

March 2, 1998
7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Metro Mayors & Commissioners Youth Award Nominations
 - B. CAFRA Award Presentation
5. **Citizen Communication (5 minutes or Less in Length)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. Bids re Park Services Division Trucks
 - B. Bids re Video Arraignment Equipment
9. **Appointments and Resignations**
 - A. Resolution No. 11 re BOA Appointment (McLaughlin Resignation)
10. **Public Hearings and Other New Business**
 - A. Ranch Barn Relocation
 - B. Donation Agreement re Ranch Barn Relocation
 - C. Fire Station No. 2 Design Contract
 - D. Resolution No. 14 re Police Department Complaint Review Team
 - E. Retention of Special Legal Counsel
 - F. Resolution No. 15 re Private Activity Bond Allocation
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. City Council
 - B. Request for Executive Session
13. **Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MARCH 2, 1998 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 Merkel and Councillors Allen, Atchison, Dixon, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michael Allen, Deputy City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Allen to accept the minutes of the meeting of February 23, 1998 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Councillors presented Certificates of Appreciation to Athiena Borys, Danielle Chapla-Garrison, Rodrigo Fierroage, Tristan David Havelick, Kao Nou Her, Nidia Lay, Stephen Russell, Jonathan Sanders, Richard Schaffer, and Albert Swain in recognition of their being chosen by the City for the first phase of the Metropolitan Mayors and Commissioners Youth Award.

Mayor Heil introduced Kathleen Fromm, President of the Colorado GFOA, who presented the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting award to Accounting Manager Tammy Hitchens, Accountant Karen Creager and Christy Cutler.

CITIZEN COMMUNICATION:

Linda Cherrington, President of the Westminster Historical Society, presented Council with a progress report on the Historical Society's activities.

Jessica Lorie and Jeremy Aby, students of Betty Adams Elementary School, addressed Council concerning preserving the vacant land behind the school as open space.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher reminded those in attendance that there would be no meeting on March 9 due to the National League of Cities legislative meeting.

CITY COUNCIL COMMENTS:

Councillor Scott reported on the Transportation meeting he attended and the discussion on RTD District boundaries. Councillor Smith visited the Colorado Rapids Training Facility at City Park and talked with the Rapids who were pleased with the plans for the City Park Companion facility. Councillor Dixon stated she attended the meeting for the Adams County Employment Center for Work Force Development, and attended 3 meetings concerning Rocky Flats.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: **Bids for Park Services Division Trucks** - Award the bid for two pickup trucks to the low bidder, Fogle Olds-GMC-Subaru, in the amount of \$34,292 and charge the expense to the appropriate 1998 Parks, Recreation and Libraries budget account; and **Bids for Video Arraignment System** - Award the bid to the sole bidder, Lucent Technologies, for the purchase of a video arraignment system, in the amount of \$61,345 and charge the expense to the appropriate General Capital Improvement Program Project account.

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

A motion was made by Allen and seconded by Scott to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 11 - BOARD OF ADJUSTMENT RESIGNATION/APPOINTMENT:

A motion was made by Atchison and seconded by Allen to adopt Resolution No. 11 accepting the resignation of Stephen McLaughlin from the Board of Adjustment and appointing George Werkmeister as a regular member with term of office to expire December 31, 1998, and create an Alternate position to the Board of Adjustment, appointing Kim Wolf as an alternate member to the Board.

Mayor Heil stated that the City Code would have to be amended to add an alternate member to the Board. City Manager Bill Christopher said that Staff would draft an ordinance to add an alternate member to the Board of Adjustment.

Upon roll call vote, the motion carried unanimously.

RANCH BARN RELOCATION:

A motion was made by Merkel and seconded by Allen to authorize the City Manager to sign a contract with MBA Denver, Inc. in the amount of \$144,000 for the relocation of the Ranch Barn; and authorize \$8,500 for Public Service Company transformer and service extension, \$15,000 for water service, including tap fee, and a \$14,400 contingency for a total project budget of \$183,900; Incorporating Mr. Salter's \$25,000 donation equates to a City expenditure of \$158,900; and charge the expense to the Open Space Sales and Use Tax Fund. The motion carried unanimously.

DONATION AGREEMENT FOR RANCH BARN RELOCATION:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to sign a donation agreement for the acceptance of the barn, windmill, and \$25,000 from Mr. Salter. Linda Cherrington, President of Westminster Historical Society, was present to address Council. The motion carried unanimously.

FIRE STATION NO. 2 DESIGN CONTRACT:

A motion was made by Scott and seconded by Dixon to authorize the City Manager to sign a contract with Dauer Haswell Architecture in the amount of \$117,500 for the design of Fire Station 2 located at 9150 Lowell Boulevard; authorize a 10% contingency allowance of \$11,750, and charge the expense to the appropriate Fire Department project account in the General Capital Improvement Fund. The motion carried unanimously.

RESOLUTION NO. 14 - POLICE DEPARTMENT COMPLAINT REVIEW TEAM:

A motion was made by Dixon and seconded by Allen to adopt Resolution No. 14 supporting the formation of the Westminster Police Department Complaint Review Team and appointing Lieutenant Mike Cressman and Sergeant Jeff Jones from the Police Department and Michele Haney and Margaret Rivera as Westminster citizen representatives. Upon roll call vote, the motion carried unanimously.

RETENTION OF SPECIAL LEGAL COUNSEL:

A motion was made by Smith and seconded by Atchison to authorize the City Manager to execute a fee agreement not to exceed \$10,500 with Ms. Barbara Banks with the law firm of Banks and Imatani for special counsel real estate services related to the Westin Hotel/Conference Center Project, and a fee agreement in an amount not to exceed \$10,000 with Ms. Bobbee Musgrave of the law firm of Perkins Coie for assistance in the area of Federal Aviation Agency Regulations. The motion carried unanimously.

RESOLUTION NO. 15 - PRIVATE ACTIVITY BOND ALLOCATION:

A motion was made by Scott and seconded by Allen to adopt Resolution No. 15 which authorizes the City of Westminster to participate in the Private Activity Bond Allocation contribution to assist in financing residential housing for low and middle income persons and families and to accept \$250,000 of the City and County of Denver's Private Activity Bond allocation with repayment to be made in the year 2000 from Westminster's Private Activity Bond allocation. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Councillor Smith complimented the students from Betty Adams Elementary School for staying for the entire Council meeting. Councillor Dixon stated she had also attended the Adams County Council of Governments meeting held last week. Councillor Allen reported on his tour of the new College Hill Library and that it should be opening in April.

ADJOURNMENT:

The meeting was adjourned at 7:55 P.M.

ATTEST:

Mayor

City Clerk

Date: March 2, 1998

Subject: 1998 Metropolitan Mayors and Commissioners Youth Awards Nominations

Prepared by: Patrick Goff, Management Intern

Introduction

City Council is requested to recognize 12 area youth chosen by the City for the first phase of the Metropolitan Mayors and Commissioners Youth Award.

Summary

The purpose of the Metropolitan Mayors and Commissioners Youth Award is to recognize young people in the community (age 13-19) who have shown outstanding achievement in the areas of direct service, service to the family, service to other youth, service to their community, and service to self through overcoming personal adversity or through positive change.

The selection process is a three part procedure. Each city reviews the nomination form for eligibility and completeness. It is possible that one or more of these youth may live in unincorporated Adams/Jefferson County and not within Westminster's boundaries. However, all of the youth either live in or attend school in Westminster and are required to have a city recognize them if they are to have an opportunity to be a finalist at the next level. If they are chosen as semi-finalists by the County Screening Committee, their names will be forwarded to the Metropolitan Selection Committee who will choose 20 finalists from the metro area. The Denver-metro area banquet will be held on April 26.

Staff Recommendation

Recognize and present certificates of achievement to Athiena Borys, Katti Brown, Danielle Chapla-Garrison, Rodrigo Fierroage, Tristan David Havelick, Kao Nou Her, Nidia Lay, Stephen Russell, Jonathan Sanders, Richard Schaffer, Albert Swain, and Heather Vittengl.

Background Information

The accomplishments of many of our young people today are overlooked. Many young people have overcome personal adversity, created positive change in a difficult environment or in their own quiet way made strides beyond their limitations. Examples could be those students who have been faced with health concerns, financial hardship, family struggles or school difficulties. This award is unique in that it encompasses all youth; youth who have not finished school, youth in traditional classroom settings, youth in group homes, youth in alternative schools and emancipated youth. These young people are the foundation of our future communities, and the efforts they have made to improve themselves and their community today assure that tomorrow will find them as successful and productive citizens.

Accordingly, the City of Westminster would like to recognize the following nominees as young people in our community who have demonstrated outstanding achievement:

Athiena Borys, age 19, attends Vantage Point Campus Alternative School. Athiena was nominated by Tom Morude.

Katti Brown, age 18, attends Vantage Point Campus. Katti was nominated by Kira Aarestad.

Danielle Chapla-Garrison, age 14, attends Holy Trinity Catholic School. Danielle was nominated by Sr. Anno LaMere.

Rodrigo Fierroage, age 13, attends Scott Carpenter Middle School. Rodrigo was nominated by Kathleen Canupp.

Tristan David Havelick, age 18, attends Standley Lake High School. Tristan was nominated by Mary Hamilton.

Kao Nou Her, age 16, attends Career Enrichment Park. Kao Nou was nominated by Dr. Suzanne Wells.

Nidia Lay, age 13, attends Scott Carpenter Middle School. Nidia was nominated by Randal Dobbs.

Stephen Russell, age 13, attends Mandalay Middle School. Stephen was nominated by Dennis Bender.

Jonathan Sanders, age 16, attends Belleview Preparatory High School. Jonathan was nominated by Jeanne Rogers.

Richard Schaffer, age 13, attends Hodgkins Middle School. Richard was nominated by Ann Marie Pacek.

Albert Swain, age 14, attends Shaw Heights Middle School. Albert was nominated by Team Future 2002.

Heather Vittengl, age 14, attends Shaw Heights Middle School. Heather was nominated by Team Palindrome.

It was determined that all 12 individuals are outstanding youth and worthy of local recognition. These names have been submitted to the Adams/Jefferson County Screening Committees.

The Mayor is to recognize these youth at Monday night's City Council meeting and present them with a MMCYA certificate of achievement.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 2, 1998

Subject: Certificate of Achievement for Excellence in Financial Reporting

Prepared by: Mary Ann Parrot, Finance Director

Introduction

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

Summary

The City of Westminster has earned the Certificate of Achievement for Financial Reporting for its 1996 Comprehensive Annual Financial Report (CAFR). Westminster is one of 36 Colorado municipalities to earn this honor this year. This is the fourteenth consecutive year the City has received this prestigious award from the Government Finance Officers Association (GFOA).

Kathleen Fromm, President of the Colorado GFOA, and the GFOA national representative this year, will be on hand to comment on the work required to achieve this recognition.

Staff Recommendation

Mayor Heil present the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting award to Accountant Karen Creager and to Accountant Christy Cutler.

Background Information

City Staff is pleased to report that the City of Westminster has again been awarded the Certificate of Achievement for Financial Reporting for its 1996 CAFR. This is the fourteenth consecutive year the City has received this award, conferred by the GFOA of the United States and Canada. This Certificate is the highest recognition attainable for excellence in governmental accounting and financial reporting.

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

Certificate of Achievement for Excellence in Financial Reporting

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

The individual within the City who was most instrumental in achieving the Certificate for 1996 is Nancy Alberts, Accounting Manager at the time the CAFR was issued, who has since resigned from the City. Other Finance staff provided vital assistance. Special thanks go to Karen Creager, Accountant, Christy Cutler, Accountant, Lili Cox, Administrative Secretary, and Loretta Martinez, Secretary. Their efforts, under Nancy's direction, insured that the 1996 CAFR clearly communicated Westminster's financial story. The City should be justifiably proud of this continuing achievement and recognition.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 2, 1998
Subject: Bids re Park Services Division Trucks
Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council action is requested to award the bid for two trucks in the amount of \$34,292 to be used by the Park Services Division for maintenance and construction of parks, open space, and trails within the City. Funds have been specifically allocated in the 1998 General Fund, Parks, Recreation and Libraries Department budget for this expense.

Summary

The State Bid process was used in accordance with City Charter bidding requirements for this purchase. The State of Colorado offers a bid program that complies with the City of Westminster bidding requirements. State Bid offers the buying power of joint participation between the State and local governments, thereby insuring the lowest price available.

The two pickup trucks to be purchased were previously approved by City Council in the 1998 Budget. The makes and models of these trucks are GMC two-wheel drive, 3/4 ton vehicles. The low bid is being recommended for this purchase.

Staff Recommendation

Award the bid for two pickup trucks to the low bidder, Fogle Olds-GMC-Subaru, in the amount of \$34,292 and charge the expense to the appropriate 1998 Parks, Recreation and Libraries budget account.

Background Information

The Park Services Division has experienced a dramatic increase in areas of responsibility for park maintenance, trails, open space and right-of-way operations in the past three years. The two trucks being requested will be used to transport equipment, personnel and supplies for mowing operations, open space/trail maintenance, and weekend trash removal and shelter clean up.

The low bid from Fogle Olds-GMC-Subaru meets all the City's specifications for this bid. The cost of the two vehicles, \$34,292, is within the amount previously approved by City Council for this expense. These vehicles are new additions to the fleet and will be used by Staff to handle expanding park operations and maintenance.

Respectfully submitted,

William M. Christopher, City Manager

Date: March 2, 1998

Subject: Bid re Video Arraignment

Prepared by: Gary Casner, Purchasing/Telecommunications Officer
Julia Hume, Court Administrator

Introduction

City Council action is requested to award the bid for a video arraignment system to be used by the Municipal Court. Funds were specifically allocated and are available in the General Capital Improvement Fund budget for this expense.

Summary

Formal bids in accordance with City Charter bidding requirements were solicited from area suppliers for a video arraignment system. Although bids were solicited on two occasions, only one bid was received, in spite of a Request for Proposal (RFP) which allowed vendors offering different types of systems to bid.

The bid from Lucent Technologies consists of a video arraignment system which includes cameras, cable, and a video data transmission and receiving device that will allow the transfer of video images between the Municipal Court and jails in the region. The initial cost of the system is \$61,345, while ongoing line charges will cost \$300 per month.

This video arraignment system will allow for communications between Adams County Detention Center and the Municipal Court in the second quarter 1998, and in all likelihood, with the Jefferson County Jail within a year. Over the next few years, it is also likely that the potential will be there for Municipal Court to conduct arraignments for its prisoners being held in other jurisdictions as well.

Initially, the system will allow the City to avoid approximately 420 prisoner transports between Adams County and the Municipal Court per year, with a savings of approximately 440 hours in Police Officer time to make the transports. This equates to a \$10,000 savings per year in Staff time currently spent on transports. The Police Department will be able to redirect this Staff time to duties they are unable to currently perform on a timely basis. These duties include: serving subpoenas and orders for show cause, and making arrests on bench warrants for failure to appear in domestic violence criminal cases. In addition to the savings in officer time, video arraignment will help reduce the opportunities for prisoner escape.

The alternative to implementing a video arraignment system would be to continue to transport prisoners from the Adams County Detention Center to the Municipal Court. This alternative is not desirable as it is expensive to transport the prisoners and will not improve public safety by reducing the number of prisoners being transported.

Staff Recommendation

Award the bid to the sole bidder, Lucent Technologies, for the purchase of a video arraignment system, in the amount of \$61,345 and charge the expense to the appropriate General Capital Improvement Program Project account.

Background Information

City Council previously approved funds in the 1996 Capital Improvement Program for the purchase of a video arraignment system to be used at the Municipal Court. A video arraignment system will allow for certain simple hearings, such as arraignments, to be conducted between the county jails and the Westminster Municipal Court. The use of video arraignment will lower the number of prisoners being transported between the county jails and the Municipal Court. This, in turn, will save money and Staff time for Police Officers to move the prisoners and lowers the risk of an escape attempt.

City Staff began exploring the feasibility of using video arraignment in the early 1990s. Initially under consideration was a microwave dish system with Jefferson County through a consortium made up of the County and several Jefferson County cities. The City did not participate because of the need to construct a microwave tower at the Municipal Court and the difficulties that would be encountered in trying to use a similar system for transmission to the Adams County Detention Center. As it turns out, the other entities in Jefferson County using the microwave system are dissatisfied with the system because of reliability problems and the cost of replacement parts. These cities and the County are also currently considering the Lucent Technologies system. One additional area that was explored was the use of new fiber optic cable television lines being installed by TCI of Colorado. However, TCI has indicated that they do not wish to pursue this effort and did not respond to the City's Request for Proposal.

In 1996, the City sent out an RFP requesting proposals from vendors for video arraignment systems. Like the most recent RFP, the RFP did not limit potential vendors to a specific type of technology that would be used. No response was received to that request, probably due to the transition from microwave technology to using telephone lines for the transmission of the video signal.

In mid-1997, City Staff became aware of a new product and technology being offered by Lucent Technologies. Adams County and City Staff organized a meeting to explain this new technology to municipal court, jail, and telecommunications officials. Local government officials from throughout Colorado and several from Wyoming attended the session. Since the new technology from Lucent Technologies appeared to be the solution for video arraignment, it is being viewed by many as the standard for video arraignment in the Denver metro area.

Because Lucent Technologies transmits video signals over leased data lines, it is the most cost effective way to allow municipal courts to conduct video arraignment with more than one county jail.

Many of the municipal courts in the Denver metro area are in the same position as Westminster, in that they regularly need to arraign prisoners from several jurisdictions in the area.

Early last month, the Adams County Commissioners approved a contract with Lucent Technologies for the purchase of this video arraignment system.

This is very good news since it now offers an opportunity to provide video arraignment for approximately 420 or more than 40% of Municipal Court prisoners annually. Adams County officials have indicated that they will have their system in place by April, 1998.

Jefferson County officials have also looked at the Lucent system and have indicated that they will likely also pursue this technology in the near future.

The bid from Lucent Technologies includes cameras, monitors, a transmit and receive unit, microphones, and document imaging transferring equipment, as well as the telephone line interface equipment to allow for the transmission of the video signal back and forth between the Adams County Detention Center and the Municipal Court, and as they come into the system, between the Municipal Court and other metro area jails. The proposal submitted by Lucent Technologies meets all the City's requirements for a video arraignment system. The total cost of the system is \$61,345, which is within the amount previously allocated by City Council for this expense. The ongoing cost for the lease of the phone lines will be \$300 per month in 1998.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 2, 1998
Subject: Resolution No. re Board of Adjustment Appointment
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of Stephen McLaughlin from the Board of Adjustment and make an appointment of a new member.

Summary

Pursuant to City Charter Section 5.1 (e) Each member of a City Board or Commission created by, or pursuant to this Charter shall have been a resident of the City for at least 1 year immediately prior to the day of appointment and shall be a qualified and registered elector of the City on such day and throughout tenure of office. (Amended 11-5-96)

Stephen McLaughlin has submitted his resignation from the Board of Adjustment because he is moving out of the City for several months.

Stephen was originally appointed to the Board of Adjustment on May 13, 1991.

The Board of Adjustment makes decisions on applications for variance of provisions stated in the building and municipal codes relating to development and construction. There are seven regular members and no alternates.

In the past, some meeting have needed to be rescheduled because the Board was unable to have a quorum of 4 members present. Therefore, it is recommended that City Council appoint a new member to the Board of Adjustment at this time.

Additionally, City Staff will be drafting an amendment for Council considering to change the Board of Adjustment structure by adding an alternate member. This Councillor's Bill will be ready for the March 23rd Council meeting.

Staff Recommendation

Adopt Resolution No. accepting the resignation of Stephen McLaughlin from the Board of Adjustment and appointing a new member to the Board.

Background Information

A Resolution has been prepared for Council to formally accept the resignation of Stephen McLaughlin from the Board of Adjustment and appoint a new member from the current "pool" of 25 applicants.

Respectfully submitted,

William M. Christopher, City Manager
Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

CITY OF WESTMINSTER BOARD OF ADJUSTMENT APPOINTMENT

WHEREAS, Currently there is a vacancy on the Board of Adjustment; and

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

WHEREAS, A resignation has been received from Stephen McLaughlin of the Board of Adjustment.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby hereby accept the resignation of Stephen McLaughlin from the Board of Adjustment and appoint the following individuals to the City of Westminster Board of Adjustment as listed below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
George Werkmeister Regular Member	Board of Adjustment	12-31-98
Kim Wolf Alternate Member	Board of Adjustment	12-31-99

Passed and adopted this 2nd day of March, 1998 as amended.

ATTEST:

Mayor

City Clerk

Date: March 2, 1998
Subject: Ranch Barn Relocation
Prepared By: Becky Eades, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to approve a contract with MBA Denver, Inc. in the amount of \$144,000 to relocate and rebuild the Ranch Barn and adjacent windmill. Total project budget for the relocation, including construction, water tap, electrical line extension and parking lot, is \$183,900. Funds for this expenses are available in the Open Space Sales and Use Tax Fund, and through a \$25,000 donation from Jeff Salter, to be applied toward the relocation costs. City Council action is also requested to authorize the City Manager to sign a Donation Agreement that documents Mr. Salter's donation of the barn, windmill, and the \$25,000.

Summary

The Ranch Barn is located on private property just south of City Open Space at the southwest corner of 120th Avenue and Pecos Street (see attached map).

The current owner, Jeff Salter, is in the process of obtaining approval to develop an office building and parking lot on this property, necessitating the removal or relocation of the barn and adjacent windmill. The barn and windmill were built approximately around 1948 and have become landmarks to residents who live in the northeast section of the City.

Based on a Staff Report presented to City Council on December 31, 1997, Staff has continued to evaluate the options available to successfully relocate the structures.

Formal bids were sought in accordance with the City's purchasing ordinance. Due to the limited time frame to relocate the structures and the extensive repair work required for the barn, only one bid was received, from MBA Denver, Inc.

Several meetings have been held between Staff and Marc Hannon, President of MBA Denver, Inc. and Staff is confident that Mr. Hannon understands the scope of the work and is a reliable contractor.

Projected project budget for relocation of the barn is as follows:

MBA Denver, Inc.	\$144,000
Water Service	15,000
PSCO	8,500
Parking Area	2,000
% Contingency (of construction)	14,400
TOTAL	\$183,900

To reduce costs, Park Services Division employees will be doing the grading for the site work, waterline installation, and parking lot development. The Open Space Volunteer Coordinator has also committed volunteers to provide finish work such as painting and landscape improvement.

Alternatives

- Decline the barn and windmill donation from Jeff Salter and use the Open Space funds for other projects.
- Direct Staff to pursue other options to shelter the livestock kept at the Ranch Open Space.

Staff Recommendation

1. Authorize the City Manager to sign a contract with MBA Denver, Inc. in the amount of \$144,000 for the relocation of the Ranch Barn; and authorize \$8,500 for Public Service Company transformer and service extension, \$15,000 for water service, including tap fee, and a \$14,400 contingency for a total project budget of \$183,900. Incorporating Mr. Salter's \$25,000 donation equates to a City expenditure of \$158,900. Charge the expense to the Open Space Sales and Use Tax Fund.

2. Authorize the City Manager to sign a donation agreement for the acceptance of the barn, windmill, and \$25,000 from Mr. Salter.

Background Information

Since 1989, when the 18.8 acres of Ranch Open Space property was purchased, the Department of Parks, Recreation and Libraries has had an agreement with a local rancher to graze a limited number of livestock on the property as a management tool and to present an aesthetic quality for those viewing the property. Jeff Salter, owner of two adjacent barns including the barn considered for relocation, has allowed the smaller barn to be used free of charge for sheltering livestock. Both the City and Mr. Salter view the grazing of animals on the open space to be an enhancement for the property and wish to see the tradition continue.

In January of 1997, Mr. Salter submitted a plan for a proposed office building on a 2.9 acre parcel within The Ranch Planned Unit Development which is adjacent to the 18.8 acre City Open Space parcel. Construction of the office building, associated parking, and right-of-way dedications will require the removal of both existing barns on Mr. Salter's property, including the barn that has been used since 1989 for livestock sheltering.

On July 28, 1997, City Council directed Staff to pursue a land trade option with Mr. Salter. The intent of this trade was to secure ownership of the 2.9 acres directly south of the Ranch Open Space, currently owned by Mr. Salter, and to provide him ownership of a portion of the northwest corner of the Ranch Open Space, suitable for the construction of his office building, in trade. At the October 9, 1997 Council meeting, a summary of Mr. Salter's requirements to further pursue a land trade was presented. Council agreed with Staff's assessment that the concessions being requested by Mr. Salter were not acceptable. Staff was directed by Council to proceed with relocation and restoration efforts for the older and more stately barn.

In late October, 1997, John Reins, with CTL Structural/Architectural Engineering, Inc. was retained to assess the general condition of the barn and estimate the costs associated with relocation.

In summary, Mr. Reins' investigation determined:

- rafters and decking within the steeper sections of the roof are in fairly good condition.
- considerable water damage and rotting of wood members exists among the outer, more shallow sections of roofing.
- roofing materials are in poor condition.
- eaves and overhang soffits are badly deteriorated in all locations.
- exterior siding is quite weathered, and rotten in certain locations; some sections have been replaced.
- numerous mechanical/electrical and fire protection issues need to be addressed.

Staff contacted three contractors who specialize in building relocations but only one, Marc Hannon with MBA Denver, Inc., responded. Upon several inspections of the barn, Mr. Hannon ascertained the most efficient manner of relocation would be to dismantle the barn in its current location and move the sections still deemed reuseable to the new site and, combined with new materials as needed, reassemble the structure.

Based on the difficulty in moving the barn and the large number of unknowns associated with the barn, Mr. Hannon has submitted a cost for relocation of \$144,000.

Once complete, the relocated barn will have potable water, electrical infrastructure that meets all applicable guidelines, a concrete floor, with drains for cleaning in the stalls, and the barn will retain its current appearance, complete with adjacent windmill. Mr. Hannon estimates that it will take approximately seven weeks to remove the barn from its current location, and approximately 20 weeks to complete the restoration.

The historic barn will offer meaningful educational opportunities for the public, especially young students. Tours will be conducted and periodic lectures will be pursued through the Westminster Historical Society. Members of the Society have been invited to Monday night's Council meeting given their interest in the barn.

Respectfully submitted,

William M. Christopher
City Manager

Attachments - Project area map

Date: March 2, 1998
Subject: Fire Station 2 Design Contract
Prepared by: Steve Pacifico, Battalion Chief

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Dauer Haswell Architecture for design, specifications, and bid/proposal documents for the relocation of Fire Station 2 to be built at 9150 Lowell Boulevard on land owned by the City.

Summary

On October 1, 1997, request for proposal documents were sent out by Staff to six architectural firms. A mandatory presubmittal meeting was held at City Hall on October 13, 1997. Proposals were opened on November 4, 1997 with four firms responding. Staff then reviewed the proposals and interviewed all four firms on December 8, 1997. After careful evaluation of the proposal documents and cost estimates, consideration of information obtained during an interview process, and contacting references for each firm, Staff concluded that Dauer Haswell Architecture, who happens to be the lowest cost proposal, best fits the City's needs for this project. The proposed design architect, Gregory H. McMenamain, has recent experience in fire station design that includes Stations 2 and 3 at Denver International Airport and Station 2 for the Louisville Fire Protection District.

Staff Recommendation

Authorize the City Manager to sign a contract with Dauer Haswell Architecture in the amount of \$117,500 for the design of Fire Station 2 located at 9150 Lowell Boulevard; authorize a 10% contingency allowance of \$11,750, and charge the expense to the appropriate Fire Department project account in the General Capital Improvement Fund.

Background Information

Staff has been working on the relocation of Fire Station 2 for a number of years. Initially, a computer study of fire station locations in the community was completed and presented to City Council. This study indicated that the current locations of fire stations in Westminster provided optimal response times to nearly all sections of the City. The study did however indicate a need to place new resources or reallocate current resources more toward the center of the City along the 92nd Avenue corridor to better serve the community. With this information in hand, Staff completed the expansion of Fire Station 3 located at 7702 West 90th Avenue. Staff then looked at Fire Station 2 located at 9099 Lowell Boulevard for possible expansion but determined that logistically this facility was impossible to expand to meet the needs of the growing community.

Staff then pursued the possible relocation of Fire Station 2. Approximately twelve sites were initially considered with the parcel located at 9150 Lowell Boulevard being identified as optimal resulting in the acquisition of the property on October 28, 1996.

On October 1, 1997, request for proposal documents were sent out by Staff to six architectural firms and a mandatory presubmittal meeting was held at City Hall on October 13, 1997. Proposals were opened on November 4, 1997 with four firms responding. The proposal cost estimates were as follows:

<u>FIRMS</u>	<u>PROPOSALS</u>
1. Dauer Haswell Architecture	\$88,200
2. Odell Architects	\$114,000
3. Michael Brendle Architects	\$134,000
4. Gillan's Engineering	\$138,251

Staff experienced some difficulty in attempting to compare the proposals due to the fact that not all the proposals included the same services or items. Therefore, Staff compiled a list of items/services that may be required in the project and asked each firm to identify which of those items/services were included in their bid during the interview portion of the process. For items/services that were not included, Staff asked each firm to attach a price range to those items/services and then revised each bid accordingly. The revised proposals were as follows:

<u>FIRMS</u>	<u>BID RANGE</u>
1. Dauer Haswell Architecture, in association with McMenamin Davis Architects	\$108,300-\$117,500
2. Odell Architects	\$116,800-\$119,800
3. Michael Brendle Architects	\$143,300-\$149,500
4. Gillan's Engineering	\$149,351-\$156,951

Staff is confident that the recent fire station design experience of Gregory H. McMenamin, the proposed design architect, will be of great assistance in completing this project.

Alternatives:

City Council has the option to pursue any of the following alternatives in this matter:

1. Approve Staff's recommendation of Dauer Haswell Architecture.
2. Approve one of the other bidders.
3. Direct Staff to have the project re-bid.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Map

Date: March 2, 1998
Subject: Resolution No. re Police Department Complaint Review Team
Prepared by: Dan Montgomery, Chief of Police

Introduction

City Council action is requested to adopt the attached Resolution supporting the formation of the Police Department's Complaint Review Team.

Summary

On December 29, 1997, Police Chief Dan Montgomery brought to City Council's attention a proposal to modify the process by which the investigations of serious allegations of misconduct against police employees are reviewed. Following a very definitive trend throughout the United States, Chief Montgomery recommended the formation of a Police Department Complaint Review Team in a very detailed report. In this proposal, this team would serve for three years, and would be composed of two Police Department supervisors/managers and two Westminster citizens, one of which would be appointed by the City Manager and the other appointed by the Chair of the Personnel Board.

City Council was very supportive of this change in strategy, and the attached resolution will formalize that level of support.

Staff Recommendation

Adopt Resolution No. supporting the formation of the Westminster Police Department Complaint Review Team.

Background Information

The original Staff Report that was reviewed and discussed with City Council on December 29, 1997 is attached for further review.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Resolution
Staff Report dated December 24, 1997

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

CITY OF WESTMINSTER POLICE DEPARTMENT COMPLAINT REVIEW TEAM

WHEREAS, the Chief of Police desires to ensure that the system of review for allegations of misconduct against Police Department employees is fair, and is one that the public supports and has confidence in; and

WHEREAS, the Police Department has had in effect for many years an effective system for investigating allegations of misconduct against Police Department employees; and

WHEREAS, the need in today's society for citizen involvement in the review and recommendation stages of such investigations is strong, compelling and responsive;

WHEREAS, the need for the police to be part of the community it serves and not apart from, is an imperative rather than a choice.

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster does hereby support the formation of a "Police Department Complaint Review Team" to review certain serious allegations of misconduct against Police employees and make recommendations to the Chief of Police regarding findings, and that the members of this team, as listed below, will serve on this team for three years.

1. Mike Cressman, Police Lieutenant, Westminster Police Department.
2. Michele Haney, Administrator, Front Range Community College and member of the City of Westminster, Parks and Recreation Advisory Board.
3. Jeff Jones, Police Sergeant, Westminster Police Department.
4. Margaret Rivera, retired educator and member of the City of Westminster Personnel Board.

Passed and adopted this 2nd day of March, 1998.

ATTEST:

Mayor

City Clerk

TO: The Mayor and Members of the City Council

DATE: December 24, 1997

SUBJECT: Proposed Process on Investigation of Citizen Allegations of Police Misconduct

PREPARED BY: Dan Montgomery, Chief of Police

Summary

The purpose of this Staff Report is to solicit City Council's input and comment concerning a Staff proposal to modify the way citizen complaints of alleged police misconduct are processed. Staff is proposing the formation of a four-member team that would review the investigative reports of certain types of alleged police misconduct, and make recommendations as to findings, and discipline if appropriate, to the Chief of Police.

This team would consist of two citizens, one of who is a member of the Personnel Board and one and the other appointed by the City Manager, along with two staff members of the Police Department. The four members of the team would function as a unit for at least three years in order to promote continuity and effectiveness. It is Staff's perspective that such a process would be timely, responsive, and in sync with the Police Department's focus on Community Policing.

Staff Recommendation

City Council concur in recommended approach to provide investigation of citizen complaints alleging police misconduct.

Background Information

While it is imperative that citizen commendations recognizing good police performance be properly documented and processed, it is also imperative that citizen allegations of police misconduct be thoroughly and effectively investigated in a credible manner. There are three primary reasons for this necessity:

1. Thorough investigations protect citizens from police abuses.
2. Thorough investigations protect the City of Westminster and City employees from false/malicious accusations.
3. Thorough investigations provide a forum for examining and evaluating police policies, procedures and practices.

These tenets hold true especially today, where law enforcement practices, given the Rodney King situation, Ruby Ridge, Waco and other police scenarios recorded by citizen camcorders and the news media, have been increasingly placed under the public magnifying glass. Law enforcement officers are held to exceptionally high standards of conduct, on and off duty, and the public scrutiny they are exposed to has, in the opinion of most experts, never been more stringent. It is important that the process for investigating citizen complaints be one that the public understands, supports, and in which there is confidence in.

In the City of Westminster, allegations of police misconduct are handled in one of two ways, depending on the nature of the complaint. If the citizen complaint alleges one or more of the following improprieties, the investigation is conducted by the Professional Standards Unit (PSU):

1. Allegations of excessive force.
2. Allegations of a criminal act.
3. Allegations involving employees of more than one Police Division.
4. Notices of intent to sue.
5. Allegations involving a complex set of circumstances.
6. Situations where the Chief of Police deems it appropriate to assign the investigation to the Professional Standards Unit.

The Professional Standards Unit interviews all victims, witnesses, and involved police personnel, records and transcribes all interviews, and then presents the completed investigation to the affected employee's supervisors. All supervisors review the investigation, reach their findings, and where a case has been sustained, they recommend corrective action and discipline. The Division Head then makes the final decision based on the input he or she has received from the line supervisors and middle managers of the affected employee(s). The Professional Standards Unit is a fact-finding body only and makes no recommendations with regard to findings and/or corrective action/discipline. That responsibility is reserved for supervisors and managers.

If a citizen complaint alleges an impropriety that does not meet the criteria established for a PSU investigation, the matter is investigated by the employee's supervisor. The supervisor reaches his/her conclusions, and if discipline or a corrective action is warranted, the supervisor takes the necessary action. The majority of citizen complaints fall into this category, and typically involve allegations of rudeness, discourtesy, policy violations, slow response time, etc.

This policy concerning the investigation of citizen complaints has been in effect within the Police Department for many years, and in Staff's opinion, has been effective and responsive to the community. As is the case in all Police Departments where this type of process is in effect, there are, in fact, occasional concerns expressed by the public about the "police investigating the police," and a perceived lack of objectivity. It is not uncommon to hear these concerns expressed on occasion.

As more and more police agencies, including Westminster, adopt the philosophy of community policing, a philosophy that stresses a strong relationship between the police and the citizens they serve, it is imperative that police and community members cooperate on a variety of issues. One such issue is police accountability. Citizen review of complaints against the police is on the rise nationwide, not only in large cities but also in medium-sized and small ones. More and more jurisdictions are incorporating citizen review into their policies to determine the validity of complaints against the police and, if necessary, to recommend appropriate disciplinary measures. To illustrate this growth rate, the following table shows the trend from 1970 to 1994:

<u>Year</u>	<u>Police Agencies Using Citizen Review Nationally</u>
1970	1
1975	7
1980	13
1985	20
1990	38
1994	66
1996	90 +

Citizen review has sometimes proven to be a source of controversy, but regardless of whether one agrees that it is an effective means for holding the police accountable for their actions, current data indicate that it is a permanently growing trend.

In fact, today there is in place the International Committee for Police Oversight which is chaired by Mark Gissiner, and all indications, verified by Sam Walker, of the University of Nebraska, one of the leading experts in the United States on the subject of citizen review, are that the concept of citizen review is growing strongly.

According to most experts in the field, citizen review, defined today as, "a procedure for handling citizen complaints about police officer misconduct that at some point in the process, involves people who are not sworn officers," is here to stay. The concept itself has sometimes proved to be a source of controversy, but regardless of whether one agrees that it is an effective means for holding the police accountable for their actions, the reality is such that citizen involvement is becoming an imperative rather than an option.

Types of Citizen Review

Across the United States, there are essentially four types or "classes" of citizen review programs that are currently underway:

Class I

Class I programs involve a full-time civilian investigator, who conducts the initial fact-finding investigation of each complaint. Additionally, non-sworn citizens review the investigative reports and make recommendations to the Chief of Police. This type of system is found in New Orleans and Cincinnati.

Class II

In Class II systems, sworn officers conduct the actual investigation, and a board that contains some non-sworn citizens along with some officers, review the investigative reports and make a recommendation to the Chief of Police. Class II systems are found in Kansas City, Albuquerque, and Portland, which has a strong reputation in Oregon and throughout the United States for community policing efforts, and innovative strategies in law enforcement generally.

Class III

In Class III systems, the process for investigating citizen complaints rests within the Police Department. If citizens are not satisfied that the complaint has been handled properly, they can appeal to a citizen board. The citizen board reviews the case and may recommend a different disposition to the Chief of Police. Omaha and Denver have this type of program in place.

Class IV

In effect in Seattle and San Jose, Class IV systems involve a civilian auditor who reviews the Police Department's complaint policies and procedures, makes recommendations for change where appropriate, and may review actual investigations periodically.

Class II systems are the most common in effect today, constituting 47 percent of the citizen review processes (31 of 66). Class I systems represent 33 percent (22 of 66); Class III programs account for 17 percent (11 of 66); and Class IV systems are found in only two agencies.

Westminster Concept

It is Staff's perspective that a team approach to the investigation and processing of citizen complaints alleging police misconduct would be timely, responsive and well accepted in Westminster. While the present system has been effective and responsive in the past, there still lingers an occasional perception by some that it is inappropriate for the "police to be investigating the police," and that it is difficult for the police to be objective in an arena where they are "investigating their own." Council is certainly aware of the publicity generated in Denver over the past two to three years where allegations have been made attacking the credibility of Denver's internal investigations, and these types of allegations have a fertile environment for continued growth and increasing tensions.

Staff is recommending that a "team approach" be adopted in Westminster, where a team consisting of two citizens and two Police Department officers be responsible for reviewing the completed investigation of certain types of alleged police misconduct. Once that review is completed, the team would make a recommendation to the Chief of their finding(s), and the Chief of Police would make the final decision. The actual investigation of the allegation(s) would remain the responsibility of the Police Department's Professional Standards Unit. Cases involving allegations of excessive force, a criminal act, a situation where the circumstances are complex and/or involve employees from more than one division, a notice of intent to sue or any other case assigned for investigation by the Chief of Police, would be reviewed by this team. This strategy would essentially be an equally balanced Class II System as described earlier in this report, and the estimated volume of cases meeting the criteria for review by the team would be approximately 24 per year.

Other allegations, historically the responsibility of first-line supervisors (rudeness, discourtesy, policy violations, slow response, etc.), would remain with the first-line supervisors.

In cases where there are grounds to believe that an employee has committed a crime and the case needs to be reviewed by either the Jefferson County or Adams County District Attorney, a copy of the case would be forwarded to the appropriate District Attorney who has jurisdiction. The District Attorney would then determine if the filing of charges would be appropriate under the circumstances.

Under this proposal, the team would consist of one Police Captain and one Police Lieutenant or Sergeant, along with two citizen representatives. To maintain continuity, the team would function as an entity for at least three years. At the end of the three years, membership would become staggered. Staff has given considerable thought to the citizen element of this unit, and is of the opinion that two citizens---one a member of and appointed by the Personnel Board Chair, and the second, a citizen from the community appointed by the City Manager, would be an appropriate strategy. This process would broaden the duties and responsibilities of the Personnel Board, which for the most part, would result in a more proactive involvement by Board members. Police Chief Dan Montgomery has approached the Personnel Board Chair regarding this proposal and has received strong support. Chief Montgomery also, in 17 different meetings with Police Department personnel earlier this year, addressed this proposal. While the reactions were somewhat mixed, many officers indicated that if such a system was adopted, citizen appointees to the team should be required to attend the Police Department's Citizen's Academy in order to better understand the police officer's job.

ALTERNATIVES

As is the case with any proposal, there are certainly alternatives to what is being proposed, and Staff would like to take this opportunity to identify those alternatives:

1. Leave the system as it currently is where citizen allegations of police misconduct are investigated and reviewed by police personnel with no citizen involvement.
2. In lieu of one citizen member from the Personnel Board and one citizen from the community appointed by the City Manager, both citizen members could be Personnel Board members appointed to the "review team" by the Chair.
3. In addition to the review team making recommendations to the Chief of Police reference their findings as to whether or not the accused employee(s) violated any policies, procedures or laws and/or used good judgement, the team could also be empowered to make disciplinary recommendations to the Chief of Police.

This matter has been scheduled for City Council discussion at Monday's Study Session on December 29, Police Chief Dan Montgomery will be present to provide more detail if needed and to answer any City Council questions.

Respectfully submitted,

Matt Lutkus
Acting City Manager

Date: March 2, 1998

Subject: Retention of Special Legal Counsel

Prepared by: Martin R. McCullough, City Attorney

Introduction

City Council action is requested to approve the retention of Ms. Bobbee Musgrave with the law firm of Perkins Coie for legal services related to Federal Aviation Agency Regulations, and Ms. Barbara Banks with the law firm of Banks & Imatani for assistance in preparing the necessary documents for "condominiumizing" the Westin Hotel and City Conference Center as well as appropriate reciprocal parking easements for the various parking areas within the Promenade East Project.

Summary

City Council previously approved a Joint Development Agreement with the Westin Hotel for the construction and financing of a Westin Hotel and Conference Center. The Conference Center will be owned by the City, but operated by Westin under lease from the City.

Because the City's Conference Center will be located within air space contiguous to the Westin Hotel structure, it is necessary to separate the ownership of these two structures.

Special legal counsel is needed to assist the City in drafting the appropriate documents to legally describe the City's ownership of the Conference Center separate from the hotel, as well as to draft appropriate cross-reciprocal parking easements for the various parking areas within the Promenade East Development.

For the most part, these parking areas will be privately owned but are intended to be available for general public use on a shared basis by all visitors to the Westminster Promenade Project. To achieve this, reciprocal cross-easements among the parking lot owners are required, similar to those which exist within most commercial centers with multiple ownerships.

At this time, special legal counsel is also necessary to assist the City in researching certain regulations promulgated by the Federal Aviation Agency in relation to the City's interest in the operation of the Jefferson County Airport.

Staff Recommendation

Authorize the City Manager to execute a fee agreement not to exceed \$10,500 with Ms. Barbara Banks with the law firm of Banks and Imatani for special counsel real estate services related to the Westin Hotel/Conference Center Project, and a fee agreement in an amount not to exceed \$10,000 with Ms. Bobbee Musgrave of the law firm of Perkins Cole for assistance in the area of Federal Aviation Agency Regulations.

Background Information

Ms. Barbara Banks is an experienced attorney specializing in real estate law. Ms. Banks is a current member and past Chairman of the Real Estate Section of the Colorado Bar Association. Ms. Banks's expertise in commercial real estate will assist the City staff and the City Attorney's Office in preparing the necessary documents to perfect the City's separate ownership of the Conference Center, as well as the necessary parking easements.

Ms. Bobbee Musgrave specializes in aviation law. Staff is recommending her retention to assist the City in developing information regarding certain Federal Aviation Agency Regulations so that the City may be better informed regarding the applicability of those regulations to the Jefferson County Airport.

Ms. Banks is proposing an hourly rate of \$190 per hour. Ms. Musgrave is proposing an hourly rate of \$165 per hour. Both rates are well within the rates charged by similar specialists in the Denver Metropolitan Area. Appropriate "top sets" will be contained in these fee agreements. In the case of Ms. Musgrave's agreement, the top set will be \$10,000, and for Ms. Banks, \$10,500.

Respectfully submitted,

William M. Christopher
City Manager

Date: March 2, 1998

Subject: Resolution No. re Private Activity Bond Allocation

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

Introduction

City Council action is requested on the attached Resolution which sets forth the assignment of \$250,000 of the City of Westminster's Year 2000 private Activity Bond Allocation to the City and County of Denver for the purposes of participating in a single family mortgage loan program.

Summary

The Metro Mayor's Caucus has been working on affordable housing as one of their regional objectives. The group recently has been pursuing a single family mortgage loan program utilizing Private Activity Bond (PAB) allocations from the various participating entities.

The City of Westminster has already committed its 1998 and 1999 Private Activity Bond (PAB) allocation on the Westminster Economic Development Authority (WEDA) Bond Issue to convert taxable bonds to non-taxable bonds thus saving approximately \$54,000 per year in interest cost. This savings is important to the WEDA budget.

The City and County of Denver has offered to loan up to \$500,000 of their PAB allocation to interested entities with a future pay back. The action before City Council would authorize Westminster "borrowing" \$250,000 from Denver in their PAB so that Westminster would be a participant in the current single family mortgage loan program. Repayment of the \$250,000 PAB allocation would be made to Denver in the year 2000 from Westminster's allocation.

Staff Recommendation

Adopt Resolution No. which authorizes the City of Westminster to participate in the Private Activity Bond Allocation contribution to assist in financing residential housing for low and middle income persons and families and to accept \$250,000 of the City and County of Denver's Private Activity Bond allocation with repayment to be made in the year 2000 from Westminster's Private Activity Bond allocation.

Background Information

Mayor Nancy Heil is an active member of the Metro Mayor's Caucus which meets regularly to address regional issues. One of the current topics before the group is to tackle the issue of providing affordable housing in the Denver metropolitan area. The group has agreed to pool Private Activity Bond allocations that would be used for a single family mortgage loan program to finance residential housing facilities for low and middle income persons and families.

The Private Activity Bond allocation that each entity receives from the State of Colorado each year comes from Federal legislation from several years ago that limits the dollar amount of tax exempt bonds which governmental entities can issue for private activity purposes such as economic development prospects, senior housing development and low and moderate income housing financing. In Westminster's case, the full PAB has been committed for 1998 and 1999 by City Council to convert the portion of taxable bonds in the recent \$6.4 million Westminster Economic Development Authority Bond Issue to tax exempt bonds. By using the PAB allocation on the conversion to tax exempt bonds an approximate \$54,000 a year will be saved in interest cost on the redevelopment project at the Westminster Plaza Shopping Center.

The City and County of Denver has offered participating members in the Metro Mayor's Caucus the assignment of up to \$500,000 of their PAB allocation so that entities such as Westminster can participate in the single family mortgage loan program. By Denver "loaning" a portion of their PAB allocation now to participate in the subject residential financing, the borrowing entity would repay Denver in the year 2000.

The following entities are participating in this single family mortgage program:

City of Arvada	\$100,000
City of Aurora	\$250,000
City of Boulder	\$1,000,000
City and County of Denver	\$11,500,000
City of Lakewood	\$1,000,000
Request of the State of Colorado	<u>\$7,500,000</u>
Subtotal	\$21,250,000
City of Westminster (proposed)	<u>\$250,000</u>
Total	\$21,500,000

It is unknown whether or not the City of Thornton will be participating. The City of Longmont has previously determined not to participate. The only other City that receives a direct allocation is the City of Westminster. For 1998, the City of Westminster's Private Activity Bond Allocation from the State of Colorado was \$2,323,000.

With escalating housing costs throughout the Denver metropolitan area, it becomes all the more important to find ways to deliver affordable housing to low and moderate income individuals and families. The below market mortgage rate option can be achieved through single family mortgage loan program. The City of Westminster has participated in such residential loan programs in the past and has realized families purchasing homes in Westminster by virtue of this below market interest rate program. The other opportunity to achieve affordable housing is through containing cost on new residential construction.

The City Attorney's Office has worked with Kutak Rock bond attorney's on the necessary documents to achieve the City of Westminster's participation in the single family mortgage bond program. Other options on this item would be to (1) not participate at all which would run contrary to City Council's policy position of working towards affordable housing or, (2) increase the dollar amount to the full \$500,000 that Denver has offered any participating entity to use and later sign back a like amount to Denver in an ensuing year.

Respectfully submitted,

William M. Christopher, City Manager

Date: March 2, 1998
Subject: Heritage at Westmoor Golf Course Construction Contract
Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

If City Council is comfortable with the financing arrangements discussed at the pre-meeting, then City Council action is requested to authorize the City Manager to sign a contract with Neibur Golf, Inc. of Colorado Springs, Colorado in the amount of \$3,982,266.36 plus a 5% contingency (\$199,113) for the construction of the City's new 18-hole Heritage at Westmoor Golf Course. Funds for this contract are available in the POST bond fund, as well as in the project budget in the General Capital Improvement Fund.

Summary

The City received three bids by contractors who were pre-qualified to bid the project by the City's consulting golf course architect, Michael Hurdzan of Columbus, Ohio. The names of the bidders and their bids are as follows:

Contractor Name Base Bid

Neibur Golf	\$3,982,266.36
Landscapes Unlimited	\$4,232,177.00
Wadsworth Golf	\$4,885,549.00

All of the bidders come highly recommended and have excellent reputations in the golf industry. Staff has met with the two low bidders, Neibur Golf and Landscapes Unlimited, and has thoroughly evaluated the bids. It is Staff's opinion that the base bid submitted by Neibur Golf is a good bid and, therefore, recommends awarding the contract to them. (The architect's estimate of the project was \$4,023,615.)

The scope of this phase of the project includes earth moving of approximately 440,000 cubic yards, topsoil stripping, pond construction, tee, greens, and sand bunker construction, irrigation system installation, 8' cart paths around the entire course, driving range, pump station, and seed and sodding of the golf course. The City will have a playable golf course when construction is completed.

If City Council awards this contract, it is anticipated that construction of the golf course will start sometime in March, with a projected opening date in September 1999.

Alternatives

> City Council could reject these bids and require that City Staff re-bid the project as an advertised bid. Staff recommends against this, however, in that it is anticipated that contractors who do not specialize strictly in golf course projects will bid the project without fully understanding the scope of work. Although this could result in a lower base bid, it could also ultimately result in poor workmanship, delays, unwanted change orders, additional costs, and an inferior product. The three contractors that have already bid on this project have been identified by the City's golf course architect as three of the best in the country.

City Staff understands that Councillors may have not had adequate time to evaluate using POST bond funds as a loan to the golf construction project and, therefore, could suggest delaying this action until the next regular Council meeting of March 2.

Staff Recommendation

Authorize the City Manager to sign a contract with Neibur Golf, Inc. in the amount of \$3,982,266.36 plus a 5% contingency of \$199,113 for the construction of the Heritage Golf Course; authorize the transfer of \$4,181,379.36 in POST bond proceeds into the Heritage Golf Course project account in the General Capital Improvement Fund, with these funds to be repaid in May when the Heritage Golf Course financing is completed, and charge the expense to appropriate project account in the General Capital Improvement Fund.

Background Information

On March 12, 1996, the Jefferson County Commissioners adopted a resolution to approve a no interest loan to the City of Westminster in the amount of \$3.3 million to be spread over three years for the construction of a new golf course at and adjacent to the Jefferson County Airport. The Jefferson County loan triggered action on the part of the City and Westfield Development, Inc. to move forward on the project.

The last piece of this project puzzle fell into place when on April 28, 1997, City Council approved a land lease with the Jefferson County Airport Authority to lease approximately 120 acres of land on which to build part of the golf course. Westfield Development, Inc. has since donated an additional 84 acres of land to complete the land transaction to construct the entire 18-hole golf course. Michael Hurdzan's design has produced the potential for a championship caliber golf course for the City of Westminster.

In an effort to keep capital interest payments on the project as low as possible, Staff is recommending that City Council authorize the initial use of POST bond funds that are designed for park construction projects. The fund has sufficient money to cover the cost of the contract. It would be City Staff's intent to issue either revenue bonds or certificates of participation to fund the entire project sometime in May/June of 1998. By allowing the temporary use of POST bonds, the project will save approximately \$180,000 in capitalized interest costs over issuing the bond debt immediately. Once the project funding has been secured, the POST bond fund will be reimbursed for its entire principle amount plus any lost interest that the fund would have earned.

Other parts of the project that have yet to be bid include the construction of the golf clubhouse and maintenance building, bridge crossings, raw water delivery system, utility construction, additional drainage improvements, and equipment purchases. Staff will detail these costs for City Council at a later date when a recommendation will be made on sizing the bond issue for the entire project.

The timing of the golf course construction is very critical. The specifications call for the completion of all seeding operations (greens, tees, fairways, rough) by September 18, 1998. Golf Course Staff has determined that date as the latest possible time frame for fall germination and grow-in to begin. The golf course will require one full year for growing grass and making the golf course ready for play. The projected opening of the Heritage is for mid-September 1999. If the golf course seeding is not completed by September 1998, a fall opening is not likely and a new projected opening would need to be moved to May or June 2000. In an effort to offer incentives to complete the project by September 18, 1998, the bid specifications call for payment of an incentive in the amount of \$1,000 for every day that the contractor completes the planting phase of the project ahead of schedule, up to a maximum of 25 days or \$25,000. There are also provisions for penalties if the project does not get completed on time. Both Staff and the contractor (Neibur) believe that if planting operations can be completed sooner, the possibility exists that the golf course could open ahead of schedule, which would mean an earlier revenue stream to help pay off the bond debt.

Respectfully submitted,

William M. Christopher
City Manager