



WESTMINSTER
COLORADO

APRIL 23, 2001
7:00 P.M.
AGENDA

Please turn OFF cell phones and pagers during meetings

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

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. Westminster & Ranum High School Governmental Education Program Presentation
 - B. National Drinking Water Week Proclamation for May 6-12, 2001
 - C. Pride Day Proclamation for May 19, 2001
5. **Citizen Communication (5 minutes or less)**
6. **Report of City Officials**
 - A. City Manager's Report
7. **City Council Comments**

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

8. **Consent Agenda**
 - A. 2001 Asphalt Pavement Rehabilitation Bids with LaFarge Corp for \$1,551,233
 - B. Automatic Vehicle Location System Purchase from Compass Com for \$50,932
 - C. Bid for Police and Fire Mobile Data Computers from Portable Computer Systems for \$468,371
 - D. US36/92nd Avenue/Sheridan Blvd Interchange Project Construction Engineering Services
 - E. Financial Report for March, 2001
 - F. Councillor's Bill No. 12 re Vacation of ROW in Lexington Subdivision (Kauffman-Hicks)
 - G. Councillor's Bill No 16 re CDBG 2001 Fund Appropriation (Dixon-Moss)
 - H. Councillor's Bill No. 17 104th & Sheridan General Fund Carryover of \$52,300 (Atchison-Hicks)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. CONTINUED Public Hearing re Victory Church CLUP, 5th Amended PDP at 118th Ave & Sheridan Blvd
 - B. TABLED CB No. 15 Comprehensive Land Use Plan Amendment to Public/Quasi-Public Office
 - C. TABLED Fifth Amended Docheff Preliminary Development Plan
 - D. TABLED Victory Church Official Development Plan
 - E. Public Hearing re Bradburn CLUP, Rezoning & PDP/OPD at SEC of 120th Ave & Tennyson St
 - F. Councillor's Bill No. 18 Comprehensive Land Use Plan to Traditional Mixed Use Neighborhood Devel
 - G. Councillor's Bill No. 19 rezoning Bradburn property from Open District (O-1) to PUD
 - H. Resolution No. 24 awarding 163 Category B-4 Service Commitments for Bradburn property
 - I. Public Hearing re Bradburn Metro Special District Service Plan Amendment
 - J. Resolution No. 25 re Adoption of Bradburn Metro District Service Plan Amendment
 - K. Public Hearing re Huntington Trails PDP located at SWC 144th Avenue & Huron Street
 - L. Preliminary Development Plan for Huntington Trails

- M. Resolution No. 26 re Salary Adjustment for Assistant City Engineer/Senior Projects Engineer
- N. Councillor's Bill 20 re Sheridan Blvd 113th Ave to 118th Ave Construction Contract Appropriation
- O. Public Defender Contract Renewal with Beth Ann Faragher
- P. Employee Agreement with J. Brent McFall as City Manager beginning May 21, 2001
- Q. Amended Employment Agreement with William Christopher, City Manager
- R. Change Date of Second Council Meeting in May to May 21
- S. Councillor's Bill No. 21 re Transfer From General Fund to Capital Projects Fund

11. Old Business and Passage of Ordinances on Second Reading

None

12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business

- A. City Council
- B. Request for Executive Session
 - 1. Amended Business Assistance Package Negotiations

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 23, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Mayor Heil, Mayor Pro Tem Dixon, Councillors Atchison, Hicks, Kauffman, and Moss were present at roll call. William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk were also present. Councillor Merkel was absent.

CONSIDERATION OF MINUTES:

Councillor Atchison moved, seconded by Councillor Hicks to accept the minutes of the meeting of April 9, 2001 with a correction to the Victory Church Public Hearing, stating the hearing was continued to the next Council Meeting instead of closed. The motion carried unanimously.

PRESENTATIONS

Ranum and Westminster High School students addressed Council about their experience with the Washington DC Close Up Government Program. City Council contributed to the scholarship fund with 12 students received scholarships, and a total of 18 students traveling to Washington.

Mayor Heil presented a proclamation to Steve Ramer, Water Plant Laboratory Analyst and Program Coordinator, proclaiming May 6 – 12 as “National Drinking Water Week”.

Mayor Heil presented a proclamation to Patti Wright, Open Space Volunteer Coordinator, proclaiming May 19th as “Community Pride Day”.

CITY MANAGER REPORT:

City Manager, Bill Christopher, stated that there would be a Special Council Meeting and Westminster Economic Development Authority Meeting on Monday, April 30, 2001.

CITY COUNCIL COMMENTS:

Councillor Kauffman encouraged citizens to participate in Pride Day. Councillor Moss commented that the cost of asphalt increased 9% over the last year. Councillor Atchison commented that the top public golf courses in the State show Legacy Ridge Golf Course ranked fifth and Heritage golf course ranked 14th. Councillor Hicks commented on the retirement event for Bill Christopher, the naming of the Christopher ball fields at City Park and publicly thanked Bill Christopher for his 23 years of service as City Manager. Mayor Heil commented that Councillor Ed Moss will be honored at the Denver Bar Association’s 13th Annual Barristers Benefit Ball for his extraordinary efforts in supporting free legal services to the poor.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: 2001 Asphalt Pavement Rehabilitation Project Bid to La Farge Corporation for \$1,551,233; Purchase of Automatic Vehicle Locating System to Compass for \$50,932; Bid for Police and Fire Mobile Data Computers to Portable Computer Systems Inc for \$468,371; US 36/92nd Avenue/Sheridan Boulevard Interchange Contract with Felsburg, Holt & Ullevig for \$265,960; Financial Report for March, 2001; CB No. 12 re Vacation ROW in Lexington Subdivision; CB No. 16 re CDBG 2001 Fund Appropriation; CB No. 17 re 104th & Sheridan General Fund Carryover of \$52,300.

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

Mayor Pro-Tem Dixon moved, seconded by Councillor Atchison to adopt the Consent Agenda items as presented. The motion carried unanimously.

CONTINUED PUBLIC HEARING RE VICTORY CHURCH CLUP AMEND, 5TH AMENDED PDP, ODP

At 7:45 P.M. the continued public hearing was opened on the Victory Church Comprehensive Land Use Plan Amendment, 5th Amended Preliminary Development Plan for Docheff Planned Unit Development, and Victory Church Official Development Plan located at the NWC of 117th Avenue and Sheridan Boulevard. Dave Shinneman, Planning Manager entered e-mails into the record. Pastor Ware addressed Council. The Mayor stated that each side would have 45 minutes to address this issue.

The following people spoke in opposition: Robert Miller, 5545 W 118th Ave, submitted a petition with 62 signatures in opposition; David Sharpe, 5695 W 118th Cir, submitted pictures of other buffered areas as examples; Kori Miller, 5545 W 118th Ave; Janis Robinson, 11797 Gray Way; Pam Langan, 11788 Eaton Ct; Michael DiRenzo, 11783 Eaton Ct; Dean Hubback, 5857 W 117th Pl; Catherine Payne, 5690 W 117th Pl; Samantha Rogers, 5506 W 118th Ave; Brianna Lujan, 5526 W 118th Ave; Kevin Rogers, 5506 W 118th Ave; Margaret Gutierrez, 5725 W 118th Ave; Jeffery Langan, 11788 Eaton Ct; Allen Campbell, 5521 W 117th Pl; and Michael Vos, 11763 Eaton Ct.

The following people wish to have their name entered into the record in opposition of this issue: Tom Adkins, 5302 W 116th Cir; Ruth Aten, 5627 W 118th Pl; David Bayliff, 5858 W 116th Ave; Robbie Blagg, 11756 Fenton St; Michael Borchlewicz, 885 W 127th Ct; Maryann Croff, 5546 W 118th Ave; Steve Croff, 5546 W 118th Ave; Devyn Danieley, 5526 W 118th Ave; Lynda Danieley, 5526 W 118th Ave; Chuck Davis, 11750 Fenton St; Claudia Davis, 11750 Fenton St; Tammi DiRenzo, 11783 Eaton Ct; Carl Edwards, 5591 W 117th Pl; Karen Edwards, 5591 W 117th Pl; Christine Everson, 11787 Eaton Ct; Eric Everson, 11787 Eaton Ct; Debra Glennie, 5960 W 118th Ave; Lynne Gray, 5303 W 116th Cir; Mikkel Hultin, 5282 W 116th Cir; Kathleen Kelso, 5584 W 118th Pl; Larry Kelso, 5584 W 118th Pl; Terry Kinney, 11713 Gray Way; Gary & Kathy Lindgren, 5525 W 118th Ave; Kristen Loesel, 5724 W 118th Pl; Marsay Montgomery, 11745 Gray Way; Brian & Lisa Nash, 11715 Gray Way; Carol Nero, 5627 W 118th Pl; Paul Page, 5725 W 118th Ave; Tracey Renfrow, 5526 W 118th Ave; Mark Ricigliano, 5526 W 118th Ave; Mike Rogers, 5506 W 118th Ave; Steve Sellars, 5640 W 118th Ave; Victoria Sellars, 5640 W 118th Ave; William Staton, 11769 Fenton St; Tom Sutter, 5505 W 118th Ave; Ken Taber, 5960 W 118th Ave; Davis Vigil, 5665 W 118th Cir; Dorothy Vigil, 5665 W 118th Cir; Cynthia Vos, 11763 Eaton Ct; Jennifer Welk, 5382 W 116th Cir; Michael Welk, 5382 W 116th Cir; David Winkel, 11782 Eaton Ct; and Susan Winkel, 11782 Eaton Ct.

The following persons submitted emails and/or letters in opposition of this issue: Arlene Adkins and Tom Adkins, 5302 W 116th Cir; John Ament, 5598 W 115th Dr; Michael Best, 5787 W 115th Ct; Ramiz, Ina, Tahir and Kenan Bisic, 5343 W 116th Cir; Blake Couture; Maryann Croff, 5546 W 118th Ave; Steve Croff, 5546 W 118th Ave; Mike Crocker; Chuck and Claudia Davis, 11750 Fenton St; Mike & Tammi DiRenzo, 11783 Eaton Ct; Eric Everson, 11787 Eaton Ct; Forchino; David & Lynne Gray, 5303 W 116th Cir; Lee Hood, Fenton St; Mikkel Hutlin, 5282 W 116th Cir; Steven Jeziorski; Larry Kelso, 5584 W 118th Pl; Terry Kinney; Cynthia Kirchner; Jeffery Langan, 11788 Eaton Ct; Pamela Langan, 11788 Eaton Ct; Kristen and Jim Loesel, 5724 W 118th Pl; Kathleen Roberts Miller, 11736 Gray Way; Robert Miller, 5545 W 118th Ave; The Montgomery's, 11745 Gray Way; Lisa Nash, 11715 Gray Way; Carol Nero, 5627 W 118th Pl; Connie, David, Samantha, Amber and Joshua Nicoletti, 11719 Chase St; Catherine Payne, 5690 W 117th Pl; David Robinson, 5322 W 116th Cir; Steve and Vickie Sellars, 5640 W 118th Ave; David Sharpe, 5695 W 118th Cir; Donald Shih; Susan Spivey, 5475 W 115th Pl; Sharon Sutter; Mike Vos, 11763 Eaton Ct; Mike and Jennifer Welk, 5382 W 116th Cir; and Steven White, 11741 Gray St.

The following people spoke in favor of this issue: Gary Washington, 9561 Vance Ct; Lauri Lundie, 11743 Fenton St; Denise Fischer, 5628 W 117th Pl; Sheri Brown, 7364 W 98th Pl; Karen Wells, 12907 G Lafayette St; Jeanne Ware, 4840 W 103rd Ave; Pamela Nilson, 8122 Ammons Way, Arvada; Kurt Petersen, 9070 Cypress Dr, Thornton; Colleen Griffin, 7948 Chase Cir; Mel Coleman, Jr., Dunsfield Way, Broomfield; Leanne Rice, 6962 Fig Ct, Arvada; Matthew Ware; Eugene Conn, 2634 E 132nd Ave; James Riddle, 1941 W 23rd Pl.; Ronald Allen, 1995 E Coalton Rd, Superior; and Bryan Lee, 9345 Raleigh St.

The following people wish to have their name entered into the record in support of this issue: Betty Ballinger, 11650 Indiana St, Broomfield; Leah Ballinger, Westminster; Jefre Buss, 8290 Federal #20; Beth Clark, 10755 NW Routt Wy; Gerry Clark, 10755 NW Routt Way; Deseree Coleman, 8461 Mason Cir; Crystal Fluckey, 2050 W 6th Ave, Broomfield; Victoria Fluckey, 2050 W 6th Ave, Broomfield; Robert Golden, 2043 E 116th Pl, Northglenn; Vera Mae Griffin, 3925 W 84th Ave; Kimberly Hill, 4210 E 100th Ave #545, Thornton; Gene Jackson, 6003 Tank Ct, Arvada; Briana Jacobs, 10230 W 100th Pl; Marilyn Jacobs, 10230 W 100th Pl; Ryan James 12101 Melody Dr 16-201; Jason Kochen, 9182 W 90th Pl; Wendy Kolego, 2050 W 6th Ave, Broomfield; Jeff Kolego, 2050 W 6th Ave, Broomfield; Ed & Lisa Leeseekamp, 7728 Ellen Ln, Denver; James & Jodie Martinez, 4210 E 100th Ave, Thornton; Dolores Maes, 9889 Steele St, Thornton; Teofilo Ben Maes Jr, 9889 Steele St, Thornton; Dena Mohr, 276 Hemlock St, Broomfield; Ken Mohr, 276 Hemlock St, Broomfield; Cynthia Morales, 80 Cragmore St, Denver; Michael Morrison, 5516 W 115th Pl; Joseph Ortega, 8122 Ammons Way, Arvada; Gwen Phillips, 11625 Comm Ctr Dr #1315, Northglenn; Clifton & Emily Powell, 9850 N Federal, Federal Heights; Chester & Dorothy Przak, 8783 Chase Dr #211, Arvada; Julie Rivera, 68 Garden Ctr #215, Broomfield; Cindy Ryan, 8144 Ammons Way, Arvada; Breanne Schaller, 8300 Sheridan Blvd; Aaron Simmons, 13550 Washington St 7B, Thornton; Trish Simmons, 13550 Washington St 7B, Thornton; Ben Tafoya, 11125 Seton Pl; Barbara Turner, 7033 Quay St, Arvada; Tim Turner, 7033 Quay St, Arvada; Sammie Washington, 9561 Vance Ct, Broomfield; Michael Wilson, 6655 W 80th Cir, Arvada; Amy Wojtowicz, 11464 Fowler Dr, Northglenn; and Nancy Wojtowicz, 11464 Fowler Dr, Northglenn.

The following persons submitted email and/or letters in favor of this issue: Dayna Abbey, 11061 Marshall St; Trish Abbey, 11061 Marshall St; Bonnie Averill, 5776 W 117th St; Betty Ballinger; Patti Bartell; Barbara Brann, 3331 W 114th Pl; BrookLyn; Sheri Brown, 7364 W 98th Pl; Roger Bruce; Tim and Tammy Bruntz; David Burkart; Mr. & Mrs. Russell Burns; Jefre Buss; Mark Campbell, 10562 Hobbit Ln; Lois Clayton; David Clifton; Mrs. Coleman; Denise Fischer, 5628 W 117th Pl; Cheryl Fuller; Al and Arlene Gold, 11361 Fenton St; Suzanne and Bob Golden, 2073 E 116th Pl, Northglenn; Mollie Gosnell, 4901 W 93rd Ave #322; Colleen Griffin; Vera Mae Griffin, 3925 W 84th Ave; Kurtis Hardester; Bruce Heany; JR; Lesli Jamison; Dan Jablonski; Roy Kinch; Robin Knerr, 11120 Cherry Cir; Jason Kochen; Marilyn LaPoint; Bryan Lee, 9345 Raleigh St; Leonard and Pamela Lehto; Lauri and Greg Lundie; Dolores Maes; James and Jodie Martinez; Dena Mohr; Sara Nan Montgomery, 5786 W 115th Pl; Gary and LeeAnn Morris; Pamela Nilsen, 10401 King Cir; Cheryl Pelts; Dean and Carol Peter, 10970 Kendall Dr; Sherry Petersen; Brian Rainwater, 9820 Xavier Ct; Chester and Dorothy Rdzak, 8783 Chase Dr #211, Arvada; Brian and Cindy Regardie, 11242 W 102nd Dr; Linda Reynolds; Leanne Rice; Timothy Rice; Kristy and Chris Ritter; Christine Smith; Darrel Smith; Tracy Smith, 11024 Stuart Ct; Al Scott; Phyllis Simoneau, 7450 Knox Pl; Jessica Sawa; Barb Turner; Tim Turner; Kyle Van Ocker; Kerri Walsh, 5690 W 71st St; Jeanne Ware; Rebekah Ware; Gary Washington; Neal and Karen Wells; Mary Wells; Carol Wildebrandt, 10901 W 106th Ave; Gary Wildebrant, 10901 W 106th Ave; Darcy Wilson, 8055 Wolff St #C; Michael Wilson and Family; Jason, Kim and Blake Wren, and Ardara Yballa.

Linda Parker, Pulte Homes, 4795 W 118th Ct, and Dan Starr, 11789 Gray St, wish to have their names entered into the record with no opinion stated. Councillor Hicks submitted copies of all emails he had received, with all names entered into the record.

At 10:25 P.M. the public hearing was closed.

Mayor Heil called a recess at 10:25 P.M., Council reconvened at 10:40 P.M.

COUNCILLOR'S BILL NO 15 RE VICTORY CHURCH CLUP AMENDMENT

Councillor Atchison moved, seconded by Councillor Hicks to remove this item from the table. The motion carried unanimously. Councillor Atchison moved, seconded by Councillor Moss to pass Councillor's Bill No. 15 on first reading, approving the proposed Comprehensive Land Use Plan Amendment, amending the land use designation from Business Park to Public/Quasi Public and Office. Upon roll call vote, the motion carried unanimously.

FIFTH AMENDED DOCHEFF PRELIMINARY DEVELOPMENT PLAN

Councillor Atchison moved, seconded by Councillor Hicks to remove this item from the table. The motion carried unanimously. Councillor Atchison moved, seconded by Councillor Kauffman to approve the Fifth Amended Docheff Preliminary Development plan with the condition that criteria for the size and type of signage be removed from the PDP and specified on the Official Development Plan. Upon roll call vote, the motion carried unanimously.

VICTORY CHURCH OFFICIAL DEVELOPMENT PLAN

Councillor Atchison moved, seconded by Councillor Moss to remove this item from the table. The motion carried unanimously. Councillor Atchison moved, seconded by Councillor Hicks to approved the Official Development Plan for Victory Church with the following conditions: (a) The size and design (including the electronic reader board) of the Church sign shall be removed from the Official Development Plan with these issues decided as a part of the continued Westminster Sign Code amendments. The sign would then be allowed per the provisions in whatever amended Westminster Sign Code which City Council determines at a future date. (b) The directional sign shall be limited to 5 square feet and 32 inches in height, per the Westminster Municipal Code. (c) The developer shall be required to complete the landscaping of the proposed right-of-way and landscape setback areas along the Sheridan Boulevard frontage, including the proposed sod, trees and shrubs to the north of the main entrance, with the first phase. (d) Timed lighting will be installed in the parking lot of Victory Church subject to addressing the details on the Official Development Plan. (e) The proposed Chase Street access will be deleted from the Official Development Plan and will not be installed in future phases. (f) Evergreen trees meeting the City's size requirements will be installed at an average of 40-feet on center, not to exceed a maximum of 35 trees. These trees will be placed along Chase Street and 117th Avenue. The trees north of the 118th Avenue alignment may be installed in Phase II. The remainder of the trees along Chase Street and 117th Avenue will be installed in Phase I.

Councillor Kauffman moved, seconded by Mayor Pro-Tem Dixon to amend the Official Development Plan to include a berm on the South side parallel to 117th Avenue of property. The motion carried unanimously.

Councillor Hicks moved, seconded by Mayor Pro-Tem Dixon to amend the Official Development Plan to have the Church work with neighbors through the Home Owners Association on the timing of the lights. The motion carried unanimously.

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to amend the Official Development Plan to eliminate 95 parking spaces facing Chase Street on the west side of the property to increase the buffer. The motion carried unanimously.

Councillor Moss moved to eliminate 30 parking spaces on the 117th Avenue side of the property. The motion failed for lack of a second.

Councillor Moss moved, seconded by Councillor Hicks to amend item (f) as follows IN ADDITION TO ALL OTHER LANDSCAPING REQUIREMENTS Evergreen trees meeting the City's size requirements will be installed at an average of 40-feet on center, not to exceed a maximum of 35 trees. These trees will be placed along Chase Street and 117th Avenue. The trees north of the 118th Avenue alignment may be installed in Phase II. The remainder of the trees along Chase Street and 117th Avenue will be installed in Phase I. The motion carried unanimously.

Mayor Pro-Tem Dixon requested Staff to review changes to the notification process to notify all homeowners within the adjacent development.

Upon roll call vote on the main motion as amended, the motion carried unanimously.

PUBLIC HEARING RE BRADBURN CLUP, REZONING & PDP/ODP AT SEC 120TH AVE/TENNYSON

At 11:30 P.M. the public hearing was opened for the Bradburn CLUP amendment, Preliminary Development Plan and Official Development Plan at the southeast corner of 120th Avenue and Tennyson. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items into the record. Mark Falcone, Will Fleissig and Jeff Beddard of Continuum Partners, and Dave Wedmore of Carmel Companies were present and addressed Council. Tom Adkins, 5302 W 116th Cir wished to have his name entered into the record in support of the issue. There was no opposition. Councillor Atchison moved, seconded by Councillor Hicks to continue the Council Meeting past the hour of midnight. The motion carried unanimously. The public hearing was declared closed at 12:35 A.M.

COUNCILLOR'S BILL NO. 18 RE BRADBURN CLUP AMENDMENT

Mayor Pro-Tem Dixon moved, seconded by Councillor Atchison to pass Councillor's Bill No. 18 on first reading amending the Comprehensive Land Use Plan establishing a new land use designation of Traditional Mixed Use Neighborhood Development and amending the CLUP designation for the Bradburn project from Business Park and Single-Family Detached - Medium Density to Traditional Mixed Use Neighborhood Development, Public Park, and Public Open Space. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 19 RE REZONING BRADBURN PROPERTY

Mayor Pro-Tem Dixon moved, seconded by Councillor Atchison to pass Councillor's Bill No. 19 on first reading rezoning the Bradburn property from Open District (O-1) to Planned Unit Development (PUD), based on a finding that the rezoning is in compliance with the City of Westminster Comprehensive Land Use Plan and Section 11-5-3 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

PRELIMINARY DEVELOPMENT PLAN FOR BRADBURN

Mayor Pro-Tem Dixon moved, seconded by Councillor Atchison to approve the Preliminary Development Plan for Bradburn based on the findings set forth in Section 11-5-14 of the Westminster Municipal Code. The motion carried unanimously.

OFFICIAL DEVELOPMENT PLAN FOR BRADBURN

Mayor Pro-Tem Dixon moved, seconded by Councillor Atchison to approve the Official Development Plan for Bradburn based on the findings set forth in Section 11-5-15 of the Westminster Municipal Code.

Councillor Moss moved, seconded by Councillor Atchison to amend the main motion The Official Development Plan shall also include 25 for purchase residences, selling for a maximum of \$170,000 after application for public subsidies, grants or similar funds, with the residences having a minimum of 1200 square feet and that this requirement be revisited in 180 days. The amendment carried with dissenting votes from Councillor Hicks and Councillor Kauffman.

Upon vote on the main motion as amended, the motion carried with a dissenting votes from Councillor Hicks.

RESOLUTION NO. 24 RE CATEGORY B-4 SERVICE COMMITMENTS FOR BRADBURN

Mayor Pro-Tem Dixon moved, seconded by Councillor Atchison to adopt Resolution No. 24 awarding 163 additional Category B-4 Service Commitments for the Bradburn project in accordance with Section 11-3-5 of the Westminster Municipal Code. Upon roll call vote, the motion carried unanimously.

BRADBURN PROJECT

Mayor Pro-Tem Dixon moved, seconded by Councillor Atchison that all of the recommendations pertaining to the Bradburn project are contingent upon and subject to approval of a final service plan for the Bradburn Metropolitan District as contemplated by the conditional approval of said district as set forth in Resolution No. 69, Series of 2000. The motion carried unanimously.

PUBLIC HEARING RE BRADBURN METRO SPECIAL DISTRICT SERVICE PLAN AMENDMENT

At 12:50 A.M. the public hearing was opened for the Bradburn Metro Special District Service Plan Amendment. John Carpenter, Director of Community Development, entered a copy of the Agenda Memorandum, and other related items into the record. Dave Shinneman, Planning Manager, Mark Falcone and Jeff Beddard of Continuum partners, and Kristin Baer of Kirpatrick Petis, Underwriting Attorneys were present and addressed Council. There was no opposition. The public hearing was declared closed at 1:10 A.M.

RESOLUTION NO. 25 RE BRADBURN METRO SPECIAL DISTRICT SERVICE PLAN AMENDMENT

Councillor Atchison moved, seconded by Councillor Kauffman to adopt Resolution No. 25 granting approval of the First Modification to the Original Service Plan for Bradburn Metropolitan Districts Nos. 1, 2 and 3, and making certain findings and determinations in regard to the Bradburn Metropolitan Districts and amending Section XI. Disclosure to read: This disclosure SHALL BE CONSPICUOUS AND SHALL occur at the commencement of negotiations or the execution of a reservation of a lot whichever shall first occur. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE HUNTINGTON TRAILS PDP

At 1:12 A.M. the public hearing was opened for the Huntington Trails Preliminary Development Plan property located at the SWC of 144th Avenue and Huron Street. Dave Shinneman, Planning Manager, entered a copy of the Agenda Memorandum, Planning Commission recommendation, and other related items into the record. Ed Sutton of Huntington Trails Development was present and addressed Council. There was no opposition. The public hearing was declared closed at 1:22 P.M.

HUNTINGTON TRAILS PRELIMINARY DEVELOPMENT PLAN

Mayor Pro-Tem Dixon moved, seconded by Councillor Atchison to approve the Huntington Trails Preliminary Development Plan subject to the Official Development Plan including all requirements in the Annexation Agreement and the recreation center/park area being a minimum of one (1) acre in size. The motion carried unanimously.

RESOLUTION NO. 26 RE PAY RANGE ADJUSTMENT FOR ENGINEER POSITIONS

Councillor Atchison moved, seconded by Councillor Hicks to adopt Resolution No. 26 approving the immediate adjustment of the pay ranges for the Assistant City Engineer and the Senior Projects Engineer positions within the Engineering Division of the Department of Community Development to a range of \$74,000 - \$81,000 per year. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 20 SHERIDAN BLVD SUPPLEMENTAL APPROPRIATION

Councillor Atchison moved, seconded by Mayor Pro Tem Dixon to pass Councillor's Bill No. 20 on first reading appropriating \$2,668,000 to the Sheridan Boulevard, 113th to 118th Avenue project to obligate grant funding from the Colorado Department of Transportation. Upon roll call vote, the motion carried unanimously.

SHERIDAN BOULEVARD 113TH AVENUE TO 118TH AVENUE CONSTRUCTION

Councillor Hicks moved, seconded by Councillor Atchison to authorize the City Manager to sign an agreement with Asphalt Specialties, Inc. in the amount of \$2,876,543.21. The motion carried unanimously.

Councillor Hicks moved, seconded by Councillor Atchison to authorize a force account as a part of the construction contract in the amount of \$185,250 and a contingency in the amount of \$100,000. The motion carried unanimously.

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to authorize a payment to Xcel Energy in an amount not to exceed \$35,000 for undergrounding existing overhead utilities. The motion carried unanimously.

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to authorize the transfer of \$220,850 from the appropriate Utility Fund account to pay for the installation of the reclaimed water line. The motion carried unanimously.

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to charge all of the above expenses to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

MUNICIPAL COURT PUBLIC DEFENDER AMENDED AGREEMENT

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon authorizing the Mayor to execute an amended agreement with Beth Ann Faragher for services as Municipal Court Public Defender effective April 1, 2001, and charge the expense to the General Fund Municipal Court Budget. The motion carried unanimously.

EMPLOYMENT AGREEMENT WITH J. BRENT MCFALL

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon approving an employment agreement with J. Brent McFall for his services as City Manager for the period beginning May 21, 2001, through December 31, 2002. The motion carried unanimously.

AMENDED EMPLOYMENT AGREEMENT WITH WILLIAM CHRISTOPHER

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to amend the employment agreement with William M. Christopher to extend his term of employment as City Manager through May 20, 2001 and as an advisor to the new City Manager for the two-day period of May 21 and 22, 2001. The motion carried unanimously.

CHANGE DATE FOR COUNCIL MEETING IN MAY

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to change the date of the last regular meeting of City Council in May from May 28th to May 21st. The motion carried unanimously.

COUNCILLORS BILL NO. 21 TRANSFER FROM GENERAL FUND TO CAPITAL PROJECTS FUND

Councillor Atchison moved, seconded by Mayor Pro-Tem Dixon to pass Councillor's Bill No. 21 on first reading, transferring \$1,362,696 from the General Fund to the Federal Boulevard Extension project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried with a dissenting vote from Councillor Moss.

CITIZEN PRESENTATIONS

Dean Hubbuck, 5857 W 117th Pl, Tom Adkins, 5302 W 116th Cir, and David Sharpe, 5695 W 118th Cir requested that Council consider more than 300 ft. notification on future development plans.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session for discussion on Amended Business Assistance Package negotiations.

ADJOURNMENT:

The meeting was adjourned at 1:50 A.M.

ATTEST

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: Proclamation re National Drinking Water Week

Prepared by: Steve Ramer, Laboratory Analyst/Program Coordinator

Introduction

City Council is requested to proclaim the week of May 6-12, as “National Drinking Water Week” in the City of Westminster. Steve Ramer, Water Plant Laboratory Analyst and Program Coordinator for the Westminster Water Week Program, will be at the City Council meeting to accept the proclamation.

Summary

National Drinking Water Week focuses on the importance of a safe domestic water supply and the limited nature of our Nation’s drinking water supply resources. The objective of this week is to educate and inform the public of the importance of a safe, reliable public water source, the need for wise use of water and water conservation and protection, and to encourage each local water utility to involve its citizens in water promotion activities.

Staff Recommendation

Proclaim the week of May 6-12, 2001 as “National Drinking Water Week” in the City of Westminster.

Background

The City program, scheduled for the week of May 6-12, will be coordinated by the Water Resources and Treatment Division. A booth and display will be set up at the Westminster Mall on May 10-12. The display will include a table top display on water treatment, a TV/VCR unit for viewing water related films, handouts and brochures on water conservation, water treatment, and water quality. A drawing will also be held for a gift certificate from Home Depot.

In conjunction with this activity, classroom presentations will be offered to elementary and junior high school students. There will be a poster contest for elementary school students and an essay contest for junior high school students, all of which will be displayed at the Westminster Recreation Center. The winning posters and essays will be on display at the Semper Water Treatment Facility for the remainder of the year.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

WHEREAS, our health, comfort and standard of living depend on an abundant supply of safe, high quality water, and

WHEREAS, the problems and challenges of meeting future water supply needs are many and growing in complexity, and

WHEREAS, the ever increasing need for domestic water makes expansion of storage, supply and distribution facilities, the water quality monitoring and continued training of skilled personnel essential.

NOW THEREFORE, I, Nancy Heil, Mayor of the City of Westminster, on behalf of the entire City Council and Staff of the City of Westminster, Colorado, do hereby proclaim the week of May 6-12, 2001 as

National Drinking Water Week

in the City of Westminster and asks all citizens to join in extending our appreciation to the dedicated men and women of our Westminster Municipal water system, and urge that Westminster citizens participate in National Drinking Water Week activities and become more informed about Westminster's water supply and system.

Signed this 23rd day of April 2001.

Mayor Nancy M. Heil



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 23, 2001
Subject: Proclamation re Community Pride Day
Prepared by: Patti Wright, Open Space Volunteer Coordinator

Introduction

City Council action is requested to proclaim the date of Saturday, May 19, 2001, as Community Pride Day.

Summary

Westminster and Hyland Hills Park and Recreation District have targeted May 19, 2001, as Community Pride Day. Community Pride Day activities will include litter pickup along right-of-ways, greenbelts, 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, and church groups. The event will conclude at Westminster City Hall with a picnic sponsored by the City of Westminster, Hyland Hills Park and Recreation District, Westminster Rotary Club, Wal*Mart, Barber's Poultry, Bar S, AMC 24 Theatres at the Promenade, the Colorado Rapids, and Summit Waste Company.

More than 600 volunteers will begin cleaning up at approximately 8 a.m. along designated routes. Westminster's Danztastics dance group will begin performing at 10:00 a.m. Music begins at 11 a.m., provided by the mobile DJ, Sweetness and Company. Demonstrations by the Westminster K-9 Unit will be held at 11:15 a.m. At 11:30 a.m., hotdogs and hamburgers will be hot off the barbecue grill at City Hall, along with soda pop and dessert. At noon, Mayor Nancy Heil will read the 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, and Smokey the Bear will remind participants to be safe with fire this summer.

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

Open Space Volunteer Coordinator Patti Wright will be present at Monday night's meeting to accept this proclamation.

Policy Issue

Community Pride Day has been held for several years with enthusiastic support from residents. No policy issues have arisen from this event.

Recommendation

Proclaim May 19, 2001 as "Community Pride Day."

Alternatives

City Council could choose to not proclaim May 19 as Community Pride Day, leaving the City without a volunteer cleanup day.

Background Information

Community Pride Day has been held for several years under the names Westminster Pride Day and Y2K Cleanup. This popular volunteer cleanup event has grown from a few hundred volunteers to over 800 volunteers. The barbeque at the culmination is well-received by volunteers as a celebration of their efforts and commitment to a cleaner community.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

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

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

WHEREAS, The cleanliness of the community will be enhanced by these efforts.

NOW, THEREFORE, I, Nancy M. Heil, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 19

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 23rd day of April, 2001.

Nancy M. Heil, Mayor



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 23, 2001
Subject: 2001 Asphalt Pavement Rehabilitation Project Bid
Prepared by: Ray Porter, Infrastructure Improvements Manager

Introduction

City Council action is requested to award the bid for the 2001 Asphalt Pavement Rehabilitation Project and authorize the City Manager to execute an intergovernmental agreement with Adams County School District #50. Funds have been specifically allocated in the 2001 Department of Public Works and Utilities Infrastructure Improvements Division Operating Budget, the 2001 Utilities Field Operations Budget, and the 2001 General Capital Improvement Fund.

Summary

City Council approved funds in the 2001 Infrastructure Improvements Division Operating Budget for resurfacing and reconstruction of 25.8 lane miles of paved roadways on 26 streets throughout the City.

Formal bids were solicited in accordance with City Charter bidding requirements for the 2001 Asphalt Pavement Rehabilitation Project. Eight contractors obtained bid packages and six bids were received. The low bidder, La Farge Corporation, at \$1,551,233, meets all the City bid requirements and has successfully completed similar City projects in prior years. Adams County School District #50 participated in this bid process and \$84,827 of La Farge's bid is for school district work. Also participating in this bid is the Utilities Field Operations Division for patching behind waterline replacements at a cost of \$237,454. New in 2001 is the City Facility Parking Lot Management Program in the General Capital Improvement Fund at a cost of \$100,000.

Policy Issue

Should City Council award the 2001 Asphalt Pavement Rehabilitation Project and authorize the City Manager to sign a contract with La Farge Corporation in the amount of \$1,551,233?

Staff Recommendation

Authorize the City Manager to sign a contract for the 2001 Asphalt Pavement Rehabilitation Project with the low bidder, La Farge Corporation, in the amount of \$1,551,233, authorize a \$145,000 contingency, and charge the expense to the appropriate 2001 Department of Public Works and Utilities Infrastructure Improvements Division Operating Budget, the 2001 Utilities Field Operations Operating Budget, and the appropriate 2001 General Fund Capital Improvement Project Account. Authorize the City Manager to sign an intergovernmental agreement with Adams County School District #50 for the District's asphalt parking lot repairs in conjunction with the City's project, at the District's expense.

Alternatives

An alternative to this approach is to combine the bids for the concrete replacement projects and the Asphalt Pavement Rehabilitation Project. The pros and cons for this approach are:

Pros:

- Contract administration costs would decrease because there would only be one bid instead of three.
- Coordination of concrete replacement followed by asphalt pavement improvements would fall on the contractor instead of City Staff.

Cons:

- Bid prices for concrete work would increase because the general contractor's profit margin would be added to the subcontractor's profit margin and costs.
- The smaller concrete contractors have historically bid lower prices for the less lucrative Customer Service Concrete Replacement Program. They would be eliminated from bidding this large project due to time constraints.
- Unit costs for concrete replacement would increase due to the limited competition for the bid.
- The concrete contractor would want to incorporate the 266 locations from the Customer Service Concrete Replacement Program with the street improvements thus delaying the timeliness of street work.

Background Information

Contractual asphalt work prices increased 9% from 2000. The increase can be attributed to the rising cost of oil throughout the country.

The 2001 Asphalt Pavement Rehabilitation Project consists of 25.8 lane miles of street improvements at 26 locations throughout the City. This program was recommended by Staff after each street segment was carefully analyzed through the computerized pavement management process and the most cost effective rehabilitation strategies have been determined and assigned to each street segment.

In addition to the asphalt patchback behind the Utilities Construction Crew waterline replacement and the resurfacing/reconstruction of five City facility parking lots, also included in the 2001 Asphalt Pavement Rehabilitation Project are parking lot repairs and resurfacing for Adams County School District #50. This joint bidding continues to be a beneficial practice for School District taxpayers. Bid prices are still lower than what the school districts were paying in 1989 for same type of asphalt repairs.

The results of the bidding were as follows:

<u>Contractor</u>	<u>City Bid</u>	<u>School District #50 Bid</u>	<u>Total</u>
La Farge Corporation	\$1,466,406	\$84,827	\$1,551,233
Brannan Sand & Gravel	\$1,570,848	\$91,425	\$1,662,273
Asphalt Specialties	\$1,729,121	\$100,637	\$1,829,758
Asphalt Paving	\$1,762,433	\$102,575	\$1,865,008
Aggregate Industries	\$1,881,899	\$109,528	\$1,991,427
Kiewit Western	\$2,250,822	\$131,000	\$2,381,822
Staff Estimate	\$1,610,801	\$108,168	\$1,718,969

It is Staff's recommendation to continue to bid the three projects separately. In Staff's opinion, dealing with each contractor one-on-one provides for lower prices, better control, increased customer service and it allows for the two Infrastructure Improvements Division Inspectors to assure that quality workmanship is being done.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

DEPARTMENT OF PUBLIC WORKS AND UTILITIES
Infrastructure Improvements Division
2001 Asphalt Pavement Rehabilitation Project

Resurfacing

1. 76th Avenue, Sheridan Boulevard east to railroad tracks
2. *Irving Street, 73rd Avenue to 76th Avenue
3. 80th Avenue, Sheridan Boulevard to Raleigh Place
4. Oakwood Street, 80th Avenue to City limits
5. Clay Street, 80th Avenue to Bryant Street
6. Bryant Street, Clay Street north to north-end
7. 81st Avenue, Eliot Street to 80th Way
8. Decatur Street, 81st Avenue to Clay Street
9. *84th Avenue, Lowell Boulevard to Circle Drive
10. Holland Court, 100th Circle to 100th Circle
11. 100th Circle, Garland Street to Garland Street
12. 107th Court, east of Lewis Street
13. 108th Avenue, Federal Boulevard to Grove Street
14. King Street, 107th Avenue to 108th Avenue
15. 107th Place, Grove Street to Federal Boulevard
16. Grove Street, Hobbit Lane to 108th Avenue
17. Grove Lane, Grove Street to 108th Avenue
18. 112th Avenue, east of Stuart Street to Federal Boulevard (coordination with Community Development)
19. **10470 Oak Street, Countryside Outdoor Pool

Reconstruction

1. Turnpike Drive, Lowell Boulevard to 423 feet east of Grove Street
2. *Hooker Street, 80th Avenue to Appleblossom Lane
3. *Garland Drive, 99th Avenue to Hoyt Street
4. Yarrow Street, 110th Avenue to 110th Drive
5. 110th Drive, Yarrow Street to Zephyr Street
6. 110th Place, Yarrow Street west to cul-de-sac
7. 98th Avenue, Sheridan Boulevard to Wagner Street
8. Ranch Place, Raritan Street to Quivas Way
9. **9311 Larkbunting Drive, Oakhurst Park (East)
10. **9311 Larkbunting Drive, Oakhurst Park (West)
11. **78th Avenue and Wolff Street, Wolff Run Park (North)
12. **Faversham Park, 6109 West 73rd Avenue

*Denotes Water Line Replacement

**Denotes City Parking Lot Improvements



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: Purchase of Automatic Vehicle Locating System

Prepared by: Carol Workman, Communications Supervisor
Rich Welz, Fire Lieutenant
Janice Kraft, Technical Services Administrator

Introduction

City Council action is requested to authorize the purchase of \$50,932 in Automatic Vehicle Locator hardware from Compass Com. Automatic Vehicle Location is the final component of the previously authorized Computer Aided Dispatch/Records Management System Project. Funds have been specifically allocated in the General Capital Improvement Fund Project Budget for this expense.

Summary

City Council previously approved on July 10, 2000 a contract with Intergraph Public Safety (IPS) for a new integrated Computer Aided Dispatch (CAD), Police Records Management Information System (RMIS), Fire Records Management Information System, Mobile Computer System for Police and Fire, and interface to an Automatic Vehicle Locator System (AVL). Council was advised at that time that Staff would request authorization at a later date for the purchase of desktop computers, mobile computers and the AVL component hardware.

Policy Issue

Should the City invest \$50,932 to acquire Automatic Vehicle Locator hardware to enhance service, capability and police and fire personnel safety?

Staff Recommendation

Authorize \$50,932 for the purchase of Automatic Vehicle Locator hardware which is a key component of the Computer Aided Dispatch/Records Management System Project, and charge the expense to the appropriate General Capital Improvement Fund Project account.

Alternatives

- 1) Do not approve the contract with Compass Com at this time for the subject equipment.
- 2) Direct Staff to pursue a selection of a totally different vendor of AVL hardware.

Staff does not recommend any of these alternatives for the following reasons:

- 1) City Council has already authorized an expenditure of \$61,250 for the AVL software interface and services with Intergraph Public Safety. Not purchasing the hardware component would make the interface software unusable.
- 2) The AVL software interface module purchased from IPS is an interface to the Trimble GPS hardware. There are other GPS vendors available, but none which will interface with IPS. Selecting another GPS vendor would negatively affect the CAD/RMS project; a potential pricing increase from IPS to rewrite and configure a new AVL software/hardware interface, a delay in the original implementation plan in order to provide time for IPS to configure and program another software interface.

Background Information

The purchase of AVL hardware is the final component of the CAD/RMS system project. Within the contract for software and services with Intergraph Public Safety an AVL software interface was purchased by the City. The AVL interface application that the City purchased from IPS operates through hardware supplied by Trimble Inc. Trimble Inc. is the leader in Global Positioning Systems (GPS) and their products are only offered through one local reseller, Compass Com.

The hardware costs include the following items and quantities:

68	Placer 450's (8 channel receiver for vehicle location and status) 51 Patrol Units 14 Fire Units 3 spares	@	549.00	=	\$37,332
68	Cable Kits 51 Patrol Units 14 Fire Units 3 spares	@	50.00	=	\$ 3,400
68	GPS Antennas 51 Patrol Units 14 Fire Units 3 spares	@	150.00	=	\$10,200
			<u>Total</u>		<u>\$50,932.00</u>

AVL is a tool that uses a Global Positioning System (GPS) via satellite to track and update the location of a police patrol car, piece of fire apparatus, or ambulance. AVL updates a dispatch CAD screen and visually indicates on a map the location of a police or fire unit at any given time. These locations are updated every 15 seconds. AVL is interfaced into the CAD system software which allows a dispatcher to send the closest police or fire unit to a call based on the unit's current location. The benefits of AVL are shorter response times for police and fire units to service calls and an increased situational awareness in the dispatch center. Another benefit is the ability for the dispatcher to see where an officer or fire unit is in the case of a hostage situation, a missing unit, or a traffic accident.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: Bid for Police and Fire Mobile Data Computers

Prepared by: Rich Welz – Fire Lieutenant
Carol Workman – Communications Supervisor
Janice Kraft – Technical Services Administrator

Introduction

City Council action is requested to authorize the purchase of mobile data computers (MDC) and services in the amount of \$468,371 from the low bidder, Portable Computer Systems Inc. This purchase of mobile data computers is a major component of the previously authorized Computer Aided Dispatch / Records Management System Project. Funds have been specifically allocated in the General Capital Improvement Fund Project budget for this expense.

Summary

City Council previously approved on July 10, 2000, a contract with Intergraph Public Safety (IPS) for a new integrated Computer Aided Dispatch (CAD), Police Records Management Information System (RMIS), Fire Records Management Information System, Mobile Computer System for Police and Fire, and interface to an Automatic Vehicle Locator system (AVL). Council was advised at that time that staff would request authorization at a later date for the purchase of desktop computers, mobile computers and the AVL component hardware.

At its meeting on February 26, 2001, City Council approved a lease purchase agreement for computer hardware. This agreement authorized the lease purchase of Police and Fire department desktop computers and the mobile computers for field unit's access of the CAD/RMS system. Funds have been allocated in the Police Department and Fire Department operational budgets in 2001 and 2002 for this purpose. City Council action authorizing the purchase of the AVL equipment is a separate item on the April 23, 2001 agenda.

Policy Issues

Should the City invest \$468,371 to acquire mobile data computers to enhance service, capability and police and fire personnel safety?

Staff Recommendation

Authorize the purchase of \$468,371 in mobile data computers and services, charging the expense to the appropriate General Fund Operating accounts.

Alternatives

- 1) Do not approve the contract with Portable Computer Systems Inc at this time.
- 2) Approve a contract with Uinta Business Systems at this time.
- 3) Direct Staff to pursue a selection of an altogether different vendor of mobile data computers.

Staff does not recommend any of these alternatives for the following reasons:

- 1) City Council has already approved and paid for a mobile data computer software interface and services with Intergraph Public Safety. Not purchasing the hardware component would make the interface software unusable.
- 2) Selection of Uinta Business Systems would result in contracting another entity to perform the installation of the MDCs. In addition, the bid for identical equipment was \$72,664 greater.

- 3) Selecting another vendor for the Intergraph system to interface with will cause the City to pay for additional services from Intergraph Public Safety. These costs could include additional evaluation of selected MDCs by IPS and benchmark testing. Selecting another vendor would negatively affect the CAD/RMS project; causing a potential price increases from IPS. These increased costs might include rewriting and configuring a new MDC software/hardware interface and/or delays in the original implementation plan in order to provide time for IPS to configure and program another software interface.

Background Information

The purchase of the mobile data computers is a major component of the CAD/RMS system project. After demonstrations by six separate manufacturers and functional field testing of four units, a joint Police, Fire and Information Technology team selected the Panasonic Toughbook 34 computer. This mobile computer was found to be in compliance with the CAD/RMS vendor’s specifications and was bench tested to confirm functionality. Invitations for bids were sent to three Panasonic resellers on April 2, 2001. Bid opening was performed on April 10, 2001 with only two bidders responding. Uinta Business Systems of Salt Lake City, Utah and Portable Computer Systems Inc. (PCS) of Littleton, Colorado meet all the bid specifications.

A comparative summary of the bids;

Quantity	Description	Unita	PCS
65	Touchscreen display and keyboard	\$155,935.00	\$139,165.00
65	PDRD display and keyboard mount	\$84,500.00	\$70,720.00
65	CD ROM	\$14,950.00	\$14,820.00
63	Pentium III Panasonic Toughbook 34	\$220,500.00	\$184,842.00
63	64 MB upgrade kit	\$3,465.00	\$3,465.00
51	LedCo mounting equip. for patrol cars	\$20,349.00	\$12,852.00
1	LedCo mounting equip. for Battalion Chief	\$399.00	\$252.00
8	LedCo mounting equip. for fire engines	\$3,192.00	\$2,280.00
5	LedCo mounting equip. for ambulances	\$1,995.00	\$4,225.00
Total		\$505,285.00	\$432,621.00

Installation of the MDCs was also requested as an option in the bid. Unita responded they would not install; PCS will install for \$550.00 a unit. PCS total for installation of 65 units would be \$35,750, bringing the grand total of the PCS bid to \$468,371.

Mobile data computers enable field units direct access to computer aided dispatch and records systems. This functionality enables police officers and firefighters to communicate with dispatch without using precious radio time. Public safety personnel will have access to dispatch and police records, maps and a host of resource material. Units will be able to message each other and update their status without dispatcher intervention. The MDCs will also enable field units to access State and National criminal record networks to run inquiries on vehicles and persons.

Police field reporting will also be accomplished using these units. Officers will be able to compile and file reports from their patrol cars, uploading to the records system and not requiring time at the station. Firefighters and Paramedics will be able to perform business fire safety inspections and file ambulance trip reports using the same hardware. The MDCs also serve as the upload for the AVL information, providing data to the CAD system on precise location for closest unit dispatching. All communications and actions are recorded for quality assurance and liability issues.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: US 36/92nd Avenue/Sheridan Boulevard Interchange Project – Construction Engineering Services Contract

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute a construction engineering services contract for the US 36/92nd Avenue/Sheridan Boulevard Interchange Project with Felsburg, Holt & Ullevig (FHU) in an amount not to exceed \$265,960 and authorize a contingency of \$20,000. Funds for this expense are available in the appropriate project account in the General Capital Improvement Fund.

Summary

- In 1997, the City hired FHU to perform the preliminary design of ultimate interchange improvements on US 36 at 92nd Avenue and Sheridan Boulevard. This effort also included securing the approval of the State Transportation Commission for the construction of certain interim improvements (see attached drawing). In 2000, the City amended the contract with FHU to prepare all necessary environmental reports, final engineering and construction bid documents the interim improvements. This effort will be concluded in July when this project is bid for construction.
- The subject of this Agenda Memorandum is a request to authorize a construction engineering services contract with FHU. This contract will include the full-time observation, geotechnical testing and surveying necessary to construct this project. Since FHU has worked on this project since 1997, has the capabilities for the work mentioned above, and has a strong familiarity with the project, Staff believes it is important to hire FHU for the construction services.
- FHU's requested fee of \$265,960 is approximately 7% of the anticipated cost of construction. This percentage compares favorably with percentages paid on other recently constructed Capital Improvement Projects.
- The requested contingency of \$20,000 is reasonable given the relatively low complexity of this project.

Policy Issue

Does Council wish to solicit proposals from other engineering firms for this work?

Recommendation

Authorize the City Manager to execute a contract with Felsburg, Holt & Ullevig in an amount not to exceed \$265,960 for construction engineering services associated with the US 36/92nd Avenue/Sheridan Boulevard Interchange Project; authorize a contingency of \$20,000 and charge these expenses to the appropriate project account in the General Capital Improvement Fund.

Alternatives

One alternative would be to solicit proposals from other firms to do this work. This alternative is not recommended given FHU's strong familiarity with the project and, in addition, their fee is very reasonable.

A second alternative would be to perform the construction observation in house. This alternative would require hiring a temporary inspector since the City is not adequately staffed to do this work. It has been the City's practice to hire the firm that designed the project for the construction engineering. This practice keeps the responsibility on the design firm for all phases of the project.

Background Information

In 1991, Felsburg, Holt & Ullevig (FHU) were hired by the City to prepare a Comprehensive Roadway Master Plan. This Plan, adopted by Council in 1994, provided a "big picture" look at the City's expected growth to identify areas needing roadway system improvements. The plan identified the Westminster Center area and the streets around the Westminster Mall as a high priority for operational improvements. Based on the results of this study, the City hired FHU to analyze alternatives and to identify specific improvements in the area generally bounded by Sheridan Boulevard on the east, Harlan Street on the west, 92nd Avenue on the north and 88th Avenue on the south.

One of the recommended projects that would provide significant relief to the traffic congestion within the Westminster Center area is improving the US 36/92nd Avenue/Sheridan Boulevard Interchange (see attached map). The improvements would include a loop "off-ramp" from westbound US 36 to westbound 92nd Avenue and an "on-ramp" from eastbound 92nd Avenue to eastbound US 36. These changes would relieve congestion at the Sheridan Boulevard/92nd Avenue intersection and elsewhere. Funds for the design of these improvements were included in the bond issue approved by Westminster citizens in November of 1996.

Final design documents are being prepared by Felsburg, Holt & Ullevig and are currently 90% complete. Construction is anticipated to begin in August 2001.

The subject of this Agenda Memorandum is the awarding of the construction-engineering contract for this project. FHU is being recommended for this work based on their excellent work in designing this project. It is prudent to use the firm that designed the project to also perform construction engineering on this project, and their fee is very comparable to fees paid on other Capital Improvement Projects. As a comparison, the City paid consultants 10.5% on the Westminster Boulevard, 104th Avenue to 112th Avenue Project and is paying 9.3% on the Sheridan Boulevard, 113th Avenue to 118th Avenue Project. FHU's fee is 7% of the anticipated cost of construction, which compares favorably with the projects listed above. Based on this information, Staff is recommending awarding this contract to Felsburg, Holt & Ullevig.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 23, 2001
Subject: Financial Report for March, 2001
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements, which reflect 2001 transactions through March, 2001.

Summary

There are three sections to the attached report:

1. Revenue Summary
2. Statement of Expenditures vs. Appropriations
3. Sales Tax Detail

At this time, typically 25% of revenues and expenditures should be realized after the third month in the budget year, unless seasonal fluctuations impact revenue and expenditure streams.

General Fund revenues represent 24% of the total budget estimate while General Fund expenditures and encumbrances represent 26% of the 2001 appropriation.

Utility Fund revenues represent 33% of the total budget estimate. Proceeds received in February from the sale of water to South Adams County Water and Sanitation District and East Cherry Creek Valley Water District all contributed to the above average revenues. Utility fund expenditures and encumbrances represent 24% of the 2001 appropriation. Water sales are at 15% at this time. Wastewater sales are at 25% at this time.

The Sales and Use Tax Fund revenues represent 27% of the total budget estimate, while expenditures and encumbrances in that fund represent 25% of the 2001 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 11% from the same period last year and increased 4% year-to-date.

The Open Space Fund revenues represent 38% of the total budget estimate while expenditures and encumbrances in that fund represent 37% of the 2001 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 5% of the total budget estimate while operating expenditures and encumbrances represent 28% of the 2001 appropriation. Operating revenues for Heritage represent 5% of the total budget estimate while operating expenditures and encumbrances represent 28% of the 2001 appropriation. Seasonal fluctuations are the reason for revenues falling below budget.

Policy Issues

According to City Charter, Sections 4.8(i) and 9.6, City Manager is required to submit financial statements quarterly, or more often, as the Council directs. The monthly financial report is prepared by the Finance Department and presented by the City Manager to City Council for review and approval.

Staff Recommendation

Accept the report as presented.

Background

Sections 4.8(i) and 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: Continued Public Hearing re Victory Church's Request for approval of a Comprehensive Land Use Plan Amendment, Preliminary Development Plan Amendment, and Official Development Plan

Prepared by: Dave Shinneman, Planning Manager

Introduction

City Council action is requested to open the continued a public hearing and take action on the items tabled from the April 9, 2001, City Council meeting regarding the applications from Victory Church. (April 9, 2001, Agenda Memo attached)

Summary

The Victory Church request for a Comprehensive Land Use Plan amendment, Preliminary Development Plan amendment and Official Development Plan approval was continued from the April 9, 2001, City Council meeting until the April 23, 2001 City Council meeting. City Council took this action in order to allow the representatives of Victory Church and the Torrey Peaks residents to meet in mediation to attempt to resolve several issues remaining between the two parties.

The services of a mediator were secured and a meeting was held on April 17. Mediation was held with members of the Torrey Peaks Homeowners Association, residents of the area, representatives of the Church, and City Staff. The mediation took nine (9) hours, from 6 p.m. on Tuesday evening until 3 a.m. Wednesday morning. The attached agreement outlines the issues that were resolved through the mediation session.

Policy Issues

Policy issues include whether the City should:

- 1) Amend the Comprehensive Land Use Plan for this property from Business Park to Public/Quasi Public and Office;
- 2) Approve the Preliminary Development Plan Amendment to amend the allowed land uses from Commercial and Commercial Office to Quasi-Public and Office;
- 3) Approve the Official Development Plan;
- 4) To approve amendments to the Planning Commission recommendation or Staff recommendation in accordance with the attached mediation agreement;
- 5) To approve additional amendments requested by either Victory Church or the Torrey Peaks residents or other surrounding residents.

Planning Commission Recommendation

At their regular meeting on March 20, 2001, the Planning Commission held a public hearing and voted unanimously to recommend to City Council:

- 1) That the Comprehensive Land Use Plan Amendment from Business Park to Public/Quasi-Public and Office be approved;

- 2) That the Fifth Amended Docheff Preliminary Development Plan be approved with the condition that the criteria for the size and type of signage be removed from the Preliminary Development Plan and specified on the Official Development Plan per Staff's recommendation.
- 3) That the Official Development Plan for Victory church be approved with the following conditions:
 - a) The monument sign shall be limited to a maximum of 8-ft. in height and 60 square feet in area.
 - b) The electronic readerboard would be allowed subject to the following conditions:
 - Non-scrolling, non-movement and not to change more than once every twelve (12) hours.
 - Staff will review colors to be harmonious with the proposed Church building.
 - c) The directional sign shall be limited to 5 square feet and 32 inches in height, per City Code.
 - d) The developer be required to complete the proposed right-of-way landscaping along the Sheridan Boulevard frontage, including the proposed trees and shrubs to the north of the main entrance, with the first phase.
 - e) The proposed Chase Street access point be eliminated from the Official Development Plan and the access point to 118th Place be constructed with the first phase.

Staff Recommendation

1. Open the continued public hearing on the proposed Comprehensive Land Use Plan Amendment, Fifth Amended Docheff Preliminary Development Plan and Official Development Plan for Victory Church and complete the public hearing.
2. Remove Councillor's Bill No. 15 from the table.
3. Pass Councillor's Bill No. 15 on first reading approving the proposed Comprehensive Land Use Plan Amendment amending the land use designation from Business Park to Public/Quasi-Public and Office. This amendment is based upon the following findings:
 - The proposed amendment is justified and the Plan is in need of revision as proposed;
 - The proposed amendment is in conformance with the overall purposes and intent and the goals and policies of the Plan;
 - The proposed amendment is compatible with existing and planned surrounding land uses;
 - The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems; and
 - The proposed amendment is in compliance with Section 11-4-16 of the Westminster Municipal Code.
4. Remove the Fifth Amended Docheff Preliminary Development Plan from the table.
5. Approve the Fifth Amended Docheff Preliminary Development Plan with the condition that criteria for the size and type of signage be removed from the Preliminary Development Plan and specified on the Official Development Plan. This recommendation is based on the findings set forth in Section 11-5-14 of the Westminster Municipal Code.
6. Remove the Victory Church Official Development Plan from the table.

7. Approve the Victory Church Official Development Plan with the following conditions:
 - a. The size and design (including the electronic reader board) of the Church sign shall be removed from the Official Development Plan with these issues decided as a part of the continued Westminster Sign Code amendments. The sign would then be allowed per the provisions in whatever amended Westminster Sign Code which City Council determines at a future date.
 - b. The directional sign shall be limited to 5 square feet and 32 inches in height, per the Westminster Municipal Code.
 - c. The developer shall be required to complete the landscaping of the proposed right-of-way and landscape setback areas along the Sheridan Boulevard frontage, including the proposed sod, trees and shrubs to the north of the main entrance, with the first phase.
 - d. Timed lighting will be installed in the parking lot of Victory Church subject to addressing the details on the Official Development Plan.
 - e. The proposed Chase Street access will be deleted from the Official Development Plan and will not be installed in future phases.
 - f. Evergreen trees meeting the City's size requirements will be installed at an average of 40-feet on center, not to exceed a maximum of 35 trees. These trees will be placed along Chase Street and 117th Avenue. The trees north of the 118th Avenue alignment may be installed in Phase II. The remainder of the trees along Chase Street and 117th Avenue will be installed in Phase I.

Items 7d. – 7f. have been added per the attached Mediation Agreement.

This recommendation is based on the findings set forth in Section 11-5-15 of the Westminster Municipal Code.

Alternatives

1. Approve the CLUP amendment, Fifth Amended PDP, and Victory Church ODP per the Planning Commission recommendation and include the items in the attached Mediation Agreement.
2. Approve the Fifth Amended Docheff Preliminary Development Plan with no conditions.
3. Do not approve the Fifth Amended Docheff Preliminary Development Plan or Comprehensive Land Use Plan Amendment.
4. Approve the Victory Church Official Development Plan with no conditions (Refer to the "Major Issues" section for Staff's concerns with the proposed signage and Sheridan Boulevard right-of-way landscaping).
5. Do not approve the Victory Church Official Development Plan.
6. Modify the items listed in the mediation agreement to include additional concerns of the Church or of the area residents.

Background

These requests were brought to City Council previously on April 9, 2001. A copy of the April 9, 2001, Agenda is attached for additional information. At the April 9th meeting, City Council directed the Victory Church representatives and representatives from the Torrey Peaks area to participate in a mediation session to attempt to resolve the issues between the two parties. This mediation was held on Tuesday, April 17, and lasted for approximately nine (9) hours. The attached mediation agreement is a result of that hearing. However, the mediation agreement did not resolve all the issues discussed during the meeting. Several issues still remain on the table and may be brought forward by either the Church representatives or the Torrey Peaks residents during the City Council meeting.

As to the Planning Commission recommendation, it is important to point out, that this differs from the mediation agreement in that the Planning Commission also recommended that the access point to 118th Place be constructed with the first phase. The mediation agreement contains no such requirement. Further, the Planning Commission recommended approval of an electronic readerboard that would be allowed subject to the following conditions:

- The sign be a non-scrolling non-continuance movement sign that would not change more than once every 12 hours.
- Staff will review the colors to be harmonious with the proposed Church building.

Other than these differences, the Planning Commission's recommendation and Staff's recommendations are consistent.

Several other issues were discussed during the mediation. These included the following:

- 1) Additional buffering adjacent to Chase Street and 117th Avenue
- 2) Inclusion of the 118th Place access in Phase I
- 3) Potential modification of the 117th Avenue access and 118th Place access to preclude traffic movements into the neighborhood
- 4) Street parking or no street parking
- 5) The size of the Victory Church sign including whether or not to allow an electronic readerboard
- 6) The size and scope of the project

All parties agreed that these remaining issues were still open for discussion if that was a desired course of action by either the representatives of Victory Church or the representatives of the Torrey Peaks residents. Staff will be present to answer any questions at the City Council meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: Bradburn Comprehensive Land Use Plan Amendment, Rezoning, Preliminary Development Plan for Bradburn and the Bradburn Official Development Plan

Prepared by: John Quinn, Planner II

Introduction

City Council is requested to hold a public hearing and take action on the following:

1. Establishing a new land use designation of Traditional Mixed Use Neighborhood Development within the Comprehensive Land Use Plan (CLUP).
2. Amending the Comprehensive Land Use Plan (CLUP) to change the land use designation of the 113.05 acres on the southeast corner of W. 120th Avenue and Tennyson Street from Business Park and Single Family Detached-Medium Density to 102.0 acres of Traditional Mixed Use Neighborhood Development, 9.05 acres of Public Park (located at the southwest corner of the development), and two acres of Public Open Space (located at the southeast corner of the project);
3. Rezoning the Bradburn property from 0-1, Open District to Planned Unit Development (PUD) for the entire 113.05 acre parcel;
4. Approving the Preliminary Development Plan (PDP) for the Bradburn project;
5. Approving the Bradburn Official Development Plan (ODP). Due to the complexity of the Bradburn ODP, the ODP was brought to the Council for consideration (standard approval would rest with Planning Commission);
6. Awarding an additional 163 Category B-4 Service Commitments over and above the 400 that were initially approved by the Council.

Summary

On September 27, 1999, City Council adopted design guidelines for a Traditional Mixed Use Neighborhood and authorized a competition in the "B-4" category. The Continuum Partners, a development group, was the successful applicant in the B-4 competition. On November 8, 1999, City Council awarded the project 400 residential Service Commitments.

The applicant is requesting approval of a Comprehensive Land Use Plan Amendment to change the current CLUP designation from Business Park and Single Family Detached - Medium Density to Traditional Mixed Use Neighborhood Development, Public Park and Public Open Space. The property will also need to be rezoned from the present, Open District (O-1) to Planned Unit Development (PUD).

The PDP will designate the entire area of 113.05 acres as Traditional Mixed Use Neighborhood Development, except for those parcels that are Public Park and Public Open Space (Please see Exhibit A attached). The ODP proposes developing 157,000 square feet of retail, office and restaurants; and 6,000 square feet of public and recreational uses (swimming pool and tennis complex, Metropolitan District Office, public meeting rooms and post office). In addition, north of 118th Place, there will be 86 Single-Family Attached homes, 25 "live/work" units, 68 lofts and 312 rowhouses. South of 118th Place, 63 Single-Family Attached units and 251 Single-Family Detached residential homes are proposed along with parks and recreational facilities. The ODP under consideration is a "Master" ODP covering the entire Bradburn Project. Subsequent ODP's will be submitted for each development parcel providing the detailed development plans for each site.

The developers are requesting an additional 163 Service Commitments over and above the 400 that were initially approved by the Council on November 8, 1999. The 562.8 Service Commitments are projected to be utilized over a five-year build-out period from 2001.

Continuum Partners brought together a team of nationally recognized consultants to prepare the plans for the Bradburn project. The principal planners and concept design architects for the project is the firm of Duany Plater – Zybeck (DPZ). This firm is the foremost proponents of “New Urbanism”. Two of their most prominent projects are Seaside in Florida and Kentlands in Maryland, near Washington D.C.

Applicant/Property Owner

Continuum Partners LLC
1610 Fifteenth Street
Denver, Colorado 80202

Location

Bradburn is located at the southeast corner of 120th Avenue and the alignment of Tennyson Street, east of the Sheridan Crossing Shopping Center and west of Lowell Boulevard. (See attached vicinity map).

Size of Site

The property comprises a total of approximately 113.05 acres and has been in agricultural use for over 100 years.

Description of Proposed Use

The proposed use of the site is as a mixed use community providing integrated land uses, including retail, offices, public uses, parks, greenbelts and a wide variety of residential units.

Traditional Mixed Use Neighborhoods:

Traditional mixed use neighborhoods represent a pattern of development which can be found in cities and towns throughout the United States. Although each community varies in character defined by its individual environment, there are a number of fundamental features and principles that they share. These include:

- Compact Walkable Development: Communities and towns historically have developed in a more compact manner with businesses, homes, parks and civic uses in close proximity and easily walkable from destination to destination;
- A Mixed Use “Village” Center: The neighborhood features retail/office and a variety of housing providing ample opportunity for residents to live in a variety of housing types and to walk to shops and services, parks and open space.
- Pedestrian Oriented District: Pedestrians, bicycles and automobiles have equal opportunity to traverse the community with convenience and in safety.
- Interconnected Street/Block Patterns: The neighborhoods efficiently integrate each area within a community, making walking and biking more direct and convenient. This also disperses auto traffic onto a variety of streets and relies less on collector streets and arterial boulevards to get to shopping and businesses.
- Narrower Streets: The neighborhoods are designed for slow-moving traffic, balancing the needs of auto circulation with the convenience and enjoyment of a walking community.
- Variety of Parks: The parks range from the regional open space systems and community-wide large scale active recreation facilities to smaller neighborhood parks and tot lots. These parks become the identity and focus for individual neighborhoods as well as the larger Westminster community.

Comprehensive Land Use Plan (CLUP) Designation and Zoning

The site is presently designated as Business Park on the northern portion of the property and Single-Family Detached - Medium Density on the southern portion of the site and would allow approximately 155 single-family detached units. The applicants are requesting to amend the CLUP designation of the 113.05 acres from Business Park and Single-Family Detached - Medium Density to 102.0 acres of Traditional Mixed Use Neighborhood Development, 9.05 acres of Public Park and two acres of Public Open Space (see Exhibits B and C). A rezoning of the property from Open District (0-1) to Planned Unit Development is requested for this development (see attached Ordinance).

Major Issues

There are a number of exceptions from the Westminster Municipal Code and the adopted Traditional Mixed Use Neighborhood Development Guidelines that have been requested by the developer. Staff is in support of these modifications in an attempt to provide flexibility in a Traditional Mixed Use Neighborhood project. These exceptions are identified in the Background Section of this report.

The Bradburn submittal for the Category B-4 competition proposed a total of 695 residential units (approximately 500 Service Commitments) on the site. At their November 8, 1999, meeting, City Council approved 400 Service Commitments for the project. Project build-out was anticipated to be completed within a three-year period (2000-2002).

The Bradburn project as now designed, proposes a total of 805 residential units. This requires 562.8 Service Commitments to be used over a five-year build-out period to serve the project. This is an additional 162.8 Service Commitments, in addition to the initial 400 granted by the City Council (see attached Resolution). When the initial Service Commitment award was made, the City Council and Staff did not want to commit to a specific number of multi-family and live/work units prior to reviewing site specific details.

As the downstream property owner, the City's Open Space is required to accept historic drainage flows. After various design alternatives were considered, Staff from Department of Parks, Recreation and Libraries, Department of Community Development, Open Space, Engineering and Planning Division determined that the best solution would be for the developers to pipe the storm water flows to a broad shallow detention pond to be constructed on the City's open space land near Big Dry Creek. The detention pond will also evolve into a wetland, and will add valuable wildlife habitat. The preliminary designs for the detention pond are indicated on the PDP and ODP.

Building setbacks from the street have been reduced from those found in more "conventional" subdivisions. The setback reductions are one element found in many traditional mixed-use neighborhoods.

On September 11, 2000, City Council approved the creation of a Title 32 metropolitan district to construct and finance the public improvements (streets, water, sewer and parks/landscaping) within the development on a tax-exempt basis. The approval was conditioned upon the submittal of a final "service plan" pursuant to state law addressing such financial details as mill levy caps, absorption/build-out and timing of improvements. Staff's recommendations contained in this agenda memorandum assume City Council's approval of a final service plan for the District later on tonight's City Council agenda.

Policy Issues

Policy issues include whether the City should:

- Amend the CLUP for this property;
- Rezone the property from 0-1, Open District to PUD;
- Approve the Preliminary Development Plan;
- Approve the Official Development Plan allowing 157,000 square feet of retail and office, 6,000 square feet of public uses, 805 residential units, parks, and recreational uses; and
- Award 163 additional residential Service Commitments to the Bradburn project.

Planning Commission Recommendation

Planning Commission held a public hearing on April 3, 2001, and by a vote of five to zero (5-0), recommended that City Council approve the following:

1. An amendment to the Comprehensive Land Use Plan establishing a new Traditional Mixed Use Neighborhood Development designation and amending the CLUP designation for the Bradburn project from Business Park and Single-Family Detached – Medium Density to Traditional Mixed Use Neighborhood Development. This is based on the finding that the proposed amendment meets the requirements of 11-9-6 of the Westminster Municipal Code.
2. To rezone the 113.05 acre Bradburn parcel from Open District (O-1) to PUD.
3. The PDP conditional upon approval of the CLUP. The PDP approval is based on the findings that it is in conformance with Section 11-5-14 of the Westminster Municipal Code, pertaining to PDP approvals.
4. The ODP conditional upon approval of the PDP. The ODP approval is based on the findings that it is in conformance with Section 11-5-15 of the Westminster pertaining to standards for approval of ODP's.
5. Awarding 163 additional Service Commitments to serve this project in accordance with Section 11-3-5 of the Westminster Municipal Code.
6. All of the above recommendations are contingent upon and subject to approval of a final service plan for the Bradburn Metropolitan District as contemplated by the conditional approval of said district as set forth in Resolution 69, Series 2000.

Staff Recommendation

1. Hold a public hearing.
2. Pass Councillor's Bill No. 18 amending the Comprehensive Land Use Plan (CLUP) establishing a new land use designation of Traditional Mixed Use Neighborhood Development and amending the CLUP designation for the Bradburn project from Business Park and Single-Family Detached - Medium Density to Traditional Mixed Use Neighborhood Development, Public Park, and Public Open Space, based upon the following findings:
 - The proposed amendment is justified and the Plan is in need of revision as proposed;
 - The proposed amendment is in conformance with the overall purposes and intent and the goals and policies of the Plan;
 - The proposed amendment is compatible with existing and planned surrounding land uses;
 - The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems; and
 - The proposed amendment is in compliance with Section 11-4-16 of the Westminster Municipal Code (WMC).
3. Pass Councillor's Bill No. 19 rezoning the Bradburn property from Open District (O-1) to Planned Unit Development (PUD), based on a finding that the rezoning is in compliance with the City of Westminster Comprehensive Land Use Plan and Section 11-5-3 of the Westminster Municipal Code.
4. Approve the Preliminary Development Plan for Bradburn based on the findings set forth in Section 11-5-14 of the Westminster Municipal Code.
5. Approve the Bradburn Official Development Plan based on the findings set forth in Section 11-5-15 of the Westminster Municipal Code.

6. Adopt Resolution No. 24 awarding 163 additional Category B-4 Service Commitments for the Bradburn project in accordance with Section 11-3-5 of the Westminster Municipal Code.
7. All of the above recommendations are contingent upon and subject to approval of a final service plan for the Bradburn Metropolitan District as contemplated by the conditional approval of said district as set forth in Resolution 69, Series 2000.

Alternatives

The City Council may determine that the proposed plan does not meet the criteria for approval and take the following actions:

- Deny the attached Councillor's Bill amending the CLUP. If this option were chosen, major revisions to the Bradburn PDP and ODP would be necessary to bring the plans into conformance with the current CLUP designation;
- Deny the rezoning of the site from O-1 to PUD;
- Deny the PDP;
- Deny the ODP; and
- Deny the 163 additional Service Commitments to serve the proposed development. The original Service Commitment award of 400 B-4 Service Commitments would remain in effect per the conditions specified in Resolution No. 87, Series 1999.

Denying any one of the requests may result in the project being unfeasible.

Background Information

Comprehensive Land Use Plan Evaluation

The present Comprehensive Land Use Plan does not provide for the category of Traditional Mixed Use Neighborhood Development (TMUND). To implement the prior actions of the City Council concerning this site, a new designation is required. Further, a CLUP amendment is required for the site to TMUND that meets the criteria outlined in the CLUP. These criteria are evaluated below.

- A. Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed.

The City Council has authorized the preparation of a development plan for the property as a Traditional Mixed Use Neighborhood Development. The current Comprehensive Land Use Plan designations of Office Park and Single Family Detached-Medium Density, do not provide the mixture of land uses that are needed in a Traditional Mixed Use Neighborhood Development. The following CLUP policies support this amendment.

Policy B4: Develop well designed, walkable neighborhoods.

Policy B4a: New housing developments will be of a pedestrian scale. Massing, setbacks, and character of the new housing developments should encourage new structures that do not overly dominate the street and promote a more neighborhood-oriented pattern of development.

- B. Be in conformance with the overall purpose and intent and the goals and policies of the Plan.

The proposed change is in conformance with many of the goals and policies contained in the Plan, such as:

Policy D3: Provide for commercial areas necessary to serve the needs of the surrounding neighborhood.

Policy D3a: Encourage development patterns within neighborhood centers that are pedestrian-oriented and compatible with the surrounding neighborhoods.

C. Be compatible with existing and planned surrounding land uses.

The proposed Bradburn development plan is compatible with the existing and surrounding land uses. The land uses to the west are commercial (Sheridan Crossing) and residential (117th Avenue-Weatherstone) that will have some neo-traditional aspects, i.e. alleys. The proposed development plan will continue those land use patterns, but in a different design approach and configuration.

Policy B2a: Neighborhoods will be designed with a system of interconnected local streets offering multiple routes for any given trip, and bikeways and pedestrian paths that provide links to other neighborhoods as well as mass transit corridors and commercial areas along arterial roadways.

D. Not result in excessive detrimental impacts to the City's existing or planned infrastructure system or provide measures to mitigate such impacts.

The proposed Bradburn development will not create an excessive detrimental impact on the City or infrastructure. By contrast, the improvements along 120th Avenue will enhance the street and improve storm drainage not only for this site, but also other parcels in this area.

Architectural/Building Materials

In addition to the City design guidelines for Traditional Mixed Use Neighborhood Developments, the developers of Bradburn have a separate set of design standards that define the character of the buildings and the construction materials to be used. These standards and criteria are set forth in the ODP under the heading Architectural Design Guidelines. The standards (including the detailing on the elevations that must occur to meet this criteria), regulate building setbacks, building height, site area, parking, allowable encroachments (awnings, porches, etc) for each building type. A sketch of each of the building types is provided with the detailed site requirements to help define a specific building character. There may be some buildings in the Bradburn project that are adjacent to streets and open spaces that will have no stone or masonry due to authentic architectural style of that type of structure. All of the structures in this development will undergo City review prior to approval to ensure conformance with the standards.

Public Land Dedication (PLD), Park/Trails

To meet the City's PLD requirement in the Westminster Municipal Code, the developers are providing the PLD for the project via two methods. The first is the dedication of a 9.05 acre parcel at the southwest corner of the site, adjacent to the existing 10-acre site donated to the City by the 117th Avenue (Weatherstone) project. Additionally, a two-acre site will be dedicated as Public Open Space at the southeast corner of the site to expand the Big Dry Creek corridor. The developers will provide the remaining required PLD in the form of cash for the loft and live/work residential units developed within the commercial area. Cash-in-lieu of PLD for the residential units constructed north of 118th Place is \$372 per unit. This will be paid at the time of building permit issuance as prescribed in Section 13-4-2 of the Westminster Municipal Code. The developers are also providing a total of 4.37 acres of very high quality private parks, which will be owned and maintained by the Homeowners Association (HOA).

Access and Traffic Circulation

Access to the site is based on traffic studies and negotiations between the Cities of Westminster and Broomfield with approval from the Colorado Department of Transportation (CDOT). There will be only one four-way signalized intersection access to the site from 120th Avenue at proposed Bradburn Boulevard. This developer will be responsible for improving 120th Avenue to three east-bound through-lanes plus auxiliary lanes, similar to the existing street cross section along the Sheridan Crossing development directly to the west. A secondary access, right-in/right-out, installed 100 feet west of the Bradburn property on the Moore 3-M property owned and being developed by the Continuum Partnership in conjunction with the Bradburn property. In the future, a second signalized intersection will be installed along the Vrain Street alignment (just east of 24 HR Fitness). An additional access to the property will occur on the 118th Place extension from the west of this site. The 118th Place extension to Lowell Boulevard, to the east and north, will take place when the Foster property to the east of the property is developed.

In the street design for the development, there has been a major emphasis on traffic calming. Through a lengthy process working with several City departments and divisions, street sections that are narrower than the current standard were agreed upon. Emergency personnel will have adequate access to each portion of the development through the “grid” layout of the streets, utilizing certain parking restrictions and through the use of alleys. Many of the intersections incorporate medians and traffic circles to route traffic slowly through the residential portion of the development.

The entire residential area south of 118th Place will be served by a network of 20-foot wide alleys for access to the garages, which will be at the rear of all of the properties. Garages are required to be separated by at least 30 feet to lessen the chance for residents backing out of one garage and running into a garage across the alley. Alleys will be maintained by the Homeowners Association. However, public sewer lines located in the alleys will be maintained by the City.

A number of the alleys will be framed (architecturally) by placing a two-story garage element on the alley entrance from the street. Some of these will be permitted to be rental units. In these cases, additional development requirements are placed on the site as detailed in the Architectural Design Guidelines in the ODP (see Sheet 95(10)).

Storm Water Detention

The storm water management for the Bradburn Village project consists of two distinct branches: the regional drainage from the west conveyed in the City Park Drainageway (the east/west drainage ditch parallel to 120th Avenue), and the localized runoff that must be detained prior to releasing into Big Dry Creek. The development will not be adding any new water flows into the City Park Drainageway. The developer will be improving the channel along its frontage on 120th Avenue to match the cross-section recently constructed along the frontage of the Sheridan Crossing (Albertson’s) shopping center to the west. These modifications essentially increase the channel’s capacity, thus reducing the risk of flood to the Bradburn development.

For local site-generated storm water runoff, the entire Bradburn project drains to the east, to a low point abutting the City open space. Typically, developments are discouraged from detaining their storm water on City open space. However, early in this process, Staff determined that the least impact to the City’s open space would take place if the detention were allowed to occur in a natural detention area adjacent to the Big Dry Creek. The original intent was to have approximately half of the detention pond on City open space and half on the development. As the process evolved, a decision was reached to place all of the detention on City open space near Big Dry Creek, but out of the floodplain. This accomplished four goals:

- 1) Preserved some of the higher, more picturesque areas of City open space;
- 2) Provided the potential to have a larger park area in the development;
- 3) Provided the potential to create a wetland area near Big Dry Creek; and

- 4) Increased the opportunity for treating the storm water with water quality measures, which are a benefit to the environment, but can be construed as a nuisance by nearby homeowners. (The pond is now several hundred feet from any future homes.)

New Urbanism Principles

Bradburn is unique in design because it uses the principles of the “New Urbanism” criteria. The basis of these criteria is that the neighborhood form should be based on the principles that create interaction between people. Key principles of New Urbanism include:

- Compact Walkable Development
- Mixed Use “Village” Center
- Pedestrian Oriented District
- Interconnected Street/Block Patterns
- Narrower Streets
- Variety of Parks

This project places an emphasis on front porches on the homes, reducing the setbacks between the sidewalk and the front porches to encourage interaction between those walking along the street and those sitting on the front porch. Small intimate neighborhood parks encourage children to play together and families to interact. There will be no home delivery of mail; rather a central post office will be built where everyone will pick up their mail. By placing the car in a garage at the rear of the property and accessed via an alley, the street and the front of the house are not “dominated” by the vehicle and garages.

Site Design

The commercial area of Bradburn will feature a traditional “Main Street” character and appearance. To accomplish this the developers will combine several different uses within a single building and along the street.

The commercial/retail, restaurants, office, residential lofts, live/work units, townhouses and apartments are clustered in the area between 120th Avenue and 118th Place, between Tennyson Street and the Foster property to the east. This area is intended to be the most densely developed area of the community and will contain the highest level of pedestrian activity. To further this pedestrian and building link, the buildings are set close to the sidewalk, in both the commercial and residential portion of this core area. The streets cross-section design provides and encourages on-street parking and the travel lanes are narrow to reduce traffic speed in this core area.

There are two major ODP amendments being reviewed by Staff that are anticipated to receive approval shortly after the Master ODP is approved. These will be major buildings in the initial phase of the development of this project:

The first ODP amendment includes three multi-use buildings at the main entrance to the project from 120th Avenue at the intersection of Bradburn Boulevard and Main Street are currently under review by Staff. The design of the buildings provides for a ground floor level to be used for commercial/retail purposes. The second floor level is designated for office uses and the upper one and one-half story is designated as loft residential space.

At the east end of the project adjacent to the Foster property, in Block 4B, a 12.74 acre rowhouse/apartment project has completed the initial Concept Review in a second ODP amendment. This development would provide 312 units of housing that would help to provide many of the daily patrons of the commercial and retail shops in the Bradburn project.

The developers are proposing to construct a limited number (25) of Live/Work units along Main Street. This will permit various small businesses to operate on the main floor of the building and the owner could live on the upper level.

The developers have included in the landscaping plans an extensive and well designed program of street trees for this development. The number of trees far exceeds the number required by the City's Landscape Regulations. Multiple varieties of disease resistant trees have been chosen. Should tree blight occur, having a variety of trees will lessen the impact on the entire development area.

Street trees in the core area will be planted 30-feet to 35-feet apart to provide a dense canopy of shade for the pedestrians. Street "furniture" in the commercial area and parks will consist of decorative lighting, benches, and trash containers placed strategically in these public areas.

In the area south of 118th Place, the development will consist of a variety of residential and recreational uses. Townhouses will typically line 118th Place. These buildings will be set close to the street as is customary in more urban projects of this nature. The single-family detached lot sizes in the area closest to 118th Place are the smallest, and increase in size as the development reaches its southern border.

Signage and Lighting

The developers have included in the "Master" ODP concepts of the street signs, entry signs and signage for the park sites and street lighting. A fully designed and integrated signage and lighting program will be submitted as part of a future ODP amendment to the "Master" ODP.

Service Commitment Category

The Bradburn submittal for the Category B-4 competition proposed a total of 695 residential units (approximately 500 Service Commitments) on the site. Project build-out was initially anticipated to be completed over a three-year period (2000-2002). That projected number of units based on the then parcel size of 112.17 acres, equated to a gross residential density 6.2 dwelling units per acre (du/a) for the site. The net residential density (after deducting an estimated 20 percent for right-of-way area) was equal to 7.8 dwelling units per acre. These densities did not account for land developed as retail, office, or other commercial uses.

The proposed Preliminary Development Plan and Master Official Development Plan include a total land area of 113.05 acres. The Bradburn project as now designed, proposes a total of 805 residential units. This requires 562.8 Service Commitments to be used over a five-year build-out period to serve the project. This is an additional 162.8 Service Commitments, in addition to the 400 granted initially by the Council. This equates to a gross density of 7.1 dwelling units per acre (du/a) for the site. The net residential density after deducting 26.25 acres of right-of-way, results in a net residential density of 9.2 du/a. These densities do not include the land designated for development as office and retail uses.

The design guidelines specify that higher residential densities may be necessary in traditional mixed use neighborhoods to ". . . support retail and transit and add vitality to the pedestrian oriented mixed use center". However, Continuum Partners initially agreed to a pool of 400 residential Service Commitments for the proposed project with the understanding that the City would consider additional service commitments for the multi-family portion of the project upon review of specific site plans. The exact quantities and types of residential units have been reviewed during the PDP and ODP review process and are detailed for City Council in the PDP and ODP. Through the review of the Preliminary and Official Development Plans, City Staff has agreed to support a greater density. Bradburn is a Traditional Mixed Use Neighborhood Development project, including a mixture of many residential unit types. This category of land use does not have an established density in the CLUP. The Service Commitments now needed for the project (designated by specific unit types) are based on the proposed Official Development Plan (see below).

Residential Units and Service Commitment Table

Unit Mix:	<u># of Units</u>	<u># of Service Commitments</u>
Single-Family Detached	251	251
Single-Family Attached	149	104.3
Live/work	25	17.5
Main Street Residential (apt. /lofts)	68	34
Multi-Family/Rowhouses	<u>312</u>	<u>156</u>
Total	805	562.8 = 563

Attached is an amended Service Commitment Resolution for City Council reflecting the revised residential Service Commitments needed by the project. Below is the original Service Commitment award City Council approved for the Bradburn project on November 8, 1999:

# Service Commitments Per Year			
2000	2001	2002	Total
196	162	42	400

Metro District

The consideration of a final service plan for the Bradburn Metropolitan District as contemplated by the conditional approval of the district as set forth in Resolution 69, Series 2000, will take place as a separate public hearing.

Referral Agency Responses

The Regional Transportation District has been contacted and is aware of this project and the potential for ridership that may result from this project along the 120th Avenue corridor. Transportation issues (i.e. bus stop locations and the frequency of service) are a continuing subject of discussion by the US-36 Transportation Management Organization.

The Urban Drainage and Flood Control District responded, indicating their concern that adequate retention facilities are provided for the City Park Basin. This issue has been addressed and is detailed under the Storm Water Detention heading in the Background section.

Public Service Company requested easements for needed utilities in the development. These will be provided as part of the individual platting for every building in the project.

The City of Broomfield reviewed the project and determined they have no issues that have not already been addressed.

Adams County School District 12 commented on the number of students projected from this development and indicated what schools the new residents would be attending. These are Cotton Creek Elementary, Huron Junior High and Northglenn Senior High School.

Public Comments

The neighborhood meeting was held on July 12, 2000. Notices were sent to the adjoining property owners and HOA's in the area. The meeting was held to provide an opportunity for interested parties to comment and have input on the PDP and ODP for the project. The only persons to attend the meeting were City Staff and the developers of the project.

Surrounding Land Use and Comprehensive Land Use Plan Designation

The Bradburn site is located at the southeast corner of 120th Avenue and the Tennyson Street alignment. The property extends approximately 2,000 feet east, along 120th Avenue and has a depth of approximately 2,400 feet in a southerly direction, comprising approximately 113.05 acres. The property to the north of the Bradburn site, across 120th Avenue, is in the City of Broomfield, and is designated as Commercial. The property to the east (the Foster property) is vacant and is designated on the Comprehensive Land Use Plan (CLUP) as Business Park. The property south of the Lowell Boulevard and 118th Place connection is vacant and designated as Single-Family Detached - Medium Density and Public Open Space. All of the property along the southern border of the Bradburn site is City Open Space. This is a highly used recreational area by nature watchers, walkers, runners, and cyclists. The property is designated in the CLUP as Public Open Space. The property to the west is an approved Single-Family Detached - Medium Density project (117th Avenue-Weatherstone) presently under construction and the existing Sheridan Crossing Retail Commercial development.

Respectfully Submitted,

William M. Christopher
City Manager

Attachments

Exhibit C

Section IV-C-1-e

Category/Symbol - Traditional Mixed Use Neighborhood Development (TMUND)

Purpose – The purpose of this category is to depict those areas of the City that are now developed, or are appropriate to be developed, in a Traditional Mixed-Use Neighborhood Development (TMUND) pattern. The traditional mixed use neighborhood development represents a pattern of development, that has a number of characteristics, including business, residential, park, school and civic uses in close proximity and easily walkable from one use to another. In order to accommodate this mix of uses, projects of this nature shall comprise a minimum of 50 acres, or when combined with a Neighborhood Mixed Use Residential land use meets the minimum land area requirement.

Use Characteristics - A TMUND Village Center should provide a variety of commercial uses, restaurants and service facilities in a close compact area. Residential uses are permitted on the second and third floors with businesses on the ground floor. Vehicular traffic may be served by on-street parking rather than large parking facilities. Pedestrian traffic is given priority and the shopping is oriented to that mode of travel. Central parks and green spaces are part of the urban makeup of the village center.

Block patterns are usually in a grid interconnected form, providing a variety of options to access other areas of the community. In residential areas garages may be located to the rear of the property and serviced via alleys or partially hidden behind the home. Streets are narrower with on street parking, which aids in traffic calming within the residential areas. Lots may be smaller with homes located closer to the street. Front porches are a prominent feature of a majority of the homes. Parks and open spaces are in a variety of sizes and scattered throughout the residential neighborhoods.

Residential uses range from single family detached to multi-family. These uses must function together as a part of the overall TMUND.

TMUND contain these functional features:

- Compact walkable developments with businesses, homes, parks and civic uses in close proximity.
- A mixed use village center providing retail/office uses and a variety of housing types and the ability to walk from your home to these shops and services.
- A pedestrian oriented district where pedestrians, bicycles and vehicles have equal opportunities to traverse the community with convenience and safety.
- An interconnected street/block pattern that better integrates each area within a community, making walking, and biking more convenient, and where vehicle traffic is dispersed throughout a variety of streets types.
- Narrower street designs and traffic calming devices slow vehicle traffic in the neighborhoods and throughout the development, providing a balance between the vehicle needs and the pedestrian.
- A variety of parks ranging in size from community wide large-scale recreational facilities to smaller neighborhood parks and tot lots are part of the focus for the community at large and the individual neighborhoods.

Primary Uses – Offices, Personal /Business Services, Retail Commercial, Business Services, Live-Work, Apartments, Townhouses, Lofts, or combinations of the above uses within a single building.

Secondary Uses – Public/Semi-Public, Churches, Recreational, Open Space, and Child Care.

Locational Characteristics – This category of use is generally appropriate located on or adjacent to Major Collector or Arterial Streets and oriented to a specific and limited geographical neighborhood.

Density/Intensity Standards - Shall include the following:

- **Residential Uses – In general, residential uses shall not exceed 18 dwelling units per acre (du’s/a). However, unique or innovative designs that go beyond the standards may achieve greater densities up to 25 du’s/a, if approved by the Planning Commission and/or City Council.**
- Commercial/Office – These uses shall generally have a Floor Area Ratio (FAR) of .25 to .40, however greater densities of up to .5 can be achieved through the addition of true mixed uses within a building containing retail, offices and residential uses all within a single structure.
- Public/Semi-Public Uses – These uses are needed in mixed-use neighborhoods to provide a desirable quality of life. The intended use must provide the parking needed to make the use function properly and not place additional parking demands on other property owners in the immediate area.
- Recreational/Open Space – Without size limitation.

Exhibit C-1

Table 4-4 Future Land Use Categories			
Land Use	Average Density	Maximum Floor Area Ratio	Characteristics and Uses
Traditional Mixed-Use Neighborhood Development	As determined in the Preliminary Development Plan	.25 to .50	Areas will incorporate residential uses of varying types and densities and commercial uses, including office and retail uses, with one or more community features or focal points such as a park, school, library, post office or recreational center, designed in a manner that sets the entire geographic area apart as an identifiable neighborhood.

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **18**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described as:

West one-half of the northeast one-quarter and the west one-half of the east one-half of the northeast one-quarter of Section 6, Township 2 South, Range 68 west of the 6th Principal Meridian, County of Adams, State of Colorado.

Together with the north 480.00 feet of the east 130.00 feet of the northwest one-quarter of Section 6, Township 2 South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado. Except portion conveyed in deed recorded April 6, 1965 in Book 1218 at page 260. Containing 113.05 acres.

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

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

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Bradburn property, as shown on "Exhibit B" attached hereto. The Bradburn property shall be changed from "Business Park" and "Single Family - Medium Density" to "Traditional Mixed Use Neighborhood Development".

Section 2. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect upon its passage after second reading. 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 23rd day of April, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2001.

ATTEST:

City Clerk

Mayor

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **19**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE, AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY LOCATED IN SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the Bradburn property as described below from City of Westminster 0-1, Open designation to Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-2.

b. 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.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster 0-1, Open to PUD. A parcel of land located in Section 6, Township 2 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

The west one-half of the northeast one-quarter and the west one-half of the east one-half of the northeast one-quarter of Section 6, Township 2, South, Range 68 West of the 6th Principal Meridian, County of Adams, State of Colorado.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of April 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May 2001.

ATTEST:

Mayor

City Clerk

Bradburn Annexation and Zoning

SERIES OF 2001

CATEGORY B-4 (TRADITIONAL MIXED USE NEIGHBORHOOD DEVELOPMENT) SERVICE COMMITMENT AWARD TO THE BRADBURN DEVELOPMENT

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

WHEREAS, within Ordinance No. 2848 there is a provision that Service Commitments for residential projects shall be awarded in Category B-4 (Traditional Mixed Use Neighborhood Developments) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new residential development is limited, and the City of Westminster has previously adopted Resolution No. 71, Series of 1999, specifying the various guidelines for traditional mixed use neighborhood projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, one application was received for the traditional mixed use neighborhood competition for a total of 400 Service Commitments that were awarded on November 8, 1999 by City Council in Resolution No. 87. At that time the developers had anticipated a residential build out taking place over a three-year period of time. Through the development review process, the applicant has proposed additional residential units to be constructed over a five-year period, to enhance the variety and range of housing opportunities that would exist in the Bradburn project; and

WHEREAS, a request is hereby made to increase the number of residential service commitments by 163, for a total of 563 Service Commitments, in the Bradburn Development Project. The total build out period for the project has been increased from the initial three-year projection to a five-year projection (See table below); and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, that:

1. Category B-4 Service Commitment awards are hereby made to the specific project listed below as follows:
2. These Service Commitment awards to the project listed above are conditional and subject to the following:
 - a) For the project listed above, the applicant must complete and submit proposed development plans to the City through the required development review processes.
 - b) The Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of the project, proposed density, and proposed number of units.

- c) The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-4 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-4 award.
- d) The Growth Management Program did not permit City Staff to review any new residential development plans until the original Service Commitments were awarded to the project.
- e) Any and all future ODP amendments that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
- f) Service Commitment awards for the project listed above, if approved by the City, may only be used within the project specified above.
- g) These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
- h) The Category B-4 Service Commitment awards shall be valid for a period of three years from the date of award specified on this Resolution (April 23, 2001) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is issued for the project during that three-year period. Future year awards are effective as of January 1 of the specified year.
- i) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
- j) All design requirements as specified within the Design Guidelines for Traditional Mixed Use Neighborhood Developments shall be included as part of the proposed development.

3. The Category B-4 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over in to the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 23rd day of April, 2001

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 23, 2001
Subject: Amendments to Bradburn Metropolitan District Service Plan
Prepared by: Mary Ann Parrot, Finance Director
John Carpenter, Community Development Director

Introduction

City Council action is requested to conduct a public hearing and adopt the attached resolution approving the First Modification to the Original Service Plan for the Bradburn Metropolitan Districts (MSD) Nos. 1, 2 and 3. The main purpose of the Districts is to finance public improvements on a 113-plus-acre parcel of land to be developed by Continuum Partners which is located on the south side of 120th Avenue between Sheridan and Lowell Boulevards.

Summary

Conditional Approval Granted in September 2000

City Council granted “conditional approval” to the Bradburn MSD Service Plan in September, 2000. This conditional approval allowed the district to form and an order of organization to be issued by the Adams County District Court, but restricted the Districts from undertaking any financing or construction activities until the time at which the conditions set forth in the conditional resolution of approval had been fulfilled. It also stipulated that approval needed to be given by the City for the Official Development Plan and the Financing Plan portion of the MSD Service Plan, prior to the project moving forward and the issuance of bonds by the District for infrastructure improvements. The language for conditional approval is included as follows:

- “Section 3. That the Service Plan of the proposed Bradburn Metropolitan District Nos. 1-3 is hereby approved upon the following conditions:
- (a) An Official Development Plan is approved and the numbers of dwelling units reflected in the Financing Plan (Exhibit G) are consistent with the Official Development Plan.
 - (b) Section V (Financing Plan) and Exhibit G are amended to the City staff’s satisfaction, including, but not limited to, the Residential and Commercial Districts’ Mill Levy Caps, the “Peel Off” provision, timing of the project completion, amortization schedules, and total project budgets for the Districts.”

Official Development Plan (ODP) Reference in the Resolution Above: Staff will present their findings on the ODP under separate agenda memorandum. This memorandum is intended to cover the MSD Service Plan, specifically the Financing Plan (Section V and Exhibit G.)

New Urbanism, Costs and Rationale: Bradburn is a “new urbanism” project wherein the retail, commercial, office and housing areas are integrated in a “village” concept, and services are available to residents within walking distance. An integral part of the design of this development is the close proximity of neighbors to each other and their shopping needs. Homes are more densely clustered, with garages at the rear on alleys and built to provide a “small town” look.

The cost of infrastructure is higher in a development of this type, for the following reasons:

- Both streets and alleys would be built. In the residential area, particularly, the cost of alley construction must also be factored into the analysis.
- These developments include greater amounts and numbers of private recreation facilities.
- The developer proposed to install \$8.2 million of public and quasi-public improvements, thus saving the City and school district (and the taxpayers) the costs of making these improvements

In order to achieve a quality product without raising office rents and the prices of the homes beyond market acceptance, the developers have asked for the City's support in forming a Metropolitan Special District. This would enable the developers to provide the infrastructure and to pay for some of the costs of such infrastructure by issuing \$16.67 million in bonds, which would be repaid by the collection of property taxes in both the commercial and residential areas. The balance of the costs (currently estimated at a total of \$26.2 million, or a difference of \$9.53 million) would be paid by the developer.

Public and Quasi-Public Improvements

In addition to the higher costs described above, Continuum will be adding approximately \$8.2 million in public improvements, which can be broken down into two classes of improvements:

- | | |
|---|--------------------|
| • Improvements directly benefiting the citizens of Westminster | \$2,519,854 |
| • Improvements exceeding those typically provided in residential developments | <u>\$5,633,063</u> |
| • Total all public improvements | <u>\$8,153,063</u> |

A complete listing of these improvements is included in the Background Section of this memo.

Mandatory Disclosure

In considering approval of this special taxing district to finance the infrastructure improvements, one of the issues addressed by City Council is the fact that residential taxpayers often do not “shop” or analyze property tax values in developments. This can and has resulted in a delayed negative reaction toward the City, when the homeowners’ tax bills come due. In order to cure this to the largest extent possible, Continuum has agreed to include specific and early disclosure of the tax levels, which will be assessed, in their promotional and contract literature. The language in the service plan is as follows:

“XI. DISCLOSURE The petitioners for organization of the districts shall cause the developers of the property located within the Districts to provide adequate written notice to initial and subsequent purchasers of land in the Districts regarding the existence of and additional taxes, charges, or assessments which may be imposed in connection with the Districts, a copy of which shall be recorded in the real estate records of Adams County. This disclosure shall occur at the commencement of negotiations or the execution of a reservation of a lot whichever shall first occur. In either event, the disclosure shall be a part of the home buying decision. The directors of the Districts shall notify homebuilders as to the existence of the District, present tax levy, average expected tax levy, maximum expected tax levy, and maximum allowed tax levy, and shall require such homebuilders to provide such information to home purchasers as early in the home buying process as possible (emphasis added).”

Summary Characteristics and Financing Plan

The development would be comprised of three special districts – please refer to the summary map attached behind this memo:

- District 1 would be the “coordinating” or Operating District, responsible for the managing, financing, construction, operation and maintenance of the facilities and improvements on an on-going basis.

- District 2 would be the Commercial District, comprised of a total of 157,000 square feet and 405 residential units of three types, as summarized below. This district would assess a 45-mill levy of property (capped at 50 mills) to pay for bonds issued to finance the infrastructure improvements: streets, alleyways, water and sewer lines, drainage improvements, landscaping, curbs and sidewalks, lighting, etc. Financing would be structured in the same manner as the Catellus financing structure for the Circle Point Business Park, with a “peel-off” provision on the mill levy cap, explained further in the background section below. This type of financing was approved by City Council in March, 2000. Financing is structured for 30 years. Staff will review financing prior to bond issuance to ensure reasonable amortization schedule and total payout over the term of the issue. The current plans include the following features, subject to review or revision by the City in its development process:
 - Total commercial and retail space of 157,000 square feet comprised of:
 - Office space of 69,000 square feet
 - Retail space of 72,000 square feet
 - Restaurant space of 16,000 square feet
 - 405 Residential Units as follows:
 - 68 Main Street Apartments (Lofts)
 - 312 Row House Apartments
 - 25 Live-Work Units
 - District 3 would be the Residential District, with 400 units of Single Family Detached and Town homes, summarized as follows:
 - 149 Single Family Attached Homes (86 north of 118th Place, 63 south of 118th Place)
 - 251 Single Family Detached (south of 118th Place)This district would assess up to a 30-mill levy (25 mills to pay for bonds issued to finance the residential infrastructure improvements and up to 5 mills to perform annual maintenance for this district): streets and alleys, landscaping, several parks, water and sewer lines, drainage improvements, curbs and sidewalks, lighting, etc. The mill levy is capped at 30 mills for the life of the bonds. Financing would be fixed-rate, 30-year bonds, as with most other special districts in the City of Westminster. The taxpayer is protected against default because the risk of non-payment is born by the bondholder. Staff will review the debt financing prior to issuance to ensure level debt service and reasonable total payout over the life of the bonds. The densities are proposed subject to review and revision by the City in its development process.
- The total number of residential units proposed in both districts is 805 units comprised of 405 residential units (District 2) and 400 single family and townhome units (District 3).
- Agreements between the City and the District(s) and inter-district agreements are also subject to the City’s review and approval.

The Financing Plan has been revised by the Continuum group and it has been reviewed by Staff. Staff is satisfied the Service Plan compares to other commercial and residential financing plans previously approved by City Council, and will review the final amortization schedule and total payout for District 3 (Residential District) to ensure equity to the taxpayers in this district.

Policy Issue(s)

Three issues are before City Council for consideration:

- Does City Council desire to add a new urbanism development to the City portfolio of housing and life-style options? City Council granted conditional approval to the MSD Service Plan in September, 2000, with the proviso that:
 - The ODP “is approved and the numbers of dwelling units reflected in Financing Plan (Exhibit G) are consistent with the Official Development Plan” and
 - Section V and Exhibit G (of the Financing Plan) are amended to the City staff’s satisfaction...”

- Does City Council desire to approve the formation of metropolitan districts to finance infrastructure improvements for residential developments? Council has directed Staff to develop policies and procedures for accepting and reviewing applications for MSD formation; City Council has stated it has a negative bias toward residential MSDs, but desires to weigh the benefits of these to the City on a case-by-case basis. Again, City Council granted conditional approval to the Service Plan in September 2000, with the proviso that selected items be approved (ODP) or amended to Staff's satisfaction. The Financing Plan has been amended to Staff's satisfaction.
- Does City Council desire to approve the Service Plan with a mill levy cap of 50 mills for the Commercial District and a mill levy cap of 30 mills for the Residential District? These levies represent no change for the Commercial District, and a reduction from the mill levy cap proposed by the developer for the Residential District in the service plan submitted in September, which was 35 mills.

Staff Recommendation

1. Conduct a public hearing regarding the approval of the proposed First Modification to the Original Service Plan for Bradburn Metropolitan Districts Numbers 1, 2, and 3.
2. Adopt Resolution No. 25 granting approval of the First Modification to the Original Service Plan for Bradburn Metropolitan Districts Nos. 1, 2 and 3, and making certain findings and determinations in regard to the Bradburn Metropolitan Districts.

Alternatives

1. Reject the First Modification. This is not recommended for several reasons:
 - a. City Council granted Conditional Approval of the Service Plan in September, 2000.
 - b. The conditional approval stated that the ODP was to be approved; this action is scheduled for City Council action on April 23, just before the action to be taken on the MSD Service Plan amendments. Staff is recommending conditional approval of the ODP, pending approval of the MSD Service Plan.
 - c. The Financing Plan was to be revised according to Staff's satisfaction. This has been done; Staff is recommending approval of the amendments to the Service Plan, thus giving complete approval to the Service Plan.
2. Approve the First Modification conditionally. Assuming City Council has additional conditions, this is a possible alternative. It is not recommended, as it will delay the project from moving forward in a timely fashion. Granting approval will allow the developer to begin construction immediately, thus enabling them to deliver units in 2001. Delaying approval for a second cycle will set back the developer's construction timetable by several months, delaying delivery of units into 2002, and increasing their costs of carrying their financing which would place the project in jeopardy.

Background Information

The Continuum Developers approached the City in January 2000, interested in building a "new urbanism" village of homes with retail and commercial areas on the north side of the development along 120th Avenue. They noted to the Staff that this type of project has several unique features, which they believe would benefit the City and its residents:

- Creation of a truly mixed-use development combining various types of housing, retail and office uses.
- Creation of a unique residential development where all single family home access is from alleys creating a more interesting streetscape free of garages.
- Adding to the value of the housing stock in the City by building a "quality" development.

- Realization of appreciation of property values for the homeowners because of the type of development constructed. National experience has shown that these types of “new urban” villages are very much in demand by residents desiring to “get back to home town” atmospheres. As a result, the prices for these homes, while mid-priced to begin with, will appreciate at a faster rate than homes in a more typical suburban development.

The developers also mentioned that this type of development is more expensive to build, as the infrastructure improvements are much more costly than a typical development. Costs are also higher for landscaping and for “finishes” in the private parks. Two factors are primarily at work: densities are higher in these neighborhoods and the houses have alleys at their backs. Continuum asked what special taxing districts were available to allow them to build such a development. Staff described the various forms of taxing districts to them. The Metropolitan Special District, or MSD, is the type of district that they thought would best fit their needs.

Real Estate Absorption and Build-Out Projections

The original service plan called for a three-year build out (2001-2003) for completion of the improvements in the residential and commercial districts. In August 2000, the City engaged Mr. Tom Martin of Frederick Ross Consulting, at Continuum’s expense, to review and make recommendations on the real estate absorption proposed by the developer. His recommendations were to revise the build-out period to 5-6 years, and to revise the pricing on some of the product types. In March 2001, the City engaged Mr. Martin, again at Continuum’s expense, to review the revised mix and pricing of their product. Mr. Martin has recommended different absorption levels (3-4 years) and pricing, due to the changing market and the different products for sale. This has affected the revenues and expenditures of the project, including the bonds to be issued and the cash flows available to provide debt service and funds for operations and maintenance. This will be covered under the “financing” section below. There are no outstanding issues on this topic.

Affordable Housing

Continuum has explored the inclusion of affordable housing in Bradburn for near-by employees. The proposed wide selection of housing types at Bradburn will include above-store apartments, row house rental units, granny flats, for-sale town homes, and single-family detached units. While this selection of housing types addresses a broad spectrum of the existing housing market in Westminster, Continuum is also currently exploring the inclusion of affordable housing to further increase the range of housing options at Bradburn.

Continuum has focused their affordable housing efforts toward two target markets: rental housing for service workers and entry-level administrative employees, and first-time homebuyers from younger professionals who are without children. Units for these employment sectors along the US36 corridor are extremely limited. Continuum has had conversations with the Westminster Community Development and Housing staff, CHAFA, and two housing developers specializing in mixed-income housing projects. Continuum believes there are funding sources available to help provide between 18-25 low and moderate rate rental units in the commercial core, and several town homes targeted for moderate income first-time homebuyers. They will continue to explore the viability of these tapping into these funds as they obtain more market information and assess their construction phasing. The Council resolution approval of the Service Plan contains language that will allow the developers to revise the boundaries of the commercial and residential districts before issuing bonds.

In summary, Continuum has not made a commitment to build affordable housing at this time, but they have made a commitment to explore the potential of including affordable housing in the development. No commitment has been made by the City to provide funds or a portion of the City’s private activity bond allocation for affordable housing for the project.

Public Improvement Details

As mentioned earlier, the Continuum has committed to installing approximately \$8.2 million of public and quasi-public improvements. Details of these improvements are as follows:

• Improvements directly benefiting the citizens of Westminster	
• 120 th Ave Master Plan improvements	\$ 902,229
• Widening	
• Median improvements	
• Drainage improvements (Ditch)	
• Dedicated parks, open space (11+ acres)	924,105
• Lighting & signalization (120 th Ave/Bradburn Blvd at Vrain)	400,942
• Additional sidewalk on Vrain Street bridge	908
• Bridge at Bradburn Blvd.	250,850
• Sanitary line along east property edge to be used by school	24,320
• Extending culvert due to land widening	<u>16,500</u>
• Subtotal	\$2,519,854
• Improvements exceeding those typically provided in residential developments	
• More densely landscaped areas	\$1,871,989
• Parks	1,156,608
• Parkways, medians, tree lawns	1,784,080
• Alleys	602,972
• Pedestrian lighting	<u>217,560</u>
• Subtotal	<u>\$5,663,209</u>
• TOTAL	<u>\$8,153,063</u>

Financing Plans for Commercial and Residential Districts

The revised service plan includes financing as follows:

- For Commercial District #2
 - Assessed value of \$13.023 million at build-out.
 - Debt of \$10.67 million for improvements (82% of build-out assessed value).
 - A mill levy of 45 mills, capped at 50 mills, with “peel off provision” (notes below)
 - Increasing assessed values at 6% every other year.
- For Residential District #3
 - Assessed values of \$13.5 million at build-out.
 - Debt of \$6.03million (or 45% of build-out assessed value).
 - A capped mill levy at 30 mills (fixed, non-rated, risk of non-payment born by bondholders) to include both debt payments and operational expenses.
 - Increasing assessed values at 6% every other year.
 - HOA Fees of approximately \$500 to \$600 per year, consistent with other subdivisions.
- For the Combined Districts
 - Assessed values of \$26.523 million at build-out.
 - Debt of \$16.7 million for improvements (63% of build-out assessed value).
 - Mill levies (50 mills for commercial w/ peel off provision, 30 mills capped for residential).
 - Increasing assessed values at 6% every other year.

Commercial District Mill Levy “Peel Off Provision”

As stated earlier, in the section titled “Summary Characteristics”, this type of financing was approved by City Council in March, 2000 for the NBC Metropolitan Special District, for the financing of Circle Point Business Park being developed by Catellus Development Corp. The bonds are backed by a letter of credit from USBank and a developer guarantee. The mill levy cap of 50 mills is “peeled off” over time as follows:

- For every \$1 million of assessed value, the mill levy cap of 50 mills is taken off \$500,000 of debt. The levy required for this “peeled off” or “uncapped” debt can exceed 50 mills. If there is not enough money to make the debt service payments, the letter of credit bank makes the payment and is reimbursed by the developer at a later date.
- The remaining debt has a capped mill levy, determined by the following formula: 50 mills minus the levy required for the uncapped bonds (up to a maximum of 50 mills). If there is not enough property tax to pay the debt service, the developer guarantee is triggered and they will make the debt service payment.
- When the ratio of debt to assessed value reaches 50%, the entire mill levy is uncapped and can exceed 50 mills. The property owners (commercial owners and developer) would be responsible for paying the debt service through an unlimited general obligation mill levy, determined for the year, necessary to cover debt service and expenses.
- This “peel-off” provision is not used with the Residential District, as this latter mill levy cap is 30 mills with no “peel off” provision.

The City engaged Ms. Lorraine Trotter of Professional Management Solutions and Mr. Jim Manire, the City’s Financial Advisor, at the developer’s expense, to review the original proposal. Staff recommended, and the Continuum agreed to, the following changes for the residential portion:

- Reduce the mill levy for the residential portion of the project from 35-mill cap proposed in September 2000 to a 30-mill cap proposed in April 2001, recognizing that this is a specialand unique project. The rationale for supporting a 30 mill cap include:
 - The stated desire by the City to work with the developer to assure this type of development in the City.
 - The additional costs of the infrastructure necessary for this unique development.
 - The \$8.2 million total value of the public improvements: \$2.5 million of public improvements and \$5.6 million of quasi-public improvements, which the developer has committed to installing. This will save the Westminster public from having to finance such improvements, either through the City or the school district, or both. These improvements include:
 1. New park site
 2. Additional open space
 3. Significant improvements/widening to 120th Avenue
 4. Continuation of the needed storm water/drainage improvement parallel to 120th Avenue

These items bring the financing for the residential district into conformity with earlier districts approved, both residential and commercial. This will reduce the District’s bonding capacity, but the developers have said this arrangement will work for them.

Staff and the City’s advisors will be in attendance at the April 23 City Council meeting to answer questions.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

SERIES OF 2001

WHEREAS, pursuant to the provisions of Part 2 of Article 1 of Title 32, C.R.S., as amended, (the "Act"), no special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoption of a resolution of approval by the governing body of the municipality; and

WHEREAS, pursuant to the provisions of the Act, the City Council of the City of Westminster, Colorado (the "City") adopted Resolution No. 69, Series of 2000, on September 11, 2000, which permitted conditional approval of the Service Plan for Bradburn Metropolitan District Nos. 1, 2 and 3 (the "Original Service Plan"); and

WHEREAS, the conditional approval of the Original Service Plan was given requiring the following: (1) An Official Development Plan is approved and the numbers of dwelling units reflected in the Financing Plan (Exhibit G) are consistent with the Official Development Plan, and (2) Section V and Exhibit G are amended to the City staff's satisfaction, including, but not limited to, the Residential and Commercial Districts' Mill Levy Caps, the "Peel Off" provision, timing of the project completion, amortization schedules, and total project budgets for the Districts; and

WHEREAS, pursuant to the provisions of the Act, material modifications to the Original Service Plan may be made by the Boards of Directors of the Districts pursuant to approval by the City Council of the City; and

WHEREAS, the Boards of Directors of the Districts desire to fulfill the conditions set forth in Resolution 69, Series 2000, and have submitted a First Modification to the Original Service Plan that includes the necessary changes to Section V and Exhibit G to the Original Service Plan; and

WHEREAS, Notices of Public Hearings regarding the First Modification to Original Service Plan were published in the Westminster Window on April 19, 2001; and

WHEREAS, the City Council of the City held a public hearing on April 23, 2001, for consideration of the First Modification to the Original Service Plan of the Districts; and

WHEREAS, at such hearing, the City Council considered the First Modification to the Original Service Plan for the Districts and all other testimony and evidence presented at the hearing; and

WHEREAS, it appears to the City Council that the First Modification to the Original Service Plan for the Districts should be approved and the conditions set forth in Resolution 69, Series 2000, thereby deemed satisfied.

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

Section 1. That the City Council of the City of Westminster, Colorado, does hereby determine that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, relating to the filing of the First Modification to the Original Service Plan for the Bradburn Metropolitan District Nos. 1-3 have been fulfilled.

Section 2. That the City Council does hereby find and determine that:

(a) There is sufficient existing and projected need for organized service in the area to be served by the proposed Districts;

(b) The existing service in the area to be served by the proposed Districts is not adequate for present and projected needs;

(c) The proposed special Districts are capable of providing economic and sufficient service to the area within their proposed boundaries;

(d) The area to be included in the proposed Districts has, or will have the financial ability to discharge the proposed indebtedness on a reasonable basis;

Section 3. That the Service Plan of the proposed Bradburn Metropolitan District Nos. 1-3 is hereby approved and the conditions set forth in Resolution 69, approving the Original Service Plan, are hereby deemed satisfied in their entirety.

Section 4. That a certified copy of this Resolution be filed in the records of the City and submitted to the Petitioners for the purpose of filings as required pursuant to Title 32, Colorado Revised Statutes.

ADOPTED AND APPROVED this 23rd day of April, 2001.

ATTEST:

CITY OF WESTMINSTER, COLORADO

City Clerk

Mayor

APPROVED AS TO FORM:

City of Westminster
 Summary of MSD Characteristics
 April 2001

Component	Bradburn Village – Resid’l + Comm’l April 2001 Revised
District Structure	Three Districts <ul style="list-style-type: none"> • Operating District (controlling district) • Residential District (taxing district) • Commercial District (taxing district) Necessary due to combining residential and commercial/retail functions with separate costing and tax requirements
Governance	Two sets of IGAs <ul style="list-style-type: none"> • IGA between City and MSDs to be reviewed and approved by City Council at future date. • IGAs among Districts (inter-District IGAs) to be reviewed and approved at administrative level. All documents are properly coordinated (Service Plan and IGAs)
Build-out	3-4 years comm’l–recommended by Ross Consulting 4 years resid’l–recommended by Ross Consulting
No. Acres	Currently: 102 Acres Mixed Use 9+Acres Park 2 Acres Open Space Total 113-plus acres
No. Units	Currently Proposed: <ul style="list-style-type: none"> • Distr2 405 MF units, • 157,000 sqft retail, restaurant, hotel, office • Distr 3 400 SF/TH units (251 SF, 149 TH) • Total 805 units All subject to development review process/CLUP amendment.
Costs of Public Improvements	Current Estimate: \$26.2 million Includes construction management, project management, other costs of professional services and fees
Improvement Matrix	Resolved: drainage by City Alley ownership and maintenance by District. Incorporated into Service Plan
Financing District 2 (Commercial)	<ul style="list-style-type: none"> • Dist 2: \$13.0mm a.v. at build out • \$10.67mm bond (82% of assessed) • 50 mill levy cap; currently proposed - 45 mill levy to cover debt and O&M; balance of O&M to be covered by MSD fees to be charged; estimated and included in current financing plan • 30-year term • Currently contemplated to include variable rate, 1-year re-set on interest rate • Currently contemplated to include credit enhanced w/ A-rated Letter of Credit (L/C) • Peel-off provision for mill levy cap (see notes) and developer guarantee of L/C
Financing District 3 (Residential)	<ul style="list-style-type: none"> • Dist3: \$13.5mm a.v. at build out • \$6.0mm bond (46% of assessed) • 30 mill levy cap - 25 mill levy for debt, 1 to 5 mills for maintenance expenses • 30-year term

	<ul style="list-style-type: none"> • High-Yield, fixed rate, non-rated, bondholder bears risk of non-payment • No removal of mill levy cap during term of bonds • HOA fees estimated at \$500-\$600 per homeowner per year, but not part of MSD – separately organized HOA
Financing District Totals	<p>Totals for both districts:</p> <ul style="list-style-type: none"> • \$26.5 mm assessed at build out • \$16.67mm (63% at build out) • 30-year term for residential and commercial • No refunding without City’s approval.
Call Protection	<ul style="list-style-type: none"> • 10-year call protection if fixed rate done. • Otherwise, to be discussed.
Debt Authorization	\$20million
Level Debt Service	To be reviewed prior to financing



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 23, 2001
Subject: Huntington Trails Preliminary Development Plan
Prepared by: Patrick Caldwell, Planner II

Introduction

City Council is requested to hold a public hearing and take action on the Preliminary Development Plan (PDP) for the Huntington Trails property located at the southwest corner of 144th Avenue and Huron Street. (See attached location map, Exhibit A.)

Summary

Applicant/Property Owner
Ed Sutton and Fred Cooke
Huntington Trails Development, LLC
5080 County Road 15
Glenwood Springs, Colorado 81601

City of Westminster, 4800 West 92nd Avenue, Westminster, Colorado 80030

Size of Site

The entire area of the proposed PDP is 145 acres. The applicant owns approximately 140 acres and the City owns approximately 5 acres that are included within the PDP. The City-owned land is adjacent to the south side of 144th Avenue and was purchased by the City for a proposed drainageway system for McKay Lake. The north half of the 5 acres will be used as right-of-way for a future widening of 144th Avenue. Per the August 2000 Annexation Agreement, "In consideration for the Owner relocating the McKay Lake drainage channel on Owner's Property, the City shall convey to the Owner that portion of the City property between Pecos Street and Huron Street on the south side of 144th Avenue, purchased by the City for the purpose of channelizing the 100-year flood plain less the required right-of-way for 144th Avenue." Thus, the south half of the 5 acres is proposed to be conveyed to the applicant.

Description of Proposed Use

The proposed uses are single-family detached residential, public park, private parks, private trails, a private recreation facility and private open space.

Comprehensive Land Use Plan (CLUP) Designation

The CLUP designation is Single-Family Detached – Low Density. This was approved in August, 2000 with the annexation of the site.

Major Issues

The major issues with the PDP were:

1. The Public Land Dedication (PLD) requirement is ten percent (10%) based on a density that is less than 3 dwelling units per acre. For 145 acres, the total PLD acreage is 14.5 acres. Sheet 5 of 6 of the PDP contains a chart and a map that shows the PLD. Planning Area 4A at the northwest corner of the site totals 4.87 acres and full credit will be granted for this area. Portions of Planning Areas 4B, 6 and 7 will contain a 20-foot wide public access easement that will have a 10-foot wide concrete trail. The length of the trail is estimated to be 2,500 feet and 1/6 credit for PLD estimated to be .19 acre, will be granted for this easement. Planning Area 4C is 4.1 acres with wetlands at the base of McKay Lake. A 1/6 credit for PLD is .69 acre for this wetlands parcel. The total acreage committed for PLD credit is 5.75 acres. The balance of the PLD requirement is 8.75 acres and this requirement will be met by providing cash-in-lieu of land. Determination of the cash-in-lieu amount and the PLD will be finalized with approval of the Official Development Plan (ODP). Payment of the cash-in-lieu and dedication of the PLD acreage will be accomplished with the final plat of the site.
2. Street standards are included with the PDP. Detailed street sections are typically not included until the Official Development Plan (ODP). The street sections shown in the PDP for a minor collector, a local parkway with median and a local parkway with detached walks meet the City's adopted street standards. The street sections provided in the PDP for a cul-de-sac street, a cul-de-sac head-street and for a loop street with attached walks do not meet the City's standard street sections for a local street and therefore the applicant is requesting approval of these sections in order to proceed with the ODP.

Policy Issues

Whether or not to approve the PDP for this residential use.

Planning Commission Recommendation

The Planning Commission held a public hearing on April 10, 2001, and by a vote of six to one (6-1), recommended that the City Council approve:

1. The Huntington Trails PDP subject to the ODP including all requirements in the Annexation Agreement and the recreation center/park area being a minimum of one (1) acre in size.

Commissioner Smithwick voted against the proposal stating that the recreation center should be in the original location in the development (more central to the north of the McKay Lake drainage channel), and the street sections should meet the City's standards. Further, Commissioner Smithwick was concerned that the proposed street widths have no precedent and the adopted City street standards should be used.

The Planning Commission found that the PDP is in conformance with Section 11-5-7 of the City Code regarding standards for Preliminary Development Plan approval.

Staff Recommendation

1. Hold a public hearing on the proposed Preliminary Development Plan for the Huntington Trails property.
2. Approve the Huntington Trails Preliminary Development Plan subject to the Official Development Plan including all requirements in the Annexation Agreement and the recreation center/park area being a minimum of one (1) acre in size.

These actions are based upon Section 11-5-7 of the City Code regarding standards for Preliminary Development Plan approval.

Alternative(s)

1. Deny the request for PDP approval.
2. Approve the request with the added condition that the Preliminary and Official Development Plans meet the City's adopted standards for street sections.

City Staff has met with the applicant on several occasions to discuss the reduced street sections. Due to the increased setbacks and abundant off street parking available, Staff has recommended approval of the reduced street standards.

Background

Access and Circulation

Vehicular access to the site will be from two primary locations. Huron Street on the east and 144th Avenue on the north will be connected by a parkway. The internal circulation will be serviced from this parkway. A local street connection will be made to the Lexington Estates subdivision to the south when construction is completed in Huntington Trails.

Site Design

The site design is driven by the proposed channel for McKay Lake drainage. Lots to the south of the channel will be 17,000 square feet and larger. Lots to the north of the channel will be a minimum of 10,000 square feet. The channel will contain a public access trail. The parkway separates most of the lots that are larger than 17,000 square feet from the smaller lots. Open areas will be placed at the entrance from Huron Street and at the 144th Avenue entrance.

Service Commitment Category

The City has reserved 210 Service Commitments for the following years:

2001	30
2002	50
2003	50
2004	50
2005	30

Utility taps not purchased in one year can be purchased in the following year.

Annexation Agreement and Other Items to be Addressed on the ODP

An Annexation Agreement between the City and the property owner was approved with the annexation of the site in August, 2000. A number of items in the Agreement were to be addressed on the ODP and are summarized in the following bullet points. For clarification, some of these items are also noted on the PDP.

- Design features necessary to meet the City's Growth Management Program Single Family Detached Design Guideline requirements to produce a total of 3,410 points are indicated on the Category B-1 Competition Score Sheet on Sheet 6 of 6 of the PDP. Included in the list are a private park and swimming pool.
- Lots abutting Lexington Estates and Lexington Shores shall have a 35-foot building setback and be a minimum of 20,000 square feet in size.
- Lots north of the 20,000 square foot lots and south of the proposed McKay Lake drainage channel shall be a minimum of 17,000 square feet in size.
- Lots north of the McKay Lake drainage channel shall be a minimum of 10,000 square feet in size.
- A trail with public access is to be built along the McKay Lake drainage channel between McKay Lake and Huron Street.

- A street connection between Huntington Trails and Lexington shall be made if requested by the City. However, no such connection shall be made while homes are under construction in the area immediately north of the Lexington development.
- The private park where the swimming pool is located shall be a minimum of one (1) acre.

Resolution of Area Storm Water Problems

Currently, much of the Huntington Trails property, as well as, parcels east of Huron Street and south of 144th Avenue are within the 100-year flood plain. Most of this flooding is in the form of “sheet flow” or shallow flooding over a broad area coming from upstream of McKay Lake. There is no drainage channel, stream or any other obvious physical indication that this area is within the flood plain.

Two projects are planned to modify the flood plain area down stream of McKay Lake. The City has purchased McKay Lake from the Farmers Reservoir and Irrigation Company (FRICO) under the City’s open space program and plans to modify the dam and spillway area to detain the 100-year flood. This will greatly reduce the flood flows downstream of the lake and therefore benefits downstream property owners.

FRICO has the right to continue to store some irrigation water in the lake. FRICO, the City and developer will share in the cost to make necessary repairs to the dam spillway to a “Class I” dam standard. A Class I dam is appropriate where there is nearby downstream development. A Class I classification is needed since development is occurring immediately downstream of McKay Lake. The downstream benefiting property owners will contribute the incremental cost to convert McKay Lake to a stormwater detention facility and make the necessary improvements mandated for a Class I dam.

The City also agrees to support the formation of a “Regional Drainage District” to help pay for additional needed drainage improvements in the area. This may include, among other improvements, a new culvert under I-25 at approximately 140th Avenue to convey stormwater east to Big Dry Creek.

Location/Surrounding Land Uses/Comprehensive Land Use Plan Designations

The PDP site is located west of Huron Street and south of 144th Avenue. To the south is the Lexington Trails, a single-family residential development. This is shown as Single-Family Detached – Very Low Density on the CLUP. To the west, is the Lexington Shores single-family residential development, also shown as Single-Family Detached – Very Low Density on the Comprehensive Land Use Plan. The minimum lot size in the Lexington Subdivisions is 18,000 square feet and the gross density is 1.15 dwellings per acre. City-owned land at the base of McKay Lake is also to the west and is shown as Public Open Space on the Comprehensive Land Use Plan.

To the north of 144th Avenue, is the Cheyenne Ridge single-family residential development shown as Single-Family Detached – Low Density on the Comprehensive Land Use Plan. The minimum lot size is 10,000 square feet and the gross density is 2.33 dwelling units per acre. Also to the north is a “ranchette” style of residential development that is within unincorporated Adams County. To the east of Huron Street is vacant land. The north part of the land east of Huron Street is designated for Business Park uses by the Comprehensive Land Use Plan. The south half of the frontage is agricultural use in unincorporated Adams County, but is currently in review for annexation to the City of Westminster.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: Resolution No. 26 re Pay Range Adjustment for Assistant City Engineer and Senior Projects Engineer Positions

Prepared by: David R. Downing, City Engineer
Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to approve the immediate adjustment of the pay range for the positions of Assistant City Engineer and Senior Projects Engineer within the Engineering Division of the Department of Community Development from the current range of \$64,900 - \$71,900 to the proposed range of \$74,000 - \$81,000.

Summary

Over the past few years, the competition among Denver metropolitan area public and private organizations for the services of experienced, top-level engineering project managers has been fierce. The supply of these types of individuals who are qualified to coordinate the design and construction of complex, multi-million dollar projects is not sufficient to meet the demands of the still-thriving regional building industry. As a result, a premium has been placed upon the top professionals in the engineering/construction management field.

It is never easy to predict the future economic situation in the Denver metropolitan area and the resulting impact economic conditions will have on City capital projects. However, even if fewer new projects are added, the City will continue to need experienced, skilled civil engineers for the foreseeable future. South Westminster revitalization, implementation of projects funded by bonds such as Westminster Boulevard Flyover, and federally funded projects such as Sheridan Boulevard are some examples of where this level of expertise is required.

Competitive “bidding” for the services of experienced project managers has been commonplace within the private sector for quite some time. However, we are now seeing the same sort of competition within the public sector. For example, early this year, the City of Thornton advertised a Development Engineering Manager position with a top annual salary of \$81,720 whose duties and responsibilities appear to fall somewhere between those of a City of Westminster Senior Civil Engineer, whose top salary (including the maximum longevity pay) in 2001 is \$71,178 and the Assistant City Engineer/Senior Projects Engineer, whose top salary is \$71,900.

Policy Issues

Staff is requesting that Council take action on a mid-year salary adjustment for certain employees. Staff realizes that this is an unusual request, but the potential consequences of not remaining competitive with the rapidly changing market in the quest to retain or obtain the services of quality performers within a specialized field warrants this action in Staff’s opinion.

Recommendation

Adopt Resolution No. 26 approving the immediate adjustment of the pay ranges for the Assistant City Engineer and the Senior Projects Engineer positions within the Engineering Division of the Department of Community Development to a range of \$74,000 - \$81,000 per year.

Alternatives

The City Council could elect to not adjust the pay scales for these two positions at this time, or Council could choose to adjust the pay scales to a lesser range than that proposed by Staff. The recommendation set forth in this agenda memorandum is based on what Staff believes is reasonable for the positions in questions, as well as what is required to retain competent staff in these positions.

Background Information

Staff attempts to remain competitive with salaries and benefits for City employees by performing periodic surveys of similar positions within the organizations of neighboring jurisdictions. Recommendations to the City Council for annual salary adjustments are based upon the results of these surveys. This system works well for those positions that are common to several cities. However, Staff occasionally encounters positions that simply cannot be matched within the Denver-metropolitan region. In those instances, Staff reviews those positions and aligns them internally based on job duties and functions. Such is the case for the Assistant City Engineer and the Senior Projects Engineer positions, whose salaries are currently set at \$11,100 below that of the City Engineer.

Staff's difficulty in locating a comparable "match" for these two positions within the Denver area is a direct result of the great variety of tasks that the City Administration assigns to our Assistant City Engineer and Senior Projects Engineer. Naturally, it is expected that the individuals filling these positions will possess keen engineering design skills and be extremely familiar with current construction techniques. Positions demanding only these requirements are relatively easy to find among our neighboring cities. However, the City of Westminster also expects the Assistant City Engineer/Senior Projects Engineer to be skilled in the fields of property acquisition, conflict resolution, public information dissemination, surveying, materials testing, finance and, in short, anything necessary to completely implement a complex design and construction project. In many local jurisdictions, several different employees who each specialize in one of the areas listed above are needed to complete the tasks that are performed by the City's two project managers.

The Assistant City Engineer and the Senior Projects Engineer perform the same basic duties for the City. These individuals are entrusted with the complete management of all aspects of some of the most complex, strategic and, at times, controversial construction projects undertaken by the City. Recent examples of the types of projects managed by either the Assistant City Engineer or the Senior Projects Engineer include the Westminster Promenade, the 72nd Avenue Roadway and Streetscape Improvements, the 92nd Avenue Improvements (including the Westminster Mall "ring road"), the entire length of Sheridan Boulevard Improvements between 104th Avenue and 120th Avenue, the 104th Avenue Improvements between Federal Boulevard and Sheridan Boulevard and the current Westminster Boulevard extension. These highly visible, complicated projects have been vital to the welfare of the citizens of Westminster, so it has been of paramount importance that they be constructed efficiently and economically. In all cases, the two employees assigned to these tasks have succeeded in delivering the desired results.

Respectfully submitted,

William M. Christopher
City Manager

SERIES OF 2001

AUTHORIZING THE ADJUSTMENT OF THE PAY SCALES FOR TWO FULL-TIME BENEFITTED POSITIONS

Whereas, the City of Westminster frequently funds the design and construction of many expensive and complex public works projects; and

Whereas, the success of these projects requires the attention of highly-qualified and experienced experts within the field of engineering project management; and

Whereas, the City of Westminster utilizes the services of the Assistant City Engineer and the Senior Projects Engineer within the Engineering Division of the Department of Community Development to accomplish the design and construction of the most vital public works projects undertaken by the City; and

Whereas, in order to remain competitive within the local marketplace for the services of such experts in this specialized field, it has become necessary to adjust the current pay scales for these two positions.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the salary schedule for the year 2001 be amended as follows:

<u>Position</u>	<u>Salary Range</u>
Assistant City Engineer	\$74,000-\$81,000
Senior Projects Engineer	\$74,000-\$81,000

BE IT FURTHER RESOLVED that this amendment shall be put into effect upon passage and adoption of this Resolution.

Passed and adopted this 23rd day of April, 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: Councillor's Bill No. 20 re Sheridan Boulevard Supplemental Appropriations and Sheridan Boulevard 113th Avenue to 118th Avenue Construction Contract

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading which appropriates \$2,682,000 to the Sheridan Boulevard, 113th Avenue to 118th Avenue project to cover the Federal share for construction and construction engineering costs; authorize the City Manager to execute an Agreement with Asphalt Specialties, Inc. in the amount of \$2,876,543.21 for the construction of this project; authorize a force account as part of the construction contract in the amount of \$185,250; authorize a construction contingency in the amount of \$100,000; and authorize a payment to Xcel Energy in an amount not to exceed \$35,000 for undergrounding utilities as part of this project. Also, Staff is evaluating a transfer of \$220,850 from the appropriate Utility Fund Capital Improvement account to pay for the installation of the reclaimed water line as part of this project. If the above Councillor's Bill is approved, funds for all of the above expenses will be available in the appropriate project account in the General Capital Improvement Fund.

Summary

- The section of Sheridan Boulevard between 113th Avenue and 118th Avenue is scheduled to be improved to arterial street standard with raised landscaped medians and eight-foot wide detached sidewalks on both sides of the road. These arterial street standards include two through lanes in both directions; continuous acceleration/deceleration lanes for the length of the project and left-turn lanes at all major intersections. Construction of this project is scheduled to begin in June 2001 and be completed in spring 2002.
- This project was selected for federal participation funds under the Transportation Equity Act for the 21st Century (TEA21). Under the terms of this Act, approximately 83% of the project costs, to a topset amount of \$3,102,000 will be reimbursed to the City once the costs are paid by the City and a reimbursement request is made. Since the City is required to "front" these costs until reimbursements are received, it is necessary to supplement the project account to be able to pay the construction and construction engineering costs.
- The construction package for this project was advertised in the Daily Journal for three weeks and bids were opened on April 13th. Seven contractors submitted bids on this project with the low bid of \$2,876,543.21 being submitted by Asphalt Specialties, Inc. It is recommended that City Council award the contract to Asphalt Specialties, Inc.

Policy Issue

Should Council authorize the City Manager to award and execute a contract with Asphalt Specialties, Inc. for the construction of this project? Council could choose to postpone this action, however, doing so could result in significant delays in the construction of this project since the federal funds for this project would have to be "re-obligated" for the third quarter of 2001.

Staff Recommendation

1. Pass Councillor's Bill No. 20 on first reading appropriating \$2,668,000 to the Sheridan Boulevard, 113th Avenue to 118th Avenue project **TO OBLIGATE GRANT FUNDING** from the Colorado Department of Transportation;
2. Authorize the City Manager to execute an agreement with Asphalt Specialties, Inc. in the amount of \$2,876,543.21 for the construction of this project;
3. Authorize a force account as a part of the construction contract in the amount of \$185,250 and a construction contingency in the amount of \$100,000;
4. Authorize a payment to Xcel Energy in an amount not to exceed \$35,000 for undergrounding existing overhead utilities as part of this project;
5. Determine the action on a transfer of \$220,850 from the appropriate Utility Fund account to pay for the installation of the reclaimed water line as part of this project; and
6. Charge all of the above expenses to the appropriate project account in the General Capital Improvement Fund.

Alternatives

One alternative for Council to consider is postponing the construction of this project. Staff does not recommend this alternative because the federal funds for this project are obligated for this quarter. Postponing this project could mean that the City would lose the federal funds for this project.

Another alternative for Council to consider is to decrease project costs by deleting certain elements of the project. The current design of this project is very "utilitarian" and the only items that could realistically be eliminated are the reclaimed water line or the median landscaping. Eliminating this water line as part of the project would save \$220,850. If Council chooses this option, the reclaimed water line could be installed as part of a separate project in the future. Staff will have a final recommendation on the reclaimed water line on Monday. Eliminating the median landscaping is a possibility. However, this would only save about \$25,000 of the project costs. Staff does not recommend this alternative since it is a relatively small cost and would leave a "bare dirt" look in the median area.

Background Information

During the past several years, Sheridan Boulevard between 113th Avenue and 118th Avenue has increasingly posed a problem in terms of its traffic carrying capabilities. As a result, funds were appropriated by City Council in the General Capital Improvements Fund for the final design of the improvements to this section of roadway. In addition, the City was able to secure Federal participation funds through the TEA-21 program.

The proposed improvements generally consist of widening Sheridan Boulevard to provide for two through lanes in both directions, continuous acceleration/deceleration lanes and left turn lanes at all major intersections. The project also includes eight-foot wide detached sidewalks and raised, landscaped medians. Once complete, the project will look very similar to the section of Sheridan Boulevard between 104th Avenue and 112th Avenue.

A total of \$1,011,000 of TEA-21 funds was allocated in 2000 to the Sheridan Boulevard, 113th Avenue to 118th Avenue Improvements for final design and right-of-way acquisition. The total cost for the final design and right-of-way acquisition for this project was \$539,550. Therefore, the City’s local match in 2000 was \$92,856.

An additional \$2,091,000 of TEA-21 funds for the construction of this project was also made available in 2001. To secure these funds, the City is required to “match” funds in the amount of \$1,450,000 in 2001. In summary, there is a total of \$3,102,000 of federal funds and \$1,900,000 of City funds available for all costs associated with this project. Obviously, the \$3,102,000 is not 83% of the project cost as previously mentioned. The reason for this is that the 83% is the “standard” for TEA-21 projects and for this project, the City is providing an “overmatch” of \$1,248,426. This overmatch was proposed as part of the original application to the Denver Regional Council of Governments (DRCOG) to secure the federal funds since there is intense competition for these funds with all other government agencies in the Denver-metro area. The \$3,102,000 federal fund amount is a “top-set” of federal funds available for this project and as such, the City is responsible for any costs above this amount.

The requested supplemental appropriation of \$2,682,000 is based on the following:

Federal Funds	\$3,102,000
Less CDOT incurred costs	< 74,777>
Less Supplemental Appropriation approved by Council on 9/25/2000	< 166,000>
Less Reimbursements already received	<u>< 178,900></u>
Supplemental Appropriation Requested (rounded)	\$2,682,000

Again, this supplemental appropriation is **not** an increase in the project costs; it is only needed to be able to pay the consultant and contractor until reimbursements are received from CDOT.

The construction package for this project was advertised in The Daily Journal for three weeks and bids were opened on April 13. Seven contractors submitted bids, and the bid results are as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
Asphalt Specialties, Inc.	\$2,876,543.21
New Design, Inc.	\$3,080,089.64
Concrete Express, Inc.	\$3,126,960.85
Brannon Sand & Gravel, Inc.	\$3,177,474.05
Tarco, Inc.	\$3,187,955.46
Concrete Works of Colorado, Inc.	\$3,442,274.39
Kewitt/ Western	\$3,632,705.04
Engineer’s Estimate	\$3,345,479.00

Staff, Transystems (the City’s engineering consultant) and Colorado Department of Transportation (CDOT) have all reviewed the results of the bidding procedure and recommend that the low bidder, Asphalt Specialties, Inc., be awarded the contract for construction in the amount of \$2,876,543.21. City Staff, the design consultant and CDOT are all familiar with Asphalt Specialties, Inc. and believe that this company is very capable of performing this type of project. Asphalt Specialties was the company that constructed the 128th Avenue and Huron Street Project for the City in 1997 and did an excellent job on this project. Staff also recommends that a “force account” of \$185,250 and a construction contingency in the amount of \$100,000 be authorized. Force Account items include minor contract revisions (MCR), on-the-job trainee, OJT Pilot, obtain power from Xcel Energy and sprinkler repair. All these items are mandated as part of the TEA-21 process. The contingency of \$100,000 is to pay for any unforeseen conditions that surface during construction. This amount plus the MCR amount is approximately ten percent (10%) of the cost of construction and Staff believes that this is adequate “insurance” for a project of this size and complexity.

The \$220,850 that is being requested as a transfer from the Utility Fund is to pay for the installation of approximately 3,500 feet of reclaimed water line as part of this project. This water line was not included in the original budget for this project that was prepared in 1995. Since then, the reclaimed waterline was installed along 112th Avenue and the 3,500 feet mentioned would be a continuation of this line to provide future service in the vicinity of 117th Avenue and Sheridan Boulevard. Installing this line as part of the Sheridan Boulevard Project would prevent cutting the completed roadway project in the future. On the other hand, Staff notes that the park development in the subject area is not in the 5-year CIP and likely will not occur for 5 - 7 years.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2001

COUNCILLOR'S BILL NO. **20**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2839 in the amount of \$14,802,638, is hereby increased by \$2,682,000 which, when added to the fund balance as of the City Council action on May 14, 2001, will equal \$17,484,638. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Colorado Department of Transportation TEA-21 grant for construction and construction engineering costs necessary for the Sheridan Boulevard between 113th and 118th Avenue Project.

Section 2. The \$2,682,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUE</u>			
Intergovernmental TEA-21			
75-0426-019	\$0	<u>\$2,682,000</u>	\$2,682,000
Total Change to Revenues		<u>\$2,682,000</u>	
<u>EXPENSES</u>			
Widen Sheridan 113 th – 118th			
75-30-88-555-109	\$1,191,765	<u>\$2,682,000</u>	\$3,873,765
Total Change to Expenditures		<u>\$2,682,000</u>	

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

Section 4. This ordinance shall take effect upon its passage after second reading and shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of April 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: Municipal Court Public Defender Amended Agreement

Prepared by: Matt Lutkus, Deputy City Manager for Administration
Julia Hume, Court Administrator

Introduction

City Council is being requested to approve an amended contract with Beth Ann Faragher for her services as the Public Defender in Municipal Court. Funds are available in the Municipal Court's Budget to cover the recommended increase in cost for this contract.

Summary

Municipal Court Staff recently received a request from the City's current Public Defender Beth Ann Faragher for 5% increase in her quarterly pay rate, a \$5.00 or 11.1% per hour rate increase for jury trials, and a change in Section 2, Subsection F. of the contract to indicate that "the Westminster Municipal Court will pay for services of the Special Public Defender in the situation where there are co-defendants, and the regular Public Defender is already representing one of the defendants."

Copies of Ms. Faragher's request and the updated agreement that shows the proposed changes are attached.

Recommendation

Authorize the Mayor to execute an amended agreement with Beth Ann Faragher for her services as Municipal Court Public Defender effective April 1, 2001, and charge the expense to the General Fund Municipal Court Budget.

Alternatives

Determine that some other level of compensation for the Public Defender is appropriate and direct Staff to negotiate different fixed quarterly and hourly jury trial rates with Ms. Faragher. This alternative is not recommended as Ms. Faragher's requested increases are reasonable, totaling less than \$1,000 annually.

Background Information

Public defender services are provided to indigent defendants in Municipal Court in cases where the City Prosecutor is recommending jail time if convicted. The Judge presiding over each case can refer a defendant to the Public Defender when justified by the defendant's financial circumstances.

Beth Ann Faragher was selected as the Public Defender beginning February 1, 2000, following a Request for Proposals process and a series of interviews with prospective candidates. Her proposal was reviewed by City Councillor Ed Moss, Deputy City Manager for Administration Matt Lutkus and Court Administrator Julia Hume. Her selection was based on her criminal law experience, and, in particular, her public defender experience.

Public defender services are currently budgeted at \$17,200 for four hours of in-court time per week. The proposed fixed fee would be \$3,360 per quarter for one 4-hour court session per week, a 5% increase over the current rate of \$3,200 per quarter. The proposed increase in the hourly jury trial rate from \$45 to \$50 would result in an estimated annual cost of \$1,900 for up to one full day per week jury trial representation. Assuming the same level of public defender activity as in 2000, the annual cost for this service will be \$15,340. This compares with a total cost of \$14,482 for these services in 2000.

In her proposal, Ms. Faragher also requested a change in Section 2, Subsection F of the contract to indicate that “the Westminster Municipal Court will pay for services of the Special Public Defender in the situation where there are co-defendants, and the regular Public Defender is already representing one of the defendants.” Currently, the agreement calls for the Public Defender to retain the services of a special public defender under certain special circumstances. This does not address the situation where the Judge determines that a public defender be appointed for each co-defendant. In this circumstance, it makes sense to have the City pick up the additional expense for the additional public defender(s).

It is the opinion of Presiding Judge Stipech and the Municipal Court Staff that Ms. Faragher has represented her clients well, is an experienced Public Defender and been doing a good job. Moreover, Staff believes that the proposed increases in compensation are justified. There are sufficient monies in the Municipal Court Budget to cover the additional expense (estimated to be less than \$1,000 over the next 12 months).

Respectfully submitted,

William M. Christopher
City Manager

Attachments

AGREEMENT FOR PUBLIC DEFENDER SERVICES

THIS AGREEMENT is made THIS 23RD DAY OF APRIL, 2001, by and between the CITY OF WESTMINSTER, State of Colorado, a home rule City (the "City"), and Beth Ann Faragher (the "Public Defender").

W I T N E S S E T H

WHEREAS, the City desires to CONTINUE TO employ Beth Ann Faragher as Public Defender for the City of Westminster as provided by City Charter, Chapter IV, Section 4.13(b); and

WHEREAS, the City and the Public Defender have agreed upon the terms and conditions of such employment.

NOW, THEREFORE, in consideration of the mutual covenants of the parties contained herein, the parties agree as follows:

SECTION 1. TERM

- A. The term of this Agreement shall be APRIL 1, 2001, UNTIL MARCH 31, 2002. On each subsequent anniversary date, this Agreement shall automatically renew for an additional one (1) year term unless the City or the Public Defender has previously elected to terminate the Agreement pursuant to paragraph 1.B. below.
- B. Either party may elect to terminate this Agreement upon ninety (90) days advance written notice to the other. In the event of termination, the Public Defender shall be paid at the rates provided for herein for all services actually rendered through the effective date of termination, and for any services rendered beyond the termination date that are reasonably necessary to conclude any services rendered beyond the termination date that are reasonably necessary to conclude any representation commenced prior to the date of the notice of termination and which have been agreed to in writing by the City.

SECTION 2. COMPENSATION

- A. Fees. Public defense of all cases in Municipal Court shall be provided by the Public Defender at a Fixed Quarterly Rate of Three Thousand Three Hundred and Sixty Dollars (\$3,360). Such Fixed Quarterly Rate shall be for a total of fifty-six (56) four-hour days, up to a maximum of 224 hours annually.
- B. Jury Trials. In addition to the fees set forth in paragraph 2.A. above, the Public Defender shall be paid an hourly rate of Fifty Dollars (\$50) per hour for in-court time required for jury trials. The in-court time for jury trials shall be in addition to the 224 annual hours for general public defense referred to in § 2. A. above.
- C. Services. The following services are to be provided by the Public Defender:
 - 1. Attorney time as may be appropriate and necessary for serving as public defender in court and for all necessary case preparation and miscellaneous office activities.
 - 2. Attorney time related to the attendance of meetings requested by the Court Administrator or other City Staff for the purpose of discussing Municipal Court procedures or such other matters reasonably related to the delivery of the public defender services.
 - 3. Attorney time related to the review of proposed new ordinances or the enforcement of newly enacted ordinances.
 - 4. Attorney time related to the review of proposed witness lists and selection of witnesses, provided, however, the Public Defender shall endeavor to establish a system for the

routine processing of subpoenas returned to the public defender's office by the Public Defender's support staff.

- D. Clerical and Secretarial Services. All clerical, secretarial, and word processing services necessary to perform the Public Defender's duties under this Agreement are included as part of the Public Defender's Fixed quarterly Rate and there shall be no additional charges for these services.
- E. Beth Ann Faragher shall be solely responsible for the performance of all legal duties enumerated herein, however, she may be use a back-up attorney from her Firm, Elizabeth Booth, for emergency and back-up services.
- F. Special Public Defenders. The Public Defender shall have the authority to engage, with the approval of the Municipal Court, the services of a special public defender under circumstances in which a conflict or other ethical or legal impediment would justify the appointment of such a public defender. The special public defender shall be retained by the Public Defender as an independent subcontractor to the Public Defender. The City will pay for the services of the special public defender in the situation where there are co-defendants, and the Public Defender is already representing one of the defendants.

SECTION 4. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

- A. Independent Contractors. The Public Defender shall be an independent contractor and shall determine the means and methods of accomplishing duties hereunder, including the authority to exercise judgment and discretion necessary to meet her ethical obligation as Public Defender.
- B. Modification. City Council may fix any other terms and conditions of service as, from time to time it may determine, relating to the performance of the duties of the Public Defender, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other law. If any other such new terms or conditions impose additional responsibilities upon the Public Defender, not contemplated herein, additional compensation shall be provided therefor as agreed to by the parties. This agreement may not be modified except in a writing duly authorized and executed by the parties hereto.
- C. Conflicts. The Public Defender agrees not to represent any third party who may have an actual or potential conflict of interest with the City or with any City employee acting in his or her official capacity.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 23rd day of April, 2001.

BETH ANN FARAGHER

CITY OF WESTMINSTER, CO

By: _____

Mayor

Address: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 23, 2001
Subject: Employment Agreement with J. Brent McFall
Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council consideration is requested regarding the attached proposed employment agreement with J. Brent McFall for his services as City Manager.

Summary

On March 26, City Council approved the appointment of J. Brent McFall as the new Westminster City Manager. At that time, the Council agreed to an offer of employment that had been negotiated with Mr. McFall that provided the specific details on his annual salary including deferred compensation, severance pay agreement, car allowance, benefit package, and expenses related to his relocation from Washington State.

City Staff prepared the attached proposed employment agreement incorporating the items that were previously negotiated in the offer of employment to Mr. McFall using the format utilized in the agreements currently in place for the City Manager, City Attorney, and Presiding Judge. Aside from the items negotiated in the offer of employment, the only other recommended changes relate to restrictions on employment searches and advanced notice of termination of employment in Sections 2A and 3C, respectively. The employment agreement has been reviewed with Mr. McFall and he indicated that the draft document was acceptable.

Policy Issue

Does Council wish to continue to use the same basic format in its employment agreement with Mr. McFall as it has used in the past? Are all the terms acceptable to Council?

Recommendation

Approve an employment agreement with J. Brent McFall for his services as City Manager for the period beginning May 21, 2001, through December 31, 2002.

Alternatives

Council may wish to make changes in the proposed agreement that were not previously included in the offer of employment and direct Staff to contact Mr. McFall to discuss and negotiate these changes.

Background Information

In mid-March, City Council concluded a four-month recruitment and selection process to replace retiring City Manager Bill Christopher. This process consisted of the hiring of executive search firm, job listings in a number of local, regional, and national publications and job online services, telephone interviews, background and reference checks, City Council interviews, an onsite visit to the home of the finalist candidate, and successful negotiation of a compensation and relocation package. The process was concluded on March 26, 2001 when City Council formally appointed J. Brent McFall as Westminster's new City Manager effective May 21, 2001.

Mr. McFall has extensive experience as a local government professional. His positions include serving as a staff assistant in Lawrence, Kansas, and in city manager or city administrator positions in Merriam, Kansas; Emporia, Kansas; Federal Way, Washington; and Kent, Washington. He also served as a consultant and facilitator for Sumek Associates, conducting organizational development activities and facilitating strategic planning sessions with various cities. Currently, Mr. McFall is the Chief Administrative Officer at the City of Kent, Washington. Kent, a suburb of Seattle of approximately 75,000 population, has many similarities with Westminster in terms of growth management, transportation, preservation of open space, park development and financial stability.

The offer of employment previously negotiated between City Council and Mr. McFall has the following terms:

1. Initial salary for services as City Manager of \$140,000 per year including any City-paid deferred compensation.
2. A six-month severance pay agreement should City Council terminate his employment agreement prior to expiration.
3. A \$500 per month car allowance.
4. The same benefit package provided to department head level positions.
5. All expenses related to participation in various national, state, and other professional associations.
6. An initial credit of 80 hours of General Leave upon appointment.
7. Reimbursement for the cost for two visits for conducting a housing search.
8. Reimbursement for reasonable relocation expenses which includes the cost for relocating to Westminster and temporary apartment lodging.

The attached proposed employment agreement incorporates each of the items listed in the offer of employment above. The document is very similar to the employment agreements that are currently used for the City Manager, City Attorney, and Presiding Municipal Court Judge with the exceptions noted below.

During City Staff's drafting of the document, two sections were changed from the wording in the employment agreement with the current City Manager. In Section 2A, the second sentence reads as follows: "Further, EMPLOYEE agrees to neither to seek, to accept, nor to become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided." In the attached proposed agreement, this sentence has been changed to read: "Further, EMPLOYEE agrees not to become employed by any other employer until said termination date, unless said termination date is changed pursuant to Section 3." It is Staff's view that unless the City Manager is retiring from the City, it is probably not reasonable to expect that he or she should not seek or accept employment elsewhere prior to his or her actual termination date with the City.

The other change is in Section 3C and relates to the notice provision required in the event that the City Manager voluntarily resigns. The current section reads as follows: "In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY four months notice in advance in writing." Staff has changed the words "four months" to "60 days." A 60-day notice of resignation is in Staff's view reasonable and fair to both the City and the employee, and is comparable to notice provisions in other city manager's contracts.

The employee agreements that Council has had with the City Manager in the past and currently has with the City Attorney and Presiding Judge are two-year agreements that are renewable annually. This proposed agreement provides for a term that includes the balance of this year and 2002. Following past practice, the agreement would be considered again in the fall of 2001 following Mr. McFall's performance review.

City Staff forwarded the proposed employment agreement to Mr. McFall by way of electronic mail. Mr. McFall reviewed the document and indicated to Staff that he did not wish to make any changes.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 21st day of May, 2001, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and J. BRENT McFALL, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to employ the services of J. BRENT McFALL, as City Manager of the City of Westminster as provided by City Charter, Chapter IV, Section 7; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE, and (4) provide a just means for terminating EMPLOYEE's services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ; and

WHEREAS, EMPLOYEE previously accepted employment as City Manager of said CITY.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

CITY hereby agrees to employ J. BRENT McFALL as City Manager of CITY to perform the duties and functions specified in Section 4.8 of the City Charter and such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

SECTION 2. TERMS:

A. EMPLOYEE agrees to remain in the exclusive employ of CITY and EMPLOYEE will serve as City Manager from May 21, 2001, through December 31, 2002. Further, EMPLOYEE agrees not to become employed by any other employer until said termination date, unless said termination date is changed pursuant to Section 3.

The term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this agreement.

C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth below.

D. As part of the CITY's offer of employment to the EMPLOYEE, the CITY has agreed to provide the EMPLOYEE an initial credit of 80 hours of General Leave upon appointment, reimbursement for the cost of two visits for conducting a housing search and reimbursement for reasonable relocation

expenses, including the cost for packing, moving and storing personal items, the cost for EMPLOYEE to drive his personal vehicle to Westminster, Colorado, and three months of temporary apartment lodging.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to exercise its right to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Manager, then and in that event, the CITY agrees to give EMPLOYEE six (6) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing six (6) months, provided however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the six (6) months' severance pay provisions herein.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY 60 days notice in advance in writing.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in paragraphs (A) and (C) of this Section 3, and Section 2(D).

SECTION 4. SALARY:

The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of \$140,000, including any City paid deferred compensation, payable in installments at the same time as other employees of the CITY are paid.

CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31st of each year. Salary evaluation each year shall be at the discretion of the CITY.

SECTION 5. HOURS OF WORK:

A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the Council. Provided, that such consulting or other non-City connected business does not constitute a conflict of any nature with EMPLOYEE'S work as City Manager. City Council shall be the sole judge of such conflicts whose determination shall be final.

SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he shall have the exclusive use at all times during his employment with the CITY of an automobile provided to him by the EMPLOYEE. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. A monthly car allowance of \$500 shall be paid to EMPLOYEE to assist in compensating for these costs.

SECTION 7. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 8. PROFESSIONAL DEVELOPMENT:

CITY hereby agrees to budget and to pay the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings and occasions adequate to continue the professional development of EMPLOYEE and to adequately pursue necessary official and other functions for CITY, including but not limited to the International City/County Management Association, the Colorado Municipal League, and such other national, regional, state and local governmental groups and committees thereof which EMPLOYEE serves as a member.

SECTION 9. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job-affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job-affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 10. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to all other Department Head level employees, except that when such benefits are in conflict with this contract, said contract shall control.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

SECTION 12. GENERAL PROVISIONS:

- A. The text herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.
- C. This agreement becomes effective on May 21, 2001, and shall be in effect through December 31, 2002.
- D. If any provision, or any portion hereof contained in this agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. Nothing in this agreement shall be construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

F. The parties agree that this contract is entered into and shall be governed by the laws of the State of Colorado.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this agreement.

Approved by Westminster City Council on this 23rd day of April, 2001.

Mayor

ATTEST:

City Clerk

J. Brent McFall

APPROVED AS TO FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

Date: April 23, 2001
Subject: Amended Employment Agreement with William Christopher
Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to amend the current contract with William Christopher to reflect an extension of his length of employment beyond his previous intended retirement date of March 31.

Summary

On October 9, 2000, City Council approved the renewal of the contract with City Manager William Christopher to cover the period from January 1, 2001 to March 31, 2001. At the time that the contract was drafted and approved, it was anticipated that a new City Manager would be able to start at the same time as Mr. Christopher's intended retirement date of March 31. As a result of several factors, including the extra time required to select and utilize the services of an executive recruitment firm and the lead-time necessary for Brent McFall, the new City Manager, to relocate to Colorado, the new City Manager will not start his employment with the City until May 21.

In order to ensure continuity in the management of the organization, Mr. Christopher has agreed to extend his tenure through May 22. This two-day overlap with Mr. McFall's term of employment will provide an opportunity for a smooth transition between City Managers.

The attached proposed employment agreement is identical to the agreement currently in place for Mr. Christopher, with the exception of the terms related to the extension of his employment.

Staff Recommendation

Amend the current employment agreement with William M. Christopher to extend his term of employment as City Manager through May 20, 2001 and as advisor to the new City Manager for the two-day period May 21 and 22, 2001.

Background Information

For many years, City has used employment agreements to secure the services of a City Manager. These agreements have typically been for two year terms and renewable annually following the City Manager's annual performance review. Last fall, City Council approved a revised employment agreement with William Christopher with a much shorter term of employment to reflect his announced retirement date of March 31, 2001. It is necessary at this point to revise that agreement to extend Mr. Christopher's employment through the start of the tenure of the new City Manager. There will be a two-day overlap with the employment agreement with Mr. Brent McFall, the new City Manager to allow for a smooth transition in City Managers. Mr. Christopher has expressed his willingness to delay the start of his retirement to accommodate this timetable.

Respectfully submitted,

William M. Christopher, City Manager
Attachment

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2001, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and WILLIAM M. CHRISTOPHER, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of WILLIAM M. CHRISTOPHER, as City Manager of the City of Westminster as provided by City Charter, Chapter IV, Section 7 through May 20, 2001 and as advisor to the new City Manager on May 21 and 22; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE, and (4) provide a just means for terminating EMPLOYEE'S services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ; and

WHEREAS, EMPLOYEE previously accepted employment as City Manager of said CITY.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION 1. DUTIES:

CITY hereby agrees to continue the employment of WILLIAM M. CHRISTOPHER as City Manager of CITY to perform the duties and functions specified in Section 4.8 of the City Charter and such other legally permissible and proper duties and functions as the City Council shall from time to time assign; and as advisor to the City Manager on May 21 and 22.

SECTION 2. TERMS:

A. EMPLOYEE agrees to remain in the exclusive employ of CITY and WILLIAM M. CHRISTOPHER will serve as City Manager from January 1 through May 20, 2001 and as advisor to the new City Manager on May 21 and May 22, 2001. Further, EMPLOYEE agrees neither to seek, to accept, nor to become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided.

The term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this agreement.

C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth below.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to exercise its right to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Manager, then and in that event, the CITY agrees to give EMPLOYEE four (4) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing four (4) months, provided however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the four (4) months' severance pay provisions herein.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY four (4) months' notice in advance in writing.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in paragraphs (A) and (C) of this Section 3, and Section 2(D).

SECTION 4. SALARY:

The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of \$129,800 and \$8,000 in deferred compensation effective January 1, 2001, payable in installments at the same time as other employees of the CITY are paid.

CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31st of each year. Salary evaluation each year shall be at the discretion of the CITY.

SECTION 5. HOURS OF WORK:

A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the Council. Provided, that such consulting or other non-City connected business does not constitute a conflict of any nature with EMPLOYEE'S work as City Manager. City Council shall be the sole judge of such conflicts whose determination shall be final.

SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he shall have the exclusive use at all times during his employment with the CITY of an automobile provided to him by the EMPLOYEE. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. A monthly car allowance of \$450 shall be paid to EMPLOYEE to assist in compensating for these costs.

SECTION 7. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 8. PROFESSIONAL DEVELOPMENT:

CITY hereby agrees to budget and to pay the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings and occasions adequate to continue the professional development of EMPLOYEE and to adequately pursue necessary official and other functions for CITY, including but not limited to the International City/County Management Association, the Colorado Municipal League, and such other national, regional, state and local governmental groups and committees thereof which EMPLOYEE serves as a member.

SECTION 9. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 10. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to all other Department Head level employees, except that when such benefits are in conflict with this contract, said contract shall control.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, longevity pay, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

SECTION 12. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.

C. This agreement becomes effective on January 1, 2001 and shall be in effect through May 22, 2001.

D. If any provision, or any portion hereof contained in this agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. Nothing in this agreement shall be construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

F. The parties agree that this contract is entered into and shall be governed by the laws of the State of Colorado.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this agreement.

Approved by Westminster City Council on this 9th day of April, 2001.

Mayor

ATTEST:

City Clerk

William M. Christopher

APPROVED AS TO FORM:

City Attorney



WESTMINSTER
COLO R A D O

Agenda Memorandum

Date: April 23, 2001
Subject: Change Date for Council Meeting in May
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to change the date of the last regular City Council meeting in May at this time.

Summary

The last regular City Council meeting of May would normally be held on Monday, May 28th, which is Memorial Day.

Therefore, it is requested to formally change the date of the last regular Council meeting in May to Monday, May 21st.

Staff Recommendation

Change the date of the last regular meeting of City Council in May from May 28th to May 21st.

Background

The Council Rules and Procedures (Part I, Section 1) states in part “When Monday is a holiday, the regular meeting shall be held on the Tuesday following at the same hour unless otherwise provided by motion.”

Members of the public are aware that Council meetings and Study Sessions are held on Mondays, and therefore, it is easier to reschedule the meeting for a different Monday during the month than to move the Council meeting date to a Tuesday.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: April 23, 2001

Subject: Councillor's Bill No. 21 re Transfer From General Fund to Capital Projects Fund

Prepared by: Steve Smithers, Assistant City Manager
Tammy Hitchens, Accounting Manager

Introduction

The Accounting Staff is in the final stages of preparing the 2000 Comprehensive Annual Financial Report (CAFR). While preparing the CAFR it was noted that the City enjoyed revenues that exceeded the conservative budget estimates. In addition, expenditures were also below the budgeted amounts. This has resulted in an unreserved/undesignated fund balance of approximately \$4,400,000. The City has a specific need for additional funding for a key capital project. The City has historically used unreserved/undesignated fund balance to fund one-time capital expenditures. Staff recommends the transfer of these one-time funds to a specific General Fund Capital Improvements project at this time.

Summary

While preparing the 2000 CAFR, it was determined that in order to maximize the use of one time revenues received in excess of the budgeted amounts and provide funding for a much needed capital project it is recommended to transfer \$1,362,696 from the General Fund to the Capital Projects Fund.

Policy Issue

Should the City transfer part of the unreserved fund balance in the General Fund to the Capital Projects Fund?

Recommendation

Pass Councillor's Bill No. 21 on first reading transferring \$1,362,696 from the General Fund to the Federal Boulevard Extension project account in the General Capital Improvement Fund.

Alternatives

1. Do not transfer a portion of the General Fund unreserved fund balance to the Capital Projects Fund. This alternative is not recommended as these funds could become unavailable, due to the potential TABOR limitations, for use on much needed capital projects.
2. Transfer an amount of the General Fund unreserved fund balance that is less than the amount requested to the Capital Projects Fund. This alternative is not recommended as the remaining amount could become unavailable, due to potential TABOR limitations, for use on much needed capital projects.

Background Information

Each year the Accounting Staff prepares a Comprehensive Annual Financial Report as of the end of the calendar year. Each year, Accounting Staff also prepares an analysis of the amount of "carryover" that resulted from the City operations that year. "Carryover" is the combination of revenues that were earned in excess of budgeted amounts and budgeted expenditures that were not required to provide services.

As of December 31, 2000, the City enjoyed approximately \$4,400,000 of carryover that has not already been earmarked for 2001. In order to maximize the use of the 2000 carryover, Staff recommends the transfer of the funds to the Capital Projects Fund. Staff is recommending allocating these additional funds to the Federal Boulevard Extension project, which requires additional funding (\$1,262,419) as described in the Confidential Memorandum on the Willow Run Business Assistance Package found elsewhere in this weeks agenda packet. In addition, the remaining funds (\$100,277) would allow for the project to be expanded to address the design, engineering, and preliminary construction of a double left hand turn off 120th Avenue onto Federal Boulevard heading south. The Federal Boulevard Extension is a key project that will improve traffic flows and provide access to parcels of land that are, or soon will be, under development that will be of significant benefits to the City.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2001

COUNCILLOR'S BILL NO. **21**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Fund, initially appropriated by Ordinance No. 2728 in the amount of \$61,747,852, is hereby increased by \$1,362,696 which, when added to the fund balance as of the City Council action on May 14, 2001, will equal \$67,953,934. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions.

Section 2. The \$1,362,696 increase in the General Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUE</u>			
Commercial Building Permits – Adams County 10-0315-070	\$150,000	\$241,500	\$391,500
Commercial Building Permits – Jefferson County 10-0315-080	185,000	512,900	697,900
Residential Building Permits – Adams County 10-0316-070	400,000	300,994	700,994
Residential Building Permits – Jefferson County 10-0316-080	117,000	213,000	330,000
Franchise Taxes – United Cable 10-0316-080	415,000	<u>94,302</u>	509,302
Total Change to Revenues		<u>\$1,362,696</u>	
<u>EXPENSES</u>			
Transfers to the General Capital Improvement Fund 10-10-95-990-975	4,567,237	<u>\$1,362,696</u>	\$5,929,933
Total Change to Expenditures		<u>\$1,362,696</u>	

Section 3. The 2000 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,699,851, is hereby increased by \$1,362,696 which, when added to the fund balance as of the City Council action on May 14, 2001, will equal \$24,260,343. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions.

Section 4. The \$1,362,696 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUE</u>			
Transfers from the General Fund 75-9999-360	\$4,567,237	<u>\$1,362,696</u>	\$5,929,933
Total Change to Revenues		<u>\$1,362,696</u>	

EXPENSES

Federal Blvd. Extension			
75-30-88-555-370	\$ 650,000	<u>\$1,362,696</u>	\$2,012,696
Total Change to Expenditures		<u>\$1,362,696</u>	

Section 5. Severability: The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this ordinance to have any meaning whatsoever.

Section 6. This ordinance shall take effect upon its passage after second reading and shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of April 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May 2001.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, April 23, 2001.

Present at roll call were Mayor Heil, Mayor Pro-Tem Dixon, Councillors Atchison, Hicks, Kauffman, and Moss. Absent Councillor Merkel.

The minutes of the April 9, 2001 Council meeting were approved as corrected.

Ranum and Westminster High School students spoke of their experience in Close Up Government Program, in Washington DC.

Mayor proclaimed May 6 – 12 as “National Drinking Water Week”, and May 19th as “Community Pride Day”.

Council approved the following: 2001 Asphalt Pavement Rehabilitation Project Bid to La Farge Corporation for \$1,551,233; Purchase of Automatic Vehicle Locating System to Compass for \$50,932; Bid for Police and Fire Mobile Data Computers to Portable Computer Systems Inc for \$468,371; US 36/92nd Avenue/Sheridan Boulevard Interchange Contract with Felsburg, Holt & Ullevig for \$265,960; and reviewed the Financial Report for March, 2001;

Council approved: Fifth Amended Docheff Preliminary Development Plan; Victory Church Official Development Plan with amendments; Preliminary Development Plan and Official Development Plan for Bradburn; project, Service Plan amendment for the Bradburn Metropolitan District with amendment; Huntington Trails Preliminary Development Plan; agreement with Asphalt Specialties, Inc. for \$2,876,543.21 for Sheridan Blvd, 113th to 118th improvements; transfer \$185,250 and \$100,000 contingency amount on the Sheridan Blvd, 113th to 118th construction; payment to Xcel Energy not to exceed \$35,000 for undergrounding existing overhead utilities; transfer of \$220,850 from Utility Fund account for installation of the reclaimed water line; Municipal Court Public Defender Amended Agreement with Beth Ann Faragher; Employment Agreement with new City Manager, J. Brent McFall; Amended Employment Agreement with William Christopher; and Change Date of last Council Meeting in May to May 21st.

The following public hearings were held: At 7:45 P.M. continued Victory Church Comprehensive Land Use Plan amendment, 5th amended Docheff Preliminary Development Plan, and Official Development Plan for Victory Church; At 11:30 P.M., Bradburn Comprehensive Land Use Plan amendment, Preliminary Development Plan and Official Development Plan; at 12:50 A.M. Bradburn Metro Special District Service Plan Amendment; and at 1:12 A.M. Huntington Trails Preliminary Development Plan.

The following Councillor’s Bills were introduced on first reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: amending the land use designation from Business Park to Public/Quasi-Public and Office for the Victory Church development site to be located at 118th Avenue and Sheridan Boulevard.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: establishing a new land use designation of Traditional Mixed Use Neighborhood Development designation for the Bradburn project from Business Park and Single-Family Detached - Medium Density to Traditional Mixed Use Neighborhood Development, Public Park, and Public Open Space located at 120th & Bradburn,

A BILL FOR AN ORDINANCE, AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY LOCATED IN SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO purpose: rezoning the Bradburn property from Open District (O-1) to Planned Unit Development (PUD)

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND purpose: appropriating \$2,668,000 to the Sheridan Boulevard, 113th Avenue to 118th Avenue project to obligate grant funding from CDOT

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUNDS purpose: transferring \$1,362,696 from the General Fund to the Federal Boulevard Extension project

The following Councillor's Bills were adopted on second reading:

A BILL FOR AN ORDINANCE VACATING RIGHT-OF-WAY IN THE LEXINGTON SUBDIVISION

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGET OF THE GENERAL FUND AND THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUNDS

The following Resolutions were adopted:

Resolution No. 24 Awarding 163 Category B-4 service commitment award to the Bradburn development.
 Resolution No. 25 granting approval of the First Modification to the Original Service Plan for Bradburn Metropolitan Districts Nos. 1, 2 and 3 as amended
 Resolution No. 26 approving pay ranges changes.

At 1:50 A.M. the meeting was adjourned.
 By order of the Westminster City Council
 Michele Kelley, CMC, City Clerk

Published in the Westminster Window on April 19, 2001