



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 (Section 7) and Citizen Presentations (Section 12) are 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 except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Elks' Citizen of the Year Proclamation
 - B. National Public Safety Telecommunicators Week Proclamation
 - C. National Crime Victims' Rights Week Proclamation
 - D. Arbor Day / Earth Day / Tree City USA Proclamation
 - E. Community Pride Day Proclamation
 - F. Child Abuse Prevention Month 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. 2008 Pavement Rehabilitation Project Bid
 - B. Date Change re Second City Council Meeting in May
 - C. Median Maintenance and Right-of-Way Spraying Contract
 - D. Amended IGA with the UDFCD and Broomfield for City Park Channel Design and Construction
 - E. Second Reading Councillor's Bill No. 12 re CLUP Amendment re Axis Development
 - F. Second Reading Councillor's Bill No. 13 re Annexation of Wadsworth Crossing
 - G. Second Reading Councillor's Bill No. 14 re CLUP Amendment re Wadsworth Crossing
 - H. Second Reading Councillor's Bill No. 15 re Zoning the Wadsworth Crossing Property PUD
 - I. Second Reading Councillor's Bill No. 16 re EDA for Orchard View and Centura Health Project
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 17 re Economic Development Agreement with Sprouts Farmers Markets, LLC
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
 - B. Executive Session – Obtain Direction from City Council re Proposed Economic Development Agreement with Atrato, Inc. pursuant to WMC 1-11-3(C)(4), WMC 1-11-3 (C) (7) and CRS 24-6-402(4)(e)
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 14, 2008 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro Tem Dittman and Councillors Briggs, Kaiser, Lindsey, Major, and Winter were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Dittman, to approve the minutes of the regular meeting of March 31, 2008, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall announced that on May 10 over 1,000 volunteers would participate in Pride Day by picking up trash on public property, rights-of-way, and trails, concluding with a barbecue lunch in the City Hall Courtyard. This annual event was a great way to get involved and to meet other residents who had pride in the place they lived. There were plenty of jobs for more volunteers, and interested citizens should contact Patti Wright for an assignment. Further, at the conclusion of this meeting Council would convene an executive session to give staff direction regarding a proposed Economic Development Agreement with Atrato, Inc.

CITY COUNCIL COMMENTS

Councillor Briggs reported that during the past week the City had celebrated the ten year anniversary of College Hill Library, the Mayor had represented the community at the Metro Mayors' Roundtable, and Council had met with members of the City's Boards and Commissions to talk about planning for the future. He invited those interested in contributing to the preparation of a Westminster history book to join him at an organizational meeting on April 26 in the former Union High School building.

Councillor Winter reported that the Youth Advisory Panel recently received the "Great Kids Building Great Communities" award during the Governor's Celebration. The award recognized the group's fundraising activities to generate scholarships so that all youth, regardless of income, would have access to the City's recreation programs. She congratulated the group's coordinator, Cindy McDonald. Councillor Winter had attended the first performance at the City's new Gaslight Theater. The production had been great entertainment and she encouraged others to take advantage of the City's newest performing arts facility.

Councillor Lindsey reported that, despite a snowstorm, the Mayor/Council Breakfast had been a success with many people attending and lots of informative discussion.

Mayor McNally had attended the Metro Mayors and Commissioners Youth Awards in addition to the College Hill Library tenth anniversary celebration. Two students selected by the Westminster City Council had advanced to the final competition. They and their families enjoyed lunch at the Pepsi Center, a great speaker, and a wonderful event where they were recognized. Mayor McNally urged the public to attend the April 21 study session when Council would meet with Representative Benefield and a member of the Blue Ribbon Panel to discuss US 36 and transportation issues.

PRESENTATION

The Mayor and City Council joined to read a proclamation honoring Nancy Peters, the Elks' Citizen of the Year. Also present were officials of the Westminster Elks, who reenacted presentation of the award that had been presented at the Club on March 18.

Councillor Briggs presented to Russ Bowers, Public Safety Communications Administrator, and a delegation of communication specialists and supervisors from the Emergency Center a proclamation declaring the week of April 13, 2008, National Public Safety Telecommunicators Week.

Mayor Pro Tem Dittman read a proclamation declaring the week of April 14, 2008, National Crime Victims' Rights Week. He presented the proclamation to Barb Lamanna, Victim Services Coordinator, and several victim services volunteers.

Councillor Lindsey proclaimed April 19, 2008, to be Arbor Day and Earth Day. She presented the proclamation to City Forester Rob Davis and Environmental Analyst Carey Rangel. Keith Wood, Colorado State Forester, presented the Tree City USA Award and the Growth Award to Councillor Lindsey. He thanked the City for continued support of the community forestry program, noting that this was the City's 23rd consecutive Tree City USA award and its 14th consecutive Growth Award.

Councillor Major proclaimed May 10, 2008, to be Community Pride Day. He presented the proclamation to Open Space Volunteer Coordinator Patti Wright, who invited citizens to volunteer in the City's "spring cleaning" on May 10.

Councillor Kaiser read a proclamation declaring April to be Child Abuse Prevention Month. Present to accept was Kristy Martinez of CASA (Court Appointed Special Advocates) of Adams and Broomfield Counties.

CITIZEN COMMUNICATION

Becky Hogan of EDge Consulting Services and Brian Levitt, President of Hampton Development, spoke in support of Councillor's Bill No. 17 authorizing an Economic Development Agreement with Sprouts Farmers Markets, LLC, which would be considered later in the meeting.

Doug Sanders, Senior Vice President and Chief Operating Officer of Sprouts Farmers Markets, LLC, appreciated Council's pending consideration of a proposed Economic Development Agreement that would assist with cost of tenant improvements needed to prepare existing vacant space in the Sheridan Crossing Shopping Center for a new Sprouts Farmers Market. The company looked forward to serving the community for years to come.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authorize the City Manager to execute a contract for 2008 with options for two additional one-year renewals in 2009 and 2010 for the Pavement Rehabilitation Project with Asphalt Specialties Company, Inc., the low bidder, in the amount of \$594,974 and authorize a 5% contingency of \$29,700; change the date of the regularly scheduled City Council meeting of May 26 (Memorial Day) to May 19; authorize the City Manager to execute a \$93,071 contract for median maintenance and right-of-way spraying with options for two additional one-year renewals in 2009 and 2010 with Urban Farmer, Inc., the low bidder; authorize the City Manager to execute an amended intergovernmental agreement with the Urban Drainage and Flood Control District and the City and County of Broomfield relating to the design and construction of City Park Channel; passage of Councillor's Bill No. 12 on second reading to approve the Comprehensive Land Use Plan amendment for the Axis Development by changing the designation from Business Park to District Center; passage of Councillor's Bill No. 13 on second reading to annex the Wadsworth Crossing property; passage of Councillor's Bill No. 14 on second reading to amend the Comprehensive Land Use Plan for the Wadsworth Crossing property by changing the designation from Northeast

Comprehensive Development Plan to Retail Commercial; passage of Councillor's Bill No. 15 on second reading to zone the Wadsworth Crossing property to Planned Unit Development; and passage of Councillor's Bill No. 16 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement between the City, Westminster Economic Development Authority, Centura Health Corporation and AZG Westminster, LLC.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request.

It was moved by Councillor Major, seconded by Councillor Kaiser, to approve the consent agenda, as presented. The motion passed unanimously.

COUNCILLOR'S BILL NO. 17 RE SPROUTS FARMERS MARKETS, LLC EDA

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Lindsey, the Council voted unanimously at roll call to pass Councillor's Bill No. 17 authorizing the City Manager to execute and implement an Economic Development Agreement with Sprouts Farmers Markets, LLC in substantially the same form as the agreement distributed with the agenda memorandum.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 7:47 p.m.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the City of Westminster City Council meeting of Monday, April 14, 2008. Mayor McNally, Mayor Pro Tem Dittman, and Councillors Briggs, Kaiser, Lindsey, Major, and Winter were present at roll call.

The minutes of the regular meeting of March 31, 2008, were approved as presented.

Citing her numerous contributions to the City and its citizens, the Mayor and Council recognized Nancy Peters, the Elks' Citizen of the Year.

Council issued proclamations for National Public Safety Telecommunicators' Week, National Crime Victims' Rights Week, Arbor Day and Earth Day, Community Pride Day, and Child Abuse Prevention Month.

Council approved the following: 2008 Pavement Rehabilitation Project bid; date change to May 19 of the second City Council meeting in May 19; median maintenance and right-of-way spraying contract; Amended IGA with the UDFCD and Broomfield for City Park Channel Design and Construction; final passage of Councillor's Bill No. 12 re Axis Development CLUP amendment; final passage of Councillor's Bill No. 13 re Wadsworth Crossing annexation; final passage of Councillor's Bill No. 14 re Wadsworth Crossing CLUP amendment; final passage of Councillor's Bill No. 15 re Wadsworth Crossing Property zoning to PUD; final passage of Councillor's Bill No. 16 re EDA for Orchard View and Centura Health Project.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH SPROUTS FARMERS MARKETS, LLC FOR THE ATTRACTION OF A "SPROUTS FARMERS MARKET" TO THE SHERIDAN CROSSING SHOPPING CENTER WESTMINSTER, COLORADO. Purpose: authorize an EDA with Sprouts Farmers Markets.

The meeting adjourned at 7:47 p.m.

By order of the Westminster City Council
Linda Yeager, City Clerk
Published in the Westminster Window on April 24, 2008

Major - Lindsey

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described in attached Exhibit A, incorporated herein by reference, requesting a change in the land use designations from "Business Park" to "District Center" for the Axis property comprised of 15.787 acres located at Westminster Boulevard and the West 108th Avenue alignment.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on March 25, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. §11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Goal C4: Higher density housing should be in "Transit Oriented Developments," "Traditional Mixed-Use Development Neighborhoods," or in "District Centers," adjacent to existing transit facilities where high density residential uses are appropriate.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described on attached Exhibit A to "District Center", as depicted on the map attached as Exhibit B.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. 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 31st day of March, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2008.

(Exhibits A & B—the legal description of the property and a map--were not published, but are available for public review in the City Clerk's Office.)

Briggs - Lindsey

A BILL FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owners of more than 50% of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No.23, Series of 2008, making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself that the proposed annexation conforms with the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

Wadsworth Crossing Annexation

Legal Description

A parcel of land being Tract 63A, Mandalay Gardens except right-of-way dedicated in Reception #F0480526, located in the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the center quarter corner of Section 14, thence S89°52'19"W along the southerly line of said northwest quarter a distance of 28.72 feet to a point on the westerly right-of-way of Wadsworth Boulevard; thence N00°44'06"E along said westerly right-of-way line a distance of 327.56 feet to the southeast corner of Tract 63A and the Point of Beginning; thence S89°41'49"W along the southerly line of said Tract 63A, a distance of 661.09 feet to the southwest corner of said Tract 63A; thence N00°57'20"E along the westerly line of said Tract 63A, a distance of 329.46 feet to the northwest corner of said Tract 63A and the southerly right-of-way line of 101st Avenue; thence N89°38'58"E along said northerly line of said Tract 63A, a distance of 273.59 feet to a point on the southerly right-of-way line of Church Ranch Boulevard as recorded in Reception #F0480526; thence along said southerly right-of-way the following 3 courses; (1) 230.27 feet along a non-tangent curve to the left having a radius of 1015.00 feet, a central angle of 12°59'55" and a chord which bears S82°27'47"E a distance of 229.78 feet to a point of tangency; (2) thence S88°57'33"E a distance of 108.28 feet to a point of curvature; (3) thence 78.27 feet along the arc of a tangent curve to the right having a radius of 50.00 feet, a central angle of 89°41'39" and a chord which bears S44°06'43"E a distance of 70.52 feet to a point on the westerly right-of-way line of Wadsworth Boulevard; thence departing the westerly right-of-way line N00°44'06"E a distance of 85.30 feet; thence S88°55'42"E a distance of 58.53 feet to a point on the easterly right-of-way line of Wadsworth Boulevard; thence continuing along said right-of-way line S01°04'18"W a distance of 328.81 feet; thence departing said easterly right-of-way line of Wadsworth Boulevard S89°41'49"W a distance of 56.61 feet to the Point of Beginning.

Said parcel contains 5.195 acres, (226,274 sq. ft.) more or less.

Basis of Bearings

Bearings are based on the south line of the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian being monumented by a found 2-1/2" aluminum cap in range box, LS #16412 at the center quarter corner of Section 14 and by a found 3-1/4" cap in range box, LS #13212 at the west quarter corner of Section 14 bearing S89°52'19"W per City of Westminster GIS control maps. Consisting of approximately 4.76 Acres

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 31st day of March, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2008.

Briggs - Major

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below, incorporated herein by reference, requesting a change in the land use designations from "Northeast Comprehensive Development Plan" to "Retail Commercial" for the Wadsworth Crossing Property, a 4.8 acre property located at the southwest corner of Wadsworth Boulevard and Church Ranch Boulevard.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on March 11, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Goal D1 which requires the improvement of a variety of shopping facilities offering all necessary goods and services to community residences and businesses.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described as follows: A parcel of land located in a the north half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado being more particular described as follows: Commencing at the corner quarter of Section 14, Township 2 South, Range 69 West, being monumented by a 2.5" aluminum cap in range box LS #16412, thence S89°52'19"W a distance of 28.72 feet, thence S00°44'06"W a distance of 327.56 feet to a point of the southerly line of Tract 63A also being the **True Point of Beginning**; thence S89°41'49"W a distance of 661.09 feet to a point on the westerly line of Tract 63A, thence N00°57'20"E a distance of 329.46 feet to a point on the southerly right of way line of 101st Avenue, thence N89°38'58"E a distance of 273.59 feet to a point of curvature, thence 230.27 feet along a non-tangent curve to the right having a radius of 1015.00 feet, a central angle of 12°59'55" and a chord which bears S89°27'47"E a distance of 229.78 feet to a tangent point, thence S88°57'33"E a distance of 108.28 feet to a point of curvature, thence 78.27 feet along a tangent curve to the right having a radius of 50.00 feet. A central angle of 89°41'39", and a chord which bears S44°06'43"E a distance of 70.52' to a tangent point being on the westerly right of way line of Wadsworth Blvd, thence S00°44'06"W a distance of 244.87 feet to a point on the easterly line of Tract 63A also being the **True Point of Beginning**. Said parcel contains 4.759 acres (207,308 sq. ft.)

BASIS OF BEARING:

Bearings are based on a bearing of S89°52'19"W along the southerly line of the corner quarter of Section 14 as monumented by a 2½" aluminum cap in range box LS # 16412 at the southeast corner of Section 14, and a 3¼" aluminum cap LS # 13212 at the southwest corner of Section 14. to "Retail Commercial", as depicted on the map attached as Exhibit A.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. 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.

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(Exhibit A is a map and was not published. It is available for public inspection in the City Clerk's Office.)

Briggs - Lindsey

A BILL FOR AN ORDINANCE AMENDING THE ZONING OF THE WADSWORTH CROSSING PROPERTY A 4.8 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF WADSWORTH BOULEVARD AND CHURCH RANCH BOULEVARD, JEFFERSON COUNTY, COLORADO FROM A-1 TO PUD

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located at the southwest corner of Wadsworth Boulevard and Church Ranch Boulevard, as described below, from the A-1 zone to the PUD zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on March 11, 2008 and has recommended approval of the requested amendments.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as:

A parcel of land located in a the north half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado being more particular described as follows:

Commencing at the corner quarter of Section 14, Township 2 South, Range 69 West, being monumented by a 2.5" aluminum cap in range box LS #16412, thence S89°52'19"W a distance of 28.72 feet, thence S00°44'06"W a distance of 327.56 feet to a point of the southerly line of Tract 63A also being the **True Point of Beginning**; thence S89°41'49"W a distance of 661.09 feet to a point on the westerly line of Tract 63A, thence N00°57'20"E a distance of 329.46 feet to a point on the southerly right of way line of 101st Avenue, thence N89°38'58"E a distance of 273.59 feet to a point of curvature, thence 230.27 feet along a non-tangent curve to the right having a radius of 1015.00 feet, a central angle of 12°59'55" and a chord which bears S89°27'47"E a distance of 229.78 feet to a tangent point, thence S88°57'33"E a distance of 108.28 feet to a point of curvature, thence 78.27 feet along a tangent curve to the right having a radius of 50.00 feet. A central angle of 89°41'39", and a chord which bears S44°06'43"E a distance of 70.52' to a tangent point being on the westerly right of way line of Wadsworth Blvd, thence S00°44'06"W a distance of 244.87 feet to a point on the easterly line of Tract 63A also being the **True Point of Beginning**.

Said parcel contains 4.759 acres (207,308 sq. ft.)

BASIS OF BEARING:

Bearings are based on a bearing of S89°52'19"W along the southerly line of the corner quarter of Section 14 as monumented by a 2½" aluminum cap in range box LS # 16412 at the southeast corner of Section 14, and a 3¼" aluminum cap LS # 13212 at the southwest corner of Section 14.

from the A-1 zoning district to the PUD zoning district, as depicted on the map marked Exhibit A, attached hereto.

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 31st day of March, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2008

(Exhibit A is a map and was not published. It is available for public inspection in the City Clerk's Office.)

ORDINANCE NO. **3411**
SERIES OF 2008

COUNCILLOR'S BILL NO. **16**
INTRODUCED BY COUNCILLORS
Lindsey - Winter

A BILL FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY, CENTURA HEALTH CORPORATION, AND AZG WESTMINSTER, LLC

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

WHEREAS, it is important for the City of Westminster to generate additional tax revenue and remain competitive with other local governments in offering assistance for development of new projects in the City; and

WHEREAS, Centura Health Corporation and AZG Westminster, LLC plan to build approximately 264,000 s.f. of medical and commercial space in the Orchard View development; and

WHEREAS, a proposed Economic Development Agreement between the City, WEDA, Centura Health Corporation and AZG Westminster, LLC is incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Economic Development Agreement with WEDA, Centura Health Corporation and AZG Westminster, LLC, and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 31st day of March, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2008.

(Exhibit A was not published but is available for public inspection in the City Clerk's office.)



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2007

SUBJECT: Proclamation Recognizing Elks' Citizen of the Year, Nancy Peters

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Mayor McNally to present the attached proclamation recognizing Nancy Peters, the Westminster Elks' Citizen of the Year, for her dedicated service to the City of Westminster and its citizens.

Summary Statement

- The City Council is recognizing Nancy Peters, who was recently named the Elks' Citizen of the Year.
- Nancy Peters has served the citizens of Westminster in many capacities with integrity and enthusiasm.
- Officers and members of the Westminster Elks Club will be present to observe this presentation. Mayor Nancy McNally and Council will present the proclamation recognizing Ms. Peters' civic contributions.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Nancy Peters, who retired from the Special Permit and License Board on December 31, 2007, after serving as a member of that Board for 21 years, was named the Westminster Elks' Citizen of the Year for her outstanding record of public service and community involvement.

Ms. Peters' service on the Special Permit and License Board started in 1986. Nancy served as Vice Chair of the Board from November 1997 to December 1999. She was Chair of the Board from December 1999 to December 2007.

Nancy is a volunteer tax preparer for the Adams County Treasurer's Office. This year she has helped 579 individuals file their federal and state tax. She has been a valuable resource to the new coordinator of this program and has been available at locations throughout Adams County, including the MAC. Additionally, Nancy volunteers to repair books at the College Hill Library.

Nancy was a member of the Rocky Flats Citizens Advisory Board and has been a volunteer mediator for the State of Colorado.

Westminster and its citizens have benefited substantially from Nancy Peters' involvement within the community, and the City Council takes pride in acknowledging her appointment as the Elks' Citizen of the Year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Nancy Peters has served the citizens of Westminster with loyalty and integrity in a variety of appointed and volunteer capacities during her residency in the community; and

WHEREAS, Nancy Peters, through example, inspires others to volunteer and get involved for the betterment of their community; and

WHEREAS, Nancy Peters was appointed to the Special Permit and License Board in 1986 and was a vital member of that Board for 21 years having served as Vice Chair and Chair for the 10 years prior to her resignation at the end of her term in 2007; and

WHEREAS, during her years of valued service Nancy Peters was a member of the Rocky Flats Citizen Advisory Board where she advocated on behalf of Westminster residents current and future for the safe cleanup and decontamination of Rocky Flats; and

WHEREAS, Nancy Peters is a volunteer at the College Hill Library where she repairs books to preserve reading materials for the public's continued use; and

WHEREAS, Nancy Peters has been a volunteer tax preparer with the Adams County Treasurer's Office for several years and takes great pleasure assisting the elderly and low-income residents of Westminster and Adams County by completing their federal and state income tax reports annually; and

WHEREAS, the City of Westminster wishes to publicly recognize Nancy Peters' outstanding record of citizenship and commitment to the betterment of the community.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby issue this proclamation to honor

NANCY PETERS

by publicly thanking her for her years of public service to the citizens of Westminster and congratulate her for deservedly being named the 2008 Westminster Elks' Citizen of the Year.

Signed this 14th day of April, 2008.

Nancy McNally, Mayor



Agenda Item 6 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: Proclamation re National Public Safety Telecommunicators Week

Prepared By: Lee Birk, Chief of Police
Mike Cressman, Deputy Chief of Police

Recommended City Council Action

Councillor Briggs to present a proclamation to the Westminster Public Safety Administrator, proclaiming the week of April 13, 2008 as National Public Safety Telecommunicators (Dispatchers) Week in the City of Westminster.

Summary Statement

- The week of April 13, 2008 has been designated as National Public Safety Telecommunicators week and Staff is recommending that the City support this recognition.
- Locally, the Westminster Police Department Technical Services Section is joining with public safety professionals, to honor the critical public service that our dispatchers perform.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified.

Background Information

In 1991, a Resolution was brought before the U.S. House of Representatives to designate the second week of April as Public Safety Telecommunicators Week. The Resolution noted that every day our public telecommunicators answer our calls for assistance and dispatch our calls for help to local police, fire and emergency medical departments. These people serve as vital links within our towns and cities, although they are rarely recognized because they are not physically present on the scene. Dispatchers work tirelessly to improve emergency response capabilities through their participation in training programs provided by the Associated Public Safety Communications Officers (APCO). Throughout the week of April 13, 2008, Westminster Public Safety Dispatchers will attend several functions recognizing their contributions to the community. The week will culminate with the annual Jefferson County, E-9-1-1 Awards Banquet on April 20, 2008 at the Denver West Marriot.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, each day, thousands of Americans dial 9-1-1 for help in emergencies. The men and women who answer these calls for help, gathering essential information and dispatching the appropriate assistance, can often make the difference between life and death for persons in need. Our Westminster Public Safety Dispatchers are among the more than 200,000 telecommunications specialists who work daily to protect and to promote public safety.

WHEREAS, public safety telecommunicators are more than a calm and reassuring voice at the other end of the phone. They are knowledgeable and highly trained individuals who not only work closely with the Police and Fire Departments, but numerous other State and local agencies as well as our Streets and Utility Departments. Because emergencies can strike at any time, we rely on the vigilance and the preparedness of these individuals 24 hours a day, 365 days a year.

WHEREAS, the City of Westminster recognizes the need to maintain the highest standards of public safety, we owe a great debt to the men and women who, by applying their expertise in telecommunications, help to make that achievement possible. During this special observance, we acknowledge that debt and extend a heartfelt thanks to each of them.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of April 13, 2008 to be

**NATIONAL PUBLIC SAFETY
TELECOMMUNICATORS WEEK**

in the City of Westminster and joins in honoring the men and women whose diligence and professionalism keep our City and it's citizens safe.

Signed this 14th day of April, 2008.

Nancy McNally, Mayor



Agenda Item 6 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: Proclamation re National Crime Victims' Rights Week

Prepared By: Lee Birk, Chief of Police
Mike Cressman, Deputy Chief of Police

Recommended City Council Action

Mayor Pro Tem Dittman to present a proclamation to the Victim Services Coordinator proclaiming the week of April 14, 2008 as Victims' Rights Week in the City of Westminster.

Summary Statement

- The week of April 14, 2008 has been designated as National Crime Victims' Rights week and Staff is recommending that the City support this recognition.
- Locally, the Westminster Police Department Victim Services Unit is joining with criminal justice system professionals, victim services programs and concerned citizens to honor crime victims and their courage.
- The 2008 theme, "Justice for Victims. Justice for All" is demonstrated by the Westminster Police Department's Victim Services Unit contact with over 3,037 victims in 2007.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Proclamation re National Crime Victims' Rights Week

Page 2

Policy Issue

None identified

Alternative

None identified

Background Information

The year 2008 marks the 25th anniversary of the commemoration of National Crime Victims' Rights Week. Since 1992, when the citizens of Colorado overwhelmingly supported a constitutional amendment guaranteeing specific rights to crime victims, the criminal justice system has acknowledged the hardships faced by victims of crime, and the courage they display in overcoming those hardships. The City of Westminster has been proactive to ensure that crime victims receive support, information and referrals to assist in their recovery and to afford them every opportunity to have input into the criminal justice system. The City of Westminster will be joining Jefferson County and Adams County at ceremonies honoring crime victims and those who work to ensure their rights.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, crime and the threat of violence have profound and devastating effects on individuals, families and communities in America; and

WHEREAS, over 24 million people in the United States are touched by crime each year; and

WHEREAS, the threat and reality of terrorism have challenged Americans to realize the devastating consequences of violent crime, and their important roles in providing support to individuals and communities who are victimized; and,

WHEREAS, crime in America results in significant physical, psychological, financial and spiritual effects on countless innocent victims; and

WHEREAS, there are over 10,000 community and system-based victim service programs across our nation that provide a wide range of services and support to victims of crime; and

WHEREAS, America as a nation continues to face threats to our personal and public safety, and continues to commit its collective energies to help our fellow citizens who are hurt by crime.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of April 14, 2008, as

CITY OF WESTMINSTER CRIME VICTIMS' WEEK

to urge the citizenry to honor crime victims and those who serve them during this week and throughout the year by continuing to fulfill the promise of justice and compassion for crime victims as individuals, as communities, and as a nation dedicated to justice for all.

Signed this 14th day of April, 2008.

Nancy McNally, Mayor



Agenda Item 6 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008



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

Prepared By: Rob Davis, City Forester
Carey Rangel, Environmental Analyst

Recommended City Council Action

Councillor Lindsey to present a proclamation to City Forester Rob Davis and Environmental Analyst Carey Rangel proclaiming April 19, 2008, as Arbor Day and Earth Day in the City of Westminster, and accept the Tree City USA Award and Tree City Growth Award as presented by a member of the Colorado State Forest Service.

Summary Statement

- A member from the Colorado State Forest Service will present the Tree City USA award to the Mayor and City Council. This will be the 23rd consecutive year that the City has received the Tree City USA Award.
- Additionally, City Council will be presented with Westminster's 14th Tree City USA Growth Award.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None 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.

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. This program 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:

1. A Tree Board or Department (The City's board consists of Rob Davis, Rich Dahl, Bill Walenczak, and Rod Larsen.)
2. A community tree ordinance, (Title XIII, Chapter 3)
3. A community forestry program with an annual budget of at least \$2/capita
4. An Arbor Day observance and proclamation

The Growth Award is also sponsored by the National Arbor Day Foundation to recognize environmental improvement and encourage higher levels of tree care throughout America. It is designed to recognize achievement, to communicate new ideas, and help the leaders of the entire Tree City USA award 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, it must spend as much money as the previous year on community forestry, and it must reach certain levels in education and public relations, partnerships, planning and management, as well as tree planting and maintenance.

In 1962, Senator Gaylord Nelson of Wisconsin suggested that, due to rising concern over the state of the environment, one day be set-aside in observance of the environment. The first Earth Day was held on April 20, 1970. Earth Day is now celebrated annually on April 22 to raise awareness of and encourage citizen participation in activities that sway the balance of life and the Earth. For the City of Westminster, April 19, 2008, is established as Earth Day in order to coordinate with Arbor Day events. Each year, a different theme is chosen and for 2008 the theme is "Climate Change."

The events scheduled for Arbor Day and Earth Day are as follows:

Arbor Day and Earth Day School Program: Thursday, April 17, 1:00 p.m. at Zerger Elementary.

The presentation at Zerger Elementary School will educate 4th grade students about the benefits of trees, tree protection, and the history of Arbor Day and Earth Day. Prizes for the Arbor Day poster contest will be awarded, with the first place winner receiving a potted evergreen tree. Second through tenth place winners will receive a 2 to 3-foot apricot tree. The students will be shown how to properly plant and take care of their trees as well. All students will receive buttons, tree seedlings, and a reusable grocery bag from the Environmental Advisory Board, which include educational materials on protecting our resources. The Environmental Advisory Board members will make a presentation on resource protection including recycling and the effects of storm water pollution on surface water bodies.

Arbor Day and Earth Day Celebration: Saturday, April 19, 9 a.m. to noon at City Park Recreation Center

Park Service Division Staff will distribute apricot (bare root) saplings, oak and fir tree seedlings, educational literature, and wood chip mulch. There will be a small tree sale, and a drawing will be held for a free 1.25 inch caliper tree. The winner of the drawing will be contacted by phone and need not be present to win. Additionally, members of the Environmental Advisory Board will be on hand to sell reusable grocery bags and provide information on the Earth Day theme, recycling, household hazardous waste, and storm water protection. Because the attendees are community involved and consciously aware of needs in the community, Volunteer Services will also host an open house for local non-profit and outreach organizations to showcase their volunteer opportunities during the event.

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 called Arbor 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, are a source of joy and spiritual renewal, 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, Westminster has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways; and

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.; and

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 22; and

WHEREAS, the year 2008 Earth Day theme is "Climate Change;"

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim Saturday, April 19, 2008,

ARBOR DAY and EARTH DAY

in the City of Westminster, and urge 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 2008.

Nancy McNally, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: Proclamation re Community Pride Day

Prepared By: Richard Dahl, Park Services Manager
Patti Wright, Open Space Volunteer Coordinator

Recommended City Council Action

Councillor Major to present a proclamation to Open Space Volunteer Coordinator Patti Wright proclaiming May 10, 2008, 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.
- 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, 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

Should the City continue to conduct Community Pride Day?

Alternative

City Council could choose not to hold Community Pride Day in 2008. However, Staff believes that this is a significant event that helps clean up the City, contributes to community pride, and fosters individual responsibility and land stewardship.

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 1,400 volunteers last year.

On May 10, 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 barbecue's entertainment includes music and games provided by Bryce Jackman. 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. Partnership with the Westminster Rotary Club and donations by Wal-Mart at 72nd Avenue and Sheridan Boulevard, Wild Oats, Doubletree Hotel, Burger King, Chik-Fil-A, Country Buffet, Splitz, and other area merchants are instrumental in providing a quality event for the volunteers.

Councillor Major 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. Westminster's K-9 team will also amaze the volunteers during the barbecue. The Westminster Youth Advisory Panel and representatives from Mobility for All are volunteering at the barbecue to help make it a success.

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 City of Westminster 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 and donations 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, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 10, 2008

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, 2008.

Nancy McNally, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: Proclamation re Child Abuse Prevention Month

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Councillor Kaiser to present a proclamation to Chris Hansen, Volunteer Coordinator with CASA (Court Appointed Special Advocates) of Adams and Broomfield Counties, proclaiming the month of April to be Child Abuse Prevention Month.

Summary Statement

- By Presidential proclamation since 1983, April has been designated National Child Abuse Prevention Month. In 1989, the Blue Ribbon Campaign began with a single blue ribbon that represented one child's personal tragedy and his grandmother's subsequent commitment to prevent child abuse. The blue ribbon has served as the symbol for Child Abuse Prevention Month since then.
- CASA (Court Appointed Special Advocates) of Adams and Broomfield Counties serves abused and neglected children in the 17th Judicial District. Since its inception in 2000, CASA volunteers have helped nearly 900 children and served on over 400 dependency and neglect court cases.
- The 17th Judicial District ranks 4th out of 22 Colorado Judicial Districts in the number of abuse and neglect court filings and CASA of Adams and Broomfield Counties has asked that the City of Westminster participate in this annual campaign to bring awareness to the community through the issuance of a proclamation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Each year the Adams County Department of Social Services and Broomfield Health and Human Services receive over 7,000 reports of suspected child abuse and neglect. From those referrals around 400 cases are opened, involving 1,500 children from the two counties. These children represent the most vulnerable segment of our population and they are often unable to navigate the child welfare system or to have a voice in court. This is where CASA Volunteers become involved, advocating for the physical, emotional and educational needs of the children and helping them find safe and permanent homes.

In an effort to increase community awareness and gain the public's advocacy on behalf of abused and neglected children, CASA of Adams and Broomfield Counties has asked the City of Westminster to join communities throughout the nation in proclaiming April to be Child Abuse Prevention Month.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, the City of Westminster prides itself on giving back to the community, contributing to the quality of life among our citizens; and

WHEREAS, Court Appointed Special Advocates for Children (CASA) of Adams and Broomfield counties in association with the National Court Appointed Special Advocate (CASA) Association advocates for the best interest of our abused and neglected children who are involved in the juvenile courts; and

WHEREAS, through community efforts, City of Westminster residents are encouraged to join together to raise awareness throughout the month of April and continuing through the year for those children who have fallen victim to abuse and neglect; and

WHEREAS, through this program we will give abused and neglected children in our community and around the country a chance for a safe and positive future.

NOW THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do proclaim the month of April 2008 as

**CHILD ABUSE PREVENTION
AND AWARENESS MONTH**

and urge all citizens to join the local and national efforts to raise community awareness and help prevent child abuse and neglect.

Signed this 14th day of April, 2008.

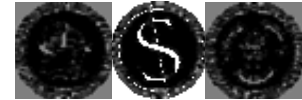
Nancy McNally, Mayor



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: 2008 Pavement Rehabilitation Project Bid

Prepared By: Dave Cantu, Contract Maintenance Supervisor
Ray Porter, Street Operations Division Manager

Recommended City Council Action

Authorize the City Manager to execute a contract for 2008 with options for two additional one-year renewals (2009 and 2010) for the Pavement Rehabilitation Project to the low bidder, Asphalt Specialties Company, Inc., in the amount of \$594,974; authorize a 5% contingency of \$29,700, for a total project budget of \$624,674.

Summary Statement

- City Council action is requested to award the bid for the 2008 Pavement Rehabilitation Project.
- As per the contract documents, annual project renewals for 2009 and 2010 will require agreement by both parties and any unit price cost adjustments requested by the contractor or City Staff shall be supported by documentation justifying such increase or decrease.
- If Staff determines any proposed cost adjustments for project renewal years to be not competitive, the contract will be re-bid.
- City Council approved funds for this expense in the 2008 Department of Public Works and Utilities Street Operations Division, Utility Field Operations Division and General Fund CIP – Standley Lake Regional Park Improvement’s budgets.
- Formal bids were solicited in accordance with city bidding requirements for the 2008 Pavement Rehabilitation Project. Requests for proposals were sent to six contractors with five responding.
- The low bidder, Asphalt Specialties Company, Inc., meets all of the City bid requirements and has successfully completed similar Westminster projects over the past 18 years.

Expenditure Required: \$624,674

Source of Funds:	General Fund - Street Operations Division Operating Budget	\$248,548
	Utility Fund - Utilities Field Operations Division Budget	\$253,312
	General Capital Improvement Fund - Standley Lake Regional Park Improvements	\$122,814

Policy Issue

Should this bid be awarded to the low bidder, Asphalt Specialties Company, Inc., for the 2008 Pavement Rehabilitation Project?

Alternative

An alternative to this project is to combine the bids for the Concrete Replacement Project and the Pavement Rehabilitation Project:

- City administrative costs would decrease because there would be only one bid instead of two.
- Bid prices for concrete work or asphalt work would increase because the general contractor’s profit margin would be added to the subcontractor’s cost.
- The contract time would have to be increased.

Staff does not recommend this alternative because it would not be as cost effective.

Background Information

The Pavement Rehabilitation Project includes resurfacing and reconstruction of 3.22 lane miles of paved roadway on 5 streets throughout the city (Street Operations Division), water main replacement trench patching at 19 planned locations (Utilities Field Operations) and new construction of 1.35 lane miles of paved roadway at Standley Lake Regional Park to include paving of Eagle View Lane from the main entrance at 100th Avenue and Simms Street to the main boat ramp parking area and Eagle View Loop, which accesses the Nature Center. The existing gravel roadways have been problematic for Staff to maintain with regard to rideability and dust abatement (see attached location list and maps).

These street improvements have been reviewed and determined appropriate through the City’s Pavement Management Process and coincide with the Department’s performance measure to maintain at least 65% of the City’s roadways at a 70 (fair), or above pavement condition rating.

The low bidder, Asphalt Specialties Company, Inc., meets all City bid requirements and has successfully completed numerous roadway projects in Westminster since the early 1990’s.

The following sealed bids were received:

1. Asphalt Specialties Company, Inc.	\$594,974
2. LaFarge West, Inc.	\$611,111
3. Premier Paving, Inc.	\$669,743
4. Brannan Sand & Gravel Co.	\$744,761
5. Aggregate Industries Inc.	\$864,208
 City Staff’s Estimate	 \$671,664

City Staff’s estimated cost of \$671,664 included an increase over 2007 pricing of 6% based on supplier pricing forecasts for 2008, Asphalt Specialties Company Inc.’s actual bid decreased by 4%. The decrease can be attributed to oil supplier prices to the contractors holding close to 2007 pricing and a very sluggish market for asphalt related construction projects at this time.

Westminster also included pavement rehabilitation bid quantities for Adams County School Districts #12 and #50 at various parking lots. The dollar amounts for the School Districts’ portions are not reflected in the \$624,674 City award and contracts will be administered by each respective entity.

The proposed council action supports City Council's goals and objectives of Financially Sustainable City Government as well as Vibrant Neighborhoods and Commercial Areas by providing well maintained city infrastructure through timely resurfacing and reconstruction of roadways; Safe and Secure Community by providing smooth, safe pavements for the motoring public.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

City of Westminster
Department of Public Works and Utilities
Street Operations Division

2008 Pavement Rehabilitation Project

HMA Overlay

LOCATION:	FROM:	TO:
1. 124 th Avenue	Pecos Street	Huron Street
2. Kendall Street	93 rd Avenue	95 th Avenue
3. 95 th Avenue	Westminster Blvd.	6101 W. 95 th Ave.
4. 93 rd Avenue	Lamar Street	Kendall Street

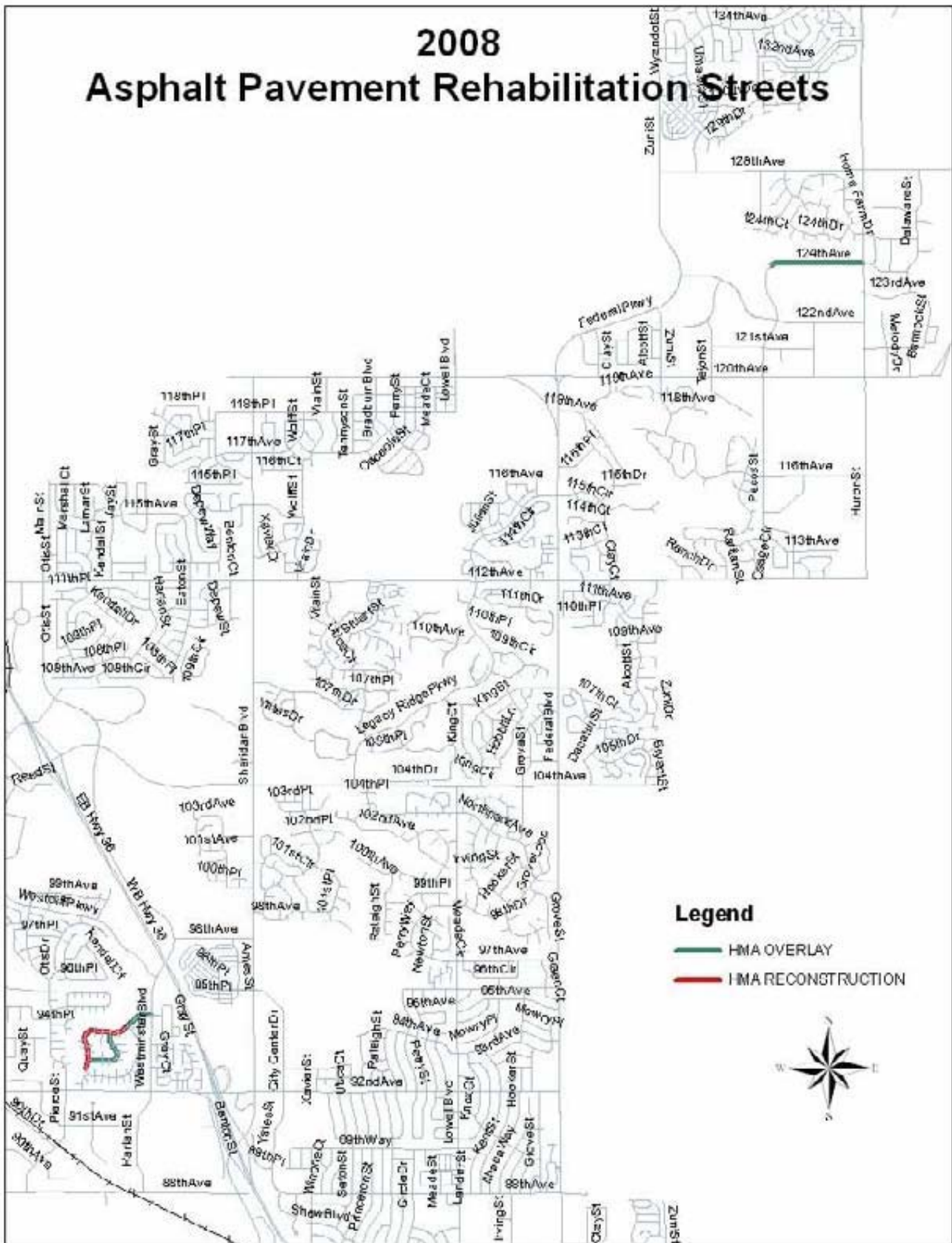
Reconstruction

LOCATION:	FROM:	TO:
1. Lamar Street	95 th Avenue	9229 Lamar St.
2. 95 th Avenue	Lamar Street	Ingalls Street

Water Line Replacement Trench Patching

LOCATION:	
1. Wolff Court	101 st Avenue north to 10161 Wolff Court (4" PVC)
2. McCella Court	78 th Avenue northwest to Osceola Street
3. 77 th Drive	Zenobia Court east to Xavier Court
4. Xavier Court	77 th Drive north to 7798 Xavier Court
5. Yates Street	77 th Drive north to 78 th Avenue
6. 110 th Avenue	Cotton Creek Drive west to cul-de-sac (to include bore east)
7. 109 th Place	Cotton Creek Drive west to cul-de-sac (to include bore north)
8. 111 th Circle	4101 – 4201 West 111 th Circle
9. Bradburn Boulevard	76 th Avenue north to 77 th Avenue
10. Vrain Court	101 st Place south to cul-de-sac (4" PVC)
11. 2981 W. 81 st Avenue	In condos from valve 16 northeast to valve 21
12. Canosa Court (Fern)	Fern Drive North to 72 nd Avenue
13. Clay Street	Canosa Court and Fern Drive north to 72 nd Avenue
14. Lowell Court	9600 Lowell Court northwest to Mead Street
15. Meade Street	97 th Avenue south to Lowell Court
16. 97 th Avenue	Lowell Boulevard west to Newton Street
17. 109 th Avenue	Harlan Street east to Eaton Street
18. 109 th Circle	Depew Place northeast to Depew Place
19. 90 th Circle	Garland Street east to cul-de-sac (4" PVC)

2008 Asphalt Pavement Rehabilitation Streets







Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008

SUBJECT: Change the Date of Second City Council Meeting in May

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Change the date of the regularly scheduled City Council meeting of May 26 to May 19.

Summary Statement

- City Council normally conducts regular meetings on the second and fourth Mondays of each month. The fourth Monday of May is Memorial Day, and City Hall will be closed in observance of this national holiday.
- When holidays have occurred on regularly scheduled City Council meeting dates in the past, the meeting date has been changed. Staff recommends that the May 26, 2008, regularly scheduled meeting be rescheduled and held on May 19, 2008.
- If approved, City Council will conduct only one study session during May and that will be on May 5. Regular meetings will be held on May 12 and 19.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

Council could decide to conduct the second regular meeting of May on a different day of the week than Monday. Staff does not recommend this alternative, as the public is accustomed to Monday night meetings.

Background Information

Occasionally, conflicts arise when the dates of regularly scheduled Council meetings and the dates of holidays fall on the same day, and the City Council meeting date is changed. This year, the fourth Monday of May is Memorial Day, and City offices will be closed in observance of the national holiday.

The public is aware that regular Council meetings and study sessions are held on Mondays, thus it makes sense to reschedule meetings to a different Monday of the month when conflicts arise. Staff recommends that the date of the second meeting in May be changed from May 26 to May 19.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14th, 2008



SUBJECT: Median Maintenance and ROW Spraying Contract Award

Prepared By: Richard Dahl, Park Services Manager
Marty Chase, ODP Inspector

Recommended City Council Action

Authorize the City Manager to execute a contract for the City's Median Maintenance and ROW Spraying with options for two additional one-year renewals (2009 and 2010), with the low bidder, Urban Farmer, Inc., in the amount of \$93,071.

Summary Statement

- Funds are available in the 2008 General Fund Parks, Recreation and Libraries Department operating budget, the Storm Drainage Fund, and the Capital Improvement Projects Community Enhancement Fund for the maintenance of City-owned landscaped medians.
- With increasing park acreage and maintenance responsibilities, Staff has found it more cost effective to use contractors to maintain non-park areas rather than City Staff.
- For the past fifteen years the Parks, Recreation and Libraries Department has contracted approximately 100 Landscaped Medians on a yearly basis.
- Formal bids were solicited in accordance with City bidding requirements for the 2008 median maintenance and ROW spraying. Requests for proposals were sent to 13 contractors with 4 responding.
- The low bidder, Urban Farmer, Inc., has successfully completed similar contracts in Westminster and the Denver Metro Area.
- Staff believes this is a competitive bid and adequate funds were budgeted and are available for this expense.

Expenditure Required: \$93,071

Source of Funds: General Fund - Parks, Recreation and Libraries Operating Budget
Storm Drainage Fund – Parks, Recreation and Libraries Operating Budget
General Capital Improvement Fund - Community Enhancement Project

Policy Issue

Does the City wish to continue the use of outside contractors to perform specific park maintenance operations instead of using in-house Staff, supplies and equipment?

Alternatives

1. Do not approve the Median Maintenance and ROW Spraying Contract and rely on City Staff to take over the maintenance of the properties. Staff does not recommend this alternative because the cost of purchasing the specialized maintenance equipment along with the needed manpower would exceed the cost of the current low bidders.
2. Take no action. Due to the limited time frame involved for spring maintenance, Staff does not recommend this option if service levels are to be maintained.
3. Require Staff to re-bid the Median Maintenance and ROW Spraying Contract to ensure the lowest possible price is achieved. Staff does not recommend this alternative because all the companies capable of handling the size of Westminster’s contracts have already been given an opportunity to bid on these projects.

Background Information

Beginning in 1985, the City was divided into four Park Services maintenance districts, with 92nd Avenue and Sheridan Boulevard being the dividing lines. In the beginning, this system worked well and allowed Staff to devote enough time to maintain the City’s parks and public facilities within each district. However, with the addition of new park sites, public facilities and streetscapes over the years, it became evident that new methods of utilizing available resources were needed. In light of this, Park Services employees proposed, researched, and collected information for the use of contract maintenance as a viable alternative to maintain drainageways and streetscapes throughout the City.

Using contractors to maintain City medians areas allows Staff time to properly maintain new and existing parks to standards expected by Westminster residents as expressed in the City of Westminster’s Citizen Survey. For the past fifteen years, with some exceptions, the use of private contractors to maintain these areas has been an effective use of resources and City Council has been supportive in providing funding for contract maintenance. This private contractual approach has worked very well by allowing City crews to concentrate on services they can perform more efficiently and at a greater level of detail. A multi-year contract (three years) allows the contractor to amortize equipment required to maintain the areas, to build a working relationship with Staff, and results in more favorable bidding options. The contract contains a provision that any future year contract price adjustments shall not exceed the Denver Boulder CPI.

In compliance with City Charter bidding requirements and with the assistance of the City’s Purchasing Agent and the City Attorney’s Office the following bids were received:

Company	Contract Bid
Urban Farmer	\$93,071
JPL, INC	\$128,200
Enviromental Designs	\$197,206
CoCal	Incomplete bid
Custom Landscapes	No Bid
Summit Services	No Bid
Green Plan	No Bid
Lawn Care Plus	No Bid
Western States Reclamation	No Bid
Colorado Total Maintenance	No Bid
Ground Services Co	No Bid
Valley Crest	No Bid

SUBJECT:

Median Maintenance and ROW Spraying Contract Award

Page 3

This project meets City Council's Strategic Plan Goals of "Financially Sustainable City Government," "Vibrant Neighborhoods and Commercial Areas" and of "Beautiful City" by providing a well-designed and maintained City facility.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: Amended Intergovernmental Agreement with the Urban Drainage and Flood Control District and the City and County of Broomfield for City Park Channel Design and Construction

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to execute an amended intergovernmental agreement (IGA) with the Urban Drainage and Flood Control District and the City and County of Broomfield relating to the design and construction of City Park Channel.

Summary Statement

- Several years ago, the Urban Drainage and Flood Control District (UDFCD) began modifying the Outfall Systems Plan for (Broomfield) City Park Channel. City Park Channel flows originate in Broomfield and cross into Westminster in the vicinity of 120th Avenue and Sheridan Boulevard. The storm runoff then flows east along the south side of 120th Avenue before crossing under 120th Avenue again to the west of Lowell Boulevard and eventually into Big Dry Creek.
- District representatives approached staff with a proposal that requires the UDFCD, Broomfield and Westminster to share the estimated \$1,800,000 of the Phase I cost of improving this channel. Phase I consists of the completion of the box culvert under Lowell Boulevard and the construction of approximately 500 feet of channel upstream and downstream of this box culvert. An IGA establishing the relative contributions towards this project was approved by Council in 2006. The total project cost has increased from earlier estimates to \$3,200,000. The UDFCD has agreed to pay 50% of the entire cost of this project with Broomfield and Westminster each paying a 25% share.
- The original IGA included provisions for amending the Agreement in the future to adjust the total project budget when additional UDFCD money became available in 2008 for the construction of Phase I, and in 2009 and 2010 for Phase II. Westminster's and Broomfield's share of the entire project funding will also need to be budgeted in 2009 and 2010 to complete the Phase II improvements. The 2008 funds are now available and the IGA needs to be amended to reflect the new level of contributions by the cities (\$300,000 each) and UDFCD (\$600,000).
- Under the IGA, UDFCD will manage the project and has hired an engineering firm, CH2M-HILL, to design the project with oversight by Broomfield and Westminster.

Expenditure Required: \$300,000

Source of Funds: Storm Water Utility Account

Policy Issue

Should the City enter into an amended Intergovernmental Agreement with the Urban Drainage and Flood Control District and the City and County of Broomfield to design and construct improvements to the City Park Channel along the south side of 120th Avenue from the existing crossing upstream of Lowell Boulevard and east to Big Dry Creek?

Alternative

Council could choose not to execute this amended Intergovernmental Agreement at this time. Staff does not recommend this alternative because the proposed improvements to this stretch of the channel provide equal benefits to citizens in both jurisdictions and will help to prevent the future flooding of 120th Avenue in this area. In addition, UDFCD is willing to fund 50% of the cost of the entire project at this time. If Council chooses not to approve this amended IGA, these funds may not be available in the future.

Background Information

In 1986, the Cities of Broomfield and Westminster adopted the Outfall Systems Plan for City Park Channel. In 2002, the UDFCD hired a consultant to update this Outfall Systems Plan due to a change in the calculated hydrology that indicated higher flow rates in the channel than what was reported in the original study. The revised study includes the portion of the channel that begins in Broomfield upstream of the culvert crossings at Sheridan Boulevard and 120th Avenue and follows along the south side of 120th Avenue east to Big Dry Creek near Federal Boulevard.

The proposed alignment of City Park Channel differs slightly from its current route, but is consistent with the route shown in the Outfall Systems Plan that was adopted by the City in 1986. The proposed route traverses through the City's open space property on the south side of 120th Avenue between the Academy of Charter Schools property on the west and Federal Boulevard on the east. The channel through the open space property will be designed as an amenity to the open space and will include a combined bike path/maintenance trail along the channel and natural looking design elements in the channel itself.

The UDFCD proposal is to construct Phase I of this channel in 2008. Phase II would include the channel improvements through the City's open space and would be scheduled for construction in 2010. UDFCD will pay for 50% of the entire cost of this project with the remaining portion of the costs being shared equally between Broomfield and Westminster. Under the initial IGA, each City's share of the cost was \$150,000, which was paid to the UDFCD in 2006 so that the design could proceed. An additional contribution in 2008 of \$300,000 is now needed for the construction of the Phase I improvements yielding a total Westminster and Broomfield share of \$450,000 each for the Phase I improvements.

Additional allocations for the Phase II improvements will be needed in 2009 or 2010 and would be split the same manner - \$700,000 from UDFCD and \$350,000 each from Broomfield and Westminster. Staff believes that this is a reasonable proposal given the equal benefit to citizens in both jurisdictions. Under the terms of the proposed IGA, the UDFCD will manage this effort with oversight by both Cities.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

AMENDMENT TO
AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
CITY PARK DRAINAGE, LOWER REACH, CITY OF WESTMINSTER

Agreement No. 06-01.15A

THIS AGREEMENT, made this _____ day of _____, 2008, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT") CITY AND COUNTY OF BROOMFIELD (hereinafter called "BROOMFIELD" and CITY OF WESTMINSTER (hereinafter called "WESTMINSTER" and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for City Park Drainage, Lower Reach, City of Westminister" (Agreement No. 06-01.15) dated March 29, 2006; and

WHEREAS, PARTIES now desire to construct improvements; and

WHEREAS, PARTIES desire to increase the level of funding by \$1,200,000; and

WHEREAS, DISTRICT's Board of Directors has authorized additional DISTRICT financial participation for PROJECT (Resolution No. 68, Series of 2007 and Resolution No. _____, Series of 2008); and

WHEREAS, the City Councils of BROOMFIELD and WESTMINSTER and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:

4. PROJECT COSTS AND ALLOCATION OF COSTS

A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:

1. Final design services;
2. Construction of improvements;
3. Contingencies mutually agreeable to PARTIES.

B. It is understood that PROJECT costs as defined above are not to exceed \$1,800,000 without amendment to this Agreement.

PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AMOUNT</u>
1. Final Design	\$200,000
2. Construction	1,500,000
3. Contingency	100,000
Grand Total	\$1,800,000

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Maximum Contribution</u>	<u>Previously Contributed</u>
DISTRICT	50%	\$900,000	\$300,000
BROOMFIELD	25%	450,000	150,000
WESTMINSTER	25%	450,000	150,000
TOTAL	100%	\$1,800,000	\$600,000

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973 and Resolution No. 49, Series of 1977), the cost sharing shall be after subtracting state, federal, or other sources of funding from third parties. However, monies BROOMFIELD and WESTMINSTER may receive from federal funds, the Federal Revenue Sharing Program, the Federal Community Development Program, or such similar discretionary programs as approved by DISTRICT's Board of Directors may be considered as and applied toward BROOMFIELD's and WESTMINSTER's share of improvement costs.

Payment of each party's full share (BROOMFIELD - \$450,000; WESTMINSTER - \$450,000; and DISTRICT - \$900,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to BROOMFIELD and WESTMINSTER of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares.

3. All other terms and conditions of Agreement No. 06-01.15 shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

(SEAL)

By_____

ATTEST:

Title Executive Director

Date_____

CITY AND COUNTY OF BROOMFIELD

(SEAL)

By_____

ATTEST:

Title_____

Date_____

APPROVED AS TO FORM:

City Attorney

CITY OF WESTMINSTER

(SEAL)

By_____

ATTEST:

Title_____

Date_____

APPROVED AS TO FORM:

City Attorney



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: Second Reading on Councillor’s Bill No. 12 re the Amendment to the Comprehensive Land Use Plan for the Axis Development
Prepared By: Max Ruppeck, Senior Projects Manager

Recommended City Council Action

Pass Councillor’s Bill No. 12 on second reading approving the Comprehensive Land Use Plan amendment for the Axis Development changing the designation from Business Park to District Center. This recommendation is based on a finding that the proposed amendment will be in the public good and that:

- a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
- b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
- c) The proposed amendment is compatible with existing and planned surrounding land uses; and
- d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.

Summary Statement

- The proposed development consists of 15.97 acres located west of Westminster Boulevard at the 108th Avenue alignment.
- The developer is proposing a mixed-use development consisting of a maximum total of 725 dwelling units. The development will be a mix of rental apartments, and for sale townhouses, live/work, and condominium flats. A maximum of 33% of the total residential units will be rental. Retail commercial, office and food service uses not to exceed 30,980 square feet of floor area are proposed on the first and second floors of two of the residential buildings.
- Parking for the project will largely be provided in one level parking structures underneath the residential and mixed use buildings. In addition, a limited amount of on-street/surface level parking is provided for visitors.
- Buildings will range in height from three to seven stories with the taller buildings located furthest to the west.
- Phase I of the project consists of 233 rental dwelling units and is shown in detail in the first Official Development Plan. Future residential and commercial uses will require additional Official Development Plans.
- Councillor’s Bill No. 12 was approved on first reading by City Council on March 31, 2008.

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Councillor’s Bill Amending the Comprehensive Land Use Plan (CLUP)
- Comprehensive Land Use Plan Map

BY AUTHORITY

ORDINANCE NO. **3407**

COUNCILLOR'S BILL NO. **12**

SERIES 2008

INTRODUCED BY COUNCILLOR'S
Major - Lindsey

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described in attached Exhibit A, incorporated herein by reference, requesting a change in the land use designations from "Business Park" to "District Center" for the Axis property comprised of 15.787 acres located at Westminster Boulevard and the West 108th Avenue alignment.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on March 25, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. §11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Goal C4: Higher density housing should be in "Transit Oriented Developments," "Traditional Mixed-Use Development Neighborhoods," or in "District Centers," adjacent to existing transit facilities where high density residential uses are appropriate.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described on attached Exhibit A to "District Center", as depicted on the map attached as Exhibit B.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. 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 31st day of March, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2008.

ATTEST:

Mayor

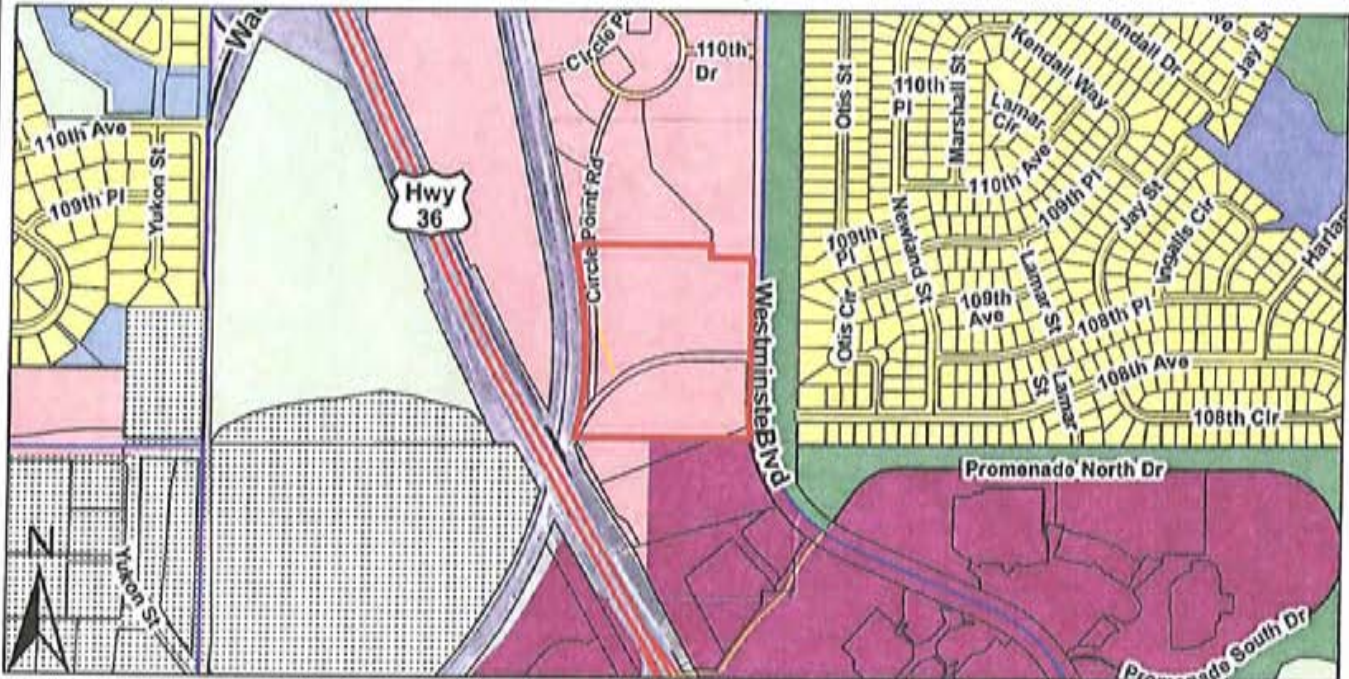
APPROVED AS TO LEGAL FORM:

City Clerk

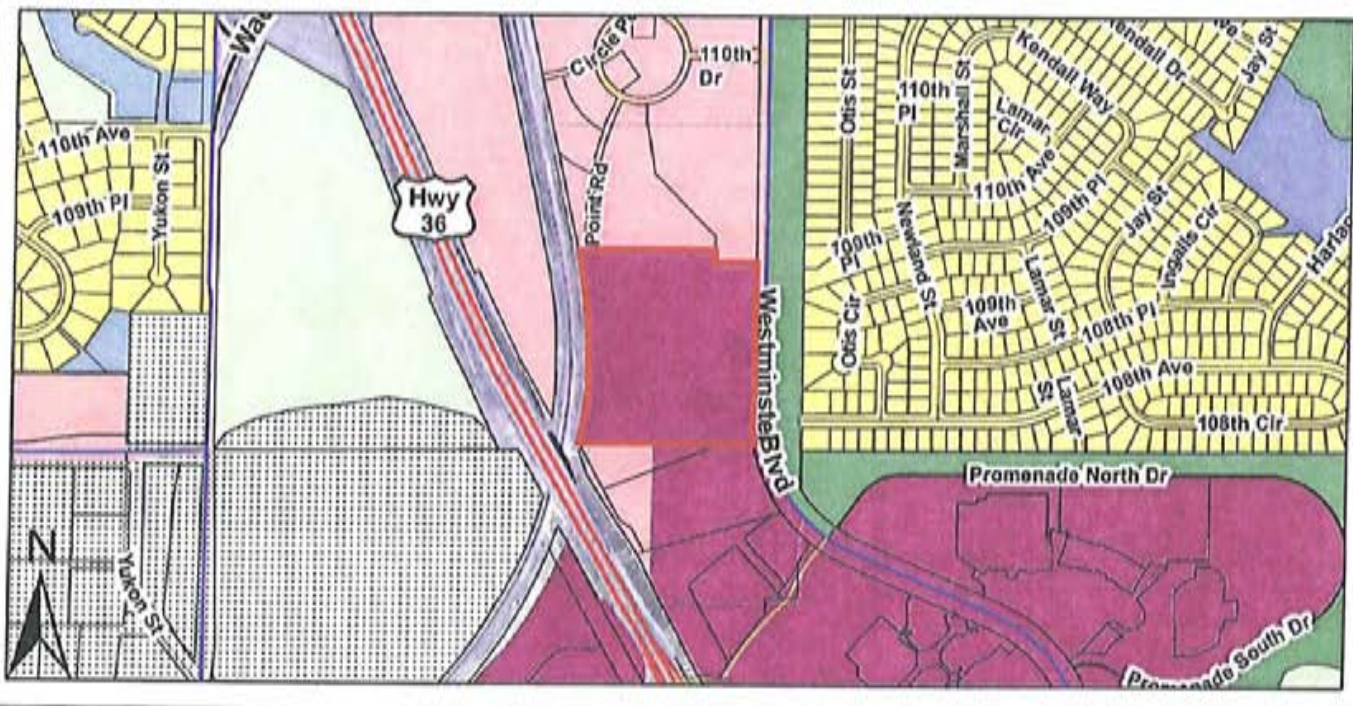
City Attorney's Office

Axis Development CLUP Map Change from Business Park to District Center

Exhibit B



Legend			
CompPlan	R-5	Industrial	City Owned Open Space
CP_DESIG	R-8	Business Park	Public Parks
R-1	R-18	Office/Residential	Private Parks/Open Space
R-2.5	Retail Commercial	District Center	Golf Courses
R-3.5	Office	Traditional Mixed Use	Public/Quasi Public
			N.E. Comprehensive Land Use Plan
			Major Creek Corridor Non Public



LEGAL DESCRIPTION

EXHIBIT "A"

LOT A

A PARCEL OF LAND LOCATED WITHIN A PORTION OF PARCEL A AND PARCEL B OF WESTMINSTER PROMENADE FILING NO. 2, AS RECORDED AT RECEPTION NO. F1028162, AND LOT 5, TRACT F, AND A PORTION OF TRACTS D, AND E OF NORTHWEST BUSINESS PARK SUBDIVISION FILING NO. 1 SECOND REPLAT AS RECORDED AT RECEPTION NO. F1982226, AND A PORTION OF UNPLATTED PARCEL KNOWN AS FUTURE REED STREET, BEING LOCATED IN THE EAST HALF OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 11; THENCE ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 11, N00°10'36"W, A DISTANCE OF 72.35 FEET; THENCE LEAVING SAID EAST SECTION LINE S89°49'24"W, A DISTANCE OF 223.88 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WESTMINSTER BOULEVARD, THE SOUTHERLY LINE OF SAID PARCEL A OF WESTMINSTER PROMENADE FILING NO. 2 AND THE NORTHERLY LINE OF SAID PARCEL B OF WESTMINSTER PROMENADE FILING NO. 2, BEING THE TRUE POINT OF BEGINNING;

THENCE LEAVING THE SOUTHERLY LINE OF SAID PARCEL A OF WESTMINSTER PROMENADE FILING NO. 2 AND CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WESTMINSTER BOULEVARD AND THE EASTERLY LINE OF SAID PARCEL B OF WESTMINSTER PROMENADE FILING NO. 2, 136.10 FEET ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 10°32'14" AND A CHORD WHICH BEARS S12°49'03"E A DISTANCE OF 135.90 FEET; THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY LINE OF SAID WESTMINSTER BOULEVARD AND THE EASTERLY LINE OF SAID PARCEL B OF WESTMINSTER PROMENADE FILING NO. 2 N90°00'00"W A DISTANCE OF 437.13 FEET TO A NON-TANGENT POINT OF CURVATURE; THENCE 15.25 FEET ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 11°39'01" AND A CHORD WHICH BEARS N05°49'31"E A DISTANCE OF 15.22 FEET; THENCE N90°00'00"W A DISTANCE OF 324.85 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL A OF WESTMINSTER PROMENADE FILING NO. 2; THENCE CONTINUING ALONG SAID WESTERLY LINE OF PARCEL A, N29°54'57"W, A DISTANCE OF 44.48 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 11; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 11 S89°34'47"W, A DISTANCE OF 8.96 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD COLORADO AND SOUTHERN RAILROAD; THENCE DEPARTING THE NORTH LINE OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 11, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD COLORADO AND SOUTHERN RAILROAD THE FOLLOWING THREE (3) CONSECUTIVE COURSES; 1) N10°24'38"E, A DISTANCE OF 1.65 FEET; 2) THENCE 118.03 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2218.38 FEET, A CENTRAL ANGLE OF 03°02'55" AND A CHORD WHICH BEARS N08°25'19"E A DISTANCE OF 118.02 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID NORTHWEST BUSINESS PARK SUBDIVISION FILING NO. 1; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD COLORADO AND SOUTHERN RAILROAD AND THE WESTERLY BOUNDARY OF SAID NORTHWEST BUSINESS PARK SUBDIVISION FILING NO. 1, 758.44 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2218.38 FEET, A CENTRAL ANGLE OF 19°35'19" AND A CHORD WHICH BEARS N02°53'48"W A DISTANCE OF 754.74 FEET; THENCE LEAVING THE WESTERLY BOUNDARY LINE OF SAID NORTHWEST BUSINESS PARK SUBDIVISION FILING NO. 1 N79°23'01"E, A DISTANCE OF 61.13; THENCE N89°49'24"E A DISTANCE OF 508.60 FEET; THENCE N88°31'47"E A DISTANCE OF 29.73 FEET; THENCE S00°10'36"E A DISTANCE

OF 57.79 FEET; THENCE N89°49'24"E A DISTANCE OF 196.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID WESTMINSTER BOULEVARD; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WESTMINSTER BOULEVARD THE FOLLOWING FOUR (4) CONSECUTIVE COURSES; 1) THENCE S00°10'36"E, A DISTANCE OF 428.00 FEET; 2) THENCE S89°49'24"W A DISTANCE OF 19.00 FEET; 3) THENCE S00°10'36"E A DISTANCE OF 236.80 FEET TO A POINT OF CURVATURE; 4) THENCE 95.22 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 07°22'20" AND A CHORD WHICH BEARS S03°51'46"E A DISTANCE OF 95.15 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 15.787 ACRES OR 687,682 SF, MORE OR LESS



Agenda Item 8 F-H

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: Second Reading of Councillor’s Bill No. 13, 14, and 15 re the Wadsworth Crossing Annexation, Comprehensive Land Use Plan Amendment and Zoning

Prepared By: David Falconieri, Planner III

Recommended City Council Action

1. Pass Councillor’s Bill No. 13 on second reading annexing the Wadsworth Crossing property.
2. Pass Councillor’s Bill No. 14 on second reading amending the Comprehensive Land Use Plan for the Wadsworth Crossing property changing the designation from Northeast Comprehensive Development Plan to Retail Commercial. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
 - a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
 - b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
3. Pass Councillor’s Bill No. 15 on second reading zoning the Wadsworth Crossing Property to Planned Unit Development (PUD).

Summary Statement

- The Wadsworth Crossing property is a 4.8 acre parcel located at the southwest corner of Wadsworth Boulevard and Church Ranch Boulevard. (See attached vicinity map.)
- The applicant is requesting approval of a 34,300 square foot retail and restaurant center.
- These Councillor’s Bills were approved on first reading by City Council on March 31, 2008.

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Annexation Ordinance
- Comprehensive Land Use Plan (CLUP) Ordinance
- CLUP Map (Exhibit A)
- Zoning Ordinance
- Zoning Map (Exhibit A)

BY AUTHORITY

ORDINANCE NO. **3408**

COUNCILLOR'S BILL NO. **13**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
Briggs - Lindsey

**A BILL
FOR AN ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 14,
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owners of more than 50% of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No.23, Series of 2008, making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself that the proposed annexation conforms with the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

**Wadsworth Crossing Annexation
Legal Description**

A parcel of land being Tract 63A, Mandalay Gardens except right-of-way dedicated in Reception #F0480526, located in the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian in the County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the center quarter corner of Section 14, thence S89°52'19"W along the southerly line of said northwest quarter a distance of 28.72 feet to a point on the westerly right-of-way of Wadsworth Boulevard; thence N00°44'06"E along said westerly right-of-way line a distance of 327.56 feet to the southeast corner of Tract 63A and the Point of Beginning; thence S89°41'49"W along the southerly line of said Tract 63A, a distance of 661.09 feet to the southwest corner of said Tract 63A; thence N00°57'20"E along the westerly line of said Tract 63A, a distance of 329.46 feet to the northwest corner of said Tract 63A and the southerly right-of-way line of 101st Avenue; thence N89°38'58"E along said northerly line of said Tract 63A, a distance of 273.59 feet to a point on the southerly right-of-way line of Church Ranch Boulevard as recorded in Reception #F0480526; thence along said southerly right-of-way the following 3 courses; (1) 230.27 feet along a non-tangent curve to the left having a radius of 1015.00 feet, a central angle of 12°59'55" and a chord which bears S82°27'47"E a distance of 229.78 feet to a point of tangency; (2) thence S88°57'33"E a distance of 108.28 feet to a point of curvature; (3) thence 78.27 feet along the arc of a tangent curve to the right having a radius of 50.00 feet, a central angle of 89°41'39" and a chord

which bears S44°06'43"E a distance of 70.52 feet to a point on the westerly right-of-way line of Wadsworth Boulevard; thence departing the westerly right-of-way line N00°44'06"E a distance of 85.30 feet; thence S88°55'42"E a distance of 58.53 feet to a point on the easterly right-of-way line of Wadsworth Boulevard; thence continuing along said right-of-way line S01°04'18"W a distance of 328.81 feet; thence departing said easterly right-of-way line of Wadsworth Boulevard S89°41'49"W a distance of 56.61 feet to the Point of Beginning.

Said parcel contains 5.195 acres, (226,274 sq. ft.) more or less.

Basis of Bearings

Bearings are based on the south line of the northwest quarter of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian being monumented by a found 2-1/2" aluminum cap in range box, LS #16412 at the center quarter corner of Section 14 and by a found 3-1/4" cap in range box, LS #13212 at the west quarter corner of Section 14 bearing S89°52'19"W per City of Westminster GIS control maps.

Consisting of approximately 4.76 Acres

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 31st day of March, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2008.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3409**

COUNCILLOR'S BILL NO. **14**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

Briggs - Major

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below, incorporated herein by reference, requesting a change in the land use designations from "Northeast Comprehensive Development Plan" to "Retail Commercial" for the Wadsworth Crossing Property, a 4.8 acre property located at the southwest corner of Wadsworth Boulevard and Church Ranch Boulevard.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on March 11, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Goal D1 which requires the improvement of a variety of shopping facilities offering all necessary goods and services to community residences and businesses.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described as follows:

A parcel of land located in a the north half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado being more particular described as follows:

Commencing at the corner quarter of Section 14, Township 2 South, Range 69 West, being monumented by a 2.5" aluminum cap in range box LS #16412, thence S89°52'19"W a distance of 28.72 feet, thence S00°44'06"W a distance of 327.56 feet to a point of the southerly line of Tract 63A also being the **True Point of Beginning**; thence S89°41'49"W a distance of 661.09 feet to a point on the westerly line of Tract 63A, thence N00°57'20"E a distance of 329.46 feet to a point on the southerly right of way line of 101st Avenue, thence N89°38'58"E a distance of 273.59 feet to a point of curvature, thence 230.27 feet along a non-tangent curve to the right having a radius of 1015.00 feet, a central angle of 12°59'55" and a chord which bears S89°27'47"E a distance of 229.78 feet to a tangent point, thence S88°57'33"E a distance of

108.28 feet to a point of curvature, thence 78.27 feet along a tangent curve to the right having a radius of 50.00 feet. A central angle of 89°41'39", and a chord which bears S44°06'43"E a distance of 70.52' to a tangent point being on the westerly right of way line of Wadsworth Blvd, thence S00°44'06"W a distance of 244.87 feet to a point on the easterly line of Tract 63A also being the **True Point of Beginning.**

Said parcel contains 4.759 acres (207,308 sq. ft.)

BASIS OF BEARING:

Bearings are based on a bearing of S89°52'19"W along the southerly line of the corner quarter of Section 14 as monumented by a 2½" aluminum cap in range box LS # 16412 at the southeast corner of Section 14, and a 3¼" aluminum cap LS # 13212 at the southwest corner of Section 14.

to "Retail Commercial", as depicted on the map attached as Exhibit A.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. 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 31st of March, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2008.

ATTEST:

Mayor

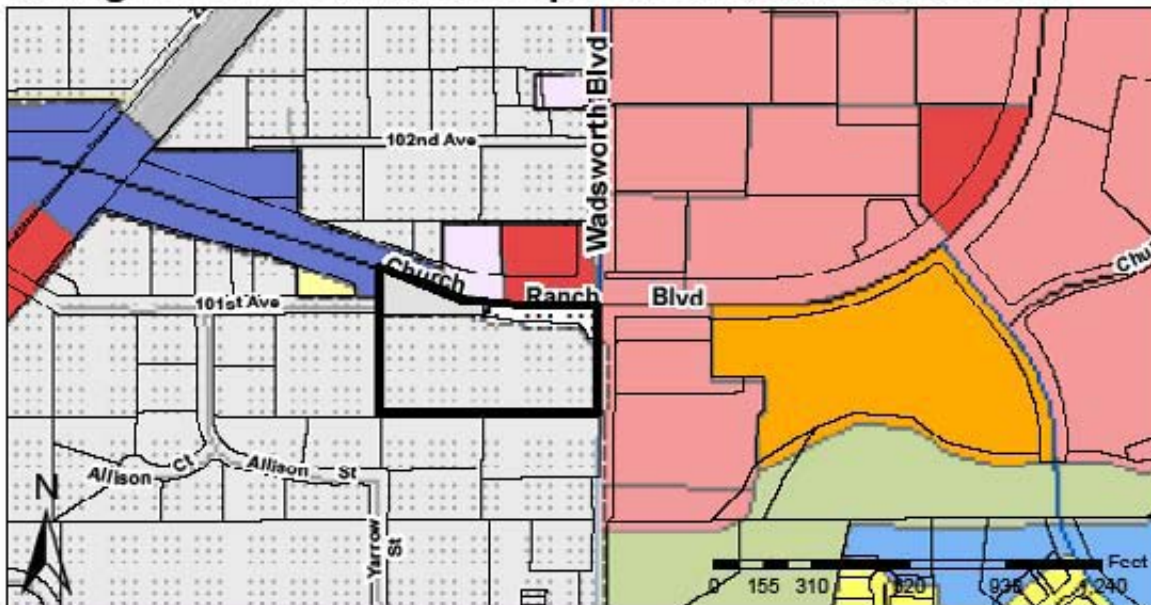
City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

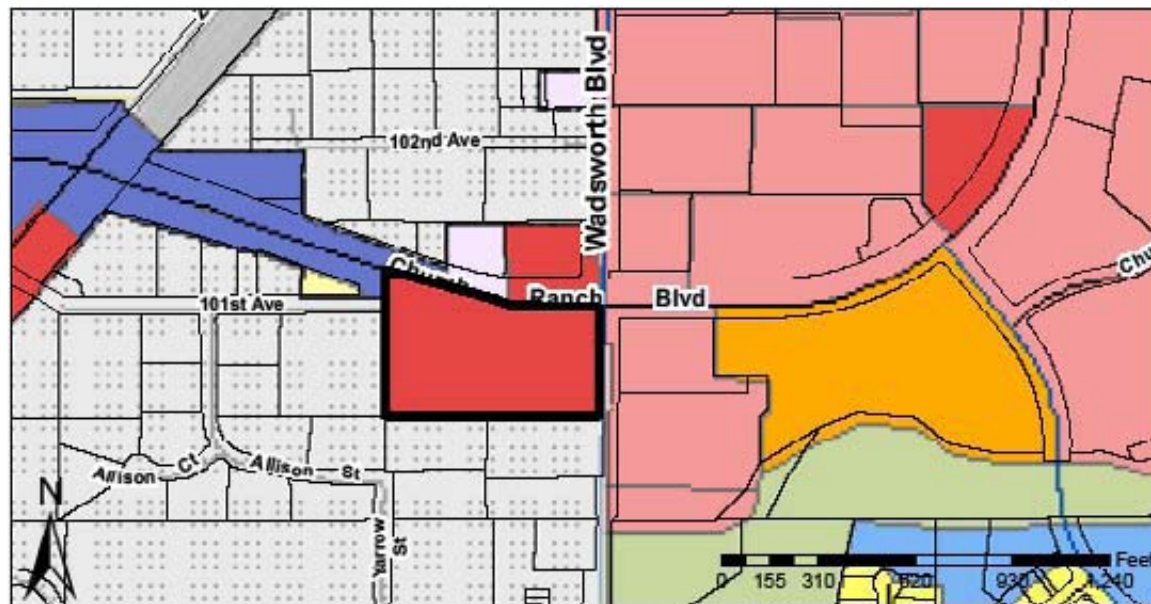
Wadsworth Crossing CLUP Map Change from Northeast Comp Plan to Retail Commercial

Exhibit A



Legend

CompPlan	R-4	Industrial	City Owned Open Space	Major Creek Corridor Non Public
CP DESIG	R-8	Business Park	Public Parks	
R-1	R-18	Office/Residential	Private Parks/Open Space	
R-2.5	Retail Commercial	District Center	Golf Courses	
R-3.5	Office	Traditional Mixed Use	Public/Quasi Public	



BY AUTHORITY

ORDINANCE NO. **3410**

COUNCILLOR'S BILL NO. **15**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

Briggs - Lindsey

A BILL

**FOR AN ORDINANCE AMENDING THE ZONING OF THE WADSWORTH CROSSING
PROPERTY A 4.8 ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF
WADSWORTH BOULEVARD AND CHURCH RANCH BOULEVARD, JEFFERSON COUNTY,
COLORADO FROM A-1 TO PUD**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located at the southwest corner of Wadsworth Boulevard and Church Ranch Boulevard, as described below, from the A-1 zone to the PUD zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on March 11, 2008 and has recommended approval of the requested amendments.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as:

A parcel of land located in a the north half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado being more particular described as follows:

Commencing at the corner quarter of Section 14, Township 2 South, Range 69 West, being monumented by a 2.5" aluminum cap in range box LS #16412, thence S89°52'19"W a distance of 28.72 feet, thence S00°44'06"W a distance of 327.56 feet to a point of the southerly line of Tract 63A also being the **True Point of Beginning**; thence S89°41'49"W a distance of 661.09 feet to a point on the westerly line of Tract 63A, thence N00°57'20"E a distance of 329.46 feet to a point on the southerly right of way line of 101st Avenue, thence N89°38'58"E a distance of 273.59 feet to a point of curvature, thence 230.27 feet along a non-tangent curve to the right having a radius of 1015.00 feet, a central angle of 12°59'55" and a chord which bears S89°27'47"E a distance of 229.78 feet to a tangent point, thence S88°57'33"E a distance of 108.28 feet to a point of curvature, thence 78.27 feet along a tangent curve to the right having a radius of 50.00 feet. A central angle of 89°41'39", and a chord which bears S44°06'43"E a distance of 70.52' to a tangent point being on the westerly right of way line of Wadsworth Blvd, thence S00°44'06"W a distance of 244.87 feet to a point on the easterly line of Tract 63A also being the **True Point of Beginning**.

Said parcel contains 4.759 acres (207,308 sq. ft.)

BASIS OF BEARING:

Bearings are based on a bearing of S89°52'19"W along the southerly line of the corner quarter of Section 14 as monumented by a 2½" aluminum cap in range box LS # 16412 at the southeast corner of Section 14, and a 3¼" aluminum cap LS # 13212 at the southwest corner of Section 14.

from the A-1 zoning district to the PUD zoning district, as depicted on the map marked Exhibit A, attached hereto.

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 31st day of March, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2008

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

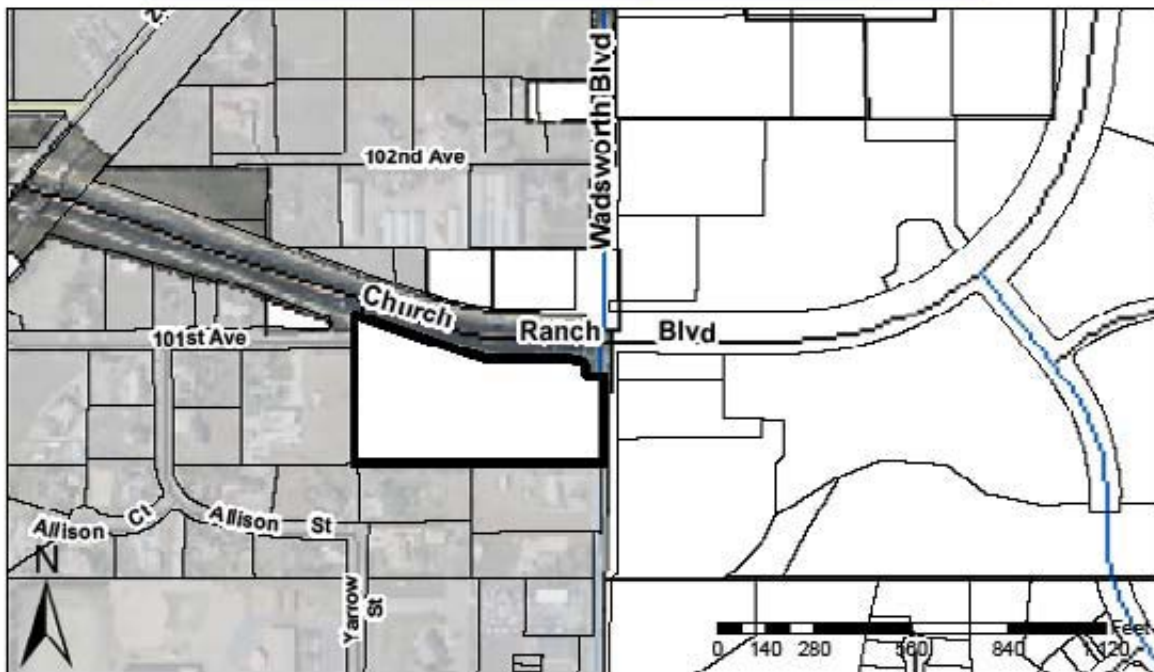
City Attorney's Office

Wadsworth Crossing Zoning Map Change from Unincorporated to PUD

Exhibit A



Zoning Key Unincorporated PUD





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: Second Reading for Councillor's Bill No. 16 re Economic Development Agreement for the Orchard View and Centura Health Project

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action

Pass Councillor's Bill No. 16 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement between the City, Westminster Economic Development Authority (WEDA), Centura Health Corporation and AZG Westminster, LLC in substantially the same form as attached.

Summary Statements

- This Councillor's Bill was passed on first reading on March 31, 2008.
- An Economic Development Agreement (EDA) has been negotiated with the developers of the Orchard View development and Centura Health Corporation. The primary purpose of this EDA is to secure the Centura Health Corporation's planned 40 acre medical complex at the southwest corner of I-25 and 144th Avenue.
- The agreement calls for a 60% rebate of Building Permit Fees and Construction Use Tax, a waiver of a portion of the recovery due on the project and an allowance of the financing of a portion of the recoveries.
- Centura is anticipating starting construction on their 24,000 s.f. emergency care facility, which is the first phase of their facility, this summer.

Expenditure Required: N/A

Source of Funds: The City is not fronting any funds for this Economic Development Agreement. It will be funded through fee and tax rebates and waiver of part of the recoveries due.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3411**

COUNCILLOR'S BILL NO. **16**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
Lindsey - Winter

A BILL

**FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT
WITH WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY, CENTURA HEALTH
CORPORATION, AND AZG WESTMINSTER, LLC**

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

WHEREAS, it is important for the City of Westminster to generate additional tax revenue and remain competitive with other local governments in offering assistance for development of new projects in the City; and

WHEREAS, Centura Health Corporation and AZG Westminister, LLC plan to build approximately 264,000 s.f. of medical and commercial space in the Orchard View development; and

WHEREAS, a proposed Economic Development Agreement between the City, WEDA, Centura Health Corporation and AZG Westminister, LLC is incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminister is hereby authorized to enter into an Economic Development Agreement with WEDA, Centura Health Corporation and AZG Westminister, LLC, and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 31st day of March, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of April, 2008.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

ECONOMIC DEVELOPMENT AGREEMENT

This Economic Development Agreement ("Agreement") is entered into as of this _____ day of _____, 2008 ("Effective Date"), by and between **CENTURA HEALTH CORPORATION** ("Centura"), **AZG WESTMINSTER, LLC** ("AZG"), the **CITY OF WESTMINSTER** ("City") and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY** ("WEDA") (Centura, AZG, WEDA and the City are sometimes hereinafter referred to individually as "Party" and collectively as the "Parties").

RECITALS

A. PARTIES.

1. AZG is an Arizona limited liability company duly organized and authorized to do business in the State of Colorado.
2. Centura is a Colorado non-profit corporation, engaged in the business of providing health care services and facilities.
3. WEDA is an urban renewal authority, a body corporate and politic of the State of Colorado, duly formed in accordance with Colorado law.
4. The City is a home-rule municipality organized under Article XX of the Colorado Constitution, governed and managed in accordance with the City of Westminster Home Rule Charter and the City of Westminster Municipal Code (the "Code").

B. PROPERTY.

1. AZG owns certain real property located in the N1/2 NW1/4 of Section 22, Township 1 South, Range 68 West, 6th P.M. Adams County Colorado, located within the boundaries of the City, comprised of approximately 56.277 acres, more particularly described on Exhibit "A," attached hereto and incorporated herein by this reference (the "Orchard View Property").
2. AZG has submitted to the City and the City has reviewed and approved the Sixth Amended Preliminary Development Plan for the North Huron PUD including the Orchard View Property and the property located immediately adjacent and south of the Orchard View that the City is currently considering for annexation (the "Orchard Lakes Property").
3. AZG and Centura have entered into an Agreement for Purchase and Sale ("PSA") dated April 27, 2007, as amended, that provides for Centura to purchase from AZG a portion of the Orchard View Property ("Centura Orchard View Property") for the development of medical facilities and medical office buildings ("Centura Orchard View Development").

4. A map showing the Orchard View Property, including the proposed Centura Orchard View Property is attached hereto as Exhibit "B."

C. THE CITY AND WEDA.

The City and WEDA acknowledge that the Centura Orchard View Development will enhance the health care services available in the City, be a benefit to the City and its residents, and promote the redevelopment objectives of WEDA. Accordingly, the City and WEDA have determined certain economic assistance is appropriate in connection with the sale and development of the Centura Orchard View Property for the Centura Orchard View Development.

D. THE DISTRICTS.

The Parties intend to establish public financing districts to assist in the financing of the public improvements for the development of the Orchard View Property, including the Centura Orchard View Development. These districts may include one or more General Improvement Districts ("GID's") and one or more Metropolitan Special Districts ("MSD's") pursuant to this Agreement.

AGREEMENT

For and in consideration of the premises and the mutual covenants and promises of the Parties, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the following terms and conditions related to the development of the Orchard View Property. Capitalized terms not otherwise defined herein shall have the definitions contained in the Westminster Municipal Code.

1. Development Obligations.

a. Centura shall endeavor in good faith to complete (i) 60,000 square feet (sf) of taxable office space and (ii) a minimum of 24,000 square feet of nontaxable or taxable medical facilities on the Centura Orchard View Property not later than December 31, 2013;

b. In addition to the 60,000 sf of Centura taxable office space described in subparagraph 1.b. above, AZG, or its successors or assigns (other than Centura) shall endeavor in good faith to construct a minimum of 60,000 sf of taxable commercial space on the Orchard View Property not later than December 31, 2013;

c. In addition to the development obligations set forth in subparagraphs 1.b. and 1.c. above, AZG, or its successors or assigns (other than Centura) shall endeavor in good faith to construct a minimum of 60,000 sf of taxable commercial space on the Orchard View Property not later than December 31, 2018;

d. In addition to the development described in subparagraph 1.b above, Centura shall endeavor in good faith to complete a minimum of 60,000 sf of taxable office space in the Centura Orchard View Property not later than December 31, 2018.

2. Interchange Cost Recovery Waiver. The City agrees to waive fifty percent (50%), or \$2,461,000, of the total \$4,922,000 144th Avenue/I-25 Interchange cost recovery obligation against the Orchard View Property, and the Centura Orchard View Property, conditioned upon closing of the PSA and transfer of fee simple title of the Centura Orchard View Property to Centura on or before December 31, 2008.

3. GID's.

a. AZG and Centura shall submit a petition pursuant to Part 6 of Article 25 of Title 31, C.R.S., for the organization of one or more General Improvement Districts (each a "GID") to secure the City Recovery Mill Levy and the City Maintenance Mill Levy (collectively, the "City Mill Levies") (hereinafter defined). The boundaries of the GID shall include all of the Orchard View Property, including the Centura Orchard View Property.

b. The GID Financed Recovery Cost means, and shall be limited to, those assessment and recovery costs listed in subsections 6.c. below, together with accrued interest.

c. A mill levy of ten (10) mills shall be levied annually by the GID(s) to pay the City the GID Financed Recovery Costs (the "City Recovery Mill Levy.") The City Recovery Mill Levy is intended to pay the City the GID Financed Recovery Costs.

d. In addition to the City Recovery Mill Levy, the GID(s) shall levy annually an additional three (3) mills to pay the City for administering the GID and for operating and maintaining the improvements that are the subject of the GID Financed Recovery Costs (the "City Maintenance Mill Levy" and together with the City Recovery Mill Levy, the "City Mill Levies"), except that the Parties agree that the McKay Drainageway shall be maintained by the MSD (as defined below) or the abutting property owner(s).

e. The City Recovery Mill Levy shall be discontinued following the year in which the City has been repaid the principal amount of the GID Financed Recovery Costs together with interest at the rate of six percent (6%) per annum on any unpaid balance. The City Maintenance Mill Levy shall continue as long as said improvements are operational. The City Recovery Mill Levy shall apply in calculating the maximum mill levy allowed pursuant to the City's Metropolitan Special District Policy in the City MSD Policy, but the City Maintenance Mill Levy shall not.

f. AZG and Centura agree to take all actions within their respective power to achieve the approvals of the GID and the City Mill Levies at the elections contemplated by C.R.S. § 31-25-607 and Section 20 of Article X of the Colorado Constitution not later than December 31, 2008. AZG and Centura also agree to take all such further or additional steps within their respective power as may be necessary to establish the GID and the City Mill Levies not later than December 31, 2008.

g. In the event the GID and City Mill Levies are not established at no fault or inaction of the City by December 31, 2008, the recoverable costs and assessments listed in Exhibit "C" shall be due and payable in accordance with the normal provisions of the City Code, provided if Centura closes on the Centura Orchard View Property on or before December 31, 2008, there

shall be no recovery required for one half of the 144th Avenue/I-25 Interchange totaling \$2,461,000.

4. MSD's.

a. AZG intends to create, with respect to the Orchard View Property, one or more Metropolitan Special Districts (each an "MSD" and together with the GID, the "Districts") pursuant to C.R.S. Title 32, which may include a master metropolitan district to facilitate financing, development, operation and maintenance of the public facilities for the Property, including development, road, utility, and drainage improvements and contemplated by the PDP (the "MSD's"). To the extent that Centura's consent to the foregoing is required by virtue of Centura's ownership of the Centura Orchard View Property, Centura shall provide such consent.

b. Subject to compliance with applicable Colorado law and the City's Metropolitan Special District Policy, and a favorable recommendation as to financial feasibility by the City's financial advisor, which shall not be unreasonably withheld, the City shall, at the earliest feasible time, act in good faith to approve preliminary (skeletal) and final service plans for the formation of the MSDs for the purpose of acquiring, constructing, installing, maintaining, financing, improving, or operating the public improvements, services, or facilities necessary for the development of the Orchard View Property, including without limitation, the recoverable costs set forth on Exhibit "C" to the extent such costs are not financed through a GID, and such other costs approved by the City in accordance with the MSD Policy.

c. AZG and Centura acknowledge that they have familiarized themselves with the City's Metropolitan Special District Policy prior to the execution of this Agreement.

d. The MSD's shall be authorized to finance and pay those cost recoveries set forth in paragraph 6 in accordance with the terms and conditions set forth therein, recognizing the recoveries set forth in section 6.c. are intended for financing through the GID. The MSD's may also construct, finance, and maintain other infrastructure improvements for the Orchard View Property to the extent permitted in the approved MSD Service Plan.

e. The City's obligations under this paragraph are intended to apply solely to the development of the Orchard View Property as contemplated by the zoning applications previously submitted by AZG and Centura.

5. WEDA Transfers. WEDA agrees that the portion of tax increment revenues which it receives which are attributable to the Districts' current and future levy of ad valorem taxes on real and personal taxable property within the Property shall be remitted to the Districts. Conditions regarding release of the funds to the Districts shall be addressed in future Intergovernmental Cooperation Agreements between WEDA, the Districts and the City, to be executed after establishment of the Districts is completed.

6. Timing and Payment of Development Assessments and Recoverable Costs.

a. The parties agree that Exhibit "C" is a complete list of the assessments and recoverable costs chargeable by the City to the Orchard View Property owned by AZG,

current as of the date of this Agreement. No increase or decrease in the actual costs of such improvements over or under the amounts set forth above shall impact the waiver of the cost impositions and cost recoveries approved and agreed to herein.

b. AZG agrees to pay the following assessments and recoveries listed on Exhibit "C" in the total principal amount of \$2,097,410.40, plus accrued interest at the rate established by City Ordinance for the recoveries at the time of platting of the Orchard View Property, or the issuance of any building permit therefor, whichever comes first.

- (i) McKay Lake Dam Renovation: \$268,856.66;
- (ii) McKay Drainageway: \$1,769,809.00;
- (iii) Huron Street $\frac{1}{4}$ turn at 143rd Avenue: \$58,744.85.

c. The City agrees to accept property tax revenues generated from the Orchard View Property and the Centura Orchard View Property by the City Recovery Mill Levy as payment for the following assessments and recoverable costs listed on Exhibit "C" in the total principal amount of \$3,854,549.40, plus accrued interest at the rate of six percent (6%) per annum accruing as of the Effective Date of this Agreement.

- (i) Huron Street/McKay Drainage Box Culvert: \$113,500.00;
- (ii) Huron Street Improvements (Incl. 144th Avenue from Huron Street to Orchard Parkway): \$441,459.25;
- (iii) Huron Street Improvements (right-of-way): \$781,549.11;
- (iv) North Huron Water Main: \$34,932.75;
- (v) North Area Sewer Main: \$22,108.42; and
- (vi) One half of the 144th Avenue/I-25 Interchange Cost Recovery: \$2,461,000.

d. The provisions of this Paragraph 6 are expressly conditioned upon (1) closing on the Centura PSA and transfer of title to Centura of the Centura Orchard View Property not later than December 31, 2008, and (2) establishment of the GID and City Mill Levies not later than December 31 2008. In the event of a failure of any of the foregoing two conditions, the provisions of this Paragraph 6 shall become null and void and the assessments and charges listed in paragraph 6.c shall be due and payable in accordance with the normal provisions of City Code.

7. Centura Use Tax Rebate.

a. The City will rebate to Centura (or such assignee or designee), the following fees and taxes resulting from the construction of the Centura Orchard View Property Improvements:

(i) For a period of ten (10) years from the date Centura closes on the Centura Orchard View Property, sixty percent (60%) of all City Building Inspection Fees and related Building Permit Fees (excluding water and sewer tap fees) required under W.M.C. Section 11-10-3(F).

(ii) For a period of ten (10) years from the date Centura closes on the Centura Orchard View Property, sixty percent (60%) of all City Use Taxes imposed and that would be collected in connection with the construction of the Centura Orchard View Improvements, including, without limitation, the general building use tax paid on construction materials required under W.M.C. Section 4-2-9 and 4-2-3 (excluding the City's .25% Open Space Tax and .6% Public Safety Tax).

b. The rebates will be paid by the City in quarterly installments from fees and taxes actually collected and received by the City. The payment of each quarterly installment shall be made within 20 days after the calendar quarter end and will be submitted electronically.

8. Additional Development Costs. Except for assessments imposed on the Centura Orchard View Property by the GID and the MSD, the City shall not impose any off-site or on-site costs or seek recovery for off-site or on-site public improvements on or from the Centura Orchard View Property with respect to the items listed on Exhibit "C." Centura shall be responsible for development or impact fees separately assessed in connection with improvements built on the Centura Orchard View Property to the extent the same are typically payable at the time of obtaining building permits from the City as applied on a non-discriminatory basis.

9. Centura Development Plans and Construction. No later than thirty six (36) months after execution of this Agreement, Centura shall submit to the City an Official Development Plan and Preliminary Development Plan(s) for the initial Centura Orchard View Improvements in accordance with the standards and procedures provided for in the Code, consistent with the City Comprehensive Plan. The Parties acknowledge that Centura Orchard View Improvements will occur in phases, each phase to be submitted to the City for final review and approval consistent with the Code requirements. To the extent permitted by the Code, the Preliminary Development Plan shall be processed simultaneously with the other City approvals required in advance of construction, including without limitation the Official Development Plan and Final Plat.

10. Final Approvals. Upon final City approval of the Official Development Plan for the Orchard View Property the terms and conditions hereof shall be deemed as having been incorporated into and made a part of the Official Development Plan.

11. Default. In the event of a breach of this Agreement by a Party, before taking formal legal action, the Parties shall first attempt in good faith to resolve the alleged breach through negotiation, followed by mediation, if necessary. If negotiation and mediation do not

result in a resolution acceptable to all Parties, the non-defaulting Party may take any of one or more of the following actions solely with respect to the defaulting Party (and the defaulting Party's property subject to this Agreement):

a. The City may suspend permits, authorizations, or payments requested by or attributed to the defaulting Party until the default is cured; or

b. The non-defaulting Party may bring an action in the District Court against the defaulting Party for (i) specific performance of this Agreement, or alternatively, (ii) injunctive relief requiring the performance of the obligations contained in this Agreement.

c. In no event shall AZG or Centura be entitled to recover monetary damages against the City, direct, indirect, consequential, or otherwise and whether foreseeable or not. Except for the nonpayment of assessments or recoverable costs as provided for in this Agreement, the City shall not be entitled to recover monetary damages against AZG or Centura, direct, indirect, consequential, or otherwise and whether foreseeable or not.

12. Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the successors, assigns or transferees of the Parties, whether occurring before or after Final Approval upon the express agreement and assumption by any assignee to construct and develop the improvements approved for the Orchard View Property consistent with the Official Development Plan approved by the City.

13. Severability. It is understood and agreed by the Parties hereto that if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid, and the Parties shall cooperate to cure any legal defects in this Agreement.

14. Governing Law. The laws of the State of Colorado shall govern the validity, performance and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that venue of such suit or action shall be in Adams County, Colorado.

15. Notice. Any notice required under this Agreement shall be in writing and shall be deemed to have been duly delivered in the case of personal delivery upon actual receipt; or in the case of notices provided by certified mail, return receipt requested or postage prepaid, upon acceptance or refusal of delivery, or on the third business day after mailing; or in the case of notices sent by Federal Express or a similar reputable overnight courier service as of 5:00 p.m. on the immediately following business day after deposit; or in the case of notice transmitted by telecopier, facsimile, or electronic mail on the third business hour (a business hour being one of the hours from 8:00 a.m. to 5:00 p.m. on business days) after confirmation of transmission. Either party by notice so given may change the address to which future notices shall be sent.

a. Notice to the City and WEDA:

The City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031
Attention: Brent McFall, City Manager
Telephone: (303) 430-2400, x2010

With copies to:

Westminster City Attorney's Office
4800 W. 92nd Avenue
Westminster, CO 80031
Attention: Marty McCullough, City Attorney
Telephone: (303) 430-2400, x2231

b. Notice to Centura:

Centura Health Corporation
188 Inverness Drive, Suite 500
Englewood, Colorado 80112
Attention: Kris Ordeltcheide, Esq.
Telephone: (303) 804 8104
Telecopy: (303) 804 8190

With copies to:

Kutak Rock LLP
1801 California Street, Suite 3100
Denver, Colorado 80202
Attn: William S. Martin, Esq.
Telephone: (303) 297 2400
Telecopy: (303) 292 7799

c. Notice to AZG:

AZG Westminster, LLC
Arizona Gold Properties
1129 South Oakland, Suite 101
Mesa, AZ 85206
Attention: Rob Friend
Telephone: (480) 353-2915
Telecopy: (480) 985-4242

With copies to:

David Treadwell, Esq.
Biltmore Companies
5460 S. Quebec St. #300

Greenwood Village, CO 80111
Ph: 303-721-1516 x307
Fax: 303-770-7383
david@biltmore.biz

16. Amendments. This Agreement may be amended only by written agreement between the Parties.

17. Termination.

(a) This Agreement may be terminated by mutual agreement of the Parties or their respective successors or assigns.

(b) This Agreement shall be deemed as terminated upon full performance of the duties, responsibilities and obligations contained herein, and the Parties agree to execute any documents any other party may request to confirm said termination.

(c) If Centura and AZG do not close on the PSA for the Centura Orchard View Property on or before December 31, 2008, and the parties have not entered into a mutually acceptable extension of the Purchase and Sale Agreement scheduled to close at a date acceptable to the City, this Agreement shall be deemed as terminated without further action or approval of any Party.

(d) Upon termination, the Parties shall have no further rights, obligations or duties hereunder unless such rights, duties and obligations are expressly recognized to survive termination.

18. Authority. All Parties represent and warrant that the person signing this Agreement on behalf of each Party has been duly authorized to execute and enter into this Agreement, and that the terms, conditions and obligations contained here binding on the Party upon execution.

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

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

contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

21. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

22. Effective Date. The Effective Date of this Agreement is the date stated on page 1 hereof. This Agreement shall be deemed a covenant running with the Orchard View Property.

23. Recording. Any party hereto may record this Agreement or a memorandum hereof with the Clerk and Recorder's Office for Adams County, Colorado.

24. Several Liability. The parties hereto acknowledge and agree that the responsibilities of AZG and Centura under this Agreement and with respect to the City Mill Levies and the MSD Mill Levies are several and not joint and several.

CITY OF WESTMINSTER:

**CENTURA HEALTH CORPORATION,
a Colorado non-profit corporation**

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

**AZG Westminster LLC, an Arizona
limited liability company**

By: _____
Name: _____
Title: _____

**City of Westminster Economic
Development Authority**

By: _____

Name: _____

Title: _____



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 14, 2008



SUBJECT: Councillor's Bill No. 17 re Economic Development Agreement with Sprouts Farmers Markets, LLC

Prepared By: John Hall, Economic Development Specialist

Recommended City Council Action

Pass Councillor's Bill No. 17 on first reading authorizing the City Manager to execute and implement an Economic Development Agreement with Sprouts Farmers Markets, LLC in substantially the same form as the Agreement attached as Exhibit A.

Summary Statements

- City Council action is requested to authorize the execution of the attached Economic Development Agreement (EDA) with Sprouts Farmers Markets, LLC to assist with the cost of tenant improvements required to ready existing vacant space previously occupied by Albersons in the Sheridan Crossing Shopping Center for a new Sprouts Farmers Market. Sheridan Crossing is located at the southeast corner of 120th Avenue and Sheridan Boulevard.
- The \$352,234 EDA will be entirely funded with the rebates of the sales tax resulting from the new store, as well as permit fees and use tax on construction and use tax on furniture and fixtures.
- This Economic Development Agreement will assist in filling vacancies in the Sheridan Crossing Shopping Center, one of City Council's strategic plan objectives.
- The EDA rebate shall terminate after 3 years.
- If Sprouts Farmers Markets, LLC ceases business operations in the City within three years of when new operations commence, any payments made to Sprouts Farmers Markets, LLC under this agreement shall be reimbursed to the City unless a replacement tenant is found that is suitable to the City.

Expenditure Required: Estimated at \$352,234

Source of Funds: The EDA with Sprouts Farmers Markets, LLC will be funded through revenue received from permit fees, construction use tax, equipment use tax, and sales tax revenues directly generated from the remodeling and operation of the Sprouts Farmers Market.

Policy Issue

Does Council desire to provide assistance to Sprouts Farmers Markets, LLC to aid in filling the vacant space at Sheridan Crossing Shopping Center with a Sprouts Farmers Market?

Alternatives

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. The City may lose the project if assistance is not provided; the result would be that the City's goal of encouraging the infill of vacant space would not be achieved.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is the minimum amount that Staff believes will make this deal move forward.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. It is Staff's opinion that additional assistance is not needed.

Background Information

Staff has been working with owners of Sheridan Crossing Shopping Center, located at 120th Avenue and Sheridan Boulevard, regarding strategies for filling the space formerly occupied by an Albertsons grocery store that has been vacant for over a year. The decision by Albertsons to close and vacate the space in Sheridan Crossing was part of a larger corporate strategy and did not occur because of a lack of local market support. More recently, staff has also been working with Sprouts Farmers Markets, LLC of Phoenix, Arizona, to find a suitable site in the City of Westminster for the development of one of their first stores in Colorado. In conjunction with the company and the owners of Sheridan Crossing, Staff has been able to facilitate the locating of Sprouts' new store in the former Albertsons space.

Sprouts Farmers Markets, LLC currently operates stores in Arizona, California, and Texas. They feature high quality, low priced produce, and their stores are designed in the tradition of a farmers market with low display areas and fresh produce displays. In addition to produce, they sell meat and nutritional products appealing to customers that are health and value oriented.

Sprouts Farmers Markets, LLC wants to begin the construction of tenant improvements in May of 2008 and be open in late September or early October of 2008. By their third year of operations Sprouts is anticipated to generate in excess of \$13.6 million in annual sales, which equates to approximately \$410,000 in sales tax at 3%. It is important to remember that these numbers are only estimates; Sprouts will be rebated sales tax based on the actual level of sales tax produced.

Proposed Assistance

**Approximate
Value**

Building Permit Fee Rebate

\$4,866

30% of the building related fees (excluding water and sewer tap fees)
(Estimated building related fees \$16,219 x 30% = \$4,866)

Construction Use Tax Rebate

\$8,100

30% of the Use Tax on construction materials (excludes the City's .25%
Open Space Tax and .6% Public Safety Tax) for this project
(Estimated Use Tax \$27,000 x 30% = \$8,100)

<u>Furniture & Fixtures Use Tax Rebate</u>	\$10,359
30% of the Use Tax on new equipment (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) for this project (Estimated Use Tax \$34,530 x 30% = \$10,359)	
<u>Sales Tax Rebate for 3 years (36 months)</u>	\$328,909
30% of the General Sales Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) estimated at 30% x \$1,096,363 = \$328,909.	
Total Proposed Assistance Package	\$352,234

The rebates proposed for this assistance package will only be paid from dollars generated by the new Sprouts Farmers Market.

This assistance package is supportive of the City's goal to attract additional sales tax revenue and support the upgrading and renovation of existing retail space. Staff believes that this investment in the redevelopment of the former Albertsons space will positively affect the Sheridan Crossing Shopping Center.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **17**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT
WITH SPROUTS FARMERS MARKETS, LLC
FOR THE ATTRACTION OF A "SPROUTS FARMERS MARKET" TO THE SHERIDAN
CROSSING SHOPPING CENTER WESTMINSTER, COLORADO**

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

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

WHEREAS, Sprouts Farmers Markets, LLC plans to improve and fill a portion of the vacant space in the Sheridan Crossing Shopping Center located at the southeast corner of Sheridan Boulevard and 120th Avenue with a Sprouts Farmers Market; and

WHEREAS, a proposed Economic Development Agreement between the City and Sprouts Farmers Markets, LLC is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Economic Development Agreement with Sprouts Farmers Markets, LLC in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of April, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of April, 2008.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

ECONOMIC DEVELOPMENT AGREEMENT WITH SPROUTS FARMERS MARKETS, LLC FOR A "SPROUTS FARMERS MARKET"

THIS AGREEMENT is made and entered into this _____ day of _____, 2008, between the CITY OF WESTMINSTER (the "City"), and SPROUTS FARMERS MARKETS; an Arizona, LLC.

WHEREAS, the City wishes to provide certain assistance to Sprouts Farmers Markets, LLC to encourage the location of a Sprouts Farmers Market in the Sheridan Crossing Shopping Center at the southeast corner of 120th Avenue and Sheridan Boulevard; and

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

In consideration of the mutual promises set forth below the City and Sprouts Farmers Markets, LLC agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the building related permit fees for the Sprouts Farmers Market tenant finish required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees. The rebate is estimated to be \$4,866.

2. Use Tax Rebate- Construction. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the building use tax on the construction materials (excluding the City's .25% open space tax and .6% public safety tax), resulting from the Sprouts Farmers Market tenant finish, required under W.M.C. sections 4-2-9 and 4-2-3. The rebate is estimated to be \$8,100.

3. Use Tax Rebate- Furniture & Fixtures. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the General Sales and Use Tax collected on furnishings and equipment (excluding the City's .25% open space tax and .6% public safety tax), purchased during the period three months prior and three months after Sprouts Farmers Markets, LLC obtains a final Certificate of Occupancy for their new store. The rebate is estimated to be \$10,359.

4. Sales Tax Rebate. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the sales tax collected from Sprouts Farmers Market for the first three years (36 months) of operation of the new Sprouts Farmers Market store. Such rebate shall be payable exclusively from sales tax revenue collected by the City from Sprouts Farmers Market and attributable to the imposition of the City's 3.0% general sales tax (excluding the City's .25% open space tax and .6% public safety tax). The rebate is estimated to be \$328,900. The sales tax rebate shall not continue past three years (36 months) of operation and shall be administered as follows:

- (a) Payment. The sales tax rebate amount will be paid to Sprouts Farmers Markets, LLC in quarterly payments, made within 20 days after the end of each quarter. The sales tax rebate payment will be submitted electronically to Sprouts Farmers Markets, LLC designated financial institution.
- (b) End of Sales Tax Rebate. The sales tax rebate shall commence on issuance of the Certificate of Occupancy for Sprouts Farmers Market and end on the third (3rd) anniversary thereof.

5. Entire Agreement. This instrument shall constitute the entire agreement between the City and Sprouts Farmers Markets, LLC concerning the Sprouts Farmers Market retail store and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this agreement with respect to its subject matter.

6. Termination. This Economic Development Agreement shall terminate and become void and of no force or effect upon the City if Sprouts Farmers Market has not moved into their new space in Sheridan Crossing on or before December, 2008; or, should Sprouts Farmers Markets, LLC or Sprouts Farmers Market fail to comply with any City code and/or approval process.

7. Business Termination. In the event that Sprouts Farmers Market ceases business operations in the City within three years after the new operations commence, Sprouts Farmers Markets, LLC shall reimburse the City for any amounts rebated to or otherwise provided to Sprouts Farmers Markets, LLC pursuant to this Agreement, unless the City approves a successor to the initial approved user within 12 months of the closing of Sprouts Farmers Market, which is substantially similar in quality and sales tax production as the approved user.

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

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

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

SPROUTS FARMERS MARKETS, LLC,
AN ARIZONA LLC

CITY OF WESTMINSTER

Shon Boney
President and CEO

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Linda Yeager
City Clerk

Adopted by Ordinance No.