



WESTMINSTER
COLORADO

February 10, 2003
7:00 P.M.

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 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

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

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

8. Consent Agenda
 - A. Financial Report for December 2002
 - B. Swim & Fitness Center Roof Replacement Contract Award
 - C. Purchase of Patrol Cars and Staff Cars
 - D. CB No. 6 re Annexation of Lombardi and Farmers High Line Canal Properties (Atchison-Dixon)
 - E. CB No. 7 re Zoning of Lombardi and Farmers High Line Canal Properties (Atchison-Dixon)
9. Appointments and Resignations
 - A. Appointment of Associate Judge
 - B. 2003 Council Assignments
10. Public Hearings and Other New Business
 - A. Public Hearing re Northeast Comprehensive Development Plan re NWC of 104th Ave/US 36
 - B. Councillor's Bill No. 8 re Northeast Comprehensive Development Plan re NWC 104th Ave/US 36
 - C. Public Hearing re Rezoning and PDP/ODP for Cottonwood Village NWC 88th Ave/Federal Blvd
 - D. Councillor's Bill No. 9 re Rezoning for Cottonwood Village
 - E. PDP/ODP Approval for Cottonwood Village
 - F. Waive undergrounding requirements for Cottonwood Village
 - G. Resolution No. 5 re Easement for Wattenberg Improvement Association Pipeline
 - H. Resolution No. 6 re 2002 Private Activity Bond Allocation Assignment
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 10, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Mayor Pro Tem Atchison moved, seconded by McNally to approve the minutes of the meeting of January 27, 2003 with no corrections or additions. The motion carried unanimously.

CITIZEN COMMUNICATION

Joe Armstrong, representing the Rocky Mountain Figure Skating Club at Sun Microsystems Ice Centre, addressed Council stating that the Skating Club will be recognized this Spring for their 25th Anniversary and updated the Council on upcoming events and thanked Council for their vision in working with Hyland Hills to build the Ice Centre.

CITY MANAGER COMMENTS

Brent McFall, City Manager, stated there would be an executive session item to discuss negotiation on real estate property acquisition, and stated City Hall would be closed next Monday for President's Day and no Study Session on Monday evening..

CITY COUNCIL COMMENTS

Councillor Hicks read an article from the Historical Society about October, 1953 and the City's water shortage at that time.

Councillor Dittman commented on the demolition of the Aspen Care Home, located at 74th Avenue and Lowell Boulevard.

Councillor Kauffman commented on the CU Basketball player Blair Wilson.

Councillor Dixon stated that Council members will be going to Washington D.C. for the National League of Cities conference and to lobby our Federal officials regarding federal issues.

Mayor Moss commented on Ron Hellbusch being elected as president of the Colorado Water Congress.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: Financial Report for December 2002; Swim & Fitness Center Roof Replacement Contract Award to Silvercool Service Co for \$59,091; Replacement of City Staff cars and Patrol Vehicles with Daniels Chevrolet for \$339,852; CB No. 6 re Annexation of Lombardi and Farmers High Line Canal Properties; CB No. 7 re Zoning of Lombardi and Farmers High Line Canal Properties.

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

Councillor Dittman moved, seconded by Atchison to adopt the consent agenda items as presented. The motion carried unanimously.

APPOINTMENT OF ASSOCIATE JUDGE

Councillor Hicks moved, seconded by Dixon to appoint Paul D. Basso as Westminster Municipal Court Associate Judge. The motion carried unanimously.

2003 CITY COUNCIL ASSIGNMENTS

Councillor Kauffman moved, seconded by Dixon to adopt the 2003 City Council Assignments as follows: Mayor Moss to Adams County Transportation Issues, ADCO Mayor Executive Committee, DRCOG, DRCOG Metro Vision Committee Metro Mayors Caucus, Transit Alliance, Volunteer Firefighter Pension Board, and US 36 TMO, US 36 Mayors/Commissioners Coalition; Mayor Pro-Tem Atchison to Jefferson County-wide Transportation Issues Policy Committee, JEFFCO Mayor/Commissioners/Manager, Metro Mayors Caucus, NLC Community & Economic Development Policy Committee, Rocky Flats Coalition of Local Governments, Board of Building Code Appeals, Planning Commission, and Special Permit & License Board; Councillor Dittman to Adams County Airport Coordinating, COW/Hyland Hills/School District 50, Westminster Historical Society, Election Commission, Parks & Recreation Advisory Board, and Youth Advisory Panel; Councillor Dixon to ADCOG Dinner, Adams County Economic Development, CML Policy Committee Community Artist Series, NLC Community & Economic Development Steering Committee, Rocky Flats Coalition of Local Governments; Volunteer Firefighter Pension Board, and Human Services Board, Councillor Hicks to Adams County Airport Coordinating, ADCOG Dinner, CML Affordable Housing Committee, CML General Municipal Issues Committee, CML Sales Tax Simplification Committee, CMP Tax Policy Committee, CML Youth Issues Committee, Jeffco Youth Alcohol Intervention Program Board, NLC Information Technology Policy Committee, North Metro Alcohol Diversion Board, Board of Adjustment, Environmental Advisory Board, and Youth Advisory Panel; Councillor Kauffman to Jeffco Dinner, Jeffco Economic Council, Jefferson Parkway, Personnel Board and Library Board; Councillor McNally to Adams County Airport Coordinating, DRCOG, Jeffco Dinner, Transit Alliance, US 36 TMO, US 36 Mayors/Commissioners Coalition, Open Space Advisory Board, and Transportation Commission. The motion carried unanimously.

PUBLIC HEARING RE PROPOSED CHANGES TO NORTHEAST COMPREHENSIVE DEV PLAN

At 7:22 P.M. the public hearing was opened on the proposed changes to the Northeast Comprehensive Development Plan relating to the northwest corner of 104th Avenue and US 36. Dave Shinneman, Planning Director, the following information was entered into the record: a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items. No one spoke in opposition. The public hearing was declared closed at 7:25 P.M.

COUNCILLOR'S BILL NO. 8 RE ENACTING AMENDMENTS TO THE NORTHEAST COMP PLAN

Councillor Dittman moved, seconded by Atchison to pass Councillor's Bill No. 8 on first reading enacting amendments to the Northeast Comprehensive Development Plan pertaining to the northwest corner of 104th Avenue and US 36, Subarea C. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE REZONING AND PDP/ODP FOR COTTONWOOD VILLAGE

At 7:26 P.M. the public hearing was opened on the rezoning and PDP/ODP Plan for Cottonwood Village. Dave Shinneman, Planning Director, gave a PowerPoint presentation and entered the following information was entered into the record: a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items. The following people addressed Council: Susan Wade, Downing, Thorpe James, Joan Higgins and Bill Reilly representing the Developer, Laura Nelson, 8840 Grove St requested the undergrounding of the existing utility lines and Leroy Richmeier, 8910 Grove St, spoke in favor of the development. The public hearing was declared closed at 8:02 P.M.

COUNCILLOR'S BILL NO. 9 RE REZONING OF COTTONWOOD VILLAGE

Mayor Pro-Tem Atchison moved, seconded by Dittman approving the rezoning of Cottonwood Village property from C1 Commercial District to Planned Unit Development for single-family attached condominiums. This action is based upon the findings set forth in Section 11-5-3 of the Westminster Municipal Code. Upon roll call vote, the motion carried with a dissenting vote from Dixon.

COTTONWOOD VILLAGE PDP/ODP

Mayor Pro-Tem Atchison moved, seconded by Dittman to approve the Cottonwood Preliminary and Official Development Plan within the Cottonwood Village Planned Unit Development. This recommendation is based on the findings set forth in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code. The motion carried with a dissenting vote from Dixon.

WAIVE UNDERGROUNDING REQUIREMENTS FOR COTTONWOOD VILLAGE

Mayor Pro-Tem Atchison moved, seconded by Dittman to waive the City Code requirement to underground existing electric and communication lines adjacent to the west property boundary based on the findings set forth in Section 11-6-3(E). The motion carried with dissenting votes from Dixon and Hicks.

RESOLUTION NO. 5 RE EASEMENT FOR WATTENBERG LAKE PROPERTY

Councillor Dixon moved, seconded by McNally to adopt Resolution No. 5 authorizing the City Manager to sign documents granting a non-exclusive easement to the Wattenberg Improvement Association for the construction and maintenance of a filter concentrate pipeline across Westminster's Wattenberg Lake property. Frank Galacea was present and addressed Council. Upon roll call vote, the motion carried with a dissenting vote from Dixon.

RESOLUTION NO. 6 RE 2002 PRIVATE ACTIVITY BOND ALLOCATION ASSIGNMENT

Councillor McNally moved, seconded by Kauffman to adopt Resolution No. 6 assigning the 2002 Private Activity Bond (PAB) allocation of \$3,785,250 to the Westminster Economic Development Authority (WEDA), to undertake redevelopment activity within urban renewal areas. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss announced there would be an Executive Session to discuss a real estate acquisition matter.

ADJOURNMENT:

The meeting was adjourned at 8:10P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Study Session
February 10, 2003



SUBJECT: Financial Report for December 2002

Prepared By: Mary Ann Parrot, 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 and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report; this reflects November sales and use tax receipts received in December.

- Across all shopping centers, total sales & use tax receipts are down 7% over the twelve-month period from last year (Sales and Use Taxes). Sales Tax receipts (only) are down 5% year to date from the same period last year.
- The Westminster Mall is down 22% for December and down 13% year to date, compared to last year.
- November figures were as follows:
 - Shopping center receipts were down 7% year to date and Sales Tax receipts (only) were down 5%.
 - The mall was up 2% the month of November and down 12% year to date.
 - This month reflects a decline over last month for the Mall, but the same for shopping centers as a whole. The reason for this is that other shopping centers compensated for the fall in revenues at the Westminster Mall.

Key features of the monthly financial report for December are as follows:

- At the end of December, twelve of 12 months, or 100%, of the year has passed.
- This month's report shows a comparison of Actual to Budgeted Revenues and Expenditures, rather than pro-rated Revenues and Expenditures. This is a more meaningful report for the year-end.
- In addition, year-end adjustments, made prior to the annual audit, will take place starting February-June. This will result in accruals for year-end revenues and expenses, and may result in other adjustments. Staff will also issue a report in March showing Adjusted, Unaudited figures – this will give Council a more accurate picture of the year end.
- The Sales and Use Tax Fund revenues are currently \$5,101,972 under budget for the year, without consideration of carryover for the year. (Carryover is a balance-sheet item and does not appear on the monthly financial income statement.) This does not reflect the accrual for revenues received in January, but recorded for the month of December. The December figures reflect the sales in November, tax receipts received in December. Sales tax returns are down for December 2002 compared to December 2001 by 6.8% for the month and by 8.5% year to date (for twelve months January-December) when year-end 2001 adjustments are removed, thus presenting an “apples to apples” comparison. Staff projects that the Sales and Use Tax Fund will be under budget by approximately \$5.5 to \$5.7 million for the year.
- The General Fund revenue is currently 94% of budget for twelve months. This reflects the reduction in the transfer of sales taxes to the General Fund. Since June, the funding of the General Fund has gone from 102% of budget to 94% of budget. Staff will be revising this reduction after year-end adjustments are complete, thus improving the General Fund picture. This is because other measures have been taken to relieve pressure on the General Fund.

Policy Issues

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.

Alternatives

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 is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a budget percentage at or above 100%. For expenditures, a positive indicator is a budget percentage that is below 100%.

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 such as City Manager, City Attorney, Finance, and General Services.

At the end of December, the General Fund is in the following position regarding both revenues and expenditures:

- Under budget in revenues by \$3,826,635 (94% of budget). This reflects the reduced sales tax collections for the past six months of \$833,333 resulting in a total reduction of \$5 million. Because of other spending reductions, Staff will make a year-end adjustment to this transfer, reducing the shortfall from \$5 million to something much less after all year-end adjustments have been made.
- Under budget in expenditures by \$9.6 million (88% of budget). Accruals and other year-end spending recorded through mid-February prior to closing the year's books will reduce this figure significantly. Nevertheless, Staff expects the City to under-spend the General Fund budget.

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. At the end of December, the Enterprise is in a positive position.

- Combined Water & Wastewater over budgeted revenues by a combined \$2.158 million:
 - Water revenues over budget by \$33,858 (100% of budget), due primarily to positive variances in rates and charges, tap fees, interest earnings, and a reimbursement for Standley Lake spillway construction expenditures in April. In addition, the planned financing of Standley Lake was not bond financed, but cash funded, due to tax issues.
 - Wastewater revenues over budget by \$2,123,993 (121% of budget), due mostly to collections for the month from monthly customers and tap fees from builders.
 - Stormwater Drainage revenues over budget by \$54,850 (107% of budget).
- Combined Water & Wastewater under budget in expenditures by a combined \$5.332 million. The major reason for this is that expenditures to be paid after year-end have not yet been made.
 - Water under budgeted expenditures budget by \$3.192 million (86% of budget).
 - Wastewater under budgeted expenditures budget by \$2.140 million (79% of pro-rated budget).
 - Stormwater Drainage under budgeted expenditures budget by \$137,876 (44% of budget).

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

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects 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. At the end of December, the position of these funds is as follows:

- Sales & Use Tax Fund - Under budget in revenues by \$5,101,972 million (90% of budget). Staff projects that the Sales Tax Fund will be under budget for the year by approximately \$5.5 to \$5.7 million, after accruing December revenues, received in January, and making other year-end adjustments, prior to issuing a revised (adjusted but unaudited) report at the end of March.
- Sales & Use Tax Fund – Under budgeted expenditures by \$5,000,000 (90.6% of budget) because of the reduced transfers from the Sales & Use Tax Funds. Because of reductions in capital spending and debt service savings, this reduction will be revised; Staff will make the final adjustments during year-end work.
- Open Space Sales & Use Tax Fund - Under budget in revenues by \$230,892 (96% of budget), due to a shortfall in sales and use tax collections tied to a recessionary economy.
- Open Space Sales & Use Tax Fund - Under budget in expenditures by \$1,774,204 (78% of budget). This is due to year-end funds of approximately \$500,000 which are encumbered but not spent for a parcel of land, to be closed on after year-end, as well as approximately \$1.1 million ear-marked for a purchase to be consummated in 2003.

Golf Course Funds (Legacy and Heritage- the Golf Course Enterprise)

These funds reflect the operations of the City's two municipal golf courses.

- Legacy - Under budget in revenues by \$110,538 (94% of budget).
- Legacy - Under budget in expenses by \$163,930 (91% of budget). This variance is mostly a positive variance in operations, but does not yet reflect accruals made after year-end.
- Heritage - Under budget in revenues by \$366,181 (80% of budget). This is the same as last month's report, when revenues were 80% of budget.
- Heritage - Under budget in expenditures by \$59,457 (97% of budget). Again, this excludes the impact of accruals for year-end, but is also improved from last month's report when expenditures reached 100% of budget.

Staff will attend the February 10th City Council Study Session to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 10, 2003



SUBJECT: Swim & Fitness Center Roof Replacement Contract Award

Prepared By: Brad Chronowski, Landscape Architect II

Recommended City Council Action

Authorize the City Manager to enter into a contract with Silvercool Service Company in the amount of \$53,719 and approve a contingency fund of \$5,372 to replace the cedar shake roof at the Swim & Fitness Center with a new metal seamed roof.

Summary Statement

- The Swim & Fitness Center is nearly complete with the 2002 Weight Room Expansion Project.
- In addition to the new roof, Staff expects to further improve the center by painting the building exterior to match the newly expanded weight room and also paint the natatorium as reviewed with City Council at the December 16, 2002 Study Session.
- The consulting architect, BBB Architects, assisted the City in design, specifications and soliciting bids for this project.
- The City received three bids for this project. The bid tabulation follows:

Silvercool Service Company	\$53,719
Bauen	\$61,500
JHL Constructors, Inc.	\$72,945
Sand Construction	NO BID
Barba	NO BID

- The consulting architect's estimate for this project was \$67,000.
- The design, materials and color used for the roof replacement project will match the roof system installed with the weight room expansion project.
- The Swim & Fitness Center will remain open for the duration of this project.

Expenditure Required: \$59,091

Source of Funds: 2003 General Capital Improvement Fund

Policy Issue

Does City Council wish to move forward with the Swim & Fitness Center Roof Replacement Project?

Alternatives

1. City Council could reject the bids and require that Staff re-bid the roof replacement project. Staff does not recommend this alternate, as the roof over the newly expanded weight room will be installed very soon and will begin to weather. Staff is making every attempt to have the entire roof system for the Swim & Fitness Center look uniform.
2. Council could reject Silvercool's bid and negotiate with the second lowest bidder.

Background Information

In an effort to improve aesthetics, reduce maintenance and avoid water damage, the Parks, Recreation and Libraries Department requested and received funds to replace the aging cedar shingle roof at the Swim & Fitness Center. The proposed metal roof will last much longer than the existing shingle roof and will require very little maintenance. Also, along with the new color scheme utilized for the expanded weight room, this roof will greatly improve the Center's exterior appearance with its warm (rusty reddish) color and off-white paint (proposed).

The City utilized the consulting architect, BBB Architects, to plan and detail the new roof system. This system includes extended wall caps, fascia and trim that will enhance the appearance of the building. The schedule in place would allow this project to be completed before the Center re-opens after its May shutdown period.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 10, 2003

SUBJECT: Replacement of the City's staff cars and patrol vehicles.

Prepared By: Carl F. Pickett, Purchasing Specialist

Recommended City Council Action

Award the Multiple Assembly of Procurement Officials bid for staff cars to Daniels Chevrolet, and award the State of Colorado bid for patrol vehicles to Lakewood Fordland.

Summary Statement

- City Council action is requested to award vehicle purchases based on the Multiple Assembly of Procurement Officials (MAPO) bid for staff cars and the State of Colorado award for patrol vehicles.
- The City will save money using a multiple award this year.
- All vehicles recommended for purchase have been previously approved for purchase by City Council in the 2003 budget.

Expenditure Required: \$ 339,852

Source of Funds: General Capitol Outlay Replacement Fund, Police Department budget, and Water Fund, Utilities Department budget and CIRSA.

Policy Issues

Whether or not to approve the cooperative bid by the Multiple Assembly of Procurement Officials for staff cars and the State of Colorado bid for patrol vehicles.

Alternatives

- Reject MAPO bid and instruct staff to re-bid vehicles.
- Instruct staff to use State bid for all vehicles instead.
- Do not purchase any replacement vehicles for the 2002 budget year.

Background Information

As part of the 2003 budget, City Council approved the replacement of six staff cars and ten patrol vehicles. The patrol units will be replaced on a "to be determined" basis, based on the condition and maintenance history of each of the vehicles currently in operation. In addition, two patrol units to be replaced were wrecked and declared total losses in 2002. Their replacement was delayed until the City could take advantage of the annual bid process.

The staff cars to be replaced are Units #8007, #8207, #8559, #8562, 8584, and #9008. They have reached a point that it is no longer economically reasonable to maintain them in service. Information regarding each vehicle replacement is as follows:

UNIT #	YEAR	MAKE	MODEL	MILES	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
8007	1994	Pontiac	Grand Am	89,377	\$10,891
8207	1995	Buick	Regal	95,946	\$12,486
8559	1996	Chevrolet	Lumina	95,149	\$14,440
8562	1997	Chevrolet	Lumina	90,951	\$7,664
8584	1998	Chevrolet	Lumina	85,456	\$9,108
9008	1990	Chevrolet	Corsica	82,200	\$8,536

The MAPO bid was sent out in July of 2002 and received responses from twenty nine vendors. The low bid from Daniels Chevrolet meets all specifications and requirement set by the City. The cost of the six staff vehicles, \$76,968 is within the amount previously approved by City Council for this expense.

The MAPO coop represents all of the political subdivisions in the state. With it's combined purchasing power the volume of vehicles of the MAPO group is almost four times as great as the State. This bid also allows political subdivisions with dedicated fleets to select the low bid of a specific manufacture, such as GM products.

The bid price of the staff car, a Chevrolet Malibu, is \$12,828 each. Last year using the MAPO award, the cost to the City was \$13,619 each. The bid price of the patrol vehicles is \$21,789 each. This is the same price that the State had in 2002. Last year with the MAPO award, the City spent \$20,632 per vehicle. There is also an additional cost of \$1,789 to outfit three of the patrol units into unmarked traffic control units.

The present condition and maintenance history of these vehicles would make it impractical to continue to operate them in regular service based on Fleet Maintenance replacement recommendations.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 10, 2003



SUBJECT: Second Reading for Councillor's Bills No. 6 and 7 re Annexation and Zoning of Two Open Space Parcels Located North Side of 92nd Avenue and South of Niver Canal

Prepared By: David Falconieri, Planner III

Recommended City Council Action

Pass Councillor's Bill No. 6 and 7 on second reading approving the annexation of the former Lombardi and Farmers' High Line Canal properties, located at north side of 92nd Avenue and south side of Niver Canal, to the City of Westminster and zoning the annexed properties O-1.

Summary Statement:

- City Council action is requested to pass Councillor's Bill No. 6 on second reading annexing the former Lombardi and Farmers' High Line Canal properties to the City of Westminster.
- City Council action is requested to pass Councillor's Bill No. 7 on second reading zoning the annexed properties O-1, making the finding that the provisions of Section 11-5-3 of the Westminster Municipal Code have been met.
- These Councillor's Bills were passed on first reading on January 27, 2003.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2003

COUNCILOR'S BILL NO. **6**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 23, 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, the City of Westminster is the sole owner of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, the area proposed to be annexed is not solely a public Street or right-of-way; and

WHEREAS, City Council has heretofore adopted Resolution No. 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 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:

PARCEL 1

Commencing at the east quarter corner of said Section 23 from whence the center quarter corner of said Section bears S89°00'29"W, 2671.44 feet, as shown on the City of Westminster's GIS survey plats, and on which all bearings hereon are based; thence along the east line of the northeast quarter of said Section N00°18'23"W, 30.00 feet to a point on the north line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 84083557 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said north line S89°00'29"W, 420.06 feet; thence N12°48'10"E, 88.08 feet to a point on a non-tangent curve to the left, a point on the south line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 93037860 of said records; thence along said south line and along said curve having a radius of 2908.63 feet and an arc length of 134.42 feet, long chord bears S87°53'05"E, 134.41 feet; thence continuing along said south line S89°12'31"E, 265.82 feet to a point on the west line of that parcel of land annexed into the City of Westminster and recorded in Book 33 at Page 33 of said records; thence S00°18'23"E, 69.99 feet to the true point of beginning;

Contains 31484 square feet or 0.7228 acres more or less.

PARCEL 2

Commencing at the east quarter corner of said Section 23 from whence the center quarter corner of said Section bears S89°00'29"W, 2671.44 feet, as shown on the City of Westminster's GIS survey plats, and on which all bearings hereon are based; thence along the east line of the northeast quarter of said Section N00°18'23"W, 30.00 to a point on the north line of west 92nd Avenue; thence along said north line S89°00'29"W, 450.89 feet to a point on the line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 93037860 of said records; thence continuing along said line S89°00'29"W, 217.02 feet to the true point of beginning;

Thence S89°00'29"W, 539.58 feet, along said north line to the southerly line of Niver Canal as recorded at Reception Number 93037860 of said records; thence along said line the following 5 courses; 1) N55°47'29"E, 12.77 feet to a point of curve to the right; 2) along said curve having a central angle of 13°00'00", a radius of 613.27 feet, an arc length of 139.15 feet and a long chord that bears N62°17'29"E, 138.85 feet; 3) N68°47'29"E, 65.00 feet to a point of curve to the right; 4) along said curve having a central angle of 26°00'00", a radius of 539.75 feet, an arc length of 244.93 feet and a long chord that bears N81°47'29"E, 242.83 feet and 5) S85°12'31"E, 105.50 feet; thence S00°02'01"W, 111.77 feet to the true point of beginning;

Contains 50292 square feet or 1.1545 acres more or less.

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 27th day of January, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of February, 2003.

ATTEST:

Mayor

City Clerk

Lombardi Annexation

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2003

COUNCILOR'S BILL NO. **7**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN TWO PARCELS OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. 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.
- c. 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 Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. Two parcels of land located in Section 23, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

PARCEL 1

Commencing at the east quarter corner of said Section 23 from whence the center quarter corner of said Section bears S89°00'29"W, 2671.44 feet, as shown on the City of Westminster's GIS survey plats, and on which all bearings hereon are based; thence along the east line of the northeast quarter of said Section N00°18'23"W, 30.00 feet to a point on the north line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 84083557 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said north line S89°00'29"W, 420.06 feet; thence N12°48'10"E, 88.08 feet to a point on a non-tangent curve to the left, a point on the south line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 93037860 of said records; thence along said south line and along said curve having a radius of 2908.63 feet and an arc length of 134.42 feet, long chord bears S87°53'05"E, 134.41 feet; thence continuing along said south line S89°12'31"E, 265.82 feet to a point on the west line of that parcel of land annexed into the City of Westminster and recorded in Book 33 at Page 33 of said records; thence S00°18'23"E, 69.99 feet to the true point of beginning;

Contains 31484 square feet or 0.7228 acres more or less.

PARCEL 2

Commencing at the east quarter corner of said Section 23 from whence the center quarter corner of said Section bears S89°00'29"W, 2671.44 feet, as shown on the City of Westminster's GIS survey plats, and on which all bearings hereon are based; thence along the east line of the northeast quarter of said Section N00°18'23"W, 30.00 to a point on the north line of west 92nd Avenue; thence along said north line S89°00'29"W, 450.89 feet to a point on the line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 93037860 of said records; thence continuing along said line S89°00'29"W, 217.02 feet to the true point of beginning;

Thence S89°00'29"W, 539.58 feet, along said north line to the southerly line of Niver Canal as recorded at Reception Number 93037860 of said records; thence along said line the following 5 courses; 1) N55°47'29"E, 12.77 feet to a point of curve to the right; 2) along said curve having a central angle of 13°00'00", a radius of 613.27 feet, an arc length of 139.15 feet and a long chord that bears N62°17'29"E, 138.85 feet; 3) N68°47'29"E, 65.00 feet to a point of curve to the right; 4) along said curve having a central angle of 26°00'00", a radius of 539.75 feet, an arc length of 244.93 feet and a long chord that bears N81°47'29"E, 242.83 feet and 5) S85°12'31"E, 105.50 feet; thence S00°02'01"W, 111.77 feet to the true point of beginning;

Contains 50292 square feet or 1.1545 acres more or less.

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 27th day of January, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of February, 2003.

ATTEST:

Mayor

City Clerk

Lombardi Zoning



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 10, 2003



SUBJECT: Appointment of Associate Judge

Prepared By: Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action:

Appoint Paul D. Basso as Westminster Municipal Court Associate Judge.

Summary Statement:

- Associate Judge Hilary Holland recently resigned from her .5 FTE Associate Judge position in the Municipal Court effective February 4, 2003. In accordance with Westminster Municipal Code, the Presiding Judge provides a recommendation of a candidate to fill the position and City Council makes the appointment.
- City Council previously concurred with Presiding Judge John Stipech's recommendation that he consider interested individuals who have been associated with the Court. After reviewing the credentials of several individuals, Judge Stipech has decided to recommend that Paul Basso be appointed to this half-time benefitted position. Mr. Basso is a licensed Colorado attorney and has been serving as a Judge Pro Tem for the City since 1996.

Expenditure Required: Approximately \$41,000 plus City benefits (funding for salary and benefits previously authorized)

Source of Funds: General Fund

Policy Issue

Should the Court continue to be staffed with a fulltime Judge and a .5 FTE Associate Judge?

Alternative

Consider other candidates for this position or whether or not to fill the position.

Background Information

Associate Judge Hilary Holland recently submitted her resignation after nearly 15 years of service as an Associate Judge at Westminster Municipal Court. In accordance with Section 1-22-2(C) of the Westminster Municipal Code, the City Council shall appoint an individual to fill this vacancy. The Presiding Judge is directed by Code to provide recommendations on such appointments. Once appointed, the associate judges work under the supervision and direction of the Presiding Judge.

City Council recently directed Presiding Judge John Stipech to provide a recommendation of an individual to fill the vacancy left by Judge Holland. Judge Stipech is recommending that Paul Basso, who serves as a Judge Pro Tem, be appointed to this half time benefitted position. Currently in his Judge Pro Tem position, Mr. Basso serves as one of two judges who are called upon regularly to fill in for the Presiding Judge and Associate Judge in their absence. Mr. Basso received his Bachelor's Degree in government and politics with an emphasis in the study of law at Kings College in Wilkes-Barre, Pennsylvania, in May 1983 and his Jurist Doctorate Degree from Oklahoma City University School of Law in May 1986. He has been licensed to practice law in Colorado since November 1986. He currently is engaged in his private practice with an emphasis in litigation, and criminal, family and civil law. He has extensive experience in Colorado Municipal County and District Courts, administrative hearings and juvenile and Federal Courts, including trials and appeals. He was previously associated with Basso and Smith from February 1989 to November 1989, with the law firm of Lozow, Lozow & Elliott in 1987 and with the Adams County District Attorney's Office in 1984. He is a voluntary attorney with the Women in Crisis Program for the Arvada Battered Women's Shelter and a former member of the Board of Directors of the Westminster DARE Foundation. He is a member of the Colorado Municipal Judges' Association, the Colorado Bar Association and the First Judicial District Bar Association. Judge Basso has been a resident of Westminster.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 10, 2003



SUBJECT: 2003 City Council Assignments

Prepared By: J. Brent McFall, City Manager

Recommended City Council Action

Adopt the attached 2003 City Council Assignments list.

Summary Statement

- Council annually adopts an assignments list. These assignments pertain to internal committees of the City organization as well as numerous external organizations in which the City has an involvement.
- The attached list reflects the changes made by City Council at the January 27, 2003 post meeting.
- This document was recently updated to reflect current meeting dates, times and locations.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

No policy issues are identified.

Alternatives

None identified at this time.

Background Information

The City of Westminster is involved in a number of organizations, which are external to the city government. These include a wide range of both standing committees as well as groups that are formed to address current issues. They range from regional air quality and transportation issues to representation on the Denver Regional Council of Governments (DRCOG) and the Urban Drainage and Flood Control District (UDFCD). City Council and Staff are active participants on a number of committees related to regional issues such as the Northwest Quadrant/Jefferson Parkway the I-25 Corridor Study committees and the U.S. 36 Locally Preferred Alternative for Transportation.

Also, there are 13 City Boards and Commissions to which a City Council liaison is assigned. The purpose of such Council assignments is to assure open and time sensitive communications between City Council and the respective Board or Commission. These particular assignments are to be handled on an "on-call" basis. The Chairperson of each respective Board or Commission shall be responsible to contact the Council representative when he or she is needed to be at the respective meeting

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CITY COUNCIL ASSIGNMENTS
February 2003

<u>Organization</u>	<u>Meeting Time/Date/Place</u>	<u>C</u>
Adams County Airport Coordinating	4-6 times a year, no set meeting schedule	Chris D
ADCOG Dinner	4 th Wednesday of each month (except Dec which varies due to holidays).	Butch
Adams County Economic Development	3 rd Thursday, 11:30 a.m.-1:30 p.m. 12050 Pecos St, Ste 200	Sam D
Adams County Transportation Issues	Once or twice per year special meetings.	Ed Mo
ADCO Mayor Executive Committee	3 rd Thursday of month @ 7:30 a.m., location varies per municipality	Ed Mo
COW/Hyland Hills/School District 50	As needed.	Chris I
CML Affordable Housing Committee	No set meeting schedule. Will send notices.	Butch
CML General Municipal Issues Committee	Varies	Butch
CML Policy Committee	Four times a year @ CML Office (2/15 9:30 am – 2:30 pm at CML offices)	Sam D
CML Sales Tax Simplification Committee	No set meeting schedule. Will send notices.	Barb D
CML Tax Policy Committee	Varies	Butch
CML Youth Issues Committee	No set meeting schedule. Will send notices.	Butch
Community Artist Series	4 th Thursday of month@ 4:30 p.m. at Dist. 50 Admin Bldg.	Sam D
DRCOG	3 rd Wednesday, 7:00-9:00 p.m.	Ed Mo
DRCOG Metro Vision Committee	.	Ed Mo
Front Range Water Forum	On Call	Ron H

<u>Organization</u>	<u>Meeting Time/Date/Place</u>	<u>Contact</u>
Jefferson County-wide Transportation Issues – Policy Committee	4 th Wednesday of every month, 3-5pm at Jeffco Admin. Bldg.	Herb A
JEFFCO Dinner	4 th Tuesday of every month (hosted by a different entity every month).	Tim K
Jeffco Economic Council	3 rd Friday, 9:15 – 11:00 a.m., Jeffco Admin. Building	Tim K
JEFFCO Mayor/Commissioner/Manager	7:15 a.m.-8:45 a.m. @ Jeffco Admin Bldg. – Lookout Mtn Rm. on 2/2; 4/5; 6/7; 8/2; 10/14	Herb A McFal
Jefferson Parkway	2 nd Wednesday of every even month, 3:30-5:00 p.m. at Westwoods Golf Course	Tim K
Jeffco Youth Alcohol Intervention Program Board	3 rd Thursday of each month, 11:30am-1:30pm, Jeffco Admin Bldg.	Butch
Metro Mayors Caucus	2/28, 4/25, 6/27, 8/22, 10/24 location varies depending on host	Ed Mo
NLC – Community & Economic Development Steering Committee	Meeting schedule to be determined at the March NLC Conference in Washington, D.C.	Sam D
NLC – Community & Economic Development Policy Committee		Herb A
NLC Information Technology Policy Committee	Two times a year	Butch
North Metro Alcohol Diversion Board	2 nd Thursday, 1:30 p.m. @ Thornton Police Dept.	Butch
Rocky Flats Coalition of Local Governments	1 st Monday of every month from 8 – 11:30 a.m., Jeffco Airport.	Sam D
Transit Alliance	Meets quarterly (3/26, 6/26, 9/25 & 12/11), location varies around the metro area.	Nancy
Volunteer Firefighter Pension Board	None planned until late in 2003 to review the performance of the funds.	Ed Mo Dixior

Organization	Meeting Time/Date/Place	
US 36 TMO	2 nd Tuesday of each month, 7:30-9:00 a.m. at the TMO offices, 4 Garden Center	Ed Mo Smith
U.S. 36 Mayors/Commissioners Coalition	As needed, will send notices.	Ed Mo Downi
Westminster Historical Society	On Call	Chris I

City Boards/Commission	Meeting Time/Date/Place	
Board of Adjustment	3 rd Tuesday of the month @ 7:00 p.m. in Council Chambers	Butch H
Board of Building Code Appeals	Meets on an as needed basis, typically Wednesday evening.	Herb A
Election Commission	As needed basis in the GS Conf Rm.	Chris D
Environmental Advisory Board	4th Thursday of every other month @ 5:30 p.m.	Butch H
Human Services Board	One meeting in February and May – August, evening hours	Sam Di
Library Board	Meets every other month on the 2 nd Thursday @ 7:00 p.m. in the Bruchez Room	Tim Ka
Open Space Advisory Board	1 st or 3 rd Wednesday of the month (when items warrant), CD Conf Room C	Nancy I
Planning Commission	2 nd & 4 th Tuesday of each month @ 7:00 p.m.	Herb A
Parks & Recreation Advisory Board	3rd Thursday of each month (except December) @ 5:30 p.m. in the PRL Conf Rm.	Chris D
Personnel Board	Meets 2 times per year for legal updates and training of Board's choice and as needed for personnel hearings.	Tim Ka
Special Permit & License Board	1 st and 3 rd Wednesday of each month @ 7:00 p.m. in Council Chambers	Herb A
Transportation Commission	2 nd Wednesday of every odd month @ 7:00 p.m. in CD Conf Rm. C	Nancy I
Youth Advisory Panel	1 st Tuesday of each month (except for December which is 12/14) @ 6:00 p.m. in the Council Boardroom	Butch H



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 10, 2003



SUBJECT: Public Hearing and Action on Proposed Changes to the Northeast Comprehensive Development Plan Relating to NWC of 104th Avenue and US 36

Prepared By: David Falconieri, Planner III

Recommended City Council Action:

1. Hold a public hearing
2. Pass Councillor's Bill No. 8 on first reading enacting amendments to the Northeast Comprehensive Development Plan pertaining to NWC of 104th Avenue and US 36 (Subarea C).

Summary Statement:

- The Northeast Comprehensive Development Plan (NECDP) was adopted by the City Council and the Jefferson County Commissioners in 1996 as part of an intergovernmental agreement (IGA) that regulated the development of the Jefferson County enclave area lying generally west of US 36.
- The NECDP divided the area into various "subareas" for which different goals and objectives were adopted to regulate how the area could be redeveloped.
- The City recently annexed the majority of Subarea C (see attached vicinity map) in order to redevelop the parcel for the Mandalay Town Center project at the northwest corner of 104th Avenue and US 36. Some of the tenets of the NECDP are inconsistent with a regional retail development and require an amendment of the NECDP.
- According to the IGA, the NECDP can only be amended by mutual consent of both jurisdictions. Therefore, the Jefferson County Board of County Commissioners must also approve this amendment. They have scheduled a hearing to act on the proposed amendments for February 11, 2003.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The proposed amendments were heard by the Planning Commission on January 28, 2003. The Commission voted unanimously (7-0) to recommend to the City Council that the proposed amendments to the NECDP be approved as proposed. No one appeared in support or opposition to the changes.

Policy Issue

Whether to amend the NECDP to comply with the goals and development standards of the proposed Mandalay Town Center project.

Alternative

Make a finding that some or all of the proposed changes to the NECDP not be made at this time. If this action is taken some or all of the aspects of the Mandalay Town Center project will have to be altered to comply with the plan.

Background Information

The proposed changes to the NECDP, Subarea C, on pages 7-8 are delineated below:

1. Under "Permitted Land Uses," change "Neighborhood retail" to "Neighborhood and regional retail." This change is needed because the Mandalay project will contain a significant retail element with "Big Box" users and a Town Center designed to attract shoppers from the region.
2. Under "Permitted Land Uses," add "Public Uses." This is needed because a large multi-modal public transportation hub is planned for the project.
3. Under "Permitted Land Uses," add a new paragraph number 4 as follows: "All legally existing uses may continue until an Official Development Plan is approved for the site." This is needed to assure the existing residents that the act of the annexation and Preliminary Development Plan (PDP) approval will not negate their existing uses.
4. Under "Prohibited Land Uses," delete "Liquor Stores" and "Bars and Taverns." These may be desirable uses in the town center setting.
5. Under "Public Improvements," delete paragraphs 1 and 2. These provisions were added to the NECDP in order to protect residents in the event that redevelopment occurred incrementally. Since the entire site will be redeveloped and all existing structures removed at the same time, the provision is obsolete. Add a new paragraph number 1 as follows: "Access to the Mandalay Town Center in Subarea "C" shall be provided from Church Ranch Boulevard with possible connections to Wadsworth Boulevard and to the Westminster Promenade via one or two underpasses under US 36." Renumber subsequent sections.

The proposed changes to "Development Standards, Intent," on page 14 are as follows:

1. Add the following sentence to the end of this section: "The development standards in this section shall not apply to the Mandalay Town Center in Subarea C." There are a number of redevelopment standards in this section that may be incompatible with the Town Center concept where setbacks may be smaller to create a more closed in look. These standards also did not contemplate the construction of a big box retailer and may be inconsistent with that type of building.

SUBJECT: Public Hearing and Action on Proposed Changes to the Northeast Comprehensive Development Plan Relating to NWC 104th Avenue and US 36 Page 3

Public Comments

A public meeting was held to discuss these changes with area residents on January 20, 2002. Three residents attended to hear a description of the proposed changes and did not express any objection.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **8**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

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

WHEREAS, pursuant to W.M.C. 11-4-16, a public hearing was held by the City Council concerning the proposed amendment; and

NOW THEREFORE, the City Council hereby finds that the requested amendment will be in the public good and in compliance with the overall intent of the Comprehensive Land Use Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the following necessary changes to the Northeast Comprehensive Development Plan portion of the Comprehensive Land Use Plan which are necessary to eliminate inconsistencies with the Mandalay Town Center project:

A. Subarea C, Pages 7-8:

1. Under "Permitted Land Uses," change "Neighborhood retail" to "Neighborhood and regional retail", add "Public uses", and delete paragraph number 4. Add new paragraph number 4 as follows: "All legally existing uses may continue until an Official Development Plan is approved for the site."
2. Under "Prohibited Land Uses," delete "Liquor stores" and "Bars and Taverns".
3. Under "Public Improvements" delete paragraphs 1 and 2. Add new paragraph 1 as follows: "Access to the Mandalay Town Center in Subarea C shall be provided from Church Ranch Boulevard with possible connections to Wadsworth Boulevard and to the Westminster Promenade via one or two underpasses under US 36." Renumber subsequent sections.

B. Development Standards, Intent, Page 14: Add the following sentence to the end of this section: "The development standards in this section shall not apply to the Mandalay Town Center in Subarea C."

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

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

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

Section 5. The City Planning Manager is authorized to cooperate with Jefferson County and take such steps as may be necessary to amend the text of the NECDP to incorporate the changes approved pursuant to this ordinance.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 10th day of February, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 24th day of February, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 10, 2003



SUBJECT: Public Hearing and Action on Rezoning and Preliminary and Official Development Plan for Cottonwood Village

Prepared By: Terri Hamilton, Planner III

Recommended City Council Action

1. Hold a public hearing.
2. Pass Councillor's Bill No. 9 approving the rezoning of the Cottonwood Village property from C1, Commercial District to Planned Unit Development for single-family attached condominiums. This action is based upon the findings set forth in Section 11-5-3 of the Westminster Municipal Code.
3. Approve the Cottonwood Village Preliminary and Official Development Plan (PDP/ODP) within the Cottonwood Village Planned Unit Development. This recommendation is based on the findings set forth in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code.
4. Waive the City Code requirement to underground existing electric and communication lines adjacent to the west property boundary based on the findings set forth in Section 11-6-3(E).

Summary Statement

An application was made by the Galena Street II Corporation for an 82-unit condominium project (known as Cottonwood Village) located at the northwest corner of 88th Avenue and Federal Boulevard (see vicinity map) to:

- Rezone a 9.73-acre property from C1, Commercial District, to Planned Unit Development for single-family attached condominiums. This property is currently undeveloped and located at the northwest corner of West 88th Avenue and Federal Boulevard behind the Shell station.
- Approve the combined PDP/ODP for Cottonwood Village to allow a single-family attached residential development comprised of ten buildings with a total of 82 units. The proposed PDP/ODP includes several variances from the Single-Family Attached Residential Design Guidelines, which will be described in detail in this memorandum.
- Waive the City Code requirement to underground existing electric and communication lines adjacent to the west property boundary.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

At their regularly scheduled meeting January 28, 2003, Planning Commission held a public hearing and unanimously (7-0) recommended approval of the following:

- Rezoning of the Cottonwood Village property from C1, Commercial District to Planned Unit Development for single-family attached condominiums.
- The Cottonwood Village Preliminary and Official Development Plan (PDP/ODP) within the Cottonwood Village Planned Unit Development.
- Waive the City Code requirement to underground existing electric and communication lines adjacent to the west property boundary.

At the public hearing, an adjacent resident asked questions regarding drainage and possible soil contamination from a past gasoline spill. The applicant responded to these concerns.

Policy Issues

1. Should the City approve the rezoning of the Cottonwood Village property from C1, Commercial District, to Planned Unit Development for single-family attached condominiums?
2. Should the City approve the Cottonwood Village combined PDP/ODP within the Cottonwood Village Planned Unit Development?
3. Should the City waive the City Code requirement to underground existing electric and communication lines adjacent to the west property boundary of the Cottonwood Village site?

Alternatives

1. Deny the rezoning based upon a determination that the findings set forth in Section 11-5-3 of the Westminster Municipal Code have not been met.
2. Deny the Cottonwood Village combined PDP/ODP based upon a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have not been met.
3. Deny the request to waive the City Code requirement to underground existing electric and communication lines adjacent to the west property boundary of the Cottonwood Village site, based upon a determination that the findings set forth in Section 11-6-3(E) have not been met.

Background Information

This project proposes ten two-story buildings with a total of 82 units and a net density of 9.14 dwelling units per acre, after right-of-way dedication is subtracted. Maximum density allowed cannot exceed ten dwelling units per acre in accordance with the Westminster Comprehensive Land Use Plan. The property is 9.73 acres and 0.76 acres will be dedicated for additional right-of-way along Federal Boulevard and West 88th Avenue (ten feet in width along West 88th Avenue and 27.5 feet in width along Federal Boulevard). The narrowness of the property (< 300 feet) has been a constraining element in attempts to meet all of the minimum setbacks and site requirements established by the Single-Family Attached (SFA) Design Guidelines. (Proposed variances and alternatives will be outlined in the Site Plan Information area of this memorandum.) City Staff supports the resulting plan as proposed by the combined PDP/ODP.

There are existing overhead electric and communication lines located along the west property boundary of the proposed Cottonwood Village Subdivision. A ten-foot utility easement exists within and along the rear property line of the adjacent single-family homes in Shaw Heights. City Code requires these existing overhead utilities be placed underground. This requirement would result in the developer of the Cottonwood Village project also having to underground the service lines to at least 19 of the adjacent single-family residences. Undergrounding these existing lines would allow existing and future trees to grow to full maturity without the otherwise periodic tree trimming by XCEL Energy.

The applicant is requesting a waiver of the requirement to underground these existing overhead utilities. (All other existing and future utilities will be placed underground.) Representatives from XCEL Energy have met with City Staff and have expressed resistance to placing these lines underground due to the complications of the adjacent 19 improved lots. Improvements such as a garage, fencing, landscaping, irrigation; replacement of meter panels; possible roof repairs; out of compliance or illegal electric wiring; and locations for new pedestals and transformers are financial as well as logistic hurdles.

The applicant has provided a rough cost estimate of \$100,000 to \$150,000 for this undergrounding. Approximately \$66,000 of this total is attributable to undergrounding the service lines to the adjacent 19 homes. The applicant has indicated that the cost to underground any portion of these existing overhead utility lines will make the project infeasible.

City Staff considered the option of providing financial assistance for a portion of the undergrounding cost by use of 1% funds from the franchise agreement with XCEL Energy. However, given resistance from XCEL regarding this project, the added cost and logistics to underground to the adjacent residences, and consideration for reserving these monies for a future project with a higher level of public benefit, City Staff believes a waiver of this code requirement, for the lines along the western boundary only, based upon hardship to the developer, is warranted.

Applicant/Property Owner

Stan & Gayle Brooks
Galena Street II Corporation
2967 Middle Fork Road
Boulder, Colorado 80302

Surrounding Land Use and Comprehensive Land Use Plan (CLUP) Designations

The subject property is abutted by apartments buildings to the north, Federal Boulevard to the east, a gasoline fueling facility and car wash to the southeast, West 88th Avenue to the south, and single family homes (Shaw Heights/Adams County) to the west. The CLUP designates the subject site as single family attached, the apartments to the north as multi-family, and the fueling facility to the southeast as commercial. Property south of West 88th Avenue is undeveloped Pillar of Fire property and the CLUP designation is single family detached.

Site Plan Information

The proposed 9.73-acre site plan indicates ten, two story buildings with a total of 82 units. Private amenities include a 1,000 S.F. recreation center, pool, playground with play equipment, and an open play area. Public land dedication was not required, however cash-in-lieu of land dedication (\$117,300) will be paid at time of final plat. Code requirements for park development fees (\$101,106) and a cash-in-lieu of school land dedication (\$38,376) will also be collected at final plat.

Roadway improvements (pavement, curb and gutter) is proposed to occur along West 88th Avenue and Federal Boulevard. Public walks will be constructed along these roads and connect to existing development abutting the subject property. Private walks occur within the site to provide pedestrian access between buildings and to the perimeter of the property.

The project is proposed to occur in two phases. Phase one will be primarily the north half of the site, including five of the ten residential buildings, the recreation center and pool, the internal roadway, and the brick wall, berm, and landscape improvements along the full length of the Federal Boulevard frontage. When the property is completed there will be new fencing around the entire perimeter, including a brick wall along West 88th Avenue and Federal Boulevard.

Proposed landscaping is typical for this type of project, including foundation plantings around the buildings, provision of a variety of trees and shrubs, street plantings including berming, and enhanced entry design. A higher density of trees is proposed within the west landscape buffer, adjacent to the existing single-family homes. Tree selection and location in this buffer area will consider utility line location. Project signage is proposed to occur at the Federal Boulevard entry, and architectural accent lighting will be provided throughout the site.

The location of the detention pond occurs along the northern portion of the Federal Boulevard frontage of the property, behind the brick fence. A few, very small ponds are located in the west landscape buffer.

The architecture of the proposed units indicates three different building elevations and over 50% of all non-window and door surfaces finished with brick. Patios or balconies are provided for each unit, and an enclosed garage space is accessible to each unit. A secondary parking space for each unit is located in front of each garage space. Required guest parking (29 spaces) are located throughout the site.

This project was awarded Service Commitments through the City's Growth Management Program and at that time, minimum design commitments are identified and additional design incentives are committed to regarding future development of the property. The proposed PDP/ODP is based upon these original requirements and incentives, as well as proposed variances. Variances and alternatives to design requirements and incentive items are identified in an attachment to this memorandum. (Refer to Exhibit 1.) The result to overall point total for incentive items is an increase of 275 points - reflecting additional design enhancements to the project. Because the site is so narrow (<300 feet), achieving a site design where building location varies to avoid a "barracks" look, and maintaining enough units to make the project financially appealing, became an insurmountable challenge to the developer - without consideration of variances to minimum design requirements. City Staff supports the proposed variances and resulting development plan, because Staff believes the developer is committing to alternative/additional design elements that generally offset the minimum design requirements not met.

Traffic and Transportation

This proposed development will be served by a right-in/right-out access point on Federal Boulevard and a right-in/right-out access point on West 88th Avenue. On a typical weekday this development will generate 490 vehicle trips with 35 trips occurring during the A.M. peak hour and 45 trips occurring during the P.M. peak hour. The proposed access points and the intersection of West 88th Avenue and Federal Boulevard were evaluated, with the results indicating that all three locations will operate at acceptable levels of service with the addition of traffic volumes generated by this development.

Service Commitment Category

A total of 67.2 Service Commitments were awarded to this property in 2001, under the Category B-2 Competition and Service Commitment Awards. These Service Commitments are sufficient to build out this project.

Referral Agency Responses

Responses to referrals were related to limiting access to Federal Boulevard, accommodating drainage from this site downstream, and concern from XCEL Energy regarding the logistics of undergrounding existing overhead utilities along the western property boundary. Access limitation for Federal Boulevard has been accommodated with the PDP/ODP; drainage concerns have been addressed and will be further detailed in subsequent construction review; and concerns of XCEL Energy regarding the logistics and complexities of undergrounding service lines to adjacent single family homes will be alleviated if City Council determines a waiver of this Code requirement is warranted.

SUBJECT: Public Hearing and Action on Rezoning and Preliminary and Official Development Plan
for Cottonwood Village

Page 5

Public Comments

A neighborhood meeting was held at Front Range Library on August 12, 2002. Approximately 15 neighboring residents attended. Overall the project was positively received. Questions and concerns discussed at this meeting related to drainage, traffic, access for tree trimming due to overhead lines, crime in the area, cost of units, and concern about additional development given recent watering restrictions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

Cottonwood Village
Exhibit 1

	Design Requirement	Required	Proposed	Proposed Mitigation
1	Bldg. 9 Setback to Texaco	44'	34'	10' high brick fence
2	Bldg. 9 Setback to 88 th future ROW	44'	44' from reduced ROW (20' difference)	6' high brick fence
3	Bldg. Setback along Federal	100'	71'	6' brick wall, minimum 4' ht. berm, increase open play area from 1% to 1.5%
4	Landscape Setback			
	a) W PI	35'	Varies, 25' minimum	Evergreen Trees 15' O.C., 8' high vinyl fence
	b) S PI	35'	35' from reduced ROW	6' high brick fence
	c) N PI	35'	25'	8' high vinyl fence w/brick columns
5	Earth Berm in Lands Setback			
	a) W	3½ ht.	None	See 4a
	b) N	3½ ht.	None	See 4c
6	Offsets in Fencing	5' depth/200 LF W & N P.Ls	0	See 4a, 4c
7	No. of Units/Bldg.	Maximum of 8 du/bldg.	3 Bldgs. @ 10/du bldg	Architectural details, added brick, increased variety in design
8	Under Grounding Utility Lines along West Property Boundary	Yes	Waiver of requirement	None
	Incentive Items	Original Commitment	Replacement	Points (+275)
1	Increased area of private landscape to 45%	0	Done	+ 200 Points
2	50-75% of all units have a private patio or balcony area	Yes	Increased to 100% of all units	+ 50 Points
3	Entry Medians (2)	Yes	None	- 75 Points
4	1 tree, 3 shrubs/400 sf	450	400	+ 50 Points
5	2 Volleyball (100 pt. Total)	Yes	Tot Lot (150 ea)	+ 50 Points

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2003

COUNCILLOR'S BILL NO. **9**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND CHANGING THE ZONING CLASSIFICATION OF A CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 2 SOUTH, RANGE 68 WEST, COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds;

- a. That an application for the zoning of the property described below from City of Westminister C-1 to City of Westminister PUD zoning has been submitted to the City for its approval pursuant to Westminister Municipal Coe Section 11-5-2.
- b. 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.
- c. 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, Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminister C-1 to City of Westminister PUD. A parcel of land located in Section 20, Township 2 South, Range 68 West, County of Adams, State of Colorado, more particularly described as follows:

The west 386 feet of the east 416 feet of the east ½ of the east ½ of the southwest ¼ of Section 20, Township 2 south, Range 68 west, except for that part conveyed to the Department of Highways, in Book 976 at page 99; that part conveyed to Skelly Oil Company in Book 1005 at page 164; that part conveyed to J.L. Terborg in Book 950 page 354 and that part platted as Vineyard Subdivision in Plat Book 14 at page 117, County of Adams, State of Colorado.

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 10th day of February, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of February, 2003.

Mayor

ATTEST:

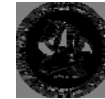
City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 10, 2003



SUBJECT: Resolution No. 5 re Easement for Wattenberg Improvement Association Pipeline on Wattenberg Lake Property

Prepared By: Mike Happe, Senior Water Resources Engineer

Recommended City Council Action

Adopt Resolution No. 5 authorizing the City Manager to sign documents granting a non-exclusive easement to the Wattenberg Improvement Association for the construction and maintenance of a filter concentrate pipeline across Westminster's Wattenberg Lake property.

Summary Statement

- The unincorporated town of Wattenberg, located in southern Weld County, near Westminster's Wattenberg Lake property is planning on installing a reverse osmosis treatment system to the town's small well-based water supply system in order to improve the quality and safety of the town's drinking water.
- The Wattenberg Improvement Association has requested an easement across Westminster's Wattenberg Lake property in order to run a small discharge pipeline from the town's new treatment plant to the South Platte River.
- This pipeline will run along an existing United Power easement and will not interfere with the mining activity or storage reservoir planned for Westminster's Wattenberg Lake property.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Resolution re Easement for Wattenberg Improvement Association Pipeline on
Wattenberg Lake Property Page 2

Policy Issues

Shall the City of Westminster allow the Wattenberg Improvement Association to use the City's property for a discharge pipeline?

Alternatives

The City could preclude use of the Wattenberg Lake property by the Wattenberg Improvement Association. This alternative would unnecessarily increase the cost of this project for the people living in the town of Wattenberg by forcing them to use a longer and more expensive route for the pipeline.

Background Information

Westminster is pursuing a storage project in southern Weld County near the town of Wattenberg. Westminster and Aggregate Industries have an agreement to create storage after gravel mining at the site is completed over the next five to nine years. Pursuant to the terms of the Agreement with Aggregate Industries, Westminster took possession of this property in 2000.

Recently, the unincorporated town of Wattenberg, through the Wattenberg Improvement Association, has received a grant to construct a reverse osmosis treatment plant for its small well-based water system. This treatment system will improve the quality and safety of the town's drinking water supply. As part of the reverse osmosis treatment process, the impurities that are filtered out of the water are to be discharged to the South Platte River. The most logical route for a pipeline for this discharge is across a United Power easement that currently runs through the northern edge of Westminster's Wattenberg Lake property. United Power has agreed to allow the Wattenberg Improvement Association to run its pipeline along its easement, but Westminster, as the underlying landowner, must also allow this easement.

No mining or storage facilities are planned on the portion of the Wattenberg Lake property that is the subject of this easement, therefore Staff has no objection to allowing this easement under appropriate terms and conditions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **5**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION TO CONVEY A UTILITY EASEMENT TO THE WATTENBERG IMPROVEMENT ASSOCIATION

WHEREAS, the City owns a property in southern Weld County for the purpose of developing water storage from reclaimed gravel lakes pursuant to an Agreement with Aggregate Industries; and

WHEREAS, it is in the public interest for the Wattenberg Improvement Association to construct a treatment system for the benefit of the residents of the town of Wattenberg, which requires a filter concentrate pipeline to be constructed across Westminster's Wattenberg Lake Property.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Westminster that the City Manager is hereby authorized to execute a non-exclusive easement in the legal descriptions of the parcels of real property in southern Weld County that is the subject of the October 24, 2000 Agreement with Aggregate Industries to the Wattenberg Improvement Association for the construction of a filter concentrate pipeline.

Passed and adopted this 10th day of February, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 10, 2003



SUBJECT: Resolution No. 6 re 2002 Private Activity Bond Allocation Assignment

Prepared By: Robin Byrnes, Community Development Programs Coordinator

Recommended City Council Action:

Adopt Resolution No. 6 assigning the 2002 Private Activity Bond (PAB) allocation of \$3,785,250 to the Westminster Economic Development Authority (WEDA), to undertake redevelopment activity within urban renewal areas.

Summary Statement:

- The City's 2002 Private Activity Bond (PAB) allocation is \$3,785,250. The allocation is issued by the State of Colorado pursuant to federal legislation, and is required for municipalities wanting to issue bonds for certain "private activities" such as residential mortgage programs, construction of affordable rental housing, and certain redevelopment projects within an urban renewal area.
- On August 26, 2002 City Council passed a resolution that exercised the "carry forward" PAB provision, however if the City's 2002 PAB allocation is not assigned to an eligible activity by February 15, 2003, the City and the State will lose the allocation.
- The City's 2002 PAB allocation has not been assigned to any activity, nor has the City received any proposals to utilize the funds to date. Staff anticipates that the bonds would be needed for urban renewal projects including those done in conjunction with the South Westminster Revitalization Plan.
- WEDA projects already identified for possible use of the 2002 Private Activity Bonds are the Northgate Redevelopment project located on the southwest corner of 72nd Avenue and Federal Boulevard and the redevelopment of the Lowell Boulevard and 73rd Avenue area. Redevelopment activity for the use of the 2002 PAB's would be within designated urban renewal areas.

Expenditure Required: None at this time

Source of Funds: 2002 Private Activity Bonds - \$3,785,250

Policy Issues

Whether to assign the City's 2002 Private Activity Bond allocation to WEDA or allow the \$3,785,250 PAB allocation to revert back to the federal government.

Alternatives

Take no action, and allow the City's allocation to revert to the federal PAB pool. This option is not recommended, as it would limit City Council options on the use of the PAB allocation relative to redevelopment in Westminster. The action to assign the allocation to WEDA would ensure the City's use of the 2002 PAB allocation to an eligible redevelopment activity.

Background Information

Private Activity Bonds (PAB) are tax-exempt bonds that can be issued for specific purposes. The program was started by the federal government in the 1980's to allow developers and other builders the use of lower-cost, tax-exempt financing to build projects. Qualified uses of Private Activity Bonds include:

- Industrial bonds sold for construction of manufacturing facilities
- Single-family mortgage revenue bonds sold to obtain below market rate mortgages for persons with low to moderate incomes
- Qualified redevelopment bonds sold to acquire property in blighted areas, and to prepare land for redevelopment activities
- Student loans where bond proceeds are used to provide low interest loans to eligible students.
- Qualified residential rental project bonds used 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, etc.

The State of Colorado is the agent of the federal government, which administers the allocations of bonding authority that are granted to states each year. The Colorado Private Activity Bond allocation program was established by state statute to provide for the allocation of the state PAB under the federal Tax Reform Act.

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 allocations of \$1 million or more receive a direct allocation.

The City of Westminster receives an annual direct allocation of approximately \$3.7 million in Private Activity Bonds (PAB) as determined by the Colorado State Division of Local Affairs. The allocation is available to local governments from January 1 to September 15 of each year. Any portion of a direct allocation not used for a qualified project by a local government by September 15 of each funding year reverts to the "Statewide Balance." This "remainder" allocation is then allocated to other local units of government by the end of the year.

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

1999 Private Activity Bond Allocation \$2,398,300 assigned as follows:

- \$250,000 allocation to the Metro Mayors Caucus for the Single Family Mortgage Bond Program.
- \$2,148,300 allocation to the Westminster Economic Development Authority for the Westminster Plaza redevelopment project.

2000 Private Activity Bond Allocation \$2,432,675 assigned as follows:

- \$1,000,000 allocation to the Metro Mayors Caucus for the Single Family Mortgage Bond Program.
- \$1,432,675 allocation to Mendel-Allison for the new construction of 74 rental units of senior assisted living at Panorama Pointe, to be completed in the fall/winter of 2002/2003.

2001 Private Activity Bond Allocation \$3,069,281 assigned as follows:

- \$3,069,281 allocation to the Westminster Economic Development Authority (WEDA) for redevelopment projects including Lowell Boulevard/73rd Avenue area and the Northgate redevelopment project.

2002 Private Activity Bond Allocation of \$3,785,250 is available to assign to an eligible project.

In January 2001 City Council adopted the South Westminster Revitalization Strategic Plan in which Private Activity Bonds were identified as a funding mechanism for redevelopment projects in south Westminster. Therefore south Westminster revitalization projects were established as a funding priority for the allocation of Private Activity Bonds.

The City established the Westminster Economic Development Authority (WEDA) in order to have a vehicle with which to sell tax-exempt bonds using Private Activity Bond allocations for redevelopment projects such as the completed Westminster Plaza project. Staff is requesting that the City's 2002 Private Activity Bond allocation in the amount of \$3,785,250 be assigned to WEDA to revitalization efforts in urban renewal area.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

A RESOLUTION

RESOLUTION NO. 6

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION CONCERNING THE ASSIGNMENT OF THE 2002 CARRY FORWARD OF PRIVATE ACTIVITY BOND ALLOCATION FROM THE CITY OF WESTMINSTER TO THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, the City of Westminster (the "Assignor") and the Westminster Economic Development Authority (WEDA)(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 Redevelopment purposes as defined in Section 144 (c) of the Internal Revenue Code of 1986, (the "Qualified Redevelopment Projects") and

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

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

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 2002 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2002 (the "2002 Allocation"); and

WHEREAS, the Assignor has determined that the 2002 Allocation thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of financing one or more Qualified Redevelopment Projects ("Revenue Bonds"); and

WHEREAS, the Assignee has prior voter approval to issue the Bonds for the purpose of financing one or more Qualified Redevelopment Projects; and

WHEREAS, the City Council of the Assignor has determined to assign to the Assignee \$3,785,250 of its 2002 Allocation.

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

1. The Assignor agrees to use its best efforts to cause Assignee to issue and sell the Revenue Bonds, in one or more series, to finance the Qualified Redevelopment Projects to acquire property in blighted areas, and to prepare land for redevelopment activities ("the Project").
2. The Assignor hereby assigns to the Assignee \$3,785,250 of its 2002 carry forward allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.
3. The officers, employees and agents of the Assignor shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the

transactions contemplated by this resolution, including without limiting the generality of the foregoing, the following:

- a. Notifying the Colorado Department of Local Affairs of the assignment of its 2002 carry forward allocation of private activity bond volume to WEDA for the Qualified Redevelopment Project;
 - b. Executing a form of assignment of its carry forward 2002 allocation of private activity bond volume cap to WEDA in a form satisfactory to the Colorado Department of Local Affairs; and
 - c. Executing a form of assignment of its carry forward 2002 allocation of private activity bond volume cap to WEDA in a form satisfactory to the Internal Revenue Service.
4. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.
 5. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carry forward purpose.
 6. The Assignor agrees that it will take such further action and adopt such further proceedings as may be required to implement the terms of the Assignment.
 7. Nothing contained in the Assignment shall obligate the Assignee to finance the Project.
 8. The Assignment is effective upon execution and is irrevocable.

PASSED AND ADOPTED this 10th day of February 2003.

Mayor

Attest:

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, February 10, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally. Absent none.

The minutes of the January 27, 2003 meeting were approved.

Council approved the following: Financial Report for December 2002; Swim & Fitness Center Roof Replacement Contract Award to Silvercool Service Co for \$59,091; Replacement of City Staff cars and Patrol Vehicles with Daniels Chevrolet for \$339,852; Cottonwood Village PDP/ODP; and waived undergrounding requirements for Cottonwood Village.

Council appointed Paul D. Basso as Westminster Municipal Court Associate Judge, and adopted the 2003 City Council Assignments list.

The following Public Hearings were held: At 7:22 p.m. on the Northeast Comprehensive Development Plan; and at 7:26 p.m. on the Cottonwood Village rezoning and PDP/ODP.

The following Councillor's Bills were passed on first reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: amending the CLUP for Northeast Comprehensive Development Plan

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND CHANGING THE ZONING CLASSIFICATION OF A CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 2 SOUTH, RANGE 68 WEST, COUNTY OF ADAMS, STATE OF COLORADO purpose: rezoning on Cottonwood Village

The following Councillor's Bills were adopted on second reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN TWO PARCELS OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

The following Resolutions were adopted:

Resolution No. 5 re Easement for Wattenberg Lake Property

Resolution No. 6 re 2002 Private Activity Bond Allocation Assignment

Resolution No. 4 re Adams County Open Space Grants Applications

At 8:10 P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on February 20, 2003

Published in the Westminster Window

CITY OF WESTMINSTER
NOTICE OF CONTRACTOR'S SETTLEMENT

Pursuant to Section 38-26-107, C.R.S., notice is hereby given that on the 14th day of March, 2003, at Westminster, Colorado, final settlement will be made by the City with Goodland Construction, Inc. hereinafter called the "Contractor", for and on account of the contract for the construction of a Project described as the " 2002 Traffic Calming Construction ".

1. Any person, co-partnership, association of persons, company, or corporation that has furnished labor, materials, team hire, sustenance, provisions, provender, or other supplies used or consumed by such Contractor or his subcontractor, or that supplies rental machinery, tools, or equipment to the extent used in the prosecution of the work, whose claim therefor has not been paid by the Contractor or the subcontractor for the work contracted to be done, may file with the City a verified statement of the amount due and unpaid on account of such claim.

2. All such claims shall be filed with the City Attorney's Office, City of Westminster, 4800 W. 92nd Avenue, Westminster, Colorado 80031 by February 28, 2003.

3. Failure on the part of a creditor to file such statement prior to such final settlement will relieve the City from any and all liability for such claim.

CITY OF WESTMINSTER
/s/ Martin R. McCullough, City Attorney

Published in the Westminster Window

Date: February 20, 2003

Date: February 27, 2003

ORDINANCE NO. **3009**

COUNCILOR'S BILL NO. **6**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Atchison-Dixon

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 23, 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, the City of Westminster is the sole owner of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, the area proposed to be annexed is not solely a public Street or right-of-way; and

WHEREAS, City Council has heretofore adopted Resolution No. 2, Series of 2003, 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 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:

PARCEL 1

Commencing at the east quarter corner of said Section 23 from whence the center quarter corner of said Section bears S89°00'29"W, 2671.44 feet, as shown on the City of Westminster's GIS survey plats, and on which all bearings hereon are based; thence along the east line of the northeast quarter of said Section N00°18'23"W, 30.00 feet to a point on the north line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 84083557 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said north line S89°00'29"W, 420.06 feet; thence N12°48'10"E, 88.08 feet to a point on a non-tangent curve to the left, a point on the south line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 93037860 of said records; thence along said south line and along said curve having a radius of 2908.63 feet and an arc length of 134.42 feet, long chord bears S87°53'05"E, 134.41 feet; thence continuing along said south line S89°12'31"E, 265.82 feet to a point on the west line of that parcel of land annexed into the City of Westminster and recorded in Book 33 at Page 33 of said records; thence S00°18'23"E, 69.99 feet to the true point of beginning; Contains 31484 square feet or 0.7228 acres more or less.

PARCEL 2

Commencing at the east quarter corner of said Section 23 from whence the center quarter corner of said Section bears S89°00'29"W, 2671.44 feet, as shown on the City of Westminster's GIS survey plats, and on which all bearings hereon are based; thence along the east line of the northeast quarter of said Section N00°18'23"W, 30.00 to a point on the north line of west 92nd Avenue; thence along said north line S89°00'29"W, 450.89 feet to a point on the line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 93037860 of said records; thence continuing along said line S89°00'29"W, 217.02 feet to the true point of beginning;

Thence S89°00'29"W, 539.58 feet, along said north line to the southerly line of Niver Canal as recorded at Reception Number 93037860 of said records; thence along said line the following 5 courses; 1) N55°47'29"E, 12.77 feet to a point of curve to the right; 2) along said curve having a central angle of 13°00'00", a radius of 613.27 feet, an arc length of 139.15 feet and a long chord that bears N62°17'29"E, 138.85 feet; 3) N68°47'29"E, 65.00 feet to a point of curve to the right; 4) along said curve having a central angle of 26°00'00", a radius of 539.75 feet, an arc length of 244.93 feet and a long chord that bears N81°47'29"E, 242.83 feet and 5) S85°12'31"E, 105.50 feet; thence S00°02'01"W, 111.77 feet to the true point of beginning; Contains 50292 square feet or 1.1545 acres more or less.

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 27th day of January, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of February, 2003.

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN TWO PARCELS OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. 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.
- c. 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 Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. Two parcels of land located in Section 23, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

PARCEL 1

Commencing at the east quarter corner of said Section 23 from whence the center quarter corner of said Section bears S89°00'29"W, 2671.44 feet, as shown on the City of Westminster's GIS survey plats, and on which all bearings hereon are based; thence along the east line of the northeast quarter of said Section N00°18'23"W, 30.00 feet to a point on the north line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 84083557 of the records of the Jefferson County Clerk and Recorder, the true point of beginning;

Thence along said north line S89°00'29"W, 420.06 feet; thence N12°48'10"E, 88.08 feet to a point on a non-tangent curve to the left, a point on the south line of that parcel of land annexed into the City of Westminster and recorded at Reception Number 93037860 of said records; thence along said south line and along said curve having a radius of 2908.63 feet and an arc length of 134.42 feet, long chord bears S87°53'05"E, 134.41 feet; thence continuing along said south line S89°12'31"E, 265.82 feet to a point on the west line of that parcel of land annexed into the City of Westminster and recorded in Book 33 at Page 33 of said records; thence S00°18'23"E, 69.99 feet to the true point of beginning; Contains 31484 square feet or 0.7228 acres more or less.

PARCEL 2

Commencing at the east quarter corner of said Section 23 from whence the center quarter corner of said Section bears S89°00'29"W, 2671.44 feet, as shown on the City of Westminster's GIS survey plats, and on which all bearings hereon are based; thence along the east line of the northeast quarter of said Section N00°18'23"W, 30.00 to a point on the north line of west 92nd Avenue; thence along said north line S89°00'29"W, 450.89 feet to a point on the line of that parcel of land annexed into the City of

Westminster and recorded at Reception Number 93037860 of said records; thence continuing along said line S89°00'29"W, 217.02 feet to the true point of beginning;

Thence S89°00'29"W, 539.58 feet, along said north line to the southerly line of Niver Canal as recorded at Reception Number 93037860 of said records; thence along said line the following 5 courses; 1) N55°47'29"E, 12.77 feet to a point of curve to the right; 2) along said curve having a central angle of 13°00'00", a radius of 613.27 feet, an arc length of 139.15 feet and a long chord that bears N62°17'29"E, 138.85 feet; 3) N68°47'29"E, 65.00 feet to a point of curve to the right; 4) along said curve having a central angle of 26°00'00", a radius of 539.75 feet, an arc length of 244.93 feet and a long chord that bears N81°47'29"E, 242.83 feet and 5) S85°12'31"E, 105.50 feet; thence S00°02'01"W, 111.77 feet to the true point of beginning; Contains 50292 square feet or 1.1545 acres more or less.

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 27th day of January, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of February, 2003.