



WESTMINSTER  
COLORADO

**FEBRUARY 28, 2000**  
**7:00 P.M.**  
**AGENDA**

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
5. Citizen Communication
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. Big Dry Creek at Interstate 25 Change Order to TARCO for \$90,904 and Sear-Brown Group for \$9,904
  - B. Purchase of Staff Vehicles to Century Chevrolet for 8 Malibu sedans for \$107,746.92
  - C. City Park Conceptual Master Planning and Skate Park Consultant Services to The Architerra Group for \$51,700
  - D. Purchase of Water Rescue Vehicle Replacement from American LaFrance Transwest for \$49,929
  - E. Councillor's Bill No. 13 re Westminster Promenade Parking Lot Project Supplemental Appropriation (Merkel-Hicks)
  - F. Councillor's Bill No. 14 Children's Sensory Park Supplemental Appropriation for \$35,000 (Hicks-Moss)
9. Appointments and Resignations
  - A. TABLED Resolution No. 14 re Re-appointments and new appointments to Transportation Commission
10. Public Hearings and Other New Business
  - A. TABLED Councillor's Bill No. 15 re City Personnel Management
  - B. JD Edwards negotiated contract for Human Resources, Payroll and Financial Management System not to exceed \$615,000.
  - C. Resolution No. 17 re 1 full-time, benefited Software Engineer I/II position
  - D. Purchase of Open Space near Standley Lake 4.5 acres for \$54,100 from First American State Bank
  - E. Sale of City Owned Parcel of 1.28 acres located east of Sheridan Boulevard west of Wolff Street at 116<sup>th</sup> Avenue to Weatherstone developer for \$31,500
  - F. Councillor's Bill No. 16 re AT&T Wireless Services of Colorado Lease at the Ice Centre
  - G. Councillor's Bill No. 17 re Playground/Trail at West View Recreation Center Supplemental Appropriation
  - H. Resolution No. 18 re Westminster T-Ball Complex Service Commitments
  - I. Contracts with Ideal Fencing Corp for \$46,300; NOR\_COLO Utilities for \$89,325.30 and Legacy Land Services for \$111,675.30 for Westminster T-Ball Complex Construction
  - J. IGA with Jefferson County Schools and Jefferson County for 96<sup>th</sup> Avenue connection between Pierce and Teller Streets
  - K. Resolution No. 19 re acquisition of rights-of-way and easements necessary for the 96<sup>th</sup> Avenue Extension project
  - L. Councillor's Bill No. 18 appropriating \$40,880 to the Westminster Promenade Project Overflow Parking Lot Improvements

**10. Public Hearings and Other New Business (continued)**

- M. Change order with Hoffman Construction Company for \$40,880 for Overflow Parking Lot Improvements at Westminster Promenade
- N. Resolution No. 20 re 2000 Recovery Contract Interest Rate
- O. Resolution No. 21 re Big Dry Creek Trail Land Acquisition
- P. Resolution No. 22 re Storm Drainage Design and Technical Criteria formalizing procedures
- Q. Amendment to Assistance Agreement for the Remodeling of the Westminster Mall
- R. Certify Irrevocable Pledge of \$7.5 million re Westminster Mall Remodeling Project

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

None

**12. Citizen Presentations and Miscellaneous Business**

- A. Financial Report for January, 2000
- B. City Council
- C. Request for Executive Session
  - 1. Potential Park/Open Space Acquisition

**13. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, FEBRUARY 28, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel, Moss 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 Atchison and seconded by Dixon to accept the minutes of the meeting of February 14, 2000 with no additions or corrections. Mayor Heil and Councillor Merkel requested to abstain as they were not present at the meeting. The motion carried with 5 aye votes and Mayor Heil and Councillor Merkel abstaining.

A motion was made by Atchison and seconded by Dixon to accept the minutes of the special meeting of February 22, 2000 with no additions or corrections. Councillor Smith requested to abstain as she was not present at the meeting. The motion carried with 6 aye votes and Councillor Smith abstaining.

CITY COUNCIL COMMENTS:

Mayor Heil thanked Mayor Pro Tem Dixon, Council, Staff and employees for all the support she received during her illness. Councillor Hicks commented on the Ranum Community Talent Show; Councillor Smith welcomed the Mayor back and Mayor Pro Tem Dixon reported on the Stewardship meeting on the Rocky Flats Burn and advised the Council and the audience that the City would receive only a 24 hour notice before any scheduled burn would occur. The City has objections to the burn and the monitoring. The burn is scheduled to occur within the next 30 days.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Big Dry Creek at I-25 Change Order - Authorize the City Manager to execute a construction contract change order with TARCO, Inc. for \$90,904.00 and a construction services change order with the Sear-Brown Group for \$9,904 for additional work performed on the Big Dry Creek/Interstate 25 drainage improvement project and charge the expenses to the appropriate Utility Fund project account; Purchase of City Staff Vehicles - Award bid for eight Chevrolet Malibu sedans to the low bidder, Century Chevrolet in the amount of \$107,746.92 and charge the expense to the appropriate 2000 Police Department, Community Development and Public Works and Utilities Department General Fund Budget accounts; City Park Conceptual Master Planning and Skate Park Consultant Services - Authorize City Manager to sign a contract with the Architera Group in the amount of \$51,700 for conceptual master planning, site design, construction documentation and construction administration assistance and charge expense to the appropriate General Capital Improvement Fund accounts; Purchase of Replacement Water Rescue Vehicle - Award bid for the purchase of a step van for the Fire Department to the second low bidder, American LaFrance Transwest in the amount of \$49,929 based on a finding that this action will best serve the public interest, and charge the expense to the appropriate Fire Department budget account; Councillor's Bill No. 13 - Westminster Promenade Parking Lot Project Appropriation; and Councillor's Bill No. 14 - Children's Sensory Park Supplemental Appropriation. 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 Dixon and seconded by Atchison to adopt the Consent Agenda items as presented. The motion carried unanimously.

COUNCILLOR'S BILL NO. 15 – CITY PERSONNEL MANAGEMENT:

A motion was made by Atchison and seconded by Hicks to remove Councillor's Bill No. 15 from the Table. The motion carried unanimously.

A motion was made by Atchison and seconded by Hicks to pass Councillor's Bill No. 15 on first reading pertaining to City Personnel Management provisions. Upon roll call vote, the motion carried unanimously.

SOFTWARE PURCHASE FOR NEW HR/PAYROLL AND FINANCIAL MANAGEMENT SYSTEM:

A motion was made by Smith and seconded by Merkel to direct Staff to negotiate a contract with JD Edwards for the purchase of software, installation services and two-year maintenance of a Human Resources, Payroll and Financial Management System, and authorize the City Manager to sign the contract on behalf of the City for an amount not to exceed \$615,000. The motion carried unanimously.

RESOLUTION NO. 17 – SOFTWARE ENGINEER I/II POSITION:

A motion was made by Smith and seconded by Merkel to adopt Resolution No. 17 authorizing the addition of one full-time, benefited Software Engineer I/II position to the staffing levels approved as part of the 2000 Budget. Upon roll call vote, the motion carried unanimously.

PURCHASE OF OPEN SPACE NEAR STANDLEY LAKE:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to sign the necessary documents to purchase for Open Space purposes, approximately 4.5 acres of land, at a cost of \$54,100 from First American State Bank, and charge the expense to the Open Space Fund. The motion carried unanimously.

SALE OF CITY OWNED PARCEL:

A motion was made by Hicks and seconded by Atchison to authorize the City Manager to sign all the necessary documents to complete the sale of an approximate 1.28 acre remainder parcel of land to the Weatherstone developer for \$31,500, a portion of which is to be replatted to the City as Wolff Street, and reimburse the Open Space Fund in this amount. The motion carried unanimously.

COUNCILLOR'S BILL NO. 16 – AT&T WIRELESS SERVICES LEASE AT THE ICE CENTRE:

A motion was made by Moss and seconded by Merkel to pass Councillor's Bill No. 16 on first reading authorizing the City Manager to sign a lease agreement between the City of Westminster and Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and AT&T Wireless Services of Colorado, Inc. for the lease of approximately 485 square feet of space in the Ice Centre at the Promenade. Michael Kortendick, Project Director for American Tower Corp., was present to address Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 17 – WEST VIEW RECREATION CENTER PLAYGROUND/TRAIL:

A motion was made by Smith and seconded by Dixon to pass Councillor's Bill No. 17 on first reading appropriating \$75,000 into the General Capital Improvement Fund, increasing the project budget by \$75,000, and authorize the use of these funds for playground and trail construction at the West View Recreation Center. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 18 – WESTMINSTER T-BALL COMPLEX SERVICE COMMITMENTS:

A motion was made by Hicks and seconded by Merkel to adopt Resolution No. 18 allocating 5.9 Category F water service commitments to Westminster T-Ball Complex and authorize the payment of tap fees in the amount of \$42,050 from the Westminster T-Ball Complex construction account. Upon roll call vote, the motion carried unanimously.

WESTMINSTER T-BALL COMPLEX CONSTRUCTION:

A motion was made by Hicks and seconded by Merkel to authorize the City Manager to sign contracts with Ideal Fencing Corporation for \$46,300; NOR-COLO Utilities for \$89,325.30; and Legacy Land Services for \$111,675.30 for Westminster T-Ball Complex construction. The motion carried unanimously.

WEST 96<sup>TH</sup> AVENUE EXTENSION PIERCE STREET TO TELLER STREET IGA'S:

A motion was made by Merkel and seconded by Hicks to authorize the City Manager to execute the Intergovernmental Agreements with Jefferson County Schools and Jefferson County regarding the funding of design, right-of-way acquisition, construction and project administration for the construction of the 96<sup>th</sup> Avenue connection between Pierce and Teller Streets. The motion carried with 6 aye votes and a dissenting vote by Atchison.

RESOLUTION NO. 19 – WEST 96<sup>TH</sup> AVENUE EXTENSION RIGHTS-OF-WAY ACQUISITION:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 19 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the 96<sup>th</sup> Avenue Extension project, through eminent domain, if necessary; and authorize the necessary expenditures for acquisition costs and all related expenses which shall be charged to the appropriate capital project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried with 6 aye votes and a dissenting vote by Atchison.

COUNCILLOR'S BILL NO. 18 – PROMENADE OVERFLOW PARKING PROJECT APPROPRIATION:

A motion was made by Moss and seconded by Hicks to pass Councillor's Bill No. 18 on first reading appropriating \$40,880 to the Westminster Promenade Project from the General Fund Contingency. Upon roll call vote, the motion carried unanimously.

CHANGE ORDER FOR WESTMINSTER PROMENADE OVERFLOW PARKING PROJECT:

A motion was made by Moss and seconded by Merkel to authorize the City Manager to execute a change order with Hoffman Construction Company in an amount not to exceed \$40,880 to pave an overflow parking lot in the future parking structure area of the Westminster Promenade. The motion carried unanimously.

RESOLUTION NO. 20 – 2000 RECOVERY CONTRACT INTEREST RATES:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 20 establishing the 2000 calendar year interest rate for non-City-funded public improvement recovery contracts at 10.75 percent and an interest rate of 6.00 percent for City-funded public improvements. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 21 – BIG DRY CREEK TRAIL LAND ACQUISITIONS:

A motion was made by Merkel and seconded by Heil to adopt Resolution No. 21 authorizing Staff to proceed with acquisition of sufficient right of way and easements for the Big Dry Creek Trail Project, through continued negotiations if possible, and through eminent domain if necessary, and charge the expense for this acquisition to the City Open Space Fund. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 22 – ADOPTION OF STORM DRAINAGE DESIGN/TECHNICAL CRITERIA:

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 22 adopting the City's Storm Drainage Design and Technical Criteria; setting the initial purchase price of a copy of the Storm Drainage Criteria at \$20; and authorize the City Manager to issue future revisions to the Storm Drainage Criteria to reflect changes in City policy and advances in technical design. Upon roll call vote, the motion carried unanimously.

AMENDMENT TO ASSISTANCE AGREEMENT FOR WESTMINSTER MALL REMODELING:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to execute the amendments to the assistance agreement for the remodeling of the Westminster Mall dated August 1999 in substantially the same form as that attached to the Agenda Memorandum. The motion carried unanimously.

CERTIFY IRREVOCABLE PLEDGE FOR WESTMINSTER MALL REMODELING PROJECT:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to certify that the City has irrevocably pledged \$7.5 million of the proceeds from the 1999 Certificate of Participation financing issued for the Westminster Mall Remodeling project. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the January 2000 Financial Report.

Councillor Atchison stated he will be working with School District 50 on the selection of a replacement for Superintendent Mike Massaroti. Councillor Moss addressed the open space purchased of 4.5 acres that had been authorized by City Council tonight and how valuable it was for the City to acquire this property, as well as the sale of the 1.28 acre property. Councillor Smith asked about the status of JeffCo Trails 2000. Councillor Merkel, Mayor Pro Tem Dixon and Mayor Heil all wished Galen Requist good luck in his renewed career.

Mayor Heil stated there would be an Executive Session on a potential Park/Open Space acquisition.

ADJOURNMENT:

The meeting was adjourned at 7:40 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** February 28, 2000

**Subject:** Big Dry Creek at Interstate 25 Change Order

**Prepared by:** Sheila Beissel, Senior Civil Engineer

#### Introduction

City Council action is requested to authorize change orders to the City's contracts with TARCO, Inc. in the amount of \$90,904 and the Sear-Brown Group in the amount of \$9,904 to address unanticipated construction conditions on the Big Dry Creek at I-25 drainage improvement project. Funds for these change orders are available within the 1999 Utility Fund.

#### Summary

- In December of 1998, City Council awarded a contract to TARCO, Inc. for the construction of drainage improvements at the I-25 crossing of Big Dry Creek.
- While this work was in progress, 136<sup>th</sup> Avenue was selected as the site of a new interchange on I-25. It was determined that a ramp for the future interchange would necessitate the widening of the same bridge that TARCO was currently improving. In the interest of cost efficiency, City Council approved a change order to TARCO to perform the widening needed for the future interchange ramp.
- An unusually high number of rainstorms and certain irrigation flow diversions during the course of the construction of the bridge widening caused TARCO to incur \$90,904 of additional costs caused by the flooding of the work site.
- The Sear-Brown Group, the City's consultant providing construction-engineering services on the project, also incurred \$9,904 of additional expenses due to the delay caused by the flooding.
- TARCO's original contract amount was \$661,003.50. This is the third change order requested by the contractor. Change Order No. 1, which resulted from unanticipated poor soil conditions at the work site, was approved by the City Council in the amount of \$120,998.75 in January of 1999. Change Order No. 2, in the amount of \$139,800.75, was authorized by City Council in March of 1999 to pay for the material and labor costs of the bridge widening. Therefore, this third requested change order of \$90,904 brings the total sum of contract additions to \$351,703.50.
- The Sear-Brown Group's original contract amount was \$70,400. Change Order No. 1 to their contract, in the amount of \$26,313, was approved by City Council in March to pay for the design of the bridge widening. Therefore, this second requested change order of \$9,904 brings the total sum of their contract addition to \$36,217.
- It is likely that the 136<sup>th</sup> Avenue interchange on I-25 will be financed in part through some sort of special district. If so, City Staff intends to request that costs associated with the widening of the I-25 Bridge over Big Dry Creek be reimbursed by the special district. Hence, TARCO's Change Orders No. 2 and 3 (totaling \$230,704.75) as well as Sear-Brown's Change Orders No. 1 and 2 (totaling \$36,217) may be reimbursed to the City.

### **Staff Recommendation**

Authorize the City Manager to execute a construction contract change order with TARCO, Inc. for \$90,904.00 and a construction services change order with the Sear-Brown Group for \$9,904 for additional work performed on the Big Dry Creek/Interstate 25 drainage improvement project and charge the expenses to the appropriate Utility Fund project account.

### **Background**

In December 1998, City Council authorized the City Manager to execute a contract with TARCO, Inc. for the construction of drainage improvements at Interstate 25 and Big Dry Creek and channel improvements east of Huron Street. The completion of both projects would remove the Big Dry Creek Wastewater Treatment Plant (BDCWWTP) from the 100-year floodplain. However, to minimize the conflicts with the construction of the Water Reclamation Facility near Huron Street, the channel improvement portion of the project was postponed. Thus, TARCO, Inc. was only awarded the construction of the Interstate 25 drainage improvements.

The project was originally scheduled for completion in May 1999. Since the majority of the work would be in the Big Dry Creek channel bed, the project construction was scheduled by City Staff for the winter season to avoid the irrigation flows in Big Dry Creek and to minimize the potential impact of rain storm/runoff events. The project was bid by the contractors assuming construction during the low flow season for Big Dry Creek.

In February 1999, 136<sup>th</sup> Avenue was selected as the next future I-25 interchange location. The preliminary design for the 136<sup>th</sup> Avenue interchange indicated that the I-25 bridge over Big Dry Creek will need to be widened by 15-feet to the west to accommodate the future southbound acceleration/merge lane of the proposed interchange. A decision was made to re-design the bridge inlet to accommodate this widening and avoid the need to remove and reconstruct the bridge inlet again with the 136<sup>th</sup> Avenue interchange project. Since the widening of the bridge is for the sole purpose of accommodating the future ramp for the 136<sup>th</sup> Avenue/I-25 Interchange, City Staff fully intends to submit these costs for reimbursement to the City if and when an improvement district is formed to fund the interchange project.

Due to the time needed for the design review and necessary approvals, the project construction was delayed for two months (February and March 1999). The new anticipated completion date became July of 1999. A change order was approved in March 1999 to adjust for the material quantities; however, the original amount bid for water handling was not adjusted since the weather conditions were unknown.

Unfortunately, several rainstorms did occur in the spring and summer which affected construction, as did the City of Thornton's irrigation diversions. The runoff from these storms and the irrigation diversions caused site flooding, necessitated the repair of temporary diversion structures, the removal of silt deposits, and site de-watering. The change order with TARCO, Inc. would address those increased costs incurred by TARCO, Inc. The change order to the construction inspection services contract with the Sear-Brown Group would allow for the additional number of inspections due to the longer project time.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 28, 2000

**Subject:** Purchase of City Staff Vehicles

**Prepared by:** Carl F. Pickett, Purchasing Specialist

**Introduction**

City Council action is requested to award the bid for six replacement pool cars and two new pool cars in the amount of \$107,746.92. The vehicles will be used by the following Departments: Police Department, five cars, one for Administrative Services, one for Neighborhood Services, two for Investigations, and one for Victim Services; Community Development, two cars, one for Administrative Services and one for Housing Inspection; Public Works and Utilities, one for the Streets Division. Funds have been specifically allocated in the 2000 General Fund, Police Department, Community Development, and Public Works and Utilities Department Budgets for this expense.

**Summary**

In January 2000, the City's Purchasing Specialist sent out formal bid requests for eight (8) model year 2000 Chevrolet Malibu sedans for use by City Staff. The six replacement sedans and two new sedans were previously approved by City Council in the 2000 budget. The low bid submitted by Century Chevrolet is being recommended for this purchase.

An alternative to the proposed action would be to purchase the Dodge counterpart to the Chevrolet Malibu sedan using the State Bid. However, through the City's bidding process, the City was able to secure a lower price for the Chevrolet than Dodge could provide for its Dodge Stratus. The Chevrolet Malibu was sought out to provide the City with a vehicle that would conform to fleet standardization requirements.

**Staff Recommendation**

Award the bid for eight Chevrolet Malibu sedans to the low bidder, Century Chevrolet in the amount of \$107,746.92 and charge the expense to the appropriate 2000 Police Department, Community Development and Public Works and Utilities Department General Fund Budget accounts.

**Background Information**

As part of the 2000 Budget, City Council approved the purchase of eight sedans for City Staff. These vehicles will provide two new sedans for the City and replace six sedans, Units #2144, #8100, #6001, #2102, #8154, and #8107. All of these vehicles have reached a point that it is no longer economically reasonable to maintain them in full service. Unit #2144 is a 1996 Chevrolet Corsica that has a total mileage of 87,368 miles and has cost \$3,573 to operate since purchased in 1996. Unit #8100 is a 1990 Chevrolet Corsica that has a total mileage of 78,710 miles and has cost \$4,953 to operate since 1994. Unit #6001 is a 1990 Chevrolet Corsica that has a total mileage of 68,720 miles and has cost \$6,373 to operate since 1994. Unit #2102 is a 1990 Ford Escort that has a total mileage of 49,216 miles and has cost \$5,083 to operate since 1994. Unit #8154 is a 1991 Chevrolet Corsica that has a total mileage of 85,530 miles and has cost \$5,034 to operate since 1994.

Purchase of City Staff Vehicles

Page 2

Unit #8107 is a 1990 Chevrolet Corsica that has a total mileage of 85,229 miles and has cost \$7,338 to operate since 1994. The present condition and maintenance history of each of these vehicles would make it impractical to continue to operate them in regular service. These are extremely "tired" vehicles that are past their economical life span. Fleet Maintenance has recommended replacement of the sedans for 2000.

One of the two new vehicles will be assigned to the Police Department's Victim Services Section while the other will be used in housing inspection functions in Community Development.

State Bid this year for this size sedan was awarded to Valley Chrysler-Dodge-Plymouth, Inc. Comparably equipped Dodge sedans would cost \$121,230.96. Equipped as-needed Malibus were bid at \$118,246.92. In addition, Century Chevrolet will take as trade in the six vehicles being replaced, reducing the total purchase cost by \$10,500.00. Trade in is being recommended instead of auction at this time because of the condition of the vehicles. The auction is not expected to bring greater returns to the City than what is being offered for trade in, and would increase the staff time and paperwork involved in the disposal of these vehicles. This brings the price of the eight Malibu's to \$107,746.92.

Requests for bids were sent to four qualified bidders. The results of this solicitation were as follows:

Burt Chevrolet	\$126,135.12
Century Chevrolet	\$118,246.92
Stevenson Chevrolet	No Bid
John Elway Chevrolet	\$125,040.40

The low bid from Century Chevrolet, Inc. meets all specifications and requirements set by the City. The cost of the eight vehicles, \$107,746.92 is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 28, 2000  
**Subject:** City Park Conceptual Master Planning and Skate Park Consultant Services  
**Prepared by:** Becky Eades, Landscape Architect

**Introduction**

City Council action is requested to authorize the City Manager to sign a contract with The Architerra Group in the amount of \$51,700 for conceptual master planning for the 23 acre City Park land acquisition. The Architerra Group will also provide services for site design, construction documentation, and construction administration services for the City of Westminster Skate Park. Funds for this expense are available in the appropriate project account in the General Capital Improvement Fund.

**Summary**

In September 1999, the skate park project was advertised as a Request for Proposals (RFP) to provide professional master planning, construction documentation, and construction administration services for this project. Seven proposals were received and were evaluated based on the following criteria: design approach, experience with skate parks, experience with public involvement, and fees. Of the seven proposals received, three were selected to interview with Staff: The Architerra Group; Wenk Associates; and Design Concepts.

The selection committee was composed of John Poltson, Parks and Recreation Advisory Board; Philo Shelton, Parks Project Engineer; Rich Dahl, Park Services Manager; and Becky Eades, Landscape Architect. Upon completion of the interview process, The Architerra Group was determined to be the most qualified based on their experience with the construction and planning of four other skate parks in the metro area. Fees proposed by the firms interviewed are as follows:

The Architerra Group	\$51,700
Wenk Associates	\$62,125
Design Concepts	\$39,500

**Alternative**

City Council could decline to authorize the City Manager to sign the contract with The Architerra Group and pick the low bid price from Design Concepts. However, The Architerra Group was found to be the most qualified consultant and the planning and construction of the City's skate park is eagerly anticipated within the community.

**Staff Recommendation**

Authorize the City Manager to sign a contract with The Architerra Group in the amount of \$51,700 for conceptual master planning, site design, construction documentation, and construction administration assistance and charge this expense to the appropriate General Capital Improvement Fund accounts.

### **Background Information**

The Skate Park will be one of several facilities that are intended to be located on the recently acquired 23-acre parcel at City Park. Before beginning the public involvement process and detail design work for the skate park, The Architerra Group will prepare a site analysis and conceptual master planning for the entire 23-acre acquisition.

Requests for a City of Westminster skate park date back as far as 1995 and have increased steadily as other local communities have completed skate park facilities. Currently, skate parks are operational in Parker, South Suburban Parks and Recreation District, Arvada, Wheat Ridge, Golden, and Boulder. The cities of Denver and Aurora are currently undergoing the master planning process for the construction of skate park facilities within the next year. The City of Thornton's skate park will be open in spring of 2000 and is located adjacent to their recreation center on Eppinger Road. The Architerra Group is the landscape architect for the Thornton skate park, and construction costs for the 14,000 square foot facility are approximately \$415,000.

Presently, within the City of Westminster, skate boarders and aggressive in-line skaters are using school grounds, parks, and parking lots to execute their sport and are causing damage to these facilities and creating a hazardous situation for other users. By developing a facility designed specifically for these users, the City is taking a more pro-active approach to this problem. In order to ensure that the facility to be developed meets the needs of users, the master planning process will focus on public involvement through a series of public workshops and informational meetings. Construction of the skate park is anticipated to begin in 2001.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Map



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 28, 2000  
**Subject:** Purchase of a Replacement Water Rescue Vehicle  
**Prepared by:** Carl F. Pickett, Purchasing Specialist  
Steven M. Pacifico, Deputy Chief of Administration

**Introduction**

City Council action is requested to award a bid in the amount of \$49,929 for the purchase of a replacement water rescue equipment step van to be used by the Fire Department. Funds were specifically allocated in the 1999 General Fund, Fire Department budget for this expense.

**Summary**

The 2000 Fire Department budget anticipated the “roll over” of the 1999 Fire Department budget funds to complete the purchase of a replacement Water Rescue Vehicle. The new water rescue vehicle will replace a 1968 step van.

In October 1999, formal bids in accordance with the City Charter bidding requirements were solicited from four vendors. Bids were received from three vendors, one being a “no bid”. Staff from Fleet Maintenance and the Fire Department then completed a thorough evaluation and analysis of the two bids.

**Staff Recommendation**

Award the bid for the purchase of a step van for the Fire Department to the second low bidder, American LaFrance Transwest in the amount of \$49,929 based on a finding that this action will best serve the public interest; and charge the expense to the appropriate Fire Department budget account.

**Background Information**

Formal bids in accordance with City Charter bidding requirements were solicited from four vendors. The bids were sent out and received in October of 1999. Two bids were received that substantially met the required specifications, one bid was returned “no bid” and there was no response from the fourth vendor. The bids are as follows;

<u>Vendor</u>	<u>Bid</u>
Ultimaster Corporation	\$45,961
American LaFrance Transwest	\$49,929

Review of the bids and specifications submitted by the two vendors by Staff showed a distinct difference in the structural integrity of the two units. The American LaFrance Transwest unit’s body has more structural strength than the unit bid by Utilimaster Corporation. Staff believes this is an important factor since this unit will be carrying a substantial amount of rescue equipment and will be utilized off road on many occasions. Staff believes the added structural strength offered by American LaFrance Transwest will maximize the life expectancy of the vehicle.

In addition, the rear door of the Utilimaster Corp. unit is wider than that required in the specifications which significantly impacts the type, cost, and usefulness of the shelving able to be installed in the unit. Also, there is no local service center for the Utilimaster Truck body.

Staff concluded that even though the American LaFrance Transwest unit is \$3,968 more than the unit bid by Utilimaster Corporation, it will provide cost savings to the City in the future due to the added structural strength, usefulness and serviceability of the unit.

The Fire Department Water Rescue Team was formed in the early 1960's by a group of self-trained volunteers. In 1977 the team received a donation of a van and equipment from the disbanding Adams County Sheriff's Dive Team. The vehicle, which is still in use at this time, is the oldest vehicle in the City's fleet, at thirty-one years of age. Personnel from Fleet Maintenance have been instrumental in keeping the vehicle on the road over the years. The original engine was replaced with an engine from a 1986 utility service truck. The transmission was salvaged from a 1994 Police Department patrol vehicle. Westminster is part of the Metro Dive Team, which provides water rescue service to all of the Denver Metropolitan area, and recovery services to the entire State of Colorado when requested. The Team is now more active than it has ever been.

The new step van would be placed into frontline service at Fire Station 6, 999 W. 124<sup>th</sup> Avenue. This new unit will replace unit #5182, a 1968 Chevrolet C-20 step van, that has reached a point where it is no longer economically reasonable to maintain. Unit #5182 is a 1968 C-20 Step Van that has 44,000 miles on the odometer. It is likely that the total mileage is quite a bit higher based on the vehicles overall condition and age. Unit # 5182 went into service for the City of Westminster in 1976, when the Adams County Sheriff's Department gave it to the City. Fleet has replaced or rebuilt most of the major operating components in unit #5182, including the engine and transmission. More important than the unit's mileage is the fact that it is getting difficult/impossible to find the parts to repair Unit #5182 because of its age and model. The last brake reline on Unit # 5182 was delayed several weeks before parts could be found to repair the Unit. A total of \$16,228 has been spent in the last eight years maintaining Unit #5182.

Alternatives:

1. Approve Staff's recommendation of American LaFrance Transwest for the purchase of a replacement water rescue vehicle.
2. Award the bid to the other vendor that submitted a bid.
3. Direct Staff to have the project re-bid.
4. Do not replace the existing water rescue vehicle.

Respectfully submitted,

William M. Christopher,  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** February 28, 2000

**Subject:** TABLED Councillor's Bill No. 15 re City Personnel Management

**Prepared by:** Debbie Mitchell, Human Resources Manager  
Matt Lutkus, Deputy City Manager for Administration

#### **Introduction**

City Council is requested to remove Councillor's Bill No. 15 from the table and pass it on first reading.

#### **Summary**

At the February 14 City Council meeting, City Council voted unanimously to table consideration of Councillor's Bill No. 15 regarding the City's Personnel Management Ordinance. This was in response to a concern that members of the City's Employee Advisory Committee had not had the opportunity to review the Ordinance as it appeared in final form prior to going to City Council. As described in a February 17 Staff Report, there have been several opportunities for employees to review the changes to the document, the most significant of which is the inclusion of a revised substance use policy.

The first draft of the Ordinance included a provision related to the City's option of having mandatory polygraph examinations as part of investigations into employee misconduct. This provision was deleted prior to the Ordinance being presented to Council on February 14.

At Council's request, the final version of the proposed Ordinance was distributed to all members of the Employee Advisory Committee following the February 14 Council meeting. One employee expressed concerns about a requirement that employees notify supervisors of the use of any substances which would impact job performance. Human Resources Staff again reviewed this provision and believes that it is appropriate to include this requirement in the Ordinance.

#### **Staff Recommendation**

Remove from the Table and pass Councillor's Bill No. 15 on first reading pertaining to City Personnel Management provisions.

#### **Background Information**

A copy of the proposed Ordinance and Agenda Memo presented to Council for consideration at the February 14 City Council meeting are attached. Council requested that a written copy of the proposed Personnel Management Ordinance be shared with Employee Advisory Committee Members. The Ordinance was shared with Employee Advisory Committee members and employees were asked to submit any additional comments to the Human Resources Manager by Thursday, February 17, 2000. One employee expressed concern late last week about a requirement that employees notify their supervisors of the employees' use of prescription and non-prescription drugs that may impact their job performance. City Staff believes that this requirement is justified and is not recommending that it be changed in the proposed Ordinance. Prior to the distribution of this document, employee input was solicited in a number of ways.

The most significant change to the Ordinance is the consolidation of four different substance related policies within the City into one policy. The only other change in the Ordinance is a clarification that City benefits are calculated based on the authorized full time equivalency of a position. A change that would have added language related to polygraph examinations was also discussed with employees, but this proposed change has since been removed from the recommended Ordinance.

The document being presented to City Council has been reviewed with a number of employee, management, and other groups and incorporates much of their input. Each proposed change to the Ordinance was reviewed with the Employee Advisory Committee. The proposed changes to the Substance Abuse Intervention Policy were reviewed with the Advisory Committee in September and December of 1999. A thirteen member task force was charged with the development of the consolidated policy included a cross section of employees, a Human Resources Analyst and an Assistant City Attorney. The task force worked on the project for approximately nine months and reviewed numerous drafts. The draft policy was reviewed by the department managers, the City's Medical Review Officer and the City's Personnel Board.

It is important to note that the final draft substance policy is very similar to existing policies in place in the City organization for Fire, Police and Commercial Drivers' License (CDL) holders. The proposed policy will be included in its entirety in the revised Personnel Policies and Rules and an abbreviated version is included in the proposed Personnel Management Ordinance changes. Only matters that need to be established by law are included in the Ordinance. All employees had an opportunity to attend briefings in the fall of 1999 to review the draft policy. The briefings were three hours in length and copies of the draft policy were distributed at each session in September, October and December. Approximately 75 employees took advantage of this opportunity to learn more about the proposed changes.

Respectfully submitted,

William M. Christopher  
City Manager  
Attachments



## **Agenda Memorandum**

**Date:** February 14, 2000

**Subject:** Councillor's Bill No. 15 re City Personnel Management Ordinance

**Prepared by:** Debbie Mitchell, Human Resources Manager

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading amending certain sections of the City Code related to the Personnel Management Program.

### **Summary**

The Councillor's Bill which City Council is being asked to approve on first reading will implement a number of changes involving personnel management provisions contained in the Westminster Municipal Code, Title 1, Chapter 24. The proposed amendments to the Personnel Rules Ordinance reflect the input obtained from an employee task force charged with consolidation of all substance abuse policies, the Employee Advisory Committee, City Supervisory Staff, the Personnel Board, the Human Resources Division, and the City Attorney's Office.

The most substantial recommended change is to the Substance Abuse portion of the Personnel Rules Ordinance. This reflects a consolidation and standardization of several policies related to substance testing and abuse in the workplace including the Police, Fire and Commercial Driver's License random testing policies and the current citywide substance abuse policy.

Two other recommended changes are a clarification of the calculation of benefits and the notification to employees of the City's expectation of employee cooperation in investigations by submitting to polygraph examinations. City Staff believes that the recommended changes will provide for a document that is more responsive to today's organizational needs and will be more readable and understandable to both supervisors and employees.

### **Recommendation**

Pass Councillor's Bill No. 15 on first reading amending Title I, Chapter 24 of the Westminster Municipal Code sections of the Personnel Management System.

### **Background Information**

The most recent comprehensive update to the Personnel Management Chapter of the Westminster Municipal Code was completed in August of 1998. The Human Resources Division has collected input for potential changes to the Personnel Policies and Rules from City employees, managers, and the City Attorney's Office over the past year. There was a specific effort in 1999 to revise and consolidate all of the existing policies related to substance and abuse testing. This comprehensive review included legal and best practices research, numerous meetings with employee groups and an interdepartmental task force charged with development of the new draft policy. The proposed changes are addressed in the Westminster Municipal Code Personnel Management section and must be revised by ordinance prior to similar changes being made administratively to the City Personnel Policies and Rules.

As City Council will see upon review of the attachments, the Westminster Municipal Code Title 1, Chapter 24 changes address the following policy areas:

- > Consolidation of all substance abuse and testing related policies into one document with substantial detail included from other policies into the citywide policy;
- > Clarification that City benefits are calculated based on the authorized full time equivalency of a position;
- > Notification that polygraph examinations may be required of employees as part of administrative investigations.

In addition to these recommended changes, three additional modifications have been added based on input from Councillors at the Study Session on January 31 and a subsequent follow up discussion on February 1, 2000. These changes which are noted in the recommended ordinance modification are:

Rewording of the section on possible discipline for possession of illegal substances in the workplace to differentiate between these substances and controlled substances such as prescription medicines;

Replacement of the acronym STD with the words "Short Term Disability";

Deletion of one of the prohibited conduct requirements listed in the draft Substance Abuse Intervention Policy section 1-24-7 (C) 7. related to callback requirements

Staff believes that the changes described above provide for a personnel system that is more responsive to the needs of today's organization.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **15**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

---

A BILL FOR AN ORDINANCE AMENDING PERSONNEL POLICIES AND RULES

THE CITY OF WESTMINSTER ORDAINS:

Title 1, Chapter 24 of the Westminster Municipal Code is hereby amended as follows:

**1-24-1: DEFINITIONS:** For the purposes of this chapter, the following words and terms, unless the context clearly states otherwise, shall have the meaning indicated below. (2248 2603)

Appeal: The action taken by an employee in order to have the employee's suspension, demotion or dismissal reviewed by the Personnel Board and the City Manager.

Appointing Authority: A Division Manager or higher level position who has the authority to make original appointments or recommend such appointments.

Board: The Personnel Board.

Charter: The home rule charter of the City of Westminster.

City Code: The City of Westminster Municipal Code.

Class: A position or group of positions, which are sufficiently similar with respect to skill, effort and responsibility, that they may be properly designated by the same title, and equitably compensated from the same range of pay under substantially the same employment conditions.

Compensatory Time: Leave hours earned for hours worked beyond the scheduled work day, scheduled work period or beyond the work period designated for Fair Labor Standards Act compliance.

Continuous Municipal Service: Uninterrupted length of service in a position or positions designated as receiving general leave, medical and dental insurance and other fringe benefits.

Corrective Action: The verbal counseling or verbal reprimand of an employee for the purpose of communicating deficiencies in the employee's conduct or performance.

Council: The City Council of Westminster, Colorado.

Demotion: The movement of an employee from a position in one class to a position in another class, having a lower maximum salary rate than the original class, or the movement of an employee to a lower salary in the same class and pay range. (2248 2603)

Department Head: An individual who is regularly responsible for directing and managing the overall operations of a City department as authorized by the Charter or City Code, and who has been designated as a department head by the City Manager. The City Manager and the City Attorney shall assume duties assigned to department heads in this Chapter for carrying out those actions involving positions which report directly to them.

Disciplinary Action: A written reprimand, suspension, demotion, dismissal, or any other documented action taken in a disciplinary manner involving an employee, but not including a corrective action.

Division Manager: An individual appointed by the department head to manage a work group designated as a division within the department. For purposes of this Chapter, the City Manager, department head or the City Attorney shall assume the responsibilities assigned to division manager when the employee in question reports to a department head, the City Attorney, or the City Manager. (2248 2603)

Employee: A person who receives monetary compensation from the City in return for present services or work performed on a noncontractual basis, or who is on a leave of absence without pay which has been approved by the Human Resources Manager. This definition shall include all full-time, part-time, temporary, provisional, seasonal, instructor, indexed, intern, special project, short term disability and emergency employees. This definition shall exclude elected municipal officials, volunteer firefighters, all other volunteer personnel, and retirees from the City. (2248 2603)

Employee--Classified: All probationary, part-time, temporary, provisional, emergency and regular employees with the exception of those specifically excluded by the Charter or the City Code.

Employee--Indexed: An employee appointed to serve for a limited period of time indexed to a particular workload level below which the employee position shall be terminated. (2603)

Employee--Instructor: An employee who has received an appointment for specific instructional activities conducted on behalf of the City. Instructor's work is part-time, occasional work and there is no time limit to the amount of time an employee may hold a position in this capacity. (2603)

Employee--Intern: An employee appointed to a position in an intern capacity for a period of up to two years. (2603)

Employee--Part-Time Regular: An employee who has been appointed to a part-time authorized classified position to work less than forty (40) hours during a seven day period on a regular basis, and who has successfully completed the initial probationary period. (2248 2603)

Employee--Probationary: An individual who has been appointed to an authorized position in the municipal service, but who has not yet completed the probationary period.

Employee--Regular: An employee who has been appointed to a full-time authorized classified position in the municipal service, and who has successfully completed the initial probationary period.

Employee--Seasonal: An employee who has received an appointment for a specified period of time, normally on a seasonal basis or for a specific activity for a designated season. (2248 2603)

Employee--Short Term Disability: An employee who is appointed to this category is receiving short term disability pay and has an authorized medical professional certification that they are unable to return to work. (2603)

Employee--Special Projects: An employee who has received a temporary appointment for a specified project, period of time not to exceed one year. (2603)

Employee--Temporary: An employee who has received an appointment for a period of time, not to exceed one year who is not serving in a temporary benefited position.

Employee--Unclassified: A full-time or part-time employee holding a position which is specifically designated as unclassified in the City's pay plan. Employees in this category are at-will employees. (2248 2603)

Examination: A written, oral, physical, or skill test, or a combination of these tests specifically used to assist in evaluating an applicant's qualifications for a particular position, including a promotional examination in which admission to the examination is limited to employees who meet the qualifications set forth in the job specifications.

Fringe Benefit: Any form of compensation in addition to the base salary as adopted by Council. General leave, health and life insurance, uniforms, cleaning allowance, educational reimbursement, safety shoes, and other benefits shall be considered as fringe benefits.

Grievance: A disagreement regarding the meaning, interpretation, application, or alleged violation of this Chapter, policies and rules adopted hereunder, departmental policies and rules or any other administrative policies of the City.

Holiday: The period between 12:01 a.m. and the following midnight of the date on which a designated holiday falls.

Job Description: The written description of a class, including the title, a statement of the nature of the work, examples of duties and responsibilities, and the requirements that are necessary and/or desirable for the satisfactory performance of the duties of the class.

Job Title: The title assigned to any particular class, and used for reference to that class.

Lateral Transfer: The movement of an employee from one position to another for which the employee is qualified. (2248 2603)

Layoff: The separation of an employee from the municipal service, which has been made necessary by lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee. This term shall include those separations initially expected to be temporary as well as those resulting from the elimination of a position.

Longevity Pay: That portion of a classified employee's base pay that is provided for uninterrupted length of service according to the formula established in this Chapter.

Original Appointment: The appointment of a person to a position in the municipal service.

Position: A group of current duties and responsibilities requiring the full-time, temporary, or part-time services of one employee.

Probationary Period: A working test period following an original appointment, a promotion, a lateral transfer or a demotion during which a regular employee is required to demonstrate the ability to satisfactorily perform and learn in the assigned position.

Promotion: The movement of an employee from a position of one class to a position of another class having greater or increased responsibilities and pay.

Reclassification: The official determination by the City Manager that a position be assigned to a class different from the one to which it was previously assigned.

Reemployment List: A list of persons who have been regular employees in a particular class, and who are entitled to have their names certified for appointment to a position in that class.

Relative: The employee's spouse, child, stepchild, grandchild, parent, grandparent, sibling, half-sibling, or any of these relationships arising through adoption. (2248 2603)

Separation: The voluntary or involuntary severing of an employee's employment with the City.

Supervisor: Any individual having authority, in the interest of the City, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or having responsibility to direct them, or to adjust their grievances, or effectively having the authority to recommend such action, if the exercise of such authority is not merely routine or clerical in nature, but requires the use of independent judgment.

Suspension: The temporary separation of an employee from performing his or her regularly assigned duties with or without pay for disciplinary reasons, or pending the outcome of an investigation involving the employee.

Vacation Leave: General leave that is taken from normal working hours for vacation or leisure purposes.

**1-24-2: GENERAL PROVISIONS: (2248)**

(A) Intent of Chapter: It is the intent of the City Council that this Chapter shall provide for a professional and impartial personnel management system in accordance with the provisions of the City Charter. This Chapter supersedes any previously distributed ordinances, resolutions, rules, policies and employee handbooks. The language of this Chapter is not intended to create, nor is it to be construed to constitute, a contract between the City of Westminster and any one or all of its employees. Employees have the right to terminate employment at any time for any reason and the City retains the right to terminate employment at any time for the reasons specified in this Chapter.

(B) Persons Covered by Chapter: This Chapter applies to all positions and employees in the civil service system as instituted by the City Charter. In addition, unless specifically noted otherwise, it shall also apply to unclassified and other categories of municipal employment where not inconsistent with provisions of the Charter or other ordinances.

(C) Administrative Regulations: The City Manager shall have the authority to establish such policies and rules deemed necessary for the efficient and orderly administration of the personnel management system. Such authority may be delegated to department heads, division managers and supervisors as deemed appropriate by the City Manager. All such policies and rules must be in writing and be consistent and compatible with this Chapter and the Charter.

(D) Nondiscrimination: No action affecting the employment status of any employee or applicant for a position in the municipal service, including examination, appointment, promotion, demotion, suspension, or removal shall be taken or withheld by reason of race, color, sex, national origin, political, or religious affiliation, age, disability or Vietnam veteran status.

**1-24-3: ADMINISTRATION: (2248)**

(A) City Council: The City Council is the ultimate personnel policymaking authority for the City of Westminster.

(B) Personnel Board: The Board shall consist of five (5) members and two alternates all of whom are Westminster citizens appointed by Council for terms not to exceed two years. The Board shall serve as an advisory body to the City Manager and Human Resources Manager on matters pertaining to personnel management. The Board shall also have the authority and responsibility to hear and make findings and a decision when an employee files an appeal in accordance with the provisions set out in this Chapter. (2248 2603)

(C) City Manager: The City Manager shall be responsible for the effective administration of the provisions of this Chapter, for advising Council and the Board of appropriate improvements, and recommending changes regarding personnel policies to the City Code and Charter. The City Manager may designate individuals to carry out these administrative functions.

(D) Human Resources Manager: The Human Resources Manager shall be the City Manager's authorized representative to administer and to implement the City's personnel management program. The Human Resources Manager shall be responsible for the following: (2248 2603)

1. Preparing and recommending position classification and pay plans, and directing the continuous administration of these plans.

2. Developing and administering such recruiting, examination and selection programs as may be necessary to obtain qualified applicants for municipal service.

3. Certifying appointments, promotions, demotions, discipline and other personnel actions directed toward employees.

4. Establishing and maintaining personnel records and an employee roster.

5. Exercising leadership in the development of effective personnel administration within the various City departments, and encouraging development, of programs for the improvement of employee effectiveness, efficiency, job knowledge and training, in cooperation with department and division management and others.

6. Administering the employee grievance procedure.

7. Recommending revisions or amendments to the City Code as necessary for the improvement of the personnel management program.

8. Administratively interpreting and clarifying the provisions of this Chapter, and any policies and rules adopted pursuant to this Chapter when questions on the meaning and intent arise.

9. Monitoring new practices, techniques, theories and philosophies in the field of personnel management.

(E) Classification Plan: A classification plan resulting from an analysis and evaluation of all positions in the municipal service shall be prepared annually and maintained by the Human Resources Manager. It shall consist of a listing which groups all positions in classes, based on the skill, effort, responsibility, and qualifications that are necessary or desirable for the satisfactory performance of the duties of the class. The classification plan shall include titles and written job descriptions for all the various classes of positions. Each class shall include all positions in the municipal service which are sufficiently similar with respect to duties, responsibilities, and authority, so that the same descriptive title may be used to designate each position allocated to the class. Council approval of the job titles and pay ranges in the pay plan shall constitute approval of the classification plan. (2248 2603)

(F) Announcements: All authorized, benefited position openings in the municipal service with the exception of those noted in this paragraph shall be advertised by posting announcements on bulletin boards and in such places and through such media as the Human Resources Manager deems advisable. The announcement shall specify the title, salary range, basic duties of the class, a summary of qualifications, place and manner of making applications, and any other pertinent information. It shall not be necessary to advertise position openings that are to be filled through lateral transfer, reclassifications, or demotion. (2248 2603)

(G) Selection: The City reserves the right to limit the number of applicants examined for any full-time or part-time classified position to a number that is practical in terms of physical facilities and staffing available to administer examinations, as determined by the Human Resources Manager. The methods to determine which applicants are best to examine shall be accomplished through comparative evaluation of applications. (2248 2603)

(H) Admission May be Restricted to City Employees: Admittance to position examinations may be limited to employees in the municipal service on a department or City basis when the Human Resources Manager, after conferring with the division manager concerned, determines that there are a sufficient number of qualified candidates within the existing employee workforce. (2248 2603)

(I) Employment of Relatives: (2248 2603)

1. Applicants or existing employees who are relatives will be denied placement in positions where:

- a. One relative would directly exercise supervisory, appointment, dismissal authority, or disciplinary action over the other relative or domestic partner; or
- b. One relative would audit, verify, receive, or be entrusted with monies received or handled by the other relative or domestic partner; or
- c. One relative would have direct access to the employer's confidential information, including payroll and personnel records.
- d. One relative's position in the City would potentially represent a conflict of interest as a result of personal, financial or business connections outside the organization.

2. In the event a separation or transfer is necessary to achieve compliance with this section, the employees affected will be given the opportunity to determine first between themselves which one will be separated or transferred should a vacancy exist for which the person opting for transfer is qualified. In the event the relatives do not make such a choice in writing within seven (7) calendar days of the Human Resources Division request to transfer or terminate, the Human Resources Manager shall choose which employee is to be separated or transferred based on past job performance and the City's needs.

(J) Disqualification from Consideration: The Human Resources Manager may automatically remove from consideration the application of an applicant who the Human Resources Manager determines: (2248 2603)

1. Is found to lack the minimum qualifications described in the job description;
2. Has used, or attempted to use, political influence or bribery to secure advantage in consideration for appointment;
3. Has made a false or misleading statement of any material fact or has practiced, or attempted to practice, deception or fraud in the application or examination; or
4. Has otherwise violated provisions of the Charter or the City Code.

(K) Unclassified Positions: Recruitment, selection and appointment for unclassified positions shall be based on merit as determined by such factors as experience, education and past performance. Selection procedures for each individual position will be established by the Human Resources Manager and approved by the affected department head. (2248 2603)

(L) Reemployment Lists: Regular employees who are separated from the municipal service through layoff or disability and whom the Human Resources Manager deems to have a satisfactory employment record shall have the following reemployment rights, subject to testing to ensure that the employee is qualified for the position: (2248 2603)

1. Laid off employees may be placed on an appropriate reemployment list if such a list is established at the time of lay off. Such list shall expire one year from the date of separation from municipal service.
2. Employees who are laid off as a result of a disability shall be placed on a reemployment list for three years and shall be reemployed if determined to be fit for duty pursuant to medical advice obtained by the City, if a position is available, and if the former employee is willing and qualified to perform the duties of the position.

(M) Categories of Appointment: All appointments by an appointing authority shall be made into one of the following categories: probationary, part-time regular, temporary, temporary benefited indexed, special projects, seasonal, instructor, provisional, emergency, regular and unclassified. A description of these follows:  
(2248 2603)



1. Probationary: All classified employees new to a regular or part-time position shall be considered probationary until they have up to one year of satisfactory service in their position or as otherwise provided in rules promulgated by the City Manager. Probationary employees are subject to termination after a hearing at any time in accordance with the procedures specified by the City Manager.

2. Part-time Regular: An employee who has been appointed to a part-time authorized, classified position to work less than forty (40) hours during a seven day period on a regular basis. Part-time employees shall be paid at an hourly rate. Employees in positions authorized at twenty (20) or more hours per week are eligible for City fringe benefits and some benefits may be prorated. AUTHORIZED HOURS ARE DETERMINED BY THE FULL-TIME EQUIVALENCY (FTE) ASSIGNED TO THE POSITION. AN EMPLOYEE MAY WORK BEYOND THE AUTHORIZED FTE, HOWEVER, ONLY THE AUTHORIZED FTE WILL BE CONSIDERED IN DETERMINING AN EMPLOYEE'S LEVEL OF BENEFITS. After a part-time classified employee has successfully completed the probationary period, the employee shall receive a regular part-time appointment with the City. Employees of this category are subject to termination for cause pursuant to the provisions of this Chapter.

3. Special Project: Employees in this category do not receive benefits except that the City Manager may determine that medical and dental benefits be provided. Special project employees are subject to termination by the department head or the City Attorney at any time without cause. A special project employee may be terminated due to cessation of funds for the project for which the employee was hired.

4. Temporary: Employees in this category are appointed to other than a temporary benefited position for a temporary period of time not to exceed one year. Temporary employees shall be paid at an hourly rate and are not eligible for any City fringe benefits. Employees in this category are subject to termination by the Department Head at any time without cause. After one year, a temporary employee shall be terminated.

5. Temporary Benefited: Employees in this category serve as interns or are indexed to a predetermined workload. When the workload falls below the indexed level, the employee must be terminated subject to such notice provisions as may be established by the City Manager. Medical and dental insurance shall be provided and such other benefits as may be granted in the discretion of the City Manager. Temporary benefited employees are subject to termination by the Department Head at any time without cause.

6. Seasonal: Employees in this category are those appointed for a specified period of time, normally a designated season. Seasonal classifications are listed in the seasonal section of the annual pay plan. Seasonal employees shall be paid at an hourly rate and are not eligible for any City fringe benefits. Employees in this category are subject to termination by the department head or division manager at any time without cause. Seasonal employees will be terminated at the end of each season.

7. Instructor: Employees in this category are those appointed to provide instruction in City programs on a periodic or occasional basis. Employees in this category shall be paid on an hourly basis and are subject to termination by the division manager at any time without cause. (2603)

8. Provisional: A department head or division manager may make a provisional appointment when a critical position vacancy occurs and, due to the length of time required to fill it or because of an extended leave of absence, it becomes necessary to appoint a replacement on a "provisional" basis. An appointment shall be considered provisional if the individual serving in the temporarily vacant position having a higher pay classification is required to do so for a period of more than 80 consecutive work hours. Should a temporary appointment, originally intended not to exceed 80 consecutive hours, extend beyond 80 hours, payment for the provisional status shall be made retroactively. An employee serving in provisional status for less than 80 hours shall not receive provisional pay. Provisional pay for classified employees serving in classified positions on a provisional basis shall be moved to the first step of the range of the vacant position or a 5% increase over current salary, whichever is higher as long as the 5% increase does not exceed the last step of the range for the vacancy. Classified and unclassified employees serving on a provisional basis in an unclassified position shall receive the level of compensation determined by the Human Resources Manager.

The employee may be allowed by the Human Resources Manager to credit the time served in a provisional status toward completion of the probationary period, should a probationary appointment to the position occur immediately subsequent to the provisional appointment.

9. Emergency: In an emergency, to prevent undue delay or serious interferences with the provision of necessary public services, a division manager may make emergency appointments for a period not to exceed ninety (90) calendar days. Successive emergency appointments involving the same employee shall not be made. Emergency appointments may be made without regard to the formal selection provisions of this Chapter. Approval of the Human Resources Manager must be obtained prior to an emergency appointment. Emergency appointed employees are not eligible for any City fringe benefits.

10. Regular: After a full-time classified employee has successfully completed the probationary period, the employee shall receive a regular appointment with the City. Regular classified employees can only be terminated pursuant to the provisions of this Chapter.

11. Unclassified Service: Unclassified positions are designated into management/administrative and secretarial. Unclassified positions receive salaries within the parameters of the existing pay plan as determined by department heads. Individuals holding unclassified positions are entitled to the fringe benefits granted to classified employees as well as other benefits approved by City Council. Unclassified employees shall be subject to termination at the discretion of the City Manager, or with regard to the City Attorney's Office, the City Attorney. Such employees who are involuntarily separated shall be eligible for up to thirty (30) days severance pay as determined by length of service and position as follows:

(a) Department Heads, City Clerk and Executive Secretary to the City Manager: Those employees employed in unclassified service more than six (6) months, but less than two (2) consecutive years shall be granted full pay and benefits for fifteen (15) working days following involuntary separation. Employees with two (2) years service in these classifications, but less than five (5) years service, shall receive twenty (20) working days of full pay and benefits. Employees with service of five (5) or more years shall receive thirty (30) working days of pay and benefits upon involuntary separation.

(b) All Other Unclassified Employees: Those employees employed more than six (6) months, but less than two (2) years in these classifications shall be granted full pay and benefits for ten (10) working days following involuntary separation. After two (2) years, but less than five (5) years of unclassified service, the employee shall receive fifteen (15) working days of full pay and benefits as severance pay. Employees with five (5) or more years of unclassified service shall receive twenty (20) working days of pay and benefits upon involuntary separation.

12. Short Term Disability: An employee who is appointed to this category is receiving short term disability pay and has an authorized medical professional certification that they are unable to return to work. (2603)

(N) Layoffs. In the event of a layoff, the criteria for determining which employees shall be laid off shall be based on the employees' performance in their positions and not on seniority. All other criteria being equal, seniority may be used as determining factor. The names of regular and part-time employees who have been laid off shall be placed on an appropriate reemployment list for one year. In addition, at the discretion of the City Manager, based on available resources, the City may provide to employees who are to be laid off an extension of medical and dental insurance for a period of up to six months from the date of layoff, assistance in finding another position within the city, out-placement counseling, and counseling and assistance with transition during the period prior to layoff.

#### **1-24-4: COMPENSATION AND BENEFITS: (2248 2603 2604 2633)**

(A) Preparation, Adoption and Amendment of Pay Plan: The Human Resources Manager, as the representative of the City Manager, shall be responsible for the development and maintenance of a citywide compensation plan, which shall consist of minimum and maximum rates of pay for each class or position and may include longevity pay, and any such intermediate rates as deemed necessary. Salary ranges shall be related directly to the position classification plan, and shall be determined with due regard to range of pay for

other classes, requisite qualifications, prevailing rate of pay for like work in other public and private organizations, recruiting experience, working conditions, suggestions of department heads, maintenance of other benefits received by employees, the financial policy of the City, and other economic considerations. In addition, the Human Resources Manager shall develop, maintain and update a set of salary complements which shall be designed to assist in attracting and retaining qualified employees. The pay plan shall be submitted to Council by the City Manager for adoption on an annual basis in order to maintain the competitive nature of the City's personnel program.

(B) Longevity Pay: When provided, longevity pay for classified employees shall be included as part of the City's pay and classification plan.

(C) General Leave Accrual Rate:

1. The following schedule shall be used to calculate the amount of general leave accruing to each employee except firefighters and emergency medical personnel working an average of one hundred twelve (112) hours in a two week period, for years of continuous municipal service:

<u>Years of Continuous Municipal Service</u>	<u>Accrual Rate Per Pay Period</u>	<u>Accrual Rate Per Year</u>
Less than 5	8.9 hours	232 hours
5 - 10	9.82 hours	256 hours
10 - 15	10.74 hours	280 hours
15 - 20	11.66 hours	304 hours
Over 20	12.58 hours	328 hours

2. The following schedule shall be used to calculate the amount of general leave accruing to each firefighter or emergency medical personnel working an average of one hundred twelve (112) hours in a two-week period:

<u>Years of Continuous Municipal Service</u>	<u>Accrual Rate Per Pay Period</u>	<u>Accrual Rate Per Year</u>
Less than 5	12.47 hours	325 hours
5 - 10	13.74 hours	358 hours
10 - 15	15.04 hours	392 hours
15 - 20	16.31 hours	425 hours
Over 20	17.61 hours	459 hours

(D) General Leave for Holidays: Employees who do not normally work on scheduled holidays shall have each holiday charged automatically against General Leave unless the employee actually works the holiday.

Holidays that shall automatically be charged against General Leave of all employees, except those normally subject to work holidays, shall be as follows: (2248 2551 2604)

1. The first of January (New Year's Day)
2. The Third Monday of January (Martin Luther King Jr. Day)
3. The third Monday of February (Presidents' Day)
4. The last Monday of May (Memorial Day)
5. The Fourth of July (Independence Day)
6. The first Monday of September (Labor Day)
7. The fourth Thursday and immediate following Friday of November (Thanksgiving)
8. The 25th of December (Christmas)

In addition to the nine (9) scheduled holidays, all full-time employees shall receive twenty-four (24) hours as a floating holiday.

Firefighting and emergency medical personnel will receive 33.6 hours for their floating holiday. Part-time employees who receive benefits shall receive a prorated number of floating holiday leave hours based on the number of hours they are authorized to work per work period. Any special holidays that may be proclaimed

during the year by the Mayor and City Council shall not be charged to general leave, but shall be in addition to general leave.

(E) Pay for Holiday Work: An employee who works a schedule that does not take into consideration City holidays (e.g., police, fire, and plant operations personnel including those employees responding to emergency situations, such as snow removal and water main breaks) shall be eligible to receive compensation for both the hours worked and the general leave hours for the holiday. Employees whose schedules do not take into consideration any City holidays may be allowed to receive pay for the floating holiday at any time during the year. Employees who are not on the combined vacation/holiday leave schedule are eligible to receive pay for hours worked on the holiday and the general leave for that holiday. If an employee's shift is longer than eight hours, the first eight hours of additional pay shall be recorded as holiday leave and the remainder recorded as vacation leave. Employees who are on the combined vacation/holiday leave schedule will have the total leave hours charged to their combined vacation/holiday leave.

(F) Major Illness Leave: Except for firefighters and emergency medical personnel required to work an average of one hundred twelve (112) hours in a two (2) week period, any major illness, psychological disorder, medical operation, pregnancy or off-the-job injury that necessitates employee absence in excess of eighty (80) working hours may be charged to major illness Leave. Only the amount of leave that is in excess of eighty (80) hours may be charged against major illness leave to a maximum of four hundred eighty (480) hours in any one twelve (12) month period. For firefighters and emergency medical personnel required to work an average of one hundred and twelve hours (112) in a two (2) week period, any major illness, medical operation, pregnancy or off-the-job injury that necessitates employee absence in excess of one hundred twelve (112) working hours may be charged to major illness leave; only the amount of leave that is in excess of one hundred twelve (112) hours may be charged against major illness leave to a maximum of six hundred seventy-two (672) hours in any one twelve (12) month period. General leave shall accrue during the time in which an employee is on major illness leave. If a holiday occurs during the time an employee is under approved major illness leave, the hours will be charged to major illness leave and not general leave.

(G) Payment for Unused General Leave: Upon separation, regular and part-time employees shall receive full payment for general leave that could have been used for vacation according to the maximum allowable vacation schedule for the calendar year in which the employee terminates minus the leave hours that have already been used for vacation, and receive one-half (1/2) payment for any additional accumulated general leave hours. Probationary employees in the first year of municipal service are eligible to receive only one-half (1/2) pay for all unused general leave hours. If the separation is grieved and appealed to the Board, the employee has the option of requesting that payment be withheld pending the Board's decision.

(H) Death of Employee: Upon the death of an employee, all accrued salary and general leave will be paid at the established rate directly to the beneficiary designated on the employee's major City paid life insurance designation forms or as otherwise specified in writing by the employee.

(I) Injury Leave: All employees receiving fringe benefits shall be granted leave with pay in the event of an injury incurred on the job which renders them incapable of performing their normal duties unless it can be shown that said injury occurred as the result of the carelessness or negligence of the injured employee. Injury leave shall be provided for a period not to exceed 480 hours per injury. Firefighters and emergency medical personnel who work on an average of 112 hours in a two-week period are granted 672 hours of injury leave per injury. Injury leave may terminate prior to the end of 480/672 hours if any of the following occurs:

1. A ruling is made of permanent disability.
2. The employee's licensed health care provider releases the employee to return to work in a limited duty capacity.
3. The employee is declared capable of performing the normal duties of the employee's position by a licensed health care provider.

If, prior to release for normal duties, it is determined by the licensed health care provider that the employee is capable of performing limited work assignments, the employee shall immediately report for duty under the

conditions set forth in the licensed health care provider's certificate if the City is able to provide a suitable work assignment.

If a holiday occurs during the time an employee is under approved injury leave, the hours will be charged to injury leave and will not be charged to general leave. In the event that an employee has exhausted 480/672 hours of injury leave for a work-related injury, and is still unable to return to work in either a normal duty or limited assignment capacity in a regular position, the employee becomes eligible for compensation in accordance with the Colorado Workers' Compensation Act, C.R.S. Section 8-42-105 and the City's short-term disability (~~STD~~) benefits as described herein. Employees may supplement workers' compensation with general leave to bring pay to 100% of the employee's base salary.

(J) Jury Duty: All regular and probationary employees and part-time employees who receive benefits shall be given time off, with pay, when performing jury duty in any municipal, county, state, or federal court. Any regular or daily compensation except for mileage reimbursement received from the court by the employee shall be reimbursed to the City.

(K) Short-Term Disability (~~STD~~) Pay: If an employee exhausts the major illness leave available pursuant to this Code due to non-work-related illness or injury that continues to prevent the employee from returning to work, the employee will receive short-term disability pay. The employee shall receive payment for up to the same number of hours of leave as was available to the employee in the form of major illness leave at sixty percent (60%) of the employee's base pay. An employee may supplement the ~~STD~~ SHORT TERM DISABILITY benefit with General Leave as long as the total compensation does not exceed 100% of base pay. ~~STD~~ SHORT TERM DISABILITY pay shall not continue past the time that the employee becomes eligible for long-term disability compensation. Short-term disability pay due to non-work-related illness or injury is subject to the same medical qualifications and verification as Major Illness Leave. Employees will continue to receive all employee benefits while on short term disability with the exception of general leave accrual. Employees may be placed in a short term disability category of appointment if a duly appointed health care provider has provided a statement that the employee will not be able to return to work. This category will be utilized to allow employees to receive short term disability benefits until they are eligible for long term disability coverage. Divisions may fill the vacated position once an employee is placed in the short term disability category of appointment. The employee placed on ~~STD~~ SHORT TERM DISABILITY pay is expected to return to normal duty in the employee's regular position within the 480/672 hour time period. If an employee cannot perform the essential functions of the position after that period and the City is unable to provide suitable employment based on the medical restrictions, then the employee may be terminated.

#### **1-24-5: EMPLOYEE CONDUCT AND DISCIPLINE: (2248 2533 2603)**

(A) Political Activity: 1. An employee shall not:

- (a) Use any City facility or resource or the authority of any City office in support of any issue or candidate;
- (b) Campaign for any issue or candidate in any manner calculated to exert the influence of City employment;
- (c) Distribute political stickers, buttons or similar materials during working hours or at City facilities;
- (d) Campaign for any issue or candidate during working hours or at City facilities;
- (e) Campaign for any issue or candidate while wearing a uniform that identifies him as an City employee;
- (f) Serve as an officer of any organization which has the primary purpose of promoting the candidacy of any person for City office;

- (g) Organize a political organization or political club which has the main purpose of promoting the candidacy of any person for City office;
- (h) Directly or indirectly solicit, receive, collect, handle, disburse, contribute, or account for assessments, contributions, or other funds in support of the candidacy of any person for City office;
- (i) Organize, sell tickets to, or promote in a fund-raising activity of a candidate for City office;
- (j) Manage the political campaign of a candidate for City office;
- (k) Become a candidate for, or campaign for an elective City office, unless the employee is on formally authorized unpaid leave from City employment;
- (l) Solicit votes in support of or in opposition to a candidate for City office;
- (m) Drive voters to the polls on behalf of a candidate for City office;
- (n) Endorse or oppose a candidate for City office in a political advertisement, broadcast, campaign literature, or similar material;
- (o) Address a convention, caucus, rally, or similar gathering in support of or in opposition to a candidate for City office; or

2. All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this subsection, so long as any such activity is done in the employee's capacity as a private citizen and not in the capacity of a City employee. Subject to the limitations of subsection (1) of this section, each employee retains the right to:

- (a) Register and vote in any election;
- (b) Display a political picture, sticker, badge, or button;
- (c) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization;
- (d) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;
- (e) Attend a political convention, rally, fund-raising function, or other political gathering;
- (f) Sign a political petition as an individual;
- (g) Expend personal funds, make contributions in kind, and use personal time to urge electors to vote in favor of or against any issue or candidate before the electorate, except any candidate for City office.
- (h) Seek election to City office, provided that the employee resigns or takes formally authorized unpaid leave from City employment prior to any campaign activities being undertaken on his or her behalf or filing a nomination petition.
- (i) Run for nomination or election as a candidate in any election not involving City government;
- (j) Be politically active in connection with a charter or constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character,

(k) Participate, at the direction of the City Council, in any political activity in which the City is authorized by state law to participate, subject to the instructions of the City Council, provided, however, an employee may choose not to participate, or

(l) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise his efficiency or integrity as an employee or the neutrality, efficiency, or integrity of City government.

3. No supervisor shall in any way coerce an employee to campaign for or against any candidate or issue.

4. It shall be unlawful for a candidate for the office of City Councillor or Mayor to solicit knowingly, directly or indirectly, a City employee to contribute money or campaign for or against any candidate for the office of City Councillor or Mayor. This provision shall not prohibit coincidental contacts with City employees through mass mailings or distribution of literature.

(B) Workplace Harassment: (2603) In compliance with applicable law, the City intends to provide a working environment free from harassment of its employees based on race, color, religion, gender, nation origin, age, disability or veteran or marital status.

Examples of unacceptable conduct include the telling of "dirty" jokes in the workplace or during working hours, reference to co-workers by derogatory sexual terms or other conduct which reasonably could be construed by another employee as creating or contributing to the creation of an intimidating, hostile or offensive working environment. Similarly, insulting, degrading, threatening or otherwise offensive or hostile remarks, graffiti, jokes, posters, writings, gestures, actions or other communications are strictly prohibited, as are racial, ethnic or religious jokes or slurs, or any other communications or conduct disparaging or putting down any racial, minority, ethnic or religious group. The preceding list of forms of misconduct is not all-inclusive, but is intended merely to illustrate some of the activities which the City's harassment policy prohibits.

No employee shall make, as a condition of any person's employment, unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct of a sexual nature; use a person's submission to or rejection of such conduct as the basis for or as a factor in any employment decision; or otherwise create an intimidating, hostile or offensive working environment by such conduct.

The immediate supervisor is responsible for conduct between co-workers and the conduct of the non-employees in the workplace where the supervisor has knowledge of or should have known of harassing conduct. This responsibility includes taking immediate action to report allegations of harassment and to correct such behavior.

Harassment is extremely serious misconduct and may result in discipline, up to and including termination. Harassment may also subject the harasser to personal legal and financial liability. False statements of harassing behavior may also result in discipline, up to and including termination.

If an employee believes he/she has been subjected to harassment or observes harassment of another employee and has been unsuccessful in or uncomfortable addressing the issue directly to the employee initiating the unwelcome behavior, the employee shall report the incident to his/her supervisor, another member of the City's management team, or the Human Resources Manager. An employee should not attempt to resolve incidents observed or heard about from others, but is expected first to report the matter promptly. Any supervisor or management team member who receives a report shall relay it to the Human Resources Manager, who shall commence an investigation. The report shall be handled as a grievance by the Human Resources Manager pursuant to this code.

To the extent possible, any investigation will be handled in confidence. However, the City cannot promise anonymity to persons who report harassment. The City will not tolerate retaliation against any individual who brings a harassment complaint in good faith, or who testifies and/or assists in any investigation.

Employees have the right to file charges concerning certain forms of harassment, including sexual and racial harassment, with the Equal Employment Opportunity Commission, a Federal Agency, and the Colorado Civil Rights Division, a State Agency.

If an employee has any question concerning this policy, he/she is responsible for contacting his/her supervisor or the Human Resources Manager for clarification.

(C) Reasons for Dismissal or Disciplinary Action: Classified employees are subject to disciplinary action up to and including immediate dismissal for any of, but not limited to, the following reasons:

1. Violation of the provisions of this Chapter, the Charter, City Code, rules promulgated administratively by the City Manager and other written City or department policies and regulations;
2. Failure to demonstrate reasonable competence to the supervisor;
3. Inefficiency;
4. Insubordination;
5. Tardiness;
6. Acting so as to endanger the health and safety of others;
7. Negligence;
8. Dishonesty
9. Submission of a misleading or incorrect application form or resume;
10. Damaging or wasting public property or theft of City property;
11. Substandard job performance;
12. Offensive conduct toward the public or other City employees;
13. Absence from duty without properly approved leave;
14. Providing false information or a misstatement of a material fact relating to the individual's employment with the City;
15. Refusal or inability to follow directions;
16. Improper or unauthorized use of City facilities, equipment, or vehicles;
17. Mental or physical infirmity or defect which renders the employee incapable of satisfactorily performing the essential duties of the employee's position;
18. Possession, sale, USE OR distribution ~~OR~~ OF illegal ~~use of~~ controlled substances while on duty or during lunch or other breaks or while otherwise at a City work site or during City work time, or inability to complete assigned duties safely and competently during work hours due to use of chemical substances or consumption of alcoholic beverages;
19. Engaging in off duty conduct which reflects the employee's lack of fitness for employment in the City;
20. Failure to fully cooperate in any investigation involving employee conduct **INCLUDING FAILURE TO COMPLY WITH A REQUEST TO TAKE A POLYGRAPH EXAMINATION;**



21. Sexual harassment of another employee;
22. Knowingly making false accusations regarding the behavior of another employee;
23. Loss of required license or other prerequisite for employment when such prerequisite is required for carrying out the duties of the employee's position; or
24. Engaging in conduct that is deemed by the City Manager or a department head to be clearly not in the best interest of the City.
25. Discrimination or harassment of another employee or the public based on disability, age, race, gender, religion or ethnic background.
26. Physical fighting or horseplay between employees.

The exclusive remedy for an employee who believes that good reason for his disciplinary action did not exist shall be the grievance procedure specified in Section 1-24-6.

(D) Disciplinary Actions: Supervisory and administrative personnel shall have the authority to take whatever disciplinary actions that they deem necessary, provided that provisions on suspension, demotion, or dismissal are closely adhered to and that any action taken is not inconsistent with the provisions of this Chapter or departmental policies and regulations. Employees shall be required to cooperate with administrative staff in any investigation involving questionable employee conduct ~~INCLUDING COMPLIANCE WITH A REQUEST TO PARTICIPATE IN A POLYGRAPH EXAMINATION~~. When information received by the appointing authority indicates the possible need to administer a suspension, demotion or dismissal, the appointing authority shall initiate such discipline by notifying the employee of a summary of the information. No sooner than twenty-four (24) hours after the employee has received notification, the appointing authority shall meet with the employee involved, present the information that has come to the appointing authority's attention, and give the employee an opportunity to admit or deny the charge or present information regarding mitigating circumstances.

It is not intended that this meeting constitute a formal hearing but only provide the employee notice of the charges and give the employee an opportunity to meet and exchange information with the appointing authority. No other formal procedural requirements shall be required for this meeting including employee representation, meeting recordation, or witness examination. If the employee wishes, the employee may submit a written explanatory statement to the appointing authority which shall be attached to and kept with a copy of any disciplinary action. The appointing authority's determination of the action to be taken shall be based upon the information obtained from circumstances of the case. While unclassified employees shall have the opportunity to participate in a pre-disciplinary meeting, their employment remains at-will.

When the appointing authority authorizes a disciplinary action, official notification of such action shall be provided to the employee in writing by the immediate supervisor or the person taking the disciplinary action, and a copy thereof shall be provided to the affected department head and the Human Resources Manager. This notification shall describe the specific reasons and circumstances surrounding the disciplinary action. The employee may pursue the grievance procedure on any disciplinary action not specifically excluded by the personnel rules promulgated by the City Manager. The record of a written reprimand or more severe disciplinary action shall be filed with the employee's personnel records. The Human Resources Manager may investigate and review any disciplinary action to assure compliance with the provisions of this Chapter and the rules promulgated by the City Manager.

(E) Suspension: A division manager may suspend an employee under that division manager's jurisdiction without pay as a disciplinary measure when the division manager deems a suspension to be appropriate. Prior to initiating a suspension, the division manager shall consult with the Human Resources Manager and the City Attorney's Office. A written notification of the suspension shall be given to the employee and a copy shall be submitted to the department head, Human Resources Manager with a copy for the personnel files, describing the circumstances preceding and specific reasons for the suspension. The actual day(s) of

the suspension shall be set by the employee's supervisor. An employee who receives a suspension for disciplinary purposes, does not have the option of working on a day off in lieu of receiving a suspension day without pay. Exempt employees will be required to use general leave during suspension and are not subject to a suspension without pay.

When, in the judgment of a supervisor, an employee's mental, emotional or physical condition or conduct is such that the employee's presence on the job or operation of equipment or a motor vehicle potentially endangers the employee, other employees or the public safety and welfare, the supervisor may suspend the employee immediately. The provisions specified in this Section shall then be followed as soon thereafter as practicable. The division manager may review the suspension. If the division manager determines that all or part of the suspension is unwarranted, the employee may receive pay for days previously suspended according to the final decision rendered.

(F) Demotion: A division manager may demote any regular or part-time classified employee under the division manager's jurisdiction for the good of the municipal service or as a disciplinary measure when the division manager deems it appropriate. The City Manager may authorize the demotion of an unclassified employee. Prior to initiating a demotion, the division manager shall consult with the Human Resources Manager and the City Attorney's Office. The division manager shall give written notification of the demotion to the employee and shall submit a copy to the department head and the Employee Services Manager, describing the circumstances preceding and the specific reason for the demotion.

(G) Dismissal: A department head may, after consultation with the Human Resources Manager and the City Attorney's Office, dismiss a classified employee in accordance with this Chapter and rules promulgated by the City Manager. The department head shall give written notification of the dismissal to the employee and a copy to the Human Resources Manager, describing the circumstances preceding and the specific reasons for the dismissal. Failure to follow these procedures is grounds for disciplinary action of supervisory or administrative personnel but does not affect the validity of the underlying dismissal action. Dismissal of unclassified employees shall be at the discretion of the City Manager; except that, dismissal of unclassified employees in the Office of the City Attorney shall be at the discretion of the City Attorney. All Unclassified employees are at-will employees. An unclassified employee, or the City, may terminate the employment at any time, with or without notice, warning, procedure or formality, for any reason or no reason, with the City's only obligation being payment of wages earned and benefits vested through out the last day worked.

#### **1-24-6: GRIEVANCES AND APPEALS: (2248 2603 2648)**

(A) General: Supervisory and administrative personnel shall strive to anticipate, and thereby eliminate, the cause of most misunderstandings, problems, complaints, or grievances. To the extent that they occur, the employee is encouraged to promptly seek the employee's immediate supervisor's assistance. Supervisory personnel shall not interfere with or discriminate against or make reprisals against any employee who files a grievance. The City strongly encourages the use of non-adversarial dispute resolution techniques to resolve grievances in a manner that is satisfactory to all affected parties.

(B) Filing a Grievance: Any employee with a grievance must file a written complaint with the employee's division manager (or the party who took the action being grieved if that party is of higher rank) with a copy to the Human Resources Manager within fourteen calendar days following the grieved action. The division or department manager shall try to resolve the matter within ten (10) calendar days from the receipt of the written grievance. If the employee is not satisfied that the difference has been resolved after action by the division manager, the employee may within ten (10) calendar days of receipt of the grievance response file the grievance with the department head (if not already reviewed by the department head). The department head shall try to resolve the matter within ten (10) calendar days of receipt of the grievance. The deadlines in this paragraph (b) may be extended with the mutual consent of the parties.

If the employee is not satisfied that the difference has been resolved after action by the department head, the employee may pursue the following procedure:

1. Actions other than suspension, demotion or dismissal. Within ten (10) calendar days after receipt of the department head's response, the employee may ask the Human Resources Manager in writing to

investigate the grievance. If the department head has taken no action within ten (10) calendar days after receipt of the written grievance, the employee may request in writing that the Human Resources Manager investigate the grieved action. The Human Resources Manager shall, within twenty-one calendar days, investigate the grievance and consult with the employee and then make recommendations to the City Manager or the City Manager's designee who shall decide on the grievance within ten (10) calendar days. The City Manager's or the City Manager's designee's decision shall be final in all instances. The deadlines in this paragraph (1) may be extended with the mutual consent of the parties or because of an inability to do a complete investigation in the time allowed.

2. Suspension, demotion or dismissal. Within fourteen calendar days after receipt of the department head's response, the employee may file an appeal to the Personnel Board or, if the department head has taken no action within ten (10) calendar days of receipt of the written grievance, the employee may file a written appeal to the Personnel Board within twenty-one calendar days after the department head's receipt of the written grievance.

3. An employee loses any right to file a grievance or appeal with the Human Resources Manager or to file an appeal to the Board if the employee fails to file a written grievance within the time lines defined above. No organization or individual has the right to file a grievance on the employee's behalf and legal representatives shall not be permitted to attend any meeting with the grieved employee held for the purpose of investigating the grievance prior to the time an appeal has been filed pursuant to subsection (D) of this section.

4. Grievances Related to Disabilities. If an employee has, in the employee's view, suffered discrimination in violation of state or federal law based on a past or current disability, whether real or perceived, or association with an individual with a disability, the employee may file a grievance pursuant to this subsection (B). This procedure is not a prerequisite to the pursuit of other legal remedies authorized by federal law. A disability-related grievance alleging a violation of federal laws protecting individuals with disabilities may be filed at any time.

(C) Appeal: Only suspensions, demotions, or dismissals for disciplinary reasons can be appealed to the Personnel Board and only after all administrative remedies through the grievance procedure have been exhausted. Only regular full time employees in authorized positions in the classified service are eligible to appeal to the Board. Unclassified employees have no appeal rights beyond the grievance process to the City Manager.

(D) Filing an Appeal: The employee must file an appeal and request a hearing, in writing, setting forth the reasons for appeal in detail with the Human Resources Manager as set forth in subsection (B) of this section. The appeal must specify the grounds for appeal and shall contain a detailed statement of facts in support of the appeal.

The Human Resources Manager shall immediately forward copies of the written appeal to each member of the Board. The Human Resources Manager has the authority to return to the employee for correction any appeal that fails to conform to this provision regarding specifying grounds for appeal and containing detailed statement of facts in support of the appeal.

(E) Appeal Procedure: Upon receipt of the appeal from the Human Resources Manager, the Board shall schedule a hearing on the appeal. Once the Board meets to hear the appeal, it may take the time necessary to obtain all the information deemed appropriate and in so doing the Board is not restricted to any particular time frame to conclude the hearing.

(F) Subpoenas: The chairperson of the Board may issue a subpoena stating the title of the proceeding before the Board and commanding each person to whom it is directed to attend and give testimony at a hearing on an appeal before the Board at the time and place specified therein.

(G) Findings and Decision: It is the interpretation of the City Council that the Charter of the City of Westminster establishes a personnel grievance process in which the Personnel Board has the responsibility of determining the facts of an appeal and determining when disciplinary action should be reconsidered and in

such cases, the City Manager has the responsibility of reconsidering the disciplinary action and making the final disciplinary decision based on the facts determined by the Board. At the conclusion of the hearing, the Board shall send a written decision to the City Manager which concludes that:

1. The action appealed was without justification and should be reconsidered. The Board may recommend that the appellant be restored to previous status and receive compensation for the period of the suspension, termination, or reduction in grade; or,

2. The action appealed was justified and should be confirmed; or

3. The action appealed was partially justified and should be reconsidered. The Board may recommend that the discipline be reduced under the conditions the Board deems proper.

The Board's decision shall contain findings of evidentiary fact on all material issues of fact and conclusions regarding the issues of law or discretion presented by the appeal.

(H) Notice of Findings and Decision; Transcript: The Board shall report its findings and decision to the City Manager, the parties and their attorneys within thirty (30) days after the conclusion of the hearing. Notice shall be sent in the manner specified in subsection (H) of this Section. The City shall make a record of the testimony and proceedings at an appeal hearing. Either the City or the employee may request a transcription of the testimony and proceedings at an appeal hearing. If the employee requests a hearing transcription, it shall be prepared at the employee's expense.

(I) Decision of the City Manager: 1. When the Board has concluded that the discipline was justified, the City Manager shall confirm the decision of the Board.

2. When the Board has concluded that the action appealed was without justification or was partially justified, the City Manager shall reconsider the suspension, demotion or discharge and either reinstate the employee, impose a lesser penalty, or confirm the original suspension, demotion or discharge.

3. When reconsidering a suspension, demotion or discharge, the City Manager shall be bound by the Board's findings of evidentiary fact. The City Manager may accept or reject the Board's findings of ultimate fact or conclusions and may accept or reject the Board's recommendation regarding discipline.

(J) Administrative Procedure Jurisdictional: No employee may bring an appeal before the Board until the employee has received the written notice of the final action taken or contemplated by the department head. The filing of an appeal under any of the procedures described in this section shall not constitute grounds for delaying the administrative action against which the appeal is made.

(K) Appeal from Decision of City Manager: The employee may appeal any action of the City Manager resulting in suspension, demotion or dismissal to the District Court.

(L) Right to Legal Counsel: The employee may only be represented by a person who is licensed to practice law in the State of Colorado. If the employee chooses to not be represented by legal counsel, the appointing authority shall not be represented by legal counsel. If the employee retains legal counsel, appointing authority shall be represented by the City Attorney.

(M) Rules of Procedure: The Board may adopt additional rules of procedure to supplement the procedures outlined in this section.

#### **1-24-7: SUBSTANCE ABUSE INTERVENTION POLICY: (2248 2603)**

~~(A) Policy on Substance Abuse: Given the importance of maintaining a healthy work environment and the opportunities that employees have to address substance dependencies through treatment and counseling programs offered by the City, substance abuse which adversely affects job performance will not be tolerated. This applies to on-duty employees as well as employees who are receiving on-call pay.~~

~~(B) Pre Placement Substance Screening: All applicants certified for positions that receive City benefits are required to submit to a medical examination prior to their appointment to a City position. As part of this medical examination, prospective employees will be screened for a range of chemical substances. The type(s) of screening and the levels of the substances which constitute a positive screen will be determined administratively after consultation with the City's medical service provider(s). Applications for positions with the City will state that substance screenings will be given as part of the pre-placement medical examination. In addition, at the time of the medical examination, certified applicants will be told of the substance screening and will be required to sign a consent form. Applicants who refuse to consent to substance screening or who attempt to tamper with the screening sample will not be eligible for City employment.~~

~~An applicant whose initial substance screen shows a positive result will automatically be given another screening using a different screening technique on the same sample. If the second screen of the same sample shows a negative result, the individual will not be disqualified from City employment on account of the substance screen.~~

~~If the second test confirms the positive test result, the Human Resources Manager will determine whether the applicant shall be disqualified for consideration for City employment. In making this decision, the Employee Services Manager shall take into account the specific job requirements of the position that is being filled and any mitigating information. All screens will be made on the same sample by a qualified firm selected by the City. An applicant whose test shows positive will have 24 hours after receiving notification of the positive test to provide verification of a current valid medical prescription in the applicant's name.~~

~~Any positive test results from the second screen will be reported directly to the Human Resources Division. If it is determined that the applicant will not be certified as a result of a positive drug screen, the Human Resources Division will notify the appropriate supervisor that the applicant did not pass the medical examination.~~

~~(C) Possession, Sale, Distribution or Use of Illegal Substances: The possession, sale, distribution and/or use of illegal substances by an employee while on duty or during work and other breaks or at any time while the employee is on a City work site or in a City vehicle constitutes cause for dismissal. The appropriate law enforcement agency will be notified in a timely fashion of any such possession, sale, distribution and/or use of illegal substances by employees.~~

~~(D) Use of Medication: All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their supervisor. The division manager may require a doctor's statement if the employee indicates that there is a need to use the prescription drug for an extended period.~~

~~(E) Substance Screening for Current Employees: City employees are subject to substance screening if there is reasonable suspicion that, while on duty, they are impaired. Impairment is defined as being unable to perform their duties safely or competently due to use of alcohol or controlled substances. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so the employee's ability to perform the employee's job safely is reduced. Observations which constitute a factual basis for determining reasonable suspicion may include but are not limited to: odor of alcoholic beverage, slurred speech, erratic behavior, violent mood swings, excessive unexplained absenteeism including tardiness, and an accident which was caused by the apparent action or inaction of the employee.~~

~~Employees involved in an accident involving serious injury to the employee or a third party are required to submit to a substance screening. A supervisor who has reasonable suspicion that an employee is impaired by alcohol or a non-prescription controlled substance on the job shall, with the approval of the department head, immediately arrange for a substance screening through the Human Resources Division. If a screening is required after normal business hours, the supervisor will make direct contact with the clinic that has been designated to perform screenings for the City after receiving approval from the department head, their designee or the Human Resources Manager or designee.~~

~~Employees who are scheduled for a substance screening must be transported to the designated medical clinic by the employee's supervisor. The testing for substances will be made on a sample provided at the clinic. The type(s) of screening and the levels of the substances which constitute a positive screen will be determined administratively after consultation with the City's medical service provider(s). After the sample is given, the supervisor will see that the employee is safely transported home.~~

~~If the testing of the sample provides a negative result, the conclusion will be that the sample contains no alcohol or controlled substances. If the first screen shows a positive result, a second screen using a different testing technique will be given on the same sample.~~

~~If the second screen shows a negative result, it will be assumed that the individual is not under the influence of alcohol or controlled substances. If the second screen shows a positive result, or if it is shown that the employee tampered with the sample, the employee will be presumed to be impaired by alcohol or controlled substances. An employee whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide bona fide verification of a current valid prescription which may have caused the positive result. The prescription must be in the employee's name.~~

~~(F) Discipline: Employees who refuse to submit to a substance screen when reasonable suspicion of substance abuse has been identified, will be disciplined in accordance with the City personnel policies and rules. Under appropriate circumstances, a supervisor who has reasonable suspicion that an employee is impaired by alcohol or a non-prescription controlled substance on duty may immediately suspend the employee in accordance with this Chapter. Employees may be required to complete additional substance screening and have a negative screen as part of a condition of returning to work,~~

~~(G) Employee Assistance Program: An employee who is disciplined for substance abuse or refused to submit to an appropriately ordered substance screen must submit to an evaluation by the City's employee assistance program as a condition of continued employment. In addition, the employee may be required to participate in a treatment program and periodic screening.~~

~~(H) Assistance and Leave for Substance Abuse Treatment: Employees who choose to participate in a substance abuse treatment program that requires inpatient care shall be granted general leave and major illness leave in accordance with the provisions of these rules. Use of leave for this purpose shall not constitute cause for disciplinary action.~~

(A) ADMINISTRATION OF SUBSTANCE ABUSE POLICY: THE CITY MANAGER IS HEREBY DIRECTED AND AUTHORIZED TO DEVELOP, UPDATE AND ENFORCE A SUBSTANCE ABUSE SCREENING, CONTROL AND DISCIPLINARY POLICY WHICH SHALL PROVIDE PROCEDURES FOR RANDOM SUBSTANCE ABUSE SCREENING FOR EMPLOYEES IN SAFETY-SENSITIVE POSITIONS, AND FOR NON-RANDOM PRE-EMPLOYMENT, POST-INCIDENT, POST-INJURY, POST-SHOOTING, REASONABLE SUSPICION, RETURN-TO-WORK, TESTING FOR SPECIAL CIRCUMSTANCES SUCH AS JOB FUNCTIONS THAT INCLUDE CONTROLLED SUBSTANCE INTERDICTION, AND FOLLOW-UP TESTING FOR ALL CITY EMPLOYEES. NOTHING IN THIS SECTION SHALL MANDATE TESTING UNDER CIRCUMSTANCES WHERE THE CITY MANAGER OR HIS DESIGNEE DETERMINES THAT TESTING IS NOT OR WOULD NOT HAVE BEEN APPROPRIATE DUE TO THE FACTUAL, LEGAL OR SUPERVISORY CONTEXT IN WHICH THE POSSIBILITY OF TESTING ARISES. THIS POLICY, AT A MINIMUM, SHALL SATISFY THE U.S. DEPARTMENT OF TRANSPORTATION REGULATIONS OF COMMERCIAL DRIVER'S LICENSEES AND SHALL BE MORE RESTRICTIVE IF DEEMED BY THE CITY MANAGER TO BE IN THE BEST INTEREST OF CITY OPERATIONS AND PUBLIC AND EMPLOYEE SAFETY.

(B) SAFETY SENSITIVE POSITIONS: THE CITY MANAGER SHALL DETERMINE WHICH EMPLOYEE POSITIONS MUST BE DESIGNATED AS SAFETY-SENSITIVE. CRITERIA THAT MAY BE CONSIDERED IN MAKING THIS DETERMINATION INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

1. THE EMPLOYEE IS REQUIRED TO POSSESS A VALID COMMERCIAL DRIVER'S

LICENSE (CDL), TO OPERATE A COMMERCIAL MOTOR VEHICLE, TO OPERATE AN EMERGENCY VEHICLE, OR TO OPERATE POTENTIALLY DANGEROUS EQUIPMENT OR MACHINERY.

2. THE EMPLOYEE EXERCISES LAW ENFORCEMENT AUTHORITY OR IS REQUIRED OR PERMITTED TO CARRY A FIREARM WHILE ON DUTY.
3. THE EMPLOYEE PROVIDES EMERGENCY MEDICAL SERVICES.
4. THE EMPLOYEE HAS UNSUPERVISED ACCESS TO CONTROLLED SUBSTANCES.
5. THE EMPLOYEE IS RESPONSIBLE FOR THE CARE OR SAFEKEEPING OF MINORS.
6. THE EMPLOYEE'S ACTIONS OR INACTION HAS THE POTENTIAL TO CAUSE SERIOUS INJURY OR DEATH TO A CITIZEN OR A FELLOW EMPLOYEE.

(C) PROHIBITED CONDUCT: AN EMPLOYEE SHALL NOT:

1. REPORT FOR DUTY OR REMAIN ON DUTY WHILE PERFORMING REGULAR OR SAFETY-SENSITIVE FUNCTIONS HAVING A BLOOD ALCOHOL CONCENTRATION OF .02 OR HIGHER OR AFTER USING ANY CONTROLLED SUBSTANCE THAT THEY MAY TEST POSITIVE FOR, EXCEPT FOR A LEGALLY PRESCRIBED DRUG IF USE OF SUCH DRUG WILL NOT ADVERSELY AFFECT THE EMPLOYEE'S ABILITY TO PERFORM REGULAR OR SAFETY-SENSITIVE FUNCTIONS.
2. POSSESS ALCOHOL OR ILLEGAL DRUGS WHILE ON DUTY OR DRIVING A CITY VEHICLE EXCEPT WHEN THE POSSESSION OF ALCOHOL OR DRUGS IS IN THE LINE OF DUTY.
3. USE ALCOHOL OR PROHIBITED DRUGS WHILE ON DUTY WHILE PERFORMING REGULAR OR SAFETY-SENSITIVE FUNCTIONS OR AFTER THE EMPLOYEE IS NOTIFIED THAT HE OR SHE IS "ON CALL." THE CONSUMPTION OF ALCOHOLIC BEVERAGES SERVED IN CONJUNCTION WITH AN EVENT ON CITY PREMISES AUTHORIZED BY THE CITY MANAGER IS PERMITTED BY THIS POLICY SO LONG AS THE CONSUMPTION OF SUCH ALCOHOL IS NOT INCONSISTENT WITH THE SAFE AND EFFICIENT PERFORMANCE OF AN EMPLOYEE'S DUTIES.
4. PERFORM A SAFETY-SENSITIVE FUNCTION WITHIN FOUR HOURS AFTER USING ALCOHOL.
5. USE ALCOHOL WITHIN EIGHT HOURS AFTER AN ACCIDENT OR UNTIL THE EMPLOYEE TAKES ANY REQUIRED POST-ACCIDENT ALCOHOL TEST, WHICHEVER HAPPENS FIRST.
6. USE A LEGALLY PRESCRIBED DRUG OR NON-PRESCRIPTION DRUG WHICH MAY IN ANY WAY IMPACT THE EMPLOYEE'S JOB PERFORMANCE WITHOUT NOTIFICATION TO THE EMPLOYEE'S SUPERVISOR. THE DIVISION MANAGER MAY REQUIRE A PHYSICIAN'S STATEMENT IF THE EMPLOYEE INDICATES THAT THERE IS A NEED TO USE THE DRUG FOR AN EXTENDED PERIOD. THE USE OF ANY SUBSTANCE WHICH CARRIES A WARNING LABEL THAT INDICATES THAT MENTAL FUNCTIONING, MOTOR SKILLS, OR JUDGMENT MAY BE ADVERSELY AFFECTED MUST BE REPORTED TO SUPERVISORY PERSONNEL AND MEDICAL ADVICE MUST BE SOUGHT BY THE EMPLOYEE, AS APPROPRIATE.
- ~~7. FAIL TO NOTIFY THE EMPLOYEE'S SUPERVISOR THAT THE EMPLOYEE IS INELIGIBLE FOR EMERGENCY CALLBACK AND THE REASON THE EMPLOYEE IS~~

~~INCAPABLE OF RESPONDING, IF THE EMPLOYEE IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.~~

(D) POSITIVE TEST AND REFUSAL TO BE TESTED: A POSITIVE RESULT FROM A TEST FOR DRUGS OR ALCOHOL CONDUCTED PURSUANT TO THE POLICY AUTHORIZED IN (A) ABOVE SHALL BE A VIOLATION OF THAT POLICY AND SHALL BE CAUSE FOR DISCIPLINE, UP TO AND INCLUDING TERMINATION. IF AN EMPLOYEE REFUSES TO TAKE AN AUTHORIZED TEST, THE REFUSAL WILL BE TREATED AS A POSITIVE TEST AND THE EMPLOYEE WILL NOT BE PERMITTED TO PERFORM OR CONTINUE TO PERFORM ANY DUTY, INCLUDING SAFETY-SENSITIVE FUNCTIONS, EXCEPT IN ACCORDANCE WITH THE PROCEDURES WHICH APPLY TO A POSITIVE TEST. REFUSAL TO BE TESTED INCLUDES THE FOLLOWING CONDUCT:

1. THE EMPLOYEE DOES NOT PROVIDE ENOUGH BREATH FOR TESTING WITHOUT A VALID MEDICAL EXPLANATION AFTER BEING INFORMED OF THE REQUIREMENTS FOR BREATH TESTING.
2. THE EMPLOYEE DOES NOT PROVIDE ADEQUATE URINE FOR DRUG TESTING WITHOUT A GENUINE INABILITY TO PROVIDE A SPECIMEN AS DETERMINED BY A MEDICAL EXPLANATION AFTER BEING INFORMED OF THE REQUIREMENTS FOR URINE TESTING.
3. THE EMPLOYEE ENGAGES IN CONDUCT THAT CLEARLY OBSTRUCTS THE TESTING PROCESS, SUCH AS TAMPERING WITH OR ADULTERATING A SAMPLE, AND INCLUDING A REFUSAL TO PARTICIPATE IN TESTING.
4. THE EMPLOYEE DOES NOT SIGN A CONSENT FORM AUTHORIZING A URINALYSIS AND/OR BREATH ALCOHOL TEST FOR DRUG AND ALCOHOL SCREENING AS ALLOWED IN THIS POLICY, OR IF THE EMPLOYEE DOES NOT PERMIT RELEASE OF TEST RESULTS TO THE CITY.

(E) DISCIPLINE: IF AN EMPLOYEE TESTS POSITIVE AFTER TAKING A DRUG OR ALCOHOL TEST, THE DEPARTMENT HEAD MAY IMPOSE DISCIPLINARY MEASURES UP TO AND INCLUDING TERMINATION. PAST WORK PERFORMANCE AND VIOLATIONS OF CITY OR DEPARTMENT RULES OR STANDARD OPERATING PROCEDURES WILL BE CONSIDERED PRIOR TO THE IMPLEMENTATION OF DISCIPLINARY MEASURES. ASIDE FROM THESE CONSIDERATIONS, DISCIPLINE WILL BE APPLIED UNIFORMLY FOR ALL PERSONNEL WHO TEST POSITIVE FOR DRUGS OR ALCOHOL.

WHILE IT IS NOT THE INTENT OF THIS POLICY TO DEFINE OR RESTRICT DISCIPLINARY MEASURES THAT MAY BE GIVEN TO EMPLOYEES WHO TEST POSITIVE FROM A DRUG OR ALCOHOL TEST, AND/OR A SUBSTANCE USE OR ABUSE RELATED EVENT, THE FOLLOWING MINIMUM DISCIPLINE WILL APPLY:

FIRST OFFENSE (EITHER FIRST POSITIVE DRUG OR ALCOHOL SCREEN OR FIRST DISCIPLINE RELATED TO A SUBSTANCE USE- OR ABUSE-RELATED EVENT):

ALL EMPLOYEES (EXCEPTIONS LISTED BELOW):	40-HOUR SUSPENSION
FIRE EMPLOYEES ON 24-HOUR SHIFT:	56-HOUR SUSPENSION

SWORN POLICE OFFICERS:	
(POSITIVE ALCOHOL OR LEGAL DRUG TESTS)	40-HOUR SUSPENSION
(ILLEGAL SUBSTANCE POSITIVE TEST)	DISMISSAL

MORE SEVERE DISCIPLINARY MEASURES MAY BE CONSIDERED BASED ON THE ACTION OR INACTION OF THE EMPLOYEE IN THE EVENTS SURROUNDING THE FIRST OFFENSE.



EXACERBATING CIRCUMSTANCES MAY INCLUDE, BUT ARE NOT LIMITED TO, SUBSTANDARD JOB PERFORMANCE, ABSENCE FROM WORK WITHOUT APPROVAL, INSUBORDINATION, ACCIDENTS RELATED TO DRUG OR ALCOHOL USE, FAILURE TO COOPERATE IN AN INVESTIGATION, DISHONESTY, OR AN INABILITY TO PROVIDE A NEGATIVE DRUG SCREEN FOR A RETURN TO WORK TEST.

SECOND OFFENSE (EITHER SECOND POSITIVE DRUG OR ALCOHOL SCREEN OR SECOND DISCIPLINE RELATED TO A SUBSTANCE USE- OR ABUSE-RELATED EVENT):

ALL EMPLOYEES:

DISMISSAL

1. POSSESSION, SALE OR DISTRIBUTION: POSSESSION, SALE OR DISTRIBUTION OF ILLEGAL CONTROLLED SUBSTANCES WHILE ON DUTY (EXCEPT IN THE LINE OF DUTY) CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of February, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of March, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** February 28, 2000

**Subject:** Software Purchase for new HR/Payroll and Financial Management System

**Prepared by:** Tammy Hitchens, Accounting Manager  
Debbie Mitchell, Human Resources Manager

#### **Introduction**

City Council approval is requested to authorize Staff to enter into contract negotiations with JD Edwards for the purchase of software, installation services and two-year maintenance of an integrated Human Resources, Payroll and Financial Management System. The City will be issuing an RFP for the financing of this project over a four year period. Funds are available in the current General Capital Projects Fund and the Utility Operating Budget and are identified in the five year Capital Improvement Plan.

City Council action is requested to approve the attached resolution which amends the 2000 Budget allocation of authorized personnel by adding one full time equivalent (FTE) Software Engineer I/II position in the Information Technology Department. Funds are available within the Financial Management System Project budget for the expenses of this position from April through December, 2000. The position was previously identified in the five-year Staffing Plan as an addition in 2001.

#### **Summary**

Financial Reporting and Human Resource management are integral and critical functions required to provide City services. Staff has been notified that the current Human Resources/Payroll (HR/Pay) system is not going to be supported as of September 2000. Staff has negotiated support from Spectrum on a time and materials basis through December, 2000. The current financial management system (FMS) is over 18 years old. If current Information Technology Staff were to leave, it would be difficult to find replacements with the skills needed to support the current financial system.

In July 1999 Staff recommended the City replace both systems with a new fully integrated system. City Council directed Staff to investigate available integrated FMS-HR/Pay systems on the market that would allow the City to use the latest technology. These integrated systems are also known as Enterprise Resource Planning (ERP) systems. The selection process consisted of several steps stretching over seven months. With the assistance of a selection consultant, Deloitte and Touche, Staff conducted a needs analysis and developed a RFP. Staff evaluated four proposals received and invited three vendors to provide scripted demonstrations of their software. Two companies accepted the offer to demonstrate their product. JD Edwards and PeopleSoft provided demonstrations of their software in two-day meetings focused on the functional needs of the City. Staff conducted subsequent site visits and reference checks with similar local governments that are utilizing each software package. Staff requested clarifications from each vendor based on questions that arose from review of the initial proposals and Staff research. The Staff steering committee, charged with making the recommendation for the software selection, spent a day at each company's training site reviewing key concerns. Each vendor developed a best and final offer, which included a written clarification addressing all areas in question.

Staff evaluated both vendors based on four major criteria: functional capabilities, cost, technical fit, and business partner fit. The results are as follow:

- *Functional Capabilities* - Staff believes that the functional capabilities of JD Edwards One World system are most closely aligned with the business needs of the City. JD Edwards system's ease of use and opportunity to develop personal screen preferences and reports was a key differentiating factor.
- *Initial and Ongoing Costs* - The initial cost of the two systems is nearly identical. When comparing the software cost, installation and the first two years of maintenance and support, the cost of the two systems vary by only \$1,700. However, there is a significant difference in the ongoing cost of ownership. The PeopleSoft system would require additional City staff to operate, has the potential for escalating costs because annual maintenance fees are based on the then current license fee and requires additional staff time to implement system upgrades.
- *Technical Fit* - City Information Technology Staff believe the JD Edwards system architecture will provide the option of using the entire system on a client-server environment or fully Web enabled environment. The PeopleSoft system provides only limited use of the system on the Web. The singular database of the JD Edwards system is preferred to the two-database system of PeopleSoft.
- *Business Partner Fit* - Both companies show a strong commitment to the public sector. JD Edwards international headquarters has been located in the Denver metro area since it was founded in 1977. JD Edwards has been committed to local government business for its entire history. Both PeopleSoft and JD Edwards are recognized as two of the best software products in the ERP market.

The initial RFP included implementation services and financing for the ERP project. No vendors were willing to assume joint and several responsibility for the entire project. It was determined that it was best to bifurcate the process and select and negotiate the software system separate from the implementation services. Staff recommends negotiating with JD Edwards for the purchase of the One World software based on its functional capabilities, lower cost of ownership and stronger technical and business partner fit. An RFP for implementation services and lease financing of the project will be issued and a final contract agreement with JD Edwards will be contingent on the successful negotiation of these contracts.

Staff has discussed technical staffing support needs with vendors and other cities who have gone through implementation of new software. All recommend that the database administration support staff be involved in the implementation of the product. The implementation project provides the "real time" training on the new product as well as builds an understanding of business practices and operation needs in the technical support staff. The City has tentatively identified the need to add a Software Engineer I/II, Grade 57/63, to provide database administration and support for the new system. This position is tentatively identified in the five-year Staffing Plan for addition in January, 2001. Staff recommends adding the position during the second quarter of 2000 so that the individual will be able to participate in the implementation of the system. The staffing expense of approximately \$40,000 will be paid from the project budget.

### **Staff Recommendation**

1. Direct Staff to negotiate a contract with JD Edwards for the purchase of software, installation services and two-year maintenance of a Human Resources, Payroll and Financial Management System, and authorize the City Manager to sign the contract on behalf of the City for an amount not to exceed \$615,000.
2. Adopt Resolution No. 17 authorizing the addition of one full-time, benefited Software Engineer I/II position to the staffing levels approved as part of the 2000 Budget.

## **Background**

The HR/Payroll system the City currently uses is Spectrum HR/Pay. The Spectrum Human Resource module was implemented in 1986 and the Payroll module was added in 1994.

Spectrum is a DOS based system. In April 1999, Spectrum notified the City they will no longer support the system after September 2000. Staff has negotiated support from Spectrum on a time and materials basis through December, 2000. The HR/Payroll system is an integrated human resources information and payroll system. An integrated FMS-HR/Pay system is a system that improves efficiency and accuracy because all of the modules work together. A change of transaction in one module will automatically be updated in another module. Currently, there is no integration with the General Ledger system.

The HR/Payroll system is a complicated system that handles unique business practices such as a general leave bank system, different Fair Labor Standards Act (FLSA) periods for different employee groups, lack of participation in the social security system, a portion of employees participating in Medicare and others participating in a deferred compensation program required by Omnibus Reconciliation Act (OBRA). The City employs 1692 employees. The breakdown is 806 full time equivalents (FTE's) comprised of 813 full and part time benefited employees and 68 part-time regular non-benefited employees with the balance of the workforce (811) in temporary, seasonal and instructors classifications.

The City's current financial system utilizes a governmental accounting package that was written in the early 1980's by in-house Staff. It is written using Universe DataBase and Universe Basic language and operates on a Hewlett Packard 9000-800 Series. Information Technology (IT) Staff currently supports this system. If current IT Staff were to leave, it may be difficult to find someone with the skills to support this system. This program has been modified over the years to meet the needs of the City. It is still functional and does not have any complications presented by the year 2000. The current Financial Management System (FMS) includes the following functionality: Budget, General Ledger, Cash Receipting, Purchasing, Accounts Payable and Accounts Receivable. It allows the City to perform accounting functions in accordance with governmental generally accepted accounting principles. This includes fund, encumbrance and capital project accounting. The modules have varying degrees of integration. The City also has several stand-alone systems such as utility billing, sales tax, cash registers, fixed assets and HR/Payroll. The information generated from these systems is entered into the General Ledger system manually.

Technology and Financial Systems have changed dramatically since the current financial system was written. There are many features, functionality and reporting capabilities present in the new systems that are not available in the City's current system. Six basic capabilities the current financial system lacks are as follows:

- The ability to perform ad-hoc reporting and data query;
- Web-enabled user access allowing for employee self-service;
- The ability to recreate history as of a certain date;
- Entering data one time and having all applicable programs be able to access and update it;
- The ability to have more than one year of history on the financial system; and
- The ability to have automated flow of documents for approvals, notification and reminders.

There are many systems currently on the market. These systems have varying degrees of functionality, integration and cost. An internal Steering Committee was formed to research and recommend a new system.

The ERP Steering Committee is co-chaired by Accounting Manager Tammy Hitchens and Human Resources Manager Debbie Mitchell; comprised of Information Technology Director David Puntenney, Assistant to the City Manager Barbara Gadecki, and Lead Software Engineer Larry Garlick; and has Treasury Manager Bob Eiche and Finance Director Mary Ann Parrot serving in advisory capacities.

The ERP Steering Committee met several times to begin initial strategic planning and research to determine the scope of the project to purchase and implement a new ERP system for the City. Costs, product lines and features, potential vendors, implementation options and a review of current approaches by other local government agencies were explored in a variety of ways. It was determined that a selection consultant was needed to assist with a needs analysis and development of an RFP for software and implementation services. On July 26, 1999, City Council authorized Staff to enter into a contract with Deloitte and Touche, to assist the City in the selection of a new citywide computer system. City Staff has recently completed the research necessary to make a recommendation to Council on a new ERP system.

When in place the system will perform the Human Resource, Payroll and Financial functions of the City. There are many components involved in the successful implementation of an ERP system. These components include the software, hardware, implementation, staffing, training and financing. The original RFP that was sent to potential vendors included all of the components mentioned above. When Staff received the proposals and the vendors were not willing to sign a contract that would make them responsible for both the software and implementation, it was decided the best approach would be to bifurcate the proposal and select the software first. A contract for the software would be contingent on the successful negotiation of a contract with an implementation partner. RFP's for the other components, such as financing and implementation, will be issued where appropriate. In addition to the implementation contract; training, financing, hardware and staffing all need to be considered in the final budget of the ERP project.

Staff has performed the following functions in order to be able to recommend JDE as the software of choice.

- A detailed RFP was sent out to potential vendors;
- Proposals were evaluated;
- Three vendors were selected to demonstrate their product (one vendor subsequently withdrew);
- PeopleSoft and JD Edwards demonstrated their software;
- Site visits were performed and reference checks were made;
- Staff visited the local training sites;
- Each vendor redemonstrated and clarified areas of concern;
- "Best and Final" offers were evaluated.

A comparison of proposals received from qualified vendors reflects that JD Edwards is the low bidder when considering the software license, the first two years of maintenance and basic installation of the software. The following bids do not include training, implementation services or financing for the project.

- JD Edwards                 \$614,550
- PeopleSoft                 \$616,260
- SAP                         \$701,185 (Withdrew prior to demonstrations)
- Oracle                     \$753,086 (Eliminated from consideration prior to demonstrations)

Staff used four criteria to evaluate the proposals for new ERP systems. The four areas were: functional capabilities, technical fit, cost and business partner fit. The key differentiating factors were:

- 1. Functionality and Ease of Use**– Staff preferred the functionality and ease of use of JD Edwards. The end users thought JD Edwards was easier to navigate; the financials were more robust, logical and intuitive; the capital project module was superior; and the screens were more streamlined. JD Edwards also provides the opportunity to customize screen views and reports without impact to upgrades. On the negative side, JD Edwards Human Resources and Payroll modules are less developed and do not contain some of the functionality required by the City. However, their next release (cume 3, which is scheduled for summer of 2000) has the functionality required. If cume 3 is not released, JD Edwards has indicated they are willing to commit, in the contract, to providing the required functionality prior to our go live date of January 1, 2001.
- 2. Cost of Ownership**- The difference in the purchase price of either PeopleSoft or JD Edwards is negligible. In doing an apples to apples comparison of the bids, the difference was \$1,700. However, the long term cost of ownership favors JD Edwards.
  - JD Edwards annual maintenance fees are calculated at 17% of the City’s purchase price (\$500,000) of the software.
  - PeopleSoft calculates their annual maintenance fees based on the then current license fee (currently \$598,000) times 18%.
  - PeopleSoft is a very labor intensive program (see technology discussion below); current staffing levels are not sufficient to operate the PeopleSoft system. Additional staffing, above what is preliminarily budgeted in the 5 year staffing plan, would be needed.
- 3. Technology Support** – JD Edwards’ corporate headquarters are located in the Denver Technological Center. Their corporate headquarters are home to both technological and application support. If a problem arises, a support person is only 25 miles away and could drive to Westminster to assist City staff. The support that is being proposed by JD Edwards is 24 hours a day, 7 days a week.
- 4. Technology Architecture** – JD Edwards’ One World software is written to take advantage of the latest technology. It will support all applications on either a client-server system or a Web enabled environment. PeopleSoft will be doing a major rewrite of their software within the next two years. The rewrite will include functionality that will utilize the latest technology. Currently, PeopleSoft provides limited use of applications in the Web environment. One of the primary concerns about PeopleSoft is the amount of time it takes to perform an upgrade. A typical upgrade takes 4 ½ to 6 months to implement. JD Edwards upgrades take between two days and one month to implement. JD Edwards’ one database is preferred over PeopleSoft’s two databases.
- 5. Business Partner Fit** – Staff was able to visit the JD Edwards headquarters in the Denver Technological Center. JD Edwards founded their organization serving government organizations and they have been providing products and services to the public sector for 23 years. Staff’s impression of JD Edwards is that they are very committed to a successful implementation in Westminster. Client references have indicated that JD Edwards has gone “above and beyond” their contract to make their software work. JD Edwards does not sell the client software and then turn the implementation over to a partner. They have a requirement that they be involved throughout the entire implementation. Staff believes JDE is looking for a long-term partnership and “are in it for the long haul.”

Staff recommends negotiating with JD Edwards for the purchase of the One World software based on its functional capabilities, lower cost of ownership and stronger technical and business partner fit. An RFP for implementation services and lease financing of the project will be issued and a final contract agreement with JD Edwards will be contingent on the successful negotiation of these contracts.

Staff has discussed technical staffing support needs with vendors and other cities who have gone through implementation of new software. All recommend that the database administration support staff be involved in the implementation of the product. The implementation project provides the "real time" training on the new product as well as builds an understanding of business practices and operation needs in the technical support staff. The City has tentatively identified the need to add a Software Engineer I/II, Grade 57/63, to provide database administration and support for the new system. This position is tentatively identified in the five-year Staffing Plan for addition in January, 2001. Staff recommends adding the position during the second quarter of 2000 so that the individual will be able to participate in the implementation of the system. It is anticipated that the increased expense for 2000 benefits can be absorbed within the various budget accounts in Central Charges and that the staffing expense of approximately \$40,000 will be paid from the project budget.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. **17**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

INFORMATION TECHNOLOGY STAFFING

WHEREAS, Section 1-24-3 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule for all position classifications in the municipal service; and

WHEREAS, the budget including the staffing summary for the 2000 year were adopted by City Council by Resolution No. 76, Series of 1999; and

WHEREAS, the City Council is adding personnel to assist with the implementation and ongoing operation of a new Human Resources, Payroll and Financial Management System;

NOW, THEREFORE, be it resolved that the Westminster City Council hereby authorize the staffing summary for the 2000 year be amended by modifying the position allocation with the addition of the position listed below:

<u>Grade</u>	<u>FTE</u>	<u>Position</u>	<u>Class Code</u>
57/63	1	Software Engineer I/II	3203/3204

BE IT FURTHER RESOLVED that this amendment shall be effective upon passage and adoption of this Resolution.

Passed and adopted this 28<sup>th</sup> day of February, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** February 28, 2000

**Subject:** Purchase of Open Space near Standley Lake

**Prepared by:** Mark Reddinger, Standley Lake Operations Coordinator  
Rod Larsen, Open Space Supervisor  
Bob Lienemann, Open Space Acquisitions

### Introduction

City Council action is requested to authorize the City Manager to sign the necessary documents to complete the purchase of approximately 4.5 acres of open space land adjacent to and including a portion of Borrow Pit Reservoir (also known as Loon Lake), located just southwest of 100th Avenue and Independence Street (see attached map). Open Space funds are available for this purchase.

### Summary

Borrow Pit Reservoir is an old irrigation reservoir (still in use), similar to the nearby Ketner Lake that the City has preserved as open space. It is now bounded on the west by City of Westminster open space as part of Standley Lake Regional Park. This is a very attractive natural area, could allow for fishing and passive enjoyment, and could be managed along with the larger park. Preservation of the entire reservoir and adjacent land will probably involve working with one or more private landowners and an irrigation ditch company over several phases and several years.

The key parcel of land surrounding the eastern half of the lake, and including a portion of the lake itself, has just come up for sale as the result of a foreclosure. Staff has been following this action for the past year, and has just negotiated a proposed purchase of this approximate 4.5 acres (see map) from the bank which has recently taken title to the property. The proposed purchase price is \$54,100, if the agreement can be closed quickly. There has apparently been interest from other private parties to acquire the property, to break up the property and sell off small parcels, or to sell membership in a private recreation area around the lake. The Open Space Advisory Board strongly supports acquiring this property for passive public use. Funds are available for this purchase in the Open Space Fund.

### Alternatives to the Proposed Action:

1. Do not acquire the property, and hope that the land remains in its natural condition, without development pressure or other impacts from construction or adjacent land uses. However, this alternative would fall short of the Open Space Advisory Board's recommendation to formally preserve this particular open space property for public use.
2. Attempt to delay the acquisition to some future date. However, funding is available now, the bank wishes to sell quickly and recover some of their costs, and there is apparently interest from other parties to purchase the land for other uses. The funds and/or opportunity to preserve this natural area are not likely to exist at some future date.

Staff does not recommend the alternatives in light of the previously described benefits of acquiring this easement.

### **Staff Recommendation**

Authorize the City Manager to sign the necessary documents to purchase for Open Space purposes, approximately 4.5 acres of land, at a cost of \$54,100 from First American State Bank, and charge the expense to the Open Space Fund.

### **Background Information**

Borrow Pit Reservoir is an old irrigation reservoir, still in use, and has evolved into a very attractive natural area. At some future date, it is likely that the reservoir's irrigation usefulness will end, and Staff have been working with the ditch company on this and other similar water bodies to preserve their natural character as open space. Any water body and associated wildlife and vegetation in this arid climate is quite valuable. This proposed purchase is the first and key parcel to preservation of the reservoir. Additional efforts are anticipated in future years, but without this first purchase, the opportunity would be lost, or much reduced in value.

The proposed acquisition fits the City's Open Space Ordinance criteria for the selection of open space sites very well, as follows:

< **AESTHETICS:** This property includes a key portion of the old reservoir and shoreline, preserves views across the reservoir to the mountains, and would make a great addition to the adjacent Standley Lake Regional Park. The great views on and from this site (which are currently hidden behind a fence and RV parking) and the unique natural character would be preserved. This is a unique property in the City of Westminster.

< **PROTECTION AND PRESERVATION:** Acquiring the property would protect the environmentally sensitive features of the reservoir, adjacent trees and wildlife cover, and avoid filling or development into the reservoir. Preserving small water bodies such as this broadens the variety of wildlife that may be seen as the City builds out. Water is extremely rare and valuable, and this old reservoir provides considerable scenic and wildlife values.

< **LOCATION:** This property provides a valuable extension to, and adds water, wildlife habitat and variety to the large open spaces of Standley Lake Regional Park.

< **USE POTENTIAL:** This acquisition would provide passive enjoyment such as nature study, photography or solitude, might allow some fishing, and would generally provide a special, quiet retreat. It is well used by waterfowl.

< **NEED FOR IMMEDIATE ACTION and ACQUISITION CONSIDERATION:** Staff has been tracking this property for some time, the bank has just taken title to the property, and is now motivated to sell the property quickly. There is apparent competition to acquire this property for other, private uses or for development. This key first acquisition would make possible further efforts to preserve the entire reservoir. The proposed purchase seems the best solution, at a very minimal cost. The bank is a willing seller and partner, the price they ask is very reasonable, and funds are available for the purchase.

Respectfully submitted,

William M. Christopher, City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** February 28, 2000

**Subject:** Councillor's Bill No. 16 AT&T Wireless Services of Colorado lease at the Ice Centre

**Prepared by:** Philo Shelton, Design Development Manager

### Introduction

City Council action is requested to pass first reading the attached Councillor's Bill regarding a lease agreement between the City of Westminster and Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and AT&T Wireless Services of Colorado, Inc. for the lease of approximately 485 square feet of space in the Ice Centre at the Promenade and authorize the City Manager to sign a lease agreement with AT&T Wireless Services of Colorado, Inc. for a Communication Facility at the Ice Centre. The Hyland Hills Board of Directors has reviewed the lease agreement at their last meeting and is scheduled for final approval at their March 7<sup>th</sup> board meeting contingent upon City Council approval. This agreement has been reviewed by the City Attorney's Office.

### Summary

AT&T Wireless Services of Colorado, Inc. has evaluated locations, and determined that the Ice Centre site is ideal for the placement of an additional cellular antenna to serve cellular customers along the Boulder Turnpike. This "Communication Facility" shall consist of concealed cellular telephone transmission antennas behind the Ice Centre's quote beam, and approximately 485 square feet of retail space to be used to house the communication equipment. The proposed location for this facility in the Ice Centre's retail space is in a triangular corner. Since this space was angular and not well suited for retail use, this communications facility was a good fit for this space. The communication facility's concealed transmission antennas have been reviewed by Parks, Recreation and Libraries Department and the Planning Division to ensure that the antennas and equipment meet Code requirements and will fit in visually at the promenade. A plan and elevations have been attached to show specific locations.

Highlights of the lease agreement are as follows:

- > The term of the lease will be for 15 years subject to the tenant's satisfactory compliance to the conditions of the lease.
- > The lease may be renewed by mutual agreement of both parties subject to satisfactory performance of the tenant.
- > The tenant shall provide all equipment and capital improvements to the interior space being leased.
- > The tenant shall pay for all utility costs related to the space being leased.
- > Execution of this agreement will generate \$19,200 per year or approximately \$39 per square foot in revenue for the recreational facilities enterprise. This is a lease premium rate for this type space.

### **Alternatives**

- > City Council could reject the terms of this lease agreement and instruct Staff to re-advertise the space to another interested party.
- > City Council could reject parts of the lease agreement and instruct Staff to renegotiate according to changes proposed by Councillors.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading authorizing the City Manager to sign a lease agreement between the City of Westminster and Hyland Hills Park and Recreation District (through its recreational facilities enterprise), and AT&T Wireless Services of Colorado, Inc. for the lease of approximately 485 square feet of space in the Ice Centre at the Promenade.

### **Background Information**

AT&T has a gap in their cellular service along the Boulder Turnpike. Since the Ice Centre is situated in the middle of this gap and has good height and frontage to the Boulder Turnpike, stealth antennas could be used at this location. City Council recently approved a lease to Sprint for a cellular tower at City Park. This installation at City Park had different requirements based on elevation and completing Sprint's network coverage that necessitated a tower system.

The purpose of leasing out space in the Ice Centre is to produce additional revenue for the arena enterprise. The lease rates that have been negotiated will provide significant revenues to the Ice Centre enterprise, which will go toward anticipated proforma projections. Staff believes these rates are very competitive to market rates in the area.

Presently, the only other retail space lease at the Ice Centre is Jackson's All American Grill. Jackson's lease agreement pays the enterprise \$10 per square foot the first year of the lease, and gradually increase the lease rate to \$18 per square foot starting the 11th year until the lease expires in year 15. This equates to \$60,000 the first year and increase to \$108,000 the 11th year. The total revenue from Jackson's lease agreement will be \$1,452,000 over the 15 years. The lease rates for Jackson's are more in line with average lease rates in the City. Staff is pleased to have AT&T agree to these premium rates.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **16**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY, HYLAND HILLS PARK AND RECREATION DISTRICT AND AT&T WIRELESS SERVICES OF COLORADO, INC. FOR THE LEASE OF A PORTION OF THE ICE CENTRE AT THE WESTMINSTER PROMENADE FOR A COMMUNICATIONS FACILITY.

WHEREAS, City Council previously authorized an intergovernmental agreement between the City and the Hyland Hills Park and Recreation District for the purpose of constructing and operating an Ice Centre at the Westminster Promenade; and

WHEREAS, the City and Hyland Hills have selected AT&T Wireless Services of Colorado, Inc. as one of the tenants at the Ice Centre's retail space; and

WHEREAS, the final form of the lease agreement has been agreed to by the parties; and

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreement between the City, Hyland Hills Park and Recreation District, acting by and through its Recreational Facilities Enterprise, and AT&T Wireless Services of Colorado, Inc. for the lease of a portion of the Ice Centre at the Westminster Promenade for a communication facility is approved in substantially the same form as attached as Exhibit "A."

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of February, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_th day of March, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** February 28, 2000

**Subject:** Sale of City-Owned Parcel

**Prepared by:** Bob Lienemann, Open Space Coordinator

#### Introduction

City Council action is requested to authorize the City Manager to complete the sale of a very small parcel of property made necessary by a street extension with the new Weatherstone development. The parcel is located east of Sheridan Boulevard, just west of Wolff Street extended, at approximately 116<sup>th</sup> Avenue (see attached map). It is intended that the funds from this sale would reimburse the Open Space Fund.

#### Summary

Several years ago, the City acquired an approximate five acre parcel of land from Adams County at about 116<sup>th</sup> Avenue, just east of Sheridan Boulevard, using Open Space funds. This parcel had been acquired by Adams County many years ago, before the area annexed to Westminster. It was known at the time of the City's purchase that the eventual extension of Wolff Street, to provide convenient connections between neighborhoods, would "cut off" a small area from the remainder of this open space, but the County would only sell the entire parcel to the City. Thus the purchase was completed, and it was anticipated that this small parcel cut off by Wolff Street would eventually be sold to the developer of Weatherstone. The Preliminary Development Plan (PDP) for Weatherstone indicated such a sale, when reviewed and approved by City Council previously.

The Weatherstone development is now ready to move ahead with the purchase of the parcel to allow completion of replatting as part of Wolff Street, adjacent lots and a greenbelt. City Council approval of the sale of this small parcel cut off by Wolff Street is now requested. The sale is as anticipated, as shown previously on the PDP, as now shown on the ODP, and if approved by City Council, would be contingent upon approval of the ODP for Weatherstone.

The Open Space ordinance allows for such resale of property, and requires that the Open Space Fund be reimbursed the value paid for the land initially, or the value today, whichever is higher. Staff and the developer have determined that the size of the parcel is 1.28 acres, with a part of this land to be replatted to the City as Wolff Street, and approximately 0.9 acre west of Wolff Street to become part of several lots and a greenbelt. The parties have negotiated a purchase price of \$31,500, which is substantially higher than the value paid several years ago, but a fair price given current land values in the area. These funds would then be available to acquire additional open space.

#### Alternative to the Proposed Action:

Do not sell the small remainder west of Wolff Street to the developer. This would not be consistent with the PDP, ODP and prior negotiations. This approach would probably delay the development and the platting and construction of Wolff Street, which is desirable for the reasons mentioned above.

It would also delay the dedication of a ten acre park site from Weatherstone, along with trail connections and other improvements of benefit to the neighborhood. A small, 0.9 acre parcel “across the street” from open space would have little open space value. Such areas often appear as undeveloped lots, leading to weed or maintenance issues.

Staff does not recommend the alternative.

Though the Open Space Advisory Board is very cautious in considering the sale of any Open Space land, they do support the sale of this particular small, separated property and the reimbursement to the Open Space Fund, since this resale was always anticipated, is described on the PDP and ODP, and given the details explained above.

### **Staff Recommendation**

Authorize the City Manager to sign all the necessary documents to complete the sale of an approximate 1.28 acre remainder parcel of land to the Weatherstone developer for \$31,500, a portion of which is to be replatted to the City as Wolff Street, and reimburse the Open Space Fund in this amount.

### **Background Information**

A portion of the Open Space property east of Wolff Street was used to create a regional detention and water quality pond, which serves the Sheridan Crossing Shopping Center and the proposed new development in Weatherstone. The Sheridan Crossing developer reimbursed the City’s Open Space Fund for that part of the property that was used for regional detention, even though the City continues to own and manage this property as open space. A recent volunteer project added wetland plantings to the pond area, to provide wildlife habitat.

These purchases, sales and reimbursements are considered a “win – win” solution, resulting in additional open space at very little cost, new wetlands and a pond for wildlife habitat, storm drainage improvements, new homes, shopping, and neighborhood park lands. It is the shopping centers and the sales tax they generate that fund Open Space preservation in the City. It is the new residential developments that provide the parklands through dedication.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 28, 2000

**Subject:** Councillor's Bill No. 17 re Appropriation for Playground/Trail at West View Recreation Center

**Prepared by:** Philo Shelton, Design Development Manager

**Introduction**

City Council action is requested on the attached Councillor's Bill for a supplemental appropriation of \$75,000 into the General Capital Improvement Fund for playground and trail construction at the West View Recreation Center. The Supplemental funds consist of \$75,000 from Jefferson County Open Space (JCOS) 2000 Joint Venture grant for a playground, and trail connections.

**Summary**

In December 1999, Staff applied for a \$125,000 JCOS Joint Venture Grant to help fund a playground, trail connections and additional landscaping at the West View Recreation Center and the City was awarded \$75,000. This level of funding will help to complete the playground and trail connections for this project. Last year, JCOS awarded \$150,000 to this project in the 1999 Joint Venture grant cycle. This brings JCOS's total contribution to \$225,000 for the project.

The playground is a requirement to have a state licensed preschool program and will be located outside the child care room of the recreation center. This playground will allow for preschool activities to continue that are presently offered at the Countryside Recreation Center. The trail will provide connections to Walnut Creek Trail and 108<sup>th</sup> Avenue's sidewalks.

**Staff Recommendation**

Pass Councillor's Bill No. 17 on first reading appropriating \$75,000 into the General Capital Improvement Fund, increasing the project budget by \$75,000, and authorize the use of these funds for playground and trail construction at the West View Recreation Center.

**Background**

JCOS provides the opportunity to park and recreation agencies in Jefferson County to submit joint venture grant applications each year for the development of parks, recreation facilities, open space, and trails. JCOS requires formal action (adopted resolution) by City Council before joint venture development grant applications will be considered. On December 13, 1999, City Council adopted a Resolution supporting this joint venture grant application. These extra funds will be used to provided a complete landscaping plan, trail connections to Walnut Creek Trail and 108<sup>th</sup> Ave., and a playground attached to the child care room.

Last year, Staff requested \$200,000 from JCOS for West View's 2,000 square foot community room. JCOS awarded the City of Westminster \$150,000 for the project but asked that it be applied to the landscaping budget which in turned freed up monies to be applied towards the community room.



JCOS historically has not funded “bricks and mortar projects,” so that was the impetuous to fund the landscaping instead of the community room portion of the project. Therefore this years grant request was also for site improvements to the recreation center.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments: Project Area Map  
Councillor’s Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **17**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,496,000 is hereby increased by \$75,000 which, when added to the fund balance as of the City Council action on March 13, 1999 will equal \$12,774,851. The actual amount in the General Capital Improvement 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 \$75,000 Jefferson County Open Space Joint Venture grant for construction of the West View Recreation Center.

Section 2. The \$75,000 increase in the General Capital Improvement 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>
REVENUES			
Intergovernmental-Jefferson County Open Space			
75-0420-020	\$0	\$75,000	\$75,000
EXPENSES			
West View Recreation Center Project			
75-50-88-555-381	\$384,000	\$75,000	\$459,000

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 and shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of February 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day \_\_\_\_ of March 2000.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date** February 28, 2000

**Subject:** Resolution No. 18 re Westminster T-Ball Complex Service Commitments

**Prepared by:** Julie Meenan Eck, Park Landscape Architect

#### Introduction

City Council action is requested to adopt the attached Resolution to allocate 5.9 Category F water service commitments for the Westminster T-Ball Complex located at 1133 W. 113<sup>th</sup> Avenue and to authorize payment of \$42,050 for a 1 ½" irrigation tap. City Council action is also requested to authorize the City Manager to execute contracts with Ideal Fencing Corporation in the amount of \$46,300 for the construction of the field fencing and dugouts, with NOR-COLO Utilities in the amount of \$89,325.30 for the concrete work and with Legacy Land Services in the amount of \$111,675.30 for the landscaping, sod, and irrigation work at the Westminster T-Ball Complex. Funds for these expenses are available in the Westminster T-Ball Complex Project account in the General Capital Improvement Fund.

#### Summary

This spring, construction will begin on the 2.8 acre Westminster T-Ball Complex. Construction should be completed by mid-summer. The park, at 1133 W. 113<sup>th</sup> Avenue, is located north of the Apple Valley North Townhomes and west of Kaiser Permanente. A 1-1/2" potable water tap is required to irrigate 1.01 acres of the park. Section 11-3-4 of the City Code requires City Council to approve the allocation of Category F service commitments for public projects. City Council approved Sovereign Design and Development in October 1999 to manage the design/build contracts for the City and the Colorado Rockies. Sovereign Design and Development receives competitive bids from a list of pre-approved contractors. Sovereign and the Rockies receive a reduced cost on labor and materials since various companies donate labor or materials to the Rockies Player' Field Program. Therefore, more amenities can be provided through the Rockies with a given budget than could be built if Staff went through the City's bid process. An example of current construction costs would run the concrete for the project at approximately \$101,929 and the landscaping at approximately \$137,513.

#### Alternatives

1. Staff is tapping into Apple Valley North's private waterline for a distance of 110 feet. The City could tap into the City water line and run a loop up from 112<sup>th</sup> Avenue, a distance of 2,300 feet at an estimated cost of \$230,000, which would be expensive for irrigating only 1.01 acres.
2. Staff could send the project out to bid through the normal bid process. Staff would advertise and bid according to the City's purchasing ordinances and procedures, and hire a general contractor to complete the construction. However, Staff would have to pay current construction costs and lose the opportunity for reduced costs that the Colorado Rockies bidding process will receive, possibly delaying the project several months.

### **Staff Recommendation**

1. Adopt Resolution No. 18 allocating 5.9 Category F water service commitments to Westminster T-Ball Complex and authorize the payment of tap fees in the amount of \$42,050 from the Westminster T-Ball Complex construction account.
2. Authorize the City Manager to sign contracts with Ideal Fencing Corporation for \$46,300; NOR-COLO Utilities for \$89,325.30; and Legacy Land Services for \$111,675.30.

### **Background Information**

In March of 1999, Staff received notification from the Colorado Rockies regarding the approval of a grant for the improvements of the Northglenn Little League Ball Fields. Later in March, Staff applied for a \$150,000 Local Government Park and Outdoor Recreation Grant sponsored by GOCO for the Westminster T-Ball Complex project. The City was awarded the grant in the amount of \$150,000 on June 22, 1999 for construction of the park. City Council approved the project in July of 1999 and \$325,000 of carryover monies was committed for this project. Northglenn Little League deeded the property to the City in December of 1999 for the construction of the Westminster T-Ball Complex.

This site is approximately a 3-acre park that will be re-graded to accommodate four t-ball fields, a picnic pavilion, bike racks, flagstone entry sign, and concrete walkways throughout. The t-ball fields will get new fencing, bleachers, infield mix, warning tracks, irrigation, and sod. The City hired the Colorado Rockies consultants Sovereign Design and Development to design and manage the construction of the park. Sovereign Design and Development have always built the fields under budget and with outstanding quality for the Colorado Rockies.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments: Resolution, Project area map

RESOLUTION

RESOLUTION NO. 18

INTRODUCED BY COUNCILLORS

SERIES OF 2000 \_\_\_\_\_

AWARD OF SERVICE COMMITMENTS FOR WESTMINSTER T-BALL COMPLEX FROM CATEGORY F

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

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990, through December 31, 2000; and

WHEREAS, within that ordinance there is a provision for an award of Service Commitments to Category F, Contingency and Public Usage; and

WHEREAS, Category F is the category which is appropriate for Westminster T-Ball Complex; and

WHEREAS, the City Council has approved the development of Westminster T-Ball Complex; and

WHEREAS, the City Council is authorized to award Service Commitments by Section 11-3-4(F) of the City Code.

NOW, THEREFORE, be it resolved that:

1. An award of 5.9 Service Commitments is hereby made for use by Westminster T-Ball Complex.
2. A reduction of 5.9 Service Commitments is hereby made to the total number of Service Commitments available in Category F.
3. This award shall be valid for a period ending December 31, 2000.
4. This shall constitute the resolution required under Section 11-3-4 of the City Code.

Passed and adopted this 28th day of February 2000.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



### WESTMINSTER COLORADO

#### Agenda Memorandum

**Date:** February 28, 2000

**Subject:** West 96<sup>th</sup> Avenue Extension, Pierce Street to Teller Street – Intergovernmental Agreements and Resolution No. 19 re: Right-of-Way Acquisition

**Prepared by:** Michael Normandin, Transportation Engineer

#### Introduction

City Council action is requested to authorize the City Manager to execute the attached Intergovernmental Agreements with Jefferson County and the Jefferson County School District regarding funding and contract administration for the design and construction of 96<sup>th</sup> Avenue from Pierce Street to Teller Street; and to adopt the attached Resolution, authorizing acquisition of property interests necessary to construct 96<sup>th</sup> Avenue between Pierce Street and Teller Street, using eminent domain proceedings, if necessary.

#### Summary

The 96<sup>th</sup> Avenue Extension project consists of the construction of a new roadway between Teller Street and Pierce Street (see attached map) and a school bus loading area, which will connect the proposed new link of 96<sup>th</sup> Avenue to the Mandalay Middle School parking area. The sponsors of this project include the City of Westminster, Jefferson County Schools and Jefferson County.

Following heated public meetings on the Cambridge Farms and Asbury Park Developments within the Jefferson County enclave area a few years ago, a mediation process was used to assist the residents in the affected area to define desired street improvements. While the residents differed on the priorities, the 96<sup>th</sup> Avenue Extension was one project that received consensus approval from the neighborhood. In May of last year, a petition was submitted to City Council which opposed the construction of the 96<sup>th</sup> Avenue connection. In response to the petition, a neighborhood survey was conducted within the Greenlawn neighborhood. The results of the survey indicated that 60% of the Greenlawn residents still endorsed the construction of the 96<sup>th</sup> Avenue connection.

The final design for the project has been completed and right-of-way acquisition is proposed to begin later this month, pending completion of the property appraisals for the three properties affected by this project.

The key elements of the attached Intergovernmental Agreements between the City and Jefferson County Schools and the City and Jefferson County include the following:

- The funding levels earmarked by each entity include \$300,000 from Jefferson County Schools, \$225,000 from Jefferson County and \$426,500 from the City of Westminster.
- The parties intend to share the cost of design, right-of-way acquisition and construction of the project.
- Jefferson County Staff will assist the City with right-of-way acquisition.
- The City and Jefferson County Schools will exchange right-of-way parcels to accommodate the construction of the subject roadway.

- The City will administer the construction contract on behalf of the project participants.
- The proposed 96<sup>th</sup> Avenue connection will be owned and maintained by the City of Westminster.

### **Staff Recommendation**

Authorize the City Manager to execute an Intergovernmental Agreements with Jefferson County Schools and Jefferson County regarding the funding of design, right-of-way acquisition, construction and project administration for the construction of the 96<sup>th</sup> Avenue connection between Pierce and Teller Streets.

Adopt Resolution No. 19 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the 96<sup>th</sup> Avenue Extension project, through eminent domain, if necessary; and authorize the necessary expenditures for acquisition costs and all related expenses which shall be charged to the appropriate capital project account in the General Capital Improvement Fund.

### **Background**

A few years ago when the Cambridge Farms Subdivision located east of Wadsworth Boulevard at 93<sup>rd</sup> Place was approved, several residents of the surrounding neighborhood attended the public hearing to express concerns over traffic problems within the Greenlawn area. As a result, Council directed City of Westminster and Jefferson County Staff and a transportation consultant to work with the residents of the Greenlawn neighborhood to develop a comprehensive set of recommendations for transportation actions that would enhance traffic operations and safety in the neighborhood. Several neighborhood meetings were held and an external facilitator/mediator was hired to assist in formulating a plan that would be most compatible and agreeable to all parties involved. A Neighborhood Design Team was formed which represented various factions of the neighborhood.

One of the consensus recommendations reached by the Neighborhood Design Team was to extend 96<sup>th</sup> Avenue from Teller Street to Pierce Street (see attached map). The purpose of this street connection was to keep buses that circulate between the schools and any cut-through traffic on the northern edge of the neighborhood, as well as to reduce traffic on West 95<sup>th</sup> Avenue by increasing the number of roads connecting between Teller and Pierce Streets. Currently, 95<sup>th</sup> Avenue is the only street that connects with Pierce Street between 92<sup>nd</sup> Avenue and 98<sup>th</sup> Avenue.

Within the past few years, preliminary design for the 96<sup>th</sup> Avenue Extension has been completed and the Jefferson County School District, Jefferson County and the City of Westminster have formed a partnership to fund the cost of the 96<sup>th</sup> Avenue project. Jefferson County Schools benefits from this project because it will provide bus access to the Mandalay Middle School parking lot. Removing buses from the existing parking will alleviate the circulation problems that currently exists. This spring, a consultant was hired to prepare the final design and a bid package for the construction of the subject street connection.

At the May 10<sup>th</sup> City Council meeting, a petition signed by 225 people was submitted to stop the plans to construct the 96<sup>th</sup> Avenue Extension. Several people that signed the petition were parents of students attending Semper Elementary School as well as Semper Elementary Staff members. The organizers of the petition have indicated that they question the need for the 96<sup>th</sup> Avenue Extension due to the decreased traffic volumes on 95<sup>th</sup> Avenue between Teller and Pierce Streets. Recent traffic counts indicate that over the past four years, the traffic volumes on 95<sup>th</sup> Avenue between Teller and Pierce Streets have dropped from 1650 cars per day to 881 cars per day. This decrease in traffic volume may be due to the opening of 98<sup>th</sup> Avenue between Pierce Street and Old Wadsworth Boulevard.

Also, the children living in the Greenlawn area now attend Semper Elementary School. Before Semper Elementary School was opened, these children attended Betty Adams Elementary School. As mentioned previously, 95<sup>th</sup> Avenue is the only street in the neighborhood that intersects with Pierce Street, and parents transporting their children to Betty Adams Elementary were forced to use this street. The petition organizers are also concerned about the potential for increased traffic on the portion of 96<sup>th</sup> Avenue adjacent to Semper Elementary School.

The final design of the 96<sup>th</sup> Avenue connection was placed on hold until additional feedback could be obtained from the Greenlawn neighborhood. City Staff surveyed the Greenlawn area due to the extensive neighborhood process that was initially conducted, and found that 60% of those responding to the survey still favor the installation of the roadway.

The proposed schedule for the project includes right-of-way acquisition in late February through early March with construction bid solicitation to follow. The construction bid award is anticipated in late March with construction to begin in early April. The project is slated for completion by early September 2000.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



RESOLUTION

RESOLUTION NO. **19**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

---

WHEREAS, the City of Westminster, Jefferson County Schools and Jefferson County have determined that it is necessary to the public health, safety and welfare to acquire certain parcels of land to accommodate the construction of the 96<sup>th</sup> Avenue Connection between Pierce Street and Teller Street; and

WHEREAS, property appraisals have been prepared by a professional appraisal company experienced in performing appraisals to determine the fair market value of the property rights being acquired in each of the parcels; and

WHEREAS, the City will make an earnest good faith offer to purchase each of the subject parcels; and

WHEREAS, a delay in the acquisition of any of these parcels could result in a delay of the 96<sup>th</sup> Avenue – Pierce Street to Teller Street Extension Project, thus creating a hardship on the general population of the City of Westminster and Jefferson County wishing to utilize the proposed project; and

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to keep the 96<sup>th</sup> Avenue Extension – Pierce Street to Teller Street Project on the desired schedule.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the 96<sup>th</sup> Avenue – Pierce Street to Teller Street.

2. City Staff is authorized to proceed with negotiations to acquire the necessary property interests, including remainders pursuant to W.M.C section 15-1-11, on the basis of the appraised value, or such higher value as is considered just and necessary to facilitate the acquisition and avoid the necessity of condemnation.

3. The City Manager is hereby authorized to acquire such property interests consistent with applicable law, including the execution of all documents necessary to complete these purchases.

4. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property interests in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceedings required to obtain property interests should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request a grant of immediate possession of the necessary property interests.

5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitations, contractual services, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filings fees and charges and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The cost shall be charged to the appropriate project account of the General Capital Improvement Project Fund.

Passed and adopted this 28<sup>th</sup> day of February, 2000.

ATTEST:

---

Mayor

---

City Clerk



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** February 28, 2000

**Subject:** Councillor's Bill No. 18 re Supplemental Appropriation for the Promenade Overflow Parking Project

**Prepared by:** David W. Loseman, Senior Projects Engineer

#### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading which transfers \$40,880 to the Westminster Promenade Overflow Parking Project from the General Fund Contingency and authorizes the City Manager to execute a change order with Hoffman Construction Company in an amount not to exceed \$40,880 to perform this work.

#### **Summary**

The future office parking structure which is to be located between the Ice Centre and the Westin Hotel is not scheduled for construction for the next eight to 12 months. This delay is creating a parking shortage for the Ice Centre and Jackson's Sport Grill, especially during weekend hockey tournaments. This is creating a concern by emergency personnel since fire trucks and ambulances cannot get down the roads with cars parked along the sides of the road.

Staff has identified a temporary solution which is to pave an overflow parking lot in the future parking structure area which is located due east of the Ice Centre. (See attached map.)

This parking lot would provide an additional 103 spaces. The cost of this temporary parking lot is approximately \$40,880 if paved or \$25,000, if gravel is used.

Staff recommends using pavement since it would be cleaner, require less maintenance and will allow more efficient parking since it would be striped. In a gravel lot, patrons would park indiscriminately and could reduce the parking capacity by as much as 25-30 cars.

An alternative to this action is to do nothing and wait for the Hotel and conference center parking lot to open in April in the hopes that people will use this parking lot. Staff does not believe that Ice Centre patrons will park here, however, since it would be a walk of approximately 1200 feet from the parking lot to the Ice Centre.

#### **Staff Recommendation**

1. Pass Councillor's Bill No. 18 on first reading appropriating \$40,880 to the Westminster Promenade Project from the General Fund Contingency.
2. Authorize the City Manager to execute a change order with Hoffman Construction Company in an amount not to exceed \$40,880 to perform this work.

## **Background**

With construction of the Westin Hotel ongoing, which requires keeping the Westin parking lot closed, coupled with the recent opening of Jackson's Sports Grill and the continuing busy Ice Centre, parking has become a problem. Cars have been parking along the sides of the roads making it difficult for emergency vehicles to get by. This is a short-term problem due to the delay in construction of the 630-space office parking structure, which will not be built for eight to 12 months.

The solution, in Staff's opinion, is to build a temporary parking lot which will provide 103 additional stalls at the northeast corner of the Ice Centre. Two alternatives were reviewed, a paved parking lot and a gravel parking lot costing \$40,880 and \$25,000 respectively. Staff is recommending the paved parking lot alternative since it is lower maintenance, is cleaner looking and more efficiently organizes parking since it will be striped. Gravel parking could lose as many as 25-30 spots to park since people will park anywhere they want.

An alternative to this request is to do nothing and see if the parking improves once the entire Westin parking lot is opened. It is unlikely that this will help considerably since it is a 1200-foot hike to the Ice Centre from the Westin parking lot.

The construction of this temporary parking lot situation was not anticipated when the budget for the Promenade was prepared and this added expense cannot be absorbed in the project budget. Therefore, Staff is requesting a supplemental appropriation to cover the expense of this parking lot should Council decide to approve this construction.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **18**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE INCREASING THE 2000 BUDGETS OF THE GENERAL FUND AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Fund, initially appropriated by Ordinance No. 2728 in the amount of \$61,747,852 is hereby decreased by \$40,880, which when subtracted from the fund balance as of the City Council action on March 13, 2000 will equal \$61,706,972. 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 decrease is due a General Fund Contingency Transfer to the General Capital Improvement Fund to be utilized for the Westminster Promenade overflow parking lot.

Section 2. The \$40,880 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which will be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Decrease</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Carryover 10-0090-000	\$1,133,001	(\$40,880)	\$1,092,121
<u>EXPENSES</u>			
Transfers to General Capital Improvement Fund 10-10-95-990-975	\$1,061,481	(\$40,880)	\$1,020,601

Section 3. The 2000 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,496,000 is hereby increased by \$40,880, which when added to the fund balance as of the City Council action on March 13, 2000 will equal \$12,840,731. The actual amount in the General Capital Improvement 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 General Fund Contingency transfer to be utilized for the Westminster Promenade overflow parking lot.

Section 4. The \$40,880 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which will be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Transfers from the General Fund 75-9999-360	\$1,133,000	\$40,880	\$1,173,880
<u>EXPENSES</u>			
Ryan Parking Lot 75-30-88-555-317	\$1,061,481	\$40,880	\$1,102,361

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 28<sup>th</sup> day of February 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_ day of March 2000.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** February 28, 2000

**Subject:** Resolution No. 20 re 2000 Recovery Contract Interest Rates

**Prepared by:** Dan Blankenship, Senior Civil Engineer

### Introduction

City Council action is requested on the attached Resolution setting the interest rates on applicable public improvement recovery contracts for calendar year 2000.

### Summary

In accordance with Section 8(A) of Title XI, Chapter 6, of the City Code, it is requested that City Council establish interest rates on recovery agreements for 2000. Recovery agreements are the method by which the original installers of public improvements are paid back for a portion of the cost of such improvements by subsequent users of the facilities. The City Code sets no limit upon City Council in the calculation of the interest rate, but, for the past 15+ years, it has been City practice to add two percent to the Prime Rate. City Council has added two percent to the Prime Rate in an effort to reflect the private developer's "cost of money" to borrow funds to build public improvements. It was determined that the Prime Rate on January 1, 2000, was 8.75 percent. Therefore, it is proposed that the recovery interest rate for 2000 on non-City-funded public improvements be the Prime Rate plus two percent, or 10.75 percent.

Beginning in 1993, City Council determined that the recovery interest rates on City-funded projects would be based on the Municipal Bond Index. Again, this index is used to reflect the City's "cost of money," which is different from that of a private developer. This index for 2000 is 6.00 percent. Thus, the recovery interest rate on City-funded projects should be 6.00 percent for 2000.

### Staff Recommendation

Adopt Resolution No. 20 establishing the 2000 calendar year interest rate for non-City-funded public improvement recovery contracts at 10.75 percent and an interest rate of 6.00 percent for City-funded public improvements.

### Background Information

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

Prior to 1993, the interest rate used in calculations for recoveries owed on City-funded public improvements was equal to that used on privately funded improvements (i.e., prime rate plus two percent). However, the actual cost of money used to fund City Capital Improvement projects is usually much less than that charged to private developers. Since the philosophy behind the City's recovery system is one of cost reimbursement, not profit making, it is more equitable to select an interest rate for City-funded projects that more closely approximates the actual cost of money to the City. Therefore, beginning in 1993, Council determined that the Municipal Bond Index in effect at the first of each calendar year would be selected as the recovery interest rate for City projects. Thus, the recovery interest rate for such projects during 2000 is proposed to be 6.00 percent.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Resolution



RESOLUTION NO. **20**

INTRODUCED BY COUNCILLORS

---

SERIES OF 2000

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

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

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

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster hereby establish the 2000 calendar year interest rate for any non-City funded public improvement recovery contract to be 10.75 percent and the 2000 calendar year interest rate for City-funded public improvements to be 6.00 percent.

Passed and adopted this 28<sup>th</sup> day of February, 2000.

ATTEST:

---

Mayor

---

City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 28, 2000  
**Subject:** Resolution No. 21 re Big Dry Creek Trail Land Acquisitions  
**Prepared by:** Lynn Wodell, Open Space Acquisition Agent

**Introduction**

City Council action is requested to adopt the attached Resolution authorizing acquisition of land and temporary construction easements necessary to complete the Big Dry Creek Trail Project - by continued negotiation, if possible, and through eminent domain proceedings, if necessary. City Open Space funds are available to purchase the necessary properties (see attached map).

**Summary**

The City of Westminster and Jefferson County have long been working to complete the Big Dry Creek Trail (a "Trails 2000" project with funding from both City and County) by the summer of this year - 2000. Staffs from the City and County have been meeting with landowners in this unincorporated area of Jefferson County for several years, to finalize trail layout and to negotiate the purchase of small parcels and temporary access easements to construct the trail.

Staff has just reached verbal agreement with both owners on the acquisition of these two parcels, and anticipates closing these purchases quickly. The attached Resolution authorizes eminent domain proceedings for either or both properties, only if necessary.

The acquisition of two small parcels and related temporary construction easements just east of the railroad tracks, near 99<sup>th</sup> Avenue in unincorporated Jefferson County, are key to the completion of the trail from Standley Lake to City Park (and well beyond, through Adams County to I-25). The acquisition of these two small parcels, and locating the trail in this manner, offer the least impacts to the neighborhood and to the environment.

Final design of the trail in this location has been completed, and construction of adjacent sections of the trail is underway. The acquisition of these two small parcels is key to the trail project's progress and success. The attached Resolution allows City Staff to continue to pursue all appropriate activities necessary to acquire the properties, including eminent domain if negotiations with property owners are not successful.

**Staff Recommendation**

Adopt Resolution No. 21 authorizing Staff to proceed with acquisition of sufficient right of way and easements for the Big Dry Creek Trail Project, through continued negotiation, if possible, and through eminent domain, if necessary, and charge the expense for this acquisition to the City Open Space Fund.

## **Background**

At the request of one landowner, who spoke to City Council approximately one year ago about their concerns with a trail cutting through their property, Staff has re-designed the trail to skirt around the rear of their property (see map, acquisition 2), instead of going along the creek. The City has recently purchased an adjacent, vacant lot in order to shift this portion of the trail off and away from the property, reducing the impacts to the minimum level possible. Staff has also offered to make drainage improvements for the benefit of the property owners. Negotiations to acquire a small part of the rear of this lot, small, temporary construction easements, and a sewer easement, continue with this landowner. It is hoped that an agreement for purchase can be reached in the very near future. It is possible that the landowners may approach City Council to argue that the trail not be built, or that it be moved to some other location that does not affect their property. At this point, Staff believes that all reasonable accommodations to their concerns have been made, including considerable re-design of the trail and purchase of adjacent property. Staff believes that possession of a small portion of this property is necessary in the very near future, in order to complete this and adjacent trail construction. For this reason, the attached Resolution authorizes acquisition of these small parcels through eminent domain, if necessary.

In shifting the trail alignment to the back of the property, and then off this property across the adjacent lot the City purchased, Staff discovered through title work that a second, very small remainder property (see map, acquisition 1) was still in private hands, and that this parcel must also be acquired prior to trail construction.

The Big Dry Creek Trail is a regional trail corridor as identified in the City and Jefferson County trails master plans. City and County Staff held numerous public meetings with residents of this area, and with other “stakeholders”, to arrive at the preferred trail location. The relative pros and cons of various trail alignments were previously reviewed in these neighborhood meetings, and with City Council. Generally, some residents living south of the creek preferred that the trail go to the north side, and vice versa. The majority preferred the northern alignment and detailed design continued. Other trail alignment options to the north were acceptable to adjacent property owners and were designed in detail, but this particular alignment has been further refined in negotiations with the one affected landowner. Additional property has been acquired to improve this trail alignment. Staff believes that all reasonable alternatives and modifications have been addressed.

## **Alternatives**

1. Do not acquire these last two properties, and do not complete the Big Dry Creek Trail in this unincorporated area west of Wadsworth Boulevard. However, this alternative would fall short of Westminster and Jefferson County residents’ hope of completing a continuous Big Dry Creek Trail connecting Standley Lake, City Park, Front Range Community College and College Hill Library, and many other park, open space and trail facilities.
2. Delay purchase and construction until some future date. This is not likely to resolve the issues, and funding might not be available at a future date. The goal of completing this “Trails 2000” project in the year 2000 would not be met.
3. Shift the trail and necessary new acquisitions to a different alignment. In earlier meetings with residents, most favored this alignment to the north side of the creek, and Staff has worked carefully to reduce impacts. Another alignment would impact more properties, and not utilize those properties already acquired.

In light of the benefits of completing this trail project, Staff does not recommend the alternatives. The Open Space Advisory Board (OSAB) strongly supports the completion of the Big Dry Creek Trail.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **21**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to acquire certain parcels of land to accommodate the construction of the Big Dry Creek Trail Project shown on the attached Exhibit "A"; and

WHEREAS, property appraisals will be prepared by a professional appraisal company experienced in performing appraisals to determine the Fair Market Value of the property rights being acquired in each of the parcels, if necessary; and

WHEREAS, the City will make an earnest good faith offer to purchase each of the subject parcels; and

WHEREAS, a delay in the acquisition of any of these parcels could result in a delay of the Big Dry Creek Trail Project, thus creating a hardship on the general population of the City of Westminster wishing to utilize the proposed project; and

WHEREAS, Legal Counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this Resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to keep the Big Dry Creek Trail Project on the desired schedule.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the Big Dry Creek Trail Project in the area shown in Exhibit A.
2. City Staff is authorized to proceed with negotiations to acquire the necessary property interests in the area shown on Exhibit A on the basis of the appraised value, or such other value as is considered just and necessary to facilitate the acquisition and avoid the necessity of condemnation.
3. The City Manager is hereby authorized to acquire such property interests consistent with applicable law, including the execution of all documents necessary to complete these purchases.
4. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property interests in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceedings required to obtain property interests should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request a grant of immediate possession of the necessary property interests.

5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitations, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The cost shall be charged to the Open Space Fund.

6. The Park Project Engineer is hereby authorized to call for amendment of the legal descriptions of the parcel interests to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of the project.

Passed and adopted this 28th day of February, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** February 28, 2000

**Subject:** Resolution No. 22 re Adoption of Storm Drainage Design and Technical Criteria

**Prepared by:** Sheila Beissel, Senior Civil Engineer

**Introduction**

City Council action is requested to adopt the attached Resolution establishing and adopting the City's Storm Drainage Design and Technical Criteria. The Criteria will formalize the procedures for the design of storm drainage facilities in the City and the policies with respect to drainage in general. This Criteria will be of benefit to the development community and City Staff since it clarifies the City's drainage policies and reduces the need for ongoing interpretation which has been necessary heretofore. The Resolution also establishes a nominal purchase price for the printed Criteria and methods for its revision in the future, if necessary.

**Summary**

City Staff has developed a Storm Drainage Design and Technical Criteria for the City, which formalizes the City's current policies and procedures for the planning, design and construction of storm drainage facilities. The Criteria provides the information necessary to assure consistent design of public and private storm drainage facilities in the development of property and the expansion of the City's stormwater system; and assists Staff in providing consistent review of proposed storm drainage plans. The Criteria is similar in scope and coverage to drainage manuals used by other area Cities and Counties, and has been reviewed by the Denver Area Home Builders' Association, several engineering design consultants, the Urban Drainage and Flood Control District, the Federal Emergency Management Agency, and the Colorado Water Conservation Board. Their review comments, where appropriate, were incorporated into the document.

An alternative to the Resolution as drawn is to continue using only the Urban Drainage and Flood Control District's (UDFCD) Storm Drainage Manual for technical design criteria and leaving the City's philosophy and policies on drainage undefined. The UDFCD Manual does not address the City's policies and procedures on floodplain management or on-site detention requirements, for example. It recognizes that these and other drainage issues are items of local jurisdiction. If the Criteria are not adopted, City Staff would continue the time-intensive approach of interpreting these elements on a site-by-site basis. Staff does not recommend this alternative.

**Staff Recommendation**

Adopt Resolution No. 22 adopting the City's Storm Drainage Design and Technical Criteria; setting the initial purchase price of a copy of the Storm Drainage Criteria at \$20; and authorize the City Manager to issue future revisions to the Storm Drainage Criteria to reflect changes in City policy and advances in technical design.

## **Background**

Staff has developed a Storm Drainage Design and Technical Criteria with the primary assistance of WRC Engineering, Inc., an engineering consultant with expertise in hydraulic design and drainage issues, and the Urban Drainage and Flood Control District (UDFCD).

Currently, the UDFCD Urban Storm Drainage Manual is used as the technical criteria for the design of storm drainage facilities within the City, but it does not specifically state and explain the policies and procedures of Westminster. For example, the UDFCD Manual describes the technical procedure for sizing a detention pond but does not identify the types of detention pond or the design storm recurrence interval that should be used in the City. The Manual has flow capacity curves for a typical street section, but does not list criteria for the conveyance of stormwater in the City's standard street types and cross-sections. Similarly, the Manual may define what a floodplain is, but does not address Westminster's intentions and policies for floodplain regulation and use. These are local issues recognized to be under local jurisdiction.

The proposed Storm Drainage Design and Technical Criteria (the Criteria) is a user-friendly document that clearly presents the requirements for technical design (based on the UDFCD Manual) along with the City's policies and procedures for floodplain regulation and development, master planning of major drainage facilities, definition of minor and major design storms to be used for evaluation, and other criteria that are unique to the City of Westminster and under the City's jurisdiction. The Criteria will help developers and consulting engineers through the development review process by providing clear direction on the City's requirements. This will reduce the time necessary to review development proposals and the potential for misinterpretation of City policies, since policies will no longer be simply conveyed verbally. A consistency of review should also result. The Criteria are adaptable, if necessary, to unique conditions that might be encountered in a redevelopment project or other circumstances where imposing requirements might make a project infeasible. So long as the health and welfare of the public is not compromised, variances from the provisions of the Criteria can be accommodated.

A draft copy of the Criteria was reviewed by outside organizations and individuals representing professional associations, independent consulting engineers, and other regulatory agencies. The reviewers included the Denver Area Home Builders' Association, Urban Drainage and Flood Control District, the Federal Emergency Management Agency, the Colorado Water Conservation Board, Carroll & Lange Engineering, and Martin/Martin Engineering. Their comments and suggestions, where appropriate, were incorporated into the final product. The development of these Criteria included research and review of other Cities' and Jefferson and Adams Counties' drainage design criteria for comparison. That effort verified that the proposed Criteria is comparable in scope and coverage to those of other local jurisdictions.

The amount of \$20 was recommended as the purchase price of the bound Criteria because this cost is intended to cover its publishing/printing cost. Since that cost may need to be changed in the future, the Resolution also allows the City Manager to adjust the price. Revision of the Criteria in the future may also be necessary and the Resolution calls for administrative approval of minor changes and corrections by the City Manager.

Respectfully submitted,

William M. Christopher  
City Manager  
Attachment



RESOLUTION

RESOLUTION NO. **22**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

ADOPTION OF STORM DRAINAGE DESIGN AND TECHNICAL CRITERIA

WHEREAS, the City's policies and procedures for dealing with the design of storm drainage facilities due to development of property have evolved over time but exist only informally at this date; and

WHEREAS, it has been determined that the City and its citizens benefit from having written policies and procedures which can be consistently applied to the planning, design and construction of storm drainage facilities; and

WHEREAS, City Council previously budgeted funds for the development of a Storm Drainage Design and Technical Criteria, and this effort has been completed.

NOW, THEREFORE, be it resolved that:

1. The Storm Drainage Design and Technical Criteria dated September 1999 is hereby adopted by this reference.
2. A fee of \$20.00 shall be charged for the purchase of the Storm Drainage Design and Technical Criteria. The City Manager may adjust the fee from time to time as may be warranted.
3. The City Manager is hereby authorized to issue addenda, corrections and revisions to said Storm Drainage Criteria as may be necessary to reflect changes in City policy or technological advances.
4. The posting of said Storm Drainage Criteria on the City of Westminster's Intranet/Internet Page is hereby authorized.

Passed and adopted this 28<sup>th</sup> day of February, 2000.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** February 28, 2000

**Subject:** Amendment to Assistance Agreement for the Remodeling of the Westminster Mall with the City of Westminster

**Prepared by:** Bill Christopher, City Manager  
Marty McCullough, City Attorney

#### **Introduction**

City Council action is requested on timely amendments to the August 1999 Remodeling Agreement with the Westminster Mall Company. Construction is ready to commence on the remodeling and City Staff is recommending certain changes to the agreement relative to the construction contract with Tom Martin Construction Company. City Council is also requested to approve an irrevocable pledge of \$7.5 million of the proceeds from the 1999 Certificate of Participation financing issued for this project.

#### **Summary**

Since the time the City Council approved the assistance agreement with the Westminster Mall Company pertaining to the remodeling and updating of the Westminster Mall, Staff has actively been involved in the discussions with the remodeling contractor, Tom Martin Construction Company of Kansas City, Missouri. From these discussions and the cost estimating of each component of the remodeling project, there have been certain items that have been identified which warrant City Council's consideration in amending.

The specific items are detailed in the background section of the agenda memorandum. The City Attorney and the City Administration have reviewed these and find them to be beneficial in cutting costs and also recognizing that the owner of the improvements is the Westminster Mall Company, not the City of Westminster.

#### **Staff Recommendation**

1. Authorize the City Manager to execute the amendments to the assistance agreement for the remodeling of the Westminster Mall dated August 1999 in substantially the same form as that attached to the Agenda Memorandum.
2. Authorize the City manager to certify that the City has irrevocably pledged \$7.5 million of the proceeds from the 1999 Certificate of Participation financing issued for the Westminster Mall Remodeling Project.

#### **Background**

Several items are recommended to be modified from the original August 1999 agreement with the Westminster Mall Company. These amendments would reflect the following changes to the 1999 agreement:

- Preliminary Design Concepts – The Food Court is to be designed and constructed within the existing Food Court with the design and construction to take place at the final phase of the remodeling project. A \$600,000 allowance has been incorporated into the guaranteed maximum price for this scope of work. Originally it was contemplated in the agreement that the Food Court would be relocated.
- Design and Construction of the Project – The current language reflects the thinking in August 1999 that both the City and the Westminster Mall Company would execute the Architectural Services contract with KA Architects and the Construction contract with Tom Martin Construction Company. Staff and the City Attorney are in agreement that this is unnecessary and that it creates additional paperwork and logistics in processing documents. City Staff participated in, and ultimately approved the final design for this project.
- The improvements when completed will be owned by the Westminster Mall Company which has been the approach all along and therefore it is thought that the City being signatory to the construction contract is unnecessary. As owner, the Mall Company will have all the necessary incentives and ability to enforce the contracts.
- Bonds and Liquidated Damages – The agreement calls for the contractor to post payment and performance bonds that are reasonably satisfactory to both parties. Westminster Mall Company does not see the need for these as the owner has utilized the services of Tom Martin Construction Company on a number of occasions over the years and has not required such payment and performance bonds. An estimated \$150,000 could be saved by eliminating this requirement. The 1999 Agreement also called for a liquidated damages provision. In light of the difficulties presented by doing this work while keeping the Mall open to the public and the need to further define the Food Court work to bring it within budget, the Mall Company and the contractor are stating that while every best effort will be made to complete the entire project by November of this year, the contractor cannot agree to a liquidated damages provision for the floor, ceiling and food court work. The City Attorney and City Staff are in agreement that these provisions can be modified as the owner of the improvements is the Westminster Mall Company and they have just as much, if not more, of a desire and expectation for a timely and successful conclusion of the remodeling project.
- The 1999 Agreement also required that the City certify it has irrevocably pledged its maximum share of the funds needed for this agreement, i.e. \$7.5 million. This requirement is necessary under the TABOR amendment which provides that an election is not necessary for an obligation that extends beyond more than one fiscal year if all the funds needed to satisfy that obligation have been irrevocably pledged by the obligating municipality. It is now timely that Council authorize this pledge which has been included as part of Staff's recommendation.

All other provisions of the August 1999 agreement would remain as is and do not need to be changed.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** February 28, 2000

**Subject:** Financial Report for January 2000

**Prepared by:** Mary Ann Parrot, Finance Director

#### **Introduction**

City Council is requested to review the attached financial statements which reflect 2000 transactions through January 2000.

#### **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 5% of the 2000 appropriation.

Utility Fund revenues represent 6% of the total budget estimate. Utility fund expenditures and encumbrances represent 3% of the 2000 appropriation.

The Sales and Use Tax Fund revenues represent 13% of the total budget estimate, while expenditures and encumbrances in that fund represent 8% of the 2000 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 9% from the same period last year and increased 9% year-to-date. Audit and enforcement revenue is greater than anticipated because of a use tax audit on a large construction project within the City.

The Open Space Fund revenues represent 12% of the total budget estimate while expenditures and encumbrances in that fund represent 7% of the 2000 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 2% of the total budget estimate while operating expenditures and encumbrances represent 8% of the 2000 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 2% of the total budget estimate while operating expenditures and encumbrances represent 11% of the 2000 appropriation. The 1999 Golf Course operating revenues reflect a grant from Jefferson County. This financial activity is consistent with the seasonal nature of golf.

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**

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

## Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, February 28, 2000.

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

The minutes of the meetings of February 14 and 22, 2000 were approved with no additions or corrections.

Council approved the following: Big Dry Creek at I-25 Change Order; Purchase of City Staff Vehicles; City Park Conceptual Master Planning and Skate Park Consultant Services; Purchase of Replacement Water Rescue Vehicle; Software purchase for new HR/Payroll and Financial Management system; Purchase of Open Space near Standley Lake; Sale of City owned parcel; Westminster T-Ball Complex construction; West 96<sup>th</sup> Avenue extension, Pierce to Teller Street IGA's; Change Order for Promenade overflow parking project; Amendment to Assistance Agreement for Westminster Mall remodeling and Certify Irrevocable Pledge for Westminster Mall remodeling project.

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

A BILL FOR AN ORDINANCE AMENDING PERSONNEL POLICIES AND RULES. Purpose: Updates the City's Personnel Management Program.

A BILL FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY, HIGHLAND HILLS PARK AND RECREATION DISTRICT AND AT&T WIRELESS SERVICES OF COLORADO, INC. FOR THE LEASE OF A PORTION OF THE ICE CENTRE AT THE WESTMINSTER PROMENADE FOR A COMMUNICATION FACILITY. Purpose: Lease of space for concealed cellular antenna.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND. Purpose: Grant appropriation for West View Recreation Center playground/trail.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGETS OF THE GENERAL FUND AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THESE FUNDS. Purpose: Contingency Transfer for Promenade overflow parking project.

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

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND.

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGETS OF THE GENERAL FUND AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THESE FUNDS.

The following Resolutions were adopted:

Resolution No. 17 – Information Technology Staffing addition of Software Engineer.

Resolution No. 18 – Westminster T-Ball Complex Service Commitments.

Resolution No. 19 – 96<sup>th</sup> Avenue Extension Right-of-Way Acquisitions.

Resolution No. 20 – 2000 Recovery Contract Interest Rates.

Resolution No. 21 – Big Dry Creek Trail Land Acquisitions.

Resolution No. 22 – Adoption of Storm Drainage Design/Technical Criteria.

At 7:40 P.M. the meeting was adjourned.

By order of the Westminster City Council  
Michele Kelley, CMC, City Clerk  
Published in the Westminster Window March 9, 2000.