



WESTMINSTER
COLORADO

April 14, 2003
7:00 P.M.
CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance – Boy Scout Troop #176
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Presentation re Adams County School District 50 Students re Close Up Government Program
 - B. Proclamation re Just Say No Week
 - C. Proclamation re Arbor/Earth Day/Tree City USA
 - D. Proclamation re Community Pride Day
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Contract Award re South Westminster Transit Oriented Development Project
 - B. Approval of Brownfields Environmental Consulting Contract to Westons Solutions, Inc.
 - C. Construction of Reclaimed Waterline Extension for Park Center
 - D. Second Reading CB No. 15 re Sign Code Revisions for Gasoline Pricing Signs (Atchison-Dixion)
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Resolution No. 15 re Supplemental Compensation for Active Military Duty in Iraqi Freedom
 - B. IGA with WEDA re Mandalay Gardens Project
 - C. Resolution No. 14 re 2003 Special City Election
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 14, 2003 AT 7:45 P.M.

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by McNally to approve the minutes of the meeting of March 24, 2003 with no corrections or additions. Councillor Kauffman stated he would abstain since he was not present at the meeting. The motion carried with Councillor Kauffman abstaining.

PRESENTATIONS

Councillor Chris Dittman introduced Mark Ramsey, Social Studies Teacher at Westminster High School and Sponsor of the Close Up Washington DC trip and several of the students that participated in this program were present to make a short presentation of their impressions of their visit to Washington, D.C. and the workings of the federal government.

Mayor Moss presented a Just Say No proclamation to Cindy Jeffries and Colleen Mazzucca of Adams County School District 50 Westminster Area CAAT.

Mayor Moss presented a proclamation to City Forester Rob Davis proclaiming April 26, 2003, as Arbor Day and Earth Day in the City of Westminster, and accepted the Tree City USA Award, and special Growth Award from Keith Wood of the Colorado State Forest Service .

Councillor Tim Kauffman presented a proclamation to Open Space Volunteer Coordinator Patti Wright proclaiming May 17, 2003, as Community Pride Day in the City of Westminster.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented that City Council would be discussing water management issues in the post meeting following the Council meeting. He also introduced Dan Lowe of RED Development of Kansas City who will be working on the Mandalay Gardens Development Project.

CITY COUNCIL COMMENTS

Councillor Dixon commented on the 17th Judicial District Victim & Witness & Law Enforcement Board of Directors awards. City Police Department Detective Nancy Lee received the Dale R. McLoughlin Award, which is designated for outstanding service in a Law Enforcement setting. Barb Lamanna, coordinator of Victim Services Unit for the City was the recipient of the Outstanding Service Provider Award, which is dedicated to a group or individual who provides direct services to victims in an outstanding manner.

Councillor Kauffman commented on the Irving Street Library groundbreaking that occurred on Saturday, April 12th and the 136th Avenue Interchange ground breaking.

Mayor Moss commented on the DRCOG awards presented to the City: 1st place public-private partnership re Westminster Westin Hotel and Conference Center and third place Productivity Improvement on the Cooperative Budget Development Software with Thornton. He also wanted to thank the Streets and Utilities Workers for their work during the storm.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: Contract Award re South Westminster Transit Oriented Development Project contract with OTAK, Inc. in the amount of \$218,000 for planning, design and engineering services for the preparation of a redevelopment plan incorporating rail station and track engineering and design, drainage alternatives analysis for Little Dry Creek, land use, and site design and architectural renderings; Brownfields Environmental Consulting Contract to Westons Solutions, Inc. providing environmental services in South Westminster; Construction of Reclaimed Waterline Extension for Park Center with Imprimus Corporation not to exceed \$75,000 and a 10% contingency of \$7,500 for the construction of 900 feet of reclaimed main to serve the west side of Pecos in the Park Center development with reclaimed water; Second Reading CB No. 15 re Sign Code Revisions for Gasoline Pricing Signs.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. Mayor Pro Tem Atchison requested second reading of CB No. 15 re Sign Code Revisions for Gasoline Pricing Signs be removed for separate vote.

Councillor Dittman moved, seconded by Dixon to adopt the remaining consent agenda items as presented. The motion carried unanimously.

COUNCILLOR'S BILL NO. 15 RE SIGN CODE REVISIONS FOR GASOLINE PRICING SIGNS.

Councillor Hicks moved, seconded by Dixon to adopt Councillor's Bill No. 15 on seconded reading revision the sign code to allow for gasoline pricing signs. Upon roll call vote, the motion carried with a dissenting vote from Atchison.

RESOLUTION NO. 15 RE COMPENSATION FOR ACTIVE MILITARY DUTY IN IRAQI FREEDOM

Councillor Dittman moved, seconded by McNally to adopt Resolution No. 15 which extends pay and benefits to those City employees who have been or will be called into active military duty in connection with the military operation Iraqi Freedom for a period of up to twelve months per employee. Upon roll call vote, the motion carried unanimously.

IGA WITH WEDA RE MANDALAY GARDENS PROJECT:

Mayor Pro Tem Atchison moved, seconded by Dittman to authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) agreeing to advance funds to WEDA for the purpose of making developer payments in compliance with the Annexation and Preliminary Development Agreement with Westfield Development Company, Inc., in furtherance of the development of Mandalay Gardens. The motion carried unanimously.

RESOLUTION NO. 15 RE SPECIAL ELECTION DATE AND WORDING:

Councillor Hicks moved, seconded by Dixon to amend 7-1-5 of the Municipal Code changing the first day nominating petitions can be filed to 180 days, add the term limit question on the November ballot and table action on Resolution No. 15. After discussion the motion and second agreed to withdraw the motion.

Councillor Dixon moved, seconded by McNally to adopt Resolution No. 14 setting the date of July 8, 2003 for a special election and to establish the ballot language for the proposed City charter amendment modifying City Councillor term limits.

The following people addressed Council and spoke in opposition of this motion: Bill Christopher, 4459 West 111th Avenue; Chuc Duff, 8000 Bradburn Boulevard; Vi June, 7500 Wilson Court; who also read a letter into the record from Coleman and Jane Toth; Ann Merkel, 8180 Turnpike Drive; Fred Allen, 10140 Vrain Court; Don Ciancio, 11455 Quivas Way; Bob June, 7500 Wilson Court; Jay Heil, 4771 West 102nd Avenue; Dottie Urban, 9306 Gray Court; Ben Beatty, 4500 West 110th Circle, Carl Walczak, 4833 West 93rd Avenue and Ed Thwaites, 4715 West 103rd Circle.

At 9:10 P.M. a recess was called and Council reconvened at 9:20 P.M.

Upon roll call vote on the motion to adopt Resolution No. 14, the motion failed with dissenting votes from Dittman, Hicks, Kauffman and Moss.

ADJOURNMENT:

The meeting was adjourned at 9:35 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003

SUBJECT: Presentation by Adams County School District 50 Students

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action:

Mayor and City Council listen to the Close Up presentation by School District 50 High School students.

Summary Statement:

City Council is requested to listen to several Adams County School District 50 High School students about their experience involving the Washington DC Close Up Government Program. This opportunity was a week long trip to Washington, D.C.

- In appreciation of the City of Westminster's financial contribution, several of the students from School District 50 High Schools wish to make a brief presentation to City Council.
- Mark Ramsey, Social Studies Teacher at Westminster High School and Sponsor of the trip to Washington DC and several of the students that participated in this program will be present at Monday night's City Council meeting to make a short presentation of their impressions of their visit to Washington, D.C. and the workings of the federal government.

Expenditure Required: \$0

Source of Funds: n/a

SUBJECT: Presentation by Adams County School District 50 Students

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Policy Issue(s):

There are no policy issues associated with this presentation

Alternative(s):

There are no alternatives

Background Information:

The City of Westminster provides matching funds to the School District No. 50 Education Foundation to send high school students to Washington, D.C. as part of the Washington Close Up Government Program.

This week long program experience occurred the week of March 2nd through 8th, 2003. This program gives students the opportunity to interact with their legislators at the national level.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003

SUBJECT: "Just Say No" Week Proclamation and Flag Raising Ceremony

Prepared By: Mary Joy Barajas, Executive Secretary

Recommended City Council Action

Mayor proclaim the week of April 20, 2003 as "Just Say No" Week in the City of Westminster and all of Council participate in the flag raising ceremony at 6:00 P.M. at the City Hall flag poles.

Summary Statement:

- The City is supporting the "Just Say No" Week again this year.
- Locally, the City of Westminster, in conjunction with the Westminster Area Community Awareness Action Team (CAAT), local schools, churches and area businesses have joined together to encourage all citizens of Westminster to participate in this effort and to be reminded that alcohol, tobacco and other drug use by our youth is one of the most serious problems facing our society today.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue:

None identified.

Alternatives:

None identified.

Background Information:

The City of Westminster has participated by proclaiming a week as “Just Say No” Week since 1986. The Westminster Community Awareness Action Team’s (CAAT) Drug-free Conference and “Just Say No” Carnival are community school based programs dedicated to the well being of children and teenagers. The Westminster Area CAAT has once again requested that City Council proclaim April 20 through 27 as “Just Say No” Week and participate in a flag raising ceremony.

Cindy Jeffries and Colleen Mazzucca of the School District 50 Westminster Area CAAT will be present to accept this proclamation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Alcohol, tobacco and other drug use by our youth is one of the most serious problems facing our society today; and

WHEREAS, The Westminster Area Community Awareness Action Team works to empower youth to lead healthy, productive, drug-free lives; and

WHEREAS, The Drug Free Conference and “Just Say No” Carnival are community and school based programs dedicated to the well being of children and teenagers and locally coordinated by Westminster Area Community Awareness Action Team; and

WHEREAS, Resiliency of youth is promoted through City and Community Programs and Drug Free Clubs by providing opportunities to form strong relationships with positive peers and adults within community institutions, develop new life skills, and assume useful, meaningful roles in their communities.

NOW THEREFORE, I, Ed Moss, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of April 20 through 27, 2003

JUST SAY NO WEEK

In the City of Westminster and encourage all citizens of Westminster to participate in this effort and remind our citizens that drug use by youth is a serious problem which requires everyone’s attention.

Signed this 14nd day of April, 2003

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003

SUBJECT: Proclamation re Arbor Day/Earth Day/ Tree City USA

Prepared By: Rob Davis, City Forester
Rachel Harlow-Schalk, Environmental Services Coordinator

Recommended City Council Action

Present a proclamation to City Forester Rob Davis proclaiming April 26, 2003, as Arbor Day and Earth Day in the City of Westminster, and accept the Tree City USA Award, and special Growth Award as presented by a representative from the Colorado State Forest Service or the Colorado Tree Coalition.

Summary Statement

- The City's Annual Tree City USA award presentation is scheduled for the April 14, 2003, City Council Meeting.
- A representative from the Colorado State Forest Service or the Colorado Tree Coalition will present the Tree City USA award to the Mayor and City Council.
- Additionally, the Tree City USA Growth Award will be presented to City Council.
- This will be the seventeenth consecutive year that the City has received the Tree City USA award.

The Mayor will present the City's Arbor Day and Earth Day proclamation to City Forester Rob Davis.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

No Policy issue identified.

Alternative

No alternatives identified.

Background Information

In 1872, J. Sterling Morton, the editor of Nebraska's first newspaper, proposed a tree-planting holiday to be called Arbor Day. Since that time, Arbor Day celebrations have spread to every state in the nation and to many foreign countries, as well.

The Tree City USA award is sponsored by the National Arbor Day Foundation and recognizes towns and cities across America that meet the standards of the Tree City USA program. It is designed to recognize those communities that effectively manage their public tree resources and to encourage the implementation of community tree management based on four Tree City USA program elements being in place:

- A Tree Board or Department (the City's board consists of Rob Davis, Rich Dahl, Bill Walenczak, and Rod Larsen)
- A community tree ordinance
- A community forestry program with an annual budget of at least \$2/capita
- An Arbor Day observance and proclamation

The Growth Award is also provided by the National Arbor Day Foundation to recognize environmental improvement and encourage higher levels of tree care throughout America. It is designed not only to recognize achievement, but also to communicate new ideas and help the leaders of all Tree City USA recipients plan for improving community tree care. The recipient of the award must be a Tree City USA award winner in at least its second year, spend as much as the previous year on community forestry, and reach certain levels in the following categories: Education and public relations, Partnerships, Planning and management, and Tree planting and maintenance.

Senator Gaylord Nelson of Wisconsin, who suggested in a speech that a one-day demonstration be held to show concern for the environment. April 22, 1970, was designated the original Earth Day. Denis Hayes, then a Harvard Law School student, left school to organize the event, which involved thousands of schools, universities, and environmental groups as well as members of Congress and officials and activists throughout the U.S.

Nationally, Earth Day is celebrated on April 22 to observe activities that sway the balance of life and the Earth (Westminster date, April 26, is set to coordinate with Colorado Arbor and Earth day events.). Each year, the national celebration chooses a theme and for 2003 the theme chosen is "Water For Life." This theme is intended to raise awareness of water quality issues.

The Environmental Advisory Board will be partnering with the Parks Division to provide information on Earth Day at the School Program and at the Celebration. The Board will provide information on this year's theme of "Water for Life."

The calendar of events scheduled for Arbor and Earth week are as follows:

Arbor and Earth Day School Program

Thursday, April 24, 12:30 p.m. at Sunset Ridge Elementary, 9451 Hooker Street

The presentation at the elementary school will educate students on the history of Arbor and Earth Day. Prizes for the Arbor Day contest will be awarded, with the first place winner receiving a potted evergreen tree. Second through tenth place winners receive 2 to 3-foot hackberry saplings. The students will be shown how to properly plant and take care of their trees as well. All students will receive buttons, ponderosa pine seedlings, and tote bags from the Environmental Advisory Board that include education materials on water quality.

Arbor and Earth Day Celebration

Saturday, April 26, 9:00 a.m. – 3:00 p.m. at City Park Recreation Center, 10455 Sheridan Boulevard

Parks Division Staff will distribute 2 to 3-foot hackberry (bare root) saplings, ponderosa pine seedlings, buttons, literature and wood chip mulch. A tree sale will be held and members of the Environmental Advisory Board will be on hand to distribute information on the Earth Day theme in tote bags. A drawing will be held for a 5-gallon, potted fruit tree.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, The holiday called Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Westminster has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

WHEREAS, In 1970, Senator Gaylord Nelson of Wisconsin, suggested in a speech that a one-day demonstration be held to show concern for the environment. April 22, 1970, was designated the original Earth Day. Denis Hayes, then a Harvard Law School student, left school to organize the event, which involved thousands of schools, universities, and environmental groups as well as members of Congress and officials and activists throughout the U.S.

WHEREAS, The holiday called Earth Day is now observed throughout the nation and world; and

WHEREAS, Annually a national theme is chosen for all to focus their attention on April 22nd; and

WHEREAS, The year 2003 Earth Day theme is Water For Life;

NOW, THEREFORE, The City Council of the City of Westminster, Colorado, hereby proclaims Friday, April 26, 2003, as ARBOR DAY and EARTH DAY in the City of Westminster, and urges all citizens to support efforts to protect our trees and to support our City's urban forestry program; urge all citizens to plant trees to gladden the hearts and promote the wellbeing of present and future generations; and further urge all citizens to become aware of water quality impacts.

Signed this 14th day of April, 2003.

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003

SUBJECT: Proclamation re Community Pride Day

Prepared By: Patti Wright, Open Space Volunteer Coordinator

Recommended City Council Action

Present a proclamation to Open Space Volunteer Coordinator Patti Wright proclaiming May 17, 2003, as Community Pride Day in the City of Westminster.

Summary Statement

- For several years, the City of Westminster and Hyland Hills Park and Recreation District have partnered for Community Pride Day, the largest annual volunteer trash cleanup in Westminster.
- This year, the Cities of Westminster, Denver, Northglenn, Thornton, Lakewood and Hyland Hills Park and Recreation District are jointly publicizing and supporting each entity's cleanup event in recognition of Keep America Beautiful's Great American Cleanup™, the nation's largest annual community improvement program, held March through May. This year, President George W. Bush is serving as Honorary Chair of the Great American Cleanup™.
- Community Pride Day activities will include litter pickup in rights-of-way, greenbelts, trails, parks, and open space sites throughout the City and District. This cleanup program fosters residents' commitment to a cleaner community and attracts volunteers from scout troops, homeowners associations, schools, COG groups, civic organizations, businesses, families, and church groups.
- The event will conclude at Westminster City Hall with a barbeque sponsored by the City of Westminster and Hyland Hills Park and Recreation District. Food, entertainment, music, door prizes, Westminster K-9 Unit demonstrations, and fire engine rides are featured at the barbeque.

Expenditure Required: \$ 3,000

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

Policy Issue

Community Pride Day has been held for many years with enthusiastic support of residents. City policy issues have not been encountered with this event.

Alternative

City Council could choose not to hold Community Pride Day in 2003. However, Staff still believes that this is a significant event that helps clean up the City and contributes to community pride.

Background Information

Community Pride Day was established several years ago in recognition of the Keep America Beautiful anti-litter campaign. This popular volunteer cleanup event has grown from a few hundred volunteers to over 1,200 volunteers in 2002.

On May 17, volunteers will begin cleaning up along designated routes at approximately 8 a.m. After completion of their cleanup, volunteers meet at Westminster City Hall to celebrate their hard work with food, entertainment, and prizes. The barbeque's entertainment includes music provided by the mobile DJ, Quality Mobile Sound, and demonstrations by the Westminster K-9 Unit. Hotdogs and hamburgers will be hot off the barbecue grill at City Hall, courtesy of the Westminster Rotary Club chefs, along with soda pop, chips, and dessert. Mayor Ed Moss will read the Community Pride Day proclamation and recognize sponsors. A representative from Hyland Hills Park and Recreation District will also speak to the volunteer group. During the barbecue, the Westminster Fire Department will offer safety demonstrations and antique fire engine rides. Volunteers from the Westminster Sunrise Lions Club and Westminster Youth Advisory Panel will help make the barbeque a success.

The Community Pride Day Committee, which is made up of volunteers from various City departments, Westminster Rotary, and Hyland Hills Park and Recreation District, has met several months to plan this event.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Keep America Beautiful, a national nonprofit organization, strives to empower individuals to take greater responsibility for enhancing their community environments, and therefore sponsors the Great American Cleanup; and

WHEREAS, The Cities of Westminster, Denver, Lakewood, Thornton, Northglenn, and Hyland Hills Park and Recreation District have joined together to mobilize citizens to take action in their communities and to support the nation's largest volunteer beautification and improvement project; and

WHEREAS, The goal of Community Pride Day is to bring together youth, government, businesses, families, neighborhoods, and community leaders to help clean up the City and Hyland Hills Park and Recreation District and share pride in our community; and

WHEREAS, Westminster and Hyland Hills Park and Recreation District have organized a cleanup program with sponsors from the community; and

WHEREAS, The caring citizen-volunteers of our communities are ready and willing to do their part to engage in cleanup activities and demonstrate their civic pride and individual responsibility,

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 17

Community Pride Day

in the City of Westminster and call upon all citizens and civic organizations to recognize and support the efforts of the volunteers and citizens who take pride in keeping Westminster and Hyland Hills Park and Recreation District clean places to live.

Signed this 14th day of April, 2003.

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003

Subject: Contract Award for Planning & Design Services Related to the South Westminster Transit Oriented Development Project



Prepared by: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action:

Authorize the City Manager to sign a contract with OTAK, Inc. in the amount of \$218,000 for planning, design and engineering services for the preparation of a redevelopment plan incorporating rail station and track engineering and design, drainage alternatives analysis for Little Dry Creek, land use, and site design and architectural renderings.

Summary Statement:

- The Regional Transportation District (RTD) and the Colorado Department of Transportation (CDOT), as part of the FasTracks transit project, have designated the construction of a commuter-rail station in south Westminster to be generally located somewhere between Federal Boulevard and Lowell Boulevard along the existing Burlington Northern and Santa Fe railroad tracks.
- RTD and CDOT will soon be proceeding with the environmental impact statement (EIS), which will make specific findings on design and engineering associated with the transit facilities including track, station platform, parking, and street crossings.
- Lowell Boulevard, 72nd Avenue and Bradburn Boulevard are designated within the U.S.36 major investment study (MIS) as grade-separated intersections. The related structures could have a profound visual and physical impact on the surrounding area possibly being counter to the City's revitalization and redevelopment interests. The study will look specifically at the feasibility of lowering the track to accommodate at-grade street crossings.
- RTD has extended an invitation to work with the City to collectively establish the design and engineering parameters to be used in the EIS.
- The commuter-rail station provides a significant opportunity to stimulate redevelopment activity in south Westminster. As such, the plan will guide future development to create a unique and inviting transit-supported community.
- The City received a supplemental brownfields grant from the U.S. Environmental Protection Agency (EPA). Per the signed cooperative agreement with EPA the City is authorized to use a significant portion of this grant towards preparation of a redevelopment concept plan for the area within which the commuter-rail station is to be located.
- Pursuant to EPA requirements, Staff issued a request-for-qualifications (RFQ) for planning and design services related to a transit-oriented redevelopment project. From 14 submittals, Staff selected and interviewed four teams from which OTAK, Inc. was selected to negotiate a final scope of work and contract.
- Staff has negotiated a scope of work at a cost of \$201,980 (not including reimbursable expenses) for consideration by City Council. This amount is substantially less than the initial estimate of \$376,520 submitted as part of the interview process by OTAK, Inc. The negotiated price is also considerably lower than those initially submitted by the three other interviewed teams.
- Funds are available in the Brownfields and General Fund Lowell Boulevard Bicycle Trail CIP account to cover the cost of these services.

Expenditure Required: \$218,000 (includes \$16,020 for reimbursable expenses)

Source of Funds: \$ 78,000 EPA Brownfields Grant

\$140,000 2002 CIP —Lowell Boulevard Bicycle Trail account

Policy Issues

The policy issue is whether or not the City should take a leadership role in preparing and marketing a redevelopment plan for the area around the prospective south Westminster commuter-rail transit station and provide visual and engineering guidance on the station and rail design, or defer to RTD and CDOT to direct land planning and design for the area.

Alternatives

1. Do not proceed with the TOD project and await completion of the EIS being conducted by RTD and CDOT prior to proceeding with redevelopment plans for the area. Staff recommends Council not pursue this alternative as the results of the EIS will be based on existing neighborhood conditions rather than a redevelopment “vision” for the area. As a result the design of the transit facilities may not be of optimal benefit to the south Westminster community.
2. Revise the scope of work to eliminate planning and engineering services related to the rail line and station design and defer such decisions to RTD and CDOT through the EIS process. Staff recommends that Council not pursue this alternative as the issues pertaining to the station and rail design work are of such community significance to warrant City guidance and control wherever possible. In addition, elimination of this item from the scope would result in relatively small savings.
3. Select another firm to perform the required services. Staff recommends this alternative not be considered as Otak, Inc. by far has the best expertise of the RFQ respondents to do the project. While Otak, Inc. was the highest initial bidder, all estimates were within a few thousand dollars of each other. By virtue of negotiating the scope of work, Staff believes the \$201,980 cost is an exceptional value for the level and quality of work to be produced.

Background Information

The south Westminster Transit Oriented Development (TOD) Project entails about 150 acres of vacant and redevelopable land bounded generally by 72nd and 68th Avenues on the north and south, and Federal and Lowell Boulevard on the east and west. About half of the area is currently located within the City of Westminster and the urban renewal area. The balance of the area is currently located in unincorporated Adams County. The Little Dry Creek and the identified commuter rail line run through the middle of the project area. A significant portion of the project area is currently undeveloped given the massive floodplain and the haphazard development associated with the area. Of the developed land, much of it is old, in substantial disrepair or underutilized. The prospective commuter-rail line and station provides a unique opportunity to reshape the fabric of the community and market the site to prospective developers.

As part of the FasTracks project, RTD has selected an engineering to provide the required Environmental Impact Statement (EIS). A major component of the EIS involves the engineering and design of the station, tracks, and associated improvements such as rail-crossings. This design element is of critical concern to City staff as the U.S.36 Major Investment Study (MIS) indicated that grade-separated interchanges are to be built at Lowell Boulevard, 72nd Avenue and Bradburn Boulevard. These three interchanges are all located within less than one-half mile. Given this extremely short distance, it is imperative that the grade-separation design is engineered in the most aesthetically appealing and cost effective manner. Accordingly, the study will specifically evaluate the feasibility of lowering the track as was done in downtown Littleton, Colorado. In addition, the MIS indicated that the station in south Westminster is to be a “walk-on, walk-off” facility with limited parking. Such a facility may not be conducive to the City’s redevelopment efforts in the surrounding area.

City staff believes the magnitude of these two major design elements alone warrants the City moving forward to protect its community and redevelopment interests by preparing a redevelopment plan to assist RTD and CDOT in planning for and designing their facilities. City staff is also concerned that without knowledge of future development potential CDOT and RTD could pursue a station design that may be of deficient size and design. Given the station should be designed to serve future levels of development and activity, it is essential that the City and the Westminster Economic Development Authority work collectively to establish future development potential, which in turn will assist RTD and CDOT in their design efforts.

Concurrent with the announcement of the prospective rail station in south Westminster, the City of Westminster was awarded a \$200,000 Supplemental Brownfield's grant by the Environmental Protection Agency (EPA). A cooperative agreement entered into between EPA and the City allows the City to use up to \$80,000 towards planning and design work focusing on redevelopment within the general area identified for the TOD project. The balance of the grant is to be used in conjunction with environmental sampling and assessment work. Pursuant to the awarding of the grant, the City was required to issue a request-for-qualifications relative to planning and environmental consulting services.

In October 2002, a request for qualifications was issued and fourteen consulting firms submitted statements of qualification. The qualifications were reviewed and the firms of Otak, Inc., IBI Group, Inc., Civitas, Inc., and Design Workshop, Inc. were selected to prepare proposals and interview with City staff. Each firm submitted a proposal with the following costs to perform the requested services:

Otak	\$406,520
Civitas	\$389,000
IBI Group	\$390,076
Design Workshop	\$385,000

The above noted costs included about \$100,000 of funding for Phase I and Phase II environmental work relative to the Supplemental Brownfields Grant. Given direction from the U.S. Environmental Protection Agency (EPA), environmental services requested by the City relative to this RFQ were removed from this scope of work and contract.

Based on interviews given to each of the prospective design teams, Staff ranked OTAK, Inc. as having the best knowledge and experience relative to TOD planning and design. Based in Portland, Oregon, with an office in Snowmass, Colorado, OTAK, Inc. has been instrumental in many of the transit projects in the western part of the United States, and keeps well informed on other major projects both nationally and internationally. In addition, OTAK, Inc. has been a developer on a number of TOD projects and has immediate and reputable access to other developers involved in TOD development. The team assembled by OTAK, Inc. is highly qualified relative to their respective duties and include:

- **Perspective 3** – A Denver-based urban design firm that has worked on multiple design projects in south Westminster as consultant to the City;
- **Van Meter Williams Pollack** – A Denver architecture and design firm focusing on TOD development plans and which was responsible for preparation of the City of Westminster Traditional Neighborhood Design Guidelines document;
- **Entranco, Inc.** – A Denver planning and engineering firm that is currently working on several streetscape projects in south Westminster as consultant to the City;
- **Development Research Partners** – A Lakewood-based marketing and economics firm focusing on redevelopment and Brownfield's projects. The firm did more recently complete a development feasibility and market study for redevelopment within south Westminster as a consultant to the City.
- **Weston Solutions, Inc.**—A Lakewood environmental services firm specializing in environmental assessment and remediation planning. Tony Curcio, project manager for environmental services has worked on the south Westminster Brownfield's project since the initial awarding of the grant by EPA in 1999.

Given the relatively high cost estimates submitted by all of the prospects, City staff entered into negotiations with Otak, Inc. to draft a scope of work incorporating essential elements to produce an effective product to direct RTD and CDOT design efforts and assist the City in recruiting redevelopment prospects. Through negotiation City staff was able to reduce the cost for Otak's services down to \$201,980, not including reimbursable expenses estimated at about \$16,000. The scope of services as negotiated includes the following:

- Engineering analysis and design work associated with improving the Little Dry Creek basin to improve water flows and better meet 100-year flood requirements;
- Engineering analysis and recommendation(s) related to the alignment and design of the tracks supporting the commuter-rail and freight-rail traffic. This study is to include recommendations relative to addressing the grade-separated crossings at the three critical street intersections of Lowell Boulevard, 72nd Avenue, and Bradburn Boulevard. The study will further look at options for other potential north-south street connections to support and interconnect development.
- Station location analysis and platform and "building" design. The analysis will also look at the functionality of the station relative to serving multi-modal transportation needs such as connecting buses and bicycle trail(s);
- Preparation of several land use alternatives to be tested for desirability, marketability, and ease of implementation. The alternatives would be used in preparation of a preferred development alternative.
- Conduct market assessment of plan alternatives to give direction in refining redevelopment strategy and formulate marketing strategy to development community.
- Preparation of parks and open space options and plans for the land along the Little Dry Creek to be blended with land use alternatives.
- Preparation of an urban design plan and criteria specifying design and architectural details to be pursued in relation to redevelopment activity.
- Preparation of illustrative redevelopment plan incorporating land use, urban design elements, multi-modal system, and streets and preliminary utility needs. The final illustrative plan will include several illustrative architectural renderings showing type of development envisioned for the area.

Of the proposed \$201,980 cost, approximately \$80,000 or 40% is associated with planning and engineering relative to the railroad track/street intersection design (i.e. track lowering or overpass), station alternatives analysis, and the Little Dry Creek drainage. The balance of the contract is directed towards planning and urban design.

Staff is recommending that project be funded with \$78,000 from the EPA Supplemental Brownfields Grant and \$140,000 from a 2002 CIP account that was intended as a local match for Federal funds to construct the Lowell Boulevard bicycle trail. The City chose to rescind acceptance of the trail grant given the excessive cost associated with constructing the trail to CDOT standards. In place of using CDOT funds to construct the Lowell Boulevard trail, staff is incorporating the bicycle trail design into the Lowell Boulevard Enhancement project now being funded by CDBG. As redevelopment and CDBG improvements are made to Lowell Boulevard, the bicycle trail will be completed.

Given City staff's success in dramatically reducing the cost for the required services and funding is available, it is recommended that Otak, Inc. be awarded the contract in the amount of \$218,000, including reimbursable expenses, to proceed with the TOD project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003



SUBJECT: Award of Brownfields Environmental Consulting Contract to Westons Solutions, Inc.

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Weston Solutions, Inc. for the purpose of providing environmental services related to the Brownfields Pilot Demonstration project in South Westminster.

Summary Statement

- The City of Westminster was awarded a \$200,000 grant in 1999 and designated a Brownfields Pilot community by the U.S. Environmental Protection Agency (EPA).
- In 2002, the City of Westminster was awarded and accepted a Supplemental Brownfield's grant from EPA in the amount of \$200,000 to secure consulting services related to planning, design and environmental assessment of property in proximity to Little Dry Creek.
- Given the environmental services are to be funded from the EPA Brownfields grant, the City was required to select a consultant based upon overall qualifications rather than a price bidding process.
- The City released a request-for-qualifications (RFQ) for consulting services related to environmental assessments, preparation of voluntary clean-up plans (VCUP), and coordination of environmental clean-up activities. The RFQ for environmental services was released in conjunction with an RFQ for planning and design services related to the south Westminster commuter-rail transit project.
- The City received statement of qualifications from 16 firms of which two firms were selected for interviews. Based on the interviews, Staff selected Weston Solutions, Inc. for further negotiation.
- The Weston Solutions, Inc project management team has extensive experience and knowledge of Westminster's Brownfield's Pilot project having been the individuals conducting the environmental assessment work as part of the Parsons Brinkerhoff team that received the initial Brownfields contract from the City. Parsons Brinkerhoff closed its environmental services unit in Denver in 2001.
- Staff has negotiated a contract for an amount not to exceed \$106,000 to conduct Phase II environmental assessments and prepare voluntary cleanup plans for submittal to the Colorado Department of Health and Environment. The focus of these assessments and plans will be the abandoned England Water Treatment Plant site, the City shops property at 72nd Avenue and Osceola Street (immediately west of the Bowles House), and private property on Little Dry Creek known as the Heffley property. Other privately owned properties will be assessed for environmental contaminants as funds permit.

Expenditure Required: Not to exceed \$106,000

Source of Funds: 2002 EPA Supplemental Brownfields Grant

Policy Issue

Should the City proceed with further environmental assessment work and preparation of cleanup plans prior to redevelopment activity, or should the City provide such assistance only at such time a prospective developer approaches the City to improve contaminated property?

Alternatives

1. The City Council may choose not to accept the contract as proposed and direct Staff to negotiate additional changes with Weston Solutions, Inc. Such an action would delay the start of the project thereby placing the City in conflict with the EPA's interest in moving forward and expending the grant proceeds quickly.
2. The City Council could choose to reject Weston Solutions, Inc. as the preferred provider and instruct Staff to initiate a new RFP process to select a new provider. Such an action is not recommended as staff feels Weston's proposal provides the best level of benefit given their overwhelming knowledge and experience relative to the City's Brownfields project.

Background Information

On August 24, 1999, the City of Westminster was awarded, over a two year period, a \$200,000 Brownfields Pilot Project grant from the United States Environmental Protection Agency (EPA). This grant was to be used in conducting environmental assessment of properties and promote redevelopment activity. The City completed work related to the initial Brownfields Pilot Grant in 2002. In the Fall 2002, the City was awarded an additional \$200,000 in the form of an EPA Supplemental Brownfields grant to continue work relative to the pilot project. An approved cooperative agreement between the City and EPA stipulates that the funds are to be used towards providing redevelopment planning and design, economic development promotion, and environmental assessment and mitigation planning for property along Little Dry Creek in south Westminster.

In accordance with this agreement, staff prepared an RFQ for consulting services pertaining to the following disciplines:

- Land use planning and urban design related to transit-related redevelopment; and,
- Environmental services including environmental assessments, preparation of voluntary clean-up plans (VCUP), and coordination of environmental clean-up activities.

Interested firms were invited to submit statement of qualifications relative to one or both of the discipline areas. The City received a total of 16 statements of qualifications from qualified environmental firms. Upon review of the submittals, a selection team comprised of Tony Chacon, South Westminster Revitalization Projects Coordinator, Rachel Harlow-Schalk, Environmental Compliance Coordinator, and Vicky Bunsen, Assistant City Attorney selected two firms for interviews, from which Weston Solutions, Inc. was recommended for contract negotiations. The Staff recommendation is based on the project team Weston proposed to work on the project. The project team is extremely knowledgeable about the City's Brownfields project as two of the members previously led the project as part of the Parsons Brinkerhoff team that held the original City Brownfields contract. Parsons Brinkerhoff, the original contractor to the Brownfields project did not submit a statement of qualifications having closed the environmental services unit of the Denver office.

Based on the proposed project team's extensive experience and knowledge of the City project, Staff recommends Weston Solutions, Inc. be awarded the contract for environmental services for an amount not to exceed \$106,000.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003



Subject: Construction of Reclaimed Waterline Extension for Park Center

Prepared by: Diane M. Phillips, Capital Improvement Projects Coordinator
Richard Clark, Utilities Manager
Kipp Scott, Water Quality Administrator

Recommended City Council Action

Authorize the City Manager to execute a contract with Imprimus Corporation for a sum not to exceed \$75,000 and a 10% contingency of \$7,500 for the construction of 900 feet of reclaimed main to serve the west side of Pecos in the Park Center development with reclaimed water.

Summary Statement

- In order to fully utilize the Reclaimed Water Treatment system to its full capacity, waterlines need to be extended to applicable reclaimed customer locations.
- Martin/Martin Consulting Engineers was retained to design three extensions to the reclaimed mains. The Park Center project is one of the three.
- The landscaping for the Imprimus and DeVry project and right-of-way was completed in late 2002. The project developer has asked to perform the construction on a portion of the reclaimed line that will impact the landscaping that was recently completed and remains under warranty.
- Imprimus will solicit competitive bids for this project. The City will be allowed to consult in the selection of the contractor and will reimburse Imprimus for the installation of the reclaim water main.
- This methodology will allow use of reclaimed water for irrigation during 2003.
- Funds for this project are available in the Utility Fund Capital Improvement Budget.
- Other components of the project outside of Imprimus landscaped and warranted right-of-way will be competitively bid by the City of Westminster and built concurrently.

Expenditure Required: \$75,000 with a 10% project contingency of \$7,500

Source of Funds: Utility Fund Capital Improvement Budget

Policy Issue

Should the City reimburse a developer for the extension of a reclaimed water line?

Alternative

The City could choose to not enter into an agreement with Imprimus and choose to bid the complete project for extension of the reclaimed water lines to this area. This will not address the landscaping issues that will arise if the project does not move forward.

Background Information

In order to fully utilize the capacity in the Reclaimed Water Treatment Facility (currently 6 million gallons per day (MGD)) reclaimed waterlines will need to be extended to potential customers.

Three projects are in the final stages of design by the City of Westminster, which include:

- Bradburn subdivision: Sheridan east from 116th Avenue and north to 120th Avenue.
- Federal north from 112th Avenue to Stratford Lakes Park and the Ranch Reserve (approximately 12 acres).
- Park Center Commercial Center: Pecos west and east along 121st Street. This extension will provide reclaimed water to current commercial property including the DeVry project (approximately 40 acres current plus 33 acres future).

Since beginning the design of these three reclaimed main extensions, the City has been contacted by the developers at the Park Center and Bradburn developments requesting to work with the City of Westminster on these projects due to the timing of the installation of other utilities, warranty issues on recently installed landscaping, and a genuine desire to be on the reclaimed system as soon as possible.

City of Westminster Staff have evaluated options for both projects and believe it is in the best interest to allow the developer of the Park Center project to install the portion of water line that could impact the right-of-way landscaping. This portion begins approximately 100 feet west of Pecos on the south side of 121st Street. It continues west approximately 200 feet, crosses 121st Street north and then continues approximately 600 feet west along the north side of 121st Street (see attached map). The developer will competitively bid the work and will select the contractor that can provide the work in the most economical and efficient manner. The City of Westminster will competitively bid the remainder of the project that includes connecting to the high pressure reclaimed line in Pecos Street and installing vaults for pressure reduction and flow monitoring.

The City of Westminster has received an engineering cost estimate for this portion of the project from the design firm Martin/Martin that is designing the reclaimed line extensions. That construction cost estimate is \$74,483.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003



SUBJECT: Second Reading of Councillor's Bill No. 15 re Sign Code Revision for Gasoline Pricing Signs

PREPARED BY: Terri Hamilton, Planner III

Recommended City Council Action:

Pass Councillor's Bill No. 15 on second reading regarding revisions to the Sign Code for gasoline pricing signs.

Summary Statement

Two revisions are proposed to the existing Sign Code to address gasoline pricing signs. The revisions are as follows:

- A definition for a gasoline pricing sign is proposed for the definition portion of the Sign Code.
- Gasoline signs are proposed to be an excepted type of sign from the existing description of prohibited signs.
- This Councillor's Bill was passed on first reading on March 24, 2003.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **15**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE AMENDING THE SIGN CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2 of Title 11, Chapter 11, W.M.C., is hereby amended BY THE ADDITION OF A NEW DEFINITION, to be placed alphabetically, to read as follows:

11-11-2: DEFINITIONS:

GASOLINE PRICING SIGN – A SIGN DISPLAYING ONLY THE PRICES OF GASOLINE WHICH SIGN USES ONLY INTERNAL SCROLLING OR MAGNETIC MECHANISMS, DOES NOT CONTAIN A LIGHT EMITTING DIODE (LED), AND WHOSE MESSAGE DOES NOT CHANGE MORE OFTEN THAN TWICE IN A TWENTY-FOUR (24) HOUR PERIOD.

Section 2. Subsection (C) of Title 11, Chapter 11, Section 5, W.M.C., is hereby amended to read as follows:

11-11-5: PROHIBITED SIGNS:

(C) Signs with visible moving, revolving, or rotating parts or visible mechanical movement or any description or other apparent visible movement achieved by electrical, electronic or mechanical means, and all animated and electronically activated changeable signs as defined in Section 11-11-2 except for time temperature date signs, traditional barber poles, gauges and dials that may be animated to the extent necessary to display correct measurement, ~~and~~ menu board order confirmation signs, AND GASOLINE PRICING SIGNS AT FUELING FACILITIES. AN EXCEPTION TO THIS SUBSECTION (C) MUST COMPLY WITH ALL OTHER REGULATIONS OF THIS CHAPTER SUCH AS SIZE AND PLACEMENT REGULATIONS.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this ____ day of _____, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of _____, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003

SUBJECT: Resolution No. 14 re 2003 Special City Election

PREPARED BY: Steve Smithers, Assistant City Manager
Martin R. McCullough, City Attorney

Recommended City Council Action:

Adopt Resolution No. 14 setting the date of July 8, 2003 for a special election and to establish the ballot language for the proposed City charter amendment modifying City Councillor term limits.

Summary Statement

- At the March 17th City Council meeting, Council voted to place a term limits question on the ballot at a special election in the summer of 2003.
- At the March 24th post-meeting City Council directed staff to bring back for official action proposed language and a date to put the issue of City Councillor term limit modification before the Westminster voters at a special election.
- Staff is recommending that the date of July 8, 2003 be set for the special election.
- The proposed ballot language for the City charter amendment is as follows:

Shall section 3.2 of the City Charter be amended by the addition of the following new subsection:

(f) No City Councillor shall serve more than two (2) consecutive terms of office except that any City Councillor with six (6) years or less of consecutive service as an elected City Councillor may serve an additional term of office.

- Staff is seeking City Council action to set the date for the special election and finalize the language for the ballot question.

Expenditure Required: \$30,000 to \$40,000

Source of Funds: General Fund

Policy Issues

Should the City proceed with setting the date for a special election and finalizing the language for a charter amendment to be placed before Westminster voters that would modify term limitations for Westminster City Councillors?

Alternatives

1. City Council could decide to select another date for the special election.
2. City Council could decide to alter the language of the proposed ballot issue.
3. City Council could decide to not proceed with the special election.

Background Information

In 1994 Colorado voters approved a constitutional amendment that limited state and local elected officials' terms of office. This amendment became effective in 1995. The Term Limits amendment provides that no local elected official may serve more than two consecutive terms of office except that for term of office that are two years or shorter, no elected official may serve more than three consecutive terms of office. In addition, the amendment sets forth a provision for state and local voters to partially or fully opt out of term limits.

Westminster's current City Council members were elected under City Charter provisions that provided for two and four year terms of office. This has created a situation where some Council members could potentially be term limited after six years in office.

City Council directed staff to bring back a proposed date and proposed ballot language for City Council Action. The July 8th date is the date Staff believes works best when taking into consideration the requirement in state statute to hold the special election no sooner than 90 days after the City polling places have been established. City Council established these polling places at its March 24th meeting. The proposed language reflects the direction City Council provided to Staff on this issue.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **14**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

A RESOLUTION

CALLING A SPECIAL ELECTION ON TUESDAY, JULY 8, 2003, TO CONSIDER A PROPOSED AMENDMENT TO SECTION 3.2 OF THE CITY CHARTER CONCERNING ELECTIVE OFFICERS AND TERMS OF OFFICE

WHEREAS, the City Council has determined that the proposed amendment to the Charter of the City of Westminster as set forth below shall be submitted to a vote of the City's registered electors at a special election to be held on July 8, 2003; and

WHEREAS, section 3.5 of the City Charter provides that special City elections may be held when called by resolution of Council at least forty (40) days in advance of such election, or when otherwise required by the Charter or statute; and

WHEREAS, Colorado Constitution Article XVIII, section 11, provides that the voters of any political subdivision may lengthen, shorten, or eliminate the limitations on terms of office imposed by section 11 of Article XVIII of the Colorado Constitution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. A special election shall be held on Tuesday, July 8, 2003, for the purpose of obtaining the vote of the registered electors of the City on the following question:

Shall section 3.2 of the City Charter be amended by the addition of the following new subsection:

(f) No City Councillor shall serve more than two (2) consecutive terms of office, except that any City Councillor with six (6) years or less of consecutive service as an elected City Councillor may serve an additional term of office.

2. The special City election to be held on July 8, 2003, shall be a polling place election conducted according to the provisions of the Colorado Municipal Election Code of 1965, the Uniform Election Code of 1992, the City Charter, and all applicable ordinances and code provisions of the City.

3. The City Clerk is hereby directed to take such actions as may be required or permitted by law in connection with said election.

4. If any section, paragraph, clause, or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

5. All acts, orders, resolutions and parts thereof inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order, resolution, or part thereof heretofore repealed.

PASSED AND ADOPTED this 14th day of April, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2003

SUBJECT: Resolution No. 15 re Supplemental Compensation for Employees Serving in Active Military Duty in Operation Iraqi Freedom

Prepared By: Debbie Mitchell, Human Resources Manager

Recommended City Council Action

Adopt Resolution No. 15 which extends pay and benefits to those City employees who have been or will be called into active military duty in connection with the military operation Iraqi Freedom for a period of up to twelve months per employee.

Summary Statement

- City Council is requested to approve the attached resolution that extends pay and benefits to those City employees who have been or may be called to active military duty in the military operation, Iraqi Freedom.
- The Uniform Services Employment and Reemployment Act of 1994 (USERRA) requires employers to safeguard the position and status of any employee called to active military duty. This is a requirement for up to a five-year period.
- USERRA requires employers to provide both unpaid leave and the option for employee-paid continuation of medical and dental benefits.
- City Personnel Policies and Rules reflect the requirements of the USERRA law.
- City Council previously approved supplementary pay and the continuation of the City-paid portion of City benefits to employees called into active duty during Operation Enduring Freedom on March 25, 2002 for a period of up to twelve months per employee.
- The City currently has three individuals who are serving in active military duty for the operation Iraqi Freedom military initiative. There is the potential for an additional six employees to be called into service during this conflict.

Expenditure Required: \$10,000 to \$120,000 - For twelve months of supplemental pay and benefits, depending on a number of factors described in this report.

Source of Funds: General Fund

Policy Issue

Should the City extend an enhanced pay and benefit package beyond what is required by Federal law to employees called into active military service for the Iraqi Freedom Operation?

Alternatives

1. Do not extend compensation beyond what is required to be in compliance with Federal law. This is a viable option but does not address the potential ongoing hardship employees may experience with reduced compensation and benefits while serving in active duty for the military.
2. Provide the extension of an enhanced pay and benefit package to employees for the entire time they are serving in an active military duty status. The twelve-month recommended period would provide additional support to employees as they adjust to the difference in compensation and benefits. If this alternative is adopted the cost of the package may increase significantly, since the maximum active duty time is five years. The City may also need to absorb military replacement position costs during the Iraqi Freedom operation, if these employees remain in military service for an extended timeframe.

Background Information

The Uniform Services Employment and Reemployment Act of 1994 (USERRA) requires employers who have employees who are military reservists and have been called to active military duty to safeguard the position and status of employees during the time they are in active duty. The Act does not require any compensation but does require that employees be given a continuation of benefits option for the employee and their family, at a cost of up to 102% of the total health insurance premium. City Personnel Policies and Rules provide the same active duty leave and benefits as outlined in the USERRA law. The Act also provides for reinstatement of the employee into the same position or, in cases of longer-term absences, it requires that the employee be returned to a similar position with like status and pay.

City Council is requested to approve salary and benefits for employees required to report to active military service for the Iraqi Freedom operation for a twelve-month period per employee. These enhanced pay and benefits consist of:

- Continuation of employer-paid medical and dental City benefits for the employee and his/her family at the same premium contribution rates as other regular employees. Long-term disability, life and survivors' income benefit are only available to active military duty individuals for up to 90 days. This is a limitation set forth in the insurance policies.
- Payment of the difference between City compensation the employee would have earned as compared with the military pay being earned by the employee in those cases where the military pay is lower.

Staff recommends these additional benefits be offered to all active military duty personnel for a twelve-month period per employee or until active military service is ended, whichever is sooner. The twelve-month maximum period would provide financial support to military personnel during the period of transition to active military service while limiting the City's financial liability to a reasonable timeframe. The City currently has three employees serving in an active duty capacity and six others who are either active reservists or recently active military personnel who may be recalled into active service. The potential maximum cost to the City for the enhanced pay and benefits, assuming all nine employees are called into service, is approximately \$120,000, although it is very likely that the cost of the extended compensation would be this high.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **15**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

Military Leave Benefits

WHEREAS, the President of the United States has ordered a military operation in Iraq under the name Iraqi Freedom on March 19, 2003; and

WHEREAS, this campaign is still ongoing; and

WHEREAS, City employees have already been called up to serve in the Iraqi Freedom operation and more employees may be called to active military duty; and

WHEREAS, these employees and their families are sustaining the burden of the war effort as well as financial difficulties created by this emergency military duty; and

WHEREAS, the City believes that its employees are its greatest asset, and wishes to support them and their families in this time of strife.

NOW, THEREFORE, be it resolved that the City Council of Westminster, does extend the following salary and benefits to employees who, as members of the National Guard or a reserve component of the Armed Forces of the United States, have been called up for active military duty in the Iraqi Freedom operation:

- (1) The City shall extend military leave compensation for up to twelve months per employee while in active military duty, by paying the difference between the employee's military duty pay and the City salary when the compensation from the military is lower;
- (2) The City shall continue the normal City portion of the cost of fringe benefits for up to twelve (12) months per employee for medical, dental and pension benefits, and 90 days for Long-term Disability, Life Insurance, and Survivors' Income benefits.

Passed and adopted this 14th day of April, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
April 14, 2003



SUBJECT: Intergovernmental Agreement with the Westminster Economic Development Authority

Prepared By: Mary Ann Parrot, Finance Director
Alan Miller, Special Projects Director

Recommended City Council Action:

Authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) agreeing to advance funds to WEDA for the purpose of making developer payments in compliance with the Annexation and Preliminary Development Agreement with Westfield Development Company, Inc., in furtherance of the development of Mandalay Gardens.

Summary Statement

- The City of Westminster (City) and the Westminster Economic Development Authority (WEDA) have been engaged in activities to redevelop the Mandalay Gardens area. Actions taken to-date include:
 - On December 16, 2002, the City and WEDA approved an Annexation and Preliminary Development Agreement with Westfield Development Company, Inc. The terms of the agreement stipulate that WEDA will reimburse Westfield for preliminary development costs incurred if they are not selected as the preferred developer for Mandalay Gardens. These costs are primarily design and engineering costs incurred in moving the development forward.
 - On December 23, 2002 the City Council approved the annexation of Mandalay Gardens to Westminster.
 - On March 17, 2003 the City Council approved an Urban Renewal Plan for Mandalay Gardens under the Colorado Urban Renewal Law.
 - On March 24, 2003, the City Council approved an Intergovernmental Agreement with WEDA to advance funds to purchase the Sup-Cal property in compliance with the terms of a Purchase and Sale Agreement with Suppa Properties LLC (“Suppa”) and Sup-Cal Development LLS (“Sup-Cal”).
- Staff is recommending, in separate action, that City Council and WEDA approve the selection of CDC-RED as the Preferred Developer for Mandalay Gardens. If City Council approves this action, it is important to transfer the existing work products (drawings, engineering studies, etc.) from Westfield to CDC-RED. In order to do this, Westfield must be compensated for their work to date, in compliance with the Annexation and Preliminary Development Agreement.
- The total costs to be reimbursed to Westfield include the following:
 - \$325,000 for assignment of all of Westfield’s rights under letters of intent, agreements, commitment letters or any other document pertaining to the Target Superstore, and all appraisals, engineering reports and plans, surveys, environmental reports and other data pertaining to the project and other properties.
 - \$325,000 for assignments of land contracts negotiated by Westfield for parcels to be purchased in the area to be developed.
 - \$350,000 for work accomplished by Westfield in conjunction with Target’s acquisition of the property for their superstore in the area to be developed.

- At this time WEDA does not have cash to make the payments. The first payment of \$325,000 is necessary for the transfer of the engineering and appraisal work to CDC-RED. Staff is recommending the City advance funds to WEDA to permit it to make these payments. This cash would come from and is available in the General Capital Improvement Fund.
- WEDA anticipates issuing Tax Increment Financing before December 31, 2003 to fund land acquisition and infrastructure improvements for the Mandalay Gardens project. Under the terms of the attached IGA, WEDA will use a portion of the bond proceeds to repay the City for its advance.

Expenditure Required: not to exceed \$1,000,000 (to be reimbursed by WEDA)

Source of Funds: General Capital Improvement Fund

Policy Issues

Is the City willing to advance to WEDA \$1,000,000 for WEDA to use to pay Westfield Development Company, Inc., for their work on the Mandalay Gardens Town Center, subject to the agreement with WEDA that it repay the City from the proceeds of its issuance of debt before year end 2003?

Alternatives

Do not enter into an Intergovernmental Agreement with WEDA to advance WEDA the funds to make the payments to Westfield. This is not recommended: if this payment is not made, the project will not move forward.

Background Information

On December 16, 2002, the City and the Board of the Westminster Economic Development Authority authorized the execution of an Annexation and Preliminary Development Agreement with Westfield Development regarding the Mandalay Gardens Subdivision. This intent of this agreement was, in part, to allow the project to proceed vis-à-vis property acquisition and site engineering, concurrent with the search for a developer for the project. The City and Westfield had negotiated an agreement, which would allow Westfield to continue to work to acquire the parcels, and to commence engineering work necessary for site work to be done in the future. Westfield desired to continue with this work, knowing the process for the search for a developer was a competitive search. In addition, if Westfield was not selected as the Preferred Developer, it was the desire of the City, WEDA and Westfield that Westfield be fairly compensated for their work.

WEDA does not have sufficient cash on hand to make the payments to the developers required by the Annexation and Preliminary Development Agreement. Therefore, the Authority must obtain funds from another source to make the payments. The City has cash that can be advanced to WEDA on a short-term basis to permit the Authority to make the developer payments. Cash is available in the General Capital Improvement Fund and could be advanced to WEDA without in any way impairing Capital Improvement projects.

WEDA anticipates issuing debt before December 31, 2003 to fund the purchase of land in the Mandalay Gardens project area and to finance the costs of infrastructure improvements in the area that are necessary to support development. It is WEDA's intent to use part of the proceeds from this debt issuance to repay the City the amount borrowed from the City to make these developer payments.

SUBJECT: IGA with the Westminster Economic Development Authority

Page 3

The Intergovernmental Agreement attached formalizes the agreement between the City and WEDA whereby the City will advance funds to WEDA and WEDA will repay the amount advanced by December 31, 2003.

Staff will attend the April 14 City Council meeting to answer City Council questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WESTMINSTER
AND THE WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2003, by and between **THE CITY OF WESTMINSTER**, a home-rule municipal corporation ("City") and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY** ("Authority").

WHEREAS, the City is a Colorado home-rule municipality with all the powers and authority granted pursuant to Article XX of the Colorado Constitution and its City Charter; and

WHEREAS, the Authority is a Colorado urban renewal authority, with all the powers and authority granted to it pursuant to part 1 of Article XXV of Title 31, Colorado Revised Statutes; and

WHEREAS, pursuant to Article XIV of the Colorado Constitution, and part 2 of Article I of Title 29, Colorado Revised Statutes, the City and the Authority are authorized to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each governmental entity; and

WHEREAS, pursuant to section 31-25-112 of the Colorado Urban Renewal Law, the City is specifically authorized to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of the Authority, and to enter into agreements with the Authority respecting such actions to be taken by the City; and

WHEREAS, the City and WEDA are parties to a certain Agreement of Cooperation dated November 11, 1991, and a "1997 Cooperation Agreement" dated December 15, 1997, concerning the redevelopment of the Westminster Plaza Urban Renewal Area, as well as future redevelopment projects (the "Cooperation Agreements"); and

WHEREAS, the "Mandalay Gardens Area" is approximately 65 acres of property located at approximately the northwest corner of the intersection of US Highway 36 and Church Ranch Boulevard in the City of Westminster; and

WHEREAS, on March 17, 2003, the Westminster City Council adopted an Urban Renewal Plan for the Mandalay Gardens Area pursuant to the Colorado Urban Renewal Law; and

WHEREAS, the City and the Authority are parties to that certain Annexation and Preliminary Development Agreement with Westfield Development Company, Inc., a Colorado corporation, dated December 16, 2002 (the "Westfield Development Agreement"), for the payment of certain amounts to Westfield Development Company, if they should not be chosen as the preferred developer for Mandalay Gardens Area; and

WHEREAS, the City and the Authority now wish to supplement the Cooperation Agreements with this Agreement to set forth their respective obligations to the other concerning payments due under the Annexation and Preliminary Development Agreement;

NOW, therefore, the parties agree as follows:

1. The City agrees to provide the estimated \$1,000,000 in funds necessary to complete the payments to Westfield Development Company, Inc., under the terms of the Annexation and Preliminary Development Agreement between the City, WEDA and Westfield Development Company, Inc.

2. The Authority agrees to repay the City the funds provided to the Authority pursuant to paragraph 1 above not later than December 31, 2003. The Authority shall hold such funds in an interest-bearing account and shall be responsible for making the payments when due pursuant to the Westfield Development Agreement; however, the repayment to the City shall be without interest.
3. Nothing herein shall be deemed or construed as modifying the Cooperation Agreements except as specifically set forth herein.

CITY OF WESTMINSTER

**WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY**

By: _____
Ed Moss, Mayor

Ed Moss, Chairman

Attest:

Attest:

Michele Kelley, City Clerk

Secretary

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, April 14, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent none.

The minutes of the March 24, 2003 meeting were approved.

Council listened to a presentation by Adams County School District 50 Students re Close Up Government Program;

Council presented the following: Proclamation re Just Say No Week; Proclamation re Arbor/Earth Day/Tree City USA; and Proclamation re Community Pride Day

Council approved the following: Contract Award re South Westminster Transit Oriented Development Project; Approval of Brownfields Environmental Consulting Contract to Westons Solutions, Inc.; Construction of Reclaimed Waterline Extension for Park Center; and Intergovernmental Agreement with Westminster Economic Development Authority re Mandalay Gardens Project

The following Councillor's Bill was adopted on second reading:
A BILL FOR AN ORDINANCE AMENDING THE SIGN CODE

The following Resolution was adopted:
Resolution No. 15 re Supplemental Compensation for Active Military Duty in Iraqi Freedom

The following Resolution failed:
Resolution No. 14 re 2003 Special City Election

At 9:35 P.M. the meeting was adjourned

By order of the Westminster City Council
Michele Kelley, CMC, City Clerk
Published in the Westminster Window on April 24, 2003

BY AUTHORITY

ORDINANCE NO. **3018**

COUNCILLOR'S BILL NO. **15**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Atchison-Dixon

A BILL
FOR AN ORDINANCE AMENDING THE SIGN CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2 of Title 11, Chapter 11, W.M.C., is hereby amended BY THE ADDITION OF A NEW DEFINITION, to be placed alphabetically, to read as follows:

11-11-2: DEFINITIONS:

GASOLINE PRICING SIGN – A SIGN DISPLAYING ONLY THE PRICES OF GASOLINE WHICH SIGN USES ONLY INTERNAL SCROLLING OR MAGNETIC MECHANISMS, DOES NOT CONTAIN A LIGHT EMITTING DIODE (LED), AND WHOSE MESSAGE DOES NOT CHANGE MORE OFTEN THAN TWICE IN A TWENTY-FOUR (24) HOUR PERIOD.

Section 2. Subsection (C) of Title 11, Chapter 11, Section 5, W.M.C., is hereby amended to read as follows:

11-11-5: PROHIBITED SIGNS:

(C) Signs with visible moving, revolving, or rotating parts or visible mechanical movement or any description or other apparent visible movement achieved by electrical, electronic or mechanical means, and all animated and electronically activated changeable signs as defined in Section 11-11-2 except for time temperature date signs, traditional barber poles, gauges and dials that may be animated to the extent necessary to display correct measurement, ~~and~~ menu board order confirmation signs, AND GASOLINE PRICING SIGNS AT FUELING FACILITIES. AN EXCEPTION TO THIS SUBSECTION (C) MUST COMPLY WITH ALL OTHER REGULATIONS OF THIS CHAPTER SUCH AS SIZE AND PLACEMENT REGULATIONS.

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

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

Introduced and passed on first reading this 24th day of March, 2003. Passed and adopted on second reading this 14th day of April, 2003.