillor’s Bill No. 1 from the table for consideration by City Council.
3. Pass Councillor’s Bill No. 1 on first reading amending the Comprehensive Land Use Plan (CLUP) to remove the minimum size restriction of 50 acres from the text describing the Traditional Mixed Use Neighborhood Development category. This recommendation is based upon a finding that the proposed amendment is in the public good and that:
 - a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.

Summary Statement

- The public hearing was continued from January 9, 2006 in response to requests from public hearing attendees for additional time to review the proposed amendment.
- The Traditional Mixed Use Neighborhood Development (TMUND) category in the CLUP allows a wide range of uses and densities including single family and multiple family residential, offices, and retail and service commercial. The guidelines allow these uses to be mixed in a single building. The TMUND Design Guidelines have been developed and incorporate a number of design features such as compact, mixed use, walkable developments, narrower streets where alley-loaded or recessed garages occur, and a wide variety of housing types and densities. The current description of the TMUND category under Policy B1b states that such developments are appropriate in “...undeveloped areas of at least 50 acres in size...” In order to be clear that the TMUND designation can be applied to areas of less than 50 acres and in redevelopment areas currently within a mixed use neighborhood, staff is proposing the 50 acre limitation language be removed. The 50 acre minimum requirement was to insure a large enough area to accommodate these mixed uses and features, but occasionally this range of uses may already be in place in surrounding areas and/or a minimum development/redevelopment area is not necessary, particularly in the older, developed parts of the City. This proposed amendment will significantly increase the opportunities for mixed use development and redevelopment in the City.

Expenditure Required: \$0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on December 13, 2005, and voted 5-2 to recommend the City Council approve the CLUP amendment removing the minimum size restriction of 50 acres from the Traditional Mixed Use Neighborhood Development (TMUND) land use designation as described in the agenda memorandum.

Commissioners Barsoom and Boschert were the dissenting votes. Commissioner Barsoom stated that he would like to see a specific acreage in the text. Commissioner Boschert reasoned that if as stated in the testimony that smaller acreage can be used with the current text, there is no reason to change the text. (See Exhibit A.) However, staff feels that the language in Policy B1b needs to be amended to remove the 50 acre restriction, and staff recommends the 50 acre reference be removed throughout the CLUP for more consistency and flexibility.

There were eight members of the public who voiced concerns and had questions regarding this application. Many of the people providing testimony requested the item be tabled for further review. Staff answered all questions and stated that the Planning Commission would be making a recommendation to City Council for a public hearing on January 9, 2006.

Policy Issue

Should the City approve a Comprehensive Land Use Plan amendment to remove the 50 acre minimum development area size from the TMUND category?

Alternatives

1. Deny the CLUP amendment removing the 50 acre minimum development size from the TMUND Land Use category. This action would not allow staff to utilize this designation for developments less than 50 acres in size. This would significantly restrict the City's ability to bring creative planning approaches to smaller developments.
2. Approve a minimum development size other than 50 acres.

Background Information

Nature of Request

There are currently only two TMUND designated areas in the City: the largely developed Bradburn project at W. 120th Avenue and the vacant property on the west side of Sheridan Boulevard and south of 96th Street. In order to encourage the development of additional TMUND's in the City, staff is recommending the 50 acre minimum required area be removed from two areas in the Comprehensive Land Use Plan. Specifically, the language to be amended/deleted occurs in Section III "Goals and Policies," page III-3, Policy B1b, where the words "undeveloped" and "of at least 50 acres in size ..." would be deleted. Similarly, in Section IV "Land Use and Development Plan," page IV-31, the following language is proposed to be deleted:

"In order to accommodate this mix of uses, projects of this nature shall comprise a minimum of 50 acres, or when combined with an adjacent neighborhood mixed-use land use area meet the minimum land area requirement."

Location

No specific locations for the TMUND designation are being recommended at this time. Only the text referring to the 50 acre minimum size is recommended to be amended. Any future property requesting the TMUND designation would be required to amend the Comprehensive Land Use Plan map.

Comprehensive Land Use Plan Amendment

The Westminster Municipal Code requires an amendment to the Comprehensive Land Use Plan (CLUP) be in the public good and in overall compliance with the purpose and intent of the CLUP. Further, the CLUP provides four criteria to be used when considering a CLUP amendment. Staff has reviewed these criteria and has provided the following comments on each.

1. The proposed amendment must “Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed.” The purpose of the TMUND land use category is to provide for mixed use developments that are pedestrian oriented with interconnected street and alley ways, grid street patterns, narrower streets, and a variety of parks, trails and open space. These features emulate historical urban patterns rather than the typical, single use suburban residential developments. With the 50 acre minimum size for TMUND’s, few properties qualified for such developments. Indeed, City staff has informally used the TMUND Design Guidelines for developments smaller than 50 acres (such as Harris Park Square at 73rd Avenue and Lowell Boulevard), but the mixed-use opportunities in single buildings were not available. By eliminating the 50 acre minimum area provision, more development and redevelopment opportunities will be possible, particularly in the older sections of South Westminster and other areas within existing mixed use neighborhoods.
2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:
 - Goal B1 – Encourage development of pedestrian-oriented neighborhood centers that serve the needs of residents and create unique identity for neighborhoods.
 - Policy B1b – Encourage Traditional Mixed-Used Neighborhood Development in appropriate undeveloped areas of at least 50 acres in size (this language will be deleted if this amendment is adopted) which have a number of characteristics including a mix of land uses including retail and other businesses, various housing types and densities, parks and open space, civic and educational uses, all in close proximity and easily walkable from one use to another.
 - Goal B4 – Develop well-designed, walkable neighborhoods.
 - Policy B4a – New housing developments will be of a pedestrian scale. Massing, setbacks, and character of new housing developments should encourage new structures that do not overly dominate the street and promote a neighborhood-oriented pattern of development.
 - Policy B4b – Pedestrian-oriented neighborhoods that incorporate creative residential design places to walk and bike, and connections to neighborhood parks and other civic facilities will be promoted and advocated by the City.
 - Policy B4c – A variety of residential designs will be provided in each neighborhood to discourage a “tract” housing appearance. (This may include functional front porches, varied setbacks, garages setback further than the main structure, varied garage orientations, etc.)
 - Goal C4 – Higher density housing should be in “Transit Oriented Developments,” “Traditional Mixed-Use Development Neighborhoods,” or in “District Centers,” adjacent to existing transit facilities where high density residential uses are appropriate.

Based upon these goals and policies, staff has found this proposed amendment to be in conformance with the overall purpose, intent, goals, and policies of the Plan.

3. The proposal must, “Be compatible with existing and surrounding land uses.” Since this is a text amendment, no specific existing or proposed uses are identified. As properties request TMUND designations, consideration of surrounding uses will be made. Preliminary and Official Development Plan reviews also consider surrounding uses.

4. The proposal must, “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” Again, since this is a text amendment, impacts on public infrastructure cannot be determined until specific areas for TMUND designations are identified.

Public Notification

Westminster Municipal Code 11-5-13 requires the following three public notification procedures:

- **Published Notice:** Notice of public hearings scheduled before Planning Commission shall be published and posted at least 10 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on December 1, 2005.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Since this is a text amendment only, no property posting applies.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner’s associations registered with the City within 300 feet of the subject property. Since this is a text amendment only, and applies Citywide, no mailings of notice to individuals were provided.

Applicant/Property Owner

City of Westminster

Surrounding Land Use and Comprehensive Land Use Plan Designation

Since this is a text amendment only, the Surrounding Uses Table does not apply.

Site Plan Information

Since this is a text amendment only, site plan information does not apply. When specific properties apply for TMUND designation, the TMUND Design Guidelines will become effective in the Preliminary and Official Development Plan reviews.

Service Commitment Category

Not applicable in a text only amendment.

Referral Agency Responses

Not applicable in a text only amendment.

Neighborhood Meeting(s) and Public Comments

Since this is a text amendment only, no neighborhood meeting was held. Staff has received several telephone calls regarding this amendment. While all questions were answered, some callers still requested the item be tabled.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Councillor’s Bill – CLUP Ordinance
- Exhibit A – Summary of changes to text
- Comprehensive Land Use Plan (Page III-3 indicating language to be deleted)
- Comprehensive Land Use Plan (Page IV-31, 32 indicating language to be deleted)
- Criteria and Standards for Land Use Applications

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **1**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the City requesting a text change in the Westminster Comprehensive Land Use Plan described in Exhibit A, attached hereto and incorporated herein by reference.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 13, 2005, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B).

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

e. That the requested amendments will further the public good, that there is a justification and need for the revisions, and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly its goals and policies regarding redevelopment and economic revitalization.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the text of the Westminster Comprehensive Land Use Plan to change the text described in Exhibit A.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd of January, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of February, 2006.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

In order to encourage the development of additional TMUND's in the City, staff is recommending the 50 acre minimum required area be removed from the Westminster Comprehensive Land Use Plan. Specifically, the language to be amended/deleted is as follows:

Comprehensive Land Use Plan Amendment
Section III "Community Goals and Policies" Page III-3

Policy B1b

Encourage Traditional Mixed-Used Neighborhood Developments in appropriate ~~undeveloped~~ areas ~~of at least 50 acres in size~~ which have a number of characteristics including a mix of land uses including retail and other businesses, various housing types and densities, parks and open space, civic and educational uses, all in close proximity and easily walkable from one use to another.

Comprehensive Land Use Plan
Section IV "Land Use and Development Plan" Page IV-31

The purpose of this category is to depict those areas of the City that are now developed, or are appropriate to be developed in a TMUND pattern. The traditional mixed-use neighborhood development represents a pattern of development that has a number of characteristics, including business, residential, park, school, and civic uses in close proximity and easily walkable from one use to another. ~~In order to accommodate this mix of uses, projects of this nature shall comprise a minimum of 50 acres, or when combined with an adjacent neighborhood mixed use land use area meet the minimum land area requirement.~~

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

City Initiated Rezoning

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

Official Development Plan (ODP) Application

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.

6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.

- Policy A2c** Evaluate existing business park areas as to the need for retail and residential development to support primary employment in these areas.

B. Neighborhoods

Goal B1 *Encourage development of pedestrian-oriented neighborhood centers that serve the needs of residents and create unique identity for neighborhoods.*

- Policy B1a** Neighborhoods should have a focal point, such as a school, park, or other public or private recreation facility that, gives the neighborhood a unique identity, and provides opportunities for social activity. Neighborhood centers will be easily accessible via walkable streets and trails.



- Policy B1b** Encourage Traditional Mixed-Used Neighborhood Developments in appropriate ~~undeveloped~~ areas of ~~at least 50 acres in size~~ which have a number of characteristics including a mix of land uses including retail and other businesses, various housing types and densities, parks and open space, civic and educational uses, all in close proximity and easily walkable from one use to another.

Goal B2 *Preserve existing neighborhoods, revitalize declining neighborhoods, and develop new neighborhoods that are safe and attractive, and served by public facilities and convenient commercial uses.*

- Policy B2a** 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. Existing neighborhoods and new development should interconnect so as not to require traffic between adjacent neighborhoods to use arterial streets.



- Policy B2b** Existing neighborhoods will be protected from new development that is incompatible with residential uses. This may include increased setbacks, earth berms, landscaping, and fences.

- Policy B2c** Promote neighborhood revitalization through creative infill and mixed-use development.

TMUND Traditional Mixed-Use Neighborhood Development (TMUND)

Primary Uses

A mix of residential types, including medium and small lot single family cluster homes, town homes, condominiums, and apartments and lofts. Also allows for offices, personal/business services, retail commercial, live-work, or a combination of above within a single building.

Secondary Uses

Public/Quasi-public uses; open space. Senior Housing. Child Care.

Density

The overall residential density of the development shall be determined in the Preliminary or Official Development Plan (PDP or ODP). In general, a mixture of residential uses from single family to multiple family are permitted up to 18 dwelling units per acre. Greater densities may be allowed if approved by the Planning Commission and City Council. Supporting non-residential uses shall not exceed a floor area ratio (FAR) of 0.5 coverage of the site when developed as part of a master plan.

Locational and Other Characteristics

Traditional mixed-use neighborhoods represent a pattern of development that includes a number of fundamental features and principles, including the following:

- ❖ **Compact Walkable Development:** a compact pattern with businesses, homes, parks and civic uses in close proximity, easily walkable from destination to destination.
- ❖ **Mixed-Use Village Center:** retail/office and a variety of housing providing opportunities for residents to walk to shops, services, parks, and open space.

- ❖ **Pedestrian Oriented District:** pedestrians, bicycles, and autos have equal opportunity to traverse the neighborhood with convenience and safety.
- ❖ **Interconnected Street and Block Patterns:** a better integration of each area within the community, making walking and bicycling more direct and convenient.
- ❖ **Narrower Streets:** designed for slow-moving traffic, balancing the needs of auto circulation with the convenience and enjoyment of a walkable community.
- ❖ **A Variety of Parks:** Central parks and green space are part of the urban makeup of the village center. In addition, parks and open spaces are in a variety of sizes and scattered throughout the residential neighborhoods.

The purpose of this category is to depict those areas of the City that are now developed, or are appropriate to be developed in a TMUND pattern. The traditional mixed-use neighborhood development represents a pattern of development that has a number of characteristics, including business, residential, park, school, and civic uses in close proximity and easily walkable from one use to another. ~~In order to accommodate this mix of uses, projects of this nature shall comprise a minimum of 50 acres, or when combined with an adjacent neighborhood mixed-use land use area meet the minimum land area requirement.~~

A TMUND Village Center should provide a variety of commercial uses, restaurants, and service facilities in a close compact area. Residential uses are permitted on the second and third floors with businesses on the ground floor. Vehicular traffic may be served by on-street parking rather than large

parking facilities. Pedestrian traffic is given priority and the shopping is oriented to that mode of travel. Central parks and green spaces are part of the urban makeup of the village center.

Block patterns are usually in a grid interconnected form, providing a variety of options to access other areas of the community. In residential areas garages may be located to the rear of the property and serviced via alleys or partially hidden behind the home. Streets are narrower with on-street parking, which aids in traffic calming within the residential areas. Lots may be smaller with homes located closer to the street. Front porches are a prominent feature of a majority of the homes. Parks and open spaces are in a variety of sizes and scattered throughout the residential neighborhoods.

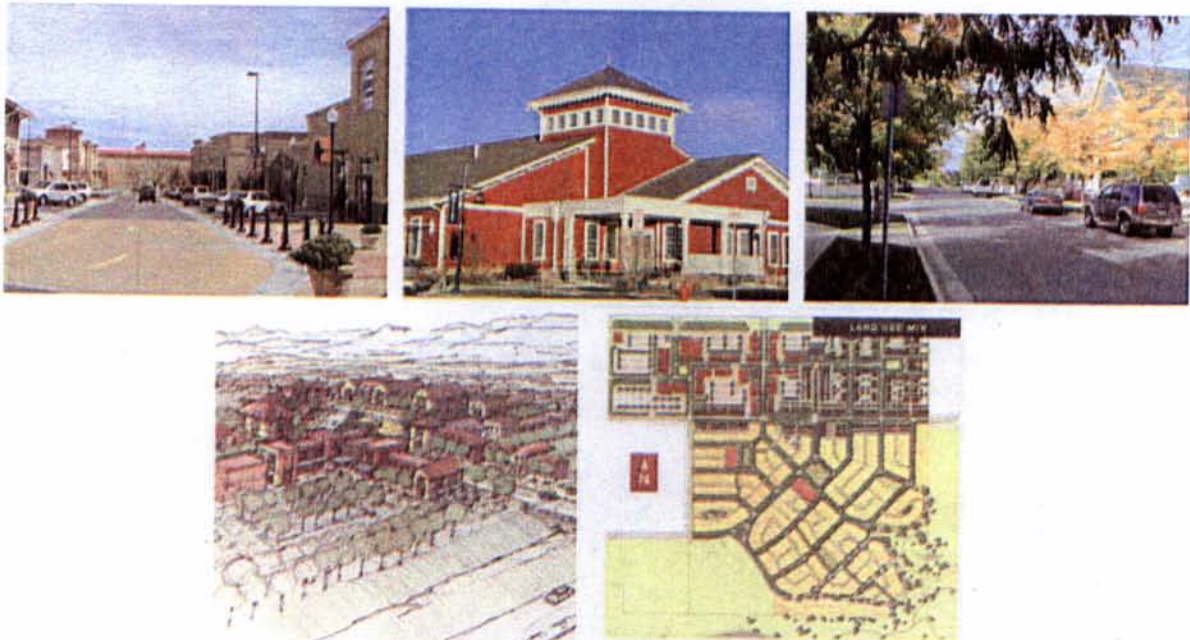
Residential uses range from single family detached to multi-family. These uses must function tighter as a part of the overall TMUND.

The development location and intensity should be designed to provide optimal transit opportunities for residents.

The development will have a pedestrian-oriented design that encourages walking and bicycling, and creates a distinct, identifiable neighborhood. The development should include a pedestrian friendly, interconnected street system that provides sidewalks, street trees, and bicycle lanes so that people can walk or bicycle throughout the neighborhood.

A TMUND should be built around a neighborhood center or focal point which will serve as the focal point for community activities. The neighborhood center may include civic uses; such as a school, library, post office, or public plaza; a neighborhood park; recreation center; and other neighborhood services such as retail uses.

The City approved specific Design Guidelines for Traditional Mixed-Use Neighborhood Developments. The guidelines describe more specific development characteristics.



(1) Lowry Town Center mixed-use, (2) Bradburn school, (3) Single family in Longmont, (4) and (5) Bradburn, a TMUND project located in the northeast area of the City at 120th Avenue and Lowell Boulevard, incorporates commercial, a mix of residential types, and amenities, including parks, civic uses, and a community center (Continuum, Civitas).

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, January 23, 2006. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the January 9, 2006 regular meeting were approved.

Council approved the following: the December 2005 financial report; 4th Qtr. Insurance report; Table Mountain Animal Center annual assessment; ferric chloride tank replacement at Semper Water Treatment facility; 2006 Chipseal Project contract award; deicing materials purchase authorized; water treatment chemicals purchase authorized; Purebred Arabian Trust open space property purchase and grant application to Adams County Open Space; 2nd amended PDP for Prospector's Point Condominiums PUD; 1st amended PDP and 8th amended ODP for St. Anthony North Hospital PUD; contract for purchase of golf course equipment; addition of golf course equipment to the City Master Lease; final passage of Councillor's Bill No. 2 re "Westminster Center District Center" CLUP amendment; final passage of Councillor's Bill No. 3 re 3 Parcels at 7309-7319 Orchard Court CLUP Amendment; final passage of Councillor's Bill No. 4 re 3 Parcels at 7309-7319 Orchard Court Rezone; final passage of Councillor's Bill No. 5 re annexation of Camalick property; final passage of Councillor's Bill No. 6 re CLUP amendment for the Camalick property; final passage of Councillor's Bill No. 7 re zoning the Camalick property; and final passage of Councillor's Bill No. 46, Series 2005, re cellular tower leases for Countryside Recreation Center and the Hydropillar

The following public hearings were conducted: re 2nd amended PDP for Prospector's Point Condominiums PUD; re 1st amended PDP and 8th amended ODP for St. Anthony North Hospital PUD; and a continued public hearing re TMUND Land Use Category CLUP amendment.

Council continued to February 13, 2006, a public hearing re proposed amendments to the service plan for Huntington Trails Metropolitan District.

Council adopted Resolution No. 3 re 2005 private activity bond allocation assignment.

The following Councillors' Bills were passed on first reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: to remove the minimum size restriction of 50 acres from the text describing the Traditional Mixed Use Neighborhood Development category.

A BILL FOR AN ORDINANCE AMENDING THE 2006 BUDGET OF THE GOLF COURSE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUND. Purpose: appropriating lease proceeds for golf course maintenance equipment at Heritage Golf Course.

The meeting adjourned at 9:05 p.m.

By Order of the Westminster City Council
Linda Yeager, City Clerk

Published in the Westminster Window on February 2, 2006

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the City for the properties depicted in Exhibit A, attached hereto and incorporated herein by reference, requesting a change in the land use designations from “R-8 Residential; R-18 Residential; Retail Commercial; Office; Industrial; Business Park, Private Park/Open Space, Public/Quasi-Public” to “District Center” for the property described in Exhibit B, attached hereto.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 13, 2005, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B).

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

e. That the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly its policies and goals on redevelopment and economic revitalization.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties in attached Exhibit B to “District Center.”

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th of January, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner of three parcels of land, for a change in the land use designation for an approximately 0.161 acre parcel located at 7319 Orchard Court from “Retail Commercial” to “R-3.5 Residential” and a change in the land use designations for an approximately 0.355 acre parcel located at 7019 Orchard Court and an approximately 0.720 acre portion of Block 35 of Harris Park Subdivision from “Retail Commercial” to “Public Parks”, as depicted on Exhibit A, attached hereto and incorporated herein by reference.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 13, 2005, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

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

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

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly its policies on neighborhoods and parks facilities.

Section 2. The City Council approves the requested amendments and authorizes City staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the land use designations of three parcels of land described on Exhibit B, attached hereto and incorporated herein by reference, as follows:

from “Retail Commercial” to “R-3.5 Residential” for Lot 1A of the First Replat of Houses’s Resubdivision,

from “Retail Commercial” to “Public Parks” for Lot 2A of the First Replat of Houses’s Resubdivision, and

from “Retail Commercial” to “Public Parks” for Parcel D, a portion of Block 35 of Harris Park Subdivision.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th of January, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

Lindsey – Dittman

A BILL

**FOR AN ORDINANCE AMENDING THE ZONING OF TWO PARCELS OF LAND
GENERALLY LOCATED AT THE NORTHWEST CORNER OF 73RD AVE. AND
ORCHARD CT. IN SECTION 31, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M.,
ADAMS COUNTY, COLORADO FROM CITY OF WESTMINSTER C-1
(COMMERCIAL DISTRICT) TO
CITY OF WESTMINSTER R-A (ONE-FAMILY RESIDENTIAL).**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property described below from City of Westminister C-1 (Commercial District) to City of Westminister R-A (One-Family Residential) zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code Section 11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 13, 2005, and has recommended approval of the requested amendments.

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

e. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminister Municipal Code Sections 11-4-3 and 11-5-3(A).

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the properties described as follows:

Lot 1A & Lot 2A, First Replat of House's Resubdivision, Westminister, Adams County, Colorado
from City of Westminister C-1 (Commercial District) to City of Westminister R-A (One-Family Residential).

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 9th day of January, 2006. PASSED, ENACTED ON SECOND
READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the application and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 1 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the application may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land situated in portions of the southwest quarter of Section 11 and the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, being more particularly described as follows;

Beginning at the northwest corner of Parcel 2, as shown in the Mandalay Gardens Exemption Survey Number 3, recorded at Book 108, Page 10, at Reception No. 92015695 in the records of said Jefferson County;

Thence south along the west line of said parcel to the northwest corner of Parcel 3, said Mandalay Gardens Exemption No. 3;

Thence southerly on the west line of Parcel 3 and its extension thereof to the southerly right-of-way line of Barber Drive;

Thence northeasterly along the south right-of-way line of said Barber Drive to the most northerly corner of Tract 67C., Mandalay Gardens, as recorded in Book 5, Page 36 in the records of said County;

Thence southeasterly along the northeasterly line of said Tract 67C and its extension thereof to the southeasterly right-of-way line of the Burlington Northern Railroad;

Thence northeasterly along said southeasterly right-of-way to the most westerly corner of the Bott annexation map;

Thence northeasterly along the northwesterly line of said Bott annexation map, said line also being the southeasterly right-of-way of the Colorado and Southern Railroad to a point on a curve, said point being the most northerly line of said Bott annexation map;

Thence southeasterly along said curve to a point on the westerly right-of-way of 105th Avenue;

Thence northeasterly along said westerly right-of-way line of 105th Avenue, said line being shown on the Bott annexation map and the annexation map for Woods third annexation to the City of Westminster to the south line of the southeast quarter of said Section 11;

Thence southwesterly along the south line of said southeast quarter to the south quarter corner of said Section 11;

Thence northerly along the west line of said southeast quarter to a point on the northerly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said northwesterly right-of-way to the northeasterly right-of-way of Old Wadsworth, shown as Standley Avenue on the map of Mandalay Gardens;

Thence southeasterly along said northeasterly right-of-way line to the southeasterly right-of-way of the Burlington Northern Railroad;

Thence southwesterly along said southeasterly right-of-way line to the southwesterly right-of-way of said Old Wadsworth;

Thence northwesterly along said southwesterly right-of-way to the northwesterly right-of-way of Zephyr Street as shown on Mandalay Gardens Exemption Survey No. 3;

Thence southwesterly along said northwesterly right-of-way to the north line of the aforementioned Parcel 3 of Mandalay Gardens Exemption Survey No. 3;

Thence westerly along said north line to the southeasterly corner of the aforementioned Parcel 2 Mandalay Gardens Exemption Survey No. 3;

Thence northerly along the east line of said Parcel 2 to the northeast corner of said Parcel 2;

Thence westerly along the north line of said Parcel 2 to the point of beginning.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of January, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owners of the properties described in Exhibit A, attached hereto and incorporated herein by reference, requesting a change in the land use designations from “Northeast Comprehensive Development Plan” to “City Owned Open Space” for the approximately 9.7 acre property located west of the Burlington northern railroad tracks and north of the 103rd Avenue alignment.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 13, 2005, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

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

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

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly the goal that encourages the enhancement of the City’s open space system to preserve and protect natural areas, vistas, and view corridors, and to complete the open space and trail system.

Section 2. The City Council approves the requested amendments and authorizes City staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties described in attached Exhibit A to “City Owned Open Space.”

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th of January, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.

**A BILL
FOR AN ORDINANCE AMENDING THE ZONING OF
THE CAMALICK ANNEXATION PROPERTY, A 9.7 ACRE PARCEL LOCATED
WEST OF THE BURLINGTON NORTHERN RAILROAD TRACKS AND NORTH OF
THE 103RD AVENUE ALIGNMENT, JEFFERSON COUNTY, COLORADO FROM A-1
TO O-1.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located WEST OF THE Burlington Northern Railroad tracks and north of the 103rd Avenue alignment, as described in attached Exhibit A, incorporated herein by reference, from the A-1 zone to an O-1 zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 9th, 2005 and has recommended approval of the requested amendments.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, the proposed O-1 zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described in attached Exhibit A, from the A-1 zoning district to the O-1 zoning district.

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 9th day of January, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of, January, 2006.

Price - Dixon

A BILL

FOR AN ORDINANCE APPROVING CELLULAR TOWER LEASE AGREEMENTS WITH VOICESTREAM FOR THE LEASE OF A PORTION OF THE COUNTRYSIDE RECREATION CENTER AND THE HYDROPILLAR FOR THE CONSTRUCTION OF CELLULAR TOWERS AND ANTENNAS

WHEREAS, additional cellular sites within the City are needed by cellular phone companies to enhance and expand cellular services for customers; and

WHEREAS, VoiceStream has evaluated locations and determined that the Countryside Recreation Center and the Hydropillar sites are ideal for the placement of cellular antennas; and

WHEREAS, execution of these agreements will generate \$2,000 per month in revenue for the City; and

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreements between the City and VoiceStream for the lease of a portion of the Countryside Recreation Center and the Hydropillar for the construction of cellular towers and antennas are approved in substantially the same form as attached as Attachment "A."

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of September, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of January, 2006.