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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
 - A. Colorado American Public Works Association Chapter Awards
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. Bid re Ambulance Purchase to Rocky Mountain Emergency Vehicles for \$89,173
 - B. Bull Canal Pedestrian Bridge purchase from Bridge America for \$35,885
 - C. Gathering Place Construction Amendment to CoCal for \$925,200
 - D. Master Lease Purchase Financing
 - E. Contract for Lockbox Service with UMB for \$70,300
 - F. Printing and Mailing Utility Bills Extension with Output Technologies Inc
 - G. Bids re Customer Service Concrete Replacement Program to Citywide Enterprises for \$499,391
 - H. 2001 Wastewater Collection System Maintenance Contract with AquaSource Services for \$492,822
 - I. Turnpike Drive Construction Contract with Asphalt Specialties for \$75,930
 - J. Councillor's Bill No. 2 re Comprehensive Land Use Plan Amendment 112th & Federal (Atchison-Hicks)
9. Appointments and Resignations
 - A. Resolution No. 8 Reappointments to Boards and Commissions
10. Public Hearings and Other New Business
 - A. Resolution No. 9 re Ranch Creek Villas Service Commitment Extension
 - B. Adams County Community Mental Health Center Contract re Walker House Remodeling
 - C. Resolution No. 10 re Support for US 36 Major Investment Study
 - D. Resolution No. 11 re Contingency transfer of \$119,025 for Mandalay Gardens Land Use Plan
 - E. Mandalay Land Use Plan and Engineering Services with DTJ for \$119,025
 - F. South Adams County Water and Sanitation District Agreement for the sale of up to 1,000 acre feet water
 - G. Councillor's Bill No. appropriating \$2,523,500 from South AdCO and \$150,000 from Antero Res
 - I. Resolution No. 13 authorizing \$27,237 Transfer for Proposed Westminster Center Development
 - J. Environmental Studies for Proposed Westminster Center Development to Parsons Transportation Group
 - K. Resolution No. 14 re 2001 Recovery Contract Interest Rates at 10.75 percent
 - L. Sheridan Boulevard 113th to 119th Construction Engineering Contract with TranSystems Corp for \$367,915
 - M. Resolution No. 15 re Support of AdCo Growth Management Position Statement
 - N. Phase 2 of Shaw Heights Tributary Drainage Project
 - O. Amended IGA with Urban Drainage & Flood Control District re Shaw Heights Tributary Drainage Project
11. Old Business and Passage of Ordinances on Second Reading
None
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Request for Executive Session
 1. Semper Facilities Trial Update from Attorneys
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 12, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Councillor Atchison and seconded by Councillor Merkel to accept the minutes of the meeting of January 22, 2001 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS

Mayor Heil and Dave Frazier of the Colorado American Public Works Association presented Outstanding Achievement Awards for the following programs and employees: Infrastructure Improvements Division Annual Street Improvement Program for street program of the year, award accepted by Ray Porter, Jerry Treeter, Pat Kunze, Ron Elrod and Pat Vigil; Reclaimed Water System for utility project of the year, award accepted by Diane Phillips; Quality/Service Competitive Service program for general operations program of the year, award accepted by Ron Hellbusch and Abel Moreno; Individual Achievement in public works administration for Ron Elrod; Individual Achievement in public works administration to Abel Moreno; and honorable mention to Rick Dietz for individual achievement in public works street operations.

CITIZEN COMMUNICATION:

Joe Armstrong, 4765 West 101st Place, President Rocky Mountain Figure Skating Association, gave City Council an update on the 2001 Junior National Ice Skating Competition which was held at the Sun Microsystems Ice Centre in December and thanked the employees involved in helping to make this event successful.

CITY COUNCIL COMMENTS:

Mayor Heil congratulated Department of Parks, Recreation and Libraries for receiving the National Aquatics Award for the 3rd time and Bill Christopher for receiving the Business Person of the Year from the Metro North Chamber of Commerce.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Bids re Ambulance Purchase to Rocky Mountain Emergency Vehicles for \$89,173 for one American Emergency Vehicles ambulance; Bull Canal Pedestrian Bridge purchase from Bridge America for \$35,885 and charge this expense to the appropriate General Capital Improvement Fund account; Gathering Place Construction Amendment to CoCal in the amount of \$925,200 and authorize a 10 percent construction contingency in the amount of \$92,500 and charge all expenses to the appropriate project account in the General Capital Improvement Project fund; Master Lease Purchase Financing; Contract for Lockbox Service with United Missouri Bank in the amount of \$78,845 and charge the expense to the appropriate Finance Department Utility Billing operating account; Printing and Mailing Utility Bills Contract Extension for a period of two years and charge the expense to the appropriate Finance Department operating account; Bids re Customer Service

Concrete Replacement Program to Citywide Enterprises, Inc. in the amount of \$499,391 and authorize a \$25,000 contingency and charge the expense to the appropriate 2001 Department of Public Works and Utilities Infrastructure Improvement Division budget account; 2001 Wastewater Collection System Maintenance Contract with AquaSource Services in the amount of \$492,822.30 and charge the appropriate projects account in the 2001 Wastewater Operating budget; Turnpike Drive Construction Contract with Asphalt Services, Inc. in the amount of \$75,930 with \$16,000 for restoration of Municipal Park and \$15,000 project contingency and charge the expense to the appropriate General Capital Improvement project account; Councillor's Bill No. 2 re Comprehensive Lane Use Plan Amendment 112th & Federal (Atchison Hicks).

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

A motion was made by Mayor Pro-Tem Dixon and seconded by Councillor Merkel to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 8 REAPPOINTMENTS TO BOARDS AND COMMISSIONS

A motion was made by Councillor Merkel and seconded by Councillor Moss to adopt Resolution No. 8 making re-appointments of Bob Briggs, Charles Jacoby, Robert Tschudy and Randal Whorton to the Open Space Advisory Board; Ronald Dickerson, Jane Kober, John Polston and Armene Brown to the Parks and Recreation Advisory Board with Armene Brown becoming an alternate member; Janeen Branvold, Margaret Rivera and Betty Whorton to the Personnel Board; Martha Brundage, Michael Crocker, Jerry English, Greg Lockridge and James Smithwick to the Planning Commission; and Doug Young to the Transportation Commission with all terms of office to expire December 31, 2002. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 9 RE RANCH CREEK VILLAS SERVICE COMMITMENT EXTENSION

A motion was made by Councillor Moss and seconded by Mayor Pro-Tem Dixon to adopt Resolution No. 9 extending the existing B-2 Service Commitment award to the Ranch Creek Villas single-family attached residential project based on a finding that the Ranch Creek Villas projects meets Westminster Municipal Code Section 11-3-2(a)2 criteria of the City's Growth Management Program. Ron Wedgle of Loop Development addressed Council. Upon roll call vote, the motion carried unanimously.

ADAMS CO COMMUNITY MENTAL HEALTH CENTER WALKER HOUSE REMODELING

A motion was made by Councillor Merkel and seconded by Councillor Hicks to authorize a contract with Barba and Sons Construction, Inc. in the amount of \$58,645 plus an \$8,700 contingency for the remodel of the City's Walker Building for Adams Community Mental Health Center offices and charge the expense to the appropriate General Capital Improvement project account. The motion carried unanimously.

RESOLUTION NO. 10 RE SUPPORT FOR US 36 MAJOR INVESTMENT STUDY

A motion was made by Councillor Kauffman and seconded by Councillor Merkel to adopt Resolution No. 10 indicating support for the draft Locally Preferred Alternative for the US 36 Major Investment Study that has been recommended by the Management Committee of the study group. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 11 FOR MANDALAY GARDENS LAND USE PLAN

A motion was made by Councillor Hicks and seconded by Councillor Merkel to adopt Resolution No. 11 authorizing the transfer of \$119,025 from the General Fund Contingency account into the Community Development Administration account in the General Fund for preparation of a land use plan, design guidelines, preliminary development plan and annexation map for the area known as Mandalay Gardens. Upon roll call vote, the motion carried unanimously.

MANDALAY LAND USE PLAN AND ENGINEERING SERVICES

A motion was made by Councillor Hicks and seconded by Councillor Merkel to authorize the City Manager to sign a contract with Downing Thorpe James in the amount of \$119,025 for planning and engineering services for the preparation of a land use plan, design guidelines, preliminary development plan and annexation map for the area known as Mandalay Gardens. The motion carried unanimously.

SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT AGREEMENT

A motion was made by Councillor Hicks and seconded by Councillor Merkel to authorize the City Manager to execute an agreement with South Adams County Water and Sanitation District for the sale of up to 1,000 acre feet of consumable water delivered into the South Platte River and find that the proposed sale will result in the improvement of the capacity, efficiency, and service of the City's water and wastewater utility system. The motion carried unanimously.

COUNCILLOR'S BILL NO. 3 SOUTH ADAMS COUNTY AGREEMENT

A motion was made by Councillor Hicks and seconded by Councillor Merkel to pass Councillor's Bill No. 3 on first reading appropriating \$2,523,500 from the proceeds of the South Adams County Agreement and appropriating \$150,000 from the proceeds from the Sale of Antero Reservoir water to East Cherry Creek Valley Water and Sanitation District to the appropriate Capital Improvement account in the Utility Fund. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 13 PROPOSED WESTMINSTER CENTER DEVELOPMENT

A motion was made by Councillor Merkel and seconded by Mayor Pro-Tem Dixon to adopt Resolution No. 13 authorizing the transfer of \$27,327 from the General Fund Contingency to the appropriate budget account to pay for the preparation of studies of the potential environmental impacts of the proposed Westminster Center development. Upon roll call vote, the motion carried unanimously.

ENVIRONMENTAL STUDIES FOR PROPOSED WESTMINSTER CENTER DEVELOPMENT

A motion was made by Councillor Merkel and seconded by Mayor Pro-Tem Dixon to authorize the City Manager to execute a contract with Parsons Transportation Group, Inc. in an amount not to exceed \$27,327 for the preparation of environmental studies associated with the proposed Westminster Center development. The motion carried unanimously.

RESOLUTION NO. 14 RE 2001 RECOVERY CONTRACT INTEREST RATES

A motion was made by Councillor Hicks and seconded by Mayor Pro-Tem Dixon to adopt Resolution No. 14 establishing the 2001 calendar interest rate for non-City-funded public improvement recovery contracts at 10.75 percent and an interest rate of 5.14 percent for City-funded public improvements. Upon roll call vote, the motion carried unanimously.

SHERIDAN BOULEVARD 113TH TO 119TH CONSTRUCTION ENGINEERING CONTRACT

A motion was made by Councillor Atchison and seconded by Councillor Hicks to authorize the City Manager to execute an amended contract with TranSystems Corporation in the amount of \$367,915 for construction engineering services associated with the widening of Sheridan Boulevard between 113th Avenue and 119th Avenue with a contingency of \$20,000 and charge these expenses to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

RESOLUTION NO. 15 ADCO COMMUNITIES POSITION ON GROWTH MANAGEMENT

A motion was made by Councillor Moss and seconded by Councillor Kauffman to adopt Resolution No. 15 approving the position prepared by Adams County communities on growth management principles. Upon roll call vote, the motion carried unanimously.

PHASE III OF SHAW HEIGHTS TRIBUTARY DRAINAGE PROJECT

A motion was made by Councillor Merkel and seconded by Councillor Atchison to award the bid for the construction Phase III of the Shaw Heights Tributary channel improvements project to Engineered Construction Systems, Inc. in the amount of \$553,500 and charge the \$200,000 expense for the City's additional contribution toward the construction of these improvements to the Shaw Heights Tributary Capital Improvement Project of the General Fund. The motion carried unanimously.

URBAN DRAINAGE AMENDED AGREEMENT

A motion was made by Councillor Merkel and seconded by Councillor Atchison to authorize the City Manager to execute an amended agreement with Urban Drainage and Flood Control District to encumber an additional \$200,000 toward the City's share of the cost of the construction of the Shaw Heights tributary drainage improvements. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session for discussion on Semper Facilities Trial Update and negotiations with Jefferson County.

ADJOURNMENT:

The meeting was adjourned at 8:20 P.M.

ATTEST

City Clerk _____

Mayor



WESTMINSTER COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: Presentation of Colorado American Public Works Association Chapter Awards

Prepared by: Ron Hellbusch, Director of Public Works and Utilities

Introduction

Department of Public Works and Utilities Programs and Staff are being recognized by the Colorado Chapter of the American Public Works Association (APWA) for their efforts in the public works field. Mr. Dave Frazier of the Colorado APWA Chapter Board of Directors will be present to make a presentation of the awards with the Mayor and City Council, and the award recipients.

Summary

Department of Public Works and Utilities Programs and Staff who will receive awards include the City's Street Improvement Program that received the Public Works Street Program of the Year, which will be accepted by Infrastructure Improvements Manager Ray Porter; the City's Reclaimed Water Supply System was recognized with the Public Works Utility Operations Program of the Year, which will be accepted by Capital Improvement Project Coordinator Diane Phillips; the Department's Quality Service/Competitive Service Program was honored with the Public Works General Operations Program of the Year, which will be accepted by Director of Public Works and Utilities Ron Hellbusch and Management Assistant Abel Moreno; Street Projects Inspector Ron Elrod was honored with the Public Works Administration Public Works Individual of the Year award; and Management Assistant Abel Moreno was selected for Public Works Individual of the Year in the Administrative category. Street Operations Equipment Operator II Rick Dietz received honorable mention for individual achievement in the Public Works Street Operations category.

Staff Recommendation

Mayor and Mr. Frazier of the Colorado APWA Chapter Board of Directors recognize the Department of Public Works and Utilities Programs and Staff for their efforts in the Public Works field as recognized by the Colorado APWA Chapter.

Policy Issue

There is no policy issue associated with the presentation of these awards.

Background Information

Department of Public Works and Utilities Staff were presented with plaques and recognition at the 15th Annual Colorado APWA Chapter Awards Luncheon that was held on January 23 at the Inverness Hotel and Golf Club.

The Infrastructure Improvements Division administered Street Improvement Program was recognized as the public works street program of the year, which is a tribute to Infrastructure Improvements Manager Ray Porter, Street Project Inspectors Ron Elrod and Jerry Tretter, Clerk Typist II Pat Kunze, and Data Entry Clerk Pat Vigil.

The 2000 Street Improvement Program consisted of over 90 lane miles of street resurfacing, reconstruction and sealcoating improvements. Also, the division oversaw 35,000 linear feet of sidewalk, curb and gutter replacement.

The Reclaimed Water System was selected as the public works utility operations program of the year based on its innovative use of reclaiming wastewater effluent for irrigation use preserving potable water for human consumption. The Reclaimed Water Supply System will reduce the demands on the City's potable supply by 1,600 acre feet. Staff believes it is critical to maintain the City's available water resources and to help conserve water by reducing, reusing and recycling.

The Department's Quality Service/Competitive Service program was selected as the public works general operations program of the year for the development and implementation of this creative program that evaluates and reviews key Department activities, services and organization for efficiency and competitiveness. In 2000, the Department developed two work unit teams to evaluate and review curb and sidewalk trip hazards within the City and new utility field fill material hauling that is performed.

Street Projects Inspector Ron Elrod of the Infrastructure Improvements Division was selected for individual achievement in public works administration for his work in overseeing inspection operations of the Street Improvement Program. Ron Elrod is responsible for inspecting over \$3.5 million worth of street improvements annually.

Management Assistant Abel Moreno was selected for individual achievement in the public works administrative category for his efforts in overseeing the development of the Department video and numerous Department brochures, and coordinating the Quality Service/Competitive Service Program. Also, Abel was recognized for his efforts in coordinating the development of the Department's \$24.0 million budget on-time and within allocation.

Equipment Operator II Rick Dietz of the Street Operations Division received an honorable mention certificate for individual achievement in public works street operations. Rick received honorable mention recognition for his efforts in coordinating daily work tasks and providing field leadership to Street Division crews during the 2000 in-house street rehabilitation program.

The Colorado APWA Chapter Awards Committee reviews all entries and selects the award winners. Individual awards were given in seven categories: Administrative, Street Operations, Street Administration, Utility Operations, Utility and Environmental Administration, Public Works Administration, and Transportation. The project and program awards were given in four categories (Utility, Drainage, Environmental, Street/Traffic Control, General Public Works, and Community Award) based on size of the community, small communities (1-10,000 population), medium communities (10,000-60,000 population), and large communities (over 60,000 population).

The criteria used to evaluate each nomination submittal was as follows: 1) Innovation – Has the individual, program, or project found new methods to provide better service or improve the public lives? 2) Achievement – Did the completed project or program achieve all set goals? Did the individual achieve the desired results and have a consistent history of achievement? 3) Transferable – Are the resulting improvements and/or innovations transferable to other communities and situations? 4) Cooperation – Was there special cooperation between individuals, agencies, businesses and the general public?

Alternative

No alternative to this item were identified.

Respectfully submitted,

William M. Christopher, City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: February 12, 2001
Subject: Bids re New Ambulance Purchase
Prepared by: Steven M. Pacifico, Deputy Chief of Administration

Introduction

City Council action is requested to award the bid for the purchase of a replacement ambulance. Funds have been allocated in the 2001 Fire Department Budget for this expense.

Summary

The 2001 Fire Department Budget includes \$100,000 for the purchase of a new ambulance and related equipment. The new ambulance will replace a 1993 reserve unit. This reserve unit will be traded in for a \$7,500 reduction on the purchase of the new ambulance.

Formal bids in accordance with the City Charter bidding requirements were solicited from seven vendors located both locally and nationally. Bids were received from two vendors on three different makes of ambulances. Fire Department Staff then conducted a careful review of the bids along with a subsequent on-site equipment evaluation with Fleet Maintenance personnel.

Staff Recommendation

Award the bid to Rocky Mountain Emergency Vehicles, in the amount of \$89,173 (\$96,673 bid price less the \$7,500 trade in price for the 1993 ambulance) for one American Emergency Vehicles ambulance.

Background

Formal bids in accordance with the City Charter bidding requirements were solicited from seven vendors located both locally and nationally. The bids were sent out on November 15, 2000 and opened on December 13, 2000. Three bids were received all of which met the required specifications:

<u>Vendor</u>	<u>Bid</u>	<u>Trade-In Allowance</u>	<u>Total Price</u>
Rocky Mountain Emergency Vehicle (American Emergency Vehicles Ambulance)	\$96,673	\$7,500	\$89,173
EDM Equipment Company (Road Rescue Ambulance)	\$99,040	\$8,000	\$91,040
Rocky Mountain Emergency Vehicles (Lifeline Ambulance)	\$107,900	\$7,500	\$100,400

The lowest bid was from Rocky Mountain Emergency Vehicles for an American Emergency Vehicles ambulance. This bid meets or exceeds all of the City's specification requirements.

Ambulances are utilized on a very frequent and strenuous manner that limits their "life expectancy." The projected life expectancy of an ambulance is 5 years, with 3 years of frontline service and 2 years as a reserve. This new ambulance would be placed into frontline service at Fire Station 1, located at 3948 W. 73rd Avenue. This new unit will replace a 1993 unit that is currently used periodically as a reserve unit. The 1993 ambulance will be used as a trade-in to acquire the new ambulance and associated equipment. Staff has evaluated the \$7,500 trade-in value and considers it to be fair in light of the condition and serviceability of the 1993 unit.

The 1993 ambulance currently has 102,000 miles on it and has been identified by Fleet Maintenance personnel for replacement based on current condition and maintenance costs. Maintenance costs over the last three years have totaled \$10,396 with the majority of the costs being attributed to transmission, cooling system, electrical system and air conditioner related problems. The purchase of this ambulance is in accordance with the Fire Departments 10-year replacement program for major apparatus.

Alternatives:

1. Award the bid to another vendor that submitted a bid that meets the City's specifications.
2. Direct Staff to have the project re-bid.

Respectfully submitted,

William M. Christopher
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: February 12, 2001
Subject: Bull Canal Pedestrian Bridge
Prepared by: Becky Eades, Landscape Architect II

Introduction

City Council action is requested to authorize the purchase of a 75-foot-long pedestrian bridge from Bridge America, Inc. for the contract price of \$35, 885. Funds for this expense are available in the 2001 General Capital Improvement Projects account for Trail Development.

Summary

In December of 2000, Staff solicited proposals from six bridge manufacturing firms for the construction of a 12- by 75-foot pedestrian bridge to span the Bull Canal, adjacent to the Big Dry Creek at 128th Avenue. Design drawings prepared by a professional engineer were sent to the vendors for them to bid on. All six vendors submitted bids, and they are as follows:

Supplier	Price Quote	Estimated Delivery Time Following Shop Drawing Approval
Wheeler Consolidated	\$28,180	16-20 weeks
Bridge America	\$35,885	8 weeks
Steadfast Bridges	\$39,688	10-12 weeks
Continental Bridge	\$41,221	8 weeks
Excel	\$44,695	8 weeks
Big R Manufacturing	\$45,480	10-12 weeks

Because this project is partially funded by an Adams County Open Space grant that requires the project be completed by late summer 2001 and it is necessary for the bridge abutments to be constructed in place prior to high water season, Staff recommends declining the low bid from Wheeler Consolidated due to the fact that the proposed time frames in their bid would jeopardize the City’s ability to meet the time frame required by Adams County Open Space. The second lowest bid, from Bridge America, is in line with the engineer’s estimate of \$36,000. Additionally, Bridge America manufactured the pedestrian bridge installed at Big Dry Creek south of 128th Avenue in early 2001, and that bridge was installed without difficulty.

Policy Issue

Is the purchase of the pedestrian bridge from a vendor other than the low bidder warranted given the circumstances involving the timing on this project?

Alternative

City Council could require Staff to purchase the pedestrian bridge from the low bidder, Wheeler Consolidated. However, this delay could jeopardize the City's ability to receive Adams County grants in the future.

Staff Recommendation

Authorize the purchase of a pedestrian bridge from Bridge America, Inc. for the amount of \$35,885 based on a finding that it is in the City's best interest to contract with this vendor and charge this expense to the appropriate General Capital Improvement Fund account.

Background Information

The Bull Canal Pedestrian Bridge is part of the Big Dry Creek Trail Project and is contained within the existing Bikeways and Trails Plan that was adopted by City Council in July of 1991. The Big Dry Creek Trail (Bull Canal Extension) Project was a bid alternate to the 128th Avenue trail underpass project that was not selected in 1999 due to budget constraints. This segment of trail requires construction of a 125 foot boardwalk bridge crossing Bull Canal and 0.4-mile soft trail downstream of 128th Avenue toward Huron Street. The boardwalk and trail will be constructed by the Parks, Recreation and Libraries' Design and Development Construction Crew. Staff received \$75,000 from Adams County toward a total trail construction cost of \$150,000 for this project. The City's matching share of \$75,000 is available in the Big Dry Creek Trail Capital Improvement project account.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: The Gathering Place Construction Cost

Prepared By: Julie Meenan Eck, Landscape Architect II

Introduction

City Council action is requested to authorize the City Manager to amend the Construction Manager/General Contract (CM/GC) with CoCal Landscape to include the Guaranteed Maximum Price of \$925,200 for the Construction of the project currently known as “The Gathering Place.” City Council action is also requested to authorize a 10 percent construction project contingency of \$92,500. Staff is also requesting City Council to grant contingent authority to the City Manager to add a change order in the event that the city receives a JV Grant that Staff has applied for in the amount not to exceed the requested grant amount of \$100,000. Funds for these expenses are available in the 2001 General Capital Improvement Fund for this project.

Summary

In June of 2000, City Council awarded a CM/GC contract with CoCal Landscape to help Staff and the consultant, Wenk Associates, complete the construction documents for “The Gathering Place.” Staff decided to use the CM/GC contract for this project to help control costs. The CM/GC contract has a lump sum design fee where the contractor provides value engineering and accurate cost estimates for the project entering the construction phase. This approach helps eliminate the unknowns of the general bidding process, allows the contractor to understand the project in detail before finalizing prices for the project, and minimizes the need for change orders in the project. The design and construction phase fee includes finalizing drawings, the contractor’s overhead, profit, salaries and expenses for the office support staff such as the project manager, project engineer and project administrator. These fees are fixed to help control administrative costs, overhead, and profit. Prior to the start of the construction phase, the contractor was required to establish a Guaranteed Maximum Price (GMP) for the project. Staff applied for a Joint Venture Grant from Jefferson County, and if awarded the grant, Staff can then add back in some items that were value engineered out, such as some light fixtures, sod, rock work, benches, etc. (It should be noted that the Jefferson County Open space Advisory Board has already recommended the approval of this grant. Official action by the County Commissioners will be scheduled for sometime in late February or early March.)

Policy Issues

- Does the City Council wish to proceed with “The Gathering Place” project? (It should be noted that this project is part of the agreement that the City signed with Inland Pacific Corporation to do the East Promenade development.)
- Does City Council wish to continue the CM/GC format for this project?

Alternative

City Council could reject the construction bid from CoCal, the CM/GC contractor, and change the project to a competitive sealed bid process. However, CoCal was pre-qualified, has been working with the consultant, has an intimate knowledge of the plans, and has proven to be a reliable contractor. Staff and the design consultant, Wenk Associates, believe that the CoCal bid is priced appropriately.

Staff Recommendation

Authorize the City Manager to amend the contract with CoCal in the amount of \$925,200 as the Guaranteed Maximum Price (GMP) for the construction phase of “The Gathering Place” and authorize a 10 percent construction contingency in the amount of \$92,500 for the project and charge all expenses for this project to the appropriate project account in the General Capital Improvement Project Fund.

In addition, contingently authorize the City Manager to sign a Change Order in the amount of \$100,000 with CoCal Landscape if a Jefferson County Joint Venture Grant is awarded subject to a supplemental appropriation being approved by City Council.

Background Information

In 1999, the City hired Wenk Associates, a landscape architecture firm, to design “The Gathering Place” project. Throughout 1999, a number of meetings were held with the consultant to develop some alternatives to the surrounding site, which serves as a transition point between The Promenade and City Park. Each alternative illustrated a different park plan with various combinations of elements. Staff worked with the consultant to develop a Master Plan that addressed various City comments and worked within the overall project theme and transition between The Promenade and City Park.

In the fall of 1999, the consultant began the preparation of construction documents for the project. The grand stairway and water feature, as well as the site grading, walkways, and landscaping, were developed to about 70 percent of the final construction documentation before the project was temporarily put on hold. It was determined by Staff and the design consultant that this project would better fit a CM/GC contract process in order to pursue value engineering options and to receive the best product for the cost. Staff received four proposals answering the Request for Proposal (RFP) for a CM/GC contract, and interviews were held in May. City Council approved Staff’s recommendation to hire CoCal Landscape in June of 2000, and the consultant and contractor have been working together on the construction documents for a 100 percent submittal and GMP. Construction is anticipated to take approximately eight months and should be completed in the fall of 2001.

The City’s master plan and design intent for this area consists of a strong pedestrian connection from the Promenade across Big Dry Creek to tie into City Park’s trail system. It is the desire of City Staff to create a unique, natural attraction that would highlight the area’s topography, views, mature trees, water features, and pedestrian connections. It is intended to have a more natural transition from the more formal Promenade to the natural Big Dry Creek. The site will also need to accommodate the Americans with Disabilities Act (ADA) standards. Staff has recently applied for a Jefferson County Joint Venture Grant in the amount of \$100,000, which could result in some additional funding for the project to include upgrades in concrete, electrical fixtures and landscaping. The breakdown of the proposed future change order is as follows:

Sod vs. Seed	\$ 4,239
Benches (5 additional)	\$ 5,500
Concrete Finishes	\$33,049
Electrical Fixtures	\$45,000
BDC Bank Stabilization	<u>\$12,212</u>
Total	\$100,000

The construction project budget for the City Park Festival Plaza or “The Gathering Place” is \$1,017,700, which is detailed in the following budget summary.

1999 CIP	\$ 300,000	Design/Construction Administration	\$ 109,908
2000 CIP	\$ 350,000	CM/GC Design & Construction Phase	\$ 194,392
2000 Carry Over Money	<u>\$ 672,000</u>	Construction GMP	\$ 925,200
Total	\$1,322,000	Contingency	<u>\$ 92,500</u>
		Total	\$1,322,000

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Master Plan



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001
Subject: Master Lease Purchase Financing
Prepared By: Bob Eichem, Treasury Manager

Introduction

City Council action is requested to authorize the City Manager to enter into a master lease/ purchase agreement with the appropriate financial institution based on the index that generates the lowest total cost to the City.

Summary

Lease purchases are commonly used to purchase capital items that have shorter life cycles than capital construction projects and would not be purchased if pay-as-you-go financing were utilized. It also allows the costs to be spread over the useful life of the asset purchased. The City of Westminster has used lease purchase financing for 22 years.

The processes for obtaining bids and the ongoing administration have undergone major changes in the past few years. Private corporations have used master leases based on an index for many years. These types of programs are also becoming more common in government. Financial institutions bid the index they will use and the master lease is awarded based on the index determined to be the least total cost to the City. The index and the master lease can then be used when other capital items are purchased by lease purchase. While more analysis is required on the front end, the benefits in reduced administrative effort during the life of the lease (budgeting, accounting, paying lease payments, and filing the required paperwork) far outweigh the extra time spent initially. The use of the master lease and index bidding would make the process more cost effective financially, and less cumbersome administratively when the City enters into lease purchase agreements.

Examples of some of the lease purchases that would be purchased through the master lease are:

- CAD RMS computer hardware.
- Computers purchased under the replacement program.
- The new fire truck to be purchased by the Fire Department.

Staff Recommendation

Authorize the City Manager to enter into a master lease/ purchase agreement with the appropriate financial institution, based on the index with the least cost to the City.

Policy Issue

Should the City enter a master lease approach based on an index for the purchase of equipment authorized by City Council to be leased purchased?

Background Information

Lease purchasing is a method used by public and private sectors to obtain necessary capital items that have shorter lives and depreciate sooner than other fixed assets financed with debt. Lease purchases have minimal issuance costs, are exempt from on-going disclosure requirements, have no underwriter or rating agency fees and are not subject to arbitrage compliance reporting. The City of Westminster has used the lease purchase financing method to purchase capital items since 1979. Some of the items purchased have included fire trucks, scuba gear, a bus, copiers, and computer equipment.

Other benefits derived from using lease purchasing:

- The City has been able to match outflow of expenses (lease payments) with the useful life of the purchased asset.
- The City benefits from its tax-exempt status, which reduces the cost of financing the capital purchase. Therefore, it has proven to be a cost-effective way to purchase capital equipment that could not be purchased under pay-as-you-go funding.
- When possible, items from different departments have been combined and bid as one package to lower the interest rate.

The only negative aspect of the lease purchase process has been the process itself. Progress has been made in the last two years, but it is still very cumbersome in both the bidding process and the administrative requirements once the leases are completed. The three ways to use lease purchasing and the pros and cons of each method are as follows:

1. Bids are taken on each item and Council awards each individual lease purchase. The opening of the bid is scheduled as close as possible to the next Council meeting so low bidders do not walk away from the bid if the market changes between the date of opening and award. The City used this method up until two years ago.

Pro:

- The lowest bid is obtained initially.
- The administrative effort is minimal if lease purchasing is used infrequently.

Con:

- The timeline is driven by the process instead of the market. Bid openings are set at the date the bids are sent out. If the market changes radically the process must either be cancelled or the City must take what the market is giving on the day of the bid opening.
- There is no flexibility to adapt to a changing market (either up or down).
- Low bidders have walked away from a bid when the market goes against them and the bid has not been awarded. Bids then have to be redone. Since the items are often small, bidders do not get upset if they are removed from a bid list. They can enter into another lease with someone else.
- When there are several lease purchases the administrative work increases due to working with several different vendors regarding invoicing, payments, budgeting, and accounting.

- Departments have needs at different times and some capital items have major delays in production that change the time the money will be needed.
 - When timelines change and a lease has been entered into, an escrow agreement can be used, however, it creates administrative accounting and costs that are far in excess of what a small capital item should require.
 - There are few competitive bids for amounts under \$250,000 and the City can pay as high as one percent more than if the bid was slightly over \$250,000.
 - The rate is unknown until the bid is opened.
 - Negotiations are necessary for each lease entered into since each company requires different criteria and will not use a standard lease. Since there are few bidders for the size of lease purchases done by the City, we are not in a position to dictate lease terms.
2. City Council authorizes the City Manager to enter into individual lease purchase agreements that are most cost effective for the City. The bid process is held after the City Manager has been authorized to enter into the lease purchase. Bids are due on a specific date at a specific time in the future.

Pro:

- More flexible in reacting to the market.
- Reduces some administrative effort after the lease is awarded when the lease purchases outstanding are few in number (easier for budgeting, accounting, accounts payable, and payments).

Con:

- Low bidders have walked away from a bid when the market has gone against them and the bid has not been awarded. Bids then have to be redone.
- When there are several lease purchases, the administrative work increases due to working with several different vendors regarding invoicing, payments, budgeting, and accounting.
- There are few competitive bids for amounts under \$250,000, and the City can pay as high as one percent more than if the bid was over \$250,000.
- One lease was bid twice and false starts occurred two other times because the delivery of the capital item was delayed due to disagreements with the vendor on meeting specification requirements.
- The rate is unknown until it is submitted.
- When timelines change and a lease has been entered into, an escrow agreement can be used but it creates administrative accounting and costs that are far in excess of what a small capital item should require.
- Negotiations are necessary for each lease entered into since each company requires different criteria and will not use a standard lease. Since there are few bidders for the size of lease purchases done by the City, we are not in a position to dictate lease terms.

3. City Council authorizes the City Manager to sign a master lease purchase agreement with the appropriate financial institution based on the index with the least cost for the City.

Pro:

- All items that are lease purchased for the year are added to the master lease purchase. The interest rate for the item to be added to the master lease is based on the index.
- All individual leases in the master lease are billed through one master lease. This reduces administrative effort after the lease is awarded (easier for budgeting, accounting, accounts payable, and payments).
- There is no problem with low bidders walking away from a bid. Since an index is pre-approved, the changing market risk is eliminated for both the City and the financial institution. The bid can be awarded as soon as the lease is signed. All paperwork has been approved prior to the leasing company being awarded the master lease.
- This method eliminates the difficulty in receiving bids for capital items under \$250,000. The index would be for all items added to the master lease adjusted only for the different useful lives of the collateral added to the lease.
- Timing problems regarding delays in delivery time will be greatly reduced since the lease is not entered into until it is known that the capital item will be delivered.
- An escrow agreement that is cost effective can be used with this type of lease purchase since multiple items with various delivery dates can be common.
- One master lease is negotiated and approved.

Con:

- On a lease by lease bid, it is possible at times to obtain a lower rate on some capital items. However, experience has shown that the low bids can disappear and some items are very difficult to bid. When comparing the three methods of completing lease purchase contracts, the benefits of the master lease option using an index far outweigh the other two options that have been used in the past.
- Selecting the best index for the City takes extra time on the front end. Sensitivity analysis and stress testing for various interest rate scenarios must be conducted on each index submitted. However, once the analysis is complete, it does not need to be done again until the index is changed. The City's investment advisors have the equipment to perform all necessary analyses and have agreed to help Staff perform the required tests.

Based on the benefits of using a master lease program with the most cost-effective index, it is recommended Council authorize the use of this financial mechanism to purchase equipment that will be lease purchased. Staff will review the master lease and the index annually to determine if it is still the most cost-effective master lease for the City

Respectfully submitted,



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001
Subject: Contract for Lockbox Services
Prepared By: Bob Eichen, Treasury Manager

Introduction

City Council action is requested to approve a three-year contract (with options for two 1-year renewals) for outsourcing the collection of payments for City utility bills and sales tax returns. Staff recommends using a lockbox service between the City and United Missouri Bank (UMB) Denver in an amount not to exceed \$78,845. Funds for this service have been budgeted in the Finance Department for 2001.

Summary

Lockbox implementation is the next step in the ongoing changes that have been occurring in the Cashiering and Utility Billing programs. A lockbox is a service offered by a bank whereby utility bill payments are mailed to a post office box. The bank picks up the payments, processes them, deposits the funds in the City's account and sends the City the payment information electronically. The process accelerates cash flow and reduces the float incurred when customers pay by check.

By outsourcing this service, the Finance Department will be able to eliminate a very labor intensive process, increase interest income, reallocate staffing to handle increased workloads, avoid the replacement of capital equipment and eliminate in house bottlenecks that delay processing functions.

A request for proposal (RFP) was sent to lockbox providers in the Denver metropolitan area. Finance Staff reviewed the proposals and visited the two finalists' locations. The provider deemed the top candidate for providing the services needed at the lowest cost is United Missouri Bank (UMB), located in Denver.

Policy Issue

Should the City outsource the accounts receivable remittance process or retain it in house?

Staff Recommendation

Authorize the City Manager to enter into a contract with United Missouri Bank in an amount not to exceed \$78, 845 to provide lockbox services for the City of Westminster and charge the expenses to the appropriate Finance Department Utility Billing operating account.

Background Information

Staff met with Council in a study session on November 18, 1999 to discuss improvements recommended in Cashiering and Utility Billing. Several of the programs have been successfully implemented. Many of the changes have been made to improve customer service and to address staffing needs in the programs. The changes have been made to adapt to workloads that have increased 39% in both programs since 1991.

<u>Change</u>	<u>Result</u>
Improved customer contact and shut off changes	Changes authorized by Council reduced total shut offs during 2000 by 28%. Peak summer shut offs declined by 45%. Changes were published in the Utility newsletter Water Matters and as an insert in the bill.
New Interactive Voice Response phone and web system	Shifted over 20% of calls to either the automated voice system or the web site for the City.
Remodel of Utility Billing area	UB staff can now cover the front desk and the front desk area has been changed to a workstation to accommodate walk in customers.
New cash system	When the new financial management system (FMS) is fully operational, duplication and many manual tasks will be eliminated. In addition, all Staff in the Cashiering and Utility Billing programs are in the midst of cross training so staffing resources can move to the area of greatest need as the workload requires.

The next proposed change to be implemented is outsourcing remittance processing by using a bank lockbox program. Currently, the processing of all accounts receivable for utility bills and sales tax is done in-house. While preparing the specifications for the cash system that will be integrated with the new financial management system, Colorado Consulting Group conducted an analysis of cash and remittance processing to assess operational efficiency. The analysis focused on performance data and the current workflow processes. It revealed a need for additional staffing in the cashier program to operate remittance processing on a full time basis, a need to replace and upgrade the current remittance processing equipment and the presence of operational bottlenecks that restrict cash flow and interest income for the City.

Alternatives considered:

Staff considered three options:

- Request additional staff and capital equipment in the 2001 budget.
- Shift the workload to other divisions in Finance or other departments in the City.
- Outsource the largest operational process in the Cashier program, remittance processing.

The competing needs for staffing and capital equipment in Finance and other City departments led to the determination the first option was not feasible.

Shifting the workload to other departments would not eliminate operational bottlenecks and is not realistic given the workloads in other areas. Therefore, the second option was not acceptable.

The third option proved viable and was researched in depth. Lockbox processing is not a new concept as it originated in 1947. It has progressed from a manual process to a highly automated environment. Sophisticated equipment optically scans and photographs checks and remittance documents for high-speed processing. If necessary, images can be provided to the City in hard copy or on CD-ROM.

The cities of Thornton, Northglenn, Broomfield, Boulder, Louisville, Aurora and Denver Water Department use lockbox processing. Staff determined this would also be cost beneficial to the City, as it would avoid increasing Staff and capital equipment purchases.

A request for proposal was sent to four vendors that provide lockbox services in December 2000. Responses were received from Bank One, US Bank, UMB Bank and Wells Fargo. All provide lockbox services in the Denver Metropolitan area. Upon receipt of the proposals, Finance Staff began a thorough review and analysis of the proposals, including processing, funds availability, data transmission, reporting, electronic payments, implementation, customer service, quality controls, staffing, comparative experience, equipment (including backup equipment and disaster recovery), and costs. After selecting finalists, Staff made site visits and checked references.

Based on the projected volume, the annual cost for each of the proposals is as follows:

<u>Vendor</u>	<u>Utility Billing</u>	<u>One time fee</u>	<u>Total</u>
UMB Bank	\$ 67,800(1)	\$2,500	\$ 70,300
Wells Fargo	\$ 95,364	\$3,750	\$ 99,114
US Bank	\$ 97,416	\$4,000	\$101,416
Bank One	\$117,408	\$1,800	\$119,208

<u>Vendor</u>	<u>Sales tax</u>	<u>One time fee</u>	<u>Total</u>	<u>GRAND TOTAL UB/ST</u>
UMB Bank	\$ 8,185	\$ 0	\$ 8,185	\$ 78,485
Wells Fargo	\$ 9,516	\$ 0	\$ 9,516	\$108,630
US Bank	\$12,240	\$ 150	\$ 12,390	\$113,806
Bank One	\$12,780	\$ 100	\$ 12,880	\$132,088

(1) Includes courier costs

Benefits of outsourcing the payment processing:

- Allow remittance processing starting at 5:00 A.M. until completion, six days per week. In house processing occurs from 11:00 to 3:00 five days per week and during heavy volume time not all remittances are processed on a daily basis.
- Checks arrive for deposit at the City's depository bank the same banking day the check is received at the processing center. Funds are deposited into the City accounts at least 5 days sooner than in-house processing. This occurs by eliminating mail float at the post office, reducing internal processing float at the City, reducing float due to transport by current armored car service, reducing processing float at the bank.
- Increase interest income for the Water/Wastewater Utility Fund by approximately \$18,000 annually and interest income on Sales Tax by approximately \$41,000 annually.
- Balances required to pay for other bank sources are reduced by \$200,000. These funds will be invested and will generate approximately \$11,000 of additional interest income annually.
- Eliminate the need for additional Staff to run the in-house remittance processing (cost avoidance of \$37,000 annually).
- Eliminate the need to purchase replacement equipment for in-house remittance processing. To replace the basic equipment at the City would cost \$15,000 in one time cost and \$1,500 annual maintenance contract.
- Eliminate processing bottlenecks created by highly variable payment volumes that occur during the month. The most common example is the days when utility billing receipts and sales tax receipts arrive simultaneously. There is not enough equipment or Staff to process all receipts during the same day.

- Allow the transfer of a half-time Staff position from Cashiering to Utility Billing to cover staffing needs.
- Reduce Staff time spent on collecting bad checks. National collection research shows the sooner a check clears the bank the greater the chance the check will clear.

UMB Financial Corporation is a regional multi-bank holding company headquartered in Kansas City, Missouri. The Company is comprised of 16 affiliate banks operating in more than 165 locations throughout Missouri, Kansas, Colorado, Oklahoma, Nebraska, and Western Illinois. UMB Bank, N.A., in Kansas City, is the Company's flagship bank. At the end of 1999, UMB Financial Corporation had total assets of \$7.4 billion. UMB Bank Colorado N.A. is a separately chartered bank with 11 locations in the Denver and Colorado Springs areas. At the end of 1999, UMB Bank Colorado had \$375 million in assets with deposits of \$277 million.

The site visit and the analysis resolved all concerns Staff had regarding the UMB proposal. UMB's operation is smaller than the other three bidders. However, besides being the least costly, they can provide the most customized service, and their quality controls are more than adequate. In addition, Staff requested an analysis of the financial condition of the bank by Prudent Man Analysis (a bank rating agency). The rating of the UMB bank in Denver is 2-, which is "Above Average", and the rating of the holding company is 1-, which is "Superior". The financial exposure for the City is minimal since all Colorado banks must pledge collateral equal to the deposits of public funds they have in their bank. The City would be the first municipal client for UMB. Their current clients are all in the private sector. Staff believes this bodes well for quality of service. Quoted prices are guaranteed for two years. Implementation will take approximately 120 days from the date the contract is signed.

Most of the process will be transparent to the customer (the processing, clearing, and collection of dollars). There is one item Council should be aware of that can generate questions. No matter which vendor is chosen, the PO Box would have an out of city address and zip code. There are no vendors that have a PO box in Westminster. This is the trade off for having deposits made 5 days sooner. This occurs because the mail can be picked up several times per day at the general mail facility in Denver, processed and deposited to the City's depository bank (US Bank in Denver) the same day. Customers will still be able to bring their checks to City Hall and will be able to continue to use the drop boxes located around the City. If the lockbox is approved, Staff will address this issue in the next utility newsletter and through various other educational methods used by Utility Billing.

If authorized and funded, the sales tax component would not be implemented until 2002. When Sales Tax sends out their return booklets in December they include return envelopes. By beginning at the first of a year, customers would receive the correct lockbox envelopes for all months they must remit (annually, quarterly, or monthly). Sales tax will also take some special set up and planning time due to the variety of remittance forms that customers use to remit returns. UMB will be able to accommodate the special needs of sales tax.

Overall, UMB's proposal appears to meet the service needs of the City and provides the best value for the cost incurred.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001
Subject: Printing and Mailing Service Contract Extension
Prepared By: Bob Eichem, Treasury Manager

Introduction

City Council action is requested to approve two one-year extensions, renewable annually, of the original contract with Output Technologies, Inc. (Output) for printing and mailing services for utility bills. The projected annual cost of the contract, based on current mailings, is \$40,000. Funds are budgeted in the Finance Department budget for this expense.

Summary

In April of 1998, City Council authorized Staff to enter into a three-year contract with Output to provide printing and mailing services for utility bills. Due to delays on the City's side, the actual contract was not implemented until about 10 months later in January of 1999. The current contract will expire April 28, 2001. After initial conversion, performance has been acceptable with the company achieving target date for mailings 98% of the time. The original performance measure was 95% of the time. Output has responded quickly when Staff has questions and has provided acceptable customer service.

Staff feels it would be in the best interest of the City to extend the contract for two more years. Cost increases in the extended contract will be tied to the Denver-Boulder CPI, the same as with the original contract. The five-year timeline for service contracts in Finance is common and has been used for banking and auditing services.

Policy Issue

Should the City extend the service contract with Output Technologies Inc. for an additional two years?

Staff Recommendation

Authorize Staff to extend the contract with Output Technologies Inc. for two additional years, under the same terms as the original contract and at no additional cost to the City except for CPI increases in fees., and charge the expense to the appropriate Finance Department operating account.

Background Information

Prior to 1996, the printing and mailing of utility bills was accomplished in-house. The lack of staffing and the prohibitive cost of purchasing new capital equipment made Utility Billing an ideal program for outsourcing. The first contract for outsourcing did not go well. Targeted mailing dates for bills were often missed, there were numerous occasions when multiple bills were not mailed, many bills were mailed at the incorrect postage rate and frequently two different customers' bills were put in one envelope so one customer never received their bill.

The utility billing outsourcing contract was re-bid in 1998. Output Technology Inc. was the only new firm that responded with a proposal. There were a few problems at first, but Staff found Output willing to make the changes that were needed to ensure that the new relationship would be successful. On the average, the City mails 1500 bills per day. This translates to about \$100,000 of daily cash flow. Any undue delays in printing and mailing can have serious consequences for customers receiving their bills and to the City's cash flows and interest income.

Because of satisfactory service and the enhanced productivity this outsourcing has produced, Staff recommends extending the Output contract for an additional two years.

Alternatives to extending the contract include the following:

1. Prepare and solicit a request for proposal for printing and mailing services. There are few vendors that provide this type of service. The City replaced the last vendor due to poor performance and no other vendors responded to the request for a proposal. Staff is not currently aware of other vendors at this time. Since the current provider is meeting all performance targets and responding to any issues that arise, Staff believes this alternative would not provide a better price or service level for the City.
2. Bring the service back in-house and print the bills in the Information Technology Department. This option is not feasible given that the cost of the necessary equipment and staffing would run in excess of \$200,000. This would not be a cost effective use of funds because the service can be outsourced at a lower cost (approximately \$40,000 per year) and contracting has resulted in greater efficiency.

In addition, Output provides all sorting and bundling for bulk mailing. During 2000, the difference between the one-ounce rate of 33 cents and the bulk-mailing rate of 26.1 cents saved the City nearly \$25,000 in mailing costs. In addition, Output processes enough mail in total that a postal inspector has an office on-site. This also contributes to lowering the bulk-mailing rate the City pays because the post office does not have to sort, weigh, and classify the mail.

Since the printing and mailing process is operating efficiently, is cost effective, and there are no new providers that have entered the market, it is proposed that the contract be extended for two years.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: February 12, 2001
Subject: Customer Service Concrete Replacement Program Bids
Prepared by: Ray Porter, Infrastructure Improvements Manager

Introduction

City Council action is requested to award the bid for the 2001 Customer Service Concrete Replacement Program. Funds have been specifically allocated in the 2001 Department of Public Works and Utilities Infrastructure Improvements Division Budget for these expenses.

Summary

Formal bids were solicited in accordance with City Charter bidding requirements for the 2001 Customer Service Concrete Replacement Program. Bid Documents were obtained by eight contractors and five bids were received. Citywide Enterprises is the low bidder at \$499,391.

Citywide Enterprises Inc., meets all of the City bid requirements and has done quality work in past year's Westminster Customer Service Concrete Replacement Program.

City Staff estimated in the 2001 budget a cost increase of 5% for 2001 concrete work. The actual bid cost increase over 2000, was 2% overall. The increase is attributed to higher fuel and labor costs for the contractors.

Policy Issues

Should City Council approve authorization to award the 2001 Customer Service Concrete Replacement Program bid to Citywide Enterprises Inc. in the amount of \$499,391.

Staff Recommendation

Authorize the City Manager to sign a contract with the low bidder, Citywide Enterprises Inc., in the amount of \$499,391; authorize a \$25,000 contingency amount; and charge the expense to the appropriate 2001 Department of Public Works and Utilities Infrastructure Improvements Division budget account.

Background Information

City Council approved funds in the 2001 Infrastructure Improvements Division Budget to replace 15,150 linear feet of deteriorated concrete curbs, gutters, sidewalks, and crosspans at 266 locations from the "Citizen's Request For Concrete Repairs" priority list for a total expense of \$450,000. This program also includes an additional \$40,000 for a Crossspan Replacement Program at seven intersections, and \$10,000 for the 50/50 Citizen Cost Sharing Program at four properties.

The total annual funds generated from the existing \$.50 per month utility bill "concrete replacement program charge" is \$150,000. These funds are used as partial funding for the Concrete Replacement Program.

Also participating in this bid is Adams County School District 50. School District 50's portion of this contract is \$45,399 for sidewalk and curb and gutter replacement at eight (8) school sites. An Intergovernmental Agreement with School District 50 will need to be authorized for the City Manager's execution once the Asphalt Pavement Rehabilitation Project bids are presented for City Council approval. The Intergovernmental Agreement will address the asphalt and concrete projects in one document.

The following sealed bids were received:

Contractor

1. Citywide Enterprises, Inc.	\$499,391
2. Rives Enterprises	\$500,666
3. Concrete Express, Inc.	\$519,334
4. Concrete Works of Colorado	\$536,342
5. Asphalt Specialties	\$723,028
City Staff Estimate	\$532,035

Alternative

Bidding the Street Improvement Concrete Replacement Project with the Customer Service Concrete Replacement Program. Staff concerns include:

- a. Small concrete contractors will be eliminated from bidding the larger project.
- b. Unit costs for concrete replacement would likely increase significantly, due to the lack of competition for the bid.
- c. Bidding the combined larger contract would extend the construction period into November/December, increasing the possibility of not completing the contract in 2001.
- d. Only one bid would be necessary for what is now two projects. Contract administrative costs would decrease.

Bid the two Concrete Replacement Programs with the Asphalt Rehabilitation Project:

- a. General contractor administrative costs would increase and a double profit margin and expense for the general and sub-contractor would result.
- b. Unit costs for concrete replacement would likely increase by at least 25%, resulting in a potential total estimated cost increase for concrete work in 2001 of \$110,000.
- c. Only one bid would be necessary for what are now three projects. Contract administrative costs would decrease.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: 2001 Wastewater Collection System Maintenance Contract

Prepared by: Richard Clark, Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Introduction

City Council action is requested to amend the 2000 Wastewater Collection System Maintenance Contract with AquaSource Services and Technologies, Inc., in order to extend the agreement for an additional year (2001) with specified changes to services to be provided as outlined in the amendment to the contract. The option to extend the initial contract was included in the 2000 Wastewater Maintenance Collection System contract approved by City Council on March 20, 2000. The contract amount for the 2001 Wastewater Maintenance program will be \$492,822.30.

Summary

The City's wastewater collection system currently consists of approximately 356 miles (1.9 million feet) of sanitary sewer mains. The outsourced maintenance of the system for 2001 has been set up to include routine jet cleaning of 530,140 linear feet of sewer; jet cleaning the City's "hot spots" on a monthly, quarterly, and semi-annual basis, which consists of approximately 155,460 linear feet; and television inspection of one-third of the City or approximately 530,140 linear feet.

The 2000 Wastewater Collection System Maintenance project was awarded to AquaSource Services and Technologies Inc., as they were determined to be the successful, most responsible and competent contractor on the basis of the bids. As part of that contract, the City had the option of extending the contract with AquaSource for two additional one-year periods if the conditions remained similar and the services provided were deemed acceptable and within the budgeted amount for this program. These conditions were met and thus the Utilities Division is requesting the renewal of the contract for 2001.

The major exceptions, as outlined in the Amendment to the Contract, for services in 2001 include:

The City and the Contractor agree that all of the existing executed contracts for Project No. WW-2000, 2000 Wastewater Collection System Maintenance, are hereby renewed for a one year term, pursuant to section 4.2 thereof, will remain binding except the following deletions and additions:

1. Delete:
 - A. All root foaming that was listed under Bid Schedule 2000-3 Root Foaming (\$12,000 reduction).
 - B. All root cutting that was listed under Bid Schedule 2000-4 Root Cutting (\$12,000 reduction).
 - C. All Lift Station Maintenance that was listed under Bid Schedule 2000-6 Lift Station Inspection and Maintenance. (The City will assume this activity.) (\$59,200 reduction).
 - D. Delete routine TV inspection of 15-30-inch size sewers (30,105 feet).

"The root foaming and root cutting items in the 2000 contract were performed to evaluate their usefulness in reducing the potential for sanitary sewer backups in treated areas. The areas in the 2001 contract are not generally subject to a large amount of root intrusions and the deletion of these items should not create customer service problems. The lift station maintenance will be conducted by in-house staff, consisting of the Electromechanic Specialist and a new Utility Technician position in the 2001 Budget. Television inspections of larger diameter sewers rarely produces any usable images due to the depth of flow in the pipelines and is being discontinued."

2. Additions:

- A. Under the Schedule 2000-3 Grease and Sand Trap Inspection, the addition of a new price for re-inspections of facilities that fail their initial inspection.
- B. All of the new footages and any new pricing that is indicated on the 2001 Schedule.
- C. New schedules are attached hereto and incorporated herein.

Policy Issues

Should the City of Westminster amend the 2000 Wastewater System Collection Maintenance Contract to provide for continued program services as specified in the contract documents and Amendment Agreement or seek a competitive process to procure the desired services?

Staff Recommendation

Amend the 2000 Wastewater Collection System Maintenance Contract with AquaSource Services and Technologies Inc., to provide services to the City for the 2001 Wastewater Collection System program in accordance with the provisions outlined in the Amendment to the Contract Agreement; authorize the City Manager to execute an amended contract between the City of Westminster and AquaSource; authorize a budget of \$492,822.30 and charge the appropriate project accounts in the 2001 Wastewater Operating Budget.

Alternatives

The alternative to renewing the contract for service with AquaSource Services and Technologies Inc. as recommended would be to completely re-advertise the Wastewater Collection System Maintenance Contract and attempt to receive additional proposals. Having gone through this process last year, Staff believes that the current contractor would, again, be successful in bidding and completing the needed work for the City. Having worked with this contractor over the past few years benefits the City in having a knowledgeable contractor complete the required work effectively and at the best possible cost. Also, re-advertising the project would result in a substantial delay in starting the needed work for this year. The City could not effectively resume in-house cleaning without additional FTE's and equipment.

Background

In 1997, in order to maintain the priority of water line replacement, the Utilities Division reassigned a five-person crew to the in-house water line replacement construction crew, thus eliminating in-house maintenance of the sanitary sewer system. Outsourcing the wastewater collection system maintenance to a private contractor has been very successful over the past four years, providing the necessary maintenance and operations of the sanitary sewer system.

The City's wastewater collection system currently consists of approximately 356 miles of sanitary sewer mains. The Wastewater System Maintenance Contract includes jet cleaning, television inspection of sewer lines, video presentation of sanitary collection system, manhole inspections, and grease/sand trap inspection services and follow-up. Utilities Division employees continue to respond to all wastewater collection system customer service and emergency calls.

The contract for services for the 2000 Wastewater Collection System Maintenance program included a renewal provision that could be exercised for two additional one-year periods. The City has the option of renewing the contract with AquaSource if past performance and service charges were acceptable and an amendment agreement was agreed upon by both parties. At this time, such an agreement has been reached and thus the request for approval to renew the service contract for the 2001 Wastewater Collection System Maintenance program.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

2001	Size Quantity	ITEM	2001 QUANTITY	2000 PRICE	2001 REVISED PRICE	2000 TOTAL	2001 REVISED TOTAL
Jet Cleaning							
Hot Spots							
	6"-15"	1A	155,460	\$0.26	\$ 0.27	\$40,419.60	\$41,974.20
Routine Jet Cleaning							
	6"-15"	1B1	530,140	\$0.26	\$0.27	\$137,836.40	\$143,137.80
	16"-30"	1B2	30,105	\$0.40	\$0.42	\$12,042.00	\$12,644.10
Root and Grease							
	6"-15"	1C	5,000	\$0.65	\$0.68	\$3,250.00	\$3,400.00
Customer Service							
	6"-15"	1D	20,000	\$0.30	\$0.32	\$6,000.00	\$6,400.00
Out Flow Manhole							
	800/2 Time	1E	1,600	\$12.00	\$ 12.60	\$19,200.00	\$20,160.00
Television Inspection Hot Spots							
	6"-15"	2A	43,790	\$0.39	\$0.41	\$17,078.10	\$17,953.90
Customer Service							
	6"-15"	2B	20,000	\$0.40	\$0.42	\$8,000.00	\$8,400.00
New Subdivision							
	6"-15"	2C	40,000	\$0.40	\$0.42	\$16,000.00	\$16,800.00
Routine TV Inspection							
	6"-15"	2D1	530,140	\$0.37	\$0.39	\$196,151.80	\$206,754.60
	16"-30"	2D2	0	\$0.40	\$0.42	\$0.00	\$0.00
Grease Trap Inspection							
Quarterly Inspection	221x4	5A	884	\$16.00	\$16.80	\$14,144.00	\$14,851.20
Re-Inspection	30	5B	30	\$11.00	\$11.55	\$330.00	\$346.50
Total						\$470,451.90	\$492,822.30
Percent Increase							5%



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001
Subject: Turnpike Drive Construction Contract
Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to award a contract to Asphalt Specialties Inc. for reconstruction of Turnpike Drive in conjunction with work being done by the Colorado Department of Transportation (CDOT) at the Federal Boulevard/US 36 Interchange. Funds are available and were specifically allocated in the General Capital Improvement Fund for this project.

Summary

The Colorado Department of Transportation's (CDOT) reconstruction of the interchange at US 36 and Federal Boulevard results in the need to relocate portions of Turnpike Drive near 76th Avenue. As part of our involvement with the project, the City has agreed to pay for the reconstruction of Turnpike Drive north of 76th Avenue, where about 500 feet of the street will be shifted slightly west into Municipal Park. The shift varies from 30 feet at 76th Ave to zero near the access to the Municipal Courts complex.

To insure that this work is done in the same time frame as CDOT's similar work in the area, City Staff requested that CDOT's contractor, Asphalt Specialties, Inc., prepare a proposal for the work. The Asphalt Specialties' proposal of \$75,930 uses the same unit costs for major components of the Turnpike Drive work (asphalt, curb and gutter, etc.) as they are charging CDOT on the much larger interchange project. Altogether, the proposal is considered reasonable and certainly in the range of what would result if the project were put out to bid. Estimates done previously for budget purposes had this work costing 15-30 % more.

City Staff is recommending acceptance of the Asphalt Specialties' proposal without bidding the project because it is a relatively small contract and the price is considered competitive. The work can easily be included with similar construction for CDOT under the same schedule, beginning in late February 2001. This should be a significant reduction of inconvenience to the public. In addition, authorization of \$16,000 for restoration of Municipal Park following the widening is also requested, along with an overall project contingency of \$15,000.

Policy Issue(s)

Staff is recommending that the contract for Turnpike Drive construction be awarded to Asphalt Specialties, Inc. without going through a competitive bid process. This action can be taken by City Council when circumstances indicate that waiving the bidding process will be to the City's benefit and the public's best interest. See the alternatives discussion below.

Staff Recommendation

Authorize the City Manager to execute a contract with Asphalt Specialties, Inc. for the reconstruction of Turnpike Drive in the amount of \$75,930; authorize funds for this contract along with \$16,000 for the restoration of Municipal Park adjacent to Turnpike Drive, and \$15,000 for a project contingency; and charge the expenses to the appropriate Capital Project account and charge these expenses to the appropriate General Capital Improvement project account.

Alternative(s)

Though not likely, competitive bidding could result in another contractor winning the bid for the Turnpike Drive work. While this might result in a slightly lower cost, it would also create the circumstance where two different contractors are working in the same area, one for the City and one for the Department of Transportation. Coordination of their activities would be a headache at the very least and could lead to significant conflicts in the worst case. It is unlikely that two contractors would want to occupy the same work area at the same time, so Turnpike Drive would be out of service an additional four to six weeks. What savings might be realized in the bid process are likely to be lost when compared to the inconvenience to the neighborhood, the impacts to the project schedule, and the integrity of the completed project. Going through a competitive bid process could also delay the work into the summer season, when the Park gets more use. Under the present plan, restoration of Municipal Park should be complete before the increased use of the spring/summer season.

Background Information

The Colorado Department of Transportation (CDOT) is reconstructing the interchange at Federal Boulevard/US 36 at a cost of \$17 million under a contract with Asphalt Specialties, Inc. The work began in early 2000 and will conclude toward the end of 2001. The work includes widening Federal Boulevard to six lanes immediately north and south of US 36, which will displace portions of Turnpike Drive in the southwest quadrant of the interchange (see project map, attached). CDOT's traffic evaluation concluded that for the low volume of traffic on Turnpike Drive, it could be closed north of 76th Avenue without significant impact to the neighborhood or area traffic operations. South of 76th Avenue, Turnpike Drive carries more traffic and will be reconstructed by Asphalt Specialties under their contract with CDOT.

After hearing from the neighborhood, City Council decided to relocate the portion of Turnpike Drive north of 76th Avenue at the City's cost. The street will need to be shifted to the west approximately 30 feet just north of 76th Avenue, tapering to zero feet about 500 feet north, at the eastern access to the Municipal Courts complex. Funds for the work were appropriated in the year 2000 budget, and will also cover the cost of modifications to Municipal Park, where playground equipment, irrigation facilities and trees must be relocated and the landscaping restored to accommodate the shift of the street.

Construction plans for Turnpike Drive were recently completed and presented to Asphalt Specialties, Inc. for pricing. They have agreed to perform the work at the same unit costs for similar improvements (asphalt, curb and gutter, etc.) being done for the Department of Transportation. Due to the size of the CDOT contract, the unit costs are much less than could be expected if the Turnpike Drive work were to be bid separately. Together with a small mobilization cost, Asphalt Specialties, Inc. will reconstruct Turnpike Drive north of 76th Avenue for \$75,930.

Normally, projects of this type are awarded after a competitive bidding process, which can take several months. City Council has the authority to waive the bidding process when for reasons of budget, schedule or other circumstances, negotiating a contract will best serve the public's interest. This is one of those cases because Asphalt Specialties Inc is doing exactly the same work in the same area for the Department of Transportation.

They have also proposed a cost for the work that is reasonable and probably would not be improved upon by bidding. When budgeting for the project, construction cost estimates ranged from \$90,000 to \$110,000. Awarding the contract to Asphalt Specialties also avoids the circumstance of two contractors working in the same area, which can be a coordination problem. The work can be accomplished without significant changes to Asphalt Specialties present schedule.

In addition to the relocation of Turnpike Drive, modifications to Municipal Park will be necessary. A playground area will need to be re-oriented, trees will either need to be relocated or replaced and adjustments to the irrigation system will be necessary. Finally, disturbed areas of turf will need to be replaced. This work will be performed by Department of Parks, Recreation and Libraries personnel and/or under small contracts, which can be approved administratively. An estimated cost of \$16,000 should cover the Municipal Park restoration.

In summary, Staff is recommending award of the contract for the Turnpike Drive reconstruction to Asphalt Specialties, Inc. at their proposed cost of \$75,930. Authorization is also sought for expenditures of \$16,000 for the restoration of Municipal Park and a contingency for the project of \$15,000.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001
Subject: Resolution No. 8 Reappointments to Boards and Commissions
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to consider the re-appointments to the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board; Planning Commission, Special Permit and License Board and Transportation Commission where terms of office expired on December 31, 2000.

Summary

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

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

Staff Recommendation

Adopt Resolution No. 8 making re-appointments to the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board; Planning Commission, Special Permit and License Board and Transportation Commission with all terms to expire on December 31, 2002.

Background Information

The terms of office of four of the Open Space Advisory Board members expired on December 31, 2000. Bob Briggs, Charles Jacoby, Robert Tschudy and Randal Whorton are all interested in being reappointed to the Open Space Advisory Board.

The terms of office of four of the Parks and Recreation Advisory Board members expired on December 31, 2000. Ronald Dickerson, Jane Kober, John Polston and Armene Brown are all interested in being re-appointed to the Parks and Recreation Advisory Board, with Armene Brown requesting to become an alternate member, since she is unsure if she will be in town for all of the meetings.

The terms of office of three of the Personnel Board members expired on December 31, 2000. Janeen Branvold, Margaret Rivera and Betty Whorton have all indicated that they are interested in being re-appointed to the Personnel Board.

The terms of office of five of the Planning Commission members expired on December 31, 2000. Martha Brundage, Michael Crocker, Jerry English, Greg Lockridge and James Smithwick are all interested in being re-appointed to the Planning Commission.

The terms of office of four members of the Special Permit and License Board expired on December 31, 2000. Michael Condon, Bill Nordberg, David Tracy and John Velasquez are all interested in being re-appointed to the Special Permit and License Board.

The terms of office of three of the Transportation Commission members expired on December 31, 2000. Rosa Delin and James Holt did not wish to be reappointed, and City Council appointed two new members to the Transportation Commission on January 8th. Doug Young is interested in being reappointed to the Transportation Commission.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **8**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

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

WHEREAS, City Council has reviewed evaluations of the current Board and Commission members for the Open Space Advisory Board, Parks and Recreation Advisory Board, Personnel Board; Planning Commission, Special Permit and License Board and Transportation Commission; and

WHEREAS, Each member whose term expired on December 31, 2000 has been contacted and asked if they wish to be re-appointed to the Board where they are currently serving; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

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

NAME	BOARD/COMMISSION
Bob Briggs	Open Space Advisory Board
Charles Jacoby	Open Space Advisory Board
Robert Tschudy	Open Space Advisory Board
Randal Whorton	Open Space Advisory Board
Ronald Dickerson	Parks and Recreation Advisory Board
Jane Kober	Parks and Recreation Advisory Board
John Polston	Parks and Recreation Advisory Board
Armene Brown (moved to Alternate Member)	Parks and Recreation Advisory Board
Janeen Branvold	Personnel Board
Margaret Rivera	Personnel Board
Betty Whorton	Personnel Board.
Martha Brundage	Planning Commission
Michael Crocker	Planning Commission
Jerry English	Planning Commission
Greg Lockridge	Planning Commission
James Smithwick	Planning Commission
Doug Young	Transportation Commission

Passed and adopted this 12th day of February, 2001 as amended.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001
Subject: Resolution No 9 re Ranch Creek Villas Service Commitment Award Extension
Prepared by: Margo Schultz, Planner II

Introduction

City Council is requested to adopt the attached Resolution extending the existing Category B-2 Service Commitment Award to the Ranch Creek Villas single-family attached residential project.

Summary

Attached is a request from Ron Wedgle, Vice President of Loup Development Company, the developer for the Ranch Creek Villas single-family attached residential project, requesting an extension to the Service Commitments schedule the City Council awarded to the project as a result of the 1999 Single-Family Attached competition. Because the initial 21 Service Commitments will expire on March 29, 2001, and the developers will not be ready to pull a building permit by the deadline, an extension is requested. Unless an extension is granted, the developers will lose 21 of the total 100.8 Service Commitments awarded and would need to compete in a future competition to try to obtain those Service Commitments.

The developer's engineer has not yet submitted the engineering construction drawings which entail extensive design and construction plans for the Federal Boulevard and 120th Avenue road improvements that will be constructed in conjunction with this project. The construction drawings include extensive grading plans for this steeply sloped property and have taken the consulting engineer longer than was originally anticipated. This delay has necessitated a revision to the original construction schedule. Also, the building construction drawings have not been submitted for review and approval. The developers have indicated that construction is expected to begin in the late spring of 2001.

The attached Resolution reflects the Service Commitments needed for the development including the revised time schedule from a three-year construction period to a two-year construction period. Council will note that at the request of the developer, the originally requested 100.8 Service Commitments for 144 units, has been revised to 95.2 Service Commitments for 136 units, in keeping with the approved Official Development Plan.

Table I
Original Service Commitment
Award Request

1999: 21.0 SC's (30 units)
2000: 50.4 SC's (72 units)
2001: 29.4 SC's (42 units)

Total: 100.8 SC's (144 units)

Table I
Revised Service Commitment
Award Request

2001: 61.6 SC's (88 units)
2002: 33.6 SC's (48 units)

95.2 SC's (136 units)

The City's Growth Management Program allows City Council to consider these requests and grant extensions if desired based on certain criteria. The criteria outlined in the Westminster Municipal Code Section 11-3-2(A) 2 are as follows:

1. The need for the extension is the result of some unusual and unforeseeable circumstance reasonably beyond the control of the developer; and
2. The extension is needed to avoid undue or inequitable hardship that would otherwise result if the extension were not granted, and
3. There is no reason to believe that the developer will not be able to proceed with the development of the project within the extended time period.

Staff Recommendation

Adopt Resolution No. 9 extending the existing B-2 Service Commitment award to the Ranch Creek Villas single-family attached residential project based on a finding that the Ranch Creek Villas projects meets Westminster Municipal Code Section 11-3-2(A) 2 criteria of the City's Growth Management Program.

Alternatives

One option is too not adopt the attached Resolution. Because the initial 21 Service Commitments awarded for this project would expire before the developers are able to receive the initial building permits for the project, the result of this option would be to reduce the original total of the Service Commitments from 100.8 to 79.8. The developer would not be able to complete the project as shown on the Official Development Plan, (which requires 95.2 Service Commitments), and would need to compete (if desired) in a future Category B-2 competition for the remaining 15.4 Service Commitments needed to complete the project. The developers have indicated that this would create an undue hardship since all of the infrastructure for the project including public improvements, clubhouse, pool, etc. and the associated construction financing are based on the construction of a certain number of anticipated condominium units.

Background

As a part of the residential competition process within the City's Growth Management Program, Service Commitments awarded to specific projects as a result of the competitive process are subject to a two-year expiration. This provision is to help ensure that Service Commitments awarded to projects that do not proceed, would be returned to the water supply for future award to another project within a reasonable amount of time. In the past, there have been instances where developers anticipate a certain schedule, request Service Commitments based on a tentative schedule, but are ultimately unable to meet the expiration deadline. For this reason, the Growth Management Program allows City Council the ability to review extension requests for projects that have been proceeding through the development review process but have had the construction schedule delayed. The Official Development Plan for the Ranch Creek Villas project was approved by the City Council on October 23, 2000. The project construction start date has been delayed due to the extent of the public improvements construction drawings required for the project.

Respectfully submitted,

William M. Christopher , City Manager

Attachments

RESOLUTION

RESOLUTION NO. 9

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CATEGORY B-2 (NEW SINGLE-FAMILY ATTACHED RESIDENTIAL)
SERVICE COMMITMENT AWARD EXTENSION FOR THE RANCH CREEK VILLAS

WHEREAS, the City of Westminster adopted by Ordinance a Growth Management Program for the period 2000 through 2010; and

WHEREAS, within Ordinance No. 2848 there is a provision that Service Commitments for residential projects shall be awarded in Category B-2 (new single-family attached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City of Westminster City Council has previously awarded 100.8 Category B-2 Service Commitments for the Ranch Creek Villas residential project for the site on the southwest corner of 120th Avenue and Federal Boulevard per Resolution No. 18, Series 1999; and

WHEREAS, Resolution No. 18, Series 1999 establishes that the Service Commitment award to the Ranch Creek Villas project for the year 1999 (21 SC's) shall expire two years after the Service Commitment award date (March 29, 1999) and shall, therefore, expire March 29, 2001; and

WHEREAS, the developer of the Ranch Creek Villas residential project has provided a written request for an extension of the 21 Service Commitments as well as a request that the allocation schedule be changed from three (3) years to two (2) years, and that the total number of Service Commitments received be reduced from 100.8 to 95.2; and

WHEREAS, Westminster Municipal Code Section 11-3-2 (A) 2 establishes criteria for City Council to consider when reviewing requests for Service Commitment Award extensions for new residential projects that previously received Service Commitment Awards as a result of the City's residential competition process; and

WHEREAS, the Service Commitment award extension for the Ranch Creek Villas residential project is the result of an unusual and unforeseeable circumstance reasonably beyond the control of the developer, is needed to avoid undue or inequitable hardship that would otherwise result if the extension were not granted, and there is no reason to believe that the developer will not be able to proceed with the development of the project within the revised Service Commitment allocation time frame; and

WHEREAS, the developer received City Council approval for the Official Development Plan for the Ranch Creek Villas single-family attached residential project on October 23, 2000, but has not yet received building and public improvements construction drawings approval, and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, that:

1. The revised Service Commitment award for the Ranch Creek Villas single-family attached residential project shall be as follows:

SERVICE COMMITMENT AWARD

Project:	2001	2002	Total
Ranch Creek Villas	61.6 SC's	33.6 SC's	95.2 SC's

2. The Service Commitment award to the project listed above is conditional and subject to the following:

- a) For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
 - b) Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project or proposed density.
 - c) The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this B-2 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-2 award.
 - d) The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. The City Staff during the competition process does not review the sketch plans submitted by applicants. Significant changes to the sketch plan are probable once the City's development review process begins for any project.
 - e) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
 - f) The Service Commitment award for the project listed above, if approved by the City, may only be used within the project specified above.
 - g) This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
 - h) The Category B-2 Service Commitment awards shall be valid for a period of two years from the date of award specified in this Resolution (February 12, 2001) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is issued for the project during that two-year period. Future year awards are effective as of January 1 of the specified year.
 - i) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
 - j) All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
3. The Category B-2 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over into the following year provided the Service Commitments have not expired as specified above.

4. These Service Commitments shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal code.

Passed and adopted this 12th day of February, 2001

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: Remodel of Walker Building for Adams Community Mental Health Center

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to award a negotiated contract for the remodel of the Walker Building to Barba and Sons Construction, Inc. Funds for the remodel project were previously allocated and are available in the General Capital Improvement Budget.

Summary

City Council previously appropriated \$130,000 from the 2000 General Fund Contingency and the 2001 Capital Improvement Budget for the remodel of the City's Walker Building for use by Adams Community Mental Health Center's Westminster Office. The City funds were to be combined with a \$50,000 contribution from Adams Community Mental Health Foundation to provide sufficient funding for modifications to the building that would provide for a facility that is more conducive for use as medical offices and update the structure to comply with local and Federal codes and regulations. With the Council's approval of a Staff proposal to relocate the current 76th Avenue Library to a new location at 74th Avenue and Irving Street, the opportunity arose for the eventual use of the current Library Building by the Mental Health Center once that building was vacated by City Staff.

At City Council's direction, City Staff reviewed this proposal with Mental Health Center Staff with the proviso that the Walker Building would receive a much less extensive remodel if there was agreement that the Mental Health Center Westminster Office would later be moved to the Library Building. This new alternative has a great deal of appeal for Adams Community Mental Health, given the Library Building's much better layout for medical offices, much greater visibility, the availability of ample parking and interior space which would allow them to achieve some of their long term goals.

Prior to the possible use of the 76th Avenue Library Building becoming an option, City Building Maintenance Staff had bid out the full remodel project. The low bidder on that project was Barba and Sons Construction, Inc., a firm that has a very good reputation among other cities in the Denver Metropolitan area. With the reduction in scope of the project, Staff was able to negotiate a bid for the remodel project of \$58,645. The original bid would have involved a contract expense of \$145,423. When a contingency and other smaller contracts are added in, the total cost for this reduced remodel work is \$75,000.

Recommendation

Authorize a contract with Barba and Sons Construction, Inc., in the amount of \$58,645 plus an \$8,700 contingency for the remodel of the City's Walker Building for Adams Community Mental Health Center offices, based upon the recommendation of the City Manager and a finding that a negotiated contract for this remodel project best serves the public's interest and charge this expense to the appropriate General Capital Improvement project account, which includes the \$50,000 contribution from the Adams Community Mental Health Foundation.

Background Information

Beginning in late 1999 and through Spring 2000, City Council reviewed City Staff's proposal for the remodel of the City's Walker Building for its continued use by Adams Community Mental Health Center. At the same time, Council reviewed several alternatives to the proposed remodel project. As Council will recall, the Walker Building was formerly a residence that was acquired by the City and has been leased for a nominal fee to Adams Community Mental Health for their Westminster clinical offices since 1974. In April 2000, Council decided to proceed with the remodel option and to authorize the appropriate City funds (\$130,000 split over two years) to accomplish this. These funds have been supplemented by a \$50,000 contribution from the Adams Community Mental Health Foundation.

At the January 22 Study Session, City Council directed Staff to do some additional research with regard to the use of the 76th Avenue Library Building by Adams Community Mental Health Center staff when the Library moves to another location. As a follow-up to this meeting, Staff met with Adams Community Mental Health Center Staff to identify what the Mental Health Center staff felt were the minimum changes necessary to remain in the Walker Building for three to five additional years, as well as to assess the suitability of the current Library Building for future Mental Health Center offices. Based on these discussions, City Staff worked with the firm that provided the low bid on the original Walker Building remodel project to develop a revised budget for the project.

By closely reviewing each of the line item costs in the original remodeling budget and scaling back to a funding approach that would keep the facility usable for another four to five years, City Staff was able to reduce the construction budget from the original budget amount of \$165,000 to \$75,000, or a reduction of \$90,000. It is important to emphasize that this revised project estimate assumes that the Mental Health Center would only be using the Walker Building for another three to five years. The limited scope of this project would not be a viable alternative for a longer-term use of the building. The portion of the funding that was contributed by Adams Community Mental Health Foundation, i.e., \$50,000, would still be used toward the remodel of the Walker Building.

If City Council approves the proposed action, Staff will proceed with the modified remodel construction project for the Walker Building and will later request that Council approve a modified lease agreement with the Mental Health Center. It is anticipated that the provisions in the revised lease agreement related to the nominal rent payment, and the respective maintenance and building operation responsibilities of the two parties will remain as they are set forth currently. In addition, Staff will be asking that Council approve an agreement with the Mental Health Center that demonstrates the City's intent to convert the 76th Avenue Library Building into offices to be used as the Westminster Branch of the Mental Health Center once the Library is vacated by the City.

Using the input provided by Mental Health Center Staff, City Staff met with Barba and Sons Construction, Inc., the contractor who provided the low bid on the full remodel project previously. The scaled down version of the project would consist of the following:

1. Installation of a handicap ramp and new stairway
2. Removal of exterior door and stairway
3. Modification of bathroom to conform to the Americans with Disability Act requirements
4. Installation of new entry door and a new window
5. Removal of several walls and the addition of new walls to allow more efficient use of the building for clinical office space.

The total contractor cost of the modified project would be \$58,645. In addition, Staff would either perform in-house or contract a number of other aspects of the project, including: installation of cabinets and countertops, carpeting, interior painting, and a dishwasher for a total of approximately \$9,400.

This would bring the new project total to \$68,045. With a 10% contingency, the cost for the revised project would be approximately \$75,000, which is \$90,000 less than the current funds available in the project budget.

Alternative(s)

Two alternatives to the proposal described above would be to:

1. Decide that there are preferred alternative uses for the 76th Avenue Library Building and direct Staff to proceed with the full remodel of the Walker Building as previously budgeted by City Council.
2. Approve the proposal for limited modifications to the Walker Building and the approval of the future use of the 76th Avenue Library Building by the Mental Health Center, but place a lower top set amount of funding available for the limited, interim remodel of the Walker Building.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: Resolution No. 10 re US 36 Major Investment Study

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to adopt the attached Resolution to demonstrate the City of Westminster's support of the findings of the US 36 Major Investment Study.

Summary

For the past three years, City officials have participated with representatives of all of the jurisdictions that are located along US 36 in the preparation of a Major Investment Study (MIS) of future transportation improvements to this vital corridor. This Regional Transportation District (RTD)-sponsored investigation is necessary in order to qualify the corridor for the receipt of federal funding for such improvements.

Following intensive study and prolonged debate on the various transportation options that could be implemented on the corridor, the MIS Management Committee, comprised of elected officials from all of the nearby communities and affected agencies, voted unanimously on November 30, 2000, in favor of a \$968 million package of improvements. In order to gain the consensus approval of the interested parties who presented extremely diverse opinions throughout the course of the study, the recommended Locally Preferred Alternative (LPA) is a combination of at least five different transportation technologies. Along with the regional rail service that has been previously endorsed by the City Council, the LPA includes an extension of the high-occupancy vehicle (HOV) lanes all the way to Boulder, bus rapid transit (BRT) stations at five locations between I-25 and Boulder, highway widening from I-25 to 96th Street in Broomfield and a bikeway from Sheridan Boulevard to Boulder. These "new" improvements total approximately \$631 million in cost, and, when coupled with the approximately \$337 million of work on the corridor defined within the 2020 Regional Transportation Plan, the entire package of future transportation improvements to US 36 approaches one billion dollars. On February 9, Mayor Heil and elected officials from the City's partners in this MIS met with Governor Owens to begin a dialogue on potential funding sources for US 36 and other Denver-metropolitan area corridors.

On March 15, the Colorado Department of Transportation (CDOT) Commission is scheduled to take action on the LPA for the US 36 MIS. Then, on March 20, the RTD Board of Directors will consider adoption of the study results. It would be beneficial for the City Council to show support for the consensus agreement by adopting attached Resolution No. 10 prior to the meetings of those two governing bodies.

Policy Issues

The policy issue at hand is to determine if the City's best interests are served by the City Council's endorsement of the specific Locally Preferred Alternative for the US 36 Major Investment Study that has been forwarded by the Management Committee of that study group. From time to time over the past couple of years, Council has been apprised of the progress that the Management Committee has made in reaching a consensus agreement on the LPA.

The City's representatives to the US 36 MIS are proud to report that, despite significant opposition from the outset, the final recommendation for future transportation improvements to this corridor includes the regional rail component that has long been an objective of the City Council.

Recommendation

Adopt Resolution No. 10 indicating support from the City of Westminster for the draft Locally Preferred Alternative for the US 36 Major Investment Study that has been recommended by the Management Committee of the study group.

Alternatives

There are two possible alternative actions that Council could take. One would be to not adopt the attached Resolution and remain mute on the City's support or opposition to the recommended LPA. Under this scenario, the draft LPA would likely continue to move through CDOT's and RTD's approval process and potentially be adopted by those bodies in March of this year.

The second option is to not adopt the attached Resolution and instruct Staff to voice opposition to the draft LPA to the City's partners in the MIS. Since consensus agreement seems to be of paramount concern to all of the involved parties, it is likely that the Management Committee would wish to reconvene to learn the nature of the City's objection. The City has shown no previous overall objections to the draft LPA.

Background Information

The draft LPA for the US 36 Major Investment Study is described in detail on the attachments to this Memorandum. The LPA consists of the following elements:

➤ Regional Rail

Despite the \$172 million price tag, the proposal is for a relatively low-cost rail component. Locomotive-hauled coaches would operate on one new track and one existing track shared with the Burlington Northern/Santa Fe railroad. The southern terminus would be Denver Union Terminal (which will provide the connection to rail service on other regional corridors), the northern terminus would be at 30th Street/Pearl Street in Boulder, and three stations would be spaced along the route, including one in Westminster. Trains would run every 20 minutes during the peak periods and every 30 to 40 minutes during off-peak periods. There has been some discussion among the members of the Management Committee regarding the possibility of the rail service being implemented relatively early so that it can provide some relief to highway congestion while the roadway elements of the LPA are under construction. However, this approach is far from settled at this time.

➤ Roadway Improvements

Most (if not all) of the City's Boulder County partners in the MIS were opposed to further widening of US 36 for general-purpose lanes. However, Westminster, Broomfield and CDOT indicated support for such highway widening. Therefore, the LPA proposes a total of six general-purpose lanes (three lanes in each direction) between I-25 and 96th Street in Broomfield. Additional auxiliary lanes, such as an eastbound climbing lane on Davidson Mesa (i.e., the scenic overlook of Boulder), would be provided, as necessary.

➤ High Occupancy Vehicle (HOV) Lanes

The draft LPA calls for an extension of the buffer-separated HOV lanes all the way to Boulder.

➤ Bus Rapid Transit

In an effort to greatly enhance bus service on US 36, Bus Rapid Transit (BRT) stations will be constructed within the median area of the highway at five locations, including the vicinities of the Westminster Center and Church Ranch Park-n-Rides. These stations allow for passenger pick-up and drop-off virtually on the main line of US 36, thus eliminating time-consuming exits from the highway. Passengers would gain access to the BRT stations via grade-separated crossings of the highway. Additionally, the draft LPA anticipates improved bus circulator service to the BRT stations as well as an increased number of buses running on US 36.

➤ Bikeway

A 10-foot wide paved bikeway from Table Mesa Park-n-Ride in Boulder to Sheridan Boulevard is included in the proposed package of improvements.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **10**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

US 36 MAJOR INVESTMENT STUDY "LOCALLY PREFERRED ALTERNATIVE"

WHEREAS, US 36 is a vital transportation corridor within the City of Westminster; and

WHEREAS, the Westminster City Council is concerned with the efficient movement of people and goods on US 36, now and in the future; and

WHEREAS, the City of Westminster has participated in the preparation of the Regional Transportation District (RTD)-sponsored Major Investment Study (MIS) for the US 36 corridor with all appropriate governmental entities and agencies; and

WHEREAS, the Management Committee for the US 36 MIS, which included representation from the City of Westminster, recently reached a unanimous agreement on the recommendation of a "Locally Preferred Alternative" for the implementation of future transportation improvements to the corridor; and

WHEREAS, that recommended "Locally Preferred Alternative" includes components of regional rail service, roadway improvements, high occupancy lanes, bus rapid transit stations and bikeway improvements along the US 36 corridor.

NOW, THEREFORE, the Westminster City Council hereby resolves that the City of Westminster endorses the "Locally Preferred Alternative" for the US 36 Major Investment Study that has been recommended for approval by the Management Committee of that study group and urges all appropriate governing bodies, including the Colorado Department of Transportation Commission and the Regional Transportation District Board of Directors, to approve this plan.

Passed and adopted this 12th day of February, 2001.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: Resolution No. 11 re Contingency Transfer for Mandalay Gardens Land Use Plan and Contract Award

Prepared by: Dan Blankenship, Senior Projects Coordinator

Introduction

City Council action is requested to adopt a resolution authorizing a General Fund Contingency transfer of funds in the amount of \$119,025 for preparation of a land use plan, design guidelines, preliminary development plan and annexation map for the area known as Mandalay Gardens and to authorize the City Manager to execute an agreement with Downing Thorpe James (DTJ) in the amount of \$119,025 for the planning and engineering services necessary to complete the documents listed above.

Summary

Mandalay Gardens is the unincorporated Jefferson County rural residential area that is located northwest of the US 36 and Church Ranch Boulevard interchange (see attached aerial). With the amount of developable land along the US 36 corridor becoming scarcer by the day, Mandalay, with its easy access to and excellent visibility from US 36, has become a very attractive site for redevelopment. During the past couple of years, one of the property owners has been uniting the landowners in an effort to assemble the property for resale and annexation into the City. At this time, 77% of the property owners, which represents 68% of the land ownership in the area have formally expressed an intent to annex to the City and cooperate with the development of an overall land use plan.

Additionally, the Regional Transportation District Board has made a commitment to purchase approximately 11 acres within the area to develop a new park-n-ride, which could also serve as a transit station for commuter rail in the future. Given that the area has become very attractive for redevelopment, the majority of the property owners have expressed the intent to annex and jointly market their properties and RTD has made commitments to construct a transit facility, it appears to be the appropriate time to proceed with the development of an land use plan for the entire area. The primary purpose of the plan is to formulate an overall development concept and identify appropriate “tools” that would facilitate high quality development for the entire area that compliments the surrounding land uses. Staff proposes that the City “up-front” the \$119,025 cost for the land use plan, design guidelines, preliminary development plan and annexation map, to be reimbursed by the property owners on a pro-rata basis at the time their properties are developed.

Policy Issues

The policy issue is whether or not to take a leadership role in the preparation of an overall land use plan for Mandalay Gardens or allow it to develop in a more piecemeal fashion.

Staff Recommendation

1. Adopt Resolution No. 11 authorizing the transfer of \$119,025 from the General Fund Contingency account into the Community Development Administration account in the General Fund for preparation of a land use plan, design guidelines, preliminary development plan and annexation map for the area known as Mandalay Gardens.
2. Authorize the City Manager to sign a contract with Downing Thorpe James in the amount of \$119,025 for planning and engineering services for the preparation of a land use plan, design guidelines, preliminary development plan and annexation map for the area known as Mandalay Gardens.

Background Information

Mandalay Gardens is an approximate sixty-acre site bounded by US 36 (a.k.a. the Denver-Boulder Turnpike) on the northeast, the Burlington Northern Railroad on the northwest and Church Ranch Business Park on the south. The rural residential site is currently located within an enclave of Jefferson County and is also know as Sub-area C in the Jefferson County Northeast Comprehensive Development Plan. The area is subdivided into 23 privately owned parcels that are accessed via 105th Avenue and Reed Street, which are public right-of-ways.

As the Mandalay property owners watched the development occur all around them, one of the owners decided that it would be in the best interest of all of the property owners to unite and try to market their properties as a whole. Over an approximate 2-year period, support for the idea of assembling the properties grew. Currently, 77% of the landowners, representing 68% of the land within the area, have formally expressed their intent to assemble their properties and annex into the City.

In addition to the property owners' interest in redevelopment, the RTD Board has made a commitment to purchase an approximate 11-acre parcel at the northern end of Mandalay Gardens. RTD's initial plans are to build a park-n-ride that would serve both sides of the highway and in the future a transit station for commuter rail could be added. RTD has prepared a draft intergovernmental agreement for the City's review that addresses the construction of the transit facilities. Upon formalization of the IGA, RTD has stated that they will proceed with the purchase of the property.

With the continued fast paced growth along the US 36 corridor, developable land that has reasonable access and visibility from the highway, is becoming significantly more difficult to find. Therefore, it appears to be the appropriate time to proceed with the development of a land use plan for the entire area for the following reasons:

- a) the area has become very attractive for redevelopment,
- b) the majority of the property owners have expressed the intent to annex and jointly market their properties and
- c) RTD has made commitments to construct a transit facility within the area.

In November 2000, a request for qualifications was issued and five local consulting firms submitted statements of qualification. The qualifications were reviewed and the firms of Van Meter Williams Pollack, Civitas and Downing Thorpe James (DTJ) were selected to prepare proposals. A detailed scope of services was provided to each consultant as a basis for preparation of the proposals. Each firm submitted a proposal with the following costs to perform the required services:

Van Meter	\$239,955
Civitas	\$316,614
DTJ	\$119,025

To get a better understanding of the differences in the fees, the cost estimates were split as follows:

	Planning Services	Engineering Services	Market Analysis
Van Meter	\$163,636	\$ 76,319	\$ 0
Civitas	\$166,910	\$127,024	\$22,680
DTJ	\$ 78,330	\$ 40,695	\$ 0

A market analysis was not part of the scope of services that was provided to the consultants.

Given that DTJ had performed successfully on past projects, they were interviewed to confirm that they had proposed the effort necessary to provide the required services consistent with the quality of their past work. At the interview, DTJ committed to meeting or exceeding the level of service on past projects and confirmed that they had included all of the services necessary to complete the project. Based on the results of the process, it is recommended that DTJ be awarded the contract.

Although the property owners are united in their desire to jointly market their properties, they do not have the resources to develop a plan on their own. Without an overall plan, the land is not as valuable and much more difficult to market and it would likely be developed in a piecemeal approach. In order to take advantage of the timing and to provide the resources that the current landowners do not have, it is desirable for the City to take the lead and proceed with the development of a land use plan, an annexation map and a preliminary development plan. As part of the negotiation of an IGA with RTD, RTD will be asked to pay for their pro rata share (based on land area ownership) of the proposed services. In order to offset the remainder of the costs, it is recommended that a recovery be established upon completion of the project that would allow for the City to collect a pro rata share of the project cost at the time an ODP or ODP's are approved within the area. Given the area is approximately 60 acres in size, the recovery would equate to about \$2,000 per acre or \$0.045 per square foot (gross area).

Alternative(s)

1. Do not allocate funds from the General Fund Contingency. Funding is not available within the current Community Development budget for this expense. Without additional funds, Staff does not recommend proceeding with this land use plan.
2. Select another firm to perform the required services. DTJ was the clear low bidder and Staff is comfortable with the proposal they have put forward.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **11**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL CONTINGENCY FUND FOR THE DEVELOPMENT OF A LAND USE PLAN FOR THE AREA KNOWN AS MANDALAY GARDENS

WHEREAS, the City of Westminster has had a longstanding interest in promoting quality development within the US-36 corridor; and

WHEREAS, the City of Westminster desires to maximize the economic potential of the US-36 corridor; and

WHEREAS, the City of Westminster desires a plan for the area known as Mandalay Gardens that creates a development concept and appropriate tools that would facilitate creation of high quality development for the area; and

WHEREAS, the City of Westminster issued a Request for Qualifications and a Request for Proposals and have selected the consulting services of Downing Thorpe James for the development of a land use plan, design guidelines, preliminary development plan and annexation map and have agreed that the cost of \$119,025 for the proposed services is acceptable; and

WHEREAS, a General Fund contingency transfer of \$119,025 is needed to pay for the proposed services; and

WHEREAS the 2001 General Fund Contingency balance is \$1,500,000.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that:

Section 1. The City Manager is hereby authorized to transfer \$119,025 from the General Fund Contingency account into the Community Development Administration Operations account in the General Fund for preparation of a land use plan, design guidelines, preliminary development plan, and annexation map for the area know as Mandalay Gardens.

Passed and adopted this 12th day of February, 2001

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: South Adams County Water and Sanitation District Agreement

Prepared by: Michael Happe, Senior Water Resources Engineer

Introduction

City Council is requested to authorize the City Manager to sign an agreement with the South Adams County Water and Sanitation District (“South Adams County”) for the sale of consumable water in the South Platte River. In addition, City Council is requested to pass the attached Councillor’s Bill on first reading appropriating the initial payments due under the South Adams County Agreement of \$2,523,500 into the Water Capital Improvement Fund for construction of gravel lake storage and also appropriating \$150,000 from proceeds from the sale of Antero Water Rights to East Cherry Creek Valley Water and Sanitation District that was previously approved by City Council into the Utilities Capital Improvement Fund.

Summary

Westminster has surplus consumptive water credits that are available from Westminster’s wastewater discharges at the Metropolitan Wastewater Reclamation Facility (“Metro”) and the Big Dry Creek Wastewater Reclamation Facility (“Big Dry”). This water is fully consumable pursuant to the terms of Westminster’s water rights decrees and is not needed for any foreseeable needs of the City of Westminster for its planned water reclamation project or any other uses.

City Staff has been negotiating a contract for the sale of 1,000 acre feet per year of this water to the South Adams County Water and Sanitation District. This agreement would obligate Westminster to deliver water from Metro and Big Dry Creek water reclamation facilities, or from Westminster’s gravel lake storage facilities into the South Platte River for South Adams County use. South Adams County would use this water to augment well depletions to the South Platte River pursuant to their water right decrees. The agreement obligates South Adams to purchase 275 acre feet of this water upon execution of the agreement for \$1,853,500, with an option to purchase an additional 725 acre feet in the future. In order to secure this future option, South Adams will make a non-refundable option payment to Westminster in the amount of \$670,000. If South Adams County exercises its future options, they will owe Westminster an additional payment of \$1,250,270 on March 1, 2002 for an additional 175 acre feet and then another payment of \$4,046,191 for 550 acre feet on March 1, 2006. This would give South Adams County a total amount of consumable water from Westminster of 1,000 acre feet per year. This averages out to a price of \$6,740 per acre foot in 2001 dollars.

Staff is requesting Council to make a supplemental appropriation of the initial proceeds from the South Adams County Agreement in the amount of \$2,523,500 into the capital improvement account for the construction of gravel lake storage. The purpose of this fund is the development of gravel lake storage on the South Platte River near Wattenberg pursuant to the City’s Agreement with Aggregate Industries which was previously approved by Council. Funds are needed over the next several years for costs associated with the development of that project. The gravel lake storage on the South Platte will improve the efficiency of Westminster’s overall water supply system.

Additionally, Council is being asked to appropriate \$150,000 received from the sale of Antero Reservoir water to East Cherry Creek Valley Water and Sanitation District. The sale was approved by Westminster City Council on October 23, 2000 by Resolution No. 83. The funds should be placed in the Raw Water Purchases Capital Improvement account in the Utility Fund.

Policy Issue(s)

Should the City sell its consumable water for which it has no current use and use the funds to improve the raw water system, or should it hold on to this asset for future sale or other use?

Staff Recommendation

1. Authorize the City Manager to execute an agreement with South Adams County Water and Sanitation District for the sale of up to 1,000 acre feet of consumable water delivered into the South Platte River and find that the proposed sale will result in the improvement of the capacity, efficiency, and service of the City's water and wastewater utility system; and
2. Pass Councillor's Bill No. __ on first reading appropriating \$2,523,500 from the proceeds of the South Adams County Agreement and appropriating \$150,000 from the proceeds from the sale of Antero Reservoir water to East Cherry Creek Valley Water and Sanitation District to the appropriate Capital Improvement accounts in the Utility Fund.

Background Information

As was previously presented to City Council in Study Session, Westminster has excess consumable water available from its wastewater discharges from the Metro and Big Dry Creek water reclamation facilities. Westminster has accumulated agricultural water rights for its raw water supply over the last 40 years and has obtained several water rights decrees from the State Water Court allowing the City to use and reuse these water rights for municipal purposes. Westminster plans to reuse much of this consumable water to irrigate parks and golf courses during the summer, but is not needed in the winter and is excess to the City's needs.

South Adams County Water and Sanitation District has a need for consumable water on the South Platte River during the winter months. Staff and South Adams County have negotiated an agreement for South Adams County to buy up to 1,000 acre feet of water between November and April each year in perpetuity. The agreement is structured to allow South Adams County the option to purchase the water in phases over time at an average price of \$6,740 per acre foot. Future payments will escalate at an interest rate of 6% compounded annually. South Adams County will purchase 275 acre feet of water for \$1,853,500 and pay a \$670,000 non-refundable option payment to secure their ability to purchase water in the future. The \$670,000 will apply to the final payment for water purchased up to 1,000 acre feet total if they choose to exercise the entire option. If they do not exercise the full option, Westminster keeps the \$670,000 and is free to look for other buyers for the unsold water.

City Council is being asked to appropriate this initial payment of \$2,523,500 into the capital improvement account for the Wattenberg Storage project. Westminster entered into an agreement for the purchase of this storage in October, 2000. These funds will be used to develop inlet and outlet capacity for the Wattenberg storage site, therefore, the funds generated from the sale of water to South Adams County will be used to help develop additional water supplies that are more useful for the City's water needs.

Finally, City Council is being asked to appropriate \$150,000 the City received from East Cherry Creek Valley Water and Sanitation District for the sale of Antero water rights into the water purchases capital improvement account. Council approved this agreement on October 23, 2000. As with the South Adams County agreement, these funds will be used to purchase water rights that are more useful to the City's water needs.

Alternative(s)

Do not sell any of the City's excess consumable water to South Adams County and determine if the market for this water will improve in the future.

Respectfully submitted,

William M. Christopher
City Manager

Attachment(s)

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **3**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE WATER PORTION OF THE UTILITY.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the Water portion of the Utility Fund, initially appropriated by Ordinance No. 2839 in the amount of \$27,101,751 is hereby increased by \$2,673,500 which, when added to the fund balance as of the City Council action on February 26, 2001 will equal \$29,775,251. The actual amount in the Water portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of proceeds received from the sale of water.

Section 2. The \$2,673,500 increase in the Water portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
REVENUES			
Sale of Assets – Water 20-1066-400	\$0	<u>\$2,673,500</u>	\$2,673,500
Total Change to Revenues		<u>\$2,673,500</u>	
EXPENSES			
Gravel Lakes Storage 20-35-88-555-135	\$450,000	\$2,523,500	2,973,500
Water Purchases 20-35-88-555-080	886,837	<u>150,000</u>	1,036,837
Total Change to Expenditures		<u>\$2,673,500</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of February 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of February, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: Environmental Studies for Proposed Westminster Center Development

Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to authorize the City Manager to execute a contract with Parsons Transportation Group, Inc. in an amount not to exceed \$27,237 for the preparation of studies of the potential environmental impacts of the proposed Westminster Center development. Funds for this expense were not included in the 2001 Budget; therefore, Staff is also requesting that Council adopt the attached Resolution to transfer the funds from the 2001 General Fund Contingency to cover this expense.

Summary

Sullivan-Hayes Realty Partners Inc. has submitted plans to the City for a proposed retail development that would be located on the west side of Sheridan Boulevard between the Farmers High Line Canal (the approximate 96th Avenue alignment) and 98th Avenue. The developers' proposal includes some 640,000 square feet of retail space.

Early feedback from residents of nearby subdivisions indicates that there is much concern from the public over transportation and environmental impacts that might be caused by the proposed development. The City's development guidelines require developers of proposed projects to retain the services of professional traffic consultants to thoroughly investigate the possible impacts of their developments upon the existing transportation infrastructure, and the results of those studies are used to determine needed system improvements. For the proposed Westminster Center development, Sullivan-Hayes has enlisted the consulting firm of Felsburg, Holt & Ullevig (FHU), a highly respected transportation-planning firm, to prepare the traffic studies. Given the level of concern with this proposed development, the City has also hired an extremely competent consulting firm, Parsons Transportation Group, Inc., to review FHU's traffic work.

It should be noted that the City's guidelines do not necessarily require that developers perform studies of certain environmental issues such as the disruption of wildlife, visual impacts and noise. These and other such environmental matters have already been raised by several residents regarding the Westminster Center development. City Staff believes that Sullivan-Hayes could be convinced to perform these studies, but concerned citizens might reject the results of any developer-sponsored investigations. Therefore, City Staff has solicited a proposal from Parsons Transportation Group to prepare the desired environmental studies. Parsons' fee for this work totals \$27,237. Staff believes that it would be beneficial for the City to hire this consultant to perform these investigations in order to avoid "conflict of interest" claims during future public hearings.

Policy Issue

- Should the City address environmental impacts regarding the proposed development?
- Should the City incur the cost of studies associated with a private development in order to lend greater credibility to the results of those studies?

Staff Recommendation

1. Adopt Resolution No. 13 authorizing the transfer of \$27,237 from the General Fund Contingency to the appropriate budget account for this expense.
2. Authorize the City Manager to execute a contract with Parsons Transportation Group, Inc. in an amount not to exceed \$27,237 for the preparation of environmental studies associated with the proposed Westminster Center development.

Alternatives

The alternatives to Staff's recommendation are to either forego the preparation of the environmental studies altogether or be content with the preparation of such studies by a consultant under contract with the developer.

Background Information

A copy of the proposed Scope of Work from Parsons Transportation Group is attached. The exact investigations that would be performed by the consultant are wildlife surveys, wetlands and vegetation surveys, visual surveys and air quality and noise analyses. Parsons Transportation Group is well qualified to do this work, and their proposed fee of \$27,237 is reasonable for the Scope of Work that they have suggested. The consultant has stated that all of the work could be completed within two months of the execution of a contract, which appears to fit the schedule for the processing of the Westminster Center development proposal. It is not anticipated that public hearings will be conducted before the Planning Commission or City Council within the next two months.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **13**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL CONTINGENCY FUND FOR THE PREPARATION OF ENVIRONMENTAL STUDIES PERTAINING TO THE PROPOSED WESTMINSTER CENTER DEVELOPMENT

WHEREAS, Sullivan-Hayes Realty Partners Inc. has submitted plans to City Staff for Westminster Center, a proposed retail development that would be located on the west side of Sheridan Boulevard between 98th Avenue and the approximate alignment of 96th Avenue; and

WHEREAS, feedback received from residents of nearby subdivisions indicates that there is much concern from the public over the potential environmental impacts of this proposed development; and

WHEREAS, it would be desirable for a consultant who is well versed in the investigation of environmental issues to prepare a study of the potential impacts of the Westminster Center development; and

WHEREAS, it would be beneficial for this investigation of environmental issues to be performed by a consultant under contract to the City rather than to the developer; and

WHEREAS, Parsons Transportation Group, Inc. is well qualified to perform the desired study and has submitted an acceptable Scope of Work for the environmental study to the City; and

WHEREAS, the proposed fee of \$27,237 for the preparation of the study is reasonable.

NOW, THEREFORE, be it resolved by the Westminster City Council that:

Section 1. The City Manager is hereby authorized to transfer \$27,237 from the General Fund Contingency account into the Engineering Division Professional Services account in the General Fund for the preparation of environmental studies pertaining to the proposed Westminster Center development.

Passed and adopted this 12th day of February, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: Resolution No. 14 re 2001 Recovery Contract Interest Rates

Prepared by: Frances A. Velasquez, Secretary

Introduction

City Council action is requested on the attached Resolution setting the interest rates on applicable public improvement recovery contracts for calendar year 2001.

Summary

In accordance with Section 8(A) of Title XI, Chapter 6, of the City Code, it is requested that City Council establish interest rates on recovery agreements for 2001. Recovery agreements are the method by which the original installers of public improvements are paid back for a portion of the cost of such improvements by subsequent users of the facilities. The City Code sets no limit upon City Council in the calculation of the interest rate, but, for more than 15 years, it has been City practice to add two percent to the Prime Rate. City Council has added two percent to the Prime Rate in an effort to reflect the private developer's "cost of money" to borrow funds to build public improvements. It was determined that the Prime Rate on January 1, 2001, was 8.75 percent. Therefore, it is proposed that the recovery interest rate for 2001 on non-City-funded public improvements be the Prime Rate plus two percent, or 10.75 percent.

Beginning in 1993, City Council determined that the recovery interest rates on City-funded projects would be based on the Municipal Bond Index. This index is obtained by referencing the Municipal Bond Buyer's 20 Bond Weekly Index. Again, this index is used to reflect the City's "cost of money," which is different from that of a private developer. This index for 2001 is 5.14 percent. Thus, the recovery interest rate on City-funded projects should be 5.14 percent for 2001.

Staff Recommendation

Adopt Resolution No. 14 establishing the 2001 calendar year interest rate for non-City-funded public improvement recovery contracts at 10.75 percent and an interest rate of 5.14 percent for City-funded public improvements.

Background Information

Several years ago, City Council established a recovery system which enables developers to recover a portion of certain costs associated with public improvements installed with their developments that also benefit adjacent, undeveloped properties. Recovery contracts are executed between the City and the developer. When subsequent development occurs in those areas benefited by the improvements installed by the original developer, the new development is assessed its proportionate share plus interest, which is then returned to the original developer. The recovery system has also allowed the City to be reimbursed for public improvements installed by the City when subsequent private development occurred abutting the improvements.

Prior to 1993, the interest rate used in calculations for recoveries owed on City-funded public improvements was equal to that used on privately funded improvements (i.e., prime rate plus two percent). However, the actual cost of money used to fund City Capital Improvement projects is usually much less than that charged to private developers. Since the philosophy behind the City's recovery system is one of cost reimbursement, not profit making, it is more equitable to select an interest rate for City-funded projects that more closely approximates the actual cost of money to the City. Therefore, beginning in 1993, Council determined that the Municipal Bond Index in effect at the first of each calendar year would be selected as the recovery interest rate for City projects. Thus, the recovery interest rate for such projects during 2001 is proposed to be 5.14 percent.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. 14

INTRODUCED BY COUNCILLORS

SERIES OF 2001

WHEREAS, Section 11-6-9.75(A) of the Westminster City Code provides the City Council shall establish the interest rates to be utilized for the assessment of interest costs relating to recovery costs for public improvements; and

WHEREAS, the Westminster City Code provides that such interest rates are to be established from time to time; and

WHEREAS, these interest rates have traditionally been calculated at the beginning of each calendar year; and

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster hereby establish the 2001 calendar year interest rate for any non-City funded public improvement recovery contract to be 10.75 percent and the 2001 calendar year interest rate for City-funded public improvements to be 5.14 percent.

Passed and adopted this 12th day of February, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: Sheridan Boulevard, 113th Avenue to 119th Avenue Improvements

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Amendment to the Agreement with TranSystems Corporation Consultants in the amount of \$367,915 for Construction Engineering Services for the Sheridan Boulevard, 113th Avenue to 119th Avenue Improvements Project and authorize a contingency of \$20,000. Funds have been allocated and are available in the General Capital Improvements Fund for this project.

Summary

- The Sheridan Boulevard, 113th Avenue to 119th Avenue widening project is one of the City's projects eligible for federal funds under the Transportation Equity Act for the 21st Century (TEA-21) Program.
- Since this is a TEA-21 project, the federal government, through the Colorado Department of Transportation (CDOT), will reimburse the City approximately 80% of the cost for the construction engineering services and the construction of this project. Therefore, of the \$367,915 fee requested, the City will be responsible for approximately \$72,800 of these costs.
- Construction of this project will occur in 2001. This project will include two through lanes in both directions plus a continuous acceleration/deceleration lanes on each side of the street, a raised-landscaped median and eight-foot detached sidewalks on both sides of the road.
- The \$20,000 contingency is reasonable given the low degree of complexity of this project.
- The City obtained a proposal from CDOT for these services in the amount of \$686,000. Staff felt that this fee was too high and therefore solicited a proposal from TranSystems that came in at \$367,915.

Policy Issues

Since CDOT typically performs construction-engineering services for federal aid projects, does Council wish to use them on this project? Staff cannot recommend this since Transystems proposal is significantly less.

Staff Recommendation

Authorize the City Manager to execute an amended contract with TranSystems Corporation in the amount of \$367,915 for construction engineering services associated with the widening of Sheridan Boulevard between 113th Avenue and 119th Avenue; authorize a contingency of \$20,000 and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

Background

During the past several years, Sheridan Boulevard between 113th Avenue and 119th Avenue has increasingly become a problem in terms of its traffic carrying capabilities. The present traffic counts reflect a traffic volume of 29,000 trips per day. By 2020, the volume is projected to be approximately 40,000 trips per day. This existing section of Sheridan Boulevard has only one through lane in each direction. As a result, funds were appropriated for 2000 by City Council in the General Capital Improvements Fund for the final design of the improvements to this section of roadway. In addition, the City was able to secure federal participation funds through the TEA-21 program.

The proposed improvements generally consist of widening Sheridan Boulevard to provide for two through lanes in both directions as well as auxiliary lanes at all major intersections. The project also includes eight-foot wide detached sidewalks and raised, landscaped medians. In addition, the overhead power lines along the east side of Sheridan Boulevard will be undergrounded. Once complete, the project will look very similar to the section of Sheridan Boulevard between 104th Avenue and 112th Avenue.

A total of \$1,011,000 of TEA-21 funds have been allocated in 2000 to the Sheridan Boulevard, 113th Avenue to 119th Avenue Improvements for final design and right-of-way acquisition. The total cost for the final design and right-of-way acquisition for this project is estimated to be \$1,411,000. Therefore, the City's "share" of these costs is \$400,000.

The subject of this Agenda Memorandum is the awarding of the construction engineering contract for this project. TranSystems is being recommended for this work based on their excellent work in designing this project and their fee is substantially less than that proposed by the Colorado Department of Transportation. In addition, Staff believes it to be prudent to use the firm that designed the project to also perform construction engineering on the project. As a comparison, the City paid consultants 10.5% on the Westminster Boulevard, 104th to 112th project and 10.7% on the 88th Avenue Harlan Street to Sheridan Boulevard projects for similar services. TranSystems' fee is 9.3% of the cost of construction, which compares favorably with the projects listed above. Based on this, City Staff is recommending awarding this amended contract to TranSystems.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: February 12, 2001

Subject: Resolution No. 15 re Approving the Adams County Communities Position on Growth Management

Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested to formally approve the Adams County communities position statement on Growth Management.

Summary

Representatives from Adams County and various cities within Adams County have been working together on a proposed position paper that addresses growth management principles. The attached document has been reviewed and supported by the Mayors, County Commissioners, City Managers and County Administrator.

This position paper is ready for City Council's review and formal approval. The appropriate resolution has been prepared to accomplish the recommended action.

It has been suggested by the working group that it is advantageous to collaborate together and set forth a common set of principles relating to growth management given the level of concern demonstrated by the public through the highly debated Amendment 24 vote as well as the plethora of state legislative bills to address various aspects of growth management legislation.

Policy Issue

- Does City Council concur with the position statement as drafted by the working group which in turn would be used as a guide for the City of Westminster's position in lobbying on state growth legislation initiatives?

Recommendation

Adopt Resolution No. 15 approving the position paper prepared by the Adams County communities on growth management principles.

Alternatives

- City Council could decide to not join the other Adams County entities in articulating a common set of principals relating to growth management issues. Some of the participating entities have already adopted the position paper and it remains to be seen if there are any of the participating entities that would reject the position paper. City Council would need to decide to what extent this is important as far as not being part of a collective voice from Adams County governmental entities on growth related issues.
- City Council could pursue suggested changes to the position paper. However, some of the City Councils and the Board of County Commissioners have already approved it as presented.

Background Information

Representatives of the various Adams County cities and Adams County government have been deliberating on a proposed position paper on growth management issues and principles with the objective of determining if there is a common position among all Adams County governmental entities on this important subject. The attached document has been reviewed and approved by the working group, which includes the Mayors, City Managers, Board of County Commissioner representative and the County Administrator. The group has attempted to address the fundamental issues and principals that have previously been debated and were the focus of the Amendment 24 campaign that was headed up by photographer John Fielder.

The position statement consists of five major categories as follows:

- Guiding principles
- Comprehensive plans
- Urban service areas
- Regional planning
- Intergovernmental coordination/cooperation

The City of Westminster has been a leader in the area of growth management, land use planning, public process, intergovernmental cooperation, revenue sharing, defining service areas and implementing a unique approach to its comprehensive land use plan. Most of the bullet statements contained in the attached position statement have already been implemented by the City of Westminster. The remaining position statements are worthy of Council's support in staff's opinion to further firm up an overall approach and policy statement. It is thought by the working group that a comprehensive plan should be required of all local governments, but that financial and technical assistance for smaller communities should be provided. Furthermore, the comprehensive plan should not be mandated to be enforceable and that urban service areas should be clearly defined with an amendment mechanism.

There are policy statements contained in the document that relate to counties which staff believes represent good planning and municipal service extension policies. In particular, there is a policy statement regarding counties being enabled to deny the formation of new special districts on land in designated City urban growth areas. It is staff's belief that a proliferation of special districts such a metro districts in unincorporated Adams County works against good growth management practices and only would create more sprawl.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 15

INTRODUCED BY COUNCILLORS

SERIES OF 2001

A RESOLUTION APPROVING THE ADAMS COUNTY COMMUNITIES' POSITION ON GROWTH MANAGEMENT

WHEREAS, the Colorado General Assembly will be considering in the 2001 Legislative Session new legislation to better manage growth in the Denver metropolitan area as well as throughout the State of Colorado; and

WHEREAS, there are growth management issues that are of common interest to Adams County and to the cities within Adams County which warrant a collective position statement; and

WHEREAS, the Westminster City Council has studied growth limitation legislation and ballot initiatives in the past as well as updating the City of Westminster's growth management plan from time-to-time and in turn finds that it is in the best interest of Westminster and of the region to work collaboratively and cooperatively with neighboring communities on growth management issues; and

WHEREAS, City Council finds that the Adams County communities' position on growth management 2001, dated January 18, 2001 is consistent with and supportive of Thornton's philosophy and position on growth management; and

WHEREAS, City Council may adopt a growth management position for the City of Westminster in addition to the Adams County communities' position that more specifically addresses Westminster's concerns and issues with respect to issues pertaining to growth management,

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, Colorado that:

Section 1. The Adams County Communities' positions on growth management dated January 18, 2001 is approved.

Section 2. Westminster elected officials and City Staff are encouraged to use the subject position statement wherever applicable when addressing growth management issues.

Passed and adopted this 12th day of February, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: February 12, 2001
Subject: Shaw Heights Tributary Drainage Improvements
Prepared by: David R. Downing, City Engineer

Introduction

City Council action is requested to award the bid for the construction of Phase III drainage improvements for the Shaw Heights Tributary to the low bidder, Engineered Construction Systems, Inc., in the amount of \$553,500. Council action is also requested to authorize the City Manager to execute the attached Amended Agreement with the Urban Drainage and Flood Control District (UDFCD) to encumber an additional \$200,000 toward the City's share of the cost of the construction of this project as a match to an equal contribution from the District. Funds for the City's share of the additional contribution toward this project are available in the Shaw Heights Tributary Improvements project of the General Capital Improvement Project Fund.

Summary

The City and our partner, the Urban Drainage and Flood Control District (UDFCD), are prepared to perform the third and final phase of major drainage improvements to a section of the Shaw Heights Tributary that has long posed serious flooding problems for Westminster business owners and residents. The reach of the creek to be improved is located on the north side of 80th Avenue between Sheridan Boulevard and Wolff Street (see attached map). Frequent moderate-to-heavy rainfalls within the upstream basin have caused significant damage over the past several years to private property in this vicinity, especially to the businesses located along the north side of 80th Avenue.

The City and the UDFCD entered into an Agreement in June of 1999 to fund the design of channel improvements to the Tributary, and the design work was completed later that year. The most beneficial feature of the design was the proposed installation of a new 8-foot x 10-foot concrete box culvert under 80th Avenue (Phase I) to replace the undersized pipes at this location. The proposed design also called for significant shaping and stabilization of the open channel to the south of 80th Avenue (Phase II). Finally, the existing V-shaped, concrete-lined open channel along the north side of the affected businesses was to be replaced by a rectangular, concrete channel (Phase III) in order to provide a safe means of conveyance of the 100-year storm flows.

The construction of Phases I and II of the project was completed in 2000. While the improvements installed under these first two phases of the project will provide significant relief to the community, it would be desirable to also construct the Phase III improvements. Once the final phase of the work is completed, all of the business establishments located on the north side of 80th Avenue between Sheridan Boulevard and Wolff Street will be removed from the 100-year floodplain. The UDFCD is interested in continuing their participation in the cost of the work to complete the entire project.

On January 4, 2001, bids for the construction of this project were opened at the offices of the UDFCD. A total of 12 construction companies submitted bids for the work, and the low bid in the amount of \$553,500 was offered by Engineered Construction Systems, Inc. It is recommended that City Council award the bid for Phase III of the Shaw Heights Tributary project to this contractor.

It is now necessary to amend the previous Agreement with the UDFCD in order to encumber sufficient funds for the construction of the final phase of the improvements. Under the terms of the amended Agreement, which has been reviewed and approved by the City Attorney, the City will contribute an additional \$200,000 toward the project. When added to the funds that were previously authorized for the design and construction of Phases I and II, the total City contribution is \$785,000. Funds for the City's additional share of the project are available within the Department of Community Development's Shaw Heights Tributary Capital Improvements Project of the General Fund. In turn, the UDFCD will provide an extra \$200,000 for the construction of the channel improvements which, when added to their previous allocations, results in a total District contribution \$1,350,000.

Policy Issues

Should the City now make the commitment to spend the \$200,000 that was appropriated in the 2001 General Capital Improvement Project Fund for the construction of Phase III of the Shaw Heights Tributary project?

Staff Recommendation

Award the bid for the construction of Phase III of the Shaw Heights Tributary channel improvements project to Engineered Construction Systems, Inc. in the amount of \$553,500; authorize the City Manager to execute the attached amended Agreement with the Urban Drainage and Flood Control District; and charge the \$200,000 expense for the City's additional contribution toward the construction of these improvements to the Shaw Heights Tributary Capital Improvement Project of the General Fund.

Alternatives

Naturally, the City Council is under no obligation to continue to move forward with the construction of the Shaw Heights Tributary project. Therefore, the alternatives to Staff's recommendation would be to delay the installation of the Phase III channel improvements at this time or forego this construction altogether. However, it is highly recommended that the City take advantage of the District's generous offer to fund approximately 63% of the costs of the project by awarding the bid and authorizing the execution of the amended Agreement.

Background Information

The Shaw Heights Tributary, Phase III project was advertised in the Westminster Window and the Daily Journal during the month of December. The sponsors were delighted to receive great interest – a total of 12 bids - from the local construction community. The results of these bids, which were opened on January 4, are tabulated below:

Bidder	Total Bid
Engineered Construction Systems, Inc.	\$553,500.00
Contracting Services, Inc.	578,019.20
Randall & Blake, Inc.	589,330.60
Envirocon	592,596.45
Neatline Structures, Inc.	634,683.15
Structures, Inc.	715,023.81
W. M. Brown	724,898.52
TARCO, Inc.	727,774.10
Trainor Construction	746,789.42
Tierdael Construction	757,757.00
Rock & Company	899,444.15
Concrete Works of Colorado	976,388.50

Neither the City Staff nor the UDFCD Staff was familiar with Engineered Construction Systems, Inc. or the owner of the company, Mr. Cecil Rickstrew. Therefore, several references provided by the company were contacted in order to ascertain the quality of workmanship and cooperation that Engineered Construction Systems has exhibited on past projects. Also, City Staff and representatives from our design/construction engineering consulting firm, Sellards & Grigg, Inc., conducted an interview of Mr. Rickstrew on January 16. The main purpose of the interview was to have the contractor outline his proposed method of controlling the anticipated storm water runoff within the Shaw Heights Tributary channel during the course of his work.

As is the case with all drainage channel construction projects, the contractor's ability to address normal, base flows and relatively small-sized storm runoff will be the key to his success on the Shaw Heights Tributary project. Naturally, large storms will cause the construction activities to halt while the work site is de-watered, but a drainage channel contractor must be able to continue to work through the nuisance created by base flows and small storms or he will lose too much time waiting for dry conditions. None of the references noted significant problems with previous work performed by Engineered Construction Systems, and Mr. Rickstrew adequately answered all of the questions that were posed to him in the interview. City Staff, the UDFCD and our consultant are comfortable in recommending to the City Council that the bid for Phase III of the project be awarded to this contractor.

Following the anticipated award of the bid, the contractor is given two weeks to furnish payment and performance bonds and executed copies of the construction contract. At that time, a Notice To Proceed is issued, and the contract allows up to 120 calendar days for the work to be completed.

Respectfully submitted,

William M. Christopher
City Manager

Attachment(s)

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, February 12, 2001.

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

The minutes of the January 22, 2001 Council meeting were approved with no additions or corrections.

Mayor Heil and Dave Frazier of the Colorado APWA presented Awards to Public Works & Utilities personnel.

Joe Armstrong, 4765 West 101st Place, President Rocky Mountain Figure Skating Association, addressed Council about the 2001 Junior National Competition at Sun Microsystems Ice Center.

Council re-appointed Bob Briggs, Charles Jacoby, Robert Tschudy and Randal Whorton to the Open Space Advisory Board; Ronald Dickerson, Jane Kober, John Polston and Armene Brown to the Parks and Recreation Advisory Board with Armene Brown becoming an alternate member; Janeen Branvold, Margaret Rivera and Betty Whorton to the Personnel Board; Martha Brundage, Michael Crocker, Jerry English, Greg Lockridge and James Smithwick to the Planning Commission; and Doug Young to the Transportation Commission with all terms of office to expire December 31, 2002.

Council approved the following: Bids re Ambulance Purchase to Rocky Mountain Emergency Vehicles for \$89,173 for one American Emergency Vehicles ambulance; Bull Canal Pedestrian Bridge purchase from Bridge America for \$35,885; Gathering Place Construction Amendment to CoCal in the amount of \$925,2000 and authorize a 10 percent construction contingency in the amount of \$92,500; Master Lease Purchase Financing; Contract for Lockbox Service with United Missouri Bank in the amount of \$78,845; Printing and Mailing Utility Bills Contract Extension for a period of two years; Bids re Customer Service Concrete Replacement Program to Citywide Enterprises, Inc. in the amount of \$499,391 and authorize a \$25,000 contingency; 2001 Wastewater Collection System Maintenance Contract with AquaSource Services in the amount of \$492,822.30; Turnpike Drive Construction Contract with Asphalt Services, Inc. in the amount of \$75,930 with \$16,000 for restoration of Municipal Park and \$15,000 project contingency.

Council approved a contract with Barba and Sons Construction, Inc in the amount of \$58,645 with an \$8,700 contingency for remodel of City's Walker Building for AdCo Community Mental Health Center; Authorized a contract with Downing Thorpe James in the amount of \$119,025 for planning and engineering services for Mandalay Gardens; Authorized an agreement with South AdCo Water and Sanitation for sale of water delivered to South Platte River; Authorized a contract with Parsons Transportation Group, Inc in amount of \$27,327 for environmental studies re Westminster Center Development; awarded bid for Phase III of Shaw Heights Tributary channel to Engineered Construction in amount of \$553,500 and an amended agreement with Urban Drainage and Flood Control District for improvements to Shaw Heights Tributary.

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

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE WATER PORTION OF THE UTILITY purpose: appropriating \$2,523,500 from the proceeds of the South Adams County Agreement and appropriating \$150,000 from the proceeds from the sale of Antero Reservoir water.

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN 112th & FEDERAL.

The following Resolutions were adopted:

Resolution No. 8 – making reappointments to Boards and Commissions as amended

Resolution No. 9 – Ranch Creek Villas Service Commitment Extension

Resolution No. 10 – US 36 Major Investment Study

Resolution No. 11 – Mandalay Gardens Land Use Plan

Resolution No. 13 – Westminster Center Development

Resolution No. 14 – 2001 Recovery Contract Interest Rates

Resolution No. 15 – Adams County Communities position on Growth Management

At 8:20 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on February 22, 2001