



## 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. Many items have been previously discussed at a Council Study Session.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) is reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings (February 23, 2015)
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
  - A. March 8-14 "Girl Scout Week" Proclamation
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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
  - A. One Asphalt Roller Purchase
  - B. 2015 Concrete Replacement Project
  - C. 2015 Water Treatment Chemicals Purchase
  - D. 2015 Library Materials Purchases Over \$75,000
  - E. Custodial Services Contracts Amendments for City Facilities
  - F. Acceptance of Donation of a Parcel of Land near 110<sup>th</sup> Avenue and Yarrow for Open Space
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Councillor's Bill No. 13 re W. 68<sup>th</sup> Ave. Right-of-way Vacation, North of East Bay Senior Housing – Filing No. 1
  - B. Councillor's Bill No. 14 re Appropriation of Adams County Grant Funds for Little Dry Creek Grading Project
  - C. Little Dry Creek Grading Project Construction Services Contract Amendment
  - D. Councillor's Bill No. 15 re Appropriation of POST and Grant Funds for Little Dry Creek Park Land Purchase
  - E. Purchase of 6930, 6940 and 6960 Lowell Boulevard for the Future Little Dry Creek Park and Creekside Drive
11. Old Business and Passage of Ordinances on Second Reading
  - A. Special Legal Counsel Services for Drafting of Collective Bargaining Ordinance (Tabled 10-27-14)
12. Miscellaneous Business and Executive Session
  - A. City Council
  - B. Executive Session - Discuss strategy and progress on negotiations related to economic development matters for the Westminster Urban Center Redevelopment, disclosure of which would seriously jeopardize the City's ability to secure the development; discuss strategy and progress on the possible sale, acquisition, trade or exchange of property rights, including future leases; and provide instruction to the City's negotiators on the same as authorized by WMC Sections 1-11-3(C)(2), (4), and (7) as well as Colorado Revised Statutes, Sections 24-6-402 (4)(a) and 24-6-402(4)(e)

### 13. Adjournment

**NOTE:** Persons needing an accommodation must notify the City Clerk no later than noon on the Thursday prior to the scheduled Council meeting to allow adequate time to make arrangements. You can call [303-658-2161](tel:303-658-2161)/TTY 711 or State Relay or write to [lyeager@cityofwestminster.us](mailto:lyeager@cityofwestminster.us) to make a reasonable accommodation request.

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**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.



# 2014 CITY OF WESTMINSTER STRATEGIC PLAN



## VISIONARY LEADERSHIP & EFFECTIVE GOVERNANCE

*The City of Westminster has articulated a clear vision for the future of the community. The vision*

*is implemented through collaborative and transparent decision making.*

- Secure a replacement for our retiring City Manager that has the combination of experience, knowledge, style and values that are consistent with City Council vision and organizational values; ensure a smooth transition.



## VIBRANT & INCLUSIVE NEIGHBORHOODS

*Westminster provides housing options for a diverse demographic citizenry, in unique settings*

*with community identity, ownership and sense of place, with easy access to amenities, shopping and employment.*

- Complete St. Anthony North Hospital (84th Avenue) impact analysis
- Create an Arts District



## COMPREHENSIVE COMMUNITY ENGAGEMENT

*Westminster is represented by inclusive cultural, business, nonprofit and geographic participation.*

*Members of the community are involved in activities; they are empowered to address community needs and important community issues.*

- Create an Inclusiveness Commission



## BEAUTIFUL, DESIRABLE, ENVIRONMENTALLY RESPONSIBLE CITY

*Westminster thoughtfully creates special places and settings. The city is an active steward, protecting and enhancing natural resources and environmental assets. The city promotes and fosters healthy communities.*

- Develop and implement Open Space Master Plan
- Identify and implement alternative energy options for city facilities
- Achieve “Solar City” designation to benefit both our environment and economy



## PROACTIVE REGIONAL COLLABORATION

*Westminster is proactively engaged with our partners to advance the common interests of the region.*

- Collaborate with counties, school districts and neighboring cities



## DYNAMIC, DIVERSE ECONOMY

*Westminster is a local government that fosters social, economic, and environmental vitality and cultivates and strengthens a wide array of economic opportunities.*

- Construct Westminster Station and develop TOD area
- Identify and pursue FasTracks next step
- Continue North I-25 development
- Proceed with Phase I of the Westminster Center Reinvestment Project
- Advance business attraction strategy
- Encourage the development of chef-owned and/or operated restaurants
- Grow small businesses through incubation



## EXCELLENCE IN CITY SERVICES

*Westminster leads the region in a culture of innovation that exceeds expectations in all city services – the city is known for “the Westy Way.”*

- Analyze Fire/EMS alternative service delivery
- Provide improved collaboration and communication between City Council and employees at all levels of the organization
- Improve planning and permit process to be business friendly and achieve city goals



## EASE OF MOBILITY

*Westminster pursues multi-modal transportation options to ensure the community is convenient, accessible and connected by local and regional*

*transportation options through planning, collaboration, advocacy and execution. Transportation objectives include walkability, bike friendly, drivability and mass transit options.*

- Enhance trail connectivity

**VISION:** *Westminster is an enduring community – a unique sense of place and identity; we have a choice of desirable neighborhoods that are beautiful and sustainable by design. Westminster residents enjoy convenient choices for an active, healthy lifestyle, are safe and secure, and have ease of mobility within our City and convenient connection to the metro area. Westminster is a respectful, diverse community in which*

*residents are engaged. Westminster City Government provides exceptional city services, and has a strong tax base through a sustainable local economy.*

**MISSION:** *Our job is to deliver exceptional value and quality of life through S-P-I-R-I-T (Service, Pride, Integrity, Responsibility, Innovation, Teamwork)*

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, FEBRUARY 23, 2015, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Briggs led the Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Pro Tem Bob Briggs and Councillors Bruce Baker, Maria De Cambra, Alberto Garcia, Emma Pinter, and Anita Seitz were present at roll call. Mayor Herb Atchison was absent at roll call and joined the meeting in progress at approximately 7:30 p.m. Also present were City Manager Donald M. Tripp, City Attorney David R. Frankel, and City Clerk Linda Yeager.

CONSIDERATION OF MINUTES

Councillor Baker moved, seconded by Councillor Garcia, to approve the minutes of the regular meeting of February 9, 2015, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. Tripp reported that immediately following this meeting, the Westminster Economic Development Authority Board of Directors would meet. After that meeting adjourned, the City Council post-meeting would convene in the Council Board Room for a presentation concerning Federal Boulevard intersection issues related to the Pomponio Terrace Development. The presentation was open to the public. At the conclusion of the post-meeting presentation, the following executive sessions would be conducted: 1) Conference with and receive legal advice from the City Attorney regarding selection of special counsel for the drafting of a collective bargaining ordinance pursuant to Section 1-11-3(C)(8), W.M.C., and Section 24-6-402(4)(b), C.R.S.; and 2) Discuss strategy and progress on negotiations related to economic development matters for the Westminster Urban Center Redevelopment, disclosure of which would seriously jeopardize the City's ability to secure the development; discuss strategy and progress on the possible sale, acquisition, trade or exchange of property rights, including future leases; and provide instruction to the City's negotiators on the same as authorized by Sections 1-11-3(C)(2), (4), and (7), W.M.C., and Sections 24-6-402 (4)(a) and (e), C.R.S.

Further, Mr. Tripp: welcomed and congratulated students who were in attendance to be recognized as recipients of the 2015 Adams County Mayors and Commissioners Youth Award; thanked the weekend snow crews that had for working long hours in treacherous weather conditions to clear City streets so they were safe for travel; and explained how successful the City Council Retreat over the weekend had been, noting that the community should be proud of the City Council members for their passion, their vision, and their leadership.

COUNCIL REPORTS

Councillors Garcia, Pinter, and Mayor Pro Tem Briggs echoed Mr. Tripp's comments about City personnel who had worked in adverse and dangerous weather conditions over the weekend to ensure safe traveling conditions on City streets. Returning home from the City Council Retreat on Saturday evening necessitated travel on neighboring municipalities' streets in some instances, and there were noticeable differences, including cars in ditches that was not happening in Westminster. A friend of Councillor Garcia's drove a vehicle for his living and had verified that Westminster's streets were safer and easier to travel than any others in the north metro area.

Councillor Garcia reported that high school basketball tournaments were upcoming and the Westminster High School Girls' Team had won 14 straight games, won their conference, and was the 4<sup>th</sup> seed going into the tournament. He extended good wishes to team members in the tournament.

Councillor Baker thanked the four members of City Council who were traveling to Washington, D.C., in March to represent the Council at the National League of Cities Annual Conference.

Councillor Pinter reported that in addition to having a dedicated snow crew, the City's Fire Department had been featured on 9 News while out providing excellent safety tips to children sledding on a local hill. Councillors were going to attend an event at Adams 12 School District and would also be at Saint Anthony's North for the ribbon cutting over the weekend. Saint Anthony's officials had recently announced they would maintain a healthcare presence at the former hospital location on 84<sup>th</sup> Avenue; welcome news to residents of the surrounding area.

### PRESENTATIONS

The Mayor Pro Tem and City Councillors jointly presented the 2015 Adams County Mayors and Commissioners Youth Award to Lauren Buckley, Malia Calcagno, Jessilyn Dike, and Laurel Neal, all from Mandalay Middle School; Sydne James and Delaney Kerstetter from Moore Middle School; and Ivon Hernandez, Dustyn Thomas, Mario Gonzalez, Rebecca Ramirez, Mercedes Arrieta, Danya Chavez, Julian Vigil, Lilibeth Castro, and Frank Bojorquez, all from Hidden Lake High School.

### CITIZEN COMMUNICATION

Bryan Head reported that the Westminster Chamber of Commerce's 1<sup>st</sup> Annual Gala was a huge success and announced award recipients. Members of City Council and City Staff were in attendance at the sold-out event.

Rodger Bouge, 10905 West 103<sup>rd</sup> Court, asked the Council to consider exempting his property from a City Code provision that prohibited more than three dogs per residential dwelling. He and his wife raised nationally ranked champion bulldogs and had been contacted by Animal Management about the numbers of dogs at their residence. Having lived in Westminster for 40 years, he was not interested in relocating to another jurisdiction outside the City. His neighbors were not opposed to the number of animals at his home. The animals and the property were well cared for. The complaint about the number of dogs at the home had actually been filed by a longstanding acquaintance and competitor in dog shows. Given the circumstances, he asked the Council to intercede so he would not have to move from Westminster.

Clerk's Note: Mayor Atchison joined the meeting and assumed his seat on the dais, conducting the meeting from this point on. The time was approximately 7:30 p.m.

Jeremy Rodriguez from Congressman Ed Perlmutter's staff reported that the Congressman was sponsoring a Senior Resource Fair on March 13 from 10 p.m. to noon at the Thornton Recreation Center, 11151 Colorado Boulevard. A wide variety of agencies and non-profit organizations would be disseminating information about the services they provide and seniors throughout the north metro area were welcome to attend. Additionally, the Congressman had a Telephone Town Hall meeting planned for March 11 from 7 to 8 p.m. followed by a Twitter Town Hall meeting from 8 to 8:30 p.m.

Anna Leske, 3561 West 79<sup>th</sup> Avenue; Mike Melio, 8219 West 90<sup>th</sup> Place; Clinton Gale, 4061 West 74<sup>th</sup> Avenue; Elena, Matt and Josiah Thomas, address not provided; Justin Gale, 7441 Bradburn Boulevard; and Rachel Vezina, 7401 Bradburn Boulevard; spoke in support of legislation that would allow backyard chickens and ducks, as well as beekeeping. Now was the time to purchase chickens and prepare backyard chicken coops before summer arrived and they urged Council to adopt legislation soon. Mr. Melio also requested that the City stop using herbicides, pesticides, and fertilizers that contained petro chemicals because of the negative impact that petro chemicals had on the lifecycle of bees and Monarch butterflies.

Mark Clark, 3317 West 113<sup>th</sup> Avenue, thanked the Council for recognizing students and support the Adams 12 School District's upcoming fundraiser. Additionally, he praised a Building Division employee named Teresa for the excellent customer service she had provided him on Thursday, February 19, when he had called to schedule an inspection. She had so much energy and enthusiasm, he could hear it on the telephone. He extended kudos to her and hoped the Council would say thank you for him.

Mayor Atchison apologized for having been late and explained he had attended a meeting of multi-military service representatives at Buckley that was trying to bring services to veterans and active members of the military.

### CONSENT AGENDA

The following items were submitted on the consent agenda for Council's consideration: approve the January 2015 Financial Report as presented; approve the Revised City Council Liaison Assignments; authorize the City Manager to execute an Exclusion Agreement with the NBC Metropolitan District, Catellus Mixed Land, LLC and other parties as set forth in the Agreement in substantially the same form as the Agreement included in the agenda packet; change the date of the first regularly scheduled City Council meeting in March from March 9, 2015, to March 16, 2015; based on the results of the State of Colorado light-duty vehicle bid, award the bid for six Toyota Prius hybrids, totaling \$155,040, to Auto Nation Toyota Scion Arapahoe; authorize the purchase of a John Deere wheeled excavator from Honnen Equipment, utilizing the National Joint Powers Alliance bid award for the amount of \$225,773 (less trade-in allowance of \$20,000 resulting in a net cost of \$205,773) and the purchase of a John Deere front end loader also from Honnen Equipment, utilizing the Colorado Department of Transportation bid award for the amount of \$181,913 (less trade-in allowance of \$37,000, resulting in a net cost of \$144,913); and final passage on second reading of Councillor's Bill No. 12 making revisions to Title XI of the Westminster Municipal Code.

Councillor Pinter moved, seconded by Councillor Baker, to approve the consent agenda excluding Agenda Item 8 B. The motion carried by unanimous vote.

### 2015 COUNCIL LIAISON ASSIGNMENTS AMENDED AND APPROVED (AGENDA ITEM 8B)

It was moved by Councillor Seitz and seconded by Councillor Baker to amend the proposed Revised Council Assignments list to add Councillor Alberto Garcia as the alternate to the North Area Transportation Alliance. The motion passed unanimously.

Councillor Pinter moved to approve the Revised Council Assignments list as amended. Councillor Baker seconded the motion and it carried unanimously.

### RESOLUTION NO. 15 ESTABLISHING 2015 RECOVERY CONTRACT AND INTEREST RATE

Upon a motion by Councillor Garcia, seconded by Councillor Seitz, the City Council voted unanimously at roll call to adopt Resolution No. 15 establishing the 2015 calendar year interest rate for non-City funded public improvement recovery contracts at 5.25 percent and an interest rate of 3.29 percent for City-funded public improvements.

### RESOLUTION NO. 16 AUTHORIZING SPRING 2015 GOCO PATHS TO PARKS GRANT APPLICATION

Mayor Pro Tem Briggs moved, seconded by Councillor Baker, to adopted Resolution No. 16 authorizing the Parks, Recreation and Libraries Department to partner with the City of Arvada to pursue a grant from Great Outdoors Colorado, Paths to Parks during the 2015 spring cycle in the amount of \$972,185 for the Refuge Access Trail which would provide a 9.5 mile off-street trail connection between Two Ponds National Wildlife Refuge and Rocky Flats National Wildlife Refuge. The motion passed unanimously on roll call vote.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Atchison adjourned the meeting at 7:50 p.m.

ATTEST:

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

\_\_\_\_\_  
Mayor



## Agenda Item 6 A

### Agenda Memorandum

City Council Meeting  
March 16, 2015



**SUBJECT:** Proclaim March 8-14 as “Girl Scout Week”

**Prepared By:** Mary Joy Barajas, Executive Secretary to the City Manager

### Recommended City Council Action

Councillor Emma Pinter to present the proclamation for Girl Scout Week in the City of Westminster.

### Summary Statement

- Juliette ‘Daisy’ Gordon Low founded the Girl Scouts of the USA on March, 12, 1912.
- In the state of Colorado, Girl Scouting reaches all 64 counties.
- Through the dedication, time and talent of 10,000 Colorado volunteers of different backgrounds, abilities, and areas of expertise, the Girl Scout Program is brought to nearly 25,000 girls in grades K-12 across the state of Colorado.
- Troops 53972 and 60282 are present at this evening’s meeting to accept this proclamation.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Girl Scouts has long worked to advance girls by developing girls leadership potential through activities that enable them to discover their values, skills, and the world around them, as well as connect with others in a multicultural environment; by continuing to create gender balanced leadership by providing girls with the tools to become leaders dedicated to making this country a better place; by making girls' financial literacy a high priority in its programs and activities for more than 100 years; by teaching girls how to build healthy relationships through anti-bullying and relational aggression programs; and by ensuring every girl has the opportunity to explore and build an interest in science, technology, engineering, and mathematics (STEM), helping them to develop critical thinking skills, problem solving skills, and collaborative skills that are vital throughout life.

City Council is asked to proclaim the week of March 8-14 as "Girl Scout Week" in the City of Westminster. Representatives from area Girl Scout Troops will be in attendance at Monday's City Council meeting in honor of this proclamation.

This proclamation supports the City's Strategic Plan Goal of Comprehensive Community Engagement.

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachment – Proclamation

**WHEREAS**, Juliette ‘Daisy’ Gordon Low founded the Girl Scouts of the USA on March, 12, 1912;  
and

**WHEREAS**, in Girl Scouts, girls develop their leadership potential through activities that enable them to discover their values, skills, and the world around them, as well as connect with others in a multicultural environment; and

**WHEREAS**, Girl Scouts continues to create gender balanced leadership by providing girls with the tools to become leaders dedicated to making this country a better place; and

**WHEREAS**, the Girl Scouts has made girls’ financial literacy a high priority in its programs and activities for more than 100 years and continues to develop financial empowerment programs for girls in grades K-12 to guarantee another future generation of independent female leaders; and

**WHEREAS**, the Girl Scout Cookie Program introduces girls to the concepts of business planning and entrepreneurship and is the largest girl-led business, teaching girls the value of goal setting, decision making, money management, people skills, and business ethics; and

**WHEREAS**, Girl Scouts teaches girls how to build healthy relationships through anti-bullying and relational aggression programs; and

**WHEREAS**, the Girl Scouts is committed to ensuring every girl has the opportunity to explore and build an interest in science, technology, engineering, and mathematics (STEM), helping them to develop critical thinking skills, problem solving skills, and collaborative skills that are vital throughout life; and

**WHEREAS**, in the state of Colorado, Girl Scouting reaches all 64 counties, with Girl Scout offices in Colorado Springs, Denver, Fort Collins, Grand Junction and Pueblo, and mountain camp properties near Bailey, Estes Park, Red Feather Lakes, Rye and Woodland Park; and,

**WHEREAS**, through the dedication, time, and talent of 10,000 Colorado volunteers of different backgrounds, abilities, and areas of expertise, the Girl Scout Program is brought to nearly 25,000 girls in grades K-12 across the state; and,

**WHEREAS**, in 2014 in Colorado, more than 1,300 Girl Scouts helped make the world a better place and earned one of Girl Scouts’ highest honors, the Bronze, Silver or Gold Award.

**NOW, THEREFORE**, I, Herb Atchison, Mayor, do hereby applaud the commitment Girl Scouting has made to support the continued advancement of girls in their roles as leaders here in Westminster, Colorado and declare March 8-14, 2015 as

## **GIRL SCOUT WEEK**

Signed this 16th day of March, 2015.

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Herb Atchison, Mayor



**REVISED**  
**Agenda Item 8A**

**Agenda Memorandum**

City Council Meeting  
March 16, 2015



**SUBJECT:** Purchase of One Asphalt Roller

**Prepared By:** Jeffery H. Bowman, Fleet Manager

**Recommended City Council Action**

Based on the recommendation of the City Manager, find that the public interest will best be served by authorizing the negotiated purchase from the sole source provider Power Equipment Company for the purchase of one replacement asphalt roller in an amount not to exceed \$65,000.

**Summary Statement**

- This is a revision to the original agenda memorandum sent out yesterday, March 11, 2015 based on charges received from the vendor today, March 12, 2015.
- City Council has allocated \$65,000 in the General Capital Outlay Replacement Fund (GCORF) for the replacement of one asphalt roller in 2015.
- The Public Works and Utilities Street Division operates 5-ton Steel drum asphalt rollers, with drop-down, rubber tire axles, that allow the asphalt rollers to be towed directly behind dump trucks without using trailers.
- Bomag was the last manufacturer to produce asphalt rollers with drop-down axles. There have been no Bomag BW 5AS drop-down axle asphalt rollers manufactured since 2013 and there is currently just one drop-down axle style Bomag BW 5AS asphalt rollers left for sale at the factory.
- The original Council agenda memorandum was prepared requesting two asphalt rollers to be ordered, but on March 12, 2015, Staff was notified that two of the three remaining rollers at the factory were sold. As such, this agenda memorandum is replacing that original request to purchase the remaining unit.
- The first Agenda Memo in the packet distributed march 11 to City Council titled Purchase of Two Asphalt Rollers outlined ordering the 2015 and 2016 rollers now and taking delivery of both rollers in 2015 would have saved approximately \$5,000 in cost for the second roller. This second roller is no longer available for purchase.
- While the cost of the single unit is below the City Manager's authorization level of \$75,000, it is a sole source purchase over \$50,000 that requires City Council approval per Westminster Municipal Code.

**Expenditure Required:** \$65,000

**Source of Funds:** 2015 General Capital Outlay Replacement Fund

**Policy Issue**

Should the City enter into a sole source purchase from Power Equipment Company for the purchase of one Bomag BW 5AS 5-ton, steel drum asphalt roller with drop-down axles?

**Alternative**

Direct Staff to conduct a formal bid process. This is not recommended because Staff has researched the availability of drop-down axle asphalt rollers and found the drop-down assembly is no longer being manufactured for new asphalt rollers. Caterpillar, Dynapac, Hamm and Volvo asphalt rollers were all researched and none offered the drop-down axle. The 2013 model year Bomag roller that is remaining at the factory with the drop-down axle for towing is the last available with this tow capability. Staff believes that it is in the City’s best interest to accept the proposal offered by Power Equipment Company and purchase the 2015 replacement roller.

**Background Information**

The projected life expectancy of an asphalt roller in Westminster is 12 years. Unit 6158, the 2015 replacement roller is 14 years old. Unit 6158 has been taken out of service, due to costly damage to main drum bearings. Because the cost to repair 6158 does not warrant the expense, all asphalt rolling duties have been placed on the 2016 scheduled replacement roller, unit 6235. Unit 6235 is 10 years old and will also require maintenance dollars to prepare for the 2015 asphalt season.

Public Works and Utilities Street Division operates with dump truck and roller configurations that support the drop-down axle method of transporting asphalt rollers to job sites. The next replacement of rollers in 2016 will require Fleet Maintenance and Street Divisions to plan for asphalt roller movement between jobs by means other than the drop-down axle, direct towing method in the future.

**General Capital Outlay Replacement Fund**

<b>CITY DEPARTMENT / DIVISION</b>	<b>REPLACEMENT VEHICLE</b>	<b>LIFE-TO-DATE VEHICLE MAINTENANCE COST</b>	<b>NEW VEHICLE MAKE/MODEL</b>	<b>NEW VEHICLE PRICE</b>	<b>NJPA &amp; CDOT BIDDER AWARDED</b>
Public Works and Utilities, Street Division	Unit # 6158 Year 2001 Hypac 330-B Roller 2330 Hours	\$21,593	2013 Bomag BW 5AS	\$65,000	Power Equipment Company

Per the Westminster Municipal Code (W.M.C.), the City manager may authorize expenditures up to 475,000, except in the case of sole source purchases where the City Manager is authorized to approve up to \$50,000. Since this sole source purchase exceeds \$50,000, per W.M.C., City Council authorization is required. City Council approval is requested to acquire this asphalt roller as sole source.

This recommended purchase meets Council’s Strategic Plan Goal of “Excellence in City Services” by keeping a highly dependable fleet of vehicles and equipment on the job and by obtaining the best possible price for this asphalt roller.

Respectfully submitted,

Donald M. Tripp  
City Manager



# Agenda Item 8 B

## Agenda Memorandum

City Council Meeting  
March 16, 2015



**SUBJECT:** 2015 Concrete Replacement Project

**Prepared By:** Kurt Muehlemeyer, Pavement Management Coordinator  
Dave Cantu, Street Operations Manager

### Recommended City Council Action

Authorize the City Manager to execute a contract for concrete replacement to the low bidder, Keene Concrete, Inc., in the amount of \$1,560,937 and authorize a contingency of \$100,000 for a total authorized expenditure of \$1,660,937.

### Summary Statement

- The City of Westminster maintains over 750 miles of curbs, gutters and sidewalks in public right-of-ways adjacent to City maintained streets.
- This project calls for the replacement of concrete damaged or removed by Staff during water main replacement or repair, and deteriorated curbs, gutters, sidewalks, cross pans and curb ramps on streets earmarked for resurfacing, reconstruction or seal coating.
- The low bidder, Keene Concrete, Inc., meets all of the City’s bid requirements and has successfully completed Westminster’s concrete replacement project for the last nine consecutive years.
- The 2015 bid prices reflect a 21% increase over 2014 pricing. This increase resulted in a low bid approximately \$220,000 more than Staff had anticipated. The 2015 price increase has been attributed to an increase in the costs of the two major components of ready mixed concrete and the high volume of construction projects in the Denver metropolitan area with a low volume of available contractors.
- Staff recommends reducing the contract amount with the low bid vendor, Keene Concrete, Inc., to \$1,560,937, adding back a contingency of \$100,000, for a total project budget of \$1,660,937.
- To complete the 2015 concrete work within the contract amount, Staff has reduced the number of streets that are slated for pavement maintenance or rehabilitation in 2015. Funds are available for this planned expense in the 2015 Public Works and Utilities operating and capital improvement project budgets.

**Expenditure Required:** \$1,660,937

<b>Source of Funds:</b>	\$1,317,187	General Fund - Street Operations Division Operating Budget
	\$60,000	Utility Fund - Utilities Field Operations Division Budget
	\$250,000	General Capital Improvement Fund - Major Concrete Replacement Program
	\$33,750	Utility Fund - Utility Fund Facilities Parking Lot Maintenance Capital Improvement Project

**Policy Issue**

Should City Council award the low bid to Keene Concrete, Inc., for the City’s 2015 concrete replacement program?

**Alternatives**

1. City Council could choose to reject the bid submitted by Keene Concrete, Inc. and request bids for this project from a larger number of potential bidders in hopes of receiving lower pricing. Staff does not recommend this alternative, as another round of bidding is highly unlikely to result in any savings to the City and could possibly increase City costs for this project. In addition, re-opening this project for bids would delay the project’s start time by two months. Because concrete replacement must be done prior to any other planned resurfacing or sealcoating work, delaying the concrete replacement would delay all of the other street improvements planned for 2015.
  
2. The City could choose to not replace concrete on streets earmarked for reconstruction, resurfacing or sealcoating. The funds identified for concrete replacement would then be available for additional 2015 asphalt work. Staff does not recommend this alternative, as any asphalt improvements performed without the associated concrete work would not realize full life expectancy due to accelerated deterioration where damaged gutters were not replaced. Additionally, the City would not be in compliance with the current Americans with Disabilities Act (ADA) requirements.

**Background Information**

Within the City of Westminster, there are over 750 miles of concrete curbs, gutters, sidewalks, cross pans and curb ramps in public right-of-ways and adjacent to City roadways. The Department of Public Works and Utilities has been replacing deteriorated sections of concrete in advance of planned street resurfacing, reconstruction or seal coating for the past ten years. This process has both maximized pavement life by ensuring proper roadway drainage and maintained safe pedestrian facilities that meet ADA standards by installing compliant curb ramps where needed. The 2015 Concrete Replacement project includes the removal and replacement of 37,355 linear feet of concrete on 81 streets and two City facility parking lots that are slated to receive pavement maintenance or rehabilitation, and the replacement of concrete that is damaged or removed by Staff during water main replacement or repair throughout the year.

Formal bids were solicited from five qualified contractors, three of whom submitted bids. The low bidder, Keene Concrete, Inc., meets all City bid requirements and has successfully completed Westminster’s concrete replacement project for the last nine consecutive years.

The following bids were received:

Vendor	Bid Amount
Keene Concrete, Inc.	\$1,660,937.00
Concrete Express, Inc.	\$1,810,790.40
Thoutt Bros. Concrete Contractors, Inc.	\$1,988,755.38
Concrete Works of Colorado	NO BID
Fasick Concrete, Inc.	NO BID
<b>Staff Estimate</b>	<b>\$1,440,462.80</b>

Keene Concrete's 2015 bid prices reflect a 21% increase over 2014 pricing. Staff explored possible reasons for this increase and found the following factors were the primary cause of the escalation:

1. A significant rise in the cost of Portland cement and aggregates, the two major components of ready mixed concrete.
2. An un-favorable bidding market due to the high volume of construction projects in the Denver metropolitan area with a low volume of available contractors.

Staff has consulted with other local agencies and found they incurred similar increases ranging from 9% to 23% on projects with comparable size and scope. Although the low bid exceeded Staff's estimate by \$220,474, funds are available to complete this project by reducing the low bid contract amount to \$1,560,937 and by modifying the list of streets planned for rehabilitation in 2015.

Staff views the Street Rehabilitation Project comprehensively, and seeks to perform the maximum amount of work within the overall authorized budget. Staff will be bringing asphalt contracts to City Council in April for award. If the asphalt bids are favorable, Staff will again adjust the streets identified for 2015 rehabilitation to include as many as possible within the overall project budget. If asphalt bids are not favorable, these streets will be added to the 2016 or 2017 Street Rehabilitation listing.

Staff recommends awarding the low bid contract to Keene Concrete, Inc. in the amount of \$1,560,937, with a \$100,000 contingency, for a total authorized expenditure of \$1,660,937.

On February 9, 2015, Council authorized the City Manager to sign an Intergovernmental Agreement (IGA) with the City of Federal Heights for the resurfacing of 104<sup>th</sup> Avenue from Zuni Street to Federal Boulevard. One element of this IGA is to replace four curb ramps on the Federal Heights portion of 104<sup>th</sup> Avenue. The estimated cost to complete this installation is \$15,089 and is included within this project's quantities. Per the IGA, Federal Heights will reimburse Westminster for the actual costs associated with completing the curb ramp installation no later than 30 days from receipt of an invoice from the City of Westminster.

The proposed Council action helps achieve City Council's Strategic Plan Goals of "Vibrant & Inclusive Neighborhoods," "Excellence in City Services," and "Ease of Mobility" providing well maintained, sustainable City infrastructure and ease of mobility for the residents and guests of Westminster.

Respectfully submitted,

Donald M. Tripp  
City Manager



Attachment: Map

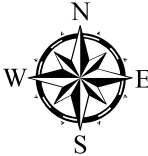
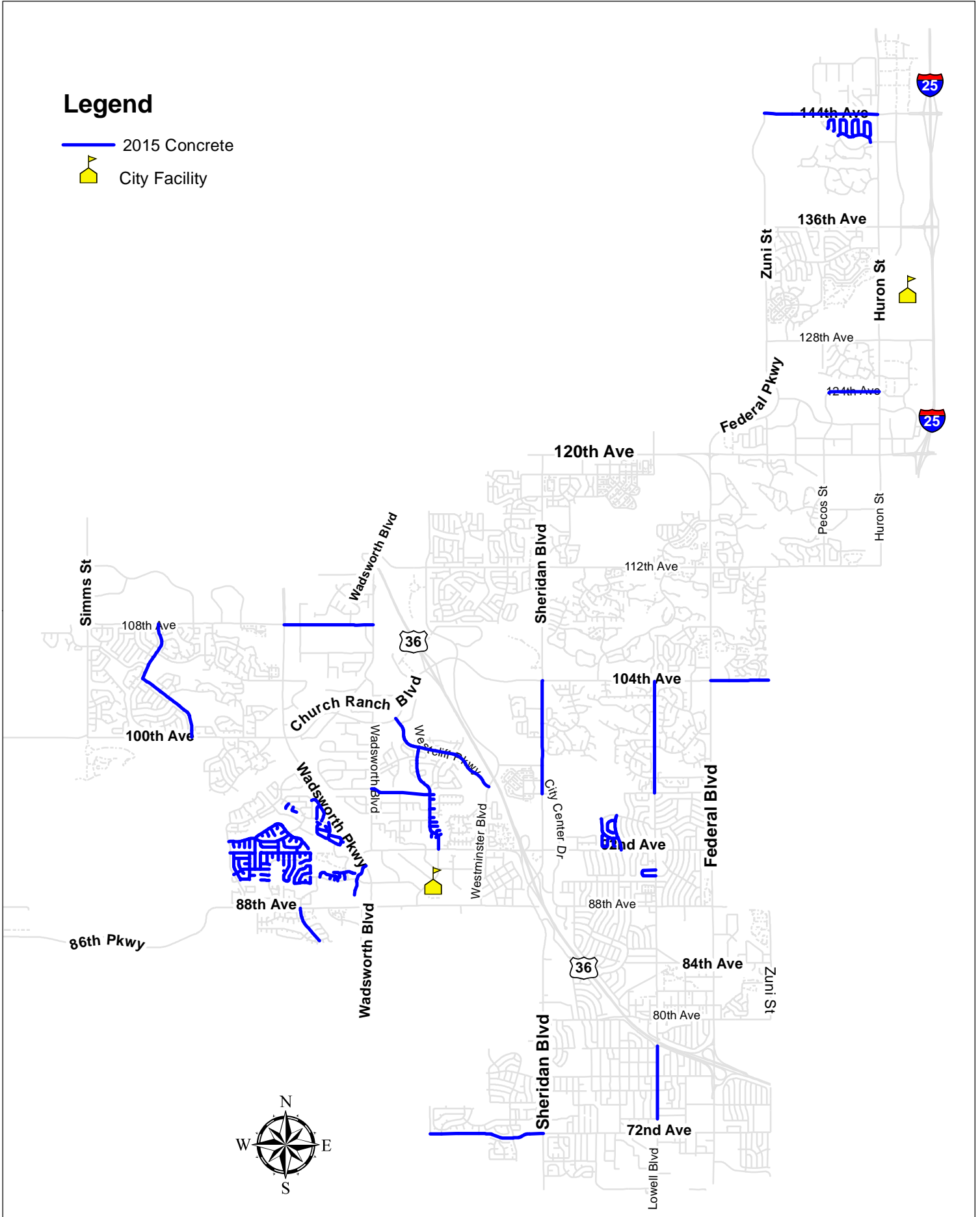


WESTMINSTER

# 2015 Concrete Replacement Project Locations

## Legend

-  2015 Concrete
-  City Facility







Agenda Memorandum

City Council Meeting  
March 16, 2015



**SUBJECT:** 2015 Water Treatment Chemicals Purchase

**Prepared By:** Tom Scribner, Water Treatment Superintendent  
Stephen Gay, Utilities Operations Manager

**Recommended City Council Action**

1. Authorize Staff to proceed with 2015 calendar year purchases of water chemicals through Multiple Assembly of Procurement Officials (MAPO) bids from PVS Technologies, Harcros Chemical Company and DPC Industries;
2. Based on the recommendation of the City Manager, find that the public interest would best be served by authorizing negotiated purchases from the sole source providers Mississippi Lime Company in an amount not to exceed \$129,500 for lime, DPC Industries in an amount not to exceed \$49,932 for sodium hydroxide, and Thatcher Chemical Company in an amount not to exceed \$76,731 for ACH and ferric sulfate; and
3. Allow the purchase of these water treatment chemicals from other sources should the listed vendors be unable to deliver product. The total authorized amount of the above water treatment chemical purchases is not to exceed \$854,311 in 2015.

**Summary Statement**

- As a part of the water treatment process, raw water from Standley Lake undergoes extensive chemical treatment processes to remove contaminants. A number of chemicals for this process will be purchased in 2015, which individually or when combined by vendor, will exceed \$75,000.
- In 2014-2015, the Multiple Assembly of Procurement Officials (MAPO) issued a bid for water treatment chemicals. This pricing is being recommended for the purchase of chemicals from PVS Technologies (ferric chloride), Harcros Chemical Company (permanganate) and DPC Industries (sodium hypochlorite).
- Staff is recommending a sole source purchase of chemicals from three vendors, based on specific product and availability requirements: lime from the Mississippi Lime Company, ACH and ferric sulfate from Thatcher Company, and sodium hydroxide from DCP Industries.
- Staff is also requesting the authority to purchase chemicals as needed from other vendors to provide flexibility in situations where the low bid vendors are unable to deliver materials to the City in a timely manner. These purchases will be completed in compliance with the City’s purchasing processes.
- Because raw water quality and chemical treatment fluctuate in response to a number of variables, Staff has estimated the chemical purchases required for 2015 by basing the quantity of water to be treated on the City’s five year running average for potable water consumption.
- Adequate funds were authorized within the Public Works and Utilities’ operating budget and are available for this expenditure.

**Expenditure Required:** \$854,311

**Source of Funds:** Utility Fund - Utilities Operations Water Plants Operating Budget

**Policy Issues**

1. Should City Council authorize the purchase of water treatment chemicals using a combination of City bids and the most recent Multiple Assembly of Procurement Officials (MAPO) bids?
2. Should City Council authorize the purchase of water treatment chemicals from other sources if the low bid vendors cannot deliver product in a timely fashion?
3. Should City Council authorize the purchases identified as sole source (i.e., lime, sodium hydroxide, ADH and ferric sulfate) from the vendors as recommended?

**Alternatives**

1. Council could choose to execute a separate bid for each of the City’s water treatment chemical purchases with individual chemical supply vendors. Staff does not recommend this alternative, as a combination of MAPO bids and individual bids are used to identify the best prices for chemical purchases, depending on the cost of the chemicals and the availability and the quality of the necessary products.
2. City Council could reject the purchase of materials as needed from other vendors. Staff does not recommend this alternative because the ability to purchase materials from other vendors provides the City flexibility if the low bid vendors are unable to deliver supplies in a timely manner. As each of these chemicals plays an important role in the water treatment process, the ability to purchase products and have them delivered in a timely manner is crucial to providing drinking water to customers.
3. Council could choose not to allow the purchase of water treatment chemicals from sole source vendors as proposed. Staff does not recommend this alternative, as some of these chemicals are provided only by these vendors, experience with the few other vendors providing these chemicals in the past has been problematic or the price offered is lower than MAPO pricing. Based on these reasons, sole source is recommended in these cases.

**Background Information**

Drinking water is a manufactured product. Raw water from Standley Lake must undergo extensive chemical and mechanical treatment processes to purify the water by removing pathogens, dissolved metals, decomposing organic matter, gases and particulates. Other chemicals are added to prevent corrosion of domestic plumbing and to provide disinfection all the way to the customer’s tap.

As part of the 2015-2016 Budget, City Council approved funds treatment chemicals for the City’s water treatment facilities. Information regarding each of the major chemicals and its approximate usage and bid price for 2015 are shown in the table below. The unit prices indicated on the bid tabulation for the chemicals are for purchases on an as-needed basis.

CHEMICAL	APPROX. QUANTITY	BID PRICE	APPROX. EXPENDITURE	VENDOR	BID TYPE
Ferric Chloride	524 Tons	\$547/Dry Ton	\$286,628	PVS Technologies	MAPO BID
12.5% Sodium Hypochlorite	96 Tons	\$2,280/Dry Ton	\$218,880	DPC Industries	MAPO BID
Permanganate	12 Tons	\$7,720/Dry Ton	\$92,640	Harcros Chemical	MAPO BID
Lime	500 Tons	\$259/Dry Ton	\$129,500	Mississippi Lime	SOLE SOURCE

25% Sodium Hydroxide	114 Tons	\$438/Dry Ton	\$49,932	DPC Industries	SOLE SOURCE
ACH	75 Tons	\$622/Wet Ton	\$46,650	Thatcher Chemical	SOLE SOURCE
Ferric Sulfate	111 Tons	\$271/Wet Ton	\$30,081	Thatcher Chemical	SOLE SOURCE
Total	1,432 Tons		\$854,311		

Ferric Chloride and ACH are used for coagulation and clarification in the treatment process at the Semper and Northwest Water Treatment Facilities (WTF). Ferric Sulfate is used by the City’s Reclaimed WTF for the same purpose. Lime and sodium hydroxide are used for control of pH and alkalinity in the water to minimize corrosion of distribution system pipes and home plumbing. Sodium hypochlorite is used for disinfection and permanganate is used to remove contaminant metals such as iron and manganese and to control taste and odor.

The primary chemical bid was put out on behalf of MAPO, a cooperative of state, municipal, county, special district, school district and other local government agencies. This is a competitive bid, meets the City’s bid requirements, and offers greater volume and lower prices to the City than the City can obtain on its own. The low bids for three of the primary chemicals: ferric chloride from PVS Technologies, sodium hypochlorite from DPC Industries, and permanganate from Harcros Chemical meet all specifications and requirements set by the City.

Mississippi Lime Company produces lime that is unique to the City’s water treatment process. This product best meets the City’s requirements for finely ground, grit free lime that is also supported by a local Denver rail storage terminal. This ensures a rapid and responsive delivery schedule as well as a reliable storage supply depot. During the high consumption demand months of summer, the City has as little as ten days of lime storage in the lime silo when it is full. A responsive delivery service is essential to avoid running out of lime. Staff is recommending that Council authorize a sole source purchase of lime from Mississippi Lime Company in the amount of \$129,500.

Staff recommends authorizing sole source purchases of ACH (\$46,650) and ferric sulfate (\$30,081) from the Thatcher Chemical Company (Thatcher). Neither of these two chemicals appears on the MAPO bid vendors’ list. The ACH is proprietary and must be purchased directly from the manufacturer or their local agent, in this case, Thatcher. Ferric sulfate is used in the reclaimed water treatment process and is not a commonly produced chemical. Staff is aware of two vendors that offer the product, and has experienced delivery issues with the other vendor in the past. Staff has successfully purchased the product from Thatcher in prior years, and as Thatcher has a local supply depot, is comfortable that the company can provide the product in a timely manner. Cumulatively, the purchase amount of these two chemicals from Thatcher totals \$76,731, which exceeds the \$75,000 threshold.

Finally, Staff recommends authorizing the sole source purchase of sodium hydroxide (\$49,932) from DPC Industries. While DPC Industries (DPC) did not offer the product through the MAPO bid process, the company is offering it at a price that is significantly lower than the MAPO bid price, through July 2015. If authorized to purchase sodium hydroxide through DPC, Staff will purchase and stock pile this product prior to July 2015. Should the treatment process change and require additional sodium hydroxide after July, Staff will purchase the product from the MAPO low bid vendor. Although the amount of this specific chemical purchase is within the City Manager’s spending authority, the combined expense of chemicals to be purchased from DPC exceeds Staff’s spending authority.

Due to a 2014 internal tracking error with treatment chemicals, Staff requested that City Council ratify specific chemical purchases above the originally authorized amount by \$2,683 in late 2014. As a result of this error, Staff implemented a process to more accurately track chemical purchases in the future. To ensure the ability to purchase needed chemicals throughout the year, Staff is also requesting the authority to purchase chemicals from vendors other than the low bidders should City stock piles become depleted and the low bid vendors are unable to deliver materials in a timely manner. Raw water quality, weather and water demand are all unpredictable factors that influence the water treatment process and may require the use of different chemicals to address different variables.

While Staff actively manages the treatment process, the ability to purchase materials from alternative vendors would provide Staff with flexibility if the City's chemical supplies are in short supply, the low bid vendors are unable to deliver supplies in a timely manner, or the City is unable to adjust the treatment process to compensate. If the City's stock piles of specific chemicals are depleted, Staff would look to alternative vendors to provide materials as required to treat and provide safe drinking water. Staff will return to Council to request additional funds for water treatment through the end of 2015 if actual chemical costs are predicted to exceed the authorized spending authority.

The estimated quantity of water to be treated is based on the City's five year running average for potable water consumption, as well as Staff's estimation of the amount of chemicals to have on hand. Because factors that influence chemical usage such as raw water quality, weather and water demand cannot be predicted, Staff has presented a conservative budget estimate for these chemicals based on this running average. The chemical quantities identified in the previous table include a contingency for these factors. The total amount of these chemical purchases is anticipated to be \$854,311. Funds for these chemicals were approved by City Council in the Adopted 2015 Annual Budget.

In addition to the specific chemicals included within this agenda memorandum, a variety of other chemicals are utilized by the treatment facilities during the year that are purchased in smaller quantities and well below the bid approval threshold. The funding for these other chemical purchases is included in the total approved annual chemical budget in the Utilities Operations Water Plants Operating Budget.

This project meets Council's Strategic Plan goal of "Excellence in City Services" by keeping the City's water supply clean and safe and improving the service level of the treatment plants at the best possible price.

Respectfully submitted,

Donald M. Tripp  
City Manager



**Agenda Memorandum**

City Council Meeting  
March 16, 2015



**SUBJECT:** 2015 Library Materials Purchases over \$75,000

**Prepared By:** Kate Skarbek, Library Services Manager

**Recommended City Council Action**

Based on the recommendation of the City Manager, determine that the public interest will be best served by authorizing purchases from Baker & Taylor not to exceed \$257,150 and Midwest Tapes not to exceed \$90,000 for a grand total authorized expenditure not to exceed \$347,150 for the purchase of library materials and eMaterials.

**Summary Statement**

- The Westminster Municipal Code requires City Council to authorize all purchases over \$75,000. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities from one vendor in a calendar year exceed \$75,000.
- As with past practices, these are purchases with pricing negotiated by the Colorado Library Consortium (CLiC) on behalf of all libraries in Colorado with Baker & Taylor and Midwest Tapes among others. Formal bidding by the City alone would be problematic at best because different publishers make their titles available to various vendors at different prices and in various formats. The City would have to go to bid for various formats and then be potentially limited to the titles the winning bidder carries.
- Instead, the Colorado Library Consortium saves all libraries in the state time and effort by negotiating deals based on library types (for reference, this year's negotiated discounts are at: [http://www.clicweb.org/images/stories/SaveMoney/2015\\_vendor\\_summary.pdf](http://www.clicweb.org/images/stories/SaveMoney/2015_vendor_summary.pdf)). These purchases are consistent with the City's book and electronic media purchases over several years. Staff will continue to compare prices with other vendors and where lower prices can be obtained, another vendor will be used.
- In most instances, Baker & Taylor and Midwest Tapes have consistently offered the lowest prices on the items ordered when compared to other suppliers. In addition, the Colorado Library Consortium (CLiC) has negotiated discount rates for libraries with Baker & Taylor and Midwest Tape. Baker & Taylor's discounts on books are up to 45.2% and Midwest Tapes discounts are up to 25%. Higher discounts ensure more reading materials are available for the community to practice literacy.

**Expenditure Required:** \$347,150

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

**Policy Issue**

Should City Council waive formal bidding requirements and approve the purchase of library materials and electronic resources that total over \$75,000 from two vendors in 2015?

**Alternative**

Do not approve the purchases as recommended and request that Staff go out to bid on each item. The alternative is not recommended for the reasons outlined in the background information section of this Agenda Memorandum.

**Background Information**

In 2014, library materials purchased from Baker & Taylor (B&T) was \$164,437, or 59% of the library materials budget expenditures. Library eMaterials purchased from B&T in 2014 was \$34,843 for a total cumulative purchase of \$199,280 from this vendor. Staff anticipates that purchases from B&T will likely rise in 2015 over past purchases due in large part to changes in the publishing industry, including the rising popularity of electronic books or eMaterials. Baker & Taylor does license or sell eBooks from Gale Cengage and a few other publishing houses.

Baker & Taylor consistently provides the City with good customer service and low prices. Their procedures coordinate well with the City's procedures, so using them improves Staff efficiency. The discounts that B&T offers the City are very competitive pricewise. In instances where Staff receives a better discount from a different vendor, materials are ordered from the other vendor. The City receives the majority of its standing orders from B&T because they are the most competitive. In addition, B&T maintains an up-to-the second interactive inventory and ordering website that Staff can use to manage the City's library orders.

Each year the library compares pricing and services among the large library vendors of B&T, Ingram, Amazon.com, Midwest Tapes and others. Service considerations are the ease of online ordering, technological coordination with our database and shipment practices that include invoicing and turnaround time. Pricing considerations are noted for overall discount prices. B&T continues to offer the most competitive services, in terms of format and discounts, which can be up to 45.2%.

Unlike Baker & Taylor, Midwest Tape specializes in selling only audiovisual materials and supplies to public libraries. Consequently, they excel in this area, offering lower prices and good service on audiovisual material. Midwest receives the bulk of Westminster library's audiovisual orders. Midwest provides electronic records to include in the online catalog as well as a single-disc replacement service should only one disc in a multivolume set become inoperable. Midwest also does not charge shipping costs, keeping item costs to a bare minimum. Staff has found Midwest's services to be timely, accurate, and efficient. In 2014, Westminster purchases from Midwest totaled \$58,607. Since this amount approaches the \$75,000 threshold, Staff is requesting Council's approval to possibly exceed \$75,000 in purchases with Midwest Tapes in 2015. Patron demand may require increasing the library's DVD, music CD, and audiobook collections at a higher rate than in the past. Increased Midwest purchases will be a likely outcome of adding the bluRay film format to the collection on April 12, 2014. During the seven-and-a-half months the library offered bluRay discs to the community, these 660 items circulated 11,008 times.

At the close of 2014, the Westminster Public Library offered 230,405 books, audiobooks, music CDs, DVDs, and subscribed to 239 print serials on behalf of the community. Collectively, these items circulated 941,256 times to patrons. The library also licensed 17,194 eMaterials titles including eBooks, eAudiobooks, eMusic, and eFilms. Not all of these eMaterials generate a checkout in the same way a physical item does. Of those that do, 36,626 downloads circulated to Westminster patrons, a 98.6% increase over the previous year. The other 1,155 items are eMaterials available to read in patron's browsers, not as a download. Together, they generated 2,361 views of non-fiction and reference works.

These purchase requests support the City's Strategic Plan Goal of "Financially Sustainable City Government Providing Exceptional Services."

Respectfully submitted,

Donald M. Tripp  
City Manager



Agenda Memorandum

City Council Meeting  
March 16, 2015



**SUBJECT:** Amendment for Custodial Services Contracts for City Facilities

**Prepared By:** Mark Ruse, Facilities CIP and Operations Manager

**Recommended City Council Action**

Authorize the City Manager to amend the KG Clean custodial services contract to \$457,679 and amend the Carnation Building Service custodial services contract to \$42,648. And, authorize contingency spending authority with the remaining custodial service providers for unanticipated custodial related requirements that fall outside of the current custodial contract scope of services not to exceed \$29,000 that equals approximately 5% of the total original cost (\$572,424) for the City’s custodial services contracts. This will result in an annual increase not to exceed \$41,444 (\$12,444 for the contract amendments and \$29,000 for contingency request) to the City’s total custodial services contracts.

**Summary Statement**

- On June 9, 2014, City Council authorized the expenditure of \$572,424 per year for up to three years for five custodial service contracts to maintain 25 City facilities starting on October 1, 2014.
- The City awarded one of the original custodial contracts to Varsity Contractors, Inc (Varsity); Varsity had not previously provided custodial services to the City. Despite continual feedback, meetings and facility visits between: City Facility Managers; Building Operations and Maintenance Division (BO&M) Staff; and Varsity’s cleaning crews, and local and district managers, service levels continue to be below the standards of the contract and expectations of City Staff and customers.
- Staff is recommending the termination of Varsity’s contract and the redirecting of the facilities currently covered under Varsity’s contract to KG Clean and Carnation Building Service.
- As a result of this amendment, the total annual cost for two custodial vendors will increase, KG Clean from \$387,746 to \$457,679 and Carnation Building Service from \$15,984 to \$42,648.
- The City’s three remaining custodial service contractors all have proven records of quality performance with the City and Staff does not anticipate any further amendments to the City’s custodial service contracts.
- The current custodial service contracts were approved only at the total cost for the specified scope of work at each City facility. This specified scope of reoccurring work did not account for additional unanticipated custodial related requirements that arise during the year. These additional requirements are more effectively addressed with the current vendor that is assigned to each facility rather than using other custodial service providers not currently under contract and familiar with the facility and Staff. Staff requests City Council approval of contingency for the total authorized amount to allow use of existing custodial staff for unanticipated work within these facilities. Approval for the custodial contingency will allow for quicker response to customer requests, better care for all City facilities and result in cost saving to the City. Funds are available within existing budgets for this additional expense.

**Expenditure Required:** \$41,444

<b>Source of Funds:</b>	\$37,855	General Fund - General Services (BO&M) Operating Budget
	\$3,589	General Fund - Park Recreation & Libraries Operating Budget



**Policy Issues**

1. Should Council authorize an additional expenditure of \$41,444 for the City's custodial service contracts?
2. Should Council authorize termination of the Varsity Contractors, Inc. custodial service contract and reallocate their contractual responsibilities to KG Clean and Carnation Building Service as recommended?

**Alternatives**

1. Council could decide not to approve this annual cost increase for providing custodial services to City facilities. Council could direct Staff to place the current facilities being serviced by Varsity Contractors, Inc. with another vendor(s) and/or not approve the contingency request. Staff does not recommend this alternative due to the cost and time associated with vetting out additional custodial service provider(s). Staff's responsibility to provide "Excellence in City Services" includes ensuring our City facilities are maintained in a sanitary, safe and clean condition for City Staff, customers and the community.
2. Council could direct Staff to retain Varsity Contractors, Inc. for custodial services. Staff does not recommend this based on efforts made to date to correct and improve services that have not produced the desired results. Ensuring City facilities are maintained in a sanitary, safe and clean condition is a high priority.

**Background Information**

In March 2014, request for proposals were sent to nine contract custodial firms to provide janitorial services for 25 City facilities. Six custodial firms attended a pre-bid meeting and a two-day tour of each facility requiring custodial services. During the pre-bid meeting and facility tours, contractors were made aware of Staff's intent to recommend awarding custodial service contracts to the lowest responsible bidders based on the four geographic locations or campus settings within the City. The four geographical locations include: South Westminster (72<sup>nd</sup> Avenue North to 80<sup>th</sup> Avenue), North Westminster (104<sup>th</sup> & Sheridan North), West Westminster (Sheridan to Westmoor Business Park) and Central Westminster (City Hall & the Public Safety Center).

Criteria used by Staff to evaluate bids for an award recommendation were:

- Cost of services contracts based on geographic campus locations
- Proposed hours and staffing requirements at facilities
- Recommendations from present clients
- Past performance providing custodial services for the City of Westminster

One of the five vendors awarded a contract was Varsity Contractors, Inc (Varsity). Building Operations and Maintenance Division (BO&M) Staff, along with several City Facility Managers have worked closely with Varsity's personnel and management team since the contract began on October 1, 2014, to ensure the standards documented in the contract and the City's user expectations were clearly communicated. Unfortunately, after more than five months, Staff continues to have repeated problems and unsatisfactory performance by Varsity at the facilities they service. Staff has attempted to correct the service issues via repeated meetings, tours of the facilities, and regular e-mail communication and feedback. These attempts have failed to raise Varsity's level of customer service and cleaning to the standards expected by City Staff and required by the contract. Staff at City facilities are embarrassed by the appearance of the facilities, and in some cases, sanitary conditions are minimally satisfied. Staff attributes this lack of performance to the following: lack of oversight of the daily workers due to Varsity's management staff being overextended; inadequacies in training of the cleaning staff; and a high turnover in personnel. In addition to poor performance, the lack of accountability, ownership or aggressive corrective actions by the Varsity management team, to date, confirms there is little chance of seeing a significant improvement in future performance.

When the five contracts were originally approved by City Council in June 9, 2014, the recommended action was to approve the cost of the five base contracts that included specified scope of cleaning on a recurring daily, weekly, monthly or semi-annual basis. The proposed budget and custodial expenses did not allow for additional unanticipated cleaning requirements that historically recur throughout the year. Examples of additional facility cleaning include: emergency or scheduled carpet and floor cleaning; high dusting requirements; special event cleaning; upholstery and furniture deep cleaning; Parks, Recreation and Library facility shutdown deep cleaning requirements; and horizontal surface cleaning after an unexpected maintenance problem. After consultation with the current custodial vendors, City Facility Managers and BO&M's research of industry costs, Staff believes total costs to the City will be minimized by allowing the custodial contractors in the respective facilities to address these occasional cleaning requirements with staff, equipment and resources that are already available in these facilities. This will also minimize the time to authorize and complete the cleaning without having to contract with an outside vendor unfamiliar with the facility. Based on historical expenses for City facilities, a \$29,000 contingency authorization is projected to cover expected costs and enhance the service to City Staff and customers as well as maximize the care of City facilities. Contingency was not requested at the time the original contracts were awarded.

Approving this recommended action will allow Staff to continue to provide clean, healthy and well maintained facilities for Westminster residents and City employees and achieves City Council's Strategic Goal of "Excellence In City Services."

Respectfully submitted,

Donald M. Tripp  
City Manager



## Agenda Item 8 F

### Agenda Memorandum

City Council Meeting  
March 16, 2015



**SUBJECT:** Acceptance of Donation of a Parcel of Land near 110th Avenue and Yarrow Street for Open Space

**Prepared By:** Jacob Kasza, Open Space Technician

### Recommended City Council Action

Authorize the acceptance of the donation of the 0.2-acre Gregg Homes, LLC property located approximately at 110th Avenue and Yarrow Street for open space, and authorize the City Manager to execute all documents required to close on the property.

### Summary Statement

- The Gregg Homes property is a vacant, 0.2-acre remnant property from the Green Knolls subdivision. The property has remained in the ownership of the developer for the last 30 years.
- The property abuts 250 feet of City-owned open space in the Winters South Subdivision.
- This donation will provide better access to the City-owned open space and proposed trails in the future Winters Subdivision.
- The owner is willing to donate the land to the City at no charge.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Does City Council accept the donation and approve of the acquisition of the Gregg Homes parcel?

**Alternative**

City Council could choose not to accept the donation and authorize the acquisition at this time. Staff does not recommend this option because the current owner is willing to donate the property to the City, which will provide a trail connection to existing city-owned open space. If the City does not accept the donation, the owner may choose to sell the land in the near future and the City will lose this opportunity for a trail connection.

**Background Information**

The Gregg Homes parcel is a remnant parcel of land from the development of the Green Knolls Subdivision. For the past 30 years, the developer has held on to ownership of the parcel. The owner is willing to donate the land to the City at no cost. The City currently owns 2.4-acres of open space directly to the north of this parcel, which was dedicated to the City in 2007 when the Winters Subdivision was first platted.

In January 2015, the City received a development application for the Winters Subdivision for 32 single family detached homes. The current developer is proposing to build a trail connection across the Gregg Homes parcel to the City-owned open space north of 110th Avenue. If the City does not have ownership of the land, the developer will not be able to use the property for the trail connection. The Green Knolls Homeowners' Association (HOA) has expressed interest in obtaining ownership of the property. If the HOA were to obtain ownership of the parcel, they would have the option to restrict access across the property, potentially "fencing off" the City owned open space to the north.

If this property is acquired, it will be integrated into the open space to the north. Future maintenance of this parcel will be limited to mowing and occasional trash clean-up, similar to right-of-way maintenance. The additional 225 feet of street frontage will have minimal impacts on future operations.

This acquisition supports the City's Strategic Plan Goals of "Beautiful, Desirable, and Environmentally Responsible City" by providing the City with increased open space.

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachment A – Site Map



**Gregg Homes, LLC Donation  
City of Westminster, 2015**

111th Ave

**Future Winters  
Subdivision**

*Winters  
Open Space*

Wadsworth Blvd

Balsam St

110th Dr

110th Pl

Yarrow St

110th Ave

Zephyr St

**Green Knolls  
Subdivision**

109th Pl

Yukon St

Wadsworth Blvd

Ammons St

Allison Ct

109th Ave

Zephyr Ct

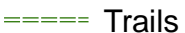
Green Knolls Park

*Green Knolls  
Open Space*

*Lower Church  
Lake  
Open Space*



Gregg Homes Parcel



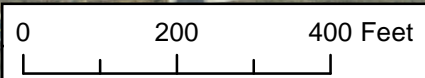
Trails



Open Space



Parks







**Agenda Memorandum**

City Council Meeting  
March 16, 2015



**SUBJECT:** Councillor's Bill No. 13 re Right-of-way Vacation for a Portion of West 68<sup>th</sup> Avenue, North of East Bay Senior Housing – Filing No. 1

**Prepared By:** Melanie Walter, P.E. Senior Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 13 on first reading vacating a portion of the West 68<sup>th</sup> Avenue right-of-way along the north line of Lot 1 within East Bay Senior Housing – Filing No. 1.

**Summary Statement**

- The vacation of a portion of the existing 68<sup>th</sup> Avenue right-of-way along the north line of Lot 1 within East Bay Senior Housing – Filing No. 1 is requested by the developer of the proposed Moorings at Hidden Lake Subdivision (see attached Exhibit "A"). This vacation will eliminate unnecessary right-of-way and will result in an alignment of the street right-of-way that will parallel the adjacent sidewalk consistent with normal City practice.
- The developer of East Bay Senior Housing – Filing No. 1, which was platted in 1995, dedicated ten feet of additional right-of-way along 68<sup>th</sup> Avenue. At the time of that dedication, a different alignment of 68<sup>th</sup> Avenue was anticipated than what exists today. Therefore, a portion of the current right-of-way is not needed for roadway purposes. Staff recommends the vacation of that portion of the unnecessary, existing right-of-way.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Policy Issue**

Should the City vacate a portion of previously dedicated, but now unnecessary, street right-of-way along West 68<sup>th</sup> Avenue in the vicinity of East Bay Senior Housing – Filing No. 1?

### **Alternative**

The City is not obligated to vacate this right-of-way. However, the vacation will create a more logical alignment for the 68<sup>th</sup> Avenue right-of-way in this area, thus making it easier for staff to determine property ownerships along the street in the future.

### **Background Information**

In 1995, Lot 1 of East Bay Senior Housing – Filing No 1 was dedicated to the City of Westminster as open space via the final plat associated with the development. A 10-foot right-of-way was also dedicated to the City of Westminster along the north line of the subdivision for future improvements to 68<sup>th</sup> Avenue.

In 2010, 68<sup>th</sup> Avenue was improved as a City-sponsored capital improvement project, including paving, curb, gutter, and utilities. The street was improved under an alignment that was different than anticipated in 1995.

The Moorings at Hidden Lake is a proposed 8-lot residential subdivision of approximately 6.5 acres, located just east of the East Bay Senior Housing development. The City-owned Lot 1 of East Bay will be given to that developer in exchange for a parcel of land located at the southwest corner of 68<sup>th</sup> Avenue and Utica Street. This exchange will allow the City to create a more continuous open space at that intersection. Lot 1 of East Bay will be incorporated into the single family residential lots being proposed in the Moorings Subdivision.

The curved nature of 68<sup>th</sup> Avenue will also require an additional right-of-way dedication just west of the vacated portion to follow the future back of walk. This dedication will be accomplished on the final plat for the Moorings at Hidden Lake.

The vacation of this right-of-way supports Council's strategic plan goal of providing an *Ease of Mobility* within the City.

Respectfully submitted,

Donald M. Tripp  
City Manager

### Attachments:

- Councillor's Bill
- Exhibit "A" legal descriptions and illustration

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **13**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE VACATING A PORTION OF 68<sup>TH</sup> AVENUE RIGHT OF WAY  
GENERALLY LOCATED NORTH OF EAST BAY SENIOR HOUSING FILING NO 1  
SECTION 6, TOWNSHIP 3 SOUTH, ADAMS COUNTY**

WHEREAS, East Bay Senior Housing – Filing No. 1, located south of 68<sup>th</sup> Avenue and west of Lowell Boulevard, dedicated a 10-foot strip of right-of-way along 68<sup>th</sup> Avenue in anticipation of street improvements;

WHEREAS, in 2010, improvements occurred along 68<sup>th</sup> Avenue in a different alignment than anticipated;

WHEREAS, a small strip of right-of-way along 68<sup>th</sup> Avenue is no longer needed; and

WHEREAS, the City Council finds that all requirements for roadway vacation contained in the Westminster Municipal Code and applicable state statutes have been met.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council determines that no present or future public access need exists for the area proposed for vacation.

Section 2. The area described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby vacated.

Section 3. This ordinance shall take effect upon its passage after second reading. 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 16th day of March, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of April, 2015.

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Mayor

ATTEST:

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City Clerk

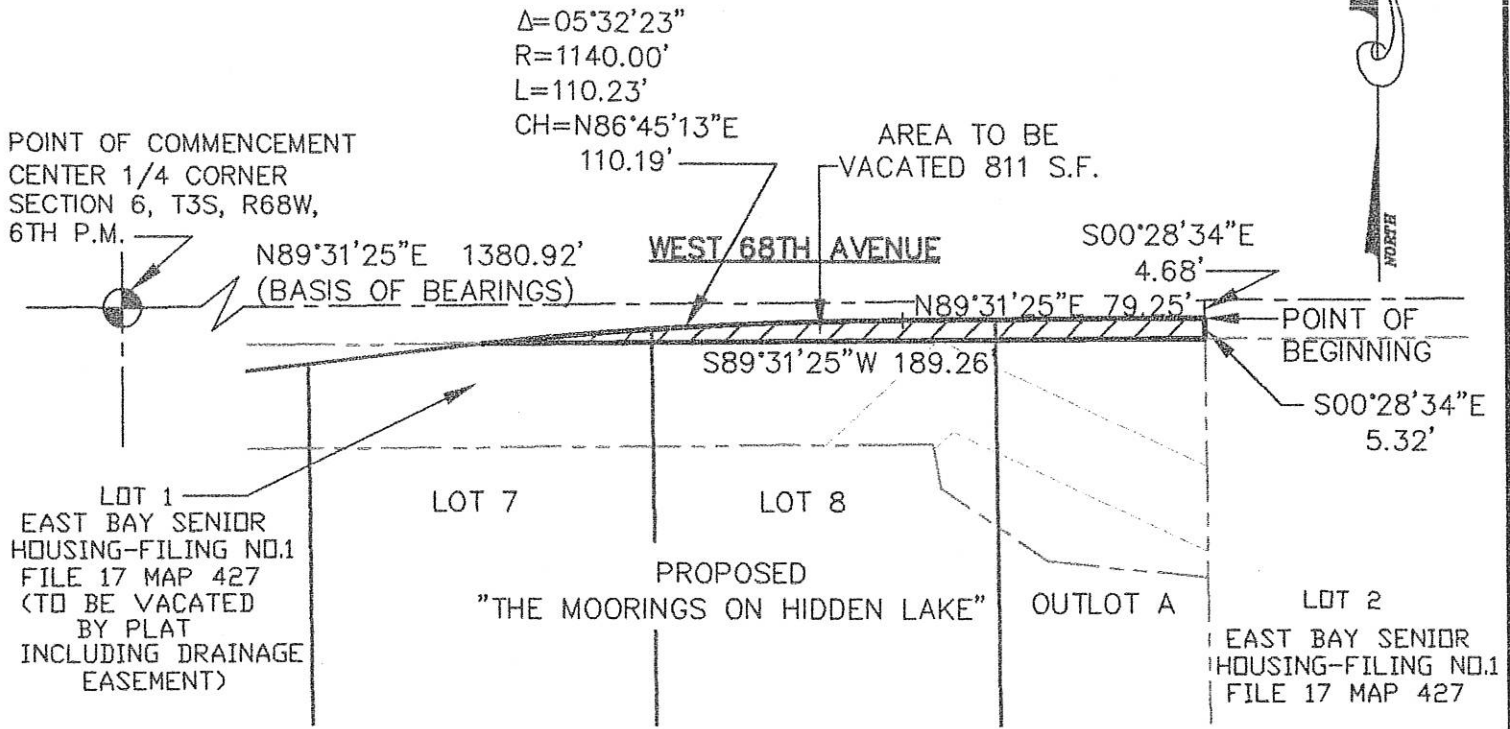
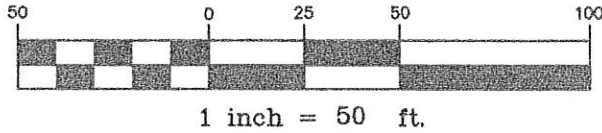
APPROVED AS TO LEGAL FORM:

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City Attorney's Office



**EXHIBIT A**  
**RIGHT-OF-WAY VACATION - WEST 68TH AVENUE**  
 SITUATED IN THE NORTH 1/2 OF THE SE 1/4, SECTION 6,  
 T3S, R68W, OF THE 6TH P.M.  
 CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO



**LEGAL DESCRIPTION:**

A TRACT OF LAND SITUATED IN THE NORTH 1/2 OF THE SOUTHEAST 1/4 SECTION 6, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE CENTER 1/4 CORNER SAID SECTION 6; THENCE N89°31'25"E ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4, 1380.92 FEET; THENCE S00°28'34"E, 4.68 FEET TO THE POINT OF BEGINNING;  
 THENCE S00°28'34"E, 5.32 FEET TO THE NORTHEAST CORNER LOT 1, EAST BAY SENIOR HOUSING FILING NO. 1 AS RECORDED AT FILE 17, MAP 427 ADAMS COUNTY CLERK AND RECORDER'S OFFICE;  
 THENCE S89°31'25"W ALONG THE NORTH LINE SAID LOT 1, 189.26 FEET TO A POINT OF CURVATURE;  
 THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 05°32'23", A RADIUS OF 1140.00 FEET, AN ARC LENGTH OF 110.23 FEET AND A CHORD OF N86°45'13"E, 110.19 FEET;  
 THENCE N89°31'25"E, 79.25 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 811 SQUARE FEET, MORE OR LESS.

PREPARED BY

moorings\westminster\plat & construction drawings\row-vacation.dwg

DANNY R. MERTZ DATE  
 COLO. PLS NO. 30831

PREPARED: 9/26/14

**JCM DEVELOPMENT, LLC** 8300 GARLAND DRIVE  
 LAND DEVELOPMENT/ENGINEERING ARVADA, CO  
 CONSTRUCTION MANAGEMENT 80005  
 PHONE 303 431-1921  
 FAX 303 431-1921



Agenda Memorandum

City Council Meeting  
March 16, 2015



**SUBJECT:** Councillor’s Bill No. 14 Appropriating Adams County Open Space Grant Funds and Awarding Construction Services Contract Amendment for Little Dry Creek Grading Project

**Prepared By:** Andrew Hawthorn, Senior Engineer  
John Burke, Senior Projects Engineer

**Recommended City Council Action**

1. Pass Councillor’s Bill No. 14 on first reading appropriating \$2,439,676 to the Little Dry Creek Project from an Adams County Open Space grant for the drainage and open space improvements.
2. Authorize the City Manager to sign the amended Guaranteed Maximum Price contract with Concrete Express, Inc., in the amount of \$7,143,022, for the phase 1 project.

**Summary Statement**

- On December 8, 2014, the City Council authorized the City Manager to enter into a Construction Manager/General Contractor (CM/GC) contract with Concrete Express, Inc. to perform Pre-Construction services for the Little Dry Creek Grading Project. The CM/GC contract is structured to allow for amendments to the contract for the construction phase of the work. City staff, the City’s design team and Concrete Express have completed the Pre-Construction phase of the project and have negotiated a Guaranteed Maximum Price for the first phase of construction. When the design of the value engineering concepts identified during the Pre-Construction effort are complete and some of the City’s risks are reduced, staff will bring a second amendment for the remainder of the drainage work to the City Council for consideration at a future date.
- City staff, Concrete Express and the design team have been working collaboratively on a weekly basis since December 18, 2014, to complete the design drawing set and identify a first phase Guaranteed Maximum Price of \$7,143,022. Through the CM/GC process, a 5% contingency has been factored into the Guaranteed Maximum Price (GMP). By definition, the GMP should not be exceeded, so the relatively small contingency is adequate for this unique project.
- It is necessary to approve the first phase contract amendment in order to accommodate Concrete Express in its efforts to secure sites that will receive exported dirt from the City’s project. Concrete Express has entered into separate contracts with other entities whose timeframes to receive the dirt are more critical. Therefore, Concrete Express has requested that it be allowed to begin work under a contract with the City for the first phase of construction to accommodate those deliveries of the exported soil to minimize the risk that Concrete Express would lose the ability to deliver the soil to its client that would, in turn, impact the City’s project and costs.
- The original Engineer’s estimate for this project was \$13,944,534. Through this collaborative approach of utilizing the contractor’s expertise and this CM/GC style of contracting, staff was able to reduce the expected cost of this project by \$3,944,534, phase one of which is recommended for approval through this recommended action.
- Council action is also requested to appropriate grant funds received from the Adams County Open Space program into this project.

**Expenditure Required:** \$7,143,022

**Source of Funds:** Little Dry Creek Regional Detention Project – Storm Drainage Fund

**Policy Issues**

1. Should the City proceed with the construction of the Little Dry Creek Regional Detention Pond and Open Space Project?
2. Should City Council approve receipt and appropriation of the Adams County Open Space grant for the Little Dry Creek Regional Detention Pond and Open Space Project?

**Alternatives**

1. City Council could decide to not construct the project. Staff does not recommend this alternative because the completion of this project is necessary to lower the floodplain in this area for the adjacent Adams County residents and the Westminster Station commuter rail project.
2. City Council could decline the Adams County Open Space grant. This is not recommended as these funds are needed to complete the project as proposed and no alternative funding sources are available.

**Background Information**

Since 2009, City staff has been working with the Regional Transportation District (RTD), the Urban Drainage and Flood Control District (UDFCD) and Adams County on the Westminster Commuter Rail Station and transit-oriented development (TOD) area redevelopment. Currently, the 100-year floodplain inundates the railroad tracks by approximately four feet. The Little Dry Creek Drainage Project will lower the floodplain water surface elevation by four feet to below the elevation of the commuter rail tracks. In addition, a critical piece of this site redevelopment is transforming the area south of the tracks to move from the floodplain fourteen homes located within unincorporated Adams County. To achieve this, over 250,000 cubic yards of material must be removed from this site, a new 2.3-acre lake must be constructed and the realignment of Little Dry Creek must occur. Per the Intergovernmental Agreement (IGA) between the City and RTD, the City will receive up to \$2 million in credit toward the City's and Adams County's required Local Agency Contribution of \$3,422,500 for the FasTracks project. This project also prepares the site for construction of future phases of work that include the station transit boarding area, Creekside Drive and Little Dry Creek Park. Any substantial delay in the overall grading of the site will prevent the commuter rail tracks from being removed from the floodplain and impact the revenue service date for commuter train service on the Northwest Rail Line per the IGA with RTD.

Over the past two years, the City has realigned over five thousand feet of sanitary sewer mains, relocated two water lines and bored three new tunnels under Federal Boulevard to prepare for this overall grading project. Per the IGA between the City and RTD, the City is obligated to complete floodplain improvements before the revenue service date, which is scheduled for mid-2016. Given the scale of this project, the City must begin work within the next couple of months in order to achieve this deadline. This grading project is one phase of a multiple phase, multiple year project that will transform this area into a landmark transportation hub.

In order to engage the expertise of a contractor to perform value engineering on the preliminary design plans, a Construction Manager/General Contractor (CM/GC) style of contracting was selected to complete the design. This team approach focused on value engineering by involving the CM/GC in the actual design process and incorporating cost savings that the firm's expertise brings to the project.

The CM/GC contract is structured to provide the City flexibility in engaging Concrete Express in the Pre-Construction phase for a fixed lump sum fee that staff negotiated and the City Council authorized on December 8, 2014. As originally contemplated, this contract is now ready to be amended to include the negotiated Guaranteed Maximum Price (GMP) for the construction phase of work. Should this first amendment be approved, Staff will continue working with the contractor to refine and finalize the design and costs associated with the second phase of this project, at which time staff will return to City Council for consideration of the second anticipated amendment to this contract.

Staff elected to consider the CM/GC style of contracting after researching the various methods utilized on similar projects in the region. For example, the City of Loveland (Mahaffey Park), the City and County of Denver (South Platte River Habitat Parks) and the City of Thornton (Margaret Carpenter Park) were successful in constructing major parks projects through the use of the CM/GC type of contract within the past several years. The Colorado Department of Transportation (CDOT) engages in this style of contracting for very large projects such as the Twin Tunnels expansion on I-70 near Idaho Springs.

This CM/GC team process uncovered unknown issues upfront, addressed design assumptions and generally achieved a 'buy-in' from the contractor that translated into cost savings for the City by taking advantage of the contractor's ability to minimize surprises and risks before the project even begins. Furthermore, the contractor's experience in such matters is playing a large role in setting the schedule and phasing of the grading project.

The CM/GC brought expertise to the design process on items as specialized as the least expensive supplier of landscaping boulders and secured the best nearby locations to export excess dirt. Most importantly, the CM/GC worked with City staff and the design team to identify construction costs before any actual grading commences. The City and the CM/GC are now at a point to agree upon an initial Guaranteed Maximum Price (GMP) for the actual grading work, and, by definition, that cost will not be exceeded. To achieve this, significant regional project funding has been provided, in part, by Urban Drainage and Flood Control District and Adams County through Open Space Grant funds as well as the recent IGA with Adams County for the Little Dry Creek Road and Drainage Improvements authorized by City Council on January 26, 2015.

Staff recognizes that the CM/GC method of contracting is not nearly as common as the design/bid/build method that is generally used for the majority of the City's Capital Improvement Projects. But, for a multi-million dollar grading project located within an older portion of the City that revealed numerous buried obstacles, staff is convinced that the early partnership with the contractor was the most beneficial and economical method of handling the project. As a result of this collaborative approach, the contractor's expertise and this CM/GC style of contracting, staff was able to adjust and refine the scope of work and reduce the expected cost of this project by an estimated \$3,944,534. The original Engineer's estimate was \$13,944,534.

City Staff, Concrete Express and the design team have been working collaboratively on a weekly basis since December 18, 2014, to complete the initial design drawing set and identify a project Guaranteed Maximum Price of up to \$10,000,000. Through the CM/GC process, a 5% contingency has been factored into the Guaranteed Maximum Price.

The first phase of construction and the corresponding contract amendment will have a negotiated Guaranteed Maximum Price (GMP) of \$7,143,022. A second phase of construction work is currently in the final stages of design and is anticipated to have a GMP of up to \$2,856,978.

It is necessary to approve the first phase contract amendment in order to accommodate Concrete Express in its efforts to secure sites that will receive exported dirt from the City's project. Concrete Express has entered into separate contracts with other entities whose timeframes to receive the dirt are more critical. Concrete Express has requested that it be allowed to begin work under contract with the City in the first phase of construction to accommodate those deliveries of the exported soil to minimize the risk that Concrete Express might lose the ability of delivering the soil to its client that would, in turn, impact the City's project and costs.

For the reasons stated above and the recently competitively bid projects awarded to Concrete Express, Inc., staff is confident that the company will complete this project in a timely, cost effective and professional manner.

Additionally, in preparation for this project, City staff submitted an application to the Adams County Open Space program for a grant for the Little Dry Creek Drainage and Open Space project. In December 2012, the City was awarded funds for this project in the amount of \$2,439,676 under the condition that a local match of \$3,220,825 is provided. Approval of the attached Councillor’s Bill is necessary to appropriate the Adams County Open Space funds into the project account until reimbursement is received after the construction of the project is completed. This appropriation will amend the Storm Drainage Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
OS Grant ADCO	2500.40630.0010	\$0	<u>\$2,439,676</u>	\$2,439,676
Total Change to Revenues			<u>\$2,439,676</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Little Dry Creek Reg Detention	80825030829.80400.8888	\$3,650,617	<u>\$2,439,676</u>	\$6,090,293
Total Change to Expenses			<u>\$2,439,676</u>	

Council action on this item meets elements of four goals in the City’s Strategic Plan: *Beautiful, Desirable, Environmentally Responsible City; Dynamic, Diverse Economy; Proactive Regional Collaboration and Ease of Mobility.*

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachments: Ordinance  
Vicinity map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **14**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING THE 2015 BUDGET OF THE STORM DRAINAGE FUND  
AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2015 ESTIMATED  
REVENUES IN THE FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2015 appropriation for the Storm Drainage Fund initially appropriated by Ordinance No. 3737 is hereby increased by \$2,439,676. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$2,439,676 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 B&C, dated March 16, 2015 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Storm Drainage Fund	<u>\$2,439,676</u>
Total	<u>\$2,439,676</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 16<sup>th</sup> day of March, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13<sup>th</sup> day of April, 2015.

ATTEST:

\_\_\_\_\_  
Mayor

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





# VICINITY MAP







## Agenda Item 10 D&E

### Agenda Memorandum

City Council Meeting  
March 16, 2015



**SUBJECT:** Councillor’s Bill No. 15 re Early Supplemental Appropriation of 2014 Parks, Open Space and Trails (POST) Fund Carryover and Supplemental Appropriation of an Adams County Open Space Grant and Authorize the Purchase of 6930, 6940 and 6960 Lowell Boulevard for the Future Little Dry Creek Park and Creekside Drive

**Prepared By:** Heather Cronenberg, Open Space Coordinator

### Recommended City Council Action

1. Pass Councillor’s Bill No. 15 on first reading appropriating a total of \$673,000 comprised of \$293,992 of 2014 Parks, Open Space & Trails Fund Carryover and \$379,008 of funds received from the Adams County Open Space Grant Program for the Little Dry Creek Park and Open Space Acquisitions grant into the POST Land Purchases Account.
2. Contingent upon approval of Councillor’s Bill No. 15 on second reading, authorize the purchase of 6930 Lowell Boulevard for \$173,000, 6940 Lowell Boulevard for \$210,000, and 6960 Lowell Boulevard for \$275,000 for the future Little Dry Creek Park, plus closing costs not to exceed \$15,000, for a total authorized amount of \$673,000, and authorize the City Manager to execute all documents required to close on the purchase of these properties.

### Summary Statement

- The properties located at 6930, 6940, and 6960 Lowell Boulevard are located on the east side of Lowell Boulevard adjacent to the future Little Dry Creek Park and Open Space. Acquiring these properties will allow the City to construct the future park and main access drive into the Little Dry Creek Park, Creekside Drive. The City has negotiated a purchase price based on an appraisal commissioned by the City for each property that is contingent upon Council approval as follows: 6930 Lowell Boulevard- \$173,000; 6940 Lowell Boulevard- \$210,000; 6960 Lowell Boulevard- \$275,000.
- The City submitted a grant to Adams County to assist with these acquisitions. At the time of grant submittal, Staff estimated the value of the properties as the appraisals were not yet completed. Based on the estimates, Staff asked for \$394,800 from the County and proposed to use \$290,200 as match, which represents a 57.6% grant request. The appraisals were completed after the grant request was submitted and Staff based offers to the property owners on the appraised values listed above. Since the County awarded a grant of 57.6% of the purchase price, the actual County award will be \$379,008 and the actual match from the City will be \$278,992 (the County grant excludes closing costs).
- After reviewing the revenues and expenses associated with the POST Fund in 2014, Staff is confident that the amount requested for early carryover is available to purchase these properties. The City plans to acquire these three parcels prior to the end of April 2015, which is prior to carryover returning to Council for review (typically in July).
- City Council action is needed to appropriate the early supplemental and grant funds, and to authorize the acquisition of these properties.

**Expenditure Required:** \$293,992 (Early POST Carryover Appropriation and City’s match/cost to purchase the three properties)  
 \$379,008 (Appropriation of Adams County Open Space Grant Funds)

**Source of Funds:** 2014 POST Carryover Funds and Adams County Open Space Grant Funds



**Policy Issue**

Should the Adams County Open Space grant and the 2014 early POST carryover be appropriated to the Parks, Open Space and Trails Fund land purchase account to pay for the acquisition of the Little Dry Creek Park and Open Space properties? Does Council support the purchase of these properties?

**Alternative**

City Council could choose not to authorize the acquisition or use of funds at this time. Staff does not recommend this option because acquisition of these properties is a high priority for the future Little Dry Creek Park. Council could also choose to decline the Adams County Open Space grant money. Staff does not recommend this alternative as the grant was awarded to the City to assist with the acquisition of the Little Dry Creek Park and Open Space properties.

**Background Information**

These three properties are located on the east side of Lowell Boulevard, south of the railroad tracks and on the western edge of the future Little Dry Creek Park and Open Space area between Lowell and Federal Boulevards. The City currently owns all of the property necessary for the park (thanks to assistance from Adams County over the years) except for the area around these houses. The final design of the park includes the construction of Creekside Drive in the location of the two southern most homes (6930 and 6940) and a parking lot to the north; this is in support of the intergovernmental agreement entered with Adams County related to Little Dry Creek drainage and roadway improvements executed February 10, 2015. Acquiring all of the homes would open up the view of the future park site from Lowell Boulevard and would allow for the construction of a sidewalk in this area. The City would like to acquire the three parcels by April 2015. Staff is still pursuing acquisition of the fourth house- 6950 Lowell Boulevard.

The City has negotiated a purchase price based on an appraisal commissioned by the City for each property that is contingent upon Council approval as follows: 6930 Lowell Boulevard- \$173,000; 6940 Lowell Boulevard- \$210,000; 6960 Lowell Boulevard- \$275,000. The City submitted an open space grant application to Adams County to assist with these acquisitions. At the time of grant submittal, Staff estimated the value of the properties as the appraisals were not yet completed. Based on the estimates, Staff asked for \$394,800 from the County and proposed to use \$290,200 as match, which represents a 57.6% grant request. The appraisals were completed after the grant request was submitted and Staff based offers to the property owners on the appraised values listed above. Since the County awarded a grant of 57.6% of the purchase price, the actual County award will be \$379,008 and the actual match from the City will be \$278,992.

After reviewing the revenues and expenses associated with the POST Fund in 2014, Staff is confident that the amount requested for early carryover is available to purchase these properties. In order to pay for the acquisitions, it is necessary to approve the attached Councillor’s Bill to authorize the appropriation of 2014 Parks Open Space & Trails Fund Carryover and the Adams County Open Space grant.

These appropriations will amend the Parks, Open Space and Trails Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Adams County Grant	5400.40640.0010	\$0	\$379,008	\$379,008
Carryover	5400.40020.0000	\$196,576	<u>\$293,992</u>	\$490,568
Total Change to Revenues			<u>\$673,000</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54050550.76600.0000	\$0	<u>\$673,000</u>	\$673,000
Total Change to Expenses			<u>\$673,000</u>	

This acquisition supports the City’s Strategic Plan Goals of “Excellence in City Services,” “Beautiful, Desirable, Environmentally Responsible City” and “Ease of Mobility” by increasing revenues that support defined City projects, by providing the City with increased open space and trails, and by enhancing access to multi-modal transportation at the commuter rail Westminster Station.

Respectfully submitted,

Donald M. Tripp  
City Manager

Attachments

- Councillor’s Bill
- Vicinity Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **15**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE AMENDING THE 2015 BUDGET OF THE PARKS, OPEN SPACE AND TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2015 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2015 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3737 is hereby increased by \$673,000. This appropriation is due to the receipt of Adams County grant funds and early appropriation of 2014 POST Carryover Funds to acquire the three parcels along Little Dry Creek Park.

Section 2. The \$673,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 D&E, dated March 16, 2015 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Parks, Open Space and Trails Fund	<u>\$673,000</u>
Total	<u>\$673,000</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 16<sup>th</sup> day of March, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13<sup>th</sup> day of April, 2015.

ATTEST:

\_\_\_\_\_  
Mayor

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



72nd Ave

# City of Westminster Little Dry Creek Park & Open Space Acquisitions



Future Westminster  
FASTracks Station

Future Little Dry  
Creek Park and  
Open Space

6960 Lowell Blvd

6940 Lowell Blvd

6930 Lowell Blvd

-  Trail Underpasses
-  Lowell Houses
-  Creekside Drive
-  Open Space
-  City Trails
-  Streams
-  Proposed Trails



0 250 500 Feet