



WESTMINSTER
COLORADO

February 23, 2004
7:00 P.M.

CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Employee Service Awards
 - B. 2004 Metropolitan Mayors' and Commissioners' Youth Award
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. January Financial Report
 - B. Purchase of Gasoline and Diesel Fuel for City Vehicles
 - C. Disposition of Used Library Shelving
 - D. Engineering Contract for HVAC Upgrade at City Hall
 - E. Ranch Park Renovation Contractor Contract Award
 - F. Lease Agreement for the Kids Nite Out Program
 - G. Park Services Landscape Maintenance Contract Award
 - H. Design Contract for Wolff Street (114th Avenue to 116th Avenue)
 - I. City Hall Furniture Purchase
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing re First Amended PDP for Mandalay Town Center and Vested Rights Agreement
 - B. First Amended Preliminary Development Plan for the Mandalay Town Center
 - C. Councillor's Bill No. 8 re Vested Rights Agreement for Mandalay Town Center
 - D. Public Hearing re Holly Park Urban Renewal Plan
 - E. Resolution No. 13 re Holly Park Urban Renewal Plan
 - F. Public Hearing re Northgate Redevelopment Area Blight Study and Urban Renewal Plan Amendment
 - G. Resolution No. 14 renaming Westminster Urban Renewal Area and Westminster Urban Renewal Plan
 - H. Resolution No. 15 re South Westminster Urban Renewal Plan Amendment
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. Citizen Communication
 - B. City Council
 - C. Executive Session
 1. Business Assistance Package
 2. Personnel Matter
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 23, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Mayor Pro Tem McNally moved, seconded by Kauffman to approve the minutes of the meeting of February 9, 2004 with no additions or corrections. The motion carried unanimously.

EMPLOYEE RECOGNITION PRESENTATIONS

Councillor Hicks presented certificates and pins for 20 years of service employees: Paul Spellman, Jim Feggestad, Dan Stadler, Steve Baumann and Pam Darula.

Councillor Dittman presented certificates, and pins to 25-year employees: Ed Hopkins, Gary Casner, Steve Peterson and Dick Leger.

Mayor Pro Tem Nancy McNally presented certificates and pins to 30-year employees: Mike McLoughlin, Joe McArdle, Jim Kautz and Cliff Coffman.

2004 METROPOLITAN MAYOR'S AND COMMISSIONERS' YOUTH AWARD

Mayor Moss and Councillor Dittman presented certificates to Aaron Beckers, Nkechinyere Onyeneho, Francine Baca, Katherine Coover, Amber Zornes, Benito Ramos, and Kristina Opre for receiving the 2004 Metropolitan Mayors' and Commissioners' Youth Award.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the high quality of service from city employees and the City's corporate culture of Customer Service.

CITY COUNCIL COMMENTS

Councillor Dittman introduced Tanner Lynch, 3rd grade student from Sunset Ridge Elementary School and acknowledged the National Education Association \$500 grant that Dillon and Tanner Lynch had acquired to help improve reading skills of Sunset Ridge students.

Councillor Hicks state the Council members will be attending the National League of Cities meetings in Washington DC next week and to lobby federal officials.

Councillor Kauffman commented on the economic viability of Westminster, primary employment and three new businesses that will soon be opening in Westminster.

Councillor Dixon commented on the new addition to the Butterfly Pavilion.

Mayor Pro-Tem McNally commented on the Environmental Impact Study being conducted on the US-36 corridor with a meeting on Tuesday at the Westin from 4:30-7:30, for citizen input.

Mayor Moss commented on his recent trip to Israel with the Metro Mayors Caucus, they met with cabinet members, on economic development, and water. There are 200 companies in Colorado with ties to Israel.

CONSENT AGENDA

The following items were considered as part of the consent agenda: January Financial Report; Purchase of Gasoline and Diesel Fuel for City Vehicles not to exceed \$329,000; Disposition of Used Library Shelving; Engineering Contract for HVAC Upgrade at City Hall for \$47,508; Ranch Park Renovation Contractor Contract Award with Goodland Construction for \$87,916; Lease Agreement for the Kids Nite Out Program with Program with Dakota & Amanda Enterprises L.L.C.; Park Services Landscape Maintenance Contract Award with TruGreen Landcare for \$174,738; Design Contract for Wolff Street (114th Avenue to 116th Avenue) with DMJM-Harris for \$65,000; and City Hall Furniture Purchase with Facilitex for \$92,785.

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

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

PUBLIC HEARING 1ST AMENDED PDP MANDALAY TOWN CTR/VESTED RIGHTS AGREEMENT

At 7:35 p.m. the public hearing was opened on the First Amended Preliminary Development Plan and Vested Rights Agreement for Mandalay Town Center. Dave Falconieri, Planner III, addressed Council and entered the following information into the record: a copy of the Agenda Memorandum and other related items. No others spoke either in favor or in opposition. The public hearing was declared closed at 7:40 p.m.

FIRST AMENDED PDP FOR MANDALAY TOWN CENTER

Councillor Dittman moved, seconded by Dixon to approve the proposed First Amended Preliminary Development Plan for the Mandalay Town Center as submitted. The motion carried unanimously.

COUNCILLOR'S BILL NO. 8 VESTED RIGHTS AGREEMENT FOR MANDALAY TOWN CENTER

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 8 on first reading approving the Vested Rights Agreement for Mandalay Town Center. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE HOLLY PARK URBAN RENEWAL PLAN

At 7:41 p.m. the public hearing was opened for the North Westminster Federal Boulevard Conditions and Light Study and Holly Park Urban Renewal Plan. Aaron Gagne, Senior Projects Coordinator, gave a Power Point presentation and entered the following information into the record: a copy of the Agenda Memorandum and other related items. The following people addressed City Council: Jeff Parsley, attorney representing owner of Holly Park, Westminster Park Corp; Tom MacDonald, attorney representing Wells Fargo Bank who has the first lien on the Holly Park Development requesting Council defer action on this matter at this time; Richard Golfman, project manager for Holly Park; Larry Strasheim, representing Shari Strasheim, owner of two parcels within this area; Yvonne Martin, 9661A Green Court; Jayaram Subramaniam, 9651C Green Court; Jason Anderson, 9651C Green Court; a total of 9 residents of the Holly Park development were present. The public hearing was declared closed at 8:59 p.m.

RESOLUTION NO. 13 RE HOLLY PARK URBAN RENEWAL AREA

Councillor Hicks moved, seconded by Dittman to adopt Resolution No. 13 adopting the Holly Park Urban Renewal Plan and direct Staff to commence implementation of the Holly Park Urban Renewal Plan. Upon roll call vote, the motion carried unanimously.

The Mayor called a recess at 8:59 p.m. and the Council meeting reconvened at 9:10 p.m.

PUBLIC HEARING NORTHGATE AREA BLIGHT STUDY/URBAN RENEWAL PLAN AMENDMENT

At 9:10 p.m. the public hearing was opened for the Northgate Redevelopment Area Blight Study and Urban Renewal Plan Amendment. Tony Chacon, Senior Project Coordination and Vicky Bunsen, Assistant City Attorney, entered the following information into the record: a copy of the Agenda Memorandum and other related items. Sid Jacobson, owner of Northgate Barber Shop; 7146 Federal Boulevard; Don McPherson, 7071 Canosa Court; and Don Carpenter, 7160 Clay Street addressed Council. The Public Hearing was declared closed at 10:06 p.m.

RESOLUTION NO. 14 RENAMING WESTMINSTER URBAN RENEWAL AREA AND PLAN

Councillor Dittman moved, seconded by McNally to adopt Resolution No. 14 renaming the Westminster Urban Renewal Area and the Westminster Urban Renewal Plan as the South Westminster Urban Renewal Area and the South Westminster Urban Renewal Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 15 SOUTH WESTMINSTER URBAN RENEWAL PLAN AMENDMENT

Councillor Dittman moved, seconded by McNally to adopt Resolution No. 15 adopting the South Westminster Urban Renewal Plan Amendment for the Northgate Redevelopment Project Area and direct staff to commence with the implementation of the Plan Amendment. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION

Gary Scofield, 7130 Canosa Ct, addressed Council suggesting assistance with graffiti removal at Northgate Shopping Center.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss a business assistance package and a personnel matter

ADJOURNMENT:

The meeting was adjourned at 10:14 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



Subject: Presentation of Employee Service Awards

Prepared by: Richelle Work, Acting City Clerk

Recommended City Council Action:

Present service pins and certificates of appreciation to employees celebrating 20, 25, and 30 years of service with the City, and provide special recognition to the City's 25-year employees with the presentation of a \$2,500 bonus.

Summary Statement:

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20th, 25th and 30th anniversary of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There are four employees celebrating 25 years of service, and they will be presented with a check for \$2,500, less income tax withholding.

Expenditure Required: \$10,000

Source of Funds: Fire and Police Department Budgets in the General Fund and Information Technology Budget in the Water Fund

Policy Issue

Should the City continue to provide bonuses to employees who achieve 25 years of service with the organization?

Alternative

Provide Staff with direction with regard to any changes Council would like to see in the bonus program.

Background Information

The following 20-year employees will be presented with a certificate and service pin:

Paul Spellman	Fire Department	Fire Captain
Jim Feggstad	Fire Department	Firefighter II
Dan Stadler	Information Technology	Internet Software Engineer
Steve Baumann	Community Development	Assistant City Engineer
Pam Darula	Finance Department	Sales Tax Technician

The following 25-year employees will be presented with a certificate, service pin and check for \$2,500, minus amounts withheld for Federal and State income taxes:

Ed Hopkins	Fire Department	Battalion Chief
Gary Casner	Information Technology	Senior Telecommunications Administrator
Steve Peterson	Police Department	Police Commander
Dick Leger	Police Department	Senior Police Officer

The following 30-year employees will be presented with a certificate and service pin:

Mike McLoughlin	Police Department	Police Commander
Jo McArdle	Police Department	Senior Police Officer
Jim Kautz	Police Departments	Senior Police Officer
Cliff Coffman	Public Works & Utilities	Foreman

Ed Hopkins: Ed Hopkins was hired in February 1979 as a firefighter. Ed came to Westminster from Kansas, where he had been a firefighter for the Wichita Fire Department. Within four months, Ed was promoted to “Shift Officer”. In 1982, Hopkins was promoted to the newly created rank of Battalion Chief, the rank he currently holds. Over the last 22 years, Ed has served two terms totaling five years as the Training Chief for the Fire Department. During Ed’s tenure as the Training Chief, he was instrumental in the construction of the Fire Department Training Ground and Tower across from England Park ball fields on the old rodeo grounds. This joint effort with Public Works, Parks, Recreation & Libraries and the Fire Department, not only provided a badly needed training area for the City but also provided improved recreational opportunities to the neighborhood with basketball courts and in-line skating areas. Ed was also involved in a study that would eventually justify the transition of the Fire Department from a combination paid and volunteer department to a fully paid department. Finally, Chief Hopkins served as the Departmental lead on completing a computerized fire resource study which led to the selection of the new Fire Station 2 site which will improve emergency service delivery for the community. Chief Hopkins is a graduate of the National Fire Academy’s Executive Fire Officer program, a four- year commitment taught at the National Fire Academy in Emmitsburg, MD. Ed is also a current member of the Fire Pension Board having served since 2000.

Gary Casner: Gary joined the City of Westminster in 1979 as a Code Enforcement Officer in Community Development. In 1980 he became the City's first Purchasing Agent. Gary worked in the Finance Department for 10 years and was given the responsibility for the telephone system in 1984. During this time, he also supervised the Utility Billing Division. Gary moved to General Services in 1990. In 1999 Gary joined the Information Technology Department. Gary currently holds the position of Senior Telecommunications Administrator with responsibility for administration of voice switches at 20 locations and planning for voice and data communication upgrades. His team supports fiber, wireless, and wired networks throughout the City. Gary led the Public Private Partnership Project with ICG to successfully extend the City's network to many City facilities, enhancing network performance and reliability, while eliminating costs associated with leased voice and data circuits.

Steve Peterson: Steve Peterson was hired by the Westminster Police Department on January 2, 1979, with previous law enforcement experience of almost five years. Steve served as a Patrol Officer, Fraud Detective, and SWAT team member. He was promoted to Sergeant on July 23, 1982 and supervised the Traffic Unit, Vice/Narcotics Unit, Patrol Shifts, and became the first supervisor of the newly formed Neighborhood Services Section. Steve graduated from the Northwestern University School of Police Staff and Command in February 1996 and was promoted to Lieutenant January 1, 1999. Steve has served the Department by participating on the Range Committee, as Department Armorer, on the City's Appraisal Task Force, as Chairman of the Polaris Communications Group, as Chairman of the Procedures Committee for the PSC, on the City's E-Team (emergency management liaison), and as a member of the Citywide Safety Committee. As a Lieutenant, Steve worked as a Watch Commander on the Patrol Shifts and most recently as the Administrative Patrol Lieutenant. Steve was promoted to Commander on January 1, 2004 and is now in charge of Watch III (graveyards).

Dick Leger: Dick Leger obtained a Bachelor's and Master's Degree in Education prior to joining the Westminster Police Department on January 2, 1979. Before beginning his career in law enforcement, Dick completed military service in Vietnam and has seven years' teaching experience. Officer Leger has served the City as a Patrol Officer, Range Instructor, Bike Patrol Officer, School Resource Officer, Professional Standards Investigator, Court Liaison Officer, and Field Training Instructor. Dick is currently assigned to the Investigations and Technical Services Division as a Court Marshal.

On March 3, the City Manager will host an employee awards luncheon at which time 5 employees will receive their 15 year service pin, 5 employees will receive their 10 year of service pin, and 21 employees will receive their 5 year service pin, while recognition will also be given to those who are celebrating their 20th, 25th and 30th anniversary. This is the first luncheon for 2004 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 550 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004

SUBJECT: 2004 Metropolitan Mayors' and Commissioners' Youth Award (MMCYA)

PREPARED BY: Emily Moon, Management Analyst

Recommended City Council Action:

Recognize the seven area youth selected for the first phase of the Metropolitan Mayors' and Commissioners' Youth Award.

Recognize and present certificates of achievement to:

- Aaron Beckers, Westminster High School, nominated by Mary Beth Coolidge
- Nkechinyere Onyeneho, Ranum High School, nominated by Jennifer Nakata
- Francine "Franny" Baca, Standley Lake High School, nominated by Bridget Virkler
- Katherine "Katie" Coover, Standley Lake High School, nominated by Bridget Virkler
- Amber Zornes, Westminster High School, nominated by Carin Reidel
- Benito Ramos, Westminster High School, nominated by Laura Mooney
- Kristina Opre, Westminster High School, nominated by Laura Mooney

Summary Statement:

- Seven Westminster youth have been nominated through the Metropolitan Mayors' and Commissioners' Youth Award program for municipal-level recognition.
- City Council is requested to recognize these youth privately at a reception preceding the February 23 City Council meeting and publicly during the meeting.

Expenditure Required: \$ 0

Source of Funds: N/A

SUBJECT: 2004 Metropolitan Mayors' and Commissioners' Youth Award (MMCYA) Page 2

Policy Issue

None at this time.

Alternative

None at this time.

Background Information

The Metropolitan Mayors' and Commissioners' Youth Award (MMCYA) was established in 1986. This exciting program recognizes young people in our community whose contributions and achievements might otherwise be overlooked. The award honors young people who have overcome personal adversity, created positive change in a difficult environment, or have made strides beyond their limitations. This fall, nominations were sought for youth ages 13 through 19 who have shown outstanding achievement in the areas of direct service to the community, other youth, the family, or to self. All of the nominees are honored by their respective municipalities. Additionally, if a nominee is selected to continue in the awards process, he or she may also be honored by his or her county and by the entire metropolitan area. Introductory letters and nomination forms were sent to local churches in Westminster, school principals, and school counselors at the middle and high schools in the City.

While the City will recognize seven youths who are pursuing education in Westminster's schools, a total of nine youths with Westminster ties were nominated for MMCYA. While school affiliation determines which youth will be recognized by the City of Westminster's City Council, several young Westminster residents will be recognized throughout Jefferson and Adams Counties in separate municipal-level ceremonies this month.

Adams County Commissioners will hold a banquet honoring youths who were selected for County-level recognition on March 19. Amber Zornes and Kristina Opre will be recognized at the Adams County banquet. The Jefferson County recognition event date and applicable youths have yet to be determined. Metro Area recognition will be held on May 11.

The youths being recognized tonight by City Council have faced trauma with courage, emotional and physical health ailments with determination, financial hardship with resourcefulness, and challenges in school with perseverance. Due to the sensitive and confidential nature of many of the nominees' backgrounds, the Adams and Jefferson County MMCYA Selection Committees recommend conducting a more general recognition ceremony where descriptions of the adversity each nominee has overcome are not disclosed. Instead, a description of the award and its criteria will be conveyed, and each nominee's name, age, school and nominator will be read as they receive their certificate. Additionally, City Council will host a brief reception for the nominees, nominators, principals and families prior to the Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Financial Report for January 2004

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action

Accept the Financial Report for January as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report; this reflects December sales and use tax receipts received in January. This report includes new information about the 0.6% Public Safety Tax receipts, which began to flow in January because of receipt of building use tax.

- Across all shopping centers, total sales & use tax receipts are up 2% over the one-month period from last year (Sales and Use Taxes).
- The Westminster Mall is down 8% for January, compared to January of last year.
- Public Safety Tax receipts for the month of January are approximately \$30,024 comprised mostly of building use tax receipts remitted during January. Next month the sales tax returns will include significant public safety taxes, which Staff will report separately from the 3% returns and from the .25% returns for Open Space. Staff's revenue projections for the Public Safety Tax assumed little or no collection in January.

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

- At the end of January, one month of 12 months of the year has passed. This is 8.3% of the year.
- The Sales and Use Tax Fund revenues are currently \$69,276 over pro-rated budget for the year. The January figures reflect the sales in December, tax receipts received in January. Sales tax returns are up for January 2004 compared to January 2003 by 4.3% for the month or \$214,540 above January 2003.
- Public Safety Tax Receipts will begin in earnest in March (for sales tax receipts received in February.)
- For the entire Sales and Use Tax Fund (Sale and Use Tax Returns and Audits) the fund is slightly under January of last year due to large audit receipts received in 2003. This makes 2004 look lower.
- The General Fund revenue is currently 100.75% of pro-rated budget for one month.

Policy Issues

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

Alternatives

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

Background Information

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

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

General Fund

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

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

- Revenues over pro-rated budget by \$39,599 (100.75% of pro-rated budget).
- Expenditures under budget by \$2.2 million (68% of pro-rated budget), due to underspending in several departments. Spending does not occur evenly throughout the year in many departments, particularly with regard to insurances in Central Charges and capital spending in several other departments.

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

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. At the end of January, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are over pro-rated budget by \$69,276 (101% of pro-rated budget). This is without PST receipts and interest earnings thereon.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.
- Open Space Sales & Use Tax Fund revenues are over pro-rated budget by \$35,789 (107% of pro-rated budget), due to a one-time payment by Xcel for an easement at I-25 and 136th Avenue.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget by \$66,368 (82% of pro-rated budget).
- Public Safety Tax receipts are budgeted at \$8.433 million. Staff will track these separately. The pro-rated revenues will appear out of line, but this is due to applying the same historical collection percentages as with the Sales and Use Tax Returns. Until Staff has more experience with these flows, the pro-rated budget to actual figures will appear to be underperforming.

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

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of January, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget by \$455,856 (83% of budget):
 - Water revenues under pro-rated budget by \$281,187 (84% of pro-rated budget), due primarily to revenues being lower during this first month than historical averages.
 - Wastewater revenues under pro-rated budget by \$174,668 (83% of pro-rated budget), due mostly to revenues being lower during this first month than historical averages.
 - Storm water Drainage revenues under pro-rated budget by \$59 (99.9% of pro-rated budget).
- Combined Water & Wastewater expenses are under pro-rated budget by \$1,167,122 (46% of budget):
 - Water expenses under pro-rated budget by \$770,209 (49% of pro-rated budget).
 - Wastewater expenses under pro-rated budget by \$396,912 (39% of pro-rated budget).
 - Storm water Drainage expenses under pro-rated budget by \$17,045 (14% of pro-rated budget).

Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses.

- Legacy – Revenues are under pro-rated budget by \$1,159 (96% of pro-rated budget).
- Legacy – Expenses are over pro-rated budget in expenses by \$39,030 (235% of pro-rated budget).
- Heritage – Revenues are over pro-rated budget by \$7,990 (128% of pro-rated budget).
- Heritage – Expenses are over pro-rated budget by \$39,539 (173% of pro-rated budget).

Staff will attend the February 23rd City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

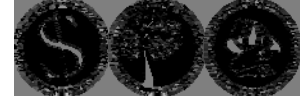
Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Purchase of Gasoline and Diesel Fuel for City Vehicles

Prepared By: Carl F. Pickett, Purchasing Specialist

Recommended City Council Action

Award the bid for unleaded gasoline and diesel fuel to Hill Petroleum to be delivered on an as-needed basis, authorize a maximum expenditure of \$ 329,000 for this purchase, and charge the expense to the appropriate 2004 Fleet Maintenance Fund Budget.

Summary Statement

- City Council approved funds to purchase fuel in the 2004 Fleet Maintenance Fund Budget. An additional \$23,800 has since been allocated to this account from the Public Safety Tax that was approved in 2003.
- In November 2002, the City's Purchasing Specialist received the results of MAPO's (Multiple Assembly of Procurement Officials) bid for fuel for 2003/2004. This bid provides for the margin over rack price (the price charged daily at the refinery) and delivery charges per gallon. The low bid is being recommended for the purchase of both unleaded and diesel fuel.

Expenditure Required: Not to Exceed \$329,000

Source of Funds: Fleet Maintenance Division, Fleet Maintenance Fund

Policy Issue

Should the City accept the MAPO bid for fuel or seek bids separately for the City of Westminster?

Alternative

Reject the MAPO bid and re-bid fuel.

Background Information

As part of the 2004 Budget, City Council approved the purchase of fuel for the City’s vehicles. The estimated cost for fuel in the current year is based on the approximate annual usage and approximate price as follows:

FUEL	APPROXIMATE QUANTITY	APPROXIMATE PRICE	EXTENDED PRICE	VENDOR
Un-Leaded	200,000 gallons	\$1.09 gal	\$218,000	Hill Petroleum
Diesel	100,000 gallons	\$1.11 gal	\$111,000	Hill Petroleum

The bid for fuel is based on a “Rack plus” pricing. This means that the City will pay the refinery price on the date of delivery plus the bid mark-up and delivery charge. Over the course of the year, fuel prices can fluctuate up and down, just as they do at the gas pump.

This bid was put out on behalf of MAPO, a cooperative of state, municipal, county, special district, school district or other local government agencies. This is a competitive bid and offers greater volume and lower prices to the City than the City can obtain on its own. Three local vendors responded to MAPO’s Invitation for Bid, with the low bid from Hill Petroleum being recommended for award. The attached chart lists the price above rack (margin) and delivery (freight). Westminster City Code 15-1-4-A1 specifically states that this is an acceptable form of purchasing for the City.

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Disposition Of Used Library Shelving

Prepared By: Carl Pickett, Purchasing Specialist

Recommended City Council Action

Authorize staff to donate the old shelving from the 76th Avenue Library to various libraries around the State of Colorado.

Summary Statement

- City Council action is requested to approve the donation of used library shelving from the 76th Avenue Library to the libraries of Gilpin County, Canon City, Salida, Costilla County, Dolores Public Library District, Colorado Mental Health Institute at Ft. Logan, Denver Seminary, Lord of Life Lutheran Church/School, and University of Colorado Law Library.
- The new Irving Street Library will have all new shelving installed, and none of the old shelving will be needed in the new building
- Staff has received quotes for the dismantle and hauling to auction of the shelving at \$2,594. The expected value of the shelving at auction is estimated to be less than \$2,000.
- Staff recommends that the City donate the old shelving to the above listed libraries, and have those libraries come and pick up the shelving at their own cost.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City donate some used shelving to other libraries or send it to auction?

Alternative

Direct staff to send the used shelving to auction. As described in this memorandum, staff believes that this alternative would result in a higher disposal cost for the City.

Background Information

In August 2003, City Council approved the purchase of new shelving for the new Irving Street Library. As a result, the old shelving in the 76th Avenue Library is now surplus. The normal process for City surplus is to send it to auction per City Municipal Code 15-2-1:A .

Staff received quotes for getting the shelving to the auction yard from the company that is moving most of the 76th Avenue Library to the new Irving Street Library. This quote was broken down into two parts, dismantling the old shelving for \$1,480, and hauling the shelving to the auction yard at \$1,114, for a total of \$2,594.

Staff received an estimate of less than \$2,000 for what the shelving should bring at auction from the auctioneers the City currently uses .

Staff proposes, with Council approval, to have the libraries listed above come to the 76th Avenue library, dismantle and haul away such shelving as they need at their own cost. This will enhance the other libraries and save the City disposal costs.

Council has authority to approve this recommendation per the City Municipal Code, 15-2-1:A.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Engineering Contract for HVAC Upgrade at City Hall

Prepared By: Ken Quenzer, Facilities Manager
Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

- Approve an additional expenditure of \$38,440 to Integrated Mechanic Services, Inc. (IMS), for additional work related to the mechanical, structural and electrical design for the City Hall HVAC project and charge the expense to the City Hall HVAC Upgrade Project Account in the General Capital Improvement Fund plus a 10% contingency of \$3,844. Also approve \$5,224 for miscellaneous expenses associated with equipment purchases and professional services associated with this project. The total expenditure authorized is \$47,508.
- Approve the transfer of \$47,508 from the City Hall Major Maintenance capital improvement project to the City Hall HVAC Upgrade Project Account to cover the additional engineering expenses and equipment purchases noted in this agenda memorandum.

Summary Statement

- City Council previously approved an expenditure of \$72,343 (including contingency) for engineering services related to the upgrades to the heating, ventilation and air conditioning (HVAC) system at City Hall. The contractor providing these services is in the final stages of the design process and is working with City Staff, the building “tenant finish” architects and remodel contractors in anticipation of the early March remodel start date.
- Subsequent to Council’s action, Staff identified several other services that should have been included in this contract. These items are as follows:
 - The subcontract work for structural and electrical design.
 - Additional design for the piping and electrical for the new Information Technology HVAC system for the computer room expansion.
 - Creation of the as-built drawings from the completed project.
 - Additional site visits and engineering meetings during construction.
- Staff is therefore requesting that Council approve this additional expenditure and updated contract scope.
- The total revised contract amount will be \$104,173 plus \$10,414 for a 10% contingency. This includes the \$72,343 (\$65,733 plus \$6,570 contingency) previously approved by Council on January 12, 2004.
- Council is requested to transfer \$47,508 from the City Hall Major Maintenance project to cover the updated contract scope. This figure is approximately \$5,000 higher than the amount associated with the IMS contract for previously purchased equipment from this project budget associated with minor fixes to the HVAC system while the HVAC upgrade design was developed during 2002/2003.

Expenditure Required: \$47,508

Source of Funds: City Hall HVAC Upgrade and City Hall Major Maintenance Projects in the General Capital Improvement Fund

Policy Issue

Should Council approve the contract for additional engineering and design as described in this memorandum?

Alternative

The alternative is to not approve the changes to the City Hall HVAC engineering contract. This is not recommended, as Staff believes that the proposal changes in the scope of the contract are integral to the project.

Background Information

Westminster's City Hall is now 16 years old and includes 66,000 square feet of office space. The HVAC system is unique in design as it houses 23 heat pump units that supply heating and cooling throughout the building. There are also 7 boilers in the basement/mechanical boiler room, which make up pre-heat in a boiler water loop to supply the water source heat pump system. The heat pump system operates on refrigeration compressor theory. In the wintertime, the system supplies heat to office spaces and zones. In the summertime, it supplies cooling. The system has been determined to be undersized to accommodate extreme temperatures. In the winter, there are cold areas in the building, and in the summer, there are hot office areas. The system has been modified in the past 16 years to try to accommodate these areas of concern. The life cycle of heat pumps is approximately 15 years. System components and compressors are failing at an increasing rate and costing the City a significant amount of revenue to maintain the system in good operating order.

The original contract with the low bidder, Integrated Mechanical Systems, Inc., was for the study phase of the project. Given their familiarity with the project, as well as the level of their performance to date, Staff asked Integrated Mechanical Systems, Inc. (IMS) to continue to work on this project.

On January 12, 2004 Council approved a contract with IMS to perform the mechanical engineering for the City Hall HVAC project. The proposal was for \$65,773 with a 10% contingency of \$6,570 for a total of \$72,343.

Shortly after Council approved the contract, Staff identified other project services that should have been included in this agreement. For the most part, other engineers working with IMS are performing these services. However, since they are working as subcontractors to IMS, their activities need to be included in the City's contract with IMS. The scope of the project is being changed to reflect this additional electrical and structural engineering. In addition, Staff is recommending to expand the scope of the engineering services to include the piping and electrical design for the HVAC system for the computer room expansion, additional meetings with the engineers during construction, site visits during construction, and the creation of as-built drawings when the project is completed.

The total cost of these additional services is \$38,440 plus \$3,844 contingency for a total of \$42,284. In addition, Staff is requesting that \$5,224 for miscellaneous expenses associated with equipment purchases and professional services be approved by City Council. Staff is requesting that a total of \$47,508, which includes both the addition to the IMS contract and miscellaneous equipment costs, be approved by City Council.

Funds are not available from the current City Hall HVAC project budget, as these funds have been earmarked or authorized for various expenditures (primarily the purchase of HVAC equipment and installation). Additional funds are needed to pay for this proposed modification of IMS's contract. An additional \$47,508 is needed in this project's budget; this figure is approximately \$5,000 higher than the amount associated with the proposed IMS contract as funds were expended during 2002 and 2003 for equipment purchases associated with minor fixes to the HVAC system while the upgrade design was developed.

SUBJECT: Engineering Contract for HVAC Upgrade at City Hall

Page 3

Staff has identified funds within the City Hall Major Maintenance project to cover the updated contract scope. Staff believes this is an appropriate capital project to utilize funds for this HVAC project given the focus of this project is for City Hall major maintenance. Staff does not anticipate having other major maintenance needs in City Hall during 2004.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Ranch Park Renovation Contractor Contract Award

Prepared By: Becky Eades, Landscape Architect II

Recommended City Council Action

Authorize the City Manager to execute a contract with Goodland Construction in the amount of \$79,924 for construction work at Ranch Park, and authorize a \$7,992 contingency amount for a total budget of \$87,916, and charge the expense to the Park Renovation Capital Improvement Project Account.

Summary Statement

- Construction documents were prepared in-house.
- Bids were solicited from three reputable construction companies, with Goodland Construction submitting the lowest bid.
- Goodland Construction has successfully completed construction projects for the City in the past, most recently the renovation of Terrace Park.
- Renovations will be complete prior to the start up of the 2004 Summer Playground Program operated by the Recreation Programs Division.

Expenditure Required: \$ 87,916

Source of Funds: General Capital Improvement Park Renovation Program

Policy Issue

Should the City continue using resources to renovate existing parks?

Alternative

City Council could choose to not authorize the construction bid for the Ranch Park. However, Staff does not recommend this as the existing concrete in the plaza area is severely broken, has created several tripping hazards, and is unsafe.

Background Information

Ranch Park is a five-acre park located at 120th Avenue and Tejon Street, originally constructed in 1994. The Parks, Recreation and Libraries Department tries to plan playground replacements on a ten-year schedule in order to keep City playgrounds in compliance with current Americans with Disabilities Act (ADA) Standards. Additionally, substantial concrete replacement is necessary at the Ranch Park due to sub-grade settlement that occurred after the park was built. Soil compaction and concrete testing will be increased on this project to prevent this problem from reoccurring.

The Ranch Park Renovation Project consists of replacing existing concrete around the plaza area, replacing the existing play equipment including poured-in place rubber safety surfacing, new site furnishings, shelter painting, landscaping and irrigation improvements. The playground equipment and surfacing has been bid out separately, and will be installed by outside contractors.

A bid package was sent out to three construction companies on January 26, 2003, and bids were received on February 11, 2004, as follows:

Goodland Construction	\$ 79,923.85
Arrow J Landscape, Inc.	\$ 93,486.48
T-2 Construction	\$ 88,244.00

The bid received from Goodland Construction is a good bid meeting the City's specifications.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Lease Agreement for the Kids Nite Out Program with Dakota & Amanda Enterprises L.L.C.

Prepared By: Gina Barton, Recreation Supervisor, City Park

Recommended City Council

Authorize the City Manager to sign a three year lease agreement with Dakota & Amanda Enterprises, L.L.C. for the continuation of the Kids Nite Out program

Summary Statement

- The Kids Nite Out program lease being offered at the City Park Recreation Center has expired and is currently operating without an updated lease agreement.
- The original lease was for three years, with one-year renewable options.
- The new lease with Dakota and Amanda Enterprises L.L.C. is for three years and is scheduled to operate through 2006.
- The program offers a variety of activities in a safe, highly supervised and controlled environment for youth from 9 to 14 years old.
- The program operates from the hours of 7:00 pm to 11:00 pm on Friday nights during the school year, September through May.
- Activities offered include a disc jockey with dancing, organized games, swimming, and concessions.
- This program generates an average of \$39,224 per year of revenue.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Does City Council wish to continue the Kids Nite Out Program?

Alternative

Request that Staff explore other options besides the Kids Nite Out Program to address safe and secure alternative activities for children in the 9 to 14 age group. Over the years, Staff has explored additional options but has found few, if any, successful recreation programs being offered by municipal agencies that are as successful as the Westminster Kids Nite Out Program. In fact, the Cities of Boulder, Golden and Broomfield currently offer similar youth programs modeled after Westminster's Kids Nite Out.

Background Information

City Park Staff have developed a successful working relationship with Mr. Joe Mivshek, owner and operator of the Kids Nite Out program. Mr. Mivshek has operated this program for over ten years and has recently expanded Kids Nite Out franchising to others agencies in the Denver-Metro area.

Rent is paid weekly based on the number of program participants. Kids Nite Out charges a \$10 admission fee, where 20 percent of admissions are paid to the City with an additional \$120 fee for use of the pool. The Kids Nite Out program has use of the City Park Recreation Center's gymnasium, pool, locker rooms, community room, and classrooms. Supervision is required at all times while these areas are in use. Parents or responsible adults are required to sign their kids in before dropping them off at the program. Kids are not allowed to leave the program at any time until they are signed out by a parent or responsible adult.

Under the terms of the lease, the City can cancel the right of the Lessee (Dakota & Amanda Enterprises L.L.C.) use of the premises (City Park Recreation Center) upon written notice no later than one month in advance of the date to be cancelled.

The Kids Nite Out program has been well received by participants, parents, and City employees. Staff recommends the continuation of this program.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Park Services Landscape Maintenance Contract Award

Prepared By: Rich Dahl, Park Services Manager
Rod Larsen, Open Space Supervisor

Recommended City Council Action

Award the 2004 landscape maintenance contract including three one year renewals to the low bidder, TruGreen Landcare, in the amount of \$174,738 and charge the expense to the appropriate 2004 Parks, Recreation and Libraries account.

Summary Statement

- The Park Services Division has experienced large increases in its parks and right-of-way maintenance responsibilities for the last several years.
- Using contractors to mow, irrigate, and clean non-park areas such as streetscapes and medians allows Staff the time to properly maintain new and existing parks to standards expected by Westminster residents as expressed in the Citizen Survey.
- The private contractor will maintain assigned areas for one year, commencing in March 2004, and, per the terms of the contract, it is renewable for three additional years.
- A multi-year contract allows the contractor to amortize equipment required to maintain the area, builds a working relationship with Staff, and results in more favorable bidding results.
- The low bid of \$174,738, from TruGreen Landcare, meets all the City's specifications and is a good bid.
- Reference checks have produced good recommendations for this company.
- The amount of the bid, \$174,738, is within the funding previously approved by City Council for this expense in the 2004 Parks, Recreation and Libraries budget.
- The proposal contract includes a provision allowing for annual cost increases not to exceed 5%.

Expenditure Required: \$174,738

Source of Funds: General Fund Parks, Recreation and Libraries Operating Budget

Policy Issue

Does the City wish to continue utilizing outside contractors to perform specific park maintenance operations instead of using in-house Staff, supplies and equipment?

Alternative

- 1) Not accept private contractor maintenance and use the available funds to hire additional City staff and purchase equipment necessary to maintain designated areas. Estimated cost to do this would be \$250,000.
- 2) Take no action. Due to the limited time frame involved for spring maintenance, Staff does not recommend this option if service levels are to be maintained.

Background Information

City Council previously allocated funds in the 2004 Park, Recreation and Libraries budget for the maintenance of City-owned streetscapes and medians.

The Park Services Division is currently divided into four maintenance districts, with 92nd Avenue and Sheridan Boulevard being the dividing lines. Since 1985, this system has worked well and has allowed Staff to devote enough time to the parks and public facilities within each district. However, with the addition of new park sites, public facilities and streetscapes, it has become evident that new methods of utilizing available resources are needed. In light of this, park employees proposed, researched, and collected information for the use of contract maintenance as a viable alternative to maintain streetscape and medians throughout the City. For the past nine years, the use of a private contractor to maintain these areas has been an effective use of resources and City Council has been supportive in providing funding for contract maintenance. This public/private partnership has worked very well by allowing City crews to concentrate on services they can perform more efficiently and at a greater level of detail.

The contract manager, Open Space Supervisor Rod Larsen, has administered other maintenance agreements over the past few years and has gained extensive insight into issues dealing with private contractors. This experience, along with Staff input, was used to develop the documents and maintenance standards for the 2004 Landscape Maintenance Contract that TruGreen Landcare will be operating under for the next four years.

Formal bids, in accordance with the City's bidding requirements, were solicited from area contractors with the following results:

Company	Bid
TruGreen LandCare	\$174,738
Brickman	\$176,720
Schultz	\$177,310
L.I.D.	\$190,582
Custom Landscapes	\$194,612
ACC	\$221,236
GreenPlan	\$247,343
Valley Crest	No Bid

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Design Contract for Wolff Street (114th Avenue to 116th Avenue)

Prepared By: Dave Downing, City Engineer

Recommended City Council Action

Authorize the City Manager to execute a contract with DMJM-Harris in the amount of \$65,000 for the design of Wolff Street between the approximate alignments of 114th Avenue and 116th Avenue as well as the extension of 115th Avenue to Wolff Street, and charge the expense to the appropriate project in the General Capital Improvement Project Fund.

Summary Statement

- Two roadway design and construction projects were funded in recent budget years: The 98th Avenue Connection Project, originally funded in 2002 and the Wolff Street (114th Avenue to 116th Avenue) Project, funded in 2003 and 2004.
- The purpose of the 98th Avenue Connection Project, which was conceived approximately four years ago, is to relieve traffic congestion at the intersection of Sheridan Boulevard and 92nd Avenue by providing a connection along the 98th Avenue alignment between Sheridan Boulevard and Westminster Boulevard. Such a roadway connection would allow motorists traveling from points north along Sheridan Boulevard to access the City Center area via Westminster Boulevard and avoid the intersection of Sheridan Boulevard and 92nd Avenue.
- The purpose of the Wolff Street Project is to provide access to soccer fields that will be constructed jointly by the City and the Hyland Hills Park and Recreation District in late 2004 and 2005 on City-owned land located adjacent to the proposed Wolff Street connection as well as improving circulation and connecting neighborhoods. A minimal budget has been appropriated to supply a “bare bones” street connection (e.g., two lanes of asphalt; no curb and gutter).
- For reasons that will be outlined within the Background Information section of this memorandum, Staff is recommending that the 98th Avenue Connection Project be postponed and the scope of the Wolff Street Project be expanded using funds from the 98th Avenue project to include curb, gutter, and sidewalk.
- Staff has conducted a consultant selection process, and it is recommended that a design contract for the enhanced Wolff Street Project be awarded to the engineering firm of DMJM-Harris.

Expenditure Required: \$65,000

Source of Funds: Wolff Street project account in the General Capital Improvement Fund

Policy Issues

- 1.) Does City Council agree with the Staff recommendation to postpone the previously proposed 98th Avenue Connection Project and expand the scope of the Wolff Street Project?
- 2.) Does City Council agree with the selection of DMJM-Harris to design the Wolff Street improvements?

Alternative

Council may conclude that the 98th Avenue Connection Project is still a priority for design and construction. If Council believes that the both the 98th Avenue Connection Project and the Wolff Street Project as originally proposed in the City budget (i.e., two lanes of asphalt with no curb, gutter or sidewalks) should be designed at this time, then the contract amount for DMJM-Harris would total \$69,497.

Background Information

The 98th Avenue Connection Project was originally presented to the City Council during the preparation of the 2002 budget. At that time, there was much concern over the amount of traffic congestion that motorists experienced at the intersection of Sheridan Boulevard and 92nd Avenue, especially during the evening peak hours and the holiday shopping season. It was perceived that the provision of a “short-cut” to and from the City Center area for travelers using Sheridan Boulevard would help to alleviate this problem. Staff proposed funding for a minimal roadway project to extend two lanes of asphalt along the 98th Avenue alignment west from Sheridan Boulevard to Westminster Boulevard, and Council approved the request in the 2002 budget. Subsequently, the funds for this project were frozen during 2002, but have since been reinstated.

Since the date that this project was first proposed, several events have occurred that have caused Staff to reconsider the priority of the 98th Avenue Connection. Extensive interchange improvements, highlighted by the “loop ramp” behind the Gart Sports building, were implemented in the vicinity of US 36, Sheridan Boulevard and 92nd Avenue in 2003 to ease congestion at the intersection of Sheridan Boulevard and 92nd Avenue. Also, the City has recently received encouraging information from the Denver Regional Council of Governments (DRCOG) regarding potential federal funding for intersection improvements at Sheridan Boulevard and 104th Avenue. Additional capacity through this intersection would greatly enhance east-west travel between Sheridan Boulevard and Westminster Boulevard, thus reducing the need for another cross-connection between the two streets at the 98th Avenue alignment. An official announcement on funding for this project is expected from DRCOG in March. Finally, there has been some development interest in the property located immediately south of the 98th Avenue alignment since the date that the idea for the connection project originated. Although there is currently no active proposal for the development of this site, the strong possibility remains for the construction of 98th Avenue by a future developer of the adjacent property to the south. In that instance, the City would be responsible for the payment of the cost of only one-half of the width of the street along the frontage of City open space to the north.

The Wolff Street Project, which was funded in the 2003 and 2004 City budgets, was also proposed as a “bare bones” installation of two lanes of asphalt with no curb, gutter or sidewalks. There is currently no access to the site of soccer fields that will be installed in 2004 and 2005 through a cooperative effort between the City and the Hyland Hills Park and Recreation District, and the Wolff Street Project is intended to serve that purpose as well as improving circulation and connecting neighborhoods. After further consideration, Staff believes that it would be more appropriate to furnish a completed appearance for the entrance to this new City facility. It is recommended that the design of the roadway include curb and gutter on both sides and sidewalk on at least the east side of the street. Furthermore, since access to the soccer fields via Wolff Street alone would require motorists to drive through existing residential subdivisions to the north or to the south (see attached map), Staff suggests that the design project should also include provisions for the extension of 115th Avenue from its current terminus to Wolff Street.

Rights-of-way for all of these proposed street extensions are already under City ownership. Such an extension of 115th Avenue would allow visitors to the soccer fields to gain access without the need to drive through residential developments.

During the month of January, Staff conducted a consultant selection process for the combined 98th Avenue/Wolff Street Projects. In accordance with the practice that has been in place for several years, Staff first reviewed the proposals from all 22 consulting firms that responded to the City's Request For Proposals on the basis of their qualifications to attain a "short list" of the five most favorable companies to perform this work. Then, separately sealed fee proposals from these five firms were opened to determine the recommended consultant. The results of this process are listed below:

Consultant	Proposed Fee
DMJM-Harris	\$ 69,497
Kilmer-Horn and Associates, Inc.	\$ 89,200
JR Engineering, LLC	\$ 93,320
Martin/Martin, Inc.	\$122,256
Parsons	\$125,857

After it was determined that DMJM-Harris would be the recommended consulting firm, Staff negotiated with representatives of that company on the design fee for an enhanced Wolff Street/115th Avenue Project without the minimal 98th Avenue Connection Project. The results of that negotiation revealed that the fee for the work that is proposed by Staff would be \$65,000. DMJM-Harris is a large, national firm that is very capable of providing the required services to the City. Staff is extremely comfortable in recommending to Council that DMJM-Harris be awarded the design contract for this work.

With Council's approval, the consultant is prepared to execute a contract with the City and commence with the design immediately. Within a few months, a construction cost estimate will be prepared and Staff will approach Council with a recommendation for the possible transfer of funds from the 98th Avenue Connection Capital Improvement Project (CIP) to the Wolff Street CIP to fully fund the proposed street construction.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: City Hall Furniture Purchase

Prepared By: Barbara Opie, Assistant to the City Manager

Recommended City Council Action

Authorize the City Manager to sign a contract with Facilitek to provide furniture and its installation for the City Hall space reallocation project in an amount not to exceed \$84,350 plus a contingency of \$8,435 for a total authorized budget of \$92,785.

Summary Statement

- City Council action is requested to award the purchase of conference room tables, chairs and staff workstations for the City Hall space reallocation project.
- All furniture items provided by Facilitek are being offered at US Communities' or distributor discount prices.
- Facilitek has a long history of providing furniture and installation services to City Hall (16 years) and is very familiar with the building, existing furniture layout and City standards.
- The new furnishings are of the high quality required to hold up under years of use and match the existing high quality furniture present in City Hall.
- Funds are available within the project budget for this expense.

Expenditure Required: \$84,350 plus \$8,435 contingency for a total of \$92,785

Source of Funds: City Hall Space Reallocation capital improvement project

Policy Issue

Should the City award the contract for the City Hall Space Reallocation general furniture items to Facilitek?

Alternative

Council could choose to award the contract to another vendor. This is not recommended, as the vendor chosen was the lowest of the two companies providing pricing off of the US Communities bid.

Background Information

Haworth manufactures all of the cubicle workspace furniture within City Hall. As such, Staff worked with Purchasing to select companies providing the Haworth furniture line for cubicle furniture and purchase additional cubicle components to maximize existing workspace within City Hall. By continuing to use standardized furniture within City Hall, it enables Staff to maximize space and provides flexibility for space reconfigurations in the future as needed by having furniture that is compatible and interchangeable. Two companies (Facilitek and Pear Commercial Interiors) in Colorado participate in the US Communities program whereby larger cities work together to get the best pricing available. The National Association of Counties (NACo), the National Institute of Governmental Purchasing (NIGP), the National League of Cities (NLC), and the United States Conference of Mayors (USCM) are among the sponsors of the U.S. Communities Government Purchasing Alliance (also known as U.S. Communities). State sponsoring associations in Colorado include the Colorado Municipal League and Colorado Counties, Inc. Participation in the US Communities is the equivalent of purchasing off of a State bid and therefore did not require a full request for bid process.

Facilitek and Pear Commercial Interiors were invited to provide prices for the furniture purchase and installation for the City Hall space reallocation project. In addition to the Haworth product line for cubicles, pricing included furniture for the conference and training rooms, including tables and chairs.

The vendor selected will need to thoroughly inventory the existing stock of cubicles and associated parts and pieces to ensure an accurate order of furniture parts for the remodel. As such, the expenditure authorization requested in this agenda memorandum is anticipated to be the high end of the purchase. Staff is optimistic that once the thorough inventory is completed, the actual cost of the furniture will be less than the amount authorized. Staff would normally delay bringing this expenditure request to Council for authorization until the final pricing is complete; however, due to the quick pace of the City Hall space reallocation project schedule and lead-time necessary in ordering the furniture (6-8 weeks), Staff is requesting authorization at this time. Staff is currently finalizing the schedule with the contractor for the HVAC and space improvements to City Hall, and it is anticipated that construction will commence in March. Once the construction commences, the space improvements component will move quickly. The furniture needs to be ordered within the next three weeks to ensure delivery in April, when it would be needed for installation. Funds are available within the project budget for this expense.

Facilitek and Pear provided the same costs for the Haworth furniture based on the US Communities pricing; however, Facilitek provided lower prices for the non-Haworth furniture and installation costs associated with this project (approximately \$5,400 lower than Pear). In addition, Facilitek has served as the furniture supplier for City Hall for the last 16 years and their installation staff is very familiar with the City standards and existing configurations. After reviewing the prices submitted by both vendors and taking into consideration Facilitek's long history with City Hall, Staff recommends awarding the contract to Facilitek.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Public Hearing and Action on the First Amended Preliminary Development Plan for Mandalay Town Center and Action on a Proposed Vested Rights Agreement

Prepared By: David Falconieri, Planner III

Recommended City Council Action

1. Hold a public hearing.
2. Approve the proposed First Amended Preliminary Development Plan for the Mandalay Town Center as submitted.
3. Pass Councillor's Bill No. 8 on first reading approving the Vested Rights Agreement for Mandalay Town Center.

Summary Statement:

- The proposed amendment requests several changes to the Preliminary Development Plan (PDP). When the original PDP for Mandalay Town Center was approved, the existing BP gas station was not included. Current plans call for the relocation of the gas station to a site across Church Ranch Boulevard, or some other alternative site, and the use of the existing BP property for a new pad site as a part of the overall Mandalay Town Center. Therefore, it is necessary to amend the PDP to add the BP gas station site property. The planning areas have been changed to reflect the fact that the Amoco site has been added and that Town Center Drive will be a private street. The revised plan also reflects the actual location of the proposed Park-n-Ride site that will eventually be owned by RTD. Also, it is not clear on the existing PDP that coffee restaurants with drive-through windows are a permitted use. This amendment would add that to the permitted uses.
- Secondly, the developer, RED Development, has asked that a revised vesting rights statement be added to the PDP that would give them a total of five years vested rights instead of the State mandated 3 years. The applicant is also requesting the approval of a Vested Rights Agreement that clarifies the proposed terms of the vesting proposal.

Expenditure Required: \$ 0

Source of Funds: N/A

SUBJECT: Public Hearing and Action on the First Amended Preliminary Development Plan for
Mandalay Town Center and Action on a Proposed Vested Rights Agreement Page 2

Planning Commission Recommendation

The Planning Commission reviewed this proposal on December 9, 2003, and voted unanimously (7-0) to recommend the City Council approve as submitted the First Amended Preliminary Development Plan for the Mandalay Town Center. The Planning Commission also approve by a 6-1 vote that the request for a variance to Section 11-11-6 (A) to permit a 200 square foot temporary project identification sign on the Mandalay Town Center site, making a finding that the provisions of Section 11-11-8 (B) 1-5 have been met.

No one spoke in favor or in opposition to this proposal.

Policy Issues

Should the Mandalay Town Center PDP be amended to add the existing BP gas station site and add two years of vested rights?

Alternatives

Deny approval of the proposed amendment in part or in its entirety. If the BP site is not added to the PDP, the entrance to the Town Center area would have to be significantly altered and there would be a gas station at the entrance to the development. The vesting rights give the developer added assurances that are needed in order to make the necessary long-term investments in the property.

Background Information

This amended PDP proposes several changes. The first is to add the existing BP gas station site to the area governed by the PDP. The original PDP did not include this site as it was already governed by a separate PDP and the future of the site was still uncertain. The existing PDP and ODP for the BP property will be superceded by the new ODP when it is adopted by City Council. Now, the owners of that site have agreed to move the gas station to a site on the south side of Church Ranch Boulevard, or to some other alternative site, and the remaining property will be an important component of the Town Center.

The second change is to add a statement adopting the PDP as the site specific development plan as defined in Section 24-68-103 C.R.S. which grants vested rights to developers of properties after approval is granted by a local jurisdiction. In this case the applicant is seeking agreement for a 5-year vesting term, that if approved by the City Council would be 2 years more than the minimum required by Statute. A vested right assures the property owner that the property will not be rezoned by the City, or that currently permitted uses will not be abridged during the term of the vesting, without the permission of the owner. Other changes include making Town Center Drive a private street and adding coffee restaurants as an allowed drive through use. This was always contemplated as a permitted use but the developer requested clarification. After reviewing the way that Town Center Drive will be used, it was determined by the developer and staff that it should be a private street. This way it will be maintained by the development, and can be used for public events that are designed to draw shoppers to the area. A similar arrangement exists at the adjacent Promenade.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **8**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A VESTED RIGHTS DEVELOPMENT AGREEMENT FOR THE MANDALAY TOWN CENTER REDEVELOPMENT PROJECT WITH WESTMINSTER DEVELOPMENT COMPANY, LLC

WHEREAS, the City of Westminster and Westminster Development Company, LLC, have entered into a Vested Rights Development Agreement for the Mandalay Town Center Redevelopment Project; and

WHEREAS, such agreements are authorized by Westminster Municipal Code section 11-5-18.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Vested Rights Development Agreement for the Mandalay Town Center Redevelopment Project attached hereto as Exhibit "A" is hereby approved and the City Manager is authorized to execute it in substantially the same form as attached.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of February, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 15th day of March, 2004.

Mayor

ATTEST:

City Clerk

VESTED RIGHTS DEVELOPMENT AGREEMENT

FOR THE MANDALAY TOWN CENTER REDEVELOPMENT PROJECT

By and Between

THE CITY OF WESTMINSTER

and

WESTMINSTER DEVELOPMENT COMPANY, LLC

Dated as of _____, 2004

**VESTED RIGHTS DEVELOPMENT AGREEMENT FOR THE MANDALAY GARDENS
REDEVELOPMENT PROJECT**

THIS VESTED RIGHTS DEVELOPMENT AGREEMENT FOR THE MANDALAY GARDENS REDEVELOPMENT PROJECT, dated as of _____, 2004 (the “**Effective Date**”), and any amendments hereto made in accordance herewith (as from time to time amended and supplemented in accordance herewith, this “**Agreement**”), is made by and between THE CITY OF WESTMINSTER, a Colorado home-rule municipality (the “**City**”), and Westminster Development Company, LLC, a Missouri limited liability company (together with any successors or assigns, “**Developer**”).

Recitals

Capitalized terms used in these Recitals have the meanings set forth in Section 1.2 of this Agreement. This Agreement is made with respect to the following facts:

A. As more particularly described in the Redevelopment Agreement, the Authority has selected Developer as the redeveloper of the Mandalay Town Center.

B. Redevelopment of the Mandalay Town Center will occur in several phases, and will require the Developer and the Authority to make substantial, up-front investments in certain public improvements, including road and street improvements, storm drainage facilities, potable water and sanitary sewer lines, and certain other municipal facilities as described in the Redevelopment Agreement. Developer has undertaken its obligations under the Redevelopment Agreement in reliance on, *inter alia*, being able to pursue and complete full build out of the Mandalay Town Center as provided in the Redevelopment Agreement, as market conditions permit. These investments can be supported only if Developer receives assurance that development of the Mandalay Town Center will be allowed to proceed to ultimate completion as provided in the Redevelopment Agreement.

C. Redevelopment of the Mandalay Town Center in accordance with the terms and conditions of the Redevelopment Agreement will help to achieve important public policy and economic development goals of the City and the Authority. It is anticipated to provide for orderly and well planned growth, promote economic development and stability within the City, ensure reasonable certainty, stability and fairness in the land use planning process, secure the reasonable investment-backed expectations of Developer and the Authority, and foster cooperation between the public and private sectors. In exchange for these public benefits and the other benefits to the City and the Authority contemplated by this Agreement, together with the public benefits served by the orderly and well planned development of the Mandalay Town Center, Developer desires to receive, and the City desires to provide, assurance pursuant to the Vested Property Rights Statute and the Vested Property Rights Regulations that development of the Mandalay Town Center may proceed pursuant to the terms and conditions of the Redevelopment Agreement.

D. This Agreement designates the PDP for the Mandalay Town Center as a site specific development plan that establishes vested property rights for a period of 5 years pursuant to the Vested Property Rights Statute and the Vested Property Rights Regulations, as further defined below. The PDP constitutes a site-specific development plan within the meaning of section 24-68-102, C.R.S. Approval of this plan will create a vested property right pursuant to C.R.S. section 24-68-103. The plan is subject to all conditions of approval, including, but not limited to, those imposed as a condition to the approval of a site-specific development plan by virtue of the provisions of section 11-5-18(F).

Agreement

NOW, THEREFORE, in consideration of the premises herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION 1 DEFINITIONS AND GENERAL PROVISIONS.

Section 1.1 Internal References. Unless otherwise stated, references in this Agreement to Sections, Subsections, or Exhibits are to this Agreement.

Section 1.2 Definitions. As used in this Agreement, the following terms will have the following meanings:

“**Agreement**” has the meaning set forth in the first paragraph of this Agreement. References to Sections and Exhibits are to this Agreement unless otherwise qualified.

“**Approved Uses**” means those land use entitlements, improvements and uses thereof which are approved under the PDP as amended in accordance with the terms and conditions of the Redevelopment Agreement and the Municipal Code, including but not limited to the entitlement to construct and develop in accordance with the terms and conditions of the Redevelopment Agreement and the PDP up to a maximum of approximately 837,000 square feet of mixed use retail, commercial, office, hotel, restaurant, service, recreation, and entertainment uses.

“**Authority**” means the Westminster Economic Development Authority, a body corporate duly organized and existing as an urban renewal authority under the laws of the State of Colorado, together with any successors thereto.

“**Effective Date**” has the meaning set forth in the first paragraph of this Agreement.

“**Mandalay Town Center**” means Developer’s proposed redevelopment of the Redevelopment Site in accordance with the Redevelopment Agreement by, *inter alia*, demolishing existing improvements, constructing or causing the construction of the certain public improvements as described in the Redevelopment Agreement (including, without limitation, public streets, sidewalks, utilities and parking facilities, a storm water management system, and parks and open space), and constructing or causing the construction of certain private improvements (including, without limitation, new mixed-use retail, commercial office, hotel, restaurant, service, recreation and entertainment uses), all as more fully described in the Redevelopment Agreement.

“**Municipal Code**” means, collectively, the Westminster Municipal Code and the City’s home rule Charter, as in effect from time to time.

“**Notice Address**” means the address for notice set forth below, as amended from time to time:

If to the City: City of Westminster
 4800 West 92nd Avenue
 Westminster, CO 80030
 Attention: City Manager

If to Developer: Westminster Development Company, LLC
 c/o RED of Westminster LLC
 4717 Central
 Kansas City, MO 64112
 Attention: Dan Lowe

“**ODP(s)**” means one or more official development plan(s) (individually or collectively) for the Mandalay Town Center to be approved by the City, as amended in accordance with the Municipal Code and the terms and conditions of this Agreement.

“**Owner**” or “**Owners**” mean the individuals and entities who own the fee interest or any lesser estate in any parcel of the real property comprising the Redevelopment Site.

“**PDP**” means the Preliminary Development Plan Mandalay Town Center approved by the City on February 24, 2003, and recorded in the County’s real property records on April 28, 2003, at Reception No. F1736074, in Book No. 120 at Page Nos. 46-50, as amended in accordance with the Municipal Code and the terms and conditions of the Redevelopment Agreement.

“**Redevelopment Agreement**” means that certain Redevelopment Agreement for the Mandalay Gardens Redevelopment Project, dated as of June 16, 2003, by and between Developer, the Authority, and the City.

“**Redevelopment Site**” means, collectively, the parcels of real property commonly referred to as Mandalay Gardens, the legal descriptions of which are set forth in Exhibit A of this Agreement (together with any additional property that may from time to time be added to the site in accordance with the Redevelopment Agreement); provided, however, that the legal description set forth at Exhibit A may be modified to reflect new parcel designations established in connection with approval of the ODPs.

“**Term**” means the period of time during which Developer will have vested property rights pursuant to Section 2, and which commences on the Effective Date and continues through the fifth (5th) anniversary of the Effective Date.

“**Vested Property Rights Regulations**” means Section 11-5-18 of the Municipal Code.

“**Vested Property Rights Statute**” means Article 68 of Title 24, C.R.S., as in effect on the Effective Date.

Section 1.3 Exhibits.

Exhibit A Legal Description of the Redevelopment Site

Section 1.4 Incorporation of Exhibits. All exhibits attached to this Agreement are incorporated into and made a part of this Agreement.

Section 1.5 Covenants. The provisions of this Agreement constitute covenants or servitudes which touch, attach to and run with the land comprising the Redevelopment Site. The burdens and benefits of this Agreement will bind and inure to the benefit of the Redevelopment Site and of all estates and interests in the Redevelopment Site and all successors in interest to the parties to this Agreement, except as otherwise provided in Section 3 below.

SECTION 2 DEVELOPMENT TERMS; VESTED PROPERTY RIGHTS

Section 2.1 Development Terms. The PDP and the ODP(s) will govern and control with respect to the Approved Uses for the Redevelopment Site. In connection with its approval of the Redevelopment Agreement, the City has or will have approved the ODP for Phase I. As market conditions dictate, Developer intends in good faith to submit in the future one or more applications for approval of the ODP(s) for Phase II. When Developer submits one or more subsequent applications for approval of the ODP(s) for Phase II, the City will promptly process and take final action on the application(s) in accordance with the Municipal Code and the terms and conditions of this Agreement.

Section 2.2 Amendment of PDP and Approved ODP(s). If the Developer desires to modify the PDP after it is approved, Developer will obtain the approval of the City for the modifications pursuant to Title XI of the Municipal Code, provided that any modifications will not result in a direct decrease in the revenues to be generated from sales tax revenues generated from activities within the Redevelopment Site without approval of the City.

Section 2.3 Vested Property Rights Established. The City has designated the PDP as an approved “site-specific development plan” as defined in the Vested Property Rights Regulations. In consideration of the benefit to the City of the economic development, the generation and retention of employment and businesses, the extensive public improvements, and other significant public benefits to be provided by or realized through development of the Mandalay Town Center, the City grants vested property rights for development of the Mandalay Town Center during the Term in accordance with the Vested Property Rights Regulations.

Section 2.4 Scope of Vested Property Rights. During the Term, Developer will have vested property rights pursuant to the Vested Property Rights Regulations to develop the

Mandalay Town Center subject to and upon compliance with the procedures, terms, conditions and limitations set forth in the PDP, the City Code, and applicable City development standards, guidelines, and regulations. The statutory vested property rights of Developer include, by way of illustration and not limitation, the rights to: (i) develop the Mandalay Town Center and otherwise plan and engage in land uses within the Redevelopment Site, including the Approved Uses, in the order, at the rate and at the time as market conditions dictate, in compliance with the Redevelopment Agreement; (ii) apply for and receive, in accordance with the City Code, grading permits, building permits, certificates of occupancy, water and sewer taps, and other permits necessary for development, construction and occupancy of the Mandalay Town Center; and (iii) commence and complete development of the Mandalay Town Center without impairment of Developer's rights under the Redevelopment Agreement or the PDP.

Section 2.5 Compliance with General Regulations. Subject to the terms, conditions and limitations of the Vested Property Rights Regulations, and except as otherwise provided in this Agreement, the establishment of statutory vested property rights pursuant to the PDP and this Agreement will not preclude the application on a uniform and non-discriminatory basis of City regulations of general applicability (including, but not limited to, building, fire, plumbing, electrical and mechanical codes, the Municipal Code, and other City rules and regulations) or the application of state or federal regulations, as all of such regulations exist on the Effective Date or may be enacted or amended after the Effective Date. Developer does not waive its right to oppose the enactment or amendment of any such regulations.

Section 2.6 Expiration of Term. After expiration of the Term, the Redevelopment Site will continue to be subject to the Municipal Code and the remaining terms and conditions of this Agreement for so long as it is located within the municipal boundaries of City, and the statutory vested property rights established by this Agreement will be deemed terminated and of no further force or effect; provided, however, that such termination will not affect any common-law vested rights obtained prior to such termination, or any right, whether characterized as vested or otherwise, arising from this Agreement, the PDP, any ODP, or from City permits, approvals or other entitlements for the Redevelopment Site or the Mandalay Town Center which were granted or approved prior to, subsequent to, concurrently, or in conjunction with the approval of this Agreement.

Section 2.7 Remedies. If any action by the City has the effect of impairing Developer's vested property rights under this Section 2, in addition to the remedies otherwise available at law or in equity, Developer will be entitled to recover from the City any damages and/or compensation specifically available to Developer pursuant the Vested Property Rights Statute and the Vested Property Rights Regulations.

SECTION 3 MISCELLANEOUS.

Section 3.1 Amendment of Agreement. Except as otherwise set forth in this Agreement, during the Term, neither this Agreement, nor the PDP, may be amended or terminated except by consent in writing of Developer, following the public notice and public hearing procedures required for approval of the PDP and this Agreement, as applicable. For the purposes of any amendment to the PDP or this Agreement, "Developer" will mean only Developer and those successor owners of the Redevelopment Site, if any, to whom Developer has specifically granted, in writing, the power to enter into such amendment.

Section 3.2 Notices. All notices, certificates or other communications hereunder will be sufficiently given and will be deemed given when given by hand delivery, overnight delivery, mailed by certified or registered mail, postage prepaid, or dispatched by

telegram or teletype (if confirmed promptly telephonically), addressed to the appropriate Notice Address or at such other address or addresses as any party hereto designates in writing to the other party hereto.

Section 3.3 Waiver. No failure by either party hereto to insist upon the strict performance of any covenant, duty, agreement or condition of this Agreement, or to exercise any right or remedy consequent upon a breach of this Agreement, will constitute a waiver of any such breach or of such or any other covenant, agreement, term or condition. Either party by giving notice to the other party may, but will not be required to, waive any of its rights or any conditions to any of its obligations hereunder. No waiver will affect or alter the remainder of this Agreement, but each and every covenant, agreement, term and condition of this Agreement will continue in full force and effect with respect to any other then existing or subsequent breach.

Section 3.4 Attorneys' Fees. In any proceeding brought to enforce the provisions of this Agreement, the court will award as part of any judgment the prevailing party therein reasonable attorneys' fees, actual court costs and other expenses incurred.

Section 3.5 IN WITNESS WHEREOF, the City has caused these presents to be executed in its corporate name and with its official seal hereunto affixed and attested by its duly authorized officials; and Developer has caused these presents to be executed by its duly authorized officer, as of the date first above written.

CITY OF WESTMINTER

By: _____
J. Brent McFall
City Manager

ATTEST:

City Clerk

**WESTMINSTER DEVELOPMENT
COMPANY,LLC**, a Missouri limited
Liability company

By: RED OF WESTMINSTER, LLC, a
Missouri limited liability company, its
manager

By: VENTURE WEST DEVELOPMENT,
L.L.C., a Kansas limited liability company,
managing member

By: _____
Daniel Lowe
Manager



Agenda Item 10 D-E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 23, 2004

SUBJECT: Public Hearing and Resolution No. 13 re Westminster Federal Boulevard Conditions and Blight Study and Holly Park Urban Renewal Plan

Prepared By: Aaron B. Gagné, Senior Projects Coordinator

Recommended City Council Action

- Hold a Public Hearing.
- Approve Resolution No. 13 adopting the Holly Park Urban Renewal Plan and direct Staff to commence implementation of the Holly Park Urban Renewal Plan.

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Summary Statement

- In December of 2003, the City Council was presented with a draft of the Westminster Federal Boulevard Conditions and Blight Study (the “Study”). The Holly Park area was a sub-set of that Study. At that time, City Council directed Staff to prepare a draft urban renewal plan for the Holly Park area.
- On February 10, 2004, the City of Westminster Planning Commission reviewed the proposed Holly Park Urban Renewal Plan and unanimously recommended adoption by the Westminster City Council.
- By reason of the numerous factors identified in the Study and other sources described below, and the documented presence of seven of the possible eleven contribution factors as defined in CRS §31-25-103, the definition of a “blighted area” and the qualifications for designation as an *urban renewal area* are met.
- The objectives for the Holly Park Urban Renewal Plan include the following:
 - Renovate or redevelop the deteriorated, unsafe and outdated buildings.
 - Eliminate the unsafe, unsanitary and unhealthy conditions resulting from the abandoned buildings, related building code violations, dilapidated and deteriorating structures, lack of fire protection facilities, lack of planned emergency access, and other health, safety and welfare concerns identified in the study as well as the various enforcement records of the City’s Chief Building Inspector related to the Holly Park project.
 - Enhance the aesthetic appearance of the area to make it more appealing to residents, shoppers, employees and the traveling public.
 - Assemble vacant and developed parcels as needed to facilitate redevelopment.
 - Increase tax revenues collected from the area.
 - Reduce the vacancy rates in the area.
 - Improve property values in the area.
 - Reduce the traffic congestion and enhance mobility in the area.
 - Cause the public and common area improvements to be completed
 -

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Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City pursue designation of the Holly Park area as an urban renewal area, and proceed with the implementation of the urban renewal plan?

Alternative

Do not designate the Holly Park area as an urban renewal area. This would not enable the City to pursue the use of urban renewal powers in the defined area. Staff does not recommend this option since urban renewal powers could be critical to facilitating redevelopment of residential, infrastructure and other and projects in the area.

Background Information

The consulting firm of Clarion Associates was retained to prepare a blight study for the Federal Boulevard and Holly Park areas. The attached blight study evaluates properties generally between 97th to the north and 80th Avenue to the south along Federal Boulevard, including properties on both sides of 84th Avenue to the east of Federal Boulevard. A detailed map of the area is contained in the attached Study. The blight study finds a number of substandard conditions that meet the definition of blight contained in the urban renewal law. In addition, the City's Chief Building official has previously identified numerous building code violations and unsafe, unsanitary and unhealthy conditions within the Holly Park Townhome project that have been made the subject of previous enforcement actions, and which remain unresolved.

These conditions include faulty lot layout, unsanitary or unsafe conditions, deterioration of sight or other improvements, and inadequate public improvements or utilities. As a result of these findings, the entire study area is being recommended for designation of an urban renewal area.

The urban renewal plan, which incorporates the blight determination, has been submitted to City Council for its review and adoption with a formal public input process. If the urban renewal plan is adopted, the Westminster Economic Development Authority (WEDA) would be authorized to undertake projects within the urban renewal area that may include infrastructure improvements or redevelopment of specific properties utilizing tax increment financing and other mechanisms available to the Westminster Economic Development Authority. The urban renewal powers can also be used to prevent deterioration, not just to remedy it once it has occurred.

As Council is aware, WEDA has powers that the City government lacks as relates to land assemblage for redevelopment purposes as well as being able to issue tax increment bonds (TIF) to finance needed infrastructure.

City Staff for this project will be prepared to make a presentation and answer Council's questions at the February 23, 2003 City Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 13

INTRODUCED BY COUNCILLORS

SERIES OF 2004

A RESOLUTION

FOR APPROVAL OF THE HOLLY PARK URBAN RENEWAL PLAN AND FINDING THAT THE HOLLY PARK URBAN RENEWAL AREA IS A BLIGHTED AREA, DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT PURSUANT TO THE URBAN RENEWAL PLAN, AND FINDING THAT THE ACQUISITION, CLEARANCE, REHABILITATION, CONSERVATION, DEVELOPMENT, REDEVELOPMENT OR A COMBINATION THEREOF OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE OF THE CITIZENS OF THE CITY OF WESTMINSTER.

WHEREAS, an urban renewal plan for the Holly Park Area has been submitted to the City Council of the City of Westminster for appropriate action pursuant to Part 1 of Article 25 of Title 31, C.R.S.; and

WHEREAS, the Holly Park area that is subject to the Holly Park Urban Renewal Plan is described in Exhibit A to this Resolution; and

WHEREAS, the City Council of the City of Westminster adopted the Westminster Comprehensive Land Use Plan on June 23, 1997, which is the general plan for the development of the City of Westminster; and

WHEREAS, the Holly Park Urban Renewal Plan has previously been submitted to the Westminster Planning Commission for its review and recommendations as to conformity with the Westminster Comprehensive Land Use Plan pursuant to C.R.S. §31-25-107(2); and

WHEREAS, the Westminster Planning Commission has determined that the Holly Park Urban Renewal Plan does conform to the Westminster Comprehensive Land Use Plan; and

WHEREAS, no property in the Holly Park Urban Renewal Area has been included in an urban renewal plan previously submitted to the City Council of the City of Westminster; and

WHEREAS, the City Clerk of the City Westminster has published the notice of the time, place, and purpose of the public hearing to consider the adoption of the Holly Park Urban Renewal Plan in the Westminster Window in conformance with C.R.S. §31-25-107(3); and

WHEREAS, the City Westminster has provided written notice of the public hearing to consider the adoption of the Holly Park Urban Renewal Plan to all property owners, residents, and business owners within the proposed Holly Park Urban Renewal Area at their last known addresses in conformance with C.R.S. §31-25-107(4)(c); and

WHEREAS, the Adams County Commissioners have received notification of and copies of the Holly Park Urban Renewal Plan as well as such additional information as is required by C.R.S. §31-25-107(3.5); and

WHEREAS, the Adams 12 School Districts have received notification of and copies of the Holly Park Urban Renewal Plan and has been given an opportunity to participate in an advisory capacity; and

WHEREAS, City Council of the City of Westminster has conducted a public hearing and considered the public testimony received; and

WHEREAS, the City Council of the City of Westminster has considered the testimony and evidence introduced as part of the public hearing process, including the Westminster Federal Boulevard

Conditions and Blight Study prepared by Clarion Associates, the testimony of the City's Chief Building Official and the proposed Holly Park Urban Renewal Plan.

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

1. Blight, as defined by C.R.S. §31-25-103(2), is present in the Holly Park Urban Renewal Area as documented by the Westminster Federal Boulevard Conditions and Blight Study prepared by Clarion Associates and based on evidence presented at the public hearing. The following blight factors are present in the Holly Park Urban Renewal Area:

- Slum, deteriorated or deteriorating structures: a significant number of structures exhibited primary and secondary deterioration, abandonment and evidence of vandalism and unsafe and unauthorized human occupancies.
- Faulty lot layout: presence of faulty lot layout in relation to size, adequacy, accessibility and usefulness including inefficient and unworkable layout of parking spaces in relation to commercial structures that creates unusable tracts of land, poor and dangerous traffic circulation, a lack of pedestrian walkway system, and poor internal pedestrian circulation.
- Unsanitary or unsafe conditions that endanger life or property: conditions that include unsafe and hazardous conditions for pedestrians and bicyclists, lack of street and parking area lighting, lack of adequate provision for the disabled, lack of fire protection facilities and planned emergency access.
- Deterioration of site improvements: deteriorated street, curb and gutter surfaces; missing or damaged signage; trash, debris, weeds and signs of vandalism; substandard public and common area improvements; unscreened trash; deteriorated parking surfaces; lack of landscaping;
- Buildings that are unsafe or unhealthy: extensive building code violations; structurally unsafe walls, roofs and foundations.
- Inadequate public improvements: substandard water, sewer, and transportation systems.

2. The Holly Park Urban Renewal Area is a blighted area and is appropriate for an urban renewal project pursuant to Part 1 of Article 25 of Title 31, C.R.S.

3. The boundaries of the Holly Park Urban Renewal Area have been drawn as narrowly as feasible to accomplish the planning and development objectives for the Holly Park Urban Renewal Area.

4. The Holly Park Urban Renewal Area does not consist of an area of open land.

5. The Holly Park Urban Renewal Plan conforms to the Westminster Comprehensive Land Use Plan, which is the general plan for the development of the City of Westminster.

6. The Holly Park Urban Renewal Plan is hereby approved.

7. There exist feasible methods for the relocation of individuals and families and business concerns in accommodations or areas suitable for their relocation.

8. The Holly Park Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the City of Westminster as a whole, for the rehabilitation or redevelopment of the Westminster Comprehensive Land Use Area by private enterprise.

9. The acquisition, clearance, rehabilitation, conservation, development or redevelopment of the Holly Park Urban Renewal Area pursuant to the Holly Park Urban Renewal Plan is necessary in the best interests of the public health, safety, morals, and welfare of the citizens of the City of Westminster.

10. The City Council has taken reasonable efforts to provide written notice of the public hearing prescribed by CRS 31-25-107 (3) and (4) and no more than 120 days have passed since the commencement of said public hearing.

Passed and adopted this 23rd day of February, 2004.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 23, 2004



SUBJECT: Public Hearing and Resolution Nos. 14 & 15 re Northgate Redevelopment Area Blight Study and Urban Renewal Plan Amendment

Prepared By: Vicky Bunsen, Assistant City Attorney

Recommended City Council Action

- Hold a Public Hearing.
- Adopt Resolution No. 14 renaming the Westminster Urban Renewal Area and the Westminster Urban Renewal Plan as the South Westminster Urban Renewal Area and the South Westminster Urban Renewal Plan.
- Adopt Resolution No. 15 adopting the South Westminster Urban Renewal Plan Amendment for the Northgate Redevelopment Project Area and direct staff to commence with the implementation of the Plan Amendment.

Summary Statement

- In 1988 (Phase 1) and 1992 (Phase 2), the first Westminster Urban Renewal Area was established. Minor modifications to the area and the text of the plan have been made since the original areas were established.
- In 2001, the South Westminster Strategic Revitalization Study was completed and guides the implementation of the Urban Renewal Plan.
- In furtherance of the existing Urban Renewal Plan and the Strategic Revitalization Study, WEDA solicited proposals to redevelop several sites, including the southeast corner of 72nd Avenue and Federal Boulevard.
- A proposal was selected for redevelopment of the Northgate area based on the proposal's achievement of the goals set forth in the Urban Renewal Plan and the Strategic Revitalization Study.
- The Northgate Redevelopment Area Blight Study was commissioned in order to study the current conditions of the area. This study was completed in November 2002 and confirmed that blight conditions had not been alleviated on the 35 acres on the southeast corner of 72nd Avenue and Federal Boulevard in the ten years since the previous blight findings.
- In order to include the proposed redevelopment project in the Urban Renewal Plan, the proposed South Westminster Urban Renewal Plan Amendment for the Northgate Redevelopment Project Area has been prepared.
- Since other urban renewal areas have been designated in several parts of the City, it is recommended that the Westminster Urban Renewal Plan be redesignated as the South Westminster Urban Renewal Plan in order to distinguish this plan from the other urban renewal plans that have been adopted by City Council.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council confirm that blight factors still exist at the southeast corner of 72nd Avenue and Federal Boulevard, incorporate the proposed Northgate Redevelopment Project as an amendment to the South Westminister Urban Renewal Plan, and direct staff to proceed with the implementation of the proposed amendment to the urban renewal plan?

Alternative

Do not confirm the blight findings and amend the urban renewal plan to incorporate the Northgate Redevelopment Project. This alternative is not recommended because the South Westminister Strategic Revitalization Study recommends that a wider range of residential opportunities be promoted, as well as several other goals that would be facilitated if the Northgate Redevelopment Project proceeds.

Background Information

In 1988 (Phase 1) and 1992 (Phase 2), the first Westminister Urban Renewal Area was established. Minor modifications to the area and the text of the plan have been made since the original areas were established. The earlier plan does not specifically describe the project proposed for the southeast corner of 72nd and Federal, but provides more general goals for the redevelopment of the overall area.

In 2001, the South Westminister Strategic Revitalization Study was completed and guides the implementation of the Urban Renewal Plan. In furtherance of the existing Urban Renewal Plan and the Strategic Revitalization Study, WEDA solicited proposals to redevelop several sites, including the southeast corner of 72nd Avenue and Federal Boulevard. A proposal was selected for redevelopment of the Northgate area based on the proposal's achievement of the goals set forth in the Urban Renewal Plan and the Strategic Revitalization Study.

The original blight findings for the Northgate area are ten years old, so staff commissioned a new blight study for the Northgate Redevelopment Project Area to establish whether the area remained blighted or whether conditions had improved. The Northgate Redevelopment Area Blight Study was completed in November 2002 and confirmed that blight conditions had not been alleviated on the 35 acres on the southeast corner of 72nd Avenue and Federal Boulevard. As a result of this study, the Northgate Redevelopment Project Area is being recommended for redevelopment. A copy of this study is included for City Council review.

In order to include the proposed redevelopment project in the Urban Renewal Plan, the proposed South Westminister Urban Renewal Plan Amendment for the Northgate Redevelopment Project Area has been prepared. The Plan Amendment has been submitted to City Council for its review and adoption with a formal public input process.

City Staff for this project will be prepared to make a brief presentation and answer Council's questions at the February 23, 2004, City Council meeting.

Since other urban renewal areas have been designated in several parts of the City, it is recommended that the Westminister Urban Renewal Plan be redesignated as the South Westminister Urban Renewal Plan in order to distinguish this plan from the other urban renewal plans that have been adopted by City Council.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **14**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

A RESOLUTION

TO RE-TITLE THE WESTMINSTER URBAN RENEWAL PLAN AS THE SOUTH WESTMINSTER URBAN RENEWAL PLAN

WHEREAS, the original urban renewal area in the City of Westminster is regulated by the Westminster Urban Renewal Plan, and

WHEREAS, other urban renewal areas have been designated in the City of Westminster; and

WHEREAS, the title "Westminster Urban Renewal Plan" may cause confusion,

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

1. The Westminster Urban Renewal Plan, originally adopted in 1988 and 1992, as amended and as it may hereafter be amended, shall be known by the title "South Westminster Urban Renewal Plan," and the area subject to such plan shall be generally referenced as the "South Westminster Urban Renewal Area" in order to eliminate confusion with other urban renewal areas designated in the City of Westminster.

Passed and adopted this 23rd day of February, 2004.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. **15**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

A RESOLUTION

FOR APPROVAL OF THE SOUTH WESTMINSTER URBAN RENEWAL PLAN AMENDMENT FOR THE NORTHGATE REDEVELOPMENT PROJECT AREA AND FINDING THAT THE NORTHGATE REDEVELOPMENT PROJECT AREA IS A BLIGHTED AREA, DESIGNATING SUCH AREA AS APPROPRIATE FOR THE PROPOSED URBAN RENEWAL PROJECT PURSUANT TO THE URBAN RENEWAL PLAN, AND FINDING THAT THE ACQUISITION, CLEARANCE, REHABILITATION, CONSERVATION, DEVELOPMENT, REDEVELOPMENT OR A COMBINATION THEREOF OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE OF THE CITIZENS OF THE CITY OF WESTMINSTER.

WHEREAS, an amendment to the Westminster Urban Renewal Plan for the Northgate Redevelopment Project Area has been submitted to the City Council of the City of Westminster for appropriate action pursuant to Part 1 of Article 25 of Title 31, C.R.S.; and

WHEREAS, the Northgate Redevelopment Project Area which is subject to the Westminster Urban Renewal Plan is described in Exhibit A to this Resolution; and

WHEREAS, the City Council of the City of Westminster adopted the Westminster Comprehensive Land Use Plan on June 23, 1997, which is the general plan for the development of the City of Westminster; and

WHEREAS, the South Westminster Urban Renewal Plan Amendment for the Northgate Redevelopment Project Area ("Plan Amendment") has previously been submitted to the Westminster Planning Commission for its review and recommendations as to conformity with the Westminster Comprehensive Land Use Plan pursuant to C.R.S. §31-25-107(2); and

WHEREAS, the Westminster Planning Commission has determined that the Plan Amendment does conform to the Westminster Comprehensive Land Use Plan; and

WHEREAS, the Northgate Redevelopment Project Area is currently included in the Westminster Urban Renewal Area previously established by the City Council of the City of Westminster in 1988 and 1992; and

WHEREAS, the proposed Plan Amendment does not add additional land area to the South Westminster Urban Renewal Area, but proposes a specific project for the Northgate Redevelopment Project Area that meets the goals of the South Westminster Urban Renewal Plan and the South Westminster Strategic Revitalization Study; and

WHEREAS, the City Clerk of the City Westminster has published the notice of the time, place, and purpose of the public hearing to consider the adoption of the Plan Amendment in the Westminster Window in conformance with C.R.S. §31-25-107(3); and

WHEREAS, the City Westminster has provided written notice of the public hearing to consider the adoption of the Plan Amendment to all property owners, residents, and business owners within the proposed Northgate Redevelopment Project Area at their last known addresses in conformance with C.R.S. §31-25-107(4)(c); and

WHEREAS, the Adams County Commissioners have received notification of and copies of the Plan Amendment as well as such additional information as is required by C.R.S. §31-25-107(3.5); and

WHEREAS, the Adams County School District No. 50 has received notification of and copies of the Plan Amendment and has been given an opportunity to participate in an advisory capacity; and

WHEREAS, the City Council of the City of Westminster has considered the Northgate Redevelopment Area Blight Study prepared by the HNTB Corporation and the proposed Plan Amendment; and

WHEREAS, City Council of the City of Westminster has conducted a public hearing and considered the public testimony received.

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

1. Blight, as defined by C.R.S. §31-25-103(2), is present in the Northgate Redevelopment Project Area as documented by the Northgate Redevelopment Area Blight Study prepared by the HNTB Corporation and based on evidence presented at the public hearing. The following blight factors are present in the Northgate Redevelopment Project Area: predominance of defective or inadequate street layout; faulty lot layout; unsanitary or unsafe conditions; deterioration of site or other improvements; environmental contamination of buildings or property; unsafe or unhealthy buildings; and inadequate public improvements or utilities.
2. The Northgate Redevelopment Project Area is a blighted area and is appropriate for an urban renewal project pursuant to Part 1 of Article 25 of Title 31, C.R.S.
3. The boundaries of the Northgate Redevelopment Project Area have been drawn as narrowly as feasible to accomplish the planning and development objectives for the South Westminster Urban Renewal Area.
4. The Northgate Redevelopment Project includes an area of open land that is proposed to be redeveloped with a mixture of housing and commercial uses.
5. A shortage of housing of sound standards and design, which is decent, safe, and sanitary, exists in the municipality; the need for housing accommodations will be increased as a result of the clearance of slums in other areas; the conditions of blight in the urban renewal area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and the acquisition of the Northgate Redevelopment Project Area for residential uses is an integral part of and essential to the South Westminster Strategic Revitalization Plan and the South Westminster Urban Renewal Plan.
6. The proposed commercial uses are necessary and appropriate to facilitate the proper growth and development of the City and South Westminster Urban Renewal Area in accordance with sound planning standards and local community objectives and the contemplated acquisition of the Northgate Redevelopment Project Area may require the exercise of governmental action, as provided by state law, because of being in a blighted area.
7. The Plan Amendment conforms to the Westminster Comprehensive Land Use Plan, which is the general plan for the development of the City of Westminster.
8. The Plan Amendment is hereby approved.
9. There exist feasible methods for the relocation of individuals and families and business concerns in accommodations or areas suitable for their relocation.
10. The Plan Amendment will afford maximum opportunity, consistent with the sound needs of the City of Westminster as a whole, for the rehabilitation or redevelopment of the Northgate Redevelopment Project Area by private enterprise.

11. The acquisition, clearance, rehabilitation, conservation, development or redevelopment or a combination thereof of the Northgate Redevelopment Project Area pursuant to the Plan Amendment is necessary in the best interests of the public health, safety, morals, and welfare of the citizens of the City of Westminster.

Passed and adopted this 23rd day of February, 2004.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, February 23, 2004. Present at roll call were Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call. Absent none.

The minutes of the February 9, 2004 meeting were approved.

Council recognized Employees with 20, 25, and 30 years service.

Council recognized Aaron Beckers, Nkechinyere Onyeneho, Francine Baca, Katherine Coover, Amber Zornes, Benito Ramos, and Kristina Opre for receiving the 2004 Metropolitan Mayors' and Commissioners' Youth Award.

Council approved the following: January Financial Report; Purchase of Gasoline and Diesel Fuel for City Vehicles not to exceed \$329,000; Disposition of Used Library Shelving; Engineering Contract for HVAC Upgrade at City Hall for \$47,508; Ranch Park Renovation Contractor Contract Award with Goodland Construction for \$87,916; Lease Agreement for the Kids Nite Out Program with Program with Dakota & Amanda Enterprises L.L.C.; Park Services Landscape Maintenance Contract Award with TruGreen Landcare for \$174,738; Design Contract for Wolff Street (114th Avenue to 116th Avenue) with DMJM-Harris for \$65,000; City Hall Furniture Purchase with Facilitex for \$92,785; and the First Amended PDP for Mandalay Town Center.

The following Public Hearings were held: At 7:35 p.m. the public hearing was opened on the First Amended Preliminary Development Plan and Vested Rights Agreement for Mandalay Town Center; At 7:41 p.m. the public hearing was opened for the North Westminster Federal Boulevard Conditions and Blight Study and Holly Park Urban Renewal Plan; At 9:10 p.m. the public hearing was opened for the Northgate Redevelopment Area Blight Study and Urban Renewal Plan Amendment.

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

A BILL FOR AN ORDINANCE APPROVING A VESTED RIGHTS DEVELOPMENT AGREEMENT FOR THE MANDALAY TOWN CENTER REDEVELOPMENT PROJECT WITH WESTMINSTER DEVELOPMENT COMPANY, LLC purpose: Vested Rights Agreement for Mandalay Town Center

The following Resolutions were adopted:

Resolution No. 13 re Holly Park Urban Renewal Plan

Resolution No. 14 renaming Westminster Urban Renewal Area/Westminster Renewal Plan Amendment

Resolution No. 15 re South Westminster Urban Renewal Plan Amendment

At 10:14 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on March 4, 2004