



WESTMINSTER
COLORADO

APRIL 26, 2004
7:00 P.M.

CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Proclamation re Standley Lake High School Cheerleaders
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. March Financial Report
 - B. Street lighting for Huron Street, 128th Avenue to 140th Avenue
 - C. 2004 Asphalt Pavement Rehabilitation Project Bid
 - D. CB No. 21 re Business Assistance Package re Pappadeaux Seafood Kitchen (Kauffman-Price)
 - E. CB No. 22 re 2003 Final Budget Supplemental Appropriation (McNally-Hicks)
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. TABLED Councillor's Bill No. 23 re Lease Agreement with Community Reach Center
 - B. Public Hearing re Asbury Acres Subdivision
 - C. Resolution No. 30 findings re Asbury Acres Subdivision
 - D. Councillor's Bill No. 24 re Annexing the Asbury Acres Subdivision
 - E. Councillor's Bill No. 25 re CLUP amendment Asbury Acres Subdivision as Single Family Residential
 - F. Councillor's Bill No. 26 zoning the Asbury Acres Subdivision as Westminster PUD
 - G. Preliminary Development Plan for the Asbury Acres Subdivision
 - H. Resolution No. 31 re Council Rules Amendments
 - I. Special Legal Services for Special Improvement District Formation
 - J. Resolution No. 32 re 2003 Westminster Conference Center Property Tax
 - K. Councillor's Bill No. 27 re JRBM Inc. Business Assistance Package
 - L. Councillor's Bill No. 28 re Synchroness, Inc. Business Assistance Package
 - M. Councillor's Bill No. 29 re Lafarge North America Inc. Business Assistance Package
11. Old Business and Passage of Ordinances on Second Reading
 - A. 2nd Reading CB 17 re Annexation of Chamberlain Property (Dittman-Hicks)
 - B. 2nd Reading CB 18 re CLUP Amendment for Chamberlain Property (Dittman-Hicks)
 - C. 2nd Reading CB 19 re Zoning for Chamberlain Property (Dittman-McNally)
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. Citizen Communication
 - B. City Council
 - C. Executive Session
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 26, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Kauffman to approve the minutes of the meeting of April 12, 2004 with no additions or corrections. The motion carried unanimously.

PROCLAMATION RE STANDLEY LAKE HIGH SCHOOL CHEERLEADERS

Mayor Pro Tem McNally presented a proclamation to the Standley Lake High School Cheerleading squad and coach, recognizing the squad for being the first runner up on the Rocky Mountain Cheerleading Association Class 5A Colorado State Spirit Competition.

CITIZEN COMMENTS

Jerry Cinkosky and other members of the Sunset Ridge COG area thanked City Council for their joint venture with Hyland Hills Park and Recreation District in the rehabilitation of Carroll Butts Park, located at 94th Avenue and Perry Street. They also thanked Becky Eades, Julie Eck and Bill Walenczak for the great park they now have in their neighborhood.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on May 15th Pride Day with 1,000 to 1,500 volunteers working to clean up the City open space areas and right of ways. RED Development closed today on Phase 2 of the land for the Shops at Walnut Creek, with Super Target planning on opening on October 10th. Tomorrow the City the closing on 80 acres of land at 144th and I-25 will take place. Adams County Commissioners have assisted with the purchase of the Metzger land, 160 acres at 120th Avenue from Federal to Lowell Boulevard.

CITY COUNCIL COMMENTS

Councillor Dixon thanked Rachel Harlow-Schalk, for her work on the Regional Clean Air Council car checkup held on last Saturday.

Councillor Kauffman commented on the Irving Street Library opening; and the Adams County Economic Development award presented to Westminster and Thornton regarding the joint partnership for I-25 and 136th Avenue development.

Councillor Price commented on the large item pickup, and the great participation by citizens to help beautify the City..

Mayor Pro-Tem McNally commented on the DRCOG Award honoring Bob Briggs. with the Regional Leadership Award for his support of transportation funding equity for the metro area.

CONSENT AGENDA

The following items were considered as part of the consent agenda: March Financial Report; Street lighting for Huron Street, 128th Avenue to 140th Avenue; 2004 Asphalt Pavement Rehabilitation Project Bid; CB No. 21 re Business Assistance Package re Pappadeaux Seafood Kitchen; CB No. 22 re 2003 Final Budget Supplemental Appropriation.

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 McNally moved, seconded Hicks by to adopt the consent agenda items as presented. The motion carried unanimously.

PUBLIC HEARING RE ANNEXATION OF ASBURY ACRES SUBDIVISION

At 7:15 p.m. the public hearing was opened on the Annexation of the Asbury Acres Subdivision located at the southeast corner of Wadsworth Boulevard and 94th Place. Max Ruppeck, Senior Projects Planner, gave a power point presentation and entered the following information into the record: a copy of the Agenda Memorandum and other related items.. Jeff Collins, developer of the property; Myron Fritzler, 7202 W 94th Pl, Peggy Jamsey, 7320 W 94th Ave, Gary Oliver, 7365 W 94th Ave, Jay Martin, 9220 Teller St, and Steve Strauber, 7345 W 94th Ave, addressed Council. The public hearing was declared closed at 7:40 p.m.

RESOLUTION NO. 30 RE FINDINGS OF FACT ON ASBURY ACRES SUBDIVISION

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 30 making certain findings of fact as required by Section 31-12-110 C.R.S. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 24 RE ANNEXATION OF ASBURY ACRES SUBDIVISION

Councillor Hicks moved, seconded by Dittman to pass Councillor's Bill No. 24 on first reading annexing the Asbury Acres property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLORS BILL NO. 25 RE CLUP AMENDMENT FOR ASBURY ACRES SUBDIVISION

Councillor Hicks moved, seconded by Dixon to pass Councillor's Bill No. 25 on first reading amending the Comprehensive Land Use Plan changing the designation for the Asbury Acres property from Northeast Comprehensive Development Plan to Single Family Residential – Medium Density. This recommendation is based on the following findings set forth in the Comprehensive Land Use Plan: the proposed amendment is needed as proposed; the amendment is in conformance with the overall purpose, intent, goals and policies of the plan; the proposed amendment is compatible with existing and planned surrounding land uses; and the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. Upon roll call vote, the motion carried unanimously.

COUNCILLORS BILL NO. 26 RE ZONING OF ASBURY ACRES SUBDIVISION

Councillor Hicks moved, seconded by Dixon to pass Councillor's Bill No. 26 rezoning the Asbury Acres property from Jefferson County A-2 to Westminster Planned Unit Development (PUD). This recommendation is based on the finding that the standards set forth in Section 11-5-3 of the Westminster Municipal Code have been satisfied. Upon roll call vote, the motion carried unanimously.

PRELIMINARY DEVELOPMENT PLAN FOR ASBURY ACRES SUBDIVISION

Councillor Hicks moved, seconded by McNally to approve the Preliminary Development Plan for the Asbury Acres Subdivision as submitted. The motion carried unanimously.

RESOLUTION NO. 31 RE COUNCIL RULES AMENDMENTS

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 31 changing the sequence on the City Council Agenda. Upon roll call vote, the motion carried unanimously.

SPECIAL LEGAL SERVICES FOR SPECIAL IMPROVEMENT DISTRICT FORMATION

Councillor Dittman moved, seconded by Hicks to authorize the City Manager to sign a contract for legal services with Gorsuch Kirgis, L.L.P., for special legal services in connection with the organization and implementation of two special improvement districts as part of a pilot project to replace deteriorated subdivision perimeter walls at the Ranch development. The motion carried unanimously.

RESOLUTION NO. 32 RE 2003 WESTMINSTER CONFERENCE CENTER PROPERTY TAX

Councillor Dixon moved, seconded by Hicks to adopt Resolution No. 32 authorizing the use of General Fund contingency funds in the amount of \$97,501.18, and the transfer of these funds to the appropriate Central Charges account to provide complete payment of the 2003 property tax for the Westminster Conference Center, which totals \$185,501.18. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 27 RE JRBM INC BUSINESS ASSISTANCE PACKAGE

Councillor Kauffman moved, seconded by Dittman to Councillor's Bill No. 27 on first reading authorizing the City Manager to execute a Business Assistance Package (BAP) with JRBM Inc. in the amount of \$28,450. The BAP includes \$1,000 in permit fee rebates, \$825 in construction use tax rebates, and \$26,625 in equipment use tax rebates. Betty McKenzie, Vice President of Administration for JRBM addressed Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 28 RE SYNCRONESS INC BUSINESS ASSISTANCE PACKAGE

Councillor Dixon moved, seconded by Price pass Councillor's Bill No. 28 on first reading, authorizing the City Manager to execute a Business Assistance Package (BAP) with Synchroness, Inc. in the amount of \$10,500. The BAP includes \$2,100 in permit fee rebates, \$2,025 in construction use tax rebates, and \$6,375 in equipment use tax rebates. Mark Henault, President and CEO of Synchroness addressed Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 29 LAFARGE NORTH AMERICA BUSINESS ASSISTANCE PACKAGE

Mayor Pro-Tem McNally moved, seconded by Dixon to pass Councillor's Bill No. 29 on first reading, authorizing the City Manager to execute a Business Assistance Package (BAP) with Lafarge North America, Inc. in the amount of \$24,320. The BAP includes \$7,145 in permit fee rebates, \$12,750 in construction use tax rebates, and \$4,425 in equipment use tax rebates at move-in. Emmanuel Regaux, Director of Land US West Region Lafarge North America, Inc addressed Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILLS 17, 18, AND 19 RE CHAMBERLAIN PROPERTY

Councillor Kauffman moved, seconded by Dixon to remove Councillor's Bill No. 17, 18, and 19 from the Table. The motion carried unanimously.

SECOND READING COUNCILLOR'S BILL NO. 17 ANNEXATION OF CHAMBERLAIN PROPERTY

Councillor Kauffman moved, seconded by Dixon to pass Councillor's Bill No. 17 on second reading annexing the Chamberlain property to the City. Upon roll call vote, the motion carried unanimously.

SECOND READING COUNCILLOR’S BILL NO. 18 RE CLUP AMENDMENT CHAMBERLAIN

Councillor Kauffman moved, seconded by Dittman to pass Councillor’s Bill No. 18 on second reading amending the Comprehensive Land Use Plan (CLUP) adding the Chamberlain property with a designation of Retail Commercial. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan. The proposed amendment is in need of revision as proposed; and the amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and the proposed amendment is compatible with existing and planned surrounding land uses; and the proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems. Upon roll call vote, the motion carried unanimously.

SECOND READING COUNCILLOR’S BILL NO. 19 RE ZONING OF CHAMBERLAIN PROPERTY

Councillor Kauffman moved, seconded by Dittman to pass Councillor’s Bill No. 19 on second reading zoning the Chamberlain property Planned Unit Development (PUD), making the finding that the standards set forth in Section 11-5-3 of the Westminster Municipal Code have been satisfied. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:54 P.M.

ATTEST:

City Clerk

Mayor



Agenda Item 4 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004

SUBJECT: Proclamation re Standley Lake High School Cheerleaders

Prepared By: Michele Kelley, City Clerk

Recommended City Council Action:

Present a proclamation to the Standley Lake High School Cheerleading squad.

Summary Statement

- The purpose of this Proclamation is to recognize the Standley Lake High School Cheerleading squad, which won first runner up in the Rocky Mountain Cheerleading Association Class 5 A Colorado State Spirit Competition.
- The accomplishments of the 16 girls that are part of this team are a positive reflection of our community, schools and specifically Westminster youth.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues:

No policy issues identified.

Alternatives:

None Identified.

Background Information:

In December, 2003 the Rocky Mountain Cheerleading Association held competitions in Denver with 38 schools competing in the 5A division.

Standley Lake High School has been competing for 15 years and this is the first time the Cheerleading squad has placed second in the statewide competition.

The Head Cheerleading coach at Standley Lake High School is Jennifer Wolford.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, the Standley Lake High School Cheerleading Squad is comprised of 16 girls attending Standley Lake High School; and

WHEREAS, the Standley Lake High School Cheerleading Squad is coached by Jennifer Wolford; and

WHEREAS, the Standley Lake High School Cheerleading Squad has been competing in the Rocky Mountain Cheerleading Association State Competitions for the past 15 years; and

WHEREAS, the Standley Lake High School Cheerleading Squad had their best competition in December, 2003 by finishing as first runner up in the Colorado State Spirit Competition.

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff hereby recognize the Standley Lake High School Cheerleading Squad and Coach Jennifer Wolford for an excellent season and a job well done.

Signed this 26th day of April, 2004.

Ed Moss, Mayor



WESTMINSTER COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Financial Report for March 2004

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action

Accept the Financial Report for March as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report; this reflects February sales and use tax receipts received in March. This report includes new information about the 0.6% Public Safety Tax (PST) receipts and expenditures, which began to flow in January because of receipt of building use tax. March is the second month to see significant revenues from the 0.6% PST.

- Across all shopping centers, total sales & use tax receipts are up 1% over the one-month period from last year (Sales and Use Taxes). Last month this figure was positive 3%.
- The Westminster Mall is down 14% for March, compared to March of last year. Last month this figure was negative 3%. Year-to-date the Mall is down 8%; last month this figure was down 7%. However, this does not include a late return from a department store, which was not received until April. If the return is included, the Mall is up 0.6% for the month and down 5% year-to-date.
- Public Safety Tax receipts for the month of March were \$688,002. Last month this figure was \$654,802.

Key features of the monthly financial report for March are as follows:

- At the end of March, three months of the year have passed, or 25% of the calendar year.
- The Sales and Use Tax Fund revenues are currently \$353,614 over pro-rated budget for the year. The March figures reflect the sales in February, tax receipts received in March. This is due, in part, to receipt of PST taxes, but is also due to excess revenues as Business Assistance Packages are retired, as well as a general upturn in the economy.
- Without the new PST, Sales Tax Returns (only) are up for March 2004 compared to March 2003 by 6.1%, an increase of \$165,602 over March 2003.
 - Retired business assistance packages accounted for \$70,568 of this increase.
 - Economic upturn is responsible for the remaining \$95,034. Increases are across the board in various sectors and store types.
- Again, looking at year-to-date figures without the PST, analysis shows the following:
 - For the three months ending in March, Sales Tax Returns (only) are 5.0% ahead of 2003 year-to-date, or an increase of \$520,612.
 - For the month of March, the entire fund is 3.2% ahead of March 2003. Last month this figure was 1.2%.
 - For the three months ending in March, the fund is 0.9% ahead of 2003 year-to-date. Last month this figure was 0.1%.
- The General Fund revenue is currently 104% of pro-rated budget for three months.

Policy Issues

A monthly review of the City's financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternatives

Conduct a quarterly review. This is not recommended, as the City's pro-rated budget and financial position are large and complex, warranting a monthly review by the City Council.

Background Information

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%.

General Fund

This fund reflects the results of the City's operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions such as City Manager, City Attorney, Finance, and General Services.

At the end of March, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues over pro-rated budget by \$767,483 (104.3% of pro-rated budget). This is due to excess revenues on a pro-rated basis in Taxes, Recreational Services and Other Services.
- Expenditures under budget by \$4.9 million (76% of pro-rated budget), due to under spending in several departments. Spending does not occur evenly throughout the year in many departments, particularly with regard to insurances in Central Charges and spending on contract services in several other departments. Public Safety Tax expenditures to date are largely reflected in the Police and Fire Department operating budgets which are 79% of pro-rated budget. To date 8.5 police personnel and 13 fire personnel have been hired. In addition, the orders have been placed for the seventh engine and fourth ambulance in the Fire Department. It is anticipated that all of the Public Safety hirings and major equipment purchases will be complete by mid 2005.

Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax was approved by the voters in the November 2003 election, and is a 0.6% sales and use tax to be used to fund public safety-related expenses. At the end of March, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are over pro-rated budget by \$353,614 (103% of pro-rated budget). Total revenues of \$4.15 million for March includes \$688,002 of PST receipts year to date, \$70,568 in income due to retired business assistance packages, and approximately \$95,034 in increased revenues due to improved economic activity in the City.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.
- Open Space Sales & Use Tax Fund revenues are over pro-rated budget by \$36,750 (103% of pro-rated budget).

- Open Space Sales & Use Tax Fund expenditures are over pro-rated budget by \$677,526 (163% of pro-rated budget) due to land purchases of \$877,103 finalized in March. These variances will occur throughout the year, as land purchases are unevenly distributed throughout the year.

Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of March, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget by \$482,455 (94% of budget):
 - Water revenues slightly under pro-rated budget by \$79,803 (98% of pro-rated budget), due primarily to the reversal of the unrealized gain in interest income.
 - Wastewater revenues under pro-rated budget by \$402,653 (86% of pro-rated budget), due primarily to the reversal of the unrealized gain in interest income and due in part to revenues being lower during this quarter than historical averages.
 - Storm water Drainage revenues slightly under pro-rated budget by \$1,407 (99.4% of pro-rated budget).
- Combined Water & Wastewater expenses are under budget by \$2,189,165 (66% of budget):
 - Water expenses under pro-rated budget by \$1,643,981 (63% of budget) due to lower contracted service costs early in the year.
 - Wastewater expenses under pro-rated budget by \$545,182 (72% of budget) for the same reason – lower contracted service costs.
 - Storm water Drainage expenses under pro-rated budget by \$44,686 (25% of budget).

Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses.

- Legacy – Revenues are under pro-rated budget by \$22,863 (87% of pro-rated budget).
- Legacy – Expenses are under pro-rated budget in expenses by \$23,414 (90% of pro-rated budget).
- Heritage – Revenues are under pro-rated budget by \$5,002 (96% of pro-rated budget).
- Heritage – Expenses are under pro-rated budget by \$11,871 (96% of pro-rated budget).

Staff will attend the April 26th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For the Three Months Ending March 31, 2004**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Storm Drainage Fund						
Revenues						
Business Fees						
Charges for Services	875,000	218,750		218,896	146	100%
Interest Income	0	0	(1)	(1,553)	(1,553)	
Miscellaneous	0	0		0	0	
Total Revenues	<u>875,000</u>	<u>218,750</u>		<u>217,343</u>	<u>(1,407)</u>	<u>99.36%</u>
Expenses						
Central Charges	0	0		1,207	1,207	
Organization Support Services	100,000	25,000		5,480	(19,520)	22%
Engineering	39,000	9,750		7,597	(2,153)	78%
Street Maintenance	100,000	25,000		780	(24,220)	3%
Total Expenses	<u>239,000</u>	<u>59,750</u>		<u>15,064</u>	<u>(44,686)</u>	<u>25%</u>
Revenues Over(Under) Expenses	<u><u>636,000</u></u>	<u><u>159,000</u></u>	(2)	<u><u>202,279</u></u>	<u><u>43,279</u></u>	

(1) These numbers reflect the reversal of the unrealized gain recorded for FYE 2003, as required by the Governmental Accounting Standards Board.

(2) These funds are budgeted in Stormwater Capital Improvements.



WESTMINSTER
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Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Street lighting for Huron Street, 128th Avenue to 140th Avenue

Prepared By: Steve Baumann

Recommended City Council Action

Authorize payment of \$313,294 to Xcel Energy for street lighting for Huron Street, 128th Avenue to 140th Avenue from the General Capital Improvement Fund.

Summary Statement

- The design of Huron Street from 128th Avenue to 140th Avenue is nearly complete and construction is expected to start in June or July of 2004. Xcel Energy and other utility providers will soon complete most of the undergrounding of overhead utility facilities in the corridor in preparation for the street project.
- In conjunction with the design of the street, utility, and drainage improvements planned for Huron Street, street lighting layout and installation plans have been developed by Xcel. Lighting for the mile and one-half project will cost \$313,294 and will be installed by Xcel in a coordinated effort with the City's contractor once the project is awarded. The lights will be designed with the concerns of the adjoining residences in mind, reducing glare and lateral light pollution to the extent possible. Funding for street lighting exists in the Huron Street project account and the 136th Avenue/I-25 project account and expenses will be apportioned between the accounts based on the location of the lighting.

Expenditure Required: \$ 313,294

Source of Funds: General Capital Improvement Project account for Huron Street and the 136th Avenue and I-25 Project Account

Policy Issues

Should the City continue it's policy of including street lighting in the design and construction of arterial streets?

Alternatives

Alternatives to the recommended action are limited. The City's franchise agreement with Xcel Energy requires that the company provides electrical and street lighting service to the City. No other options exist for that provision without violating the franchise agreement. Xcel has developed the design of the street lighting in coordination with the design of the street improvements and will install them in cooperation with the City's project contractor.

Background Information

Final design of improvements to Huron Street from 128th Avenue to 140th Avenue is nearing completion. The project will replace the existing two-lane road with a four and six lane arterial street with raised landscaped median and sidewalks, street lights, a traffic signal at Huron and 136th Avenue and a bridge to span Big Dry Creek. A significant utility corridor, Huron Street is now the focus of a utility relocation effort that will make way for the street improvement project, scheduled to begin in June or July of 2004. Xcel and other primary utility providers are now moving their facilities underground from their present overhead locations and a major water main is being moved so as to not conflict with the proposed bridge over Big Dry Creek.

In addition to the provision of electrical service in the Huron Street corridor, Xcel provides and maintains street lighting under a franchise agreement with the City. Xcel has designed the street lighting in conjunction with the street layout and will install the lights in coordination with the City's project contractor when the phased Huron Street project gets underway. The light fixtures themselves will have features that reduce glare and lateral spillage of light onto residential properties that adjoin the project by using shorter poles, containing the light source entirely in the luminaire case and incorporating a flat lens. Xcel has determined the cost of street lighting for the one and one-half mile long project to be \$313,294. Dependent on the location of the street lighting in the corridor, the cost will be apportioned between the Huron Street Project Account in the General Capital Improvement Account and the 136th Avenue/I-25 Project Account, where a balance of funds exists for that purpose.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: 2004 Asphalt Pavement Rehabilitation Project Bid

Prepared By: Ray Porter, Infrastructure Improvements Division Manager

Recommended City Council Action

Authorize the City Manager to sign a contract with the low bidder, LaFarge West, Inc., in the amount of \$1,264,673; authorize a \$100,000 contingency amount; and authorize expending the \$100,000 contingency amount for additional residential street resurfacing if total contingency dollars are not needed to complete the original project and charge the expenses to the appropriate 2004 Department of Public Works and Utilities - Infrastructure Improvements Division, Utilities Field Operations Division, and General Fund Capital Improvement Budget Accounts.

Summary Statement

- City Council approved funds in the 2004 Infrastructure Improvements Division budget and in the General Fund Capital Improvement Project Budget that will allow for resurfacing and reconstruction of 19 lane miles of paved roadways on 41 streets throughout the City and parking lot improvements at the Municipal Service Center.
- Participating in this year's bid were Adams County School Districts #12 and #50 for asphalt pavement rehabilitation at various school sites.
- Formal bids were solicited from ten contractors with five responding.
- The low bidder, LaFarge West, Inc., meets all of the City bid requirements and has successfully completed similar Westminster projects over the past 20 years.
- Adequate funds were allocated in the 2004 budget for this project.

Expenditure Required: \$1,364,673

Source of Funds: \$888,453, plus \$100,000 contingency - General Fund - Infrastructure Improvements Division Budget; \$181,760 - General Capital Improvement Fund – City Facilities Parking Lot Maintenance Program; and \$194,460 - Utilities Field Operations Division Budget

Policy Issue

Should the City initiate a contract with LaFarge West, Inc. for the 2004 Asphalt Pavement Rehabilitation Project?

Alternatives

One alternative to this project is to combine the bids for the Concrete Replacement Project and the Asphalt Pavement Rehabilitation Project.

- City Administrative costs would decrease because there would be only one bid instead of two.
- Bid prices for concrete work would increase because the general contractor’s profit margin would be added to the subcontractor’s cost.
- The contract time would have to be increased.
- The risk of not completing the contract in 2004 would be higher.

Background Information

The low bidder, LaFarge West, Inc., meets all of the City bid requirements and has successfully completed numerous roadway projects in Westminster since the early 1980’s. The 2004 Asphalt Pavement Rehabilitation Project represents 19 lane miles of City street reconstruction and resurfacing at 41 locations throughout the City (see attached location list).

Also included in the project is the resurfacing of the Municipal Service Center parking lots (\$181,760) and patch back behind water main replacements on 19 streets (\$194,460).

The following sealed bids were received:

1. LaFarge West, Inc.	\$1,264,673
2. Asphalt Specialties	\$1,320,704
3. Brannan Sand & Gravel Co.	\$1,397,319
4. Asphalt Paving Company	\$1,447,041
5. Premier Paving, Inc.	\$1,466,855
Staff’s Estimate	\$1,571,544

City Staff estimated a cost increase of 3% due to predicted oil increases in the Metro area. LaFarge West’s bid actually decreased by 17% in costs when compared to 2003 prices. The bid indicates that paving contractors need the work due to the current decreasing economy and the fact that liquid asphalt costs have remained status quo.

Staff is requesting that City Council also authorize, at this time, spending of any unused portions of the \$100,000 requested contingency amount to resurface and replace any deteriorated curbs, gutters and sidewalks on the following streets, in priority order:

1. Irving Street, 76th Avenue to Turnpike Drive
2. Knox Court, 76th Avenue to Turnpike Drive
3. Yates Street, 72nd Avenue to 70th Avenue
4. Quitman Street, 76th Avenue to 77th Place

These streets were all identified through the City’s Pavement Management Process as the highest priority to receive improvements optimally in 2004.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

2004 Asphalt Pavement Rehabilitation Project

Resurfacing

1. 92nd Avenue, Wadsworth Parkway to Yarrow Street
2. Yarrow Street, 92nd Avenue to 90th Avenue
3. Yukon Street, 90th Avenue to South End
4. 74th Avenue, Irving Street to Federal Boulevard
5. Raleigh Street, 92nd Avenue to 94th Avenue
6. Hooker Street, 93rd Avenue to 96th Avenue
7. Mowry Place, Green Court to Hooker Street
8. 95th Avenue, Federal Boulevard to Mowry Place
9. Julian Street, Northpark Avenue to Northpark Drive
10. Northpark Drive, Northpark Avenue to Northpark Avenue
11. 109th Place, Newland Street to Otis Street
12. Otis Street, 109th Place to 111th Avenue
13. 111th Avenue, Otis Street to West End
14. Otis Street, 111th Avenue to 111th Place
15. 111th Place, Marshall Street to West End
16. Lamar Circle, 110th Avenue to West End
17. 110th Avenue, Newland Street to Kendall Way
18. 110th Place, Marshall Street to Newland Street
19. Newland Street, 108th Avenue to 111th Avenue
20. 111th Avenue, Harlan Street to Marshall Street
21. 111th Avenue, Marshall Street to 11092 Newland Street

Reconstruction

1. * Quitman Street, Turnpike Drive to 78th Avenue
2. * Raleigh Court, Raleigh Street to Raleigh Street
3. * 92nd Place, Utica Street to Raleigh Street
4. * Utica Street, 92nd Place to 94th Avenue
5. * Utica Street, 92nd Place to Tennyson Street
6. * Tennyson Street, 92nd Place to Utica Street
7. Zenobia Circle, 101st Circle to 101st Circle
8. 99th Avenue, Wagner Lane to 101st Place
9. Wolff Street, 99th Avenue to 101st Avenue
10. Wagner Lane, Yates Street to 99th Avenue
11. Estes Street, 88th Place to North end
12. 89th Place, Estes Street to Dudley Street
13. Dudley Street, 89th Place to 89th Avenue
14. 89th Avenue, Dudley Street to Dover Street
15. Dudley Court, 88th Place to North end
16. 92nd Place, Irving Street to Grove Street
17. 111th Avenue, Otis Street to Newland Street
18. 109th Place, Newland Street to Kendall Way
19. Kendall Way, 109th Place to Marshall
20. Marshall Street, Kendall Way to 110th Avenue

* Denotes 2004 waterline replacement prior to improvement



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Second Reading of Councillors Bill No. 21 re Business Assistance Package for Pappadeaux Seafood Kitchen

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillors Bill No. 21 on second reading authorizing the City Manager to enter into a three party Business Assistance Package (BAP) between the City of Westminster (City), Westminster Economic Development Authority (WEDA), and Pappas Restaurants (Pappas). The purpose of the three party agreement is to provide \$347,000 in sales tax rebates over the first five years from WEDA to Pappas; and a waiver of utility recoveries from the City of Westminster to Pappas.

Summary Statement

- City Council is requested to pass the attached Councillor's Bill on second reading the execution of the attached three party Business Assistance Package.
- The Business Assistance Package is based upon the need to off-set the more than usual public related site development costs, including utility extension and provide landscaping along the US 36 corridor. Pappadeaux Seafood Kitchen has chosen a 5.6 acre site on the southwest corner of 92nd Avenue and Sheridan Boulevard, west of the existing bank building. This site is located in the Westminster Center Urban Renewal Area.
- The Business Assistance Package will specifically fund the extension of a utility line under Sheridan Boulevard with an estimated cost of \$158,000.
- The Business Assistance Package will also provide \$189,000 needed for the landscaping improvements and upgrades on the site.
- Traffic Studies have indicated that the intersection at 92nd Avenue and Sheridan Boulevard can adequately handle the projected traffic. In addition, the studies have shown that there is sufficient storage (stacking) along 92nd Avenue at the three quarter turn signal. A traffic management plan will be further explained during the Official Development Plan approval process, scheduled on May 10, 2004.
- Pappas agrees to dedicate a 30- foot utility easement along the western property line in exchange for a waiver of recovery fees along US 36 and 92nd Avenue.
- Revenue considered in the formation of the BAP includes building permit fees, construction use tax, additional property tax and sales tax generation.
- City Council is requested to approve the waiver of recoveries in a separate document during the first amendment of the Official Development Plan for Pappadeaux (formally known as The Fifth Amended Official Development Plan Hyland Office Park, Lot 1, a Planned Unit Development in the City of Westminster, County of Jefferson, State of Colorado)

Expenditure Required: Waive the utility recoveries as described in Exhibit B, with an estimated value of \$56,000 in exchange for a utility easement dedication with an estimated value of \$56,000.

Source of Funds: The waiver of recoveries will be granted by separate resolution by the City of Westminster at the time of the approval of the Official Development Plan for Pappadeaux Seafood Kitchen, in exchange for the utility easement dedication.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **21**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR THE ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH PAPPAS RESTAURANTS TO AID IN THE CONSTRUCTION OF A PAPPADEAUX SEAFOOD KITCHEN ON THE SOUTHWEST CORNER OF 92ND AVENUE AND SHERIDAN BOULEVARD IN WESTMINSTER

WHEREAS, the City of Westminster has indicated its desire to attract unique restaurants and increase sales tax generation at the southwest corner of 92nd Avenue and Sheridan Boulevard, within the Westminster Center Urban Renewal Area; and

WHEREAS, Pappas Restaurants ("Pappas") has all of the property either in ownership or under contract to purchase, that is necessary to proceed with the construction of an approximately 12,950 square foot Pappadeaux Seafood Kitchen in accordance with standard development review procedures established by the Westminster Municipal Code; and;

WHEREAS, a proposed three party Business Assistance Package between the City of Westminster, Westminster Economic Development Authority, and Pappas Restaurants is attached hereto as Exhibit C and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into a three party Business Assistance Agreement with the Westminster Economic Development Authority and Pappas Restaurants in substantially the same form as the one attached as Exhibit C, and upon execution of the Agreement to waiver recoveries and implement said agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSED ORDED PUBLISHED this 12th day of April 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED THIS 26th day of April 2004.

ATTEST:

City Clerk

Mayor

EXHIBIT C

BUSINESS ASSISTANCE PACKAGE BETWEEN THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY, THE CITY OF WESTMINSTER AND PAPPAS RESTAURANT

This Agreement is made this ___ day of _____, 2004, by and between the **CITY OF WESTMINSTER**, a Colorado home rule city ("City"), the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (WEDA)**, an urban renewal authority organized and existing pursuant to the provisions of Part 1, Article 25, Title 31, C.R.S. ("WEDA"), and **PAPPAS RESTAURANTS** ("Pappas").

In consideration of the mutual promises set forth below, the City, WEDA and Pappas agree as follows:

1. Sales Tax Rebate

WEDA shall rebate 50% of the Sales Tax collected from Pappadeaux Seafood Kitchen per year. This payment shall not exceed a total of \$347,000, nor shall the agreement extend beyond five years from the issuance of the Certificate of Occupancy. The rebate shall be paid by WEDA in annual installments from incremental sales tax revenue actually collected and received by the City and transferred to WEDA from the City. Payments shall be equal to the sales tax revenues collected by the City, on behalf of WEDA, from Pappadeaux Seafood Restaurant and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax).

The payment of each annual installment shall be made on or before December 20th. Payments will be submitted electronically to Pappas Restaurants designated financial institution.

2. Utility Easement Dedication

Pappas agrees to execute a 30-foot permanent easement for utility and other public purposes along Pappas' westerly property line from West 92nd Avenue to Sheridan Boulevard, which easement shall be in the form attached hereto as Exhibit A. In consideration of this conveyance, the City shall waive the recoveries associated with Pappas' site, which recoveries are described in Exhibit B. The permanent easement shall be recorded in the public land records of the Clerk and Recorder of Jefferson County and shall also be referenced on Pappas' final plat (formally known as Turnpike Commercial Subdivision). The waiver of recoveries shall be described in an administrative amendment to Pappas' ODP ((The Fifth Amended Official Development Plan Hyland Office Park, Lot 1, a Planned Unit Development in the City of Westminster, County of Jefferson, State of Colorado).

3. Entire Agreement

This instrument shall constitute the entire three party agreement between the City, WEDA and Pappas Restaurants and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter. In the event of sale, staff may assign the business assistance package to Pappadeaux Seafood Restaurant's successor.

4. Condition of Rebate

Pappas Restaurant agree to build an approximately 12,950 square foot Pappadeaux Seafood Kitchen on the southwest corner of 92nd Avenue and Sheridan Boulevard in the City of Westminster, with construction anticipated to begin third quarter 2004 and completion by end of the third quarter 2006.

5. Termination of Agreement

The sales tax rebate provisions of this Business Assistance Agreement shall terminate and become void and of no force and effect upon WEDA, the City of Westminster, or Pappas Restaurant if Pappadeaux Seafood Restaurant has not received the Certificate of Occupancy by December 31, 2006. The

conveyance of the permanent easement and waiver of recoveries on the site shall not be affected by any termination or assignment of this agreement.

6. Business Termination

In the event that Pappadeaux Seafood Restaurant ceases business at the southwest corner of 92nd Avenue and Sheridan Boulevard, within the City of Westminster, within 5 years of the Certificate of Occupancy, the entire sales tax rebates amount of \$347,000 shall be repaid to WEDA.

7. Subordination.

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

8. Governing Law: Venue

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

PAPPAS RESTAURANTS

WEST MINSTER ECONOMIC
DEVELOPMENT AUTHORITY

By _____
Chris Pappas, Owner

J. Brent McFall
Executive Director

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

CITY OF WESTMINSTER

J. Brent McFall
City Manager

ATTEST:

Michele Kelley
City Clerk

EXHIBIT B

RECOVERY COSTS

- 1) **Per City Ordinance No. 1814- Series 1988**
City recoveries are due for the City project S81-10 (W. 92nd Avenue Street Improvements) in the amount of \$139.02 per linear foot of frontage to W. 92nd Avenue, plus accrued interest at the rate established annually by the City council; and

- 2) **Per City Ordinance No. 1767- Series 1988**
City waterline project W73-1 in the amount of \$16.50 per linear foot of frontage to the main along W. 92nd Avenue.

EXHIBIT "A"
30 FOOT UTILITY EASEMENT
SHEET 1 OF 2

A 30 FOOT UTILITY EASEMENT BEING A PART OF TRACT A, TURNPIKE COMMERCIAL SUBDIVISION PLAT, RECORDED WITH JEFFERSON COUNTY IN BOOK 27 AT PAGE 42, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE

69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER CORNER OF SAID SECTION 24; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 14 N89°02'33"W, A DISTANCE OF 702.74; THENCE, DEPARTING SAID NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, S00°57'27"W, A DISTANCE OF 108.19 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE BEING THE **TRUE POINT OF BEGINNING**; THENCE DEPARTING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST 92ND S10°43'52"E A DISTANCE OF 48.70 FEET; THENCE S55°43'52"E A DISTANCE OF 57.09 FEET; THENCE S17°48'13"E A DISTANCE OF 294.24 FEET; THENCE S34°26'11"E A DISTANCE OF 544.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SHERIDAN BOULEVARD; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SHERIDAN BOULEVARD S45°45'25"W A DISTANCE OF 30.45 FEET; THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY LINE OF SAID SHERIDAN BOULEVARD N34°26'11"W A DISTANCE OF 553.60 FEET; THENCE N17°48'13"W A DISTANCE OF 288.31 FEET; THENCE N55°43'52"W A DISTANCE OF 59.20 FEET; THENCE N10°43'52"W A DISTANCE OF 50.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST 92ND AVENUE; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WEST 92ND AVENUE N59°55'16"E A DISTANCE OF 31.80 FEET TO THE **TRUE POINT OF BEGINNING**;

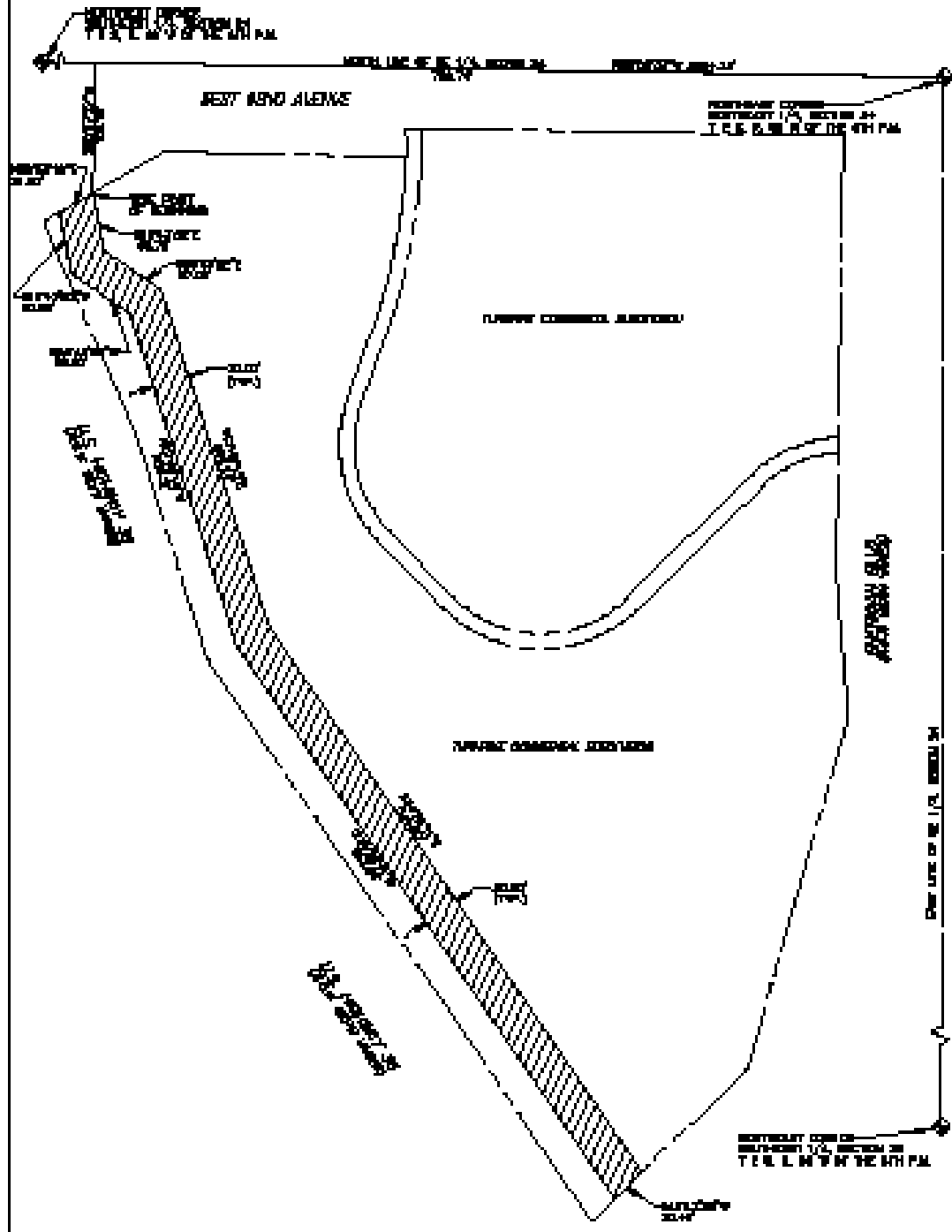
SAID PARCEL CONTAINS 0.65 ACRES (28443.09 SF), MORE OR LESS

BASIS OF BEARING:

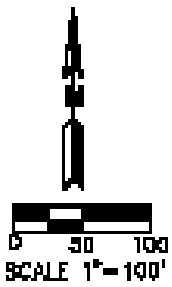
BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST WHICH IS MONUMENTED AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SECTION WITH A 3" ALUMINUM CAP IN A ROUND BOX, AND AT THE NORTH QUARTER CORNER WITH A 3" BRASS CAP, AND WHICH BEARS N89°02'33"W

PREPARED BY DAVID A LOVATO
REVIEWED BY RICHARD NOBBE
FOR AND ON BEHALF OF:
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
MARCH 25, 2004

EXHIBIT "A"
30 FOOT UTILITY EASEMENT
 SHEET 2 OF 2



NOTE: THIS DRAWING DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS ONLY TO ASSIST IN THE DELINEATION OF THE ATTACHED DESCRIPTION.



MARCH 24, 2004


MARTIN / MARTIN
 ENGINEERING & SURVEYING
 P.O. BOX 847000
 LAS VEGAS, NV 89184
 REG. NO. 12180
 FEB. 2002/03 LICENSE



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Second Reading of Councillor's Bill No. 22 re 2003 Final Budget Supplemental Appropriation

Prepared By: Karen Creager, Internal Auditor

Recommended City Council Action:

Pass Councillor's Bill No. 22 on second reading providing for a supplemental appropriation to the 2003 budget of the General Fund, General Capital Improvement Fund and General Capital Outlay Replacement Fund.

Summary Statement

City Council action is requested to pass the attached Councillor's Bill on second reading, which authorizes a supplemental appropriation to the 2003 budget of the General Fund, General Capital Improvement Fund and General Capital Outlay Replacement Fund.

General Fund amendments total \$613,374.

General Capital Improvement Fund amendments total \$5,326,546.

General Capital Outlay Replacement Fund amendments total \$127,731.

This Councillor's Bill was passed on first reading April 12, 2004.

Expenditure Required: \$ 6,067,651

Source of Funds: The funding sources for these expenditures include interfund borrowing proceeds, sale of land and transfer from the General Fund. No additional cash is needed at this time as this affects only the accounting side of the City's books.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **22**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2003 BUDGETS OF THE GENERAL FUND, GENERAL CAPITAL OUTLAY REPLACEMENT FUND, GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$613,374 which, when added to the fund balance as of the City Council action on April 12, 2004 will equal \$72,270,104. 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. The appropriation is due to an interfund borrowing from the Westminster Housing Authority for \$1,085,413, an un-appropriation of lease proceeds of \$472,039 and a change in expenditure accounts due to moving the debt for 3 fire trucks and a passenger bus from the General Fund to the General Capital Outlay Replacement Fund (GCORF).

Section 2. The \$613,374 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Source	1000.46000.0225	\$722,562	\$613,374	\$1,335,936
Total Change to Revenues			<u>\$613,374</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Lease Pymts to Other - Fire	10025260.67700.0000	\$142,719	\$(104,215)	\$38,504
Lease Pymts to Other – PR&L	10050760.67700.0000	30,434	(23,516)	6,918
Other Financing Use	10010900.78800.0000	722,562	613,374	1,335,936
Transfer to GCORF	10010900.79800.0450	345,644	127,731	473,375
Total Change to Expenses			<u>\$613,374</u>	

Section 3. The 2003 appropriation for the GCORF initially appropriated by Ordinance No. 2977 in the amount of \$1,163,431 is hereby increased by \$127,731 which, when added to the fund balance as of the City Council action on April 12, 2004 will equal \$1,648,490. The actual amount in the GCORF on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to moving vehicle leases to GCORF from the General Fund.

Section 4. The \$127,731 increase in the GCORF shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer from General Fund	4500.45000.0100	\$345,644	\$127,731	\$473,375
Total Change to Revenues			<u>\$127,731</u>	

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Lease Pymts to Others	45010900.67700.0000	\$0	\$127,731	\$127,731
Total Change to Expenses			<u>\$127,731</u>	

Section 5. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$5,326,546 which, when added to the fund balance as of the City Council action on April 12, 2004 will equal \$25,263,732. The actual amount in the General Capital Improvement 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 appropriation is due to appropriation of carryover for the change in the Catellus land agreement.

Section 6. The \$5,326,546 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	7500.40020.0000	\$986,481	\$5,326,546	\$6,313,027
Total Change to Revenues			<u>\$5,326,546</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Catellus Buy-back	80375015327.80400.8888	\$0	\$1,883,185	\$1,883,185
Other Expenditures-Misc	75010900.79400.0000	0	3,443,361	3,443,361
Total Change to Expenses			<u>\$5,326,546</u>	

Section 7. – 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 8. This ordinance shall take effect upon its passage after the second reading.

Section 9. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 12th day of April, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of April, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Public Hearing and Action on the Annexation, Comprehensive Land Use Plan Amendment, Zoning and Preliminary Development Plan for the Asbury Acres Subdivision

Prepared By: Dave Falconieri, Planner III

Recommended City Council Action:

1. Hold a public hearing.
2. Adopt Resolution No. 30 making certain findings of fact as required by Section 31-12-110 C.R.S.
3. Pass Councillor's Bill No. 24 on first reading annexing the Asbury Acres property to the City of Westminster.
4. Pass Councillor's Bill No. 25 amending the Comprehensive Land Use Plan changing the designation for the Asbury Acres property from Northeast Comprehensive Development Plan to Single Family Residential – Medium Density. This recommendation is based on the following findings set forth in the Comprehensive Land Use Plan:
 - a. The proposed amendment is needed as proposed; and
 - b. The amendment is in conformance with the overall purpose, intent, goals and policies of the plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
5. Pass Councillor's Bill No. 26 rezoning the Asbury Acres property from Jefferson County A-2 to Westminster Planned Unit Development (PUD). This recommendation is based on the finding that the standards set forth in Section 11-5-3 of the Westminster Municipal Code have been satisfied.
6. Approve the Preliminary Development Plan for the Asbury Acres Subdivision as submitted.

Summary Statement:

- The Asbury Acres property is located at the southeast corner of Wadsworth Boulevard and 94th Place, and consists of 2.75 acres. (See vicinity map.)
- In accordance with the provisions of the Northeast Comprehensive Land Use Plan, the minimum lot size is proposed to be 12,500 square feet. That would permit approximately 6 lots for single-family residential development. Asbury Homes has completed 3 other similar developments in this area.
- The developer is dedicating land for the future widening of Wadsworth Boulevard, though access will only be off of 94th Place.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on April 13, 2004, and voted unanimously (6-0) to recommend that the City Council approve the annexation of the Asbury Acres Subdivision to the City of Westminster.

The Planning Commission also voted unanimously (6-0) to recommend to the City Council that the Comprehensive Land Use Plan be amended to add the Asbury Acres Subdivision and that it be designated as Single Family Residential – Medium Density. This recommendation is based on the following findings:

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

Further, Planning Commission voted unanimously (6-0) to recommend that City Council approve the rezoning of the Asbury Acres property from Jefferson County A-2 to Westminster Planned Unit Development (PUD) based on the finding that the standards set forth in Section 11-5-3 of the Westminster Municipal Code have been satisfied, and to recommend that City Council approve the Preliminary Development Plan.

One resident of Cambridge Farm requested that the homes built in the Asbury Acres development be single story ranch homes. Seven individuals in the surrounding area spoke in favor of this proposal. The developer responded to the one concern regarding single story homes stating that about 20% of his homes were ranch homes, but could not commit to a specific number or that all lots would have single story homes. Further, he stated that the finished floor elevation would be fourteen feet below the Cambridge Farm homes.

Policy Issue

Should the Asbury Acres property be annexed at this time? The City Council has previously adopted a policy in the Northeast Comprehensive Development Plan stating that lands within that enclave should be annexed when a petition has been submitted.

Alternative

Make a finding that the Asbury Acres property not be annexed at this time and take no further action. If this action is taken, the property will remain unincorporated and subject to Jefferson County policies and regulations.

Background Information

Asbury Homes is requesting approval of a six-lot subdivision with custom homes on lots of 12,500 square feet minimum. If approved, this would be the fourth Asbury development in the Jefferson County enclave area south of 96th Avenue. The other three have been completed, or nearly so, along Teller Street just to the east of this site. Like those developments, the proposed Asbury Acres conforms with all of the tenets of the Northeast Comprehensive Development Plan.

As part of this development, the applicant will be required to dedicate right-of-way for the future expansion of Wadsworth Boulevard, provide cash-in-lieu of improvements to that road, and provide a substantial buffer between the future homes and the arterial. When the Official Development Plan is submitted it will be eligible for administrative approval.

Applicant/Property Owner

Asbury Homes, Inc.
Jeff Collins, President.

Surrounding Land Use and Comprehensive Land Use Plan Designations

The property is bordered on the north and east by land that is designated Northeast Comprehensive Development Plan in the CLUP and is developed as single family residential. To the south and west, the properties are designated as Single Family Detached – Medium Density, and has been developed as such.

Site Plan Information

Details of the site plan will be determined at the time of ODP approval. A maximum of six lots are proposed that will be accessed by a cul-de-sac off of 94th Place.

Traffic and Transportation

As stated above, the applicant will dedicate sufficient right-of-way for the Wadsworth Boulevard expansion and provide a cash-in-lieu payment for the improvements to that street. Curb, gutter and sidewalk will be added to the 94th Place frontage, and a new cul-de-sac constructed to access the property in accordance with City standards.

Service Commitment Category

Service Commitments will be awarded out of Category A-1 due to the property's location within the Standley Lake Water and Sewer District Dissolution Agreement area. As a result, this project did not need to compete for Service Commitments. The exact number of commitment will be determined at the time of ODP approval.

Referral Agency Responses

The development plan was sent out to RTD, Jefferson County Schools, Jefferson County and North Jeffco Recreation District and no comments were received.

Public Comments

The only comments received were those received at the Planning Commission hearing as outlined above.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **30**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for the annexation of the property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 17 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

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

1. The City Council finds:

- a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
- b. A community of interest exists between the area proposed to be annexed and the City;
- c. The area is urban or will be urbanized in the near future; and
- d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;

b. That the annexation will not result in the attachment of area from a school district;

c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;

d. That the City of Westminster has in place a plan for the area proposed to be annexed; and

e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 26th day of April, 2004.

ATTEST:

Mayor

City Clerk

Asbury Acres Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **24**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the petition and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

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

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

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in Section 23, Township 2 South, Range 69 West of the 6th Principal Meridian, being all of Block 28, except the north 5 feet thereof and the east 275.5 feet thereof, of Greenlawn Acres and Reservoir, a plat on file and recorded in the office of the Jefferson County Clerk and Recorder, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the north one-quarter corner of said Section 23; thence S00°00'10"E and along the west line of the northeast one-quarter of Section 23, a distance of 984.07 feet; thence N89°19'25"E, a distance of 30.00 feet to a point on the east right-of-way of Wadsworth Boulevard, said point being the point of beginning; thence continuing N89°19'25"E, a distance of 362.39 feet; thence S00°00'25"W, a distance of 330.23 feet to a point on the north line of Cambridge Farm Subdivision, a plat on file and recorded in the office of the Jefferson County Clerk and Recorder; thence S89°08'48"W and along said north line, a distance of 362.35 feet to a point on the east right-of-way line of Wadsworth Boulevard; thence N00°00'10"W and along said east right-of-way line of Wadsworth Boulevard, a distance of 331.35 feet to the point of beginning.

Said parcel containing 2.752 acres.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of April, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of May, 2004.

ATTEST:

Mayor

City Clerk

Asbury Acres Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **25**

SERIES OF 2004

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 below; and

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 Asbury Acres annexation property, legally described as follows:

A parcel of land located in Section 23, Township 2 South, Range 69 West of the 6th Principal Meridian, being all of Block 28, except the north 5 feet thereof and the east 275.5 feet thereof, of Greenlawn Acres and Reservoir, a plat on file and recorded in the office of the Jefferson County Clerk and Recorder, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the north one-quarter corner of said Section 23; thence S00°00'10"E and along the west line of the northeast one-quarter of Section 23, a distance of 984.07 feet; thence N89°19'25"E, a distance of 30.00 feet to a point on the east right-of-way of Wadsworth Boulevard, said point being the point of beginning; thence continuing N89°19'25"E, a distance of 362.39 feet; thence S00°00'25"W, a distance of 330.23 feet to a point on the north line of Cambridge Farm Subdivision, a plat on file and recorded in the office of the Jefferson County Clerk and Recorder; thence S89°08'48"W and along said north line, a distance of 362.35 feet to a point on the east right-of-way line of Wadsworth Boulevard; thence N00°00'10"W and along said east right-of-way line of Wadsworth Boulevard, a distance of 331.35 feet to the point of beginning.

Said parcel containing 2.752 acres.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to Single Family Detached-Medium Density, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th of April, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of May, 2004.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **26**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- 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 Jefferson County A-2 to City of Westminster Planned Unit Development (PUD). A parcel of land located in Section 23, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land located in Section 23, Township 2 South, Range 69 West of the 6th Principal Meridian, being all of Block 28, except the north 5 feet thereof and the east 275.5 feet thereof, of Greenlawn Acres and Reservoir, a plat on file and recorded in the office of the Jefferson County Clerk and Recorder, County of Jefferson, State of Colorado, more particularly described as follows:

Commencing at the north one-quarter corner of said Section 23; thence S00°00'10"E and along the west line of the northeast one-quarter of Section 23, a distance of 984.07 feet; thence N89°19'25"E, a distance of 30.00 feet to a point on the east right-of-way of Wadsworth Boulevard, said point being the point of beginning; thence continuing N89°19'25"E, a distance of 362.39 feet; thence S00°00'25"W, a distance of 330.23 feet to a point on the north line of Cambridge Farm Subdivision, a plat on file and recorded in the office of the Jefferson County Clerk and Recorder; thence S89°08'48"W and along said north line, a distance of 362.35 feet to a point on the east right-of-way line of Wadsworth Boulevard; thence N00°00'10"W and along said east right-of-way line of Wadsworth Boulevard, a distance of 331.35 feet to the point of beginning.

Said parcel containing 2.752 acres.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of April, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of May, 2004.

ATTEST:

Mayor

City Clerk

Asbury Acres Zoning



Agenda Item 10 H

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004

SUBJECT: Resolution No. 31 re Council Rules Amendments

Prepared By: Michele Kelley, City Clerk

Recommended City Council Action

Adopt Resolution No. 31 changing the sequence on the City Council Agenda.

Summary Statement

- Councillor Hicks recently suggested changing the sequence of items listed on the City Council agenda to move Reports of City Officials and City Council Comments to the beginning of the agenda.
- This requested change requires a Resolution to amend the Council Rules and Procedures.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

Should the Council amend Council Rules and Procedures?

Alternative

Council could decide not to adopt or delay action the attached Resolution.

Background Information

Councillor Hicks recently requested that Council consider a change in the City Council meeting agenda that entails moving the report from City Officials and City Council's comments ahead of Presentations. This change would encourage many citizens, who might otherwise miss the City Managers, Mayor, and Councillor's updates and other reports, to be present for these reports.

From time to time, changes are anticipated in the procedures of City Council. The last changes made to the Council Rules and Procedures were in June, 2002.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **31**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

A RESOLUTION AMENDING COUNCIL RULES AND PROCEDURES

WHEREAS, The Council Rules and Procedures is a formal document that addresses procedures to be followed by City Council, Staff and citizens; and

WHEREAS, From time to time the Council Rules and Procedures require amendments to reflect current City Council practices and requests.

NOW, THEREFORE, be it resolved, by the City Council of the City of Westminster that the Council Rules and Procedures are hereby amended as follows:

PART II - COUNCIL PROCEDURE

1. THE ORDER OF BUSINESS: The order of business at all regular meetings of the Council, as reflected by the printed agenda, shall be transacted in the following order, unless the Council by a vote of a majority of the members present shall suspend the rules to change the order.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meeting
4. **REPORT OF CITY OFFICIALS**
 - A. **CITY MANAGER'S REPORT**
5. **CITY COUNCIL COMMENTS**
- ~~4~~ 6. Presentations
- ~~5~~ 7. Citizens Communication
- ~~6~~ Report of City Officials
 - ~~A.~~ City Manager's Report
- ~~7~~ City Council Comments
8. Consent Agenda
9. Appointments and Resignations
10. Public Hearings, Consideration of Bids and Other New Business
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (5 minutes + in length) and Miscellaneous Business
13. Adjournment

Passed and adopted this 26th day of April, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Special Legal Services for Special Improvement District Formation

Prepared By: Aaron B. Gagné, Senior Projects Coordinator

Recommended City Council Action

Authorize the City Manager to sign a contract for legal services with Gorsuch Kirgis, L.L.P., for special legal services in connection with the organization and implementation of two special improvement districts as part of a pilot project to replace deteriorated subdivision perimeter walls at the Ranch development.

Summary Statement

- The City of Westminster has been working toward the creation of a special improvement district ("SID") at the Ranch subdivision Filings 2 and 6 for the replacement of a deteriorated perimeter fence.
- The City of Westminster has received formal requests from the Boards of the two respective filings requesting that a petition be prepared for a vote among their membership for the creation of the SID.
- Staff has compiled cost estimates for the construction of a brick replacement wall, and is prepared to oversee the voting process and, if successful, the implementation of the SID.
- The documents necessary for the creation of an SID are highly specialized legal documents best drafted by counsel experienced in the process, procedure and governing law of such districts.

Expenditure Required: Not to exceed \$18,000, 100% recoverable upon a successful vote for the implementation of the proposed special improvement district.

Source of Funds: General Capital Improvement Fund: Development Participation Account

Policy Issues

Should the City hire Gorsuch Kirgis, L.L.P., for special legal services in connection with the organization and implementation of two special improvement districts as part of a pilot project to replace deteriorated subdivision perimeter walls?

Alternatives

1. Retain Gorsuch Kirgis, L.L.P., for special legal services in connection with the organization and implementation of two special improvement districts as part of a pilot project to replace deteriorated subdivision perimeter walls. Staff recommends this alternative.
2. Not hire outside legal counsel and proceed with internal resources only. At best, this approach would yield significant project delays. Staff does not recommend this alternative.
2. Seek other legal help or opinions in lieu of hiring Gorsuch Kirgis, L.L.P. An alternate price was received for the same services from Kutak Rock in the amount of \$27,000. Staff does not recommend this alternative.
3. Do not advance the SID proposal. Staff does not recommend this alternative since the existing 120th Avenue wood fence is deteriorated and the proposed brick wall will create a much more attractive image along 120th Avenue.

Background Information

In various areas of the City, subdivision perimeter fences are in poor condition, and are required to be replaced by HOA's with limited or restricted means to do so. City staff desires that these fences not only be maintained, but where possible, upgraded to longer lasting, lower maintenance materials. The Ranch subdivision filings 2 and 6, facing 120th Avenue, represents an ideal opportunity for a pilot special improvement district ("SID") program for the replacement of the fence with a high quality brick wall. This wall is expected not only to drastically improve the aesthetics of the area, but also to provide some sound mitigation from the growing traffic volumes on 120th Avenue.

In order to form an SID, a formal petition needs to be voted on by the membership of the respective HOA's in strict accordance with State of Colorado Special District statutes. If successful, several legal steps follow, including the levy authorization to collect the special assessments. Staff has compiled detailed pricing for the proposed wall replacement program, including the issuance of a formal RFP, signage pricing, and other components in preparation for the petition circulation. The respective HOA Boards of Directors have formally requested that the program move forward. Funds expended by the City at this time will be repaid by the SID, should the HOA membership vote be successful.

Staff will be available at Monday Night's Council meeting to answer any questions that City Council members might have.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this ____ day of _____, 2004, by and between **Gorsuch Kirgis, L.L.P.** (the "Firm") and the **CITY OF WESTMINSTER** (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall furnish special legal services in connection with the organization and implementation of two special improvement districts as part of a pilot project to replace deteriorated subdivision perimeter walls.
2. Charles A. Kuechenmeister of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the hourly rate not to exceed \$200 per hour.
5. This Contract may be terminated by the City with or without cause.
6. The Westminster City Council authorized this contract on _____, 2004.
7. Payments for legal services pursuant to this Contract shall not exceed \$18,000 without further written authorization by the City.

Gorsuch Kirgis, L.L.P.

By _____
Charles A. Kuechenmeister

CITY OF WESTMINSTER

By _____
J. Brent McFall, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Resolution No. 32 re 2003 Westminster Conference Center Property Tax

Prepared By: Emily Moon, Management Analyst

Recommended City Council Action

Approve Resolution No. 32 authorizing the use of General Fund contingency funds in the amount of \$97,501.18, and the transfer of these funds to the appropriate Central Charges account to provide complete payment of the 2003 property tax for the Westminster Conference Center, which totals \$185,501.18.

Summary Statement

In October 2003, City Council approved an amendment adding \$88,000 to the 2004 Adopted Budget toward payment of the 2003 Westminster Conference Center property tax. Staff had hoped to negotiate a lower tax payment through discussions with the Jefferson County Assessor's Office and Inland Pacific, but was unsuccessful. As a result, Staff requests that City Council approve the use of General Fund contingency money for the additional \$97,501.18 needed to pay this bill.

Expenditure Required: \$185,501.18

Source of Funds: General Fund Contingency Account

Policy Issue

Should City Council authorize the use of \$97,501.18 contingency funds to make the 2003 Westminster Conference Center property tax payment in the amount of \$185,501.18?

Alternative

City Council could choose not to pay the 2003 property tax bill at this time. Staff does not recommend this alternative since payment is due April 30, 2004 and the City would be charged one percent in interest for each month the bill is in arrears.

Background Information

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

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

City Council approved \$88,000 via the October 2003 budget amendment to the 2004 Adopted Budget toward payment of the 2003 Westminster Conference Center property tax. Since the tax bill was not reduced to this level, Staff requests that City Council approve the use of General Fund contingency to pay the additional \$97,501.18 needed to pay the \$185,501.18 total bill. The 2004 Adopted Budget includes \$1,000,000 in the General Fund contingency account; to date, none of these funds have been allocated or earmarked by City Council.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 32

INTRODUCED BY COUNCILLORS

SERIES OF 2004

2003 WESTMINSTER CONFERENCE CENTER PROPERTY TAX

WHEREAS, the City of Westminster is required by contract to pay possessory interest property tax for the Westminster Conference Center; and

WHEREAS, the property tax bill, totaling \$185,501.18, is now due; and

WHEREAS, the City Council previously approved \$88,000.00 via the October 2003 budget amendment to the 2004 Adopted Budget for payment of the estimated bill; and

WHEREAS, and additional \$97,501.18 needs to be appropriated to pay the actual bill.

NOW, THEREFORE, be it resolved that the City Council of Westminster authorizes the use of General Fund contingency (account number 10010900.79900.0000) money in the amount of \$97,501.18, transferring these funds to the appropriate Central Changes account (10010900.67800.0000) to complete payment of the 2003 Westminster Conference Center property tax bill.

Passed and adopted this 26th day of April, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Councillor's Bill No. 27 re JRBM Inc. Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 27 on first reading, authorizing the City Manager to execute a Business Assistance Package (BAP) with JRBM Inc. in the amount of \$28,450. The BAP includes \$1,000 in permit fee rebates, \$825 in construction use tax rebates, and \$26,625 in equipment use tax rebates.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached business assistance package with JRBM Inc.
- JRBM Inc. is a start up company founded by Jack McDonnell, founder of McData.
- JRBM Inc. is a Boulder based information technology company that builds storage software and service products.
- JRBM Inc. currently leases temporary space in Regus Business Center, in Westmoor Technology Park. This company is considering expanding into 15,000 square feet at 11000 Westmoor Circle at Westmoor Technology Park.
- JRBM Inc. will employ 16 people at move-in, with average salaries of \$94,000 and anticipates growth up to 300 people over of the first five years of operation.
- Assistance is based upon the expansion and retention of quality, high paying jobs to Westminster and filling vacant space.

Expenditure Required: \$28,450 (Rebates of Permit Fees and Use Tax)

Source of Funds: The business assistance package with JRBM Inc. will be funded through the rebate of permit fees, construction use tax, and equipment use tax directly generated from the expansion and relocation of JRMB Inc. to 11000 Westmoor Circle in Westmoor Technology Park.

Policy Issue

Does Council desire to provide assistance to JRBM Inc. to promote the expansion and retention of an existing business and filling of vacant space in the City?

Alternatives

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City's value of expanding and retaining quality companies and filling existing vacant space would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. In staff's opinion, the recommended assistance package is considered modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. Staff has recommended an assistance package that is 33% of the total 5-year projected revenue. There is room for additional funding. However, it is staff's opinion that additional assistance is not needed.

Background Information

JRBM Inc. is a Boulder based information technology company that builds storage software and service products. Jack McDonnell, founder of McData, founded the start-up company. The company has been in business since December 2003 and has currently outgrown the space in Building Seven in Westmoor Technology Park.

JRBM Inc. plans to lease approximately 15,000 square feet in Building Ten, at 11000 Westmoor Circle in Westmoor Technology Park. The company will be taking over a 42-month sublease beginning April 2004. JRBM Inc. will employ 16 people at move-in with an estimated average salary of \$94,500 per year. In five years the company anticipates growth to 300 employees with an average payroll of \$32 million.

It is anticipated that JRBM Inc. will generate over \$86,889 of new revenue directly to the City in the first five years of operation. This is based on \$110,000 in tenant finish, new equipment purchases of \$275,000 at move-in, and equipment purchases of \$500,000 per year for the first five years of operation

Based on a 5-year projection of direct City tax and fee revenue, staff recommends the following business assistance package:

Proposed Assistance

**Approximate
Value**

Building Permit-Fee Rebate

\$1,000

50% of the building related fees (excluding water & sewer tap fees) will be rebated (\$2,000 x 50% = \$1,000)

Building Use Tax Rebate

\$ 825

50% of the General Use Tax (excludes the City's .25% Open Space Tax and .6% public safety tax) on construction materials for this project will be rebated (\$110,000 building valuation x 50%= \$55,000 x 3% use tax = \$1,650 use tax x 50%= \$825)

Use Tax on Furniture and Fixtures Rebate at move-in and
for the First Three Years of Operation \$26,625

For a period of 6 months prior to JRBM Inc. obtaining the Certificate of Occupancy for the new Westminster facility, and for the first three years of operation, the City will rebate 50% of the General Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facility (\$275,000 new equipment at move-in x 3% = \$8,250 Use Tax x 50% = \$4,125 + \$500,000 new equipment per year x 3% = \$15,000 x 50% = \$7,500 per year for 3 years = \$22,500 for a total of \$26,625)

Total Proposed Assistance Package Not To Exceed \$28,450

This assistance package is based upon the City's goals to attract and retain quality companies, add primary jobs, and fill existing space. This is a start up company with average salaries that are double the median household income in Westminster. JRBM Inc. has long term growth potential in the City, thus the BAP is offered to encourage this company to stay and grow in Westminster. The agreement with JRBM requires them to remain in business with the City for three years.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

Exhibit A

BUSINESS ASSISTANCE PACKAGE FOR JRBM INC. IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2004, between the CITY OF WESTMINSTER (the "City"), and JRBM INC.

WHEREAS, the City wishes to provide certain assistance to JRBM Inc. to aid in the retention and expansion to vacant space in the City; and

WHEREAS, JRBM Inc. plans to occupy 15,000 square feet in Building Ten at Westmoor Technology Park, thus providing additional primary job creation within the City; and

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

In consideration of the mutual promises set forth below, the City and JRBM Inc. agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to JRBM Inc. 50% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, collected from JRBM Inc. in connection with the finish and occupancy of 15,000 square feet of space in Building Ten at Westmoor Technology Park, with a projected move-in date of third quarter 2004. The permit fee rebate shall not exceed \$1,000.

2. Use Tax Rebate- Construction. The City shall rebate to JRBM Inc. 50% of the Building Use Tax on the construction materials, collected from JRBM Inc. in connection with the tenant finish of the 15,000 square foot facility in Building Ten at Westmoor Technology Park in Westminster, required under W.M.C. sections 4-2-9 and 4-2-3, to JRBM Inc. The rebate shall not exceed \$825.

3. Use Tax Rebate- Furniture and Fixtures. For purchases of items for the new offices made 6 months prior to JRBM obtaining the Certificate of Occupancy for the new facility, and for the first three years of operation, the City will rebate 50% of the General Use Tax remitted to the City of Westminster by JRBM Inc. on the use tax return for the new offices. The total rebate pursuant to this paragraph shall not exceed \$26,625 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from JRBM Inc. and attributable to the imposition against JRBM Inc., of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax).

4. Payments of Rebates. Rebates will be paid to JRBM Inc. by the City in quarterly installments from revenue actually collected and received by the City from JRBM Inc. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically. Payments will begin with the calendar quarter during which the Certificate of Occupancy is issued.

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

6. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if JRBM Inc. has not moved into 11000 Westmoor Circle in Westmoor Technology Park by December 31, 2004 or should JRBM Inc. not comply with the City regulations or code.

7. Business Termination. In the event JRBM Inc. ceases business operations within the City within three (3) years after the new operations commence, then JRBM Inc. shall pay to the City the total amount of fees and taxes that were due and payable by JRBM Inc. to the City but were rebated by the City, as well as reimburse the City for any funds provided to JRBM Inc. pursuant to this Agreement.

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

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

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

JRBM INC.

CITY OF WESTMINSTER

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Title Michele Kelley
City Clerk

Adopted by Ordinance No.

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **27**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH JRBM INC. TO AID IN THE EXPANSION AND RELOCATION OF JRBM INC. TO BUILDING TEN AT WESTMOOR TECHNOLOGY PARK IN WESTMINSTER

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

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, JRBM Inc. plans to occupy 15,000 square feet in 11000 Westmoor Circle in Westmoor Technology Park, in Westminster, and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of April 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of May 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Councillor's Bill No. 28 re Synchroness, Inc. Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 28 on first reading, authorizing the City Manager to execute a Business Assistance Package (BAP) with Synchroness, Inc. in the amount of \$10,500. The BAP includes \$2,100 in permit fee rebates, \$2,025 in construction use tax rebates, and \$6,375 in equipment use tax rebates.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached business assistance package with Synchroness, Inc.
- Synchroness Inc. has been in business in Westminster for six years and currently leases space at 5005 West 81st Place. They plan to purchase approximately 5,280 square feet of condominiumized office/warehouse space in Walnut Creek Business Park, at 108th Avenue and Wadsworth Parkway.
- Synchroness Inc. is a product development firm. They design products ranging from aerospace design, aircraft modification, automotive design, and consumer products like the baby changing stations trademarked by Koala. Their customer base includes Ball Aerospace, Coherent Technologies, and Koala.
- The company will employ 14 people at move-in, with average salaries of \$68,500 and anticipates growth up to 25 people over the first five years of operation.
- Assistance is based upon the retention of quality, high paying jobs to Westminster and the purchase of existing vacant space. Additional assistance consideration was given because Synchroness Inc. will be purchasing a facility in the City.

Expenditure Required: \$10,500 (Rebates of Permit Fees and Use Tax)

Source of Funds: The business assistance package with Synchroness, Inc. will be funded through the rebate of permit fees, construction use tax, and equipment use tax directly generated from the relocation of Synchroness Inc. to Walnut Creek Business Park.

Policy Issue

Does Council desire to provide assistance to Synchroness, Inc. to promote the retention and expansion of this company to existing space in the City?

Alternatives

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City’s value of retaining and expanding quality companies and filling existing vacant space would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. In staff’s opinion, the recommended assistance package is considered modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. Staff has recommended an assistance package that is 52% of the total 5-year projected revenue. There is room for additional funding. However, it is staff’s opinion that additional assistance is not needed.

Background Information

Synchroness Inc. is a Westminster based product development company. They design products ranging from aerospace design, aircraft modification, automotive design, and consumer products like the baby changing stations trademarked by Koala. They have been in business in Westminster since 1998. Synchroness Inc. has been working with MIE Properties for the purchase of a 5,280 square foot unit in Walnut Creek Business Park, on the northeast corner of 108th Avenue and Wadsworth Parkway.

It is anticipated that Synchroness Inc. will generate over \$20,500 of new revenue directly to the City in the first five years of operation. This is based on \$180,000 in tenant finish, new equipment purchases of \$25,000 at move-in, and equipment purchases of \$475,000 over the first five years of operation.

Therefore, based on a 5-year projection of direct City tax and fee revenue, staff recommends the following business assistance package:

Proposed Assistance	Approximate Value
<u>Building Permit-Fee Rebate</u> 75% of the building related fees (excluding water & sewer tap fees) will be rebated (\$2,800 x 75% = \$2,100)	\$2,100
<u>Building Use Tax Rebate</u> 75% of the General Use Tax (excludes the City’s .25% Open Space Tax and .6% public safety tax) on construction materials for this project will be rebated (\$180,000 building valuation x 50%= \$90,000 x 3% use tax= \$2,700 x 75%= \$2,025)	\$2,025

Use Tax on Furniture and Fixtures Rebate at move-in and for the First Four Years of Operation

\$6,375

For a period of 6 months prior to Synchroness Inc. obtaining the Certificate of Occupancy for the new Westminster facility, and for the four years of operation, the City will rebate 50% of the General Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facility (\$25,000 new equipment at move-in x 3% = \$750 Use Tax x 50% = \$375 + \$100,000 new equipment per year x 3% = \$3,000 x 50% = \$1,500 per year for 4 years = \$6,000 for a total of \$6,375)

Total Proposed Assistance Package Not To Exceed

\$ 10,500

This assistance package is based upon the City's goals to retain quality companies, add primary jobs, and fill existing space. This business has grown in Westminster over the past six years and is making a strong commitment to the community by purchasing their own building in the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

Exhibit A

BUSINESS ASSISTANCE PACKAGE FOR SYNCRONESS, INC. IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2004, between the CITY OF WESTMINSTER (the "City"), and SYNCRONESS, INC.

WHEREAS, the City wishes to provide certain assistance to Synchroness, Inc. to aid in the retention and expansion of this company to vacant space in the City; and

WHEREAS, Synchroness, Inc. plans to purchase 5,280 square feet in the single story office space at Walnut Creek Business Center, thus providing additional primary job retention and creation within the City; and

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

In consideration of the mutual promises set forth below, the City and Synchroness, Inc. agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to Synchroness, Inc. 75% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, collected from Synchroness, Inc. in connection with the finish and occupancy of 5,280 square feet of single story space at 108th Avenue and Wadsworth Parkway in Walnut Creek Business Park, with a projected move-in date of third quarter 2004. The permit fee rebate shall not exceed \$2,100.

2. Use Tax Rebate- Construction. The City shall rebate to Synchroness, Inc. 75% of the Building Use Tax on the construction materials, collected from Synchroness, Inc. in connection with the tenant finish of the 5,280 square foot facility in Walnut Creek Business Park in Westminster, required under W.M.C. sections 4-2-9 and 4-2-3, to Synchroness, Inc. The rebate shall not exceed \$2,025.

3. Use Tax Rebate- Furniture and Fixtures. For a period of 6 months prior to Synchroness, Inc. obtaining the Certificate of Occupancy for the new Westminster facility, and for the first four years of operation, the City will rebate 50% of the General Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facility (\$25,000 new equipment at move-in x 3% = \$750 Use Tax x 50% = \$375 + \$100,000 new equipment per year x 3% = \$3,000 x 50% = \$1,500 per year for 4 years = \$6,000 for a total of \$6,375). The rebate shall not exceed \$6,375.

4. Payments of Rebates. Rebates will be paid to Synchroness, Inc. by the City in quarterly installments from revenue actually collected and received by the City from Synchroness, Inc. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically. Payments will begin with the calendar quarter during which the Certificate of Occupancy is issued.

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

6. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if Synchroness, Inc. has not moved into Walnut Creek Business Park by December 31, 2004 or should Synchroness, Inc. not comply with the City regulations or code.

7. Business Termination. In the event Synchroness, Inc. ceases business operations within the City within five (5) years after the new operations commence, then Synchroness, Inc. shall pay to the City the total amount of fees and taxes that were due and payable by Synchroness, Inc. to the City but were rebated by the City, as well as reimburse the City for any funds provided to Synchroness, Inc. pursuant to this Agreement.

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

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

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

SYNCRONESS, INC.

CITY OF WESTMINSTER

Mark Henault
President

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Title Michele Kelley
City Clerk

Adopted by Ordinance No.

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **28**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH SYNCRONESS INC. TO AID IN THE RETENTION AND EXPANSION OF SYNCRONESS INC. TO WALNUT CREEK BUSINESS PARK IN WESTMINSTER

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

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Synchroness, Inc. plans to purchase 5,280 square feet in the single story office building at Walnut Creek Business Park, at 1085th Avenue and Wadsworth Parkway in Westminster, and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of April 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of May 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 10, 2004



SUBJECT: Second Reading of Councillor's Bill No. 29 re Lafarge North America Inc. Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 29 on second reading, authorizing the City Manager to execute a Business Assistance Package (BAP) with Lafarge North America, Inc. in the amount of \$24,320. The BAP includes \$7,145 in permit fee rebates, \$12,750 in construction use tax rebates, and \$4,425 in equipment use tax rebates at move-in.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading that authorizes the execution of the attached business assistance package with Lafarge North America Inc.
- Lafarge North America Inc. is the largest diversified supplier of construction materials such as ready-mixed concrete and asphalt and concrete products in the United and Canada. The company's offices are currently located at 1400 West 64th Avenue in Adams County, Colorado.
- Lafarge North America Inc. is considering locating its Western Division Regional Headquarters to the four-story building at Church Ranch Corporate Center.
- Lafarge North America Inc. western regional office will employ 190 people at move-in, with average salaries of \$68,110.
- Assistance is based upon the attraction of quality, high paying jobs to Westminster and filling existing vacant space.

Expenditure Required: \$24,320 (Rebates of Permit Fees and Use Tax)

Source of Funds: The business assistance package with Lafarge North America Inc. will be funded through the rebate of permit fees, construction use tax, and equipment use tax directly generated from the relocation of Lafarge North America Inc. to Church Ranch Corporate Center.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**BUSINESS ASSISTANCE PACKAGE FOR
LAFARGE NORTH AMERICA INC. IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2004, between the CITY OF WESTMINSTER (the "City"), and LAFARGE NORTH AMERICA INC.

WHEREAS, the City wishes to provide certain assistance to Lafarge North America Inc. to aid in the relocation of a portion of the company to vacant space in the City; and

WHEREAS, Lafarge North America Inc. west regional division plans to occupy 42,000 square feet in the four-story office space at Church Ranch Corporate Center, thus providing additional primary job creation within the City; and

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

In consideration of the mutual promises set forth below, the City and Lafarge North America Inc. agrees as follows:

1. Building Permit Fee Rebates. The City shall rebate to Lafarge North America Inc. 50% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, collected from Lafarge North America Inc. in connection with the finish and occupancy of approximately 42,000 square feet of in the four-story building at Church Ranch Corporate Center, with a projected move-in date of third quarter 2004. The permit fee rebate shall not exceed \$7,145.

2. Use Tax Rebate- Construction. The City shall rebate to Lafarge North America Inc. 50% of the Building Use Tax on the construction materials, collected from Lafarge North America Inc. in connection with the tenant finish of approximately 42,000 square foot facility in Church Ranch Corporate Center in Westminster, required under W.M.C. sections 4-2-9 and 4-2-3, to Lafarge North America Inc. The rebate shall not exceed \$12,750.

3. Use Tax Rebate- Furniture and Fixtures. For purchases of items for Lafarge North America Inc. for the new offices made during 6 months prior and the 6 months after Lafarge North America Inc. obtain the Certificate of Occupancy, the City shall rebate 50% of the General Use Tax remitted to the City of Westminster by Lafarge North America Inc. on the use tax return for the new offices. The total rebate pursuant to this paragraph shall not exceed \$4,425 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from Lafarge North America Inc. and attributable to the imposition against Lafarge North America Inc. of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax).

4. Payments of Rebates. Rebates will be paid to Lafarge North America Inc. by the City in quarterly installments from revenue actually collected and received by the City from Lafarge North America Inc. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically. Payments will begin with the calendar quarter during which the Certificate of Occupancy is issued.

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

6. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if Lafarge North America Inc. has not moved into Church Ranch Office Building by December 31, 2004 or should Lafarge North America Inc. not comply with the City regulations or code.

7. Business Termination. In the event Lafarge North America Inc. ceases business operations within the City within five (5) years after the new operations commence, then Lafarge North America Inc. shall pay to the City the total amount of fees and taxes that were due and payable by Lafarge North America Inc. to the City but were rebated by the City, as well as reimburse the City for any funds provided to Lafarge North America Inc. pursuant to this Agreement.

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

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

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

LAFARGE NORTH AMERICA INC.

CITY OF WESTMINSTER

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Title Michele Kelley
City Clerk

Adopted by Ordinance No.

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **29**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH LAFARGE NORTH AMERICA INC. TO AID IN THEIR RELOCATION OF LAFARGE NORTH AMERICA INC. TO CHURCH RANCH CORPORATE CENTER IN WESTMINSTER

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

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Lafarge North America Inc. west regional division offices plans to occupy 42,000 square feet in the four-story office building at Church Ranch Corporate Center, off of US 36 and Church Ranch Boulevard in Westminster, and

WHEREAS, a proposed Business Assistance Package between the City and Lafarge North America Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of April 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of May 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 26, 2004



SUBJECT: Second Reading of Councillor's Bill No. 17, 18 and 19 re the Annexation, Comprehensive Land Use Plan Amendment and Zoning of the Chamberlain Property

Prepared By: Dave Falconieri, Planner III

Recommended City Council Action:

1. Pass Councillor's Bill No. 17 on second reading annexing the Chamberlain property to the City.
2. Pass Councillor's Bill No. 18 on second reading amending the Comprehensive Land Use Plan (CLUP) adding the Chamberlain property with a designation of Retail Commercial. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan.
 - a. The proposed amendment is in need of revision as proposed; and
 - b. The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
 - c. The proposed amendment is compatible with existing and planned surrounding land uses; and
 - d. The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
6. Pass Councillor's Bill No. 19 on second reading zoning the Chamberlain property Planned Unit Development (PUD), making the finding that the standards set forth in Section 11-5-3 of the Westminster Municipal Code have been satisfied.

Summary Statement:

- The Chamberlain property is located south of Church Ranch Boulevard and west of Reed Street (Please refer to the attached vicinity map). The City has contracted to purchase the westernmost 2.2 acres of the property in order to provide a site for the relocation of the BP service station that is currently located within the boundaries of the Shops at Walnut Creek Project.
- The relocation of the service station is essential to the future development of the Walnut Creek project, since it is located at what will become the main entrance to the development.
- These requests were approved on first reading by City Council on March 29, 2004.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **17**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, the City of Westminster has purchased a contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements as described in Section 31-12-106 (3) C.R.S.; and

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

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89° 48'37" west 164.12 feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminster recorded March 15, 1990 at reception no. 90021374, in said

office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arch length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch Homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00°05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 29th day of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of April, 2004.

ATTEST:

Mayor

City Clerk

Chamberlain Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **18**

SERIES OF 2004

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 below; and

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 Chamberlain annexation property, legally described as follows:

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89°48'37" west 164.12 feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminster recorded March 15, 1990 at reception no. 90021374, in said office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly

boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arch length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch Homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00° 05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan to Retail Commercial, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 29th of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of April, 2004.

Mayor

ATTEST:

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **19**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 and 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- 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 Jefferson County A-2 to City of Westminster PUD. A parcel of land located in Sections 11 and 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89°48'37" west 164.12

feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminster recorded March 15, 1990 at reception no. 90021374, in said office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arch length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch Homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00°05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 29th day of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of April, 2004.

ATTEST:

Mayor

City Clerk

Chamberlain Zoning

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, April 26, 2004. Present at roll call were Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call. Absent none.

The minutes of the April 12, 2004 meeting were approved.

A proclamation was presented to the Standley Lake High School Cheerleading squad.

Council approved the following: March Financial Report; Street lighting for Huron Street, 128th Avenue to 140th Avenue for \$ 313,294; 2004 Asphalt Pavement Rehabilitation Project Bid for \$1,364,673; Preliminary Development Plan for the Asbury Acres Subdivision; and Special Legal Services for Special Improvement District Formation with Gorsuch Kirgis, L.L.P. not to exceed \$18,000.

The following Public Hearing was held: At 7:15 p.m. on the Annexation of the Asbury Acres Subdivision located at the southeast corner of Wadsworth Boulevard and 94th Place.

The following Councillor's Bills were passed on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: Annexation of Asbury Acres Subdivision

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: CLUP Amendment for Asbury Acres Subdivision

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: Zoning for Asbury Acres Subdivision

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH JRBM INC. TO AID IN THE EXPANSION AND RELOCATION OF JRBM INC. TO BUILDING TEN AT WESTMOOR TECHNOLOGY PARK IN WESTMINSTER purpose: Business Assistance Package for JRBM Inc.

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH SYNCRONESS INC. TO AID IN THE RETENTION AND EXPANSION OF SYNCRONESS INC. TO WALNUT CREEK BUSINESS PARK IN WESTMINSTER purpose: Business Assistance Package for Synchroness Inc.

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH LAFARGE NORTH AMERICA INC. TO AID IN THEIR RELOCATION OF LAFARGE NORTH AMERICA INC. TO CHURCH RANCH CORPORATE CENTER IN WESTMINSTER purpose: Business Assistance Package for LaFarge North America

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

A BILL FOR THE ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH PAPPAS RESTAURANTS TO AID IN THE CONSTRUCTION OF A PAPPADEAUX SEAFOOD KITCHEN ON THE SOUTHWEST CORNER OF 92ND AVENUE AND SHERIDAN BOULEVARD IN WESTMINSTER

A BILL FOR AN ORDINANCE AMENDING THE 2003 BUDGETS OF THE GENERAL FUND, GENERAL CAPITAL OUTLAY REPLACEMENT FUND, GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUNDS

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

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

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 and 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

The following Resolutions were adopted:

Resolution No. 30 findings re Asbury Acres Subdivision

Resolution No. 31 re Council Rules Amendments

Resolution No. 32 re 2003 Westminster Conference Center Property Tax

At 7:54 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on May 6, 2004

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Kauffman - Price

A BILL

FOR THE ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH PAPPAS RESTAURANTS TO AID IN THE CONSTRUCTION OF A PAPPADEAUX SEAFOOD KITCHEN ON THE SOUTHWEST CORNER OF 92ND AVENUE AND SHERIDAN BOULEVARD IN WESTMINSTER

WHEREAS, the City of Westminster has indicated its desire to attract unique restaurants and increase sales tax generation at the southwest corner of 92nd Avenue and Sheridan Boulevard, within the Westminster Center Urban Renewal Area; and

WHEREAS, Pappas Restaurants ("Pappas") has all of the property either in ownership or under contract to purchase, that is necessary to proceed with the construction of an approximately 12,950 square foot Pappadeaux Seafood Kitchen in accordance with standard development review procedures established by the Westminster Municipal Code; and;

WHEREAS, a proposed three party Business Assistance Package between the City of Westminster, Westminster Economic Development Authority, and Pappas Restaurants is attached hereto as Exhibit C and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into a three party Business Assistance Agreement with the Westminster Economic Development Authority and Pappas Restaurants in substantially the same form as the one attached as Exhibit C, and upon execution of the Agreement to waiver recoveries and implement said agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSED ORDED PUBLISHED this 12th day of April 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED THIS 26th day of April 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS
McNally - Hicks

A BILL

FOR AN ORDINANCE AMENDING THE 2003 BUDGETS OF THE GENERAL FUND, GENERAL CAPITAL OUTLAY REPLACEMENT FUND, GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$613,374 which, when added to the fund balance as of the City Council action on April 12, 2004 will equal \$72,270,104. 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. The appropriation is due to an interfund borrowing from the Westminster Housing Authority for \$1,085,413, an un-appropriation of lease proceeds of \$472,039 and a change in expenditure accounts due to moving the debt for 3 fire trucks and a passenger bus from the General Fund to the General Capital Outlay Replacement Fund (GCORF).

Section 2. The \$613,374 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Source	1000.46000.0225	\$722,562	\$613,374	\$1,335,936
Total Change to Revenues			<u>\$613,374</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Lease Pymts to Other - Fire	10025260.67700.0000	\$142,719	\$(104,215)	\$38,504
Lease Pymts to Other – PR&L	10050760.67700.0000	30,434	(23,516)	6,918
Other Financing Use	10010900.78800.0000	722,562	613,374	1,335,936
Transfer to GCORF	10010900.79800.0450	345,644	127,731	473,375
Total Change to Expenses			<u>\$613,374</u>	

Section 3. The 2003 appropriation for the GCORF initially appropriated by Ordinance No. 2977 in the amount of \$1,163,431 is hereby increased by \$127,731 which, when added to the fund balance as of the City Council action on April 12, 2004 will equal \$1,648,490. The actual amount in the GCORF on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to moving vehicle leases to GCORF from the General Fund.

Section 4. The \$127,731 increase in the GCORF shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer from General Fund	4500.45000.0100	\$345,644	\$127,731	\$473,375
Total Change to Revenues			<u>\$127,731</u>	

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Lease Pymts to Others	45010900.67700.0000	\$0	\$127,731	\$127,731
Total Change to Expenses			<u>\$127,731</u>	

Section 5. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$5,326,546 which, when added to the fund balance as of the City Council action on April 12, 2004 will equal \$25,263,732. The actual amount in the General Capital Improvement 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 appropriation is due to appropriation of carryover for the change in the Catellus land agreement.

Section 6. The \$5,326,546 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	7500.40020.0000	\$986,481	\$5,326,546	\$6,313,027
Total Change to Revenues			<u>\$5,326,546</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Catellus Buy-back	80375015327.80400.8888	\$0	\$1,883,185	\$1,883,185
Other Expenditures-Misc	75010900.79400.0000	0	3,443,361	3,443,361
Total Change to Expenses			<u>\$5,326,546</u>	

Section 7. – 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 8. This ordinance shall take effect upon its passage after the second reading.

Section 9. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 12th day of April, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of April, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Dittman - Hicks

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, the City of Westminster has purchased a contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements as described in Section 31-12-106 (3) C.R.S.; and

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

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89°48'37" west 164.12 feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminster recorded March 15, 1990 at reception no. 90021374, in said office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arch length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and

recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch Homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00° 05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 29th day of March, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of April, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Dittman - Hicks

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 below; and

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 Chamberlain annexation property, legally described as follows:

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89°48'37" west 164.12 feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminster recorded March 15, 1990 at reception no. 90021374, in said office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arch length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch Homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00°05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said

southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan to Retail Commercial, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 29th of March, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of April, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Dittman - McNally

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 and 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminister Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminister Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminister 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 Westminister 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 Jefferson County A-2 to City of Westminister PUD. A parcel of land located in Sections 11 and 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminister recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminister per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89°48'37" west 164.12 feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminister recorded March 15, 1990 at reception no. 90021374, in said

office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arch length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch Homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00°05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

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

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

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