

February 24, 1997

7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. 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 Meeting**
4. **Presentations**
 - A. National Arts Award Presentation
 - B. Certificate of Achievement Excellence in Financial Reporting
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. Bids re Street Improvement Concrete Replacement Project
 - B. Mosquito Management Program Contract
 - C. CB No. 7 re Westminster Boulevard Annexation (Scott-Dixon)
 - D. CB No. 8 re Fire Station No. 2 Annexation (Dixon-Scott)
 - E. CB No. 10 re Brauch Property Annexation (Allen-Scott)
 - F. CB No. 11 re Brauch Property Annexation (Allen-Scott)
 - G. CB No. 13 re Silver Oaks Waterline Constuction (Dixon-Scott)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. Public Hearing re NorthPark Plaza ODP
 - B. Official Development Plan for NorthPark Plaza
 - C. Councillor's Bill No. 14 re King Soopers Assistance Package
 - D. Councillor's Bill No. 15 re Skyline Vista Park
 - E. Resolution No. 13 re Skyline Vista Park GOCO Grant
 - F. Special Bond and Disclosure Counsel for Bond Issue Projects
 - G. West Metro Drug Task Force IGA
 - H. I-25 Interchange Study IGA
 - I. 1997 Standley Lake Recreation Program Fees
 - J. Church Ranch Boulevard Median Landscaping Change Order
 - K. Councillor's Bill No. 16 re Crystal Lake Easement Vacation
 - L. Westminster Promenade Landscaping Agreement
 - M. Councillor's Bill No. 17 re El Fugitivo Settlement
 - N. Councillor's Bill No. 18 re Liquor Licensing Amendments
11. **Old Business and Passage of Ordinances on Second Reading**
 - A. CB No. 9 re Fire Station No. 2 Zoning (Dixon-Scott)
 - B. CB No. 12 re Brauch Property Zoning (Allen-Scott)
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**

- A. Financial Report for January 1997
- B. City Council
- C. Request for Executive Session
 - 1. Proposed Commercial Development Assistance Package

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 24, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Harris and seconded by Allen to accept the minutes of the meeting of February 10, 1997 with no additions or corrections. Councillor Merkel requested to abstain as she was not present for the meeting. The motion carried with 6 aye votes and Councillor Merkel abstaining.

PRESENTATIONS:

National Recreation and Park Association Regional Director Kent Blumenthal presented the 1996 Dorothy Mullen Arts and Humanities Award to the City which was accepted by Mayor Heil and Parks, Recreation and Libraries Director Bill Walenczak, Bob Spada, Carol Gifford and Cindy McDonald.

Mayor Heil and Councillor Scott presented the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Award to Accounting Manager Nancy Alberts and Accountant Karen Creager.

CITIZEN COMMUNICATION:

Betty Whorton, 3520 W. 103rd Drive, invited all "spellers" to the Spelling Bee to be held at the Senior Center on April 18.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher stated there would be a meeting of the Westminster Economic Development Authority on Wednesday, March 5 at 5:00 P.M.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Dixon reported on the East Bay Senior Housing open house, the Rocky Mountain Manufacturing Academy open house at Lowry AFB, Westminster Progressive Home Owners Association meeting, the Rocky Flats Local Initiative meeting and stated the Holy Cow Trails Run will be held October 11.

Councillor Merkel reported that part of the City Park Art Wall is up and encouraged citizens to view the wall, and that registration for the Crown Point Charter School was held Saturday, February 22.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Street Improvement Concrete Replacement bids; Mosquito Management Program Agreement; Councillor's Bill No. 7 re Westminster Boulevard Annexation; Councillor's Bill No. 8 re Fire Station No. 2 site Annexation; Councillor's Bill No. 10 re Brauch Property Annexation;

Councillor's Bill No. 11 re Brauch Property Annexation; and Councillor's Bill No. 13 re Silver Oaks Waterline Construction. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Allen and seconded by Merkel to adopt the consent agenda items as presented with the recommendation stated on the Council Agenda Memorandums. The motion carried unanimously.

PUBLIC HEARING re NORTH PARK PLAZA OFFICIAL DEVELOPMENT PLAN:

At 7:35 P.M. the meeting was opened to a public hearing on the NorthPark Plaza Commercial project ODP, to be located at the southwest corner of 104th Avenue and Federal Boulevard. Planning Manager Larry Hulse entered a copy of the Agenda Memorandum, Planning Commission Recommendation and other related items as exhibits. Mark Campbell, Southwestern Production Corp., the applicant and developer; Thomas Oldenburg of Galloway, Romero & Associates, architects; Bob Felsburg of Felsburg, Holt and Ullevig, Traffic Consultants contracted by the City; and Mr. Fitzler and Bob Ledger, representing King Soopers gave a brief presentation and answered questions.

The following citizens address Council with questions and concerns: Frederick Block, 3520 W. 101st Pl; Rick Arb, 10310 Owens St; W. J. Penniston, 3564 W. 102nd Pl; Pam Rifle, 10190 Grove Lp; Dave Dagey, 3293 W. 103rd Pl; Marty Flaum, 10023 Irving St; Mark McKinnon, 10188 Julian Wy; Richard McKennon, 3540 W. 102nd Pl; and Randy DeLorenzo, 10373 Irving Ct. The following citizens spoke in opposition: Randy DeLorenzo, 10373 Irving Ct; Herb Phelps, 10233 King Ct; Dee Dee Poulson, 10278 Julian Ct; Mark McKinnon, 10188 Julian Wy; Herbert Block, 3520 W. 101st Pl; and Marty Flaum, 10023 Irving St. Exhibit A - 20 page petition containing 305 signatures in opposition; Exhibit B - recommendation of NorthPark residents for amendments.

At 10:10 P.M. the Mayor called for a recess. At 10:25 P.M. Council reconvened the public hearing. The following citizens spoke in opposition: Dave Daggy, 3293 W. 103rd Pl; Stuart MacGregor, sound engineer for Engineering Dynamics; Kyle Peter, 3276 W. 103rd Pl; Randy DeLorenzo, 10373 Irving Ct; and Steve Prokopiak, 10333 NorthPark Dr. No one spoke in favor. At 11:45 P.M. the public hearing was declared closed.

NORTH PARK PLAZA OFFICIAL DEVELOPMENT PLAN:

A motion was made by Harris and seconded by Smith to approve the proposed Official Development Plan for the NorthPark Plaza with the 3/4 movement access driveway at Hooker Street with the following conditions: (a) Noise levels shall be such that nuisance conditions are not created. (b) All technical revisions, as noted on Exhibit A, shall be incorporated onto the Official Development Plan, in a manner acceptable to Staff, prior to recordation of the document. Of the additional items suggested by the NorthPark HOA to be included into Exhibit A, number 19 shall be revised to read: "Traffic measures to address speeding and traffic flow throughout the NorthPark neighborhood shall be studied by the City Staff through the NorthPark Neighborhood Traffic Mitigation Pilot Program to establish a consensus and propose acceptable methods of mitigation. Funding of any improvements will determine the timing of their installation." (c) The City of Federal Heights shall approve the access point on Federal Boulevard in writing.

A motion to amend the main motion was made by Smith and seconded by Harris to require enhanced traffic patrol coverage for speeding violations on NorthPark Ave, including use of smart trailer with over-time resources provided as necessary, until such time as the City is able to complete and implement the Traffic Mitigation Study for the area. The amendment carried unanimously.

A motion to amend the main motion was made by Allen and seconded by Dixon to restrict tractor-trailer traffic at the Hooker Street access between the hours of 10 P.M. through 7:00 A.M. The amendment carried unanimously. The main motion as amended carried unanimously.

COMBINED ITEMS:

A motion was made by Scott and seconded by Dixon to authorize the City Manager to execute an agreement with Sherman & Howard in an amount not to exceed \$12,000 for bond counsel services in connection with the proposed issuance by the City of \$6 million in "Ice Arena Enterprise" revenue bonds, and, in the alternative, should the financing be required to be in the form of a lease purchase agreement, an agreement for bond counsel services for the Ice Arena in an amount of \$17,000; and to authorize the City Manager to execute an agreement with Kutak Rock in an amount not to exceed \$13,000 for disclosure counsel services for the proposed \$3.6 million Golf Course Enterprise bond issue for the Countrydale Golf Course, and \$14,000 for disclosure counsel services for the \$6 million Ice Arena project; to authorize the Mayor to sign the Intergovernmental Agreement Amendment between the Cities of Arvada, Lakewood, Wheat Ridge, Golden, Jefferson County Sheriff's Department, the District Attorney for the First Judicial District of Colorado, and the City of Westminster formalizing the City's participation in the West Metro Drug Enforcement Task Force; to approve the Intergovernmental Agreement with the Cities of Broomfield and Thornton, which defines the process, participants, and funding for a detailed study and evaluation of possible interchanges north of 120th Avenue on I-25, authorize City officials to execute the agreement and authorize Westminster's financial participation up to \$23,000; to adopt the 1997 Standley Lake Recreation Area fee structure as proposed by Staff and outlined in Alternative 1 of the Agenda Memorandum. Authorize the City Manager to execute a contract change order with Edward Kraemer & Sons, Inc. for installation of median landscaping in the Church Ranch Boulevard Project between Old Wadsworth Boulevard and Colorado Highway 121; authorize the expenditure of an additional \$202,329 for this work from the project contingency and charge the expense to the appropriate project account in the General Capital Improvement Fund. Authorize the City Manager to enter into a first phase schematic design agreement for Westminster Promenade Landscaping with Sasaki Associates, Inc. in the amount of \$87,000 with a project contingency of \$12,000 with the expense to be charged to the appropriate project account in the General Capital Improvement Fund. Jeff Jurgena, 9402 Pierce Street, addressed Council with questions on the boat passes. Director of Parks, Recreation and Libraries Bill Walenczak and Rich Dahl were present to respond to questions from Council. The motion carried unanimously.

A motion was made by Harris and seconded by Heil to continue the City Council past midnight. The motion carried unanimously.

COUNCILLOR'S BILL NO. 14 - KING SOOPERS ASSISTANCE PACKAGE:

A motion was made by Dixon and seconded by Allen to pass Councillor's Bill No. 14 on first reading authorizing the City Manager to execute and implement the Assistance Agreement with King Soopers. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 15 - SKYLINE VISTA PARK GRANT APPROPRIATION:

A motion was made by Dixon and seconded by Allen to pass Councillor's Bill No. 15 on first reading appropriating \$100,000 into the General Capital Improvement Fund for construction of Skyline Vista Park project. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 13 - SKYLINE VISTA PARK GRANT CONTRACT:

A motion was made by Dixon and seconded by Merkel to adopt Resolution No. 13 authorizing the City Manager to sign a contract with Great Outdoors Colorado regarding the City's obligations for the Skyline Vista Park project. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 16 - CRYSTAL LAKE EASEMENT VACATIONS:

A motion was made by Dixon and seconded by Scott to pass Councillor's Bill No. 16 on first reading vacating the existing utility easements within the Crystal Lake Subdivision, Filing No. 2 PUD. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 17 - EL FUGITIVO SETTLEMENT APPROPRIATION:

A motion was made by Dixon and seconded by Smith to pass Councillor's Bill No. 17 on first reading appropriating \$280,000 from 1996 Sales Tax revenue to the 1996 General Fund Central Charges litigation account. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 18 - LIQUOR LICENSING AMENDMENTS:

A motion was made by Allen and seconded by Smith to pass Councillor's Bill No. 18 on first reading amending the Municipal Code to include brew pub licenses and bed and breakfast permits within liquor licenses. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2494 - FIRE STATION NO. 2 SITE ZONING:

A motion was made by Dixon and seconded by Scott to adopt Councillor's Bill No. 9 on second reading zoning the property O-1 (Open). Councillor Merkel requested to abstain as she was not present during the public hearing regarding this Bill. Upon roll call vote, the motion carried with 6 aye votes and Councillor Merkel abstaining.

ORDINANCE NO. 2495 - BRAUCH PROPERTY ZONING:

A motion was made by Allen and seconded by Scott to adopt Councillors' Bill No. 12 on second reading zoning the Brauch properties to O-1 (Open). Councillor Merkel requested to abstain as she was not present during the public hearing regarding this Bill. Upon roll call vote, the motion carried with 6 aye votes and Councillor Merkel abstaining.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for January 1997. Mayor Heil stated there would be an Executive Session regarding a proposed commercial development Assistance Package.

ADJOURNMENT:

The meeting was adjourned at 12:25 A.M.

ATTEST:

Mayor

City Clerk

Date: February 24, 1997

Subject: National Recreation & Park Association Dorothy Mullen Arts & Humanities Award

Prepared by: Carol Gifford, Recreation Specialist

Introduction

City Council is requested to accept the National Recreation and Park Association's (NRPA) 1996 Dorothy Mullen Arts and Humanities Award from Kent Blumenthal, NRPA Regional Director of the Western Service Center.

Summary

The Department of Parks, Recreation and Libraries has been chosen National Recreation and Park Association's Class III (population 25,001-74,999) winner of the 1996 Dorothy Mullen Arts and Humanities Award. This award was presented to Staff at the National Congress in Kansas City, Missouri this past Fall. Carol Gifford will attend the Council meeting to represent City Staff as this award is presented to the Mayor and City Council. The following City Staff will also attend the award presentation:

Bob Spada, Recreation Program Manager; Cindy McDonald, Recreation Specialist; and Arts Program Instructors. A short video presentation will be made in conjunction with this ceremony.

Staff Recommendation

1. City Council view video presentation
2. Accept the 1996 Dorothy Mullen Arts and Humanities plaque from Kent Blumenthal.

Background Information

The Dorothy Mullen Arts and Humanities Award acknowledges Westminster's Pottery/Ceramic, Fine Arts, and Cultural Arts Program as the best Arts Program in the country compared to other cities in the same population category. NRPA says the Westminster Visual Arts Program "is to be applauded for its creativity in designing a unique program that benefits many sectors of the community." Westminster's Visual Arts program includes the Adult Fine Arts classes (oil painting, calligraphy, Native American earth art, stained glass, watercolor, and photography), Pottery/Ceramic classes (raku firing, sculpture, majolica decorating, and a variety of clinics), Youth Fine Arts classes (art for home school children - drawing, watercolors, magic of colors, and cartooning), and Cultural Arts (variety of dance classes, culinary arts, and free concerts/performances).

Respectfully submitted,

William M. Christopher
City Manager

Date: February 24, 1997

Subject: Certificate of Achievement for Excellence in Financial Reporting

Prepared by: Mary Ann Parrot, Finance Director

Introduction

The Mayor is asked to present, on behalf of the City Council, the Government Finance Officer's Certificate of Achievement for Excellence in Financial Reporting to Accounting Manager, Nancy Alberts and Accountant, Karen Creager.

Summary

The City of Westminster has earned the Certificate of Achievement for Financial Reporting for its 1995 Comprehensive Annual Financial Report (CAFR). This is the thirteenth consecutive year the City has received this prestigious award from the Government Finance Officers Association (GFOA).

Staff Recommendation

Mayor Heil present the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting award to Nancy Alberts, Accounting Manager and Karen Creager, Accountant.

Background Information:

City Staff is pleased to report that the City of Westminster has again been awarded the Certificate of Achievement for Financial Reporting for its 1995 CAFR. This is the thirteenth consecutive year the City has received this award, conferred by the GFOA of the United States and Canada. This Certificate is the highest recognition attainable for excellence in governmental accounting and financial reporting.

To satisfy the requirements of the Certificate program, a CAFR must be generally free of ambiguities and the potential for misleading inferences. In addition, the financial statements, supporting schedules, statistical tables and narrative explanations required for a Certificate help to assure the presentation of data necessary for analysis by the many user groups with legitimate interest in the financial affairs of the City. These groups include the City Council, the State Auditor's Office, investors and creditors, grant resource providers, taxpayers and others. Reports qualifying for a Certificate also provide a detailed vehicle by which market analysts, potential investors and others may assess the relative attractiveness of the City's securities compared to alternative investment opportunities.

Westminster's report was evaluated by an impartial special review committee composed of government finance officers, independent CPAs, educators and others with particular expertise in governmental accounting and financial reporting from across the nation. The award acknowledges that Westminster fulfills the letter and the spirit of full disclosure of its financial records.

Certificate of Achievement for Excellence in Financial Reporting

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The individual within the City who was most instrumental in achieving the Certificate for 1995 is Nancy Alberts, Accounting Manager. Other Finance staff provided vital assistance. Special thanks go to Karen Creager, Accountant, Karen Sexton, Secretary, Lili Cox, Administrative Secretary, and Loretta Martinez, Secretary. Their efforts, under Nancy's direction, insured that the 1995 CAFR clearly communicated Westminster's financial story.

The City should be justifiably proud of this continuing achievement and recognition.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 24, 1997

Subject: Street Improvement Concrete Replacement Project Bids

Prepared by: Ray Porter, Street Projects Coordinator

Introduction

City Council action is requested to award the bid for the 1997 Street Improvement Concrete Replacement Project. Funds have been specifically allocated in the 1997 Department of Public Works and Utilities Street Division Budget and the 1997 General Capital Improvement Fund for this expense.

Summary

City Council approved funds in the 1997 Street Operations Budget to replace 18,500 linear feet of deteriorated concrete curbs, gutters, sidewalks, crossspans, and curb ramps on 17 streets where reconstruction or resurfacing improvements are planned. Formal bids were solicited in accordance with City Charter bidding requirements for the 1997 Street Improvement Concrete Replacement Project.

The low bidder, S&D Construction Co., Inc., at \$508,266, meets all of the City bid requirements and has successfully completed concrete replacement projects for the City over the past ten years. In keeping with the previous City Council policy, the concrete replacement costs on streets earmarked for improvements is being funded 100% by the City. This contract is related to the overall Citywide Street Improvement Program, which combined with this concrete work totals \$2.4M.

Staff Recommendation

Authorize the City Manager to sign a contract with the low bidder, S&D Construction Co., Inc., in the amount of \$508,266, authorize a \$25,000 contingency amount, and charge the expense to the appropriate 1997 Department of Public Works and Utilities Street Division budget account and the appropriate 1997 General Capital Improvement Fund accounts for this expense.

Background Information

Alternatives to this project may be:

- > Do not replace concrete on streets earmarked for improvements.
 - a. Available dollars for asphalt work would increase.
 - b. The asphalt improvements would not realize full life expectancy, due to accelerated deterioration where damaged gutters are left.
 - c. The backlog of concrete replacement requested by citizens would increase.
- > Bid the Street Improvement Concrete Replacement Project with the Customer Service Concrete Replacement Program.

- a. Only one bid would be necessary for what is now two projects. City administrative costs would decrease.
- b. The smaller contractors would be eliminated from bidding the larger project.
- c. Unit costs for concrete replacement may increase significantly, due to the lack of competition for the bid.
- d. Bidding the larger contract would require an extended construction period into November/December increasing the possibility of not completing the Contract in 1997.

Bidding the concrete replacement on streets earmarked for improvements as a single contract will assure that a substantial amount of this work is completed prior to the Asphalt Pavement Rehabilitation Project start-up and, thus, avoid delays to the paving contract.

City Staff estimated a cost increase of 10% for 1997 concrete work. The actual bid cost will increase over 1996, at an average of 2%. Considering that Portland Cement prices increased 4% over 1996, this bid is extremely favorable.

Bid packages were picked up by nine contractors and seven bids were received with the following results.

<u>CONTRACTOR</u>	<u>TOTAL BID</u>
1. S&D Construction	\$508,626
2. Rives Enterprises, Inc.	\$509,778
3. Fasick Concrete	\$537,745
4. Stackholm Construction	\$550,550
5. Concrete Works of Colorado	\$540,124
6. Citywide Enterprises	\$587,736
7. Total Concrete Services	\$691,034
City Staff Estimate	\$591,998

Included in this bid is a new Pierce Street sidewalk construction project initiated by the Department of Community Development. The cost for constructing sidewalk along the west side of Pierce Street from Mandalay Middle School to just north of 92nd Avenue is \$35,000; also included is new concrete median construction at the Municipal Court/Library west parking lot for an amount of \$10,500. Funds for these two projects are available in the 1997 General Capital Fund Accounts.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Locations List

City of Westminster
Department of Public Works and Utilities
Division of Street Operations
1997 Street Improvement Concrete Replacement Project
Locations List

1. West 72nd Avenue, Sheridan Boulevard to Meade Street
2. West 76th Avenue, Sheridan Boulevard to Turnpike Drive
3. Circle Drive, Shaw Boulevard north to City Limits
4. Orchard Court, 73rd Avenue to 75th Avenue
5. Meade Street, 94th Avenue north to end of cul-de-sac
6. Ingalls Street, 92nd Avenue to 95th Avenue
7. Sheridan Boulevard, 93rd Avenue to 104th Avenue
8. King Street, 76th Avenue to 77th Place
9. 77th Place, King Street to Knox Court
10. Dover Street, 88th Avenue to 89th Avenue
11. West 89th Avenue, Dover Street to Carr Street
12. Carr Street, 89th Avenue to 90th Avenue
13. King Way, Lowell Boulevard to 92nd Avenue
14. West 110th Avenue, Benton Street to Eaton Street
15. Quivas Loop, 113th Avenue to 113th Avenue
16. Quivas Loop East (cul-de-sac #1)
17. Quivas Loop West (cul-de-sac #2)
18. Municipal Court/Main Library
19. Pierce Street, 92nd Avenue to Mandalay Middle School
(west side)

Date: February 24, 1997

Subject: Mosquito Management Program Agreement

Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council action is requested to authorize the City Manager to enter into an agreement with Colorado Mosquito Control, Inc., (CMC) to provide mosquito control services within the City of Westminster. Funds are specifically budgeted in the Parks, Recreation and Libraries operating account for this expenditure.

Summary

For 1997, nine agencies (Westminster, Thornton, Broomfield, Northglenn, Lafayette, Louisville, Lakewood, Hyland Hills Park and Recreation District and Boulder County) are participants in the North-Metro Mosquito Management Program. This brings the total service area to 250 square miles, serving a population of over 500,000.

CMC will continue to be the operation management firm for the North-Metro Mosquito Management Program. Staff is unaware of any other mosquito contractors in the Denver Metro area. The firm has proven to be a highly professional and scientifically based organization committed to the success of the Program.

Westminster's 1997 share for joining the Program is \$30,000, which represents a 13% increase over the 1996 contract. The additional cost (\$3,900) is a direct result of increased biological product costs due to EPA restrictions on available products and the expansion of new subdivisions and open space in the northeast part of the City. Staff believes the cost of participating in the Program is very reasonable and represents a significant savings and service delivery over performing the operation with City forces. Funds were allocated and are available in the 1997 General Fund budget for this expenditure.

Staff Recommendation

Authorize the City Manager to enter into the attached agreement with the Colorado Mosquito Control, Inc., for mosquito control services and authorize expenditure not to exceed \$30,000 for Westminster's continued participation in the North-Metro Mosquito Program and charge the expense to the appropriate Parks, Recreation, and Libraries General Fund account.

Background Information

In 1987, the City of Westminster and the Colorado Mosquito Control, Inc., (CMC) formed the North-Metro Mosquito Management Program. The intent of the program was to provide quality service at a reasonable cost while adhering to environmentally safe and effective control measures. A secondary, but no less important, objective was to promote the advantages of the Cooperative Management Program to surrounding municipalities/agencies and encourage these entities to join.

This, in turn, would assist in "buffering" Westminster beyond the City's boundaries and provide a level of service far greater than the cost of belonging to the District.

In 1996 the North-Metro Mosquito Management Program completed its tenth year of a cost-shared biological approach to mosquito control. This environmentally friendly program, known as Integrated Pest Management (IPM), utilizes an array of bio-rational methods integrated into a single program designed to inhibit the development of adult mosquitos. The native fish, *Fundulus zebrinus*, is actively used to control the larva stage of mosquitos in conjunction with a naturally occurring bacteria known as *Bacillus* (Bti). Combined with constant monitoring by CMC staff and aided by a computerized mapping system, the adult biting mosquito population has been substantially lower in the control areas than in outlying areas. The year 1996 was sufficiently wet to create "temporary" breeding areas which had not been mapped in previous years. These breeding areas are defined as slight depressions or containers (cans, pools, old tires, etc) that hold water for the 14 day incubation period and then dry up until the next substantial rainfall. The temporary breeding sites will be the target of CMC staff in 1997 and monitored by increased field surveillance and longer term bio-control products to gain control of the problem. Adult mosquito suppression is handled by "target" fogging with chemicals in areas that have high concentrations (measured by CO₂ filed light traps) of adult mosquitos and by biological methods such as encouraging bat populations whose favorite meal is the adult mosquito.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: February 24, 1997
Subject: NorthPark Plaza Official Development Plan
Prepared by: Mark E. Geyer, Planner II

Introduction

City Council action is requested concerning the review of an Official Development Plan (ODP) for the NorthPark Plaza Commercial project at the southwest corner of 104th Avenue and Federal Boulevard. The proposal is to construct a neighborhood shopping center and related retail/service pad sites.

The Planning Commission approved this request at their February 11, 1997 hearing. Due to timing constraints on the start of construction for this project, and to the high level of interest expressed by the neighborhood residents, the applicant requested an appeal to City Council, despite the Planning Commission approval. The applicant's timing is such that he would prefer not to wait the required 14 day period given to interested parties to request appeal of a Planning Commission decision to the City Council.

Summary

The applicant is seeking City Council approval for the proposed 19.5 acre commercial development, 3/4 access movement off of Hooker Street, just south of 104th Avenue. Staff is in support of the 3/4 movement based on the traffic report prepared by the applicant's consultant. This report determined that only a negligible amount of additional traffic would be traveling through the NorthPark neighborhood as a result of this development.

The proposal was eligible for administrative review and approval if it is designated by City Council as an economic development project. However, at the request of the NorthPark Homeowners Association (HOA), Staff referred this to the Planning Commission, and as stated above, the applicant is appealing to City Council.

Applicant/Property Owner S W Production Company, 1675 Larimer Street, Suite 720, Denver, CO 80202

Location Southwest Corner of 104th Avenue and Federal Boulevard

Size of site 19.5 acres

Description of Proposed Use The applicant is proposing to develop a neighborhood shopping center anchored with a 71,000 square foot King Soopers grocery store. On-line shops, totalling 40,000 square feet will be attached to the north and south of the grocery store. A two-story office building, with approximately 18,000 square feet of space, is proposed for the northwest corner of the site. Four pad sites are proposed; Texaco gas station/convenience store/mini-service fast food, First Bank, a Wendy's fast food restaurant, and a site with no user identified at this time.

Two access points are proposed along Federal Boulevard; a right-in/right-out access at the southern property line, and a full signalized movement access, approximately 500 feet south of 104th Avenue. One right-in/right-out movement is proposed along 104th Avenue, and one 3/4 movement access point is proposed at Hooker Street, approximately 270 feet south of 104th Avenue. (These access points are labeled 1 through 4, respectively, on the vicinity map, Exhibit B.)

Major Issues The major neighborhood issue with this project is the proposed 3/4 turn access point at Hooker Street. Significant input from the NorthPark Homeowners Association has resulted in Staff scheduling this ODP for a public hearing before the Commission. Most of the residents who spoke at the public hearing felt strongly that this access point will increase existing traffic problems in the neighborhood.

In the opinion of the traffic engineer's (both the applicant's consultant and the City Engineer) the traffic impact is negligible. Projections show an increase of 182 trips per day along NorthPark Avenue neighborhood which is a 10% increase over existing traffic counts (current traffic counts average 1,829 trips per day). Staff and the applicant's consultant have reviewed the traffic studies thoroughly and have concluded a negligible impact.

Another issue for several NorthPark residents is potential noise generated by the delivery trucks at the loading dock areas west of the Kings Soopers building. The noise analysis prepared by the applicant projects that noise levels generated at the truck turn-around area are within the State of Colorado Noise Law limits for night time (7:00 P.M. to 7:00 A.M.). However, Staff has only included the State Noise Law as a standard by which to judge the applicant's sound mitigation measures. As a home-rule city, the City of Westminster is not required to use the state law when making land use decisions. The applicant has demonstrated that, with the use of a 12' high brick screening wall surrounding the loading areas, sound can be controlled to a reasonable extent which will benefit the neighboring residents.

Planning Commission Recommendation

(It is important to note that the Planning Commission made this recommendation based on information from the applicant's sound engineer that the projected noise levels to be generated from this site would be slightly over the State Noise Law limits. Upon further review, the projected noise would be slightly under those limits.)

Planning Commission voted 5-2 to approve the proposed Official Development Plan for the NorthPark Plaza with the 3/4 movement access driveway at Hooker Street subject to the following conditions:

- a. Tractor-trailer trucks shall not use the Hooker Street access between the hours of 7:00 P.M. and 7:00 A.M. Noise levels from the site shall meet all applicable State of Colorado standards for day and night time operations. Compliance with these standards can be achieved by restricting tractor-trailer truck deliveries after 7:00 P.M. and before 7:00 A.M., and by increasing the height of the screen/sound wall an additional three feet in the truck turn-around area, or by providing a higher fence to the property owners directly west of the loading area, or by using acoustical materials within the loading dock/truck-turn-around area.

- b. All technical revisions, as noted on Exhibit A, shall be incorporated onto the Official Development Plan, in a manner acceptable to Staff, prior to recordation of the document, including the five additional conditions proposed by the NorthPark HOA contained in their memo to the Planning Commission dated February 11, 1997. These conditions include:
1. The access on Hooker Street must be designed to protect the landscaping along the Hooker Street median, especially the 10"-14" diameter evergreen trees. If trees are removed or damaged they must be replaced in kind with equal size trees in locations agreed to by the NorthPark HOA prior to the opening of the NorthPark Plaza.
 2. Traffic measures to address speeding and traffic flow through NorthPark along NorthPark Avenue between Lowell Boulevard and Hooker Street must be in place prior to the opening of the NorthPark Plaza.
 3. The developer commits to protecting and/or relocating the NorthPark water taps and irrigation system along the east side of Hooker Street near 104th Avenue.
 4. All construction of the Hooker Street irrigation on the NorthPark HOA property shall be completed prior to May 1, 1997.
 5. The developer shall enter into an agreement with the NorthPark HOA to share the cost of the maintenance of the Hooker Street median landscape adjacent to the NorthPark Plaza. The developer shall enter into this agreement prior to recording of the ODP.
- c. The City of Federal Heights shall approve of the access point on Federal Boulevard in writing.
- d. Add "NorthPark HOA" to item number 2 on Exhibit A.

Dissenting votes were cast by Bob Klock and Joe Barsoom. Commissioner Klock did not feel the noise and traffic issues had been addressed adequately, especially along NorthPark Drive, and felt that a three-way stop sign should be added to the Hooker Street/NorthPark Avenue intersection immediately. Commissioner Barsoom expressed concerns about the noise on Hooker Street and preferred that no access be allowed from Hooker Street.

Approximately 25-30 citizens were in attendance at the hearing. Two people spoke in favor of the request and nine spoke in opposition. Those in favor were representatives of the two NorthPark HOA's. Those opposed, were neighbors concerned with existing and potential traffic problems through the neighborhood, and with noise associated with the store operations.

Staff Recommendation

(Staff recommendation has changed slightly from the original recommendation to the Planning Commission due to the new information contained in this memo.)

1. Hold a public hearing.

2. Approve the proposed Official Development Plan for the NorthPark Plaza with the 3/4 movement access driveway at Hooker Street with the following conditions: (a) Noise levels shall be such that nuisance conditions are not created. (b) All technical revisions, as noted on Exhibit A, shall be incorporated onto the Official Development Plan, in a manner acceptable to Staff, prior to recordation of the document. Of the additional items suggested by the NorthPark HOA to be included into Exhibit A, number 19 shall be revised to read: "Traffic measures to address speeding and traffic flow throughout the NorthPark neighborhood shall be studied by the City Staff through the NorthPark Neighborhood Traffic Mitigation Pilot Program to establish a consensus and propose acceptable methods of mitigation. Funding of any improvements will determine the timing of their installation." (c) The City of Federal Heights shall approve the access point on Federal Boulevard in writing.

Additional Information:

Several pieces of information brought up by Staff and the applicant need further clarification as a result of discussions at the Planning Commission hearing.

Noise: The applicant's sound engineer presented Staff with a report during the week of Planning Commission's agenda memo preparation. This did not give Staff adequate time to review the implications of the report or to the State Noise Laws to which it referred. The initial report indicated that the applicant's proposed truck turn-around area is projected to generate a maximum of 53 dB(A) (dB(A) defined as sound levels in decibels measured on the "A" scale) which was purported to exceed the State's maximum noise allowance from a stationary noise source at night (50 dB(A)) by 3 dB(A). Upon review of the State Noise Law, Staff found that the maximum noise level at night-time from commercial uses shall not exceed 55 dB(A). During the hearing the sound engineer mentioned this but also said that the lower level is commonly used by many municipalities in order to add another level of protection to neighbors of commercial uses. It should be pointed out that the applicant's proposed use, with the buffering wall as proposed at 12 feet high, does meet the night-time noise standard for the State of Colorado. A copy of the State Noise Law is included with this agenda memo.

With regard to the use of the State of Colorado Noise Law, and its applicability to land use decisions made by the City of Westminster, the City Attorney has rendered an opinion that the State Noise Law applies only to property owners and restricts how much noise they can emit from their property. The law does not apply as a type of zoning regulation that a home-rule city such as Westminster must consider as an overlay on its own zoning regulations in deciding whether to approve a proposed development. In short, the City of Westminster is not required to enforce the state's noise law.

The applicant has provided a site plan and screening proposal that has gone a long way in mitigating noise from the site. In the past, the City has not required sound studies to be performed as part of a development proposal. The applicant performed this analysis as a response to the citizens living to the west.

Traffic:

Much of the citizen input concerned the existing traffic within the NorthPark neighborhood and how the proposed commercial development might affect it.

Many people at the Planning Commission hearing testified that speeding drivers now using NorthPark Avenue as a short cut through their neighborhood, from both the west and the east. Their fear is that this shopping center will serve as an additional incentive for short-cutting and will increase traffic.

All those concerned with traffic expressed a desire for some type of traffic calming measures to be put in place to reduce speeding and to discourage short-cutting.

At the Planning Commission public hearing, City Staff introduced the idea of the traffic calming pilot program to study the traffic related problems occurring in the neighborhood. Staff explained that the first step is to conduct surveys to determine the need for mitigation and the level of neighborhood support for calming measures. This would be followed up with workshops and meetings to determine which measures should be used and where to place them. The Planning Commission added a condition that traffic issues be addressed by the City as soon as possible.

To clarify information on traffic trips affecting the NorthPark neighborhood, Staff has the following information to add from the Felsburg, Holt and Ullevig Traffic Consultants. The proposed Hooker street access (allowing for left-in/right-in/right-out movements) is the most sensitive issue to the surrounding neighborhoods. The neighborhood apparently experiences cut-through traffic today on NorthPark Avenue; this traffic seems to be primarily residents from residential areas west of Lowell using NorthPark Avenue as a short-cut to Federal Boulevard. Concern has been expressed that allowing any access onto Hooker Street will encourage more outside traffic to drive through the neighborhood to reach the proposed shopping center. The proposal to restrict left turns out of this access represents the best alternative to balance the impacts and the benefits associated with an access onto Hooker Street. While it limits the likely amount of outside traffic traveling through the neighborhood to access the center, it still provides an opportunity for residents of the NorthPark community to access the center without having to go out onto the adjacent arterial roadways. Although there will undoubtedly be motorists from outside the community who will find it desirable to drive through NorthPark to access the center, the traffic study estimates that, with the left turn restrictions proposed at the Hooker Street access, between 50 and 55 vehicles will access the center from the south of Hooker Street during the peak hours and that more than half of the traffic will be comprised of NorthPark residents. Traffic from outside the community is expected to be relatively low for several reasons. First, the communities outside of NorthPark whose residents might find it convenient to cut-through the NorthPark neighborhood are fairly limited and represent a relatively small portion of the market area for the shopping center. Secondly, travel time surveys indicate that, even during peak hours, there are no travel time savings (which is usually the primary consideration for motorists in choosing their routes of travel) associated with driving through the neighborhood as opposed to accessing the site via the adjoining arterial street system. Nevertheless, to address the existing cut-through traffic issue and to reduce the potential for increased traffic through the neighborhood due to the proposed center, the City has proposed the implementation of a program which will investigate traffic calming measures along NorthPark Avenue.

One of the conditions of approval added to Exhibit A by the NorthPark HOA involved installation of traffic measures on NorthPark Avenue prior to the opening of the Center. Staff was not able to clarify this point to the Commission prior to their action.

This condition obligates the City to agree to some type of traffic calming measure before it is determined what measure(s) are needed or if the neighborhood is in agreement with the measure(s). In addition, if a traffic calming measure is selected that carries a large expense, the City may not have the resources in the 1997 budget to fund the cost. Staff recommends that this condition be revised to account for the results of the traffic pilot program and decisions on what kind of mitigation, if any, are required. This revision is included in the Staff recommendation.

The Staff and Planning Commission recommendation, 2 a, concerning a suggestion to raise the residential property owners' fences to reduce noise, has come into question by the NorthPark HOA Board. Their contention is that the Planning Commission does not have the authority to require a higher fence on the private properties west of Hooker Street. The suggestion came from Staff in an effort to give the applicant options on how to reduce noise. It was not intended as a requirement for the developer or the property owners. Given the additional information on noise as stated in this report, the need for this option no longer exists and the original recommendation should be removed.

Limited Deliveries:

The idea of limiting deliveries was brought up by several citizens at the Planning Commission hearing as an effort to reduce night-time noise, near the Hooker Street access point. Several people referred to the Kings Soopers store at 100th Avenue and Wadsworth Parkway which has a curfew on night-time deliveries. The King Soopers representative in attendance at the hearing acknowledged this but could not give specifics. When asked about the possibility for limited truck deliveries at the proposed site, he did not wish to commit to anything but testified that Kings Soopers may be able to work with the limitations recommended by the Planning Commission on using the Hooker Street access at night.

The applicant will be prepared with additional King Soopers officials at the City Council hearing to discuss the alternatives involved with limited deliveries.

Background Information

This project began in the winter of 1994/95 as a concept for a neighborhood shopping center, including one major anchor such as a grocery store, with associated on-line shops, and pads near the streets. An office component was also part of the mix in the initial concept. The applicant has been working with the NorthPark neighborhood associations (NorthPark HOA - single family detached, NorthPark East HOA single family attached) consistently since 1994. After King Soopers was identified as the major tenant, the plan was formalized and the technical review began.

Staff has been aware of the neighborhood traffic concerns since these early neighborhood meetings. The size and type of this project makes it eligible for administrative review and approval.

However, since a consensus on traffic concerns was not achieved, Staff scheduled this item for Planning Commission review.

The issue of noise has also been reviewed by the applicant's consultant and a report is attached to this agenda memo.

Review of the fencing and screening wall has involved the Writer Corporation, property owner to the south. Coordination of the fencing elements along the west property line is required because of a deed restriction placed on the property by the former owner.

The Writer Corporation, developer of the townhomes to the south, wants to make sure the fence design along Hooker Street is compatible with the townhome project.

The remaining elements of the development; site planning, landscaping, building architecture, engineering studies, etc., have been reviewed by Staff and, with the revisions listed on Exhibit A (attached), are acceptable.

Discussion of Major Issues

Hooker Street Access: When this project first began (in the winter of 1994/95) the Hooker Street access point was identified as a potential problem by the neighborhood groups. As the project took shape, and King Soopers was identified as the major tenant, a full movement access point at Hooker Street was contemplated. Through further discussions with Staff and the neighborhood associations, the applicant agreed to limit access to a 3/4 turn movement (right-in/right-out, left-in, but no left-out of the center on to Hooker Street). Staff could not get a consensus from the neighborhood groups that the 3/4 movement was acceptable since some neighbors favor either no access to Hooker or only a right-in/right-out.

The NorthPark HOA Board is concerned about increased traffic through their neighborhood, specifically along NorthPark Avenue, from the neighborhoods to the west traveling to the new shopping center. Some NorthPark residents believe that the 3/4 turn access will create a temptation for customers to use the NorthPark subdivision as a shortcut route to the store.

The applicant has prepared a traffic impact analysis through the firm of Aldridge Transportation Consultants. Due to the level of neighborhood concern, City Staff separately contracted with Felsburg, Holt, & Ullevig Transportation Consultants to provide an additional, independent technical review of this analysis. Bob Felsburg presented his review before Planning Commission and concurred that the 3/4 movement is the ideal intersection for this project. The Hooker Street intersection, with a 3/4 turn movement, is projected to handle 106 trips during the afternoon peak hour (afternoon peak hour is defined as the busiest one-hour period in the afternoon - actual time could vary depending on site location). Approximately 21 of the 106 trips would use NorthPark Avenue, coming from neighborhoods located west of Lowell Boulevard (the Windings and Hyland Greens East). A letter from Aldridge, discussing the Hooker Street access is included with the Agenda Memo.

Many residents have expressed a desire to either limit the access to a right-in/right-out only or to eliminate it totally in order to reduce the potential traffic impacts on NorthPark. The consulting engineer has concluded that by eliminating the 3/4 Hooker Street access there is a probability that traffic will actually increase through the neighborhood by forcing residents living to the west to exit the center and proceed south on Federal Boulevard and then west on NorthPark Avenue. The overall analysis shows that the 3/4 movement on Hooker Street will not impact NorthPark Avenue any greater than a right-in/right-out only access.

Noise Concerns Residents living west of the proposed King Soopers loading dock area of the center have expressed concern over the potential for noise generated by the delivery trucks to the store.

The store is proposing a 24-hour per day operation and would receive deliveries at night. To control sound, and to provide a visual barrier, the applicant is designing a 12 foot high wall along the majority of the western property line. This wall will be bermed and landscaped on the west side to provide a "softer," and greener buffer to the neighborhood. The wall as viewed from Hooker Street will be no higher than 8 feet above this berming in the central part of the wall area. The 12 foot height is measured from the interior of the depressed delivery area and will screen the view of the trucks from the neighbors to the west. The wall will be constructed of brick, matching the NorthPark streetscape materials on the west side of Hooker Street.

The applicant has prepared a noise analysis of the King Soopers loading dock area. The consultant's original report misstated the limits of the State Noise Law generated from commercial uses.

The consultant was taking into account the lower levels established by other jurisdictions concerning noise. The state's limits are 60 dB(A) from 7:00 A.M. to 7:00 P.M. and 55 dB(A) from 7:00 P.M. to 7:00 A.M. It should be pointed out that the City does not have noise buffer requirements and that the consultant used the State of Colorado Noise Law for his comparisons. This analysis projects a level of noise coming from the turn-around area at night to 25' within the residential properties, slightly under the State of Colorado Noise Law, which limits night time noise to 55 dB(A) between the hours of 7:00 P.M. and 7:00 A.M. The projected noise would vary from 36 dB(A) to 53 dB(A), with the higher range generated from large, tractor-trailer trucks. Daytime noise limits are 60 dB(A) for commercial areas. State Noise Law applies only to stationary noise sources, not to vehicles traveling on roadways. Therefore, only delivery truck operations in the turn-around area must comply with the noise limits specified in the report. All other State requirements would be met by this operation.

Architectural/Building Materials The applicant is proposing a center with building materials that will be coordinated throughout the development. The main center will use a combination of brick and split-faced block, stucco and concrete roofing tile. All pads will use the same brick, block, and stucco materials in different amounts and configurations to give some individuality to the pads while maintaining architectural compatibility with the main center.

Public Land Dedication, Parks/Trails No public land dedication is required for commercial developments.

Access and Circulation As previously discussed, access to the project will be provided access from two points along Federal Boulevard (one full movement and one right-in/right-out movement), one point along 104th Avenue (right-in/right-out), and one 3/4 movement access from Hooker Street. The main access to the site will be the full turn, signalized intersection on Federal Boulevard.

Site Design The project consists of one large anchor tenant (King Soopers) with associated on-line shops attached to the north and south. A pedestrian connection through the southwest corner of the center will be provided to allow walk-in traffic from the residential neighborhoods. A two-story office building is proposed in the northwest corner of the site. Four pad sites are proposed along the 104th Avenue and Federal Boulevard frontages.

Signage The applicant has proposed an extensive sign program for the entire project. The program conforms with the City code regulations and establishes several additional restrictions, such as provisions for minimal window signs and prohibitions on back-lit canopies. Two monument signs, 100 square feet each and located on 104th Avenue and Federal Boulevard will identify the center. The applicant is dedicating an easement at the southwest corner of the 104th Avenue and Federal Boulevard intersection to allow the construction of a City entry sign/wall similar to the one at the northwest corner of 104th Avenue and Federal Boulevard.

Service Commitment Category Service commitments will be classified as Category C, Non Residential Developments. Approximately 100 service commitments will be used for this project.

Referral Agency Responses Colorado Department of Transportation (CDOT): Since Federal Boulevard abutting this project is a State highway, access from this project onto Federal Boulevard must be approved by CDOT. CDOT has responded to this application with a requirement that the both Westminster and Federal Heights agree to the location of the main access, south of 104th Avenue. The City of Federal Heights City Manager has agreed verbally to a location for this access point that may require minor adjustments to the alignment on the east side of Federal Boulevard. The City Manager of Federal Heights agreed to send a letter documenting his position on the Federal Boulevard access to the City of Westminster. The applicant is in the process of applying for access permits from CDOT.

Public Comments NorthPark Homeowners Association: This HOA represents the single-family detached home owners within the NorthPark subdivision. The HOA board and the neighborhood group have met on this project several times, most recently at a community meeting on January 10, 1997. The first community meeting took place in the winter of 1994 and has been followed up by numerous meetings between the Board and the applicant. During the time since the project was conceived, the HOA Board members have commented on several aspects of the design and function of the center. The majority of the concerns raised by the HOA have been resolved. The remaining issues center on Hooker Street access and noise potential from the loading areas.

NorthPark East HOA: This HOA is made up of the townhome owners within the NorthPark subdivision. This HOA was more concerned with buffering elements along the project's south property line. The townhomes currently under construction to the south will become part of the the NorthPark East HOA when completed. The applicant has addressed concerns of the HOA by providing larger trees along the southern boundary and using brick for the wall along Hooker Street. This HOA is satisfied with the proposed 3/4 movement access point on Hooker Street.

Surrounding Zoning South - PUD (Townhomes currently being constructed); West - PUD (Single Family Detached existing); North - PUD (Commercial, undeveloped); and East - Commercial (Federal Heights zoning)

Respectfully submitted,

William M. Christopher, City Manager

Attachments

Date: February 24, 1997

Subject: Councillor's Bill No. re King Soopers Assistance Package

Prepared by: Susan Grafton, Economic Development Manager

Introduction

City Council action is requested to pass the attached Councillor's Bill approving an assistance package for the new King Soopers store to be built in the NorthPark Plaza at the southwest corner of 104th Avenue and Federal Boulevard.

Summary

The Official Development Plan (ODP) for this project is scheduled for consideration by City Council on February 24, 1997. The center will be anchored by an approximately 70,000 square foot King Soopers grocery store. To facilitate this project, \$2.6 million assistance package is being proposed. New revenue generated by the store will fund this proposed package.

Staff Recommendation

Pass Councillor's Bill No. on first reading authorizing the City Manager to execute and implement the attached Assistance Agreement with King Soopers.

Background Information

Staff has been working with Southwestern Production Company since October 1995 to facilitate the development of NorthPark Plaza on the southwest corner of 104th Avenue and Federal Boulevard. To assure the viability of the project, the shopping center developers pursued and attracted King Soopers. King Soopers is wanting a larger store and was unable to enlarge the existing store at the current Federal Heights location. The NorthPark Plaza afforded King Soopers the opportunity for an enlarged store while keeping the current market share.

It should be made clear, the City of Westminster did not recruit King Soopers to leave its existing Federal Heights location. The City of Westminster was approached by the NorthPark Plaza developers and King Soopers. In fact, when Westminster learned of King Soopers' interest in relocating outside Federal Heights, City Staff contacted Federal Heights Staff to work out a sales tax sharing agreement. Federal Heights turned down the tax sharing offering and instead made a very large incentive offer to King Soopers, which was turned down because the existing Federal Heights site cannot accommodate the desired larger grocery store.

King Soopers has asked the City to assist them in the buyout of their Federal Heights store lease, as well as to help defray relocation and initial set up costs. A mixture of permit fee waivers and Sales and Use Tax rebates will be used to assist King Soopers.

King Soopers will build the proposed new store at an estimated cost of \$3.0 million. Approximately \$2.0 million of additional funds will be spent to furnish the new store.

The store is projected to generate \$35 million to \$40 million in retail sales each year which would result in approximately \$1,137,000 per year in City of Westminster sales tax revenue. The project is expected to generate over \$5.0 million in new tax dollars for Westminster by the year 2000.

The assistance package recommended and agreed to by King Soopers is as follows:

	Approximate <u>Value</u>
Building Related Fees 100% waiver of all fees excluding tap fees	\$18,000
Use Tax on Construction 100% waiver of Use Tax collected on construction	\$51,000
Use Tax on Equipment 100% rebate of Use Tax collected on equipment purchased at move-in	\$60,000
Sales Tax Rebate Sales Tax generated by this King Soopers store will be rebated as follows: Year 1 - 100% rebate Year 2 - 70% rebate Year 3 - 45% rebate Year 4 - 20% rebate Year 5 - 10% rebate	\$2,520,000
Total Package	\$2,649,000

This assistance package will be funded completely from new dollars generated by the new King Soopers store and involves no capital outlay by the City.

Conclusion

Grocery stores are major sales tax generators for the City. This one King Soopers store alone is expected to generate over \$1.1 million annually in sales tax for the City. This store, along with the other retailers in the NorthPark Plaza Shopping Center will quickly return the \$2.6 million assistance. In addition, grocery sales are an important component of the City's sales tax base and this King Soopers will help to further diversify the sales tax base. It will also recapture significant sales taxes that the City was losing by residents shopping outside of Westminster.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

ASSISTANCE AGREEMENT
FOR THE CONSTRUCTION OF THE NORTH PARK PLAZA KING SOOPERS STORE
IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 1997, between the CITY OF WESTMINSTER (the "City"), and DILLON COMPANIES, INC., A KANSAS CORPORATION DBA KING SOOPERS (King Soopers).

WHEREAS, the City wishes to provide certain assistance to King Soopers to aid in the construction of their new grocery store within the City in the NorthPark Plaza project; and

WHEREAS, the proposed facility is projected to generate over \$1,137,500 annually in sales and use tax; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and King Soopers agree as follows:

1. The City shall waive the payment of 100% of the building and related permit fees, not including tap fees, required under W.M.C. Section 11-10-3(E), which will result from the construction of the approximately 70,000 square foot King Soopers store to be completed no later than January 31, 1998. The value of the permit fee waiver is estimated to be \$18,000.

2. The City shall waive the payment of 100% of the Building Use Taxes on the construction materials, which are to be used in the construction of the approximately 70,000 square foot King Soopers grocery store, required under W.M.C. sections 4-2-9 and 4-2-3. The value of the waiver is estimated to be \$51,000.

3. Tax Rebate.

- a. The City shall rebate to King Soopers an amount not to exceed \$2,520,000 (the "Rebate"). Such rebate shall be payable exclusively from tax revenues collected by the City from the NorthPark Plaza King Soopers store and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax).
- b. During the first 12 months of operation, the rebate shall be paid by the City in quarterly installments equal to 100% of Sales Tax collected and received by the City from the NorthPark Plaza King Soopers store.
- c. During the next 12 month period of operation (year two), the rebate shall be paid by the City in quarterly installments equal to 70% of the Sales Tax collected and received by the City from the NorthPark Plaza King Soopers store.
- d. During the next 12 month period of operation (year three), the rebate shall be paid by the City in quarterly installments equal to 45% of the Sales Tax collected and received by the City from the NorthPark Plaza King Soopers store.
- e. During the next 12 month period of operation (year four), the rebate shall be paid by the City in quarterly installments equal to 20% of the Sales Tax collected and received by the City from the NorthPark Plaza King Soopers store.

- f. During the next 12 month period of operation (year five), the rebate shall be paid by the City in quarterly installments equal to 10% of the Sales Tax collected and received by the City from the NorthPark Plaza King Soopers store.
- g. Such quarterly installments shall continue and be paid until such time as the maximum \$2,520,000 has been paid. The final installment will be adjusted as may be necessary to limit the total rebate to \$2,520,000.
- h. The payment of each quarterly installment shall be made within 20 days following the close of each quarter.

4. The City shall reduce the NorthPark Plaza King Soopers Use Tax obligation to the City either via a tax credit or rebate by 100%, but not to exceed \$60,000 on taxable items purchased for move-in and during the first six months following the issuance of a Certificate of Occupancy. Whether to issue a tax credit or rebate will be decided by the City.

5. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if King Soopers has not completed construction or moved into its new building by January 31, 1998.

6. In the event King Soopers ceases business operations at the NorthPark Plaza within the City within three (3) years after the new operations commence, then in such event King Soopers shall pay to the City the total amount of fees and taxes which were due and payable by King Soopers to the City but were waived by the City, as well as reimburse the City for all funds provided to King Soopers pursuant to this Agreement.

7. This instrument shall constitute the entire agreement between the City and King Soopers, and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

8. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bonded indebtedness. Such obligations shall be payable only from the special fund attributable to sales and use tax revenue transfers from the Sales and Use Tax Revenue Fund now pledged or in the future pledged towards the repayment of bonded indebtedness of the City to the City's General Fund. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

9. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

10. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code.

DILLON COMPANIES, INC
DBA KING SOOPERS

CITY OF WESTMINSTER

By _____

William Christopher
City Manager

4800 West 92nd Avenue
Westminster, CO 80030

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH DILLON COMPANIES, INC. A KANSAS CORPORATION DBA KING SOOPERS (KING SOOPERS)

WHEREAS, the successful attraction of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating incentives for high quality development to locate in the City; and

WHEREAS, King Soopers has indicated an interest in building a new grocery store in the City of Westminster as part of the NorthPark Plaza project; and

WHEREAS, King Soopers will build an approximately 70,000 square foot grocery store with an estimated project cost of \$5.0 million; and

WHEREAS, a proposed Assistance Agreement between the City and King Soopers is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with King Soopers in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of March, 1997.

ATTEST:

Mayor

City Clerk

Date: February 24, 1997
Subject: Skyline Vista Park
Prepared By: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill re a supplemental appropriation of \$100,000, the amount of the 1996 Great Outdoors Colorado (GOCO) grant award, into the General Capital Improvement Project Fund for construction of Skyline Vista Park. City Council action is also requested to adopt the attached Resolution authorizing the City Manager to sign a contract with GOCO regarding the City's obligation of matching funds for construction Skyline Vista Park project. The City already has \$500,000 budgeted for the Skyline Vista Park project and the 5 year Capital Improvement Projects (CIP) plan calls for another \$650,000, to be added in the 1998 budget for total City funding of \$1,150,000 to go along with the \$100,000 GOCO Grant.

Summary

On October 1, 1996, Staff applied for a \$150,000 Local Government Park and Outdoor Recreation Grant sponsored by GOCO for Skyline Vista Park. The City was awarded the grant in the amount of \$100,000 on December 3, 1996 for construction of the park. Due to the high demand for these grants most projects received partial funding. However, Westminster did receive the largest awarded amount under the Local Government Park and Outdoor Recreation Grant category with GOCO. Between 1994 and 1996 only 6 other local governments received grant awards of \$100,000 out of 124 grants awarded. Skyline Vista Park design and construction funding sources are summarized below.

1996 Westminster CIP	\$ 100,000
1996 GOCO Grant	100,000
1997 Westminster CIP	400,000
1998 Westminster CIP (Proposed)	<u>650,000</u>
Total Funding	\$1,250,000

It is important to note the two year funding required to achieve the \$1,100,000 funding level. This dollar amount is a grant condition from GOCO and City Council will want to be comfortable with the 1997-98 funding when considering the attached Resolution.

Staff Recommendation

1. Pass Councillor's Bill No. on first reading appropriating \$100,000 into the General Capital Improvement Fund for construction of Skyline Vista Park project.
2. Adopt Resolution No. authorizing the City Manager to sign a contract with GOCO regarding the City's obligations for the Skyline Vista Park project.

Background Information

The City acquired five acres for Skyline Vista Park in 1987 in order to provide a new neighborhood park for area residents as identified in the Park Master Plan. In April 1993, the City hired Winston Associates, through a competitive bidding and selection process, for master planning, design development, construction document production, and construction observation for the development of the five-acre Skyline Vista Park.

During the master planning process, however, Staff realized that the five acre site would not be large enough to accommodate the park programs requested by the residents. The program included Little League Baseball fields, open lawn area, playground area with picnic shelter, and other park elements. Staff conducted a mail-in survey asking the residents whether to construct a five acre park with reduced program by 1994 or acquire additional six acres of land and delay the completion of the park until 1998. The residents voted for acquiring more land and delay the park development. Staff postponed the master planning process until 1995. The contract with Winston Associates was therefore amended to focus only on the master planning process and the scope of service was reduced to deliver a master plan of an eleven-acre neighborhood park. Design development, construction document production, and construction observation services were eliminated from the contract.

In 1995, Staff reorganized the master planning process and presented three alternative plans for the eleven acre park to the residents at a community meeting on May 15, 1996. Confusion about the alternative plans resulted in Staff having to hold additional community meetings and conducted a mail-in survey to clarify the issues surrounding the proposed master plan. Based on the Citizen input the the final master plan was modified and approved by City Council at post meeting on August 26, 1996.

The approval of the master plan by City Council concluded the contract with Winston Associates. Then a competitive bid and selection process was initiated to hire a consultant to move forward with the project to provide construction drawings, engineering services, and bid documents for the construction phase of this project. Ten proposals were received and Wenk Associates were selected and approved by City council on January 13. Winston Associates was invited to submit an RFP, but they were eliminated due to the high fee they proposed for this phase of the project.

Presently, Wenk and Associates are working on the preliminary construction documents and preparing preliminary cost estimates to construct the park. Under the existing time line the Skyline Vista Park project will begin construction in the fall of 1997 with completion proposed for summer of 1998.

Respectfully submitted,

William M. Christopher
City Manager

Attachments - Resolution, Councillor's Bill and Project area maps

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1996

A resolution of the City Council of the City of Westminster defining responsibility in The State Board of the Great Outdoors Colorado Trust Fund.

WHEREAS, the City of Westminster supports the completion of Skyline Vista Park Project; and

WHEREAS, the The State Board of the Great Outdoors Colorado Trust Fund awarded Westminster a grant in the amount of \$100,000 in 1996 for construction of Skyline Vista Park, subject to the execution of a grant agreement; and

NOW, THEREFORE, the Westminster City Council hereby resolves that the City Manager on behalf of the City of Westminster shall enter into an agreement with The State Board of the Great Outdoors Colorado Trust Fund on a contract for Skyline Vista Park project, and the City of Westminster shall be responsible for providing matching funds as identified in the contract for construction of Skyline Vista Park project. This resolution to be in full force and affect from and after its passage and adoption.

Passed and adopted this 24th day of February, 1997.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2473 in the amount of \$11,285,000 is hereby increased by \$100,000 which, when added to the fund balance as of the City Council action on February 24, 1997, will equal \$11,585,000. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Great Outdoors Colorado grant for the construction of Skyline Vista Park.

Section 2. The \$100,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental			
75-0478-000	\$-0-	<u>\$100,000</u>	
\$100,000			
<u>EXPENSES</u>			
Skyline Vista Park Project			
75-50-88-555-326	\$531,761	<u>\$100,000</u>	
\$631,761			

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of March, 1997.

ATTEST:

Mayor

City Clerk

Date: February 24, 1997

Subject: Special Bond and Disclosure Counsel for Proposed Bond Issues

Prepared by: Martin R. McCullough, City Attorney

Introduction

City Council is requested to authorize the City Manager to execute a negotiated special legal counsel contract with Sherman and Howard for bond counsel services for the City's anticipated bond issue for the joint City/Hyland Hills Ice Arena, and a negotiated special legal counsel contract with Kutak Rock for disclosure counsel services for the Ice Arena and the Countrydale Golf Course.

Summary

- > The City is currently in the process of preparing several bond issues in support of one of the City's most aggressive capital improvement programs ever.
- > City Council previously authorized the City Manager to retain Sherman & Howard for bond counsel services in connection with the \$15 million Street Improvement and \$26 million "P.O.S.T." (Parks, Open Space, and Trails) bond issues, and the Countrydale Golf Course Enterprise bond issue, all for a significantly discounted rate compared to this firm's standard fee if these services had been individually priced. Sherman & Howard has agreed to extend its previously discounted fee for bond counsel services for the joint Hyland Hills/City of Westminster Ice Arena project.
- > Similarly, City Council previously authorized the retention of Kutak Rock as disclosure counsel in connection with the City's \$15 million Street Improvement bond issue and its \$26 million "P.O.S.T." bond issue, again, at a fee substantially less than what the City paid in the past for similar services on an individual basis. Kutak Rock has agreed to extend its previously discounted fee for disclosure counsel services for the Ice Arena and Golf Course projects.
- > By separate action, the Board of the Westminster Economic Development Authority will be asked to approve a contract with Kutak Rock for disclosure counsel services in connection with the Authority's anticipated issuance of \$2.5 million in Tax Increment Financing Bonds for the Westminster Plaza Redevelopment Project which were previously authorized by the voters in 1993.
- > Kutak Rock has offered to provide disclosure counsel services for the \$3.6 million Countrydale Golf Course financing for a flat fee of \$13,000, and \$14,000 for the \$6 million Ice Arena project.
- > Sherman & Howard has offered to provide bond counsel services for the \$6 million Ice Arena issue for a flat fee of \$12,000, assuming an "enterprise" bond issue, and \$17,000 in the event the financing takes the form of a "lease purchase agreement." At this point in time, it is anticipated that the City will be able to proceed with the Ice Arena financing on an "enterprise," rather than a "lease purchase," basis.

> The fees proposed by these two firms are substantially less than the amount the City has paid for similar services in the past. Both firms are nationally rated in the area of bond and disclosure counsel work, and have previous experience in the issuance of these types of bonds. Further, both firms have previously served as special counsel for the City in connection with other financings and their prior experience and knowledge have significantly minimized the time and effort required for the preparation of the bond and disclosure documents related to these transactions. Time is of the essence in getting all of these bond issues completed in time for the upcoming construction season.

Staff Recommendation

1. Authorize the City Manager to execute an agreement with Sherman & Howard in an amount not to exceed \$12,000 for bond counsel services in connection with the proposed issuance by the City of \$6 million in "Ice Arena Enterprise" revenue bonds, and, in the alternative, should the financing be required to be in the form of a lease purchase agreement, an agreement for bond counsel services for the Ice Arena in an amount of \$17,000, and

2. Authorize the City Manager to execute an agreement with Kutak Rock in an amount not to exceed \$13,000 for disclosure counsel services for the proposed \$3.6 million Golf Course Enterprise bond issue for the Countrydale Golf Course, and \$14,000 for disclosure counsel services for the \$6 million Ice Arena project.

Background Information

Prior to issuing the bonds for these various capital improvement projects, it is necessary for the City to retain bond counsel to assist in the structuring of the bond issues. Bond counsel is required to issue a bond opinion concerning the tax-exempt qualification and enforceability of the bonds. It is also necessary for the City to retain disclosure counsel to assist in the preparation of the Official Statements required in connection with the sale of municipal bonds. Disclosure counsel is further required to issue its opinion regarding compliance of the Official Statements with federal securities laws. City Charter section 4.14 requires City Council approval of all agreements with outside legal counsel.

Sherman & Howard's proposed fee of \$12,000 for the Ice Arena project is deemed to be quite favorable given the rather unique structure of this financing involving both an enterprise bond issue (perhaps a lease purchase agreement if, for any reason, enterprise status under Amendment One cannot be achieved), in combination with an anticipated lease agreement with Hyland Hills which, in turn, will be used as the main source of funds for the retainment of the bonds. In the past, the City has paid from \$12,000-20,000 for less complicated bond issues.

Similarly, Kutak Rock's fee for disclosure counsel services in its preparation of the requisite Official Statements is substantially less than the amount the City has paid for similar services in the past. Both firms possess the desired background knowledge to meet the City's needs in terms of the timing and marketing of these issues.

Respectfully submitted,

William M. Christopher
City Manager

Date: February 24, 1997

Subject: West Metro Drug Task Force Intergovernmental Agreement

Prepared By: Matt Raia, Police Captain; and Dan Montgomery, Chief of Police

Introduction

City Council action is requested to approve the attached Intergovernmental Agreement Amendment between the Cities of Arvada, Lakewood, Wheat Ridge, Golden, Jefferson County Sheriff's Department, the District Attorney for the First Judicial District of Colorado and the City of Westminster for participation by the City of Westminster in the West Metro Drug Task Force. This IGA has been reviewed by Assistant City Attorney, Vicky Bunsen, and approved as to legal form.

Summary

In 1995, the police agencies in Jefferson County, have been participating in a joint drug enforcement task force. At the time this task force was initiated, Staff of the Westminster Police Department chose not to participate for a variety of reasons. Several months ago, after meeting with members of the West Metro Drug Task Force, Staff determined that participating with this task force would be a positive endeavor. Three detectives working in the Police Department's Vice/Narcotics Section were temporarily assigned to the West Metro Task Force, pending the IGA Amendment approval, and have become an integral part of this unified, area-wide effort to stop the flow of drugs into the north area.

Staff Recommendation

Authorize the Mayor to sign the Intergovernmental Agreement Amendment between the Cities of Arvada, Lakewood, Wheat Ridge, Golden, Jefferson County Sheriff's Department, the District Attorney for the First Judicial District of Colorado, and the City of Westminster formalizing the City's participation in the West Metro Drug Enforcement Task Force.

Background Information

In 1995, several of the police agencies in Jefferson County decided to form a multi-agency task force for the purpose of drug enforcement. Through an intergovernmental agreement and special deputization by the Jefferson County Sheriff, the task force was developed.

Staff of the Westminster Police Department chose not to participate in the West Metro Task Force. Staff felt it would be better to wait until such time it was certain the task force was productive and effective.

Several months ago, Staff reviewed the feasibility of the Westminster Police Department joining the North Metro and the West Metro Drug Enforcement Task Forces. The task forces have proven to be very effective and it was determined that Westminster's Vice/Narcotics Section would be better utilized by these two task forces. The department's Vice/Narcotics Section was disbanded, and the detectives were temporarily assigned to the two County task forces pending approval of the IGA amendments by City Council.

Three detectives were assigned to the North Metro Task Force in Adams County and are working out of their off-site office. The other three detectives were assigned to the West Metro Task Force and are working out of the off-site office in Jefferson County. City Council approved Staff's formal participation in the North Metro Drug Task Force in November and approval reference participation in the West Metro Task Force will finalize Staff's dual-agency involvement.

The West Metro Task Force is under the control of a Board of Directors, of which Chief Montgomery is now a member. The Board meets periodically to evaluate the task force's progress, set policy, identify and solve problems, and plan for future trends and needs of the task force. The intergovernmental agreement itself, in addition to establishing the Board of Directors, provides for sheriff's office deputization of task force members for jurisdictional purposes. The salaries, benefits and vehicle expenses for all task force members are borne by the participating agencies.

Because drug trafficking recognizes no city boundaries, enforcement efforts are much more effective with a combined agency task force approach than by each agency maintaining their own separate enforcement sections. By not participating with the task force, Westminster's drug enforcement efforts would not be as effective, nor have as great an impact on drug trafficking.

To illustrate the successes of the West Metro Drug Task Force, the following data are noteworthy:

1. West Metro consists of one Lieutenant, five Sergeants, 21 Officers, and a representative of the Jefferson County District Attorney's Office.
2. In 1995/1996 West Metro made 448 arrests.
3. In 1995/1996 West Metro seized the following quantities of controlled substances:
 - 31.25 Kilograms -- Cocaine
 - 56.3 Grams -- Crack Cocaine
 - 1.7 Kilograms -- Opiates
 - 417 Dosage Units of LSD
 - 14.42 Kilograms --Methamphetamine
 - 400.38 Kilograms -- Cannabis
 - 868 Marijuana Plants
 - 622 Dosage Units -- Assorted narcotics/drugs
4. In 1995/1996 four clandestine drug labs were seized.
5. In 1995/1996 in excess of 500 drug cases were initiated.

Staff is convinced that this task force approach is extremely effective, and very much supports this effort.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Intergovernmental Agreement

Date: February 24, 1997
Subject: I-25 Interchange Study IGA
Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested on the intergovernmental agreement (IGA) pertaining to the I-25 Interchange Study. This study involves other interested parties, and will utilize authorized Intermodal Surface Transportation Efficiency Act (ISTEA) funds.

Summary

The existing interchange at I-25 and 120th Avenue has become more congested and it is recognized that additional interchanges are needed to the north along I-25. Previously, an ISTEA funding application was jointly submitted by the Cities of Westminster, Broomfield, and Thornton, and funds have been authorized through the Denver Regional Council of Governments (DRCOG) in the amount of \$276,000 to be received for the desired interchange study, starting in 1998. The attached IGA has been prepared which spells out the process to be used, the "Parties" involved, and the funding commitments. The City of Thornton would act as the lead agency in the consultant(s) study.

Westminster continues to have much interest in pursuing and accomplishing additional interchanges off I-25, north of 120th Avenue, to help alleviate traffic congestion at the 120th interchange as well as establish economic development opportunities.

The current Five Year Capital Improvement Program (1997-2001) anticipates that funding for the City's share of this study may be available in the 1998 Budget. It is highly desirable that preparations for the construction of a new interchange on I-25 proceed as quickly as possible. Therefore, Staff recommends that the necessary \$23,000 share be paid from the current Lowell Boulevard Capital Improvement Project at this time and be refunded to that project account in 1998.

Staff Recommendation

Approve the Intergovernmental Agreement with the Cities of Broomfield and Thornton, which defines the process, participants, and funding for a detailed study and evaluation of possible interchanges north of 120th Avenue on I-25, authorize City officials to execute the agreement and authorize Westminster's financial participation up to \$23,000.

Background Information

An Intergovernmental Agreement involving the Cities of Westminster, Broomfield, and Thornton has been prepared which addresses the process to be used in achieving an interchange evaluation study involving interchange locations along I-25 north of 120th Avenue. These three Cities are considered the primary "Parties" in this agreement, although other interested parties will be invited to participate, including Adams County, City of Northglenn, Colorado Department of Transportation (CDOT), DRCOG, and the MetroNorth Chamber of Commerce. The purpose of the study is to evaluate the various aspects of designing and building interchanges at 128th Avenue, 136th Avenue, and 144th Avenue off I-25.

The Colorado Department of Transportation is involved in the study, since I-25 is a Federal Highway and comes under the jurisdiction of CDOT.

Under the IGA, two Advisory Committees are to be formed which will consist of the Policy Advisory Committee, and the Technical Advisory Committee. This same approach has been used on the Adams County and Jefferson County Transportation plans, and has worked quite well. The Policy Advisory Committee will make final recommendations to the "Parties" (the three key Cities) with respect to alternative location priorities and feasibility. The Policy Advisory Committee shall consist of one member designated by each of the three Cities as well as a member designated for each of the "non-parties" listed above. The Technical Advisory Committee shall review and approve the scope of work for consultant(s), recommend a successful consultant(s) to the "Parties" and have primary responsibility for reviewing the consultant(s) work, especially in the areas of engineering and financial feasibility. The Technical Advisory Committee shall forward their recommendations to the Policy Advisory Committee.

Federal funding has previously been designated by the Denver Regional Council of Governments for this study. The Cities of Westminster and Thornton previously made application for ISTEA funds, which will be available in the 1998 fiscal year which begins October 1, 1997. In the meantime, local funds will be used to commence the consultant(s) work. The City of Thornton will be the lead agency and will enter into negotiations with CDOT for agreements as may be required to complete the study and obtain the necessary Federal and State funding. Each of the three key Cities is required to provide local matching funds in the amount of 20% of the Transportation Improvement Program monies received from the Federal government. This amounts to \$69,000 in total, or \$23,000 for each of the three participating primary "Parties."

The consultant(s) that is selected will be under contract to the City of Thornton, since Thornton will be the lead agency on the project, although the other two primary "Parties" will have an equal determination in the selection of the consultant(s). In order to fulfill Thornton's purchasing requirements, each financially participating City will need to deposit their \$23,000 within 30 days of notification by Thornton. Any unexpended funds, upon termination of the IGA, shall be returned to the financially participating "Parties" in equal amount according to their contribution.

This evaluation study is a key step involved in a multi year effort to secure approval for one or more interchange sites. Given the fact that I-25 is a Federal Highway, there are several key steps, processes, and agencies that will have a direct involvement, including CDOT, DRCOG, and the Federal Highway Administration. Given the fact that the existing 120th Avenue and I-25 interchange is congested now, it is all the more important to move forward with the first step evaluation study so that subsequent steps can be realized as soon in the future as possible.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: February 24, 1997
Subject: 1997 Standley Lake Recreation Program
Prepared by: Richard Dahl, Park Services Manager
Rod Larsen, Park Supervisor

Introduction

City Council action is requested to adopt the recreational fee structure for boating and lake access permits at the Standley Lake Recreation Area for 1997.

Summary

On December 9, 1991, City Council approved a five-year Standley Lake recreation lease with the Farmers Reservoir and Irrigation Company (FRICO). Although 1996 was the last year of the lease, an extension has been granted by (FRICO) due to on-going negotiations with Jefferson County Open Space for the purchase of water recreation rights, land, and appropriate easements for Standley Lake to become a regional park. On January 27, City Council approved a two-year lease extension with FRICO. The new 1997 lease payment is \$62,316 and \$64,186 for 1998, which represents a 3% yearly increase as outlined in the 1992 Lease Agreement between the City and FRICO.

Issuing 600 power boat permits is consistent with the numbers outlined in the Staff Report, titled "Standley Lake Regional Park Proposal," presented to Council on December 30, 1993. In the report, the Department of Parks, Recreation and Libraries and the Department of Public Works and Utilities, as part of an overall Lake management plan, developed a proposed Standley Lake recreation program allowing possible facility development using Jefferson County Open Space funds and a flow of concession and boating operation funds to ensure a self-sustaining Regional Park.

The Intergovernmental Agreement (IGA) adopted by Northglenn, Thornton, and Westminster on November 28, 1994, allows for 600 permits to be issued for power boating when Standley Lake Recreational Area becomes a Regional Park. Fifty boating permits, evenly split between Northglenn and Thornton, will be sold to their residents at the Westminster resident fee structure.

Staff is proposing three alternatives for permit fees. Alternatives 1 and 2 surpass the 1997 Standley Lake operating budget of \$364,073. Alternative 3 leaves fees unchanged from 1996, with projected revenues of \$325,078.

Alternatives: (Compared to 1996 rates)

Alternative 1	Full Season	Weekday	Increase
Resident	\$490	\$385	\$55
Non-resident	\$620	\$460	\$70
Alternative 2			
Resident	\$495	\$390	\$60
Non-Resident	\$625	\$465	\$75

Alternative 3

Resident	\$435	\$330	\$0
Non-resident	\$550	\$390	\$0

Alternatives to Staff Recommendation

Alternative 2 - Increase rates by a higher margin for increased revenue.

Alternative 3 - Keep fees at 1996 levels and reduce operating budget to correspond. Under this alternative revenues would be approximately 325,000, which would result in a reduction of 12% in the 1997 operating budget.

Staff Recommendation

Adopt the 1997 Standley Lake Recreation Area fee structure as proposed by Staff and outlined in Alternative 1 of this Agenda Memorandum.

Background Information

The City of Westminster has leased Standley Lake from the Farmers Reservoir and Irrigation Company (FRICO) as a recreation facility since the mid-1960s. The Standley Lake Recreation Area provides a variety of recreational activities including powerboating, water skiing, sailing, sailboarding, camping, picnicking, fishing, hiking, bicycling, wildlife viewing, and nature study.

As part of the 1997 budget process, City Council approved the following Standley Lake recreation operating budget:

Personnel Services	\$216,099
Contractual Services	\$116,174
Commodities	\$ 10,800
Capital Outlay	<u>\$ 21,000</u>
Grand Total	\$364,073

The multi-year lease which began in 1992 is based on the following lease payment schedule:

1992	\$53,755
1993	\$55,367
1994	\$57,028
1995	\$58,738
1996	\$60,500
1997	\$62,316
1998	\$64,186

The Department of Parks, Recreation and Libraries' primary concern in the operation of Standley Lake is to ensure the safety and health of the visitors using the recreation area. Providing 24-hour security (as required by the lease agreement), staffing for 16 hours of day use, and contracting portable toilet facilities and trash collection service represent 96% of the operating budget. The other 4% is used to purchase medical supplies, signage, and materials to maintain grounds and structures. Because Standley Lake is a 24-hour, 7 day a week program, the staffing and contractual service levels are necessary regardless of the number of people using the facility, which can vary depending on the time of day, weather conditions, and the month.

		VISITATION		
		1994	1995	1996
Resident	25,836	23,837	26,763	
Non-Resident	<u>31,151</u>	<u>25,519</u>	<u>28,157</u>	
		56,987	49,356	54,920

In 1985, the Department of Parks and Recreation issued 1,200 power boat permits at Standley Lake. Since that time, water quality issues have prompted the City to re-evaluate the long-term impact which power boat recreational uses have on the water at Standley Lake. Because of these concerns, City Council has reduced the number of boat permits available and has pursued a conservative approach when dealing with water quality. In 1992, a voluntary boat emissions inspection program was started with support from local boat dealers who provided the service at no charge to lake participants. This program became mandatory in 1993 and all power boats using Standley Lake must pass an emissions inspection before they are permitted access to the lake. Water quality samplings from Standley Lake indicate the 600 powerboat permits approved for 1997, along with the other protective measures regulating recreational activities, have been successful in preventing any water quality degradation.

The following is a price comparison of other lake operations which allow power boating:

	POWERBOATING	CAMPING
Boulder Reservoir \$165/Resident	no facility \$575/Non-Resident	
Union Reservoir \$300/Resident	\$11/night \$400/Non-Resident	
Chatfield & Cherry Creek \$30/year		\$10/night
Carter & Horsetooth \$70/year		included

Standley Lake fees have consistently been higher than most facilities throughout the metro area but staff consistently receives more permit requests than are available. With the Jefferson County Phase I improvements scheduled to begin in the Spring, additional staffing is planned for 1997 to keep the lake open on a year around basis for day use activities.

Three alternatives are provided for Council's review, demonstrating different fee structures which allow Standley Lake to be operated as a self-sustaining operation for 1997. Staff will make the necessary adjustments, based on Council guidelines, to accomplish this task.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: February 24, 1997

Subject: Church Ranch Boulevard Median Landscaping Change Order

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize a change order to the City's contract with Edward Kraemer & Sons, Inc., adding median landscaping to the construction of Church Ranch Boulevard between Old Wadsworth Boulevard and Wadsworth Parkway (Colorado Highway 121). If approved, the original contract amount will be increased by \$202,329, and the work can be included in the existing project schedule without delay. Funds for this change order are available within the project budget for this expense.

Summary

In February 1996, City Council authorized a contract with Edward Kraemer & Sons, Inc. for construction of the extension of Church Ranch Boulevard from Old Wadsworth Boulevard to Colorado Highway 121 at their low bid of \$4,583,843. Work under the original contract is approximately 70 percent complete and should be totally complete in mid-Summer 1997.

The project plans include construction of median areas that were to be landscaped in the future, due to expected project budget constraints. However, the original bids were quite competitive and other project expenditures subsequent to awarding the contract to Kraemer have been lower than expected. The opportunity to include median landscaping as part of the project construction now exists.

Alternatives to the recommended approach include leaving the median areas open for now and returning in the future to landscape them. Assuming that installation of landscaping is desired sooner rather later, the work can be added to the contract with Kraemer at an agreed upon cost; or plans can be formalized and put out for public bidding. Staff is recommending that Kraemer's proposal of \$202,329 be accepted because it is a competitive price and the timing for the work is excellent.

Staff Recommendation

Authorize the City Manager to execute a contract change order with Edward Kraemer & Sons, Inc. for installation of median landscaping in the Church Ranch Boulevard Project between Old Wadsworth Boulevard and Colorado Highway 121; authorize the expenditure of an additional \$202,329 for this work from the project contingency and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Background Information

Using Jefferson County and Federal funds, the City will soon complete construction of Church Ranch Boulevard between Old Wadsworth Boulevard and Colorado Highway 121.

This arterial street connection will complete a major transportation corridor that extends from Standley Lake almost to Denver International Airport. In February 1996, the City awarded a contract for construction of the project to Edward Kraemer & Sons, Inc. based on their low bid amount of \$4,583,843. Work is progressing nicely and should be complete slightly ahead of schedule in the Summer of 1997.

At the time the overall project was bid, landscaping consisted simply of native seeding of all disturbed areas. Median areas were designed to receive landscaping, but because of expected budget constraints, this work was expected to be a future project. However, the bids received were very competitive and changes to the construction contract to date have been minimal. The contract contingency of \$200,000 is largely intact. In addition, costs associated with right-of-way acquisition and other activities have been slightly less than expected.

Given the City's emphasis on enhancement and landscaping of public areas, Staff directed the City's design consultant, BRW, to prepare landscape plans for the medians in proposed Church Ranch Boulevard. These were developed with input from Parks Division who will maintain the landscaping and irrigation facilities. Several approaches were considered for the purpose of securing a price and a contractor to perform the work. A competitive bid might secure the lowest price for the work. Unfortunately, the time that it takes to prepare the bid documents and advertise and receive bids works against the existing project schedule, adding a delay of four to six weeks to the start of the work. In addition, a competitive bid would likely result in having to create a separate contract with another contractor, but have Kraemer and their existing landscape sub-contractor working in the same project area at the same time. This sets up the possibility of conflict and difficulty in keeping both projects on schedule.

The second alternative consists of securing a price from Kraemer and their landscape sub-contractor, RBI, Inc., and adding the work to Kraemer's contract if the price is reasonable. While this is not a competitive bid, the contractors do understand that the City can elect not to do the work at this time and are therefore motivated to quote a competitive price. Several benefits are also inherent in this approach. RBI is already a sub-contractor on the project, and would be mobilized to do seeding on the project this Spring and Summer anyway. A separate contract with a different contractor for the landscaping would not be necessary. In addition, the quick turn-around on the proposal by Kraemer and RBI will allow this work to be started as soon as March 1st. Bidding a separate contract would certainly delay the start of this work and possibly interfere with Kraemer's schedule for the overall project. This also could have a negative impact on the plant material, which is stressed more when installed in Summer rather than in the Spring.

Kraemer's proposed price for the additional landscaping work is \$202,329. Staff and the design consultant have reviewed the proposed unit costs of the work and determined that they are in line with comparable work performed on other projects under similar circumstances. The estimate prepared by the City's design consultant, BRW, prior to the contractor's pricing was slightly over \$201,000. Overall, there will also be savings in some design details that will be supplanted by the landscape features of this design. For example, approximately 40 percent of the slope paving planned for underneath the two grade separation structures can be eliminated in favor of a dry-laid stone retaining wall.

That translates to a savings of approximately \$20,000 in the original contract.

The stone retaining wall was chosen as a landscape feature to mirror similar work done elsewhere in the City, such as at the U.S. 36/Sheridan Boulevard and U.S. 36/104th Avenue interchanges.

It is an attractive way to "ease" some of the steeper ground slopes adjoining the roadway where it crosses below the structures. RBI has chosen Rock & Company to install the wall. Rock has done several of these walls, including the wall on the lawn area of Westminster's City Hall and the entry feature at the Legacy Ridge Golf Course. The combination of Rock's experience, and the quality of their work, RBI's presence on-site already and the ability to smoothly incorporate this work into the general contract for the project make this contract change very attractive. City Staff is recommending approval of a change order to the contract with Edward Kraemer & Sons for \$202,329 to accomplish this landscaping as soon as possible.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: February 24, 1997

Subject: Councillor's Bill No. re Crystal Lake Subdivision Easement Vacations

Prepared by: Richard Borchardt, Civil Engineer

Introduction

City Council action is requested on the attached Councillor's Bill to vacate utility easements located within the Crystal Lake Subdivision, Filing No. 2 Planned Unit Development (PUD) for the San Marino project located at 75th Avenue and Xavier Street (see attached map).

Summary

The Fourth Amended Preliminary Development Plan (PDP) and the Seventh Amended Official Development Plan (ODP) for Crystal Lake Subdivision, Filing No. 2 have changed the building locations and vehicular access location. The new building locations and circulation require the vacation of utility easements previously dedicated to the public.

New utility easements have already been dedicated by the First Replat of Crystal Lake Filing No. 2. City Staff is in agreement with the owner's request that the unnecessary utility easements be vacated. The City Charter mandates that City Council must approve vacations via ordinance.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating the existing utility easements within the Crystal Lake Subdivision, Filing No. 2 Planned Unit Development.

Background Information

An Official Development Plan (ODP) Amendment was approved for Filing No. 2 of the Crystal Lake PUD on February 27, 1987. The ODP Amendment included a site plan showing building locations, utility layout and traffic circulation which were the basis of the easements dedicated in the Final Plat of Crystal Lake Subdivision, Filing No. 2. The ODP for Crystal Lake Subdivision was amended several more times until the Fourth Amended Preliminary Development Plan (PDP) and Seventh Amended ODP were approved on August 28, 1996. These amendments have changed the building locations, utility layout and traffic circulation from the original ODP Amendment on February 27, 1987.

The easements dedicated by the original plat are in conflict with the new building locations, utility layout and traffic circulation. The owner has requested said easements be vacated. Staff has determined that the original easements were not used, i.e. no utility facilities were installed in those easements. Public Service Company, TCI Cable of Colorado and U.S. West are in agreement with the owner's request.

New easements have already been dedicated by the First Replat of Crystal Lake Subdivision, Filing No. 2.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING UTILITY EASEMENTS WITHIN THE CRYSTAL LAKE SUBDIVISION, FILING NO. 2
PLANNED UNIT DEVELOPMENT

WHEREAS, certain utility easements were dedicated by the plat of Crystal Lake Filing 2; and

WHEREAS, these utility easements are no longer necessary due to site revisions approved in the Seventh Amended Crystal Lake Subdivision, Filing No. 2 Official Development Plan; and

WHEREAS, vacation is necessary to develop the property as approved in the Seventh Amended Crystal Lake Subdivision, Filing No. 2 Official Development Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easements described in Section 2 hereof.

Section 2.

The eight (8) foot and six (6) foot easements as shown on the Subdivision Plat of Crystal Lake Subdivision Filing No. 2 (File 16, Map 664, Adams County Records), City of Westminster, County of Adams, State of Colorado being more particularly described as follows:

Easement Description

Beginning at the southeast corner of said Crystal Lake Subdivision, Filing No. 2; Thence S89°50'04"W along the south line of said Crystal Lake Subdivision, Filing No. 2 a distance of 200.16 feet to the True Point of Beginning; thence continuing S89°50'04"W along said south line a distance of 14.69 feet to a point on a non-tangent curve to the right, the radius of said curve is 183.00 feet, the central angle of said curve is 55°02'46", the chord bearing and length of said curve is N27°41'40"W, 169.13 feet; Thence along the arc of said curve a distance of 175.81 feet to the end of said curve; Thence N00°10'17"W, a distance of 174.18 feet; Thence N89°49'43"E, a distance of 8.00 feet to the northwest corner of the vacated portion of Xavier Street (City Ordinance No. 2450, dated September 23, 1996); Thence S00°10'17"E along the westerly line of said vacated portion of Xavier Street (City Ordinance No. 2224, dated June 13, 1994) a distance of 174.18 feet to the beginning of a curve to the left, the radius of said curve is 175.00 feet, the central angle of said curve is 58°59'29", the chord bearing and length of said curve is S29°40'02"E, 172.33 feet; Thence along the arc of said curve a distance of 180.18 feet to the True Point of Beginning. Contains 2817 square feet, more or less; and

Easement Description

Beginning at the southeast corner of said Crystal Lake Subdivision, Filing No. 2; Thence N00°10'17"W along the east line of said Crystal Lake Subdivision, Filing No. 2 a distance of 40.00 feet to the True Point of Beginning, said point also being a point on a non-tangent curve to the right, the radius of said curve is 15.00 feet, the central angle of said curve is 90°00'21", the chord bearing and length of said curve is S44°49'54"W, 21.21 feet; Thence along the easterly line of the vacated portion of Xavier Street (City Ordinance No. 2224, dated June 13, 1994) and along the arc of said curve a distance of 23.56 feet to the end of said curve;

Thence S89°50'04"W along said easterly line a distance of 95.01 feet to the beginning of a curve to the right, the radius of said curve is 125.00 feet, the central angle of said curve is 89°59'39", the chord bearing and length of said curve is N45°10'06"W, 176.77 feet; Thence along said easterly line and along the arc of said curve a distance of 196.34 feet to the end of said curve; Thence N00°10'17"W along said easterly line a distance of 218.90 feet to the beginning of a curve to the left, the radius of said curve is 117.00 feet, the central angle of said curve is 89°59'39", the chord bearing and length of said curve is N45°10'02"W,

165.45 feet; Thence along the arc of said curve a distance of 183.77 feet to the end of said curve; Thence N89°50'04"E, a distance of 95.01 feet to the beginning of a curve to the left, the radius of said curve is 15.00 feet, the central angle of said curve is 90°00'21", the chord bearing and length of said curve is N44°49'54"E, 9.90 feet; Thence along the arc of said curve, a distance of 11.00 feet to the end of said curve; Thence N89°49'43"E, a distance of 8.00 feet to the True Point of Beginning. Contains 4170 square feet, more or less; and

Easement Description

Beginning at the southeast corner of said Crystal Lake Subdivision, Filing No. 2; Thence S89°50'04"W along the south line of said Crystal Lake Subdivision, Filing No. 2, a distance of 200.16 feet to a point on the westerly line of the vacated portion of Xavier Street (City Ordinance No. 2224, dated June 13, 1994), said point also being a point on a non-tangent curve to the right, the radius of said curve is 175.00 feet, the central angle is 58°59'29", the chord bearing and length of said curve is N29°40'02"W, 172.33 feet; Thence along said westerly line and along the arc of said curve a distance of 180.18 feet to the end of said curve; Thence N00°10'17"W along said westerly line a distance of 46.76 feet to the True Point of Beginning; Thence S89°49'43"W, a distance of 93.86 feet to the beginning of a curve to the right, the radius of said curve is 168.00 feet, the central angle of said curve is 31°30'00", the chord bearing and length of said curve is N74°25'17"W, 91.20 feet; Thence along the arc of said curve a distance of 92.36 feet to the end of said curve; Thence N58°40'17"W a distance of 87.24 feet to a point on a non-tangent curve to the right, the radius of said curve is 15.00 feet, the central angle of said curve is 53°07'48", the chord bearing and length of said curve is S85°14'11"E, 13.42 feet; Thence along the arc of said curve a distance of 13.91 feet to the end of said curve; Thence S58°40'17"E a distance of 75.24 feet to the beginning of a curve to the left, the radius of said curve is 162.00 feet, the central angle of said curve is 31°30'00", the chord bearing and length of said curve is S74°25'17"E, 87.95 feet; Thence along the arc of said curve a distance of 89.06 feet to the end of said curve; Thence N89°49'43"E, a distance of 93.86 feet to a point on the westerly line of the vacated portion of Xavier Street (City Ordinance No. 2224, dated June 13, 1994); Thence S00°10'17"E along said westerly line a distance of 6.00 feet to the True Point of Beginning. Contains 1609 square feet, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of March, 1997.

ATTEST:

Mayor

City Clerk

Date: February 24, 1997

Subject: Westminster Promenade Landscaping Agreement

Prepared by: Alan Miller, Assistant City Manager

Introduction

City Council action is requested to authorize the City Manager to enter into an agreement with Sasaki Associates, Inc. to provide landscape architect/civil engineering service to the City of Westminster, to provide schematic design for the Westminster Promenade for that area located east of Westminster Boulevard. Funds for this expense are available in the Westminster Promenade project budget in the General Capital Improvement Fund.

Summary

A project team of Bill Christopher, John Carpenter, Bill Walenczak and Alan Miller interviewed landscape architectural firms for the purpose of selecting a firm to provide landscape design services for the Promenade project area located east of Westminster Boulevard. This part of the Westminster Promenade is owned entirely by the City and it is where the ice arena is planned as well as other development. It is generally anticipated that the Westminster Promenade would extend from Westminster Boulevard and connect to a major gathering place, focal point along Big Dry Creek in Westminster City Park. The landscaping services would include design of the Promenade itself, design of a lake feature, design of buffer areas adjacent to the Sheridan Green site landscaping, and design of detention pond features necessary to handle drainage from the site.

The three firms interviewed were: Design Studios West; Denton, Harper, Marshall (DHM) Design; and Sasaki Associates, Inc. These firms were selected due to their experience with Promenade and urban landscaping type projects. The firm of Sasaki Associates, Inc. from Watertown, Massachusetts was clearly the top choice due to their extensive experience with urban design that has included projects in such areas as Buffalo, New York; Charleston, South Carolina; Cleveland, Ohio; Dallas, Texas; and Indianapolis, Indiana. Sasaki Associates has also won numerous awards for their work on these type projects. It is also advantageous that Sasaki Associates is part of the design team on the ice arena project. Sasaki Associates brings an international reputation to this project and should provide the necessary quality and creativity of work desired by the City to make the Westminster Promenade a truly showcase project. Also, of importance was Sasaki Associates previous work experience with Communication Arts on the Boulder Mall project. Sasaki Associates was the clear choice of the Westminster Promenade project team.

Staff Recommendation

Authorize the City Manager to enter into a first phase schematic design agreement with Sasaki Associates, Inc. in the amount of \$87,000 with a project contingency of \$12,000 with the expense to be charged to the appropriate project account in the General Capital Improvement Fund.

Background Information

The Westminster Promenade project is now under construction on the west side of Westminster Boulevard that will include the 24 screen AMC Theater, parking for 2,400 cars, and the Promenade itself consisting of fountains, gazebos, seating areas, planter boxes, attractive lighting and signage. The Westminster Promenade project is intended to be a pedestrian oriented, leisure, business and entertainment complex that will be a focal point for family use in the City of Westminster. The success of the project depends upon high quality design, its pedestrian orientation, and creating a place that people will enjoy visiting time and time again for leisure and business activities. Now that the western portion of the Westminster Promenade is under construction and plans are proceeding with the ice arena, it is appropriate that the design commence on the east side of the Westminster Promenade to complete the entire project.

One of the key focal points of the entire Promenade will be the lake feature located just east of Westminster Boulevard and on the south side of the Promenade itself. The design of the Promenade extends east from Westminster Boulevard and will be important to set the design theme and mood of the development as it extends from the more active area to a slightly lower level of activity as it extends east to connect to City Park. City Staff is currently in negotiations with a potential developer for the rest of the Westminster Promenade site other than the ice arena and if these negotiations are successful, the developer wishes to be under construction by late this year or early next year. It is extremely desirable to have the majority of the Westminster Promenade under construction as near to the same time as possible to create a more unified project all at one time. It also would be desirable to have the Westminster Promenade constructed at the time the ice arena is constructed. The timing is therefore appropriate to proceed with the landscape architecture firm, establishing the design of the Promenade which is intended to be compatible with the Promenade design east of Westminster Boulevard, but not utilizing exactly the same design. Staff believes it is important to proceed first with the schematic design to pin down costs, design theme and address basic site grade issues. A second construction phase contract with Sasaki Associates is anticipated upon completion of the first phase.

In Staff's opinion, Sasaki Associates, Inc. seems to be the ideal choice with their experience working with Communication Arts, their experience working with numerous other urban design projects, and their international reputation for outstanding landscape architecture. In addition, since Sasaki Associates is part of the design team on the ice arena, it is an ideal opportunity to blend the architecture and Promenade design throughout the Promenade project east of Westminster Boulevard.

City Staff is extremely excited that a design firm the caliber of Sasaki Associates, Inc. will be available to work on the project utilizing their lead landscape designer Stu Dawson. Mr. Dawson has an international reputation and more than 30 years experience in the field.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: February 24, 1997
Subject: Councillor's Bill No. re El Fugitivo Settlement Appropriation
Prepared by: Mike Simmons, Management Assistant

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating funds as part of the conclusion to the El Fugitivo settlement agreement.

Summary

On October 14, 1996, City Council approved a settlement agreement with the El Fugitivo Nightclub, located at the Westminster Plaza, whereby the City agreed to pay \$350,000 to El Fugitivo to terminate all existing and future litigation between the two parties.

This 1996 Budget housekeeping action will use \$280,000 in revenue above budget from 1996 Sales Tax to cover the expense. The other \$70,000 was absorbed through savings in the General Fund Central Charges budget.

Staff Recommendation

Pass Councillor's Bill No. on first reading appropriating \$280,000 from 1996 Sales Tax revenue to the 1996 General Fund Central Charges litigation account.

Background Information

In October 1996, the City agreed to pay El Fugitivo Nightclub \$350,000 as part of the terms in a settlement agreement. The City can absorb \$70,000 of this cost in the General Fund Central Charges operating budget. The remaining portion of the expense can be funded through greater than anticipated 1996 Sales Tax revenue. Thus, the supplemental appropriation calls for the transfer of \$280,000 from the 1996 Sales Tax revenue account to the appropriate expenditure account in the General Fund Central Charges budget.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1996 BUDGET OF THE GENERAL FUND AND THE SALES & USE TAX FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1996 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1996 appropriation for the General Fund, initially appropriated by Ordinance No. 2385 in the amount of \$42,517,000 is hereby increased by \$280,000 which, when added to the fund balance as of the City Council action on February 10, 1997 will equal \$46,341,251. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a transfer from the Sales & Use Tax Fund for purposes of paying the El Fugitivo settlement.

Section 2. The \$280,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Transfer from S&U Tax Fund		
10-9999-530	\$29,616,000	<u>\$280,000</u>
\$29,896,000		
<u>EXPENSES</u>		
Professional services-litigation		
10-10-90-209-258	\$-0-	<u>\$280,000</u>
\$280,000		

Section 3. The 1996 appropriation of the Sales & Use Tax Fund, initially appropriated by Ordinance 2385 in the amount of \$36,099,000 is hereby increased by \$280,000, which when added to the Fund Balance as of the City Council action date on February 10, 1997 will equal \$41,315,960. The actual amount in the Sales & Use Tax Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a excess sales tax revenues to fund the El Fugitivo settlement.

Section 4. The \$280,000 increase in the Sales & Use Tax Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Sales Tax Returns		
53-0104-600	\$28,675,000	<u>\$280,000</u>
\$28,955,000		
<u>EXPENSES</u>		
Transfer to General Fund		

53-10-95-990-910
\$29,896,000

\$29,616,000

\$280,000

Section 5 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 17th day of March, 1997.

ATTEST:

Mayor

City Clerk

Date: February 24, 1997
Subject: Councillor's Bill No. re Liquor Licenses
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill, adding brew pub liquor licenses and allowing bed & breakfast permits.

Summary

Recently the State Law was amended to allow a new category of liquor licenses for brew pubs. An amendment to the types of licenses that are issued has been made to include bre pubs.

In addition, in 1994 a State Law was passed to allow Bed and Breakfast permit holders to provide complementary alcoholic beverages to overnight guests only, subject to restrictions. Since there are no Bed & Breakfast facilities within the City of Westminster, this amendment was not time sensitive. Since this section of the Code is being amended, it was decided to add this State allowed permit at this time for future users.

Staff Recommendation

Pass Councillor's Bill No. on first reading amending the Municipal Code to include brew pub licenses and bed and breakfast permits within liquor licenses.

Background Information

The Special Permit and License Board has been provided with a copy of this proposed ordinance. The Board will be meeting on Wednesday, February 26th, and if there are any suggested changes proposed by the Board, the feedback from the Board will be provided to City Council as part of second reading of the ordinance scheduled for March 17th.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING BREW PUB LICENSES AND BED AND BREAKFAST PERMITS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 4-5-3, W.M.C., is hereby AMENDED as follows:

4-5-3: OCCUPATION TAX: The following annual occupation taxes are hereby established and shall be paid by the liquor license applicant or liquor licensee to the City:

	<u>License</u>	<u>Tax</u>
(1)	Retail liquor store license	\$150
(2)	Liquor-licensed drugstore license	\$150
(3)	Beer and wine license	\$150
(4)	Hotel and restaurant license	\$325
(5)	Tavern license	\$325
(6)	Club license	\$100
(7)	Arts license	\$100
(8)	Racetrack license	\$325
(9)	All licenses to sell fermented malt beverages	\$150
(10)	BREW PUB LICENSE	\$325

Section 2. Section 5-14-4, W.M.C., subsection (A) is hereby AMENDED AND NEW SUBSECTIONS (J) AND (K) are added as follows:

5-14-4: LICENSE APPLICATIONS:

(A) The following licenses may be issued by the Licensing Authority under this Chapter:

1. Fermented malt beverages:
 - (a) For consumption off the premises of the licensee;
 - (b) For consumption on the premises of the licensee;
 - (c) For consumption both on and off the premises of the licensee.
 - (d) Temporary Permit, for the continuance of the sale of fermented malt beverages by a transferee pending the transfer of the permanent license;
 - (e) Temporary License for the continuance of the sale of fermented malt beverages by a licensee whose license has expired where the licensee has applied for a permanent license;
2. Retail liquor store;
3. Liquor-licensed drugstore;
4. Beer and wine;
5. Hotel and restaurant;
6. Hotel and restaurant with optional premises
7. Tavern;
8. Club;
9. Arts;
10. Racetrack; ~~and~~

11. Temporary Permit for the continuance of the sale of alcoholic beverages by a transferee pending the transfer of the permanent license;

12. Temporary License for the continuance of the sale of alcoholic beverages by a licensee whose license has expired where the licensee has applied for a permanent license;
13. Special events permit;
14. BREW PUB LICENSE; AND
15. BED AND BREAKFAST PERMIT.

(J) BREW PUB LICENSES SHALL BE ISSUED PURSUANT TO THE PROCEDURES SPECIFIED BY STATE LAW.

(K) BED AND BREAKFAST PERMITS SHALL BE ISSUED PURSUANT TO THE PROCEDURES SPECIFIED BY STATE LAW.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of February, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of March, 1997.

ATTEST:

Mayor

City Clerk

Date: February 24, 1997
Subject: Financial Report for January 1997
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1997 transactions through January, 1997.

Summary

There are three sections to the attached report:

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

General Fund revenues represent 7% of the total budget estimate while General Fund expenditures and encumbrances represent 9% of the 1997 appropriation.

Utility Fund revenues represent 9% of the total budget estimate. Utility Fund expenditures and encumbrances represent 17% of the 1997 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 11% of the total budget estimate, while expenditures and encumbrances in that fund represent 8% of the 1997 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 4% from the same period last year and increased 4% year-to-date.

The Open Space Fund revenues represent 12% of the total budget estimate while expenditures and encumbrances in that fund represent 18% of the 1997 appropriation.

The Golf Course Fund revenues represent 1% of the total budget estimate while expenditures and encumbrances in that fund represent 12% of the 1997 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures.

Theoretically, 8% of revenues and expenditures should be realized after one month in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments