



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) and Citizen Presentations (item 13) 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. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Recognition of Rocky Mountain Figure Skaters
7. Citizen Communication (5 minutes or less)

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. 2004 Westminster Conference Center Property Tax
 - B. Contract for Treated Water System Pressure Reducing Valves
 - C. Wattenberg Improvement Association Agreement
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 13 re Country Club Village Business Assistance Package
 - B. Public Hearing re CLUP Amendment for 10190 Wadsworth Blvd. "The Retreat"
 - C. Councillor's Bill No. 14 re CLUP Amendment for "The Retreat"
 - D. Public Hearing re CLUP Amendment and 3rd Amended PDP for Northridge at Park Centre PUD
 - E. Councillor's Bill No. 15 re CLUP Amendment for Northridge at Park Center PUD
 - F. 3rd Amended PDP for Northridge at Park Centre PUD
 - G. Resolution No. 14 re Recovery Contract Interest Rates
 - H. Councillor's Bill No. 16 re Restaurant Concessionaire for Legacy Ridge and Heritage Golf Course
12. Old Business and Passage of Ordinances on Second Reading
13. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
14. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MARCH 14, 2005 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Tiger Cub Troop #216 presented the colors and led the Council, staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor McNally, Mayor Pro-Tem Kauffman and Councillors Davia, Dittman, and Hicks were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present. Councillors Dixon and Price were absent and excused.

CONSIDERATION OF MINUTES

Councillor Hicks moved, seconded by Kauffman, to approve the minutes of the meeting of February 28, 2005. The motion carried unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, requested that Council consider tabling item 10A regarding the Country Club Village Business Assistance Package when it reached that point of the agenda.

CITY COUNCIL COMMENTS

Mayor Pro-Tem Kauffman commented that Mayor McNally had represented the citizens of Westminster admirably at a recent meeting of the Mayors' Round Table sponsored by the Metro Chamber of Commerce.

Councillor Hicks reported that the Fire Department's efforts to support the Burn Unit through a fundraiser at Rock Bottom Brewery had enjoyed great attendance. This year's goal was to raise \$4,000 or more.

Mayor McNally advised the public that Senator Windels and Representative Benefield would hold a Town Hall meeting in the Westminster Council Chambers on April 2. Further information was available on the City's website.

PROCLAMATION

Mayor McNally issued a proclamation in recognition of the Rocky Mountain Figure Skating Club's achievements, noting that the Club would host the United States Junior Championships at the Sun Microsystems Ice Centre in December of 2006. Accepting the proclamation were Joe Armstrong and a contingent of skaters and instructors.

CONSENT AGENDA

The following items were considered as part of the consent agenda: authority to pay the 2004 Westminster Conference Center property tax of \$205,439.92; authority for the City Manager to execute a \$402,971 contract with Velocity Constructors, Inc. for treated water system pressure reducing valves and related equipment installations; and authority for the City Manager to sign an agreement with the Wattenberg Improvement District to transfer ownership of six shares of Fulton Irrigation Ditch Company to the City in exchange for 10 acre-feet annually of fully-consumable augmentation water.

Mayor McNally asked if any member of Council or the audience wished to remove an item from the consent agenda for discussion purposes or separate vote. There was no request.

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

COUNCILLOR'S BILL RE COUNTRY CLUB VILLAGE BUSINESS ASSISTANCE PACKAGE

Upon a motion by Councillor Hicks, seconded by Councilor Dittman, the Council voted unanimously to table Councillor's Bill No. 13 regarding the Country Club Village business assistance package.

PUBLIC HEARING RE CLUP AMENDMENT FOR CHURCH RANCH HOME PLACE

At 7:24 P.M. the Mayor opened a public hearing to consider a comprehensive land use plan amendment changing the designation from Business Park to R-8 Residential for Church Ranch Home Place Filing No. 3, Lot 2. The property was located at 10190 Wadsworth Boulevard where "The Retreat," a 54-bed senior care facility existed. Dave Shinneman, Planning Manager, entered copies of the agenda memorandum and other related items as exhibits. No one spoke in favor or against the proposed amendment. The public hearing was declared closed at 7:30 P.M.

COUNCILLOR'S BILL NO. 14 AMENDING THE WESTMINSTER CLUP

Councillor Dittman moved, seconded by Davia, to adopt Councillor's Bill No. 14 amending the Westminster Comprehensive Land Use Plan for Church Ranch Home Place Filing No. 3, Lot 2, to allow a change from Business Park to R-18 Residential land use. This action was based on a finding that the proposed amendment would be in the public good; that the Plan was in need of revision as proposed; that the amendment was in conformance with the overall purpose and intent and the goals and policies of the CLUP; was compatible with existing and planned surrounding land uses; and would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE CLUP AMENDMENT FOR NORTHRIDGE AT PARK CENTRE PUD

At 7:31 P.M., the Mayor opened a public hearing to consider a Comprehensive Land Use Plan amendment and the 3rd Amended Preliminary Development Plan for the Northridge at Park Centre Planned Unit Development for Lot 11A. The referenced lot was approximately 14.5 acres in size and was located north of 122nd Avenue at approximately Park Centre Drive. Staff was not supportive of the requested changes as they were not in compliance with the goals and policies of the City relative to Commercial and Industrial development. Dave Shinneman, Planning Manager, entered copies of the agenda memorandum and other related items as exhibits. Al Dirkavec, 84 Stanford in Irving, California and the developer's representative, provided a history of the property in a power point presentation. Abby Gahtan, 1198 West 124th Court, voiced her concerns. The hearing was declared closed at 7:58 P.M.

COUNCILLOR'S BILL NO. 15 RE CLUP AMENDMENT FOR NORTHRIDGE AT PARK CENTRE

It was moved by Councillor Davia, seconded by Dittman, to not approve Councillor's Bill No. 15 amending the Comprehensive Land Use Plan for Lot 11A within the Northridge at Park Centre Planned Unit Development that would change the designation from Business Park to Office Residential. This action was based on a finding that the proposed amendment would not be in the public good; was not in need of revision as proposed; was not in conformance with the overall purpose and intent and the goals and policies of the Plan; was not compatible with existing and planned surrounding land uses; and would result in excessive detrimental impacts to the City's existing or planned infrastructure systems. At roll call, the motion passed unanimously.

3RD AMENDED PDP FOR NORTHRIDGE AT PARK CENTRE PUD, LOT 11A

Councillor Davia moved, seconded by Dittman, to deny the 3rd Amended Northridge at Park Centre Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development. This action was based on a determination that the certain findings set forth in Section 11-5-14 of the Westminster Municipal Code had not been met. The proposed land uses therein for Lot 11A were not in

conformance with the City's Comprehensive Land Use Plan and all City Codes, ordinances, and policies; and the proposed amended PUD was not compatible and harmonious with existing public and private development in the surrounding area. Additionally, the proposed amended PUD for Lot 11A would have significant adverse impacts upon existing or future land uses and upon the future development of the immediate area. The motion passed unanimously.

RESOLUTION NO. 14 RE RECOVERY CONTRACT INTEREST RATE

Mayor Pro-Tem Kauffman moved, seconded by Davia, to adopt Resolution No. 14 establishing the 2005 calendar year interest rate for non-City-funded public improvement recovery contracts at 7.25 percent and an interest rate of 4.54 percent for City-funded public improvements. The motion carried unanimously.

COUNCILLOR'S BILL NO. 16 RE GOLF COURSE CONCESSIONAIRE CONTRACTS

It was moved by Councillor Hicks and seconded by Dittman to adopt Councillor's Bill No. 16 as an emergency ordinance authorizing the City Manager to sign a five-year concessionaire contract, in substantially the same form as that presented, with Dadiotis Golf Enterprises, LLC of Denver, Colorado for the Grill at Legacy Ridge and The Heritage Grill. At roll call the motion passed unanimously.

ADJOURNMENT:

The meeting was adjourned at 8:10 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Item 6 A

Agenda Memorandum

City Council Meeting
March 14, 2005

SUBJECT: Proclamation re Rocky Mountain Figure Skating Club

Prepared By Christy Owen, Management Intern II

Recommended City Council Action

Present a proclamation to the Rocky Mountain Figure Skating Club for their ongoing dedication to figure skating and the youth of the Rocky Mountains and the Club's contribution to the Westminster community.

Summary Statement

The purpose of this Proclamation is to recognize the Rocky Mountain Figure Skating Club, which is located in Westminster. The Rocky Mountain Figure Skating Club practices and hosts competitions at the Sun Microsystems Ice Centre. The accomplishments of these individuals and team are a positive reflection of the community and the youth in Westminster.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The Rocky Mountain Figure Skating Club was founded in 1977 at the old Hyland Hills Ice Arena. In 2002, the United States Figure Skating Association recognized the Rocky Mountain Figure Skating Club as a 25 year club. Presently, the Club has 300 members and operates as a 501(c)3 non-profit sports club.

The Rocky Mountain Figure Skating Club has members that train in many skating disciplines including: free skate, pairs skating, dance and synchronized team skating. Over the past few years, the Rocky Mountain Figure Skating Club has produced 12 United States National Champions in the free skate competition. The synchronized skating teams have qualified annually to compete in the United States National Skating Championships.

The Sun Microsystems Ice Centre located at the Westminster Promenade provides the Rocky Mountain Figure Skating Club a superb venue to hold practice sessions and to host large competitions. In 2002, the Centre hosted the 2002 Southwestern Regional Qualifying Competition, the 2002 Pacific Coast Synchronized Sectional Competition, and the 2001 US Junior Championships. These competitions were qualifying competitions for the US National Championships.

In December of 2006, the Rocky Mountain Figure Skating Club will be hosting the 2006 United States Junior Championships. It is estimated that 432 skaters will come to Westminster to compete. The Rocky Mountain Figure Skating Club will have between 15-20 competitors trying to qualify for this competition. Some of these skaters from this competition will likely represent the United States in the 2010 or 2014 Winter Olympics.

Joe Armstrong and members of the Rocky Mountain Skating Club will be present to receive the proclamation at the City Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, the Rocky Mountain Figure Skating Club, chaired by Joe Armstrong, has been a part of the Westminster Community since 1977; and

WHEREAS, the Rocky Mountain Figure Skating Club has 300 members and is a 501(c)3; and

WHEREAS, the Club, now in its 28th year, was recognized in 2002 by the United States Figure Skating Association as a 25 year club; and

WHEREAS, the Rocky Mountain Figure Skating Club members train and compete in all skating disciplines including free skate, pairs skating, dance and synchronized team skating; and

WHEREAS, over the years, the Rocky Mountain Figure Skating Club has had 12 national champions in the free skate discipline and annually qualifies to compete in the United States National Synchronized Skating Championships; and

WHEREAS, in December of 2006, the Rocky Mountain Figure Skating Club will be hosting the United States Junior Championships at the Sun Microsystems Ice Centre.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, on behalf of the entire City Council hereby recognize the Rocky Mountain Figure Skating Association for its contribution to the community of Westminster and its promotion of youth activities and wish them continued success.

Signed this 14th day of March 2005.

Nancy McNally, Mayor



Agenda Item 8 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 14, 2005



SUBJECT: Ratification and Authorization to Pay 2004 Westminster Conference Center Property Tax

Prepared By: Emily Moon, Senior Management Analyst

Recommended City Council Action

Ratify the expenditure and authorize the City Manager to pay the remaining amount due to the Jefferson County Treasurer for payment of the 2004 property tax for the Westminster Conference Center, which totals \$205,439.92, from the appropriate Central Charges account.

Summary Statement

In October 2004, City Council approved the 2005/2006 Budget, which included \$185,000 in 2005 and \$190,000 in 2006 for the payment of the Westminster Conference Center property taxes. In 2004, the property tax paid for 2003 totaled \$185,501.18. While the property taxes for 2004 came in higher than anticipated, Staff will work to cover this difference within the approved budget; however, should this not be possible, Staff may return at a later date with a request for supplemental funding.

Since this dollar amount exceeds \$50,000, pursuant to Section 15-1-2 of the Municipal Code, City Council must authorize the expenditure. The County allows installments to pay for property taxes; Staff has processed the first installment of \$102,719.86 last month. Staff processed the first installment of \$102,719.86 last month believing that property taxes fell under exemptions permitted in the Municipal Code of items not needing to go before Council for approval (e.g., utility bills, benefits, salaries, etc.). However, after additional review, taxes are not currently an exemption in the Municipal Code and Staff is seeking ratification of this expenditure and final payment of the 2004 property taxes.

Expenditure Required: \$ 205,439.92

Source of Funds: General Fund Central Charges Budget

Policy Issue

Should City Council ratify the expenditure made and authorize the payment of the remaining amount due for the 2004 Westminster Conference Center property tax in the amount of \$205,439.92?

Alternative

City Council could choose not to pay the 2004 property tax bill at this time. Staff does not recommend this alternative since payment is due April 30, 2005 and the City would be charged interest for each month the bill is in arrears.

Background Information

The City is the owner of the Westminster Conference Center, while the Westin Westminster (Inland Pacific) manages and operates the facility. The Westin makes payments to the City for the lease of this facility. By contract, the City is obligated to pay any assessed property tax for the conference center.

Inland Pacific received notification in 2003 that the property tax due for the conference center increased dramatically over the 2001 appraisal due to changes in how possessory interest is calculated. The City and Inland Pacific attempted to appeal Jefferson County's assessment of the facility during 2003. The County refused to negotiate the value of the Conference Center's possessory interest in exclusion of consideration of the value of the Westin hotel and pavilion. As a result, Inland Pacific secured a more favorable total assessment for all three properties; however, the Conference Center's possessory interest was not adjusted. Staff continues to discuss how Inland Pacific might share a portion of the reduction in the total tax bill with the City.

City Council approved \$185,000 in the Adopted 2005 Budget toward payment of the 2004 Westminster Conference Center property tax. While the actual amount assessed for 2004 (\$205,439.92) is higher than originally budgeted, Staff will work to cover these costs within the Central Charges budget.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 14, 2005



SUBJECT: Award of Contract for Treated Water System Pressure Reducing Valves

Prepared By: Richard A. Clark, Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Velocity Constructors Inc. in the amount of \$354,065 along with a project contingency of 10% in the amount of \$35,406 for the installation of two treated water system pressure reducing valve (PRV) vaults, four check valve vault installations, and eight inch (8") waterline bores and trenched installations consisting of both PVC and HDPE pipe materials.

Summary Statement

- Two pressure-reducing valves are needed in the treated water distribution system to regulate operating pressures. Bids for the installation of these valves and associated check valves and piping were received by the City on February 24 and opened at an official bid opening held in Council Chambers. Three contractors submitted bids on this project.
- Velocity Constructors Inc. presented the lowest bid among the three contractors submitting bids for this project, \$354,065.
- Street Cut Impact fees for this project are estimated at \$13,500. These fees will be separately paid for by the City.
- Funds were budgeted and are available in the 2005 Utility Fund for this expense.

Expenditure Required: \$ 402,971

Source of Funds: 2005 Utility Fund Capital Improvements
Waterline Maintenance / Replacement / Additions Account

Policy Issue

Should the City contract with Velocity Constructors Inc. to install the treated water system pressure reducing valves and associated check valves and piping for this project?

Alternative

The City could delay the construction and installation of these valves, but the system operating pressure will continue to be sub-standard in the two areas involved.

Background Information

Two additional pressure-reducing valves (PRVs) are needed to control water pressure in two areas of the City. The first valve will be placed at 104th Avenue and Lowell Court. The area around 104th Avenue and Lowell Court has low water pressures. The additional PRV and check valves will allow this pressure to be raised to 70 PSI (currently around 45 PSI) without sacrificing fire flows or redundant feed into the area. The second valve will be placed at 80th Avenue and Irving Street. The area southeast of 80th Avenue and Lowell Boulevard is identified in the Water Master Plan as having inadequate fire flows for current standards. The PRV in this area will alleviate that condition. Both of the valves will be installed in vaults with associated piping and additional system control valves.

At the regular City Council meeting of May 24, 2004, the City Manager was authorized to execute a contract with Tetra Tech-RMC, in the amount of \$46,494 along with a project contingency of \$4,600 for the design of the treated water system pressure reducing valves (PRV).

On February 24, bids for this project were received from three contractors to complete the construction and installation of these valves and associated work. Their bids are listed below.

BT Construction Inc.	\$377,200
Paramount Construction	\$359,366
Velocity Constructors Inc.	\$354,065
Engineers' Estimate	\$286,850

The engineering estimate submitted to City Staff by Tetra Tech-RMC was lower than the bids received for this project. The estimate for the project was \$286,850, which is approximately \$67,000 lower than the low bid received from Velocity Constructors Inc. However, upon review of the bid tabulation and line item costs associated with this project, it was noted that there were a few specific portions of this project that appear to have been underestimated by the design firm. Staff has determined that all of the contractors submitting bids on this project were consistent in their estimates in these areas, and these bids reflect market condition. The very narrow range of bids indicates that the contractors all arrived at a similar cost in preparing their bids. The project scope cannot be reduced if project goals are to be met, and there is no likely reduction in costs for re-bidding the project at a later date.

Velocity Constructors Inc., has completed similar water system improvement projects for various agencies in the area and received positive references from those that they have worked with on these projects.

Due to the lead time for some project components, the actual field work for this project may not begin for 75 to 100 days after award. Once a more detailed schedule can be arrived at, meetings with the two neighborhoods impacted will be scheduled.

Costs and estimates to date are as detailed below.

<u>Engineering</u>		\$51,094
Engineering Design	\$46,494	
Design Contingency	\$4,600	
<u>Construction</u>		\$402,971
Construction	\$354,065	
Construction Contingency	\$35,406	
Street Cut Impact Fee (Est.)	\$13,500	
<u>Total Project Costs</u>		\$454,065

Respectfully submitted,

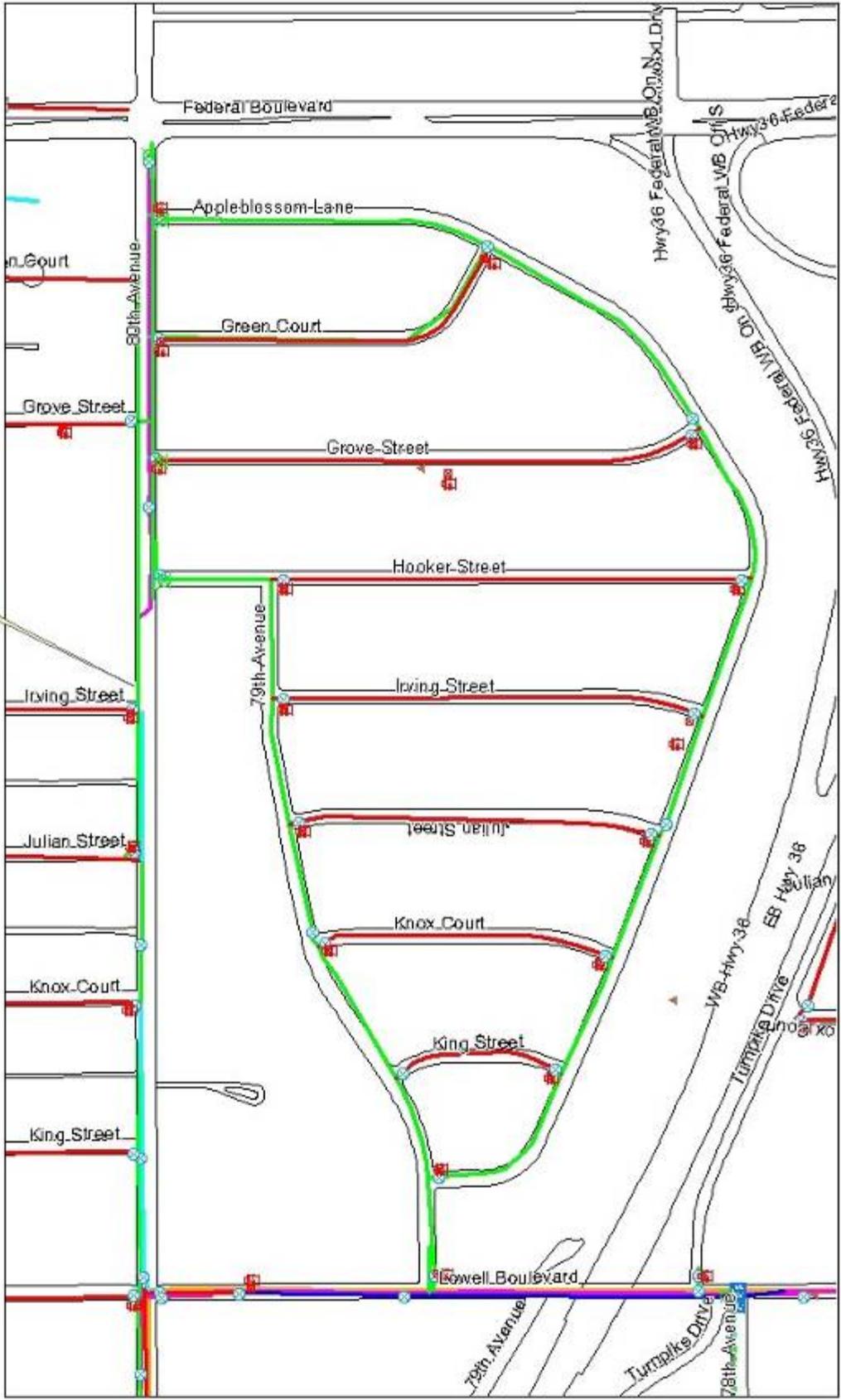
J. Brent McFall
City Manager

Attachments

80th & Irving



PRV Location



Legend

- Storage Tank
- Blow-off
- Air Release
- PRV
- Interconnect meter
- Mixer Pit
- Fire line valve
- Bimetric Valve
- Access Manhole
- Check Valve

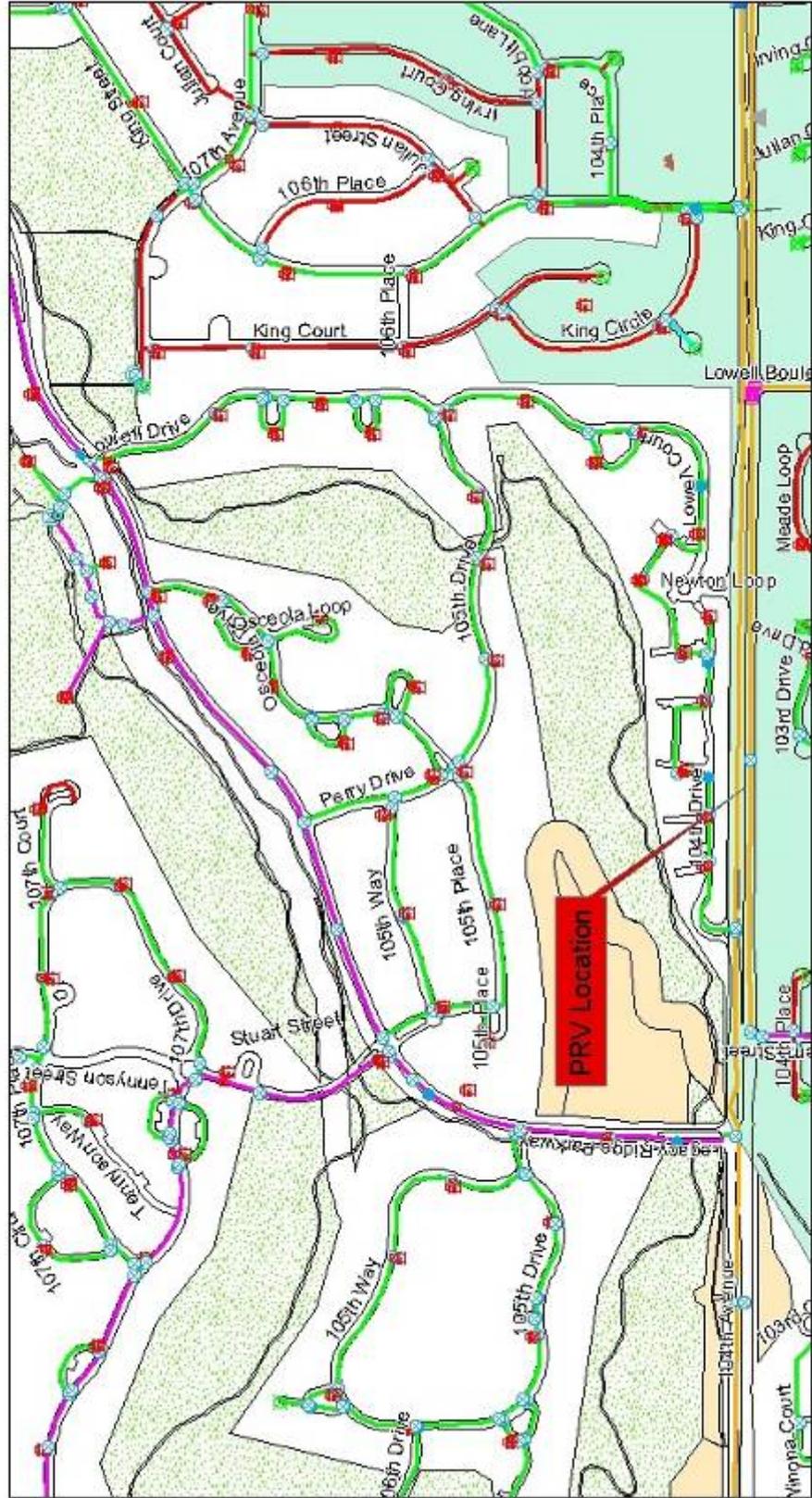
CityWd

- SIZE**
- 0 - 4
- 6
- 8
- 10
- 12
- 13 - 64
- CityWd

- CityWd zone
- Openpace
- Parks



104th & Lowell Ct.





Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 14, 2005



SUBJECT: Wattenberg Improvement Association Agreement

Prepared By: Josh Nims, Water Resources Engineer
Mike Happe, Water Resources and Treatment Manager

Recommended City Council Action

City Council is requested to authorize the City Manager to sign an agreement with the Wattenberg Improvement Association (“Wattenberg”) where Wattenberg will transfer ownership of six shares of Fulton Irrigation Ditch Company to the City of Westminster (“City”), and, in exchange, the City will provide up to 10 acre-feet annually of fully-consumable augmentation water.

Summary Statement

- The Wattenberg Improvement Association provides water to the unincorporated town of Wattenberg located in southern Weld County, just north of Westminster’s Wattenberg Lake property.
- Wattenberg is in need of augmentation water to replace depletions caused by the use of the Wattenberg well.
- Wattenberg will convey six Fulton Irrigation Ditch Company shares to the City, and the City will provide up to 10 acre-feet annually of fully consumable augmentation water to Wattenberg.
- Executing this agreement will serve the dual public purpose of enhancing the ability of the City to increase its water supply and fostering a good neighbor relationship with Wattenberg.
- There is no cost associated with this agreement.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should Westminster City Council authorize the City Manager to execute an agreement with Wattenberg Improvement Association?

Alternative

The City could choose not to execute the agreement, thereby losing an opportunity to increase the City's water supply and making it more difficult and expensive for Wattenberg to resolve their well depletion issues and obtain a dependable and approved water supply.

Background Information

The Wattenberg Improvement Association is committed to developing a reliable and sanctioned drinking water supply for the unincorporated town of Wattenberg, located in southern Weld County, near Westminster's Wattenberg Lake property. Wattenberg must obtain a substitute supply plan and a water-court approved plan for augmentation to provide for augmentation of depletions caused by use of the Wattenberg well. Stream depletions caused by well pumping average about 10 acre-feet per year. City Staff has been negotiating an agreement for Wattenberg to convey six Fulton Irrigation Ditch Company shares to the City in return for the City's agreement to provide 10 acre-feet annually of fully-consumable augmentation water to the South Platte River for Wattenberg.

The parties acknowledge and agree that the value of the Wattenberg Fulton shares is approximately equivalent to the value of the augmentation water to be provided to Wattenberg by the City. The City may provide augmentation water from any source or location legally available to it. These sites include Metro Wastewater District, Big Dry Creek Wastewater Treatment Plant, Jim Baker Reservoir, West Gravel Lakes, and Wattenberg Lake (when it is constructed). Deliveries will commence on approval of a substitute water supply plan by the Colorado State Engineer or entry of decree of a plan for augmentation for the Wattenberg water supply. This agreement entitles Wattenberg to the perpetual delivery of water and Wattenberg shall be required to pay an annual delivery fee of \$40 per acre foot. On or before December 31, 2010, Wattenberg has the option to purchase up to five additional acre-feet of fully-consumable water annually for a one-time fixed purchase price of \$12,500 per acre-foot. This agreement shall terminate if Wattenberg's application for plan for augmentation is denied or dismissed by the water court, or if Wattenberg is in breach of its agreement with Aggregate Industries concerning groundwater issues associated with Wattenberg Lake.

Westminster can use the Fulton Irrigation Ditch Company shares to enhance the City's integrated water supply system. In addition, the City is pursuing a storage project near the town of Wattenberg and it is in the best interest of the City to continue the good neighbor relationship with the Wattenberg Improvement Association.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 14, 2005



SUBJECT: Councillor's Bill No. 13 re Country Club Village Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 13 on first reading authorizing the City Manager to execute and implement the business assistance package (BAP) with Country Club Village Enterprises LLC, a Colorado limited liability company. The BAP totals \$486,000 and includes permit fee rebates, construction use tax rebates on up to 50,000 square feet of retail space, and sales tax rebates for the first three years of operation.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached business assistance package with Country Club Village Enterprises LLC for the attraction of a high quality tenant.
- Country Club Village Enterprises LLC is planning a 20 acre upscale retail development near the northeast corner 120th Avenue and Federal Boulevard.
- Assistance to the developer is contingent upon the attraction of quality, high end retail user(s) up to 50,000 square feet of space in the Country Club Village development (see map attached).
- Assistance does not apply to any existing user in the City that closes another facility in Westminster and reopens at this location.

Expenditure Required: \$ 486,000 (Rebates)

Source of Funds: The business assistance package with Country Club Village Enterprises LLC will be funded through revenue received from permit fees, construction use tax, and sales tax directly generated from the construction and operation of up to 50,000 square feet in Country Club Village.

Policy Issue

Does Council desire to provide assistance to Country Club Village Enterprises LLC contingent on the attraction of quality, high end retail user(s) up to 50,000 square feet in Country Club Village project?

Alternatives

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City's value of attracting an upscale retail center would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is what the developer needs to attract a high end retail user.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. There is financial capacity for additional funding. However, it is staff's opinion that additional assistance is not needed.

Background Information

Staff has been working with Mike Byrne and Tim Weins, managing members of Country Club Village Enterprises LLC, for the past 12 months, regarding a 20 acre high-end retail development on the northeast corner of 120th Avenue and Federal Boulevard. The partners in Country Club Village Enterprises LLC have been active in the development market for over 20 years. On September 13, 2004, City Council approved an amendment to the Preliminary Development Plan for the site changing the land use from Business Park to Retail/Commercial. On December 14th, Westminster's Planning Commission approved the Official Development Plan for this project, which includes 98,600 square feet of speculative retail, a bank, a car care facility, and a drive through restaurant.

For many years, City residents have requested that higher end, unique retailers found in other areas of metro Denver, be attracted to Westminster. The developers of Country Club Village desire to meet this market niche and have requested financial assistance in achieving this goal. Country Club Village Enterprises LLC has assured staff that this assistance is critical in attracting users like Tony's Meats or Blue Sky Market to the north metro area. It is anticipated that Country Club Village (excluding the bank, the car care facility and the drive through restaurant) will generate over \$3.9 million in new revenue directly to the City in the first five years of operation, based on the construction of 98,600 square feet of speculative retail with a total building valuation of \$9,168,000 and average sales per square foot of \$250 (sales tax projections were based upon similar size of buildings and types of retail).

Based upon these figures, staff recommends the following business assistance package:

Proposed Assistance	Approximate Value
<u>Building Permit-Fee Rebate</u> 50% of the City’s building permit fees on the construction on up to 50,000 square feet of space (excluding water & sewer tap fees) will be rebated. Estimates will vary depending on square footage and building valuation and are subject to the limitations noted below.	\$13,280
<u>Building Use Tax Rebate</u> 50% of the general use tax (excludes the City’s .25% open space tax and .6% public safety tax) on the construction materials for up to 50,000 square feet of space will be rebated. Estimates will vary depending on square footage and building valuation and are subject to the limitations noted below.	\$30,000
<u>Sales Tax Rebate for the First Three Years of Operation</u> 50% of the sales tax generated by up to 50,000 square feet, will be rebated up to a total of \$442,720 for a period of three years from the time of the certificate of occupancy whichever comes first (excludes the City’s .25% open space tax and .6% public safety tax) and is subject to the limitations noted below.	\$442,720
Limitations: The BAP will be limited as follows: <ul style="list-style-type: none">• City must approve the specific use that will receive assistance.• Assistance is provided for no more than 50,000 square feet but could be for less square footage.• The assistance will be capped at a total of \$486,000.• Receipt of the rebates must occur within 3 years of the issuance of the first certificate of occupancy.	
Total Proposed Business Assistance Package Not To Exceed	\$486,000

This business assistance package is based upon the City’s goals to attract high end, unique, retail users to Country Club Village in Westminster. The BAP is based on total revenue of the shopping center, but to be given specifically only for the attraction of high end users, as agreed upon by the City of Westminster and Country Club Village LLC. Assistance will not be given to an existing user in the City that may choose to close a current operation and reopen at this location.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **13**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE
WITH COUNTRY CLUB VILLAGE ENTERPRISES LLC
FOR THE CONSTRUCTION OF THE COUNTRY CLUB VILLAGE RETAIL PROJECT IN
WESTMINSTER, COLORADO**

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

WHEREAS, it is important for the City of Westminster to generate additional sales tax revenue and remain competitive with other local governments in creating assistance for occupancy of existing retail space in the City; and

WHEREAS, Country Club Village Enterprises LLC plans to construct a 20 acre upscale retail center at the northeast corner of 120th Avenue and Federal Boulevard, and

WHEREAS, a proposed Business Assistance Package between the City and Country Club Village LLC is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into a Business Assistance Package with Country Club Village LLC in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of March 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of March 2005.

ATTEST:

Mayor

City Clerk

EXHIBIT A

BUSINESS ASSISTANCE PACKAGE FOR COUNTRY CLUB VILLAGE ENTERPRISES LLC IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2005, between the CITY OF WESTMINSTER (the "City"), and Country Club Village Enterprises LLC, a Colorado limited liability company;

WHEREAS, the City wishes to provide certain assistance to Country Club Village Enterprises LLC contingent upon the attraction of quality, high end retail user(s) to the 50,000 square foot anchor space, and

WHEREAS, Country Club Village Enterprises LLC plans to construct a 20 acre high end retail development on the northeast corner of 120th Avenue and Federal Boulevard, consisting of approximately 98,600 square feet of speculative retail, plus a bank, a car care facility, and a drive through restaurant; and

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

In consideration of the mutual promises set forth below the City and Country Club Village Enterprises LLC agree as follows:

1. Limitations. The terms of this agreement are subject to the following limitations. There will be no obligation on the City to carry out the terms of this agreement outlined in paragraphs 2, 3, and 4 outside of the bounds of these limitations:

- City must approve the use for which rebates will be provided prior to application for a building permit by the user.
- Assistance will be provided for no more than 50,000 square feet but may be less, depending upon the flow of the rebate.
- The assistance is capped at a total of \$486,000. Once this amount reached, no further assistance will be provided.
- Receipt of the rebates must occur within 3 years of the issuance of the first Certificate of Occupancy.

2. Building Permit Fee Rebates. The City shall rebate to Country Club Village Enterprises LLC 50% of the building related permit fees for the construction of up to 50,000 square feet in Country Club Village required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees.

3. Use Tax Rebate- Construction. The City shall rebate to Country Club Village Enterprises LLC 50% of the Building Use Tax on the construction materials, resulting from the construction of up to 50,000 square feet in Country Club Village, required under W.M.C. sections 4-2-9 and 4-2-3.

4. Sales Tax Rebate. The City shall rebate to Country Club Village Enterprises LLC 50% of the amount of the sales tax collected for the first three years (36 months) of operation on the designated 50,000 square feet in Country Club Village, as determined per Paragraph 1. Such rebate shall be payable exclusively from sales tax revenue collected by the City attributable to the imposition of the City's 3.0% general sales tax (exclusive of the City's .25% Open Space Tax and the .6% Public Safety Tax). The total sales tax rebate shall not exceed \$486,000 less the amount previously rebated in permit fees (reference paragraph 2) and construction use tax (reference paragraph 3), and shall not exceed 3 years of duration.

The rebate shall be paid by the City in quarterly installments from the revenue actually collected and received by the City. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter. Payments will be submitted electronically to Country Club Village LLC designated financial institution.

5. Entire Agreement. This instrument shall constitute the entire agreement between the City and Country Club Village Enterprises LLC and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if Country Club Village Enterprises LLC has not constructed and opened Building I on or before December 31, 2007; or, should Country Club Village Enterprises LLC fail to comply with any City code and/or approval process.

7. Business Termination. In the event that an approved user ceases business operations in the City within five years after the new operations commence, Country Club Village Enterprises LLC shall reimburse the City for any amounts rebated to or otherwise provided to Country Club Village Enterprises LLC pursuant to this Agreement, unless the City approves a successor to the initial approved user, which is substantially similar in quality and sales tax production as the approved user.

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

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

10. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Adams County, Colorado.

COUNTRY CLUB VILLAGE ENTERPRISES
A Colorado Limited Liability Company

CITY OF WESTMINSTER

Michael Byrne, Manager Member

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Linda Yeager
City Clerk

Adopted by Ordinance No.

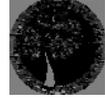


Agenda Item 10 B&C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 14, 2005



SUBJECT: Public Hearing and Action on a Comprehensive Land Use Plan Amendment for Church Ranch Home Place Filing No. 3, Lot 2, “The Retreat”

Prepared By: Max Ruppeck, Senior Project Manager

Recommended City Council Action

1. Hold a public hearing.
2. Approve Councillor’s Bill No. 14 amending the Comprehensive Land Use Plan (CLUP) for Church Ranch Home Place Filing No. 3, Lot 2, changing the designation from “Business Park” to “R-8 Residential.” This recommendation is based on the finding that the amendment is in the public good and on the following findings set forth in the Westminster Comprehensive Land Use Plan:
 - a. The Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose, intent, goals, and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.

Summary Statement

The subject property is a 2.7-acre parcel located at 10190 Wadsworth Boulevard. The site is currently developed with a 54 bed senior care facility called “The Retreat.” The applicant, Jeff Williams, wishes to develop a 16 room addition to the existing facility and has applied for a residential category of sufficient density for 70 beds (R-18 Residential). Because the project lacks sufficient landscape area (27% existing vs. 45% required by the City’s “Senior Housing Design Guidelines”), Staff is recommending a designation of R-8 Residential that would bring the CLUP into conformance with the existing land use, but would not allow sufficient density for expanding the facility. Staff would recommend that expansion of the facility be accommodated by enlarging the site rather than densifying the existing site.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

At their regular meeting held on May 8, 2005, the Planning Commission voted 6-0 to recommend a Comprehensive Land Use Plan amendment to change the designation on the subject property from "Business Park" to "R-8 Residential." Neither the applicant nor any member of the audience spoke at the public hearing.

Policy Issue

Should the Planning Commission recommend the approval of a Comprehensive Land Use Plan amendment for the Church Ranch Retreat property changing the designation from "Business Park" to R-8 Residential?

Alternatives

1. Deny a Comprehensive Land Use Plan amendment changing the designation for the Church Ranch Retreat property from Business Park to R-8 Residential. This alternative is not recommended because the existing use of the property is not in conformance with the present designation of Business Park.
2. Approve a Comprehensive Land Use Plan amendment changing the designation for the Church Ranch Retreat property from "Business Park" to "R-18 Residential" (as the applicant requests to allow the addition of 16 units). This action would need to be based on the finding that the amendment is in the public good and on the following findings set forth in the Westminster Comprehensive Land Use Plan:
 - a. The Plan is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose, intent, goals, and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.

This alternative is not recommended because given the existing development on the site, the site cannot accommodate additional development within the established design guidelines.

Background Information

Applicant/Property Owner

The Retreat at Church Ranch
Jeff Williams
865 Circle Drive
Boulder, Colorado 80302

Surrounding Land Use and Comprehensive Land Use Plan Designation

The property to the west is in unincorporated Jefferson County and is developed as commercial.

The property to the south is designated "Business Park" and is developed as a private residence.

The property to the east and southeast is designated as "Business Park" and is developed as Office Use in the Church Ranch Planned Unit Development.

The property to the north is designated "Business Park" and is developed as commercial.

Site Plan Information

The site is currently developed as a 54-bed senior care living facility. The site was developed before the “Senior Housing Design Guidelines” were adopted and has a landscaped area of about 27%, short of the 45% required by the City’s Senior Housing Design Guidelines. The site is accessed off of Wadsworth Boulevard by a driveway running along the southern boundary of the site. The proposed expansion of the one-story facility would result in the landscape average dropping to 20-22% of the site area, and would be even lower when additional parking is added to meet the Code requirements.

Traffic and Transportation

The proposed addition of 16 more beds would have insignificant impact on the public street system.

Service Commitment Category

There would be 8 senior housing Service Commitments (Category E) required if a 16 bed expansion were allowed.

Referral Agency Responses

None

Public Comments

None

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Comprehensive Land Use Plan Ordinance
- Vicinity Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **14**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the owner of the property described below has requested an amendment to the City's Comprehensive Land Use Plan to change the designation for said property from Business Park to R-8 Residential ; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the requested amendment will be in the public good and in compliance with the overall intent of the Comprehensive Land Use Plan.

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Retreat at Church Ranch property from Business Park to R-8 Residential, legally described as follows: A parcel of land being a portion of Church Ranch Home Place P.U.D., as recorded at Reception No. 88080484, situated in the northeast quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, City of Westminster, County of Jefferson, State of Colorado, and being more particularly described as follows:

Commencing at the north quarter corner of said Section 14: Thence S04°44'56", a distance of 1,322.43 feet to a point on the northerly line of said Church Ranch Home Place P.U.D. and the southerly line of Tract 57D of Mandalay Gardens as recorded at Reception No. 194693, said point also being the point of beginning; thence N89°48'31"E, along northerly line of said P.U.D. and southerly line of said Tract 57D, a distance of 439.62 feet; thence leaving said northerly and southerly line, S01°04'20"W, a distance of 281.44 feet; thence N89°53'57"W, a distance of 439.58 feet; thence N01°04'20"E, along a line which is the easterly right-of-way of Olde Wadsworth Boulevard, a distance of 279.30 feet to the point of beginning.

Parcel contains 123,619 square feet or 2.83 acres more or less.

Section 2. Severability: 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 deemed unenforceable shall not affect any of the remaining provisions.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of March, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of March, 2005.

ATTEST:

City Clerk

Mayor

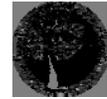


Agenda Item 10 D-F

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 14, 2005



SUBJECT: Public Hearing and Action on a Comprehensive Land Use Plan Amendment and the Third Amended Preliminary Development Plan for the Northridge at Park Centre Planned Unit Development for Lot 11A.

Prepared By: Michele McLoughlin, Planner II

Recommended City Council Action

1. Hold a public hearing.
2. Do not approve Councillor's Bill No. 15 amending the Comprehensive Land Use Plan for Lot 11A within the Northridge at Park Centre Planned Unit Development changing the designation from Business Park to Office Residential. This recommendation is based on a finding that the proposed amendment will not be in the public good and,
 - a) The proposed amendment is not in need of revision as proposed; and
 - b) The amendment is not in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c) The proposed amendment is not compatible with existing and planned surrounding land uses; and
 - d) The proposed amendment would result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
3. Deny the Third Amended Northridge at Park Centre Preliminary Development Plan within the Northridge at Park Centre Planned Unit Development (PUD). This recommendation is based on a determination that the certain findings set forth in Section 11-5-14 of the Westminster Municipal Code have not been met.
 - The proposed land uses therein (for Lot 11A) are not in conformance with the City's Comprehensive Land Use Plan and all City Codes, ordinances, and polices.
 - The proposed amended PUD is not compatible and harmonious with existing public and private development in the surrounding area.
 - The proposed amended PUD (for Lot 11A) will have significant adverse impacts upon existing or future land uses and upon the future development of the immediate area.

Summary Statement

- The Northridge at Park Centre Planned Unit Development is located north of 121st Avenue, between Pecos and Federal Parkway and has been designated as Business Park on both the Comprehensive Land Use Plan and the Preliminary Development Plan since adoption of the CLUP in 1997. A Comprehensive Land Use Plan Amendment and an Amended Preliminary Development Plan are proposed for Lot 11A, to change the land use to Office/Residential.
- Lot 11A is approximately 14.5 acres and is north of 122nd Avenue at approximately Park Centre Drive.
- Staff is not in support of the proposed changes as they are not in compliance with the goals and policies of the City with regard to Commercial and Industrial development.

Expenditure Required: \$ 0
Source of Funds: N/A

Planning Commission Recommendation

At the March 8, 2005 Planning Commission meeting, Planning Commission voted 5 to 1 to recommend to City Council denial of the Comprehensive Land Use Plan Amendment and Third Amended Preliminary Development Plan for Northridge at Park Centre for Lot 11A. Commissioner Boschert had the dissenting vote, stating that the developer had made some very good points about Northridge being a pedestrian- friendly and low intensity development because of its very close proximity to Open Space, and a 6-story office building would be very obtrusive. (The current zoning would allow a 100-foot building.)

Policy Issue

Should the City approve the Comprehensive Land Use Plan Amendment and Third Amended Preliminary Development Plan for Northridge at Park Centre for Lot 11A?

Alternative

1. Approve Councillor's Bill No. 15 amending the Comprehensive Land Use Plan for Lot 11A within the Northridge at Park Centre Planned Unit Development based on a finding that the proposed amendment will be in the public good and,
 - a. The proposed amendment is in need of revision as proposed; and
 - b. The proposed amendment is in conformance with the overall purpose and intent and the goals and policies of the CLUP; and
 - c. The proposed amendment is compatible with the existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
2. Approve the Third Amended Preliminary Development Plan for Northridge at Park Centre, Lot 11A, based on a determination that the findings set forth in Section 11-4-14 of the Westminster Municipal Code have been met with the condition that the Public Land Dedication requirement be determined at the time of the Official Development Plan (ODP).

Background Information

Northridge at Park Centre is a Business Park located north of 122nd Avenue, between Pecos Street and Federal Parkway. The Preliminary Development Plan for this park was approved in 2000. The developer is proposing a CLUP amendment, along with an amended Preliminary Development Plan in order to change the land use for Lot 11A only from Business Park to Office/Residential so that townhomes can be developed. Lot 11A is approximately 14.5 acres and is north of 122nd Avenue, between the Northridge Reserve and the Doulos Ministries property. Staff has evaluated the proposal to change the land use from Business Park to Office/Residential and has found the change would not meet the following Comprehensive Land Use Plan goals and policies:

- a) Goal A2: Retain areas for commercial and industrial developments as significant revenue or employment generators on the remaining developable land.

The City's goal is to retain prime areas for business park development even if development is not imminent in order to meet the goals of providing employment generating uses within the City.

- b) Policy A2a: Residential development will be limited to that needed to support commercial and industrial areas, so as to protect areas for future economic development opportunities.

The City has been and is committed to preserving the limited amount of land available for business park development.

- c) Policy A2b: The majority of the existing vacant land in the City will be reserved for non-residential or mixed-use development in order to achieve a higher jobs per capita mix within the City with an emphasis on primary employment.

The City is attempting to achieve a higher jobs per capita ratio by retaining areas for employment generating uses.

- d) Policy A2c: Evaluate existing business park areas as to the need for retail and residential development to support primary employment in these areas (Staff has evaluated this in the past with the 2004 CLUP revisions and several additional residential areas were defined with the revisions).

During the update of the CLUP in 2003/2004, the City did evaluate the need for residential and retail development to support this business park. Two recently approved retail projects and one residential project in review are a result of this policy.

Applicant/Property Owner

Northridge Investors, LLC
73-020 El Paseo Drive, Suite 4
Palm Desert, California 92260
Contact: Russ Hatle

Surrounding Land Use and Comprehensive Land Use Plan Designation

There is vacant land to the north, east and west, and DeVry University and vacant land to the south. The Comprehensive Land Use Plan uses are Business Park to the west and south, Private Open Space to the east, and City Owned Open Space to the North.

Site Plan Information

Lot 11A will be accessed via a street intersecting with 122nd Avenue and contains approximately 14.5 acres. If the requested changes are approved, the developer will be required to provide land or pay cash-in-lieu for public land dedication (to be determined as a part of the ODP), pay park development fees, and pay cash-in-lieu of school land dedication fees. An overall site development plan is not applicable at this stage of the development process. The developer must first get approval of the CLUP amendment and amended PDP and then process an Official Development Plan (ODP) for the site.

Traffic and Transportation

The proposed residential land use would generate 1500 less vehicle trips than the current zoning that identifies an office park development. Therefore, the current roadway system would adequately accommodate the projected traffic.

Service Commitment Category

The applicant has applied for Service Commitments through the 2005 Category B-2 application process for new residential development through the City of Westminster's Growth Management Program. Due to concerns with the proposed amendment staff is recommending the City Council take action regarding the CLUP amendment and amended PDP prior to consideration of the award for the Category B-2 Service Commitments.

Referral Agency Responses

No Referral Agency responses were received.

Public Comments

The neighborhood meeting was held on February 1, 2005. Only one person, representing the church property to the south was in attendance. David Perez, of Northpoint Church expressed concern that potential residents of Lot 11A (if approved and developed as single-family attached) might be opposed to any church expansion on the northern portion of Lot 13, when proposed.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Comprehensive Land Use Plan Ordinance
- Vicinity Map
- Comprehensive Land Use Plan Map
- Third Amended Preliminary Development Plan

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **15**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the owner of the property described below has requested an amendment to the City's Comprehensive Land Use Plan to change the designation for said property from Business Park to Office/Residential; and

WHEREAS, the City Council has reviewed the proposed amendment to be in the public good; and

WHEREAS, the City Council has found the proposed amendment to be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan.

NOW THEREFORE, the City Council hereby amends the Comprehensive Land Use Plan for Northridge Lot 11A (as described herein) from Business Park to Office/Residential.

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Northridge Lot 11A property from Business Park to Office/Residential, legally described as follows:

Lot 11A, first replat, Northridge at Park Centre, a part of Section 33, Township 1 South, Range 68 West of the 6th Principal Meridian, City of Westminster, County of Adams, State of Colorado; recorded at the office of the Adams County Clerk and Recorder as Plat File No. 18, Map No. 667, Reception No. CO946799, dated March 28, 2000.

Section 2. Severability: 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 deemed unenforceable shall not affect any of the remaining provisions.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th of March, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of ____, 2005.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Item 10 G

Agenda Memorandum

City Council Meeting
March 14, 2005



Subject: Resolution No. 14 re Recovery Contract Interest Rate

Prepared By: Frances A. Velasquez, Secretary

Recommended City Council Action

Adopt Resolution No. 14 establishing the 2005 calendar year interest rate for non-City-funded public improvement recovery contracts at 7.25 percent and an interest rate of 4.54 percent for City-funded public improvements.

Summary Statement

- In accordance with Section 8(A) of Title XI, Chapter 6, of the City Code, Staff requests that City Council establish interest rates on recovery agreements for 2005. For more than 15 years, it has been City practice to add two percent to the Prime Rate for non-City funded recovery contracts. The Prime Rate on January 1, 2005, was 5.25 percent. It is proposed that the recovery interest rate for 2005 on non-City-funded public improvements be the Prime Rate plus two percent, or 7.25 percent.
- Staff is proposing that the recovery interest rate on City-funded projects for 2005 be set at 4.54% in accordance with the average Bond Buyer 20 Index for 2004.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Does the City Council concur with the proposed methods of assessing interest on recoveries associated with new private developments and City-funded projects?

Alternative

Council could establish a different interest rate for recovery agreements than the proposed rates. This is not recommended as the proposed rates are tied to established indexes that provide good credibility for recovery interest paid to developers or the City.

Background Information

Several years ago, City Council established a recovery system that 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. But, since the Municipal Bond Index is set weekly, it can fluctuate greatly throughout the year. Therefore, the selection of an interest rate based upon the value of this Index on one specific day may not be representative of the annual average. It is believed that the use of the average Bond Buyer 20 Index for the preceding year would be more representative of the City's true cost of borrowing money. Staff recommends that this new method of calculating the interest rate for recoveries associated with City-funded projects be used now and in the future.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **14**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

KAUFFMAN - DAVIA

ESTABLISHING THE 2005 RECOVERY CONTRACT INTEREST RATE

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 2005 calendar year interest rate for any non-City funded public improvement recovery contract to be 7.25 percent and the 2005 calendar year interest rate for City-funded public improvements to be 4.54 percent.

Passed and adopted this 14th day of March 2005.

ATTEST:

Mayor

City Clerk



WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
March 14, 2005



SUBJECT: Councillor's Bill No. 16 re Concessionaire Contract for the Legacy Ridge and the Heritage Golf Course Restaurants

Prepared By: Ken Watson, Regional Parks and Golf Manager

Recommended City Council Action

Pass Councillor's Bill No. 16 as an emergency ordinance authorizing the City Manager to sign a five-year concessionaire contract in substantially the same form as the attached agreement for the Grill at Legacy Ridge and The Heritage Grill with Dadiotis Golf Enterprises, LLC of Denver, Colorado.

Summary Statement

- The City's two golf course restaurants were opened for proposals following the termination of the concessionaire contract with Sinks Links, LLC, due to a breach of the contract regarding payment of sales tax monies owed to the City.
- Request for proposals were requested with six companies submitting their packet of interest and offers. Staff conducted interviews of five candidates. One operator withdrew from consideration.
- Three finalists were scheduled for second interviews. Staff is recommending one concessionaire from this process.
- Dadiotis Golf Enterprises, LLC, owned by Jim and Kiki Dadiotis, is recommended as the most qualified company to operate both of the City's golf course restaurants.
- The request for an emergency ordinance is to finalize the contract and reopen the restaurants as soon as possible.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to authorize the City Manager to sign a five-year contract with Dadiotis Golf Enterprises, LLC?

Alternative(s)

1. City Council could reject this contract approval request and require Staff to reopen the proposal process. This alternative is not recommended as Staff believes the process was a fair and competitive one with the most qualified operator being recommended.
2. City council could reject this contract approval request and require Staff to reopen the restaurant as a City-managed and operated facility. This alternative is not recommended since the City does not have the same level of experience as the concessionaire in restaurant operations and staffing for two year-round food and beverage operations.

Background Information

The restaurant at Legacy Ridge opened in 1994. The restaurant at the Heritage Golf Course at Westmoor opened in 1999. Various concession operators have been contracted by the City during these time periods. The previous operator's contract was terminated for breach of contract issues.

After a competitive review process, Staff selected Dadiotis Golf Enterprises to be recommended as the concessionaire at the City's golf course restaurants. Staff thoroughly evaluated alternatives prior to requesting proposals. Staff believes the family-owned Dadiotis Golf Enterprises, LLC, group can successfully manage and operate the facilities at both golf courses.

Jim and Kiki Dadiotis operate restaurants at two other golf courses; one in Colorado Springs and one in Englewood. Both of these agencies are very satisfied with their concessionaire contracts with the Dadiotis organization.

A summary of the major points of the concession agreement includes:

- The term of the agreement is five years with a provision to renew for an additional five years with approval of both parties.
- Annual payment to the City for The Legacy Grill shall be \$36,000 with an annual contingent fee clause that will pay the City five percent of a net amount once the concessionaire's gross sales exceed \$750,000.
- Annual payment to the City for The Heritage Grill shall be \$30,000 with an annual contingent fee clause that will pay the City five percent of a net amount once the concessionaire's gross sales exceed \$600,000.
- The annual amount owed will be billed as peak and non-peak season to assist the concessionaire with cash flow issues.
- The City will pay for all utilities other than long-distance telephone charges.
- The concessionaire will provide a smallwares equipment package and one beverage cart per course to provide quality food and beverage service to golfers, diners and private event attendees.
- The concessionaire will hire and train staff to offer high-quality guest service, with attention to following local, city, and state health code and liquor sales requirements.
- Each restaurant will have designated managers or assistant managers on duty whenever the restaurants are open for business.

SUBJECT: Councillor's Bill re Golf Course Restaurants Concessionaire Contract Page 3

Staff believes the new operator, Dadiotis Golf Enterprises, LLC, has extensive restaurant experience and specific golf restaurant experience that will provide professional management to a highly competitive market.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3200**

COUNCILLOR'S BILL NO. **16**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Hicks - Dittman

A BILL

FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF WESTMINSTER AND DADIOTIS GOLF ENTERPRISES, LLC FOR THE LEASE OF THE GRILL AT LEGACY RIDGE LOCATED AT THE LEGACY RIDGE GOLF COURSE, 10801 LEGACY RIDGE PARKWAY AND THE HERITAGE GRILL LOCATED AT THE HERITAGE GOLF COURSE AT WESTMOOR, 10555 WESTMOOR DRIVE, WESTMINSTER, CO.

WHEREAS, the City of Westminster has two restaurants available for a concession operator; and

WHEREAS, it is in the City's best interest to successfully reopen the two golf course restaurants as quickly as possible; and

WHEREAS, Dadiotis Golf Enterprises, LLC has extensive restaurant experience and specific golf course restaurant experience; 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 and Dadiotis Golf Enterprises, LLC for the lease of The Grill at Legacy Ridge located at 10801 Legacy Ridge Parkway, Westminster, CO, and The Heritage Grill located at 10555 Westmoor Drive, Westminster, CO, is approved per the terms outlined in the lease as prepared by City legal Staff.

Section 2. Because it is in the best interest of the City of Westminster to reopen the City's two golf course restaurants, the Grill at Legacy Ridge and The Heritage Grill, as quickly as possible, an emergency is declared to exist, and this ordinance is declared to be necessary. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on March 14, 2005, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote for four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 14th day of March 2005.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, March 14, 2005. Mayor McNally, Councillors Davia, Dittman, Hicks, and Kauffman were present at roll call. Councillors Dixon and Price were absent.

The minutes of the February 28, 2005 meeting were approved.

Council recognized the Rocky Mountain Figure Skaters.

Council approved the following: 2004 Westminster Conference Center property tax; contract for treated water system pressure reducing valves; and Wattenberg Improvement Association agreement.

The following public hearings were held: a public hearing re CLUP Amendment for 10190 Wadsworth Blvd, "The Retreat" and a public hearing re CLUP Amendment and 3rd Amended PDP for Northridge at Park Centre PUD.

Council tabled consideration of Councillor's Bill No. 13 re Country Club Village Business Assistance Package.

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

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: CLUP amendment for "The Retreat"

The following Councillor's Bill was passed as an emergency:

A BILL FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF WESTMINSTER AND DADIOTIS GOLF ENTERPRISES, LLC FOR THE LEASE OF THE GRILL AT LEGACY RIDGE LOCATED AT THE LEGACY RIDGE GOLF COURSE, 10801 LEGACY RIDGE PARKWAY, AND THE HERITAGE GRILL LOCATED AT THE HERITAGE GOLF COURSE AT WESTMOOR, 10555 WESTMOOR DRIVE, WESTMINSTER, CO. Purpose: Restaurant concessionaire leases at Legacy Ridge and Heritage Golf Courses.

Council denied Councillor's Bill No. 15 re CLUP Amendment and the 3rd Amended PDP for Northridge at Park Centre PUD.

Council adopted Resolution No.14 re recovery contract interest rates.

At 8:10 p.m. the meeting was adjourned

By order of the Westminster City Council
Linda Yeager, MMC, City Clerk
Published in the Westminster Window on March 24, 2005

ORDINANCE NO. **3200**

COUNCILLOR'S BILL NO. **16**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

Hicks - Dittman

A BILL

FOR AN ORDINANCE APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF WESTMINSTER AND DADIOTIS GOLF ENTERPRISES, LLC FOR THE LEASE OF THE GRILL AT LEGACY RIDGE LOCATED AT THE LEGACY RIDGE GOLF COURSE, 10801 LEGACY RIDGE PARKWAY AND THE HERITAGE GRILL LOCATED AT THE HERITAGE GOLF COURSE AT WESTMOOR, 10555 WESTMOOR DRIVE, WESTMINSTER, CO.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 14th day of March 2005.