

April 28, 1997

7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. 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 Meeting**
- 4. Presentations**
 - A. Proclamation re National Drinking Water Week
 - B. Presentation by Pastor Ware, Victory Church
 - C. Employee Service Awards
 - D. Proclamation re Pride Day
- 5. Citizen Communication (5 minutes or Less in Length)**
- 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. Bids re Biosolids Injector Vehicle
 - B. Bids re 1997 Water System Improvements
- 9. Appointments and Resignations**
 - A. Resolution No. 23 re Parks & Recreation Advisory Board
- 10. Public Hearings and Other New Business**
 - A. TABLED Legacy Ridge Restaurant Lease Amendment
 - B. TABLED Colorado Rapids Lease Renewal
 - C. JeffCo Airport Authority Board Land Lease Agreement
 - D. Councillor's Bill No. 24 re Westminster Promenade East Hotel
 - E. Councillor's Bill No. 25 re 1996-97 CDBG Fund Appropriation
 - F. Councillor's Bill No. 26 re Panorama Point Easement Vacation
 - G. Community Gateway Project
 - H. Councillor's Bill No. 27 re Park Centre Easement Vacation
 - I. Councillor's Bill No. 28 re Westminster City Center Vacations
 - J. Contract re Sheridan Boulevard Median
 - K. Resolution No. 24 re Sheridan Boulevard Median
 - L. Councillor's Bill No. 29 re Fire Training Facility
 - M. Contract re Fire Training Facility
 - N. Big Dry Creek Open Space Utility Easement
 - O. Resolution No. 25 re Westcliff Park Land and Open Space Acquisitions
 - P. Change Date of Last Council Meeting in May
 - Q. Westminster Plaza Relocation Policy
- 11. Old Business and Passage of Ordinances on Second Reading**

None
- 12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Financial Report for March
 - B. City Council
 - C. Request for Executive Session
- 13. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 28, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Harris.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Scott to accept the minutes of the meeting of April 14, 1997 with no additions or corrections. The motion carried unanimously.

A motion was made by Allen and seconded by Scott to accept the minutes of the meeting of April 21, 1997 with no additions or corrections. Councillor Allen requested to abstain as he was not present for the entire meeting. The motion carried with 5 aye votes and Councillor Allen abstaining.

PRESENTATIONS:

The Mayor presented a proclamation to Utilities Management Intern Abel Moreno proclaiming the week of May 4-10, 1997 as National Drinking Water Week in the City.

Pastor Michael Ware of Victory Church, 9050 Yates Street, presented gifts and a letter to the City from the Mayor of Palangara, Indonesia.

The Mayor and Councillors presented service pins and certificates of appreciation to employees celebrating 10, 15, 20 and 25 years of service with the City.

The Mayor presented a proclamation to Marc Lumpkin and Rich Dahl proclaiming May 10, 1997 as Westminster Pride Day.

CITIZEN COMMUNICATION:

Bob Klock and Bob June, representing the Westminster Progressive Home Owners Association, presented a \$400 check to be given to Grand Forks, North Dakota for flood relief efforts. They requested the City also contribute additional funds for these efforts. The City Council decided to make these fund raising efforts known to the citizens and ask for dollar donations and clothing and food donations for several weeks and then have all of the monies and other contributions sent to North Forks, North Dacota.

Mayor Heil requested to move to Item 10Q, Westminster Plaza Relocation Policy.

RESOLUTION NO. 26 WESTMINSTER PLAZA RELOCATION POLICY:

A motion was made by Allen and seconded by Dixon to Table Resolution No. 26 which would adopt a relocation policy for the Westminster Urban Renewal Area; and set the date of Monday, May 5, 1997 at 7:30 P.M. for a special City Council meeting to consider the relocation policy for the Westminster Urban renewal Area. The motion carried unanimously.

CITY COUNCIL COMMENTS:

Mayor Pro Tem Dixon attended the Lutheran Medical Center meeting on April 22 regarding the program they offer, the Adams County Mental Health Volunteers Awards on April 25, and the MMCYA Awards ceremony that was held April 27. Mayor Heil reported on the Communities and Schools forum she attended on April 25.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Bid for Biosolids Injector Vehicle, Award the bid for biosolids injector vehicle to the low bidder, Field Gymmy, Inc. of Ohio in the amount of \$158,753 and charge the expense to the appropriate 1997 Public Works and Utilities budget account; and 1997 Water System Improvements, awarding a contract to the low bidder Quick's Hoe & Landscape Service, Inc., in the amount of \$40,885.95 for the 1997 Water System Improvements; authorize the City Manager to execute a contract between the City and Quick's Hoe & Landscape Service, Inc. for water system improvements; authorize a budget of \$40,885.95 with a contingency budget of \$4,100; and charge the appropriate project accounts in the 1997 Water Operating Budget. 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.

A motion was made by Scott and seconded by Dixon to adopt the consent agenda items as presented. The motion carried unanimously.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Merkel and seconded by Scott to adopt Resolution No. 23 which accepts the resignation of Ken Morfit from the Parks and Recreation Advisory Board, and makes the following appointments to the Parks and Recreation Advisory Board: Jane Kober as a regular member with term of office to expire December 31, 1998 and Paul Targoff as an alternate member with the term of office to expire December 31, 1997. Upon roll call vote, the motion carried unanimously.

TABLED - LEGACY RIDGE RESTAURANT LEASE AMENDMENT:

A motion was made by Dixon and seconded by Scott to leave this item Tabled until the May 12 City Council meeting. The motion carried unanimously.

TABLED - COLORADO RAPIDS TRAINING FACILITY LETTER OF AGREEMENT:

A motion was made by Dixon and seconded by Allen to remove this item from the Table and to authorize the City Manager to sign a letter of agreement with the Colorado Rapids professional soccer team (Anschutz Soccer, Inc.) to allow the team the use of the City Park Recreation Center and soccer fields for the teams's practice and training for the 1997 and 1998 soccer seasons. The motion carried unanimously.

JEFFERSON COUNTY AIRPORT AUTHORITY LAND LEASE:

A motion was made by Scott and seconded by Dixon to authorize the City Manager, subject to City Attorney review and concurrence, to sign a land lease with the Jefferson County Airport Authority Board, the terms of which are outlined in the "Agreement in Principle" dated April 21, 1997, to lease land to construct a new golf course which will become part of the new Countrydale office/light industrial park development. The motion carried unanimously.

ORDINANCE NO. 2506 - HOTEL/CONFERENCE CENTER DEVELOPMENT AGREEMENT:

A motion was made by Dixon and seconded by Merkel to adopt Councillor's Bill No. 24 as an emergency ordinance providing business assistance and defining other responsibilities for the construction, operation of a hotel, conference center and office buildings at the Westminster Promenade East project.

Steve Johnson, General Manager of Holiday Inn Express; Steve Traze, General Manager of DoubleTree Hotel; and Joan Kirk, Director of Operations for Stonebridge Companies, d/b/a Comfort Suites and Holiday Inn Express, addressed Council with questions and concerns.

Timothy O'Byrne, representing Inland Pacific Companies, and Alan Miller, Assistant City Manager addressed Council.

Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 25 - 1996-97 CDBG FUND APPROPRIATION:

A motion was made by Dixon and seconded by Merkel to pass Councillor's Bill No. 25 on first reading appropriating the 1996 and 1997 Community Development Block Grant funds in the amount of \$672,000 and \$670,000 respectively which reflects the actual federal funds awarded. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 26 - PANORAMA POINTE EASEMENT VACATION:

A motion was made by Scott and seconded by Allen to pass Councillor's Bill No. 26 on first reading vacating an existing water line easement within the Panorama Pointe Subdivision PUD. Upon roll call vote, the motion carried unanimously.

ITEMS TO BE COMBINED:

A motion was made by Dixon and seconded by Scott to combine Agenda Items 10G, Community Gateway Project; 10J, Contract for Sheridan Boulevard Median project; 10M, Contract for Fire Training Facility; and Item 10N, Big Dry Creek Open Space Utility Easement. The motion carried unanimously.

A motion was made by Dixon and seconded by Scott to award a construction contract to Etkin Construction Company in the amount of \$51,454 to construct the new City "gateway" signage and landscaping at 120th Avenue and Sheridan Boulevard, and authorize a project budget of \$63,754, charging the expense to the appropriate 1997 General Capital Improvement Project fund; to authorize the City Manager to sign a construction contract for the Sheridan Boulevard Median Project with the low bidder, Richdell Construction, Inc. in the amount of \$69,580; authorize a project budget of \$104,707, and charge the expense to the appropriate 1997 General Capital Improvement Fund; to authorize the City Manager to sign contracts with Zimmer Cox Commercial Builders, Inc., in the amount of \$153,250 for the design and construction of the Fire Training Facility training tower and Meadows Concrete in the amount of \$110,955 for the construction of the concrete driving surface and charge the expenses to the appropriate project account in the General Capital Improvement or Fire Department budget; and to authorize the Mayor to execute the easement documents to grant a permanent easement to Public Service Company of Colorado in the designated areas in Big Dry Creek Open Space. The motion carried unanimously.

COUNCILLOR'S BILL NO. 27 - PARK CENTRE EASEMENT VACATION:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 27 on first reading vacating a 20-foot-wide water line easement within Block 13, Lot 7A of Park Centre Filing No. 1. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 28 - WESTMINSTER CITY CENTER EASEMENT VACATIONS:

A motion was made by Allen and seconded by Merkel to pass Councillor's Bill No. 28 on first reading vacating two utility easements within the Westminster City Center, Filing No. 3 PUD. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 24 - SHERIDAN BOULEVARD MEDIAN SERVICE COMMITMENTS:

A motion was made by Dixon and seconded by Scott to adopt Resolution No. 24 awarding two water Service Commitments for the Sheridan Boulevard Median landscaping project. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 29 FIRE TRAINING FACILITY APPROPRIATION:

A motion was made by Merkel and seconded by Dixon to pass Councillor's Bill No. 29 on first reading authorizing the transfer of \$110,000 from the General Fund Contingency into the appropriate capital account for the construction of the Fire Training Facility. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 25 - WESTCLIFF PARK AND OPEN SPACE ACQUISITIONS:

A motion was made by Dixon and seconded by Scott to adopt Resolution No. 25 authorizing the City Manager to proceed with the acquisition of 16 acres of land for a community park and 26 acres for City open space in the Westcliff Planned Unit Development as reflected on the map and charge the appropriate expenses necessary for the land acquisition and associated costs to the appropriate project account in the General Capital Improvement Fund and to the Open Space Fund.

A motion was made by Smith and seconded by Heil to amend the main motion to delete the 26 acres for City open space and return this purchase to the Open Space Advisory Board for prioritization of open space land acquisitions.

The City Attorney requested Council meet in Executive Session. At 8:55 P.M. City Council went into Executive Session and Council reconvened at 9:25 P.M.

The motion to amend the main motion failed with dissenting votes by Allen, Dixon, Heil and Merkel. Upon roll call vote, the main motion carried with 5 aye votes and a dissenting vote by Smith.

CHANGE DATE OF LAST CITY COUNCIL MEETING IN MAY:

A motion was made by Dixon and seconded by Merkel to change the date of the last City Council meeting in May from May 26 to Monday, May 19 due to the Memorial Day holiday.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for March 1997.

The Mayor stated there would be an Executive Session concerning the Ice Arena project.

ADJOURNMENT:

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

ATTEST:

Mayor

City Clerk

Date: April 28, 1997

Subject: Proclamation re National Drinking Water Week

Prepared by: Steve Ramer, Laboratory Analyst/Program Coordinator

Introduction

City Council is requested to present a proclamation proclaiming the week of May 4-10, as "National Drinking Water Week" in the City of Westminster. Steve Ramer, Water Plant Laboratory Analyst and Program Coordinator for the Westminster Water Week Program, will be at the City Council meeting to accept the proclamation.

Summary

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

Staff Recommendation

Proclaim the week of May 4-10, 1997 as "National Drinking Water Week" in the City of Westminster.

Background Information

The City program scheduled for the week of May 4-10, will be coordinated by the Public Works and Utilities Water Plants Division. A booth and display will be set up at the Westminster Mall on May 8-10. The display will include a table top display on water treatment, a TV/VCR unit for viewing water related films, handouts and brochures on water conservation, water treatment, and water quality. A drawing will also be held for a traveling lawn sprinkler.

In conjunction with this activity, classroom presentations will be offered to Elementary and Junior High School students. There will be a poster contest for Elementary students and an essay contest for Junior High students, all of which will be displayed at the Kings Mill Library and Recreation Center. The winning posters and essays will be on display at the Semper Water Treatment Plant for the remainder of the year.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Proclamation

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

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

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

NOW, THEREFORE, The City Council of the City of Westminster, Colorado, does hereby proclaim the week of May 4-10, 1997 as

National Drinking Water Week

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

Signed this 28th day of April, 1997.

Date: April 28, 1997
Subject: Presentation by Pastor Ware, Victory Church
Prepared by: Michele Kelley, City Clerk

Introduction

Pastor Michael Ware of Victory Church, located at 9050 Yates Street has requested time at Monday night's Council meeting to make a presentation to the Mayor and City Council.

Summary

Pastor Ware recently visited Indonesia and has returned with a gift to be presented to the Mayor of Westminster from Walikota Mason Taway, Mayor of Palangara, Indonesia.

Staff Recommendation

Mayor and Council accept gift from Pastor Ware of Victory Church.

Respectfully submitted,

William M. Christopher
City Manager

Date: April 28, 1997
Subject: Presentation of Employee Service Awards
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 10th, 15th, 20th and 25th anniversary of employment with the City.

Summary

In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.

Staff Recommendation

City Council present service pins and certificates of appreciation to employees celebrating 10, 15, 20 and 25 years of service with the City.

Background Information

The following employees will receive their ten year service pin and certificate:

Greg Biggers	Police Department	Report Specialist
Vicky Bunsen	City Attorney's Off	Ass't City Attorney II
Tim Carlson	Police Department	Sergeant
Ron Elrod	Public Works & Util	Concrete Mtnce Insp
Stacy Koenig	Parks Rec & Library	Instructor II
Joni McCulloch	Parks Rec & Library	Facility Ass't
Ed Mac Donald	Public Works & Util	Equipment Mechanic
Kevin Mc Eachern	Public Works & Util	Equip Operator II/Street
Randy Patrick	Police Department	Sr Police Officer
Norm Prewitt	Police Department	Sr Police Officer
Dick Richards	General Services	Electromechanic Spec
Dave Sagel	Fire Department	Fire Engineer
Jim Trygstad	Fire Department	Firefighter II
Mark VanDenAbbeele	Fire Department	Paramedic

The following employees will receive a fifteen year service pin and certificate:

Mike Barr	Police Department	Sr Police Officer
Brent Earhart	Police Department	Sergeant
Joe Hastings	Police Department	Sr Police Officer
John Hollick	Parks Rec & Library	Electromechanic Spec
Gary Knapp	Fire Department	Firefighter II
Jay Korab	Fire Department	Fire Engineer
Steve McDonald	Police Department	Sr Police Officer
Steve Norwood	Fire Department	Fire Engineer
Ken Watkins	Fire Department	Batallion Chief
Rich Welz	Fire Department	Fire Lieutenant
Tim Woodard	Public Works & Util	Plant Operator IV
Mark Yamashita	Police Department	Sr Police Officer

The following 20 year employees will be presented with a certificate and service pin:

Terry Caruthers	Public Works & Util	Electromechanic Spec
David Marquez	Public Works & Util	Plant Operator IV

The following 25 year employee will be presented with a certificate and service pin:

Harry Britton	Public Works & Util	Plant Supervisor
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On April 30th, the City Manager will be hosting an employee awards luncheon at which time 10 City employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 10th, 15th, 20th and 25th anniversary. This will be the first of three luncheons for 1997 to recognize and honor City employees for their service to the public.

The aggregate City service represented among the group of employees is 445 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

William M. Christopher
City Manager

10 year

Vicky Bunsen	City Attorney's Off	Ass't City Attorney II
? Ed Mac Donald	Public Works & Util	Equipment Mechanic
Kevin Mc Eachern	Public Works & Util	Equip Operator II/Street
Mark VanDenAbbee	Fire Department	Paramedic

15 year

Mike Barr	Police Department	Sr Police Officer
Joe Hastings	Police Department	Sr Police Officer
Ken Watkins	Fire Department	Batallion Chief
Rich Welz	Fire Department	Fire Lieutenant
? Tim Woodard	Public Works & Util	Plant Operator IV
Mark Yamashita	Police Department	Sr Police Officer

20 year

Terry Caruthers	Public Works & Util	Electromechanic Spec
David Marquez	Public Works & Util	Plant Operator IV

25 year

Harry Britton	Public Works & Util	Plant Supervisor
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Date: April 28, 1997
Subject: Proclamation re Westminster Pride Day
Prepared by: Marc Lumpkin, Fire Department Management Intern

Introduction

City Council is requested to proclaim the date of Saturday, May 10, 1997 as "Westminster Pride Day".

Summary

The City of Westminster declares May 10, 1997, as Westminster Pride Day. This day is in conjunction with April's event, "Keep America Beautiful Month." Westminster Pride Day activities will include litter pickup along 20 miles of right-of-ways, greenbelts, and open space sites throughout the City. This cleanup program is the City's biggest commitment to a cleaner community and is conducted by Boy and Girl Scout volunteers as well as representatives from homeowners associations, schools, and church groups. The event will conclude with a picnic sponsored by area businesses and the City at City Hall. Business sponsors will be recognized in the local newspaper. Frank Grasmugg, Fleet Manager for the City of Westminster, is this year's chairperson. Trash bags will be provided by the Glad Bag-a-Thon through the Keep America Beautiful Program.

Staff Recommendation

Proclaim May 10, 1997 as "Westminster Pride Day".

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Proclamation

WHEREAS, The goal of the Westminster Pride Day is to bring together youth, government, business and community leaders to help clean up the City and share pride in Westminster; and

WHEREAS, Westminster has organized a cleanup program in keeping with the spirit of April's Keep America Beautiful Month; and

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

NOW, THEREFORE, The City Council of the City of Westminster, Colorado, do hereby proclaim May 10, 1997 as

Westminster Pride Day

in the City of Westminster and call upon all citizens and civic organizations to recognize and support the efforts of the volunteers and citizens who take pride in keeping Westminster a clean place to live.

Signed this 28th day of April, 1997.

Date: April 28, 1997
Subject: Resolution No. re Parks & Recreation Advisory Board
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to adopt the attached Resolution which accepts the resignation of Ken Morfit from the Parks and Recreation Advisory Board and to fill this vacancy from the current "pool" of applicants.

Summary

Ken Morfit has submitted a letter of resignation from the Parks and Recreation Advisory Board since he has recently been appointed to the Jefferson County Open Space Advisory Committee. A copy of his letter of resignation is attached.

The City Council earlier in 1997 completed interviews with the Board and Commission "pool" applicants that expressed interest in serving on all of the Boards. A copy of the matrix is also attached.

Staff Recommendation:

Adopt Resolution No. which accepts the resignations of Ken Morfit from the Parks and Recreation Advisory Board, and appointing a new citizen to this vacancy on the Board.

Background Information:

Ken Morfit was originally appointed to the Parks and Recreation Advisory Board on March 6, 1995 when the Board was created and has served as Vice Chair of the Board for 1995 and 1996. In 1997 he was appointed as Chair of the Parks and Recreation Advisory Board. His current term of office will expire on December 31, 1998.

Currently, the Parks and Recreation Advisory Board alternate is Jane Kober. Jane was appointed on June 24, 1996. Per City Code requirements, all alternate members terms expire on December 31, 1997.

A Resolution has been prepared to formally accept the resignation of Ken Morfit, move Jane Kober from an alternate member of the Board to a regular member and to make the necessary appointment to fill this vacancy on the Parks and Recreation Advisory Board.

Respectfully submitted,

William M. Christopher
City Manager
Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

CITY OF WESTMINSTER PARKS AND RECREATION ADVISORY BOARD
APPOINTMENTS

WHEREAS, City Council has been notified of the resignation of Ken Morfit from the Parks and Recreation Advisory Board; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

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

1. City Council does hereby accept the resignation of Ken Morfit from the Parks and Recreation Advisory Board; and

2. City Council does hereby appoint the following individuals to the City of Westminster Parks and Recreation Advisory Board with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Paul Targoff	Parks & Recreation Advisory Board as Alternate member	12-31-97
Jane Kober	Parks & Recreation Advisory Board moved from Alternate member to Regular member	12-31-98

Passed and adopted this 28th day of April, 1997.

ATTEST:

Mayor

City Clerk

Date: April 28,1997
Subject: Bids re Biosolids Injector Vehicle
Prepared by: Harry Britton, Wastewater Plant Supervisor
David Cross, Utilities Systems Specialist

Introduction

City Council action is requested to award the bid for a biosolids injector vehicle to be used in the disposal of biosolids produced at the Big Dry Creek Water Reclamation Facility. Funds are available and have been specifically allocated in the 1997 Wastewater Fund, Public Works and Utilities Budget for this expense.

Summary

The biosolids injector vehicle will be utilized on a daily basis to inject biosolids into farm fields. This vehicle is specially designed with a biosolids holding tank, large agricultural tires for traveling across farm fields, and a set of applicators that inject the biosolids into the soil to aid in mixing the biosolids and soil and to control odors. With the recent purchase of 2600 acres of farmland near Strasburg, a second injector vehicle will be necessary to maintain the flexibility to utilize farm sites both close-in and near Strasburg. This biosolids distribution method is regulated and approved by the Colorado Department of Public Health and Environment, and allows a beneficial use for the biosolids as a fertilizer and soil conditioner.

Formal bids in accordance with City Charter bidding requirements were obtained for the purchase. The low bid meets specifications and is being recommended.

The cost of this piece of equipment is within the amount previously approved by City Council for this expense.

Staff Recommendation

Award the bid for one biosolids injector vehicle to the low bidder, Field Gymmy, Inc., of Ohio in the amount of \$158,753 and charge the expense to the appropriate 1997 Public Works and Utilities budget account.

Background Information

City Council previously allocated funds in the 1997 Budget for the purchase of a biosolids injector vehicle for use in the application of biosolids to farm fields. This application will be done in accordance with federal, state, and local regulations.

Formal bids in accordance with City Charter bidding requirements were solicited from distributors of this type of equipment with the following results:

Field Gymmy, Inc.	\$158,753
Ag-Chem Equipment Company, Inc.	\$195,200
Brown Bear, Inc.	Declined to bid

Biosolids Injector Vehicle

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The low bid from Field Gymmy, Inc., includes a Detroit Diesel engine and Allison transmission. These components are currently being used in a variety of other City-owned heavy-duty vehicles. This engine-transmission combination has proven to be reliable and the Fleet Division has experience in maintaining this equipment.

Respectfully submitted,

William M. Christopher
City Manager

Date: April 28, 1997
Subject: 1997 Water System Improvements
Prepared by: Jack Rudey, Utilities Field Operations Supervisor
Abel Moreno, Utilities Management Intern

Introduction

City Council action is requested to award the bid for the 1997 Water System Improvements to Quick's Hoe & Landscape Service, Inc.; authorize the City Manager to execute a contract between the City and Quick's Hoe & Landscape Service, Inc., for 1997 Water System Improvements; and authorize a budget of \$40,885.95 for water system improvements and \$4,100 for a contingency budget. Funds are available for these expenditures in the 1997 Water Fund Operating Budget.

Summary

The City's Construction Crew is currently in the process of replacing the water line on 73rd Avenue between Lowell Boulevard and Irving Street. Currently, the water line is located in the alley between 73rd Avenue and Westminster Place. Due to the deteriorated water line, limited access, and no utility easement, it is in the City's best interests to relocate the water line. The 1997 Water System Improvements project consists of replacing and relocating residential water services and meter pits from the rear of residential facilities to the City's right-of-way. In addition, the City will be replacing lead water piping from the water main to the meter pits with copper piping.

The City solicited bids from six plumbing contractors with four attending the mandatory pre-bid meeting. The City issued two addenda to the bid documents and a mandatory pre-bid meeting was held on April 8. The bids were publicly read on April 15, in the City Council Chambers.

<u>BIDDER</u>	<u>LUMP SUM BID</u>
Quick's Hoe & Landscape Service, Inc.	\$40,885.95
ENGINEER'S ESTIMATE	\$60,500.00

Quick's Hoe & Landscape Service, Inc. has been determined to be the successful contractor on the basis of their bid as the lowest responsible responsive lump sum bid within the established funds available for the contract. The City's available budget for the water system improvements contract is \$80,000.

Staff Recommendation

Award a contract to the low bidder Quick's Hoe & Landscape Service, Inc., in the amount of \$40,885.95 for the 1997 Water System Improvements; authorize the City Manager to execute a contract between the City and Quick's Hoe & Landscape Service, Inc. for water system improvements; authorize a budget of \$40,885.95 with a contingency budget of \$4,100; and charge the appropriate project accounts in the 1997 Water Operating Budget.

Background Information

The City's Construction Crew is currently replacing the water line on 73rd Avenue between Lowell Boulevard and Irving Street. Currently, the water line is located in the alley between Westminster Place and 73rd Avenue. The water line is being replaced due to deterioration, limited access, and no utility easement.

Since the water line is being relocated to the City's right-of-way, it is necessary to relocate 21 private water services from the rear of the residential facilities to the front and in the City's right-of-way. It is also necessary to replace the lead piping that extends from the water main to the meter pit with copper and to relocate the Career Enrichment Park's water service onto 73rd Avenue from Lowell Boulevard.

Relocating the water services includes installing new copper piping, new meter pits, new shut-off valves, and new meters. Due to the nature of services, the City is required to have a licensed plumber install the new shut-off valves and copper piping.

Although Quick's Hoe & Landscape Services, Inc., was the only bidder to submit a bid at the bid opening, City Staff believes Quick's will meet the City's expectations based on the reference checks performed and their expertise in the field. City Staff determined that the three other prospective bidders who attended the pre-bid meeting did not submit a bid due to the extensive scope of services and the bid bond money being allocated towards other projects.

An alternative to approving Staff recommendation is to re-bid and advertise in the Daily Journal to obtain a larger group of bidders. However, City Staff believes that if the City were to re-bid the project, similar circumstances may occur due to the scope and size of the services requested.

Services for the project are expected to commence at the end of the May, with completion slated for mid-July.

Respectfully submitted,

William M. Christopher
City Manager

Date: April 28, 1997
Subject: TABLED Legacy Ridge Restaurant Lease Amendment
Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council tabled action on this item at the April 14th Council meeting. Staff is requesting this item be brought back for Council action at the May 12th City Council meeting.

Summary

City Council tabled this agenda item during the April 14th Council meeting. Staff has not completed the research necessary to bring the Legacy Ridge Restaurant Lease Amendment back for Council action in time for the April 28th meeting.

Staff Recommendation

No action is necessary at this time.

Respectfully submitted,

William M. Christopher
City Manager

Date: April 28, 1997

Subject: TABLED - Colorado Rapids Training Facility Letter of Agreement

Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries

Introduction

City Council tabled action on this item at the April 14th Council Meeting. City Council action is now requested to approve the attached letter of agreement between the Colorado Rapids professional soccer team (Anschutz Soccer, Inc.) and the City of Westminster to allow the Rapids team the use of recreation center privileges and the use of the soccer fields at City Park for team practices and training sessions for the 1997 and 1998 soccer seasons.

Summary

Councillor Smith had indicated some concerns about a proposed corporate sponsorship package that staff was proposing between the Colorado Rapids and Legacy Ridge Golf Course. As a result, this item was tabled pending further clarification to Councillor Smith. Staff has since talked to Councillor Smith and answered his questions on the Legacy Ridge agreement. Councillor Smith indicated that he was comfortable placing this item back on the agenda. Therefore, Staff is bringing this back for City Council consideration.

On March 5, 1996, Westminster City Council approved a one-year letter of agreement with the Colorado Rapids professional soccer team to allow the players to practice and train at the City Park Recreation Center and soccer fields for the 1996 Major League Soccer season. That agreement proved to be very successful and worthwhile for both parties. Westminster was recognized throughout Colorado and the country as the training home of the Colorado Rapids. The Rapids, in turn, were very pleased with the facilities and hospitality that the City provided them. At the end of the 1996 soccer season, the players voted unanimously that they wanted to return to City Park in 1997 and beyond.

Therefore, City Staff and Rapids management have re-negotiated the original letter of agreement to extend to the 1997 and 1998 professional soccer seasons. This revised agreement is basically the same document that was approved by City Council in 1996. In summary terms, the agreement allows the Rapids the use of the City Park soccer fields as well as recreation center privileges for players, coaches, and their families. One significant change, however, is that the Rapids players will no longer need the use of the locker and shower facilities at the recreation center. On December 20, 1996, City Council reviewed a Staff Report that proposed to allow the Rapids to place two additional trailers (one for showers and lockers, one as a team room) behind the recreation center at City Park. City Council gave concurrence for this to happen, which eliminates the need for the Rapids to utilize the City Park Recreation Center locker rooms.

In return for field use and recreation center privileges, the Rapids will pay the City a sum of \$10,000 per year, as well as award the City a corporate sponsorship package that the Rapids value at \$45,000 (see attached sponsorship agreement).

None of the City's recreational or competitive soccer teams will be displaced as a result of this agreement. The Rapids team trains during the week in the morning and early afternoon as compared to training schedules for the City's youth teams, which generally train the late afternoon/early evening hours. The use of one field on Saturday from 8:00-10:00 A.M. by the Rapids can be accommodated in the City Park games schedules without any negative impact.

The agreement also allows for accommodating visiting professional soccer teams to utilize the City Park facilities to become acclimated to the Denver altitude. Although this provision was in effect last year, it was only utilized a couple of times because, typically, visiting teams like to train at Mile High Stadium the day before the game.

Staff believes that this revised agreement is an improvement over last year's arrangement due to the elimination of the team needing to use the City Park lockers and showers. It should also be noted that City Staff and the Rapids management are continuing to negotiate in hopes of reaching public/private agreement for the Rapids to pay for the construction of a permanent training facility to be a part of the new companion facility that is being planned for City Park. It is anticipated that the new companion facility will not be ready until the summer of 1998, which therefore necessitates extending this agreement through the 1998 season.

Staff recommends that City Council approve the attached letter of agreement with the Colorado Rapids for the 1997 and 1998 professional soccer season.

Staff Recommendation

Remove this item from the Table and authorize the City Manager to sign the attached letter of agreement with the Colorado Rapids professional soccer team (Anschutz Soccer, Inc.) to allow the team the use of the City Park Recreation Center and soccer fields for the team's practice and training for the 1997 and 1998 soccer seasons.

Background Information

The City of Westminster has established an excellent relationship with the Colorado Rapids professional soccer team. On March 5, 1996, the City of Westminster Council approved a letter of agreement which allowed the City and Rapids to enter into a unique public/private partnership. Having gone through one full year of the agreement, City Staff has had a chance to objectively evaluate the benefits to the City.

It is Staff's opinion that the partnership proved very successful for both entities. Among the benefits to the City were the Rapids' designating Westminster City Park as their training home.

All Rapids practices were open to the public so youth soccer players and adults were able to watch the Rapids train and further their own knowledge of the game. The Rapids also put on two youth soccer clinics last year for participants in the City's youth and competitive soccer programs. Feedback from the youth participants was very positive. The Rapids also provided player appearances at the Arvada Summerfest and the City's craft fair. The Rapids' general manager and president also spoke at City-sponsored business events. Many of the players decided to reside in the City and some have been teaching young players in the City's competitive soccer program.

In addition, the City received recognition at every home game that the Rapids played at Mile High Stadium. All in all, it was a very worthwhile relationship. Staff even received positive comments from customers using City Park Recreation Center that they enjoyed talking to the players while using the facility.

Staff is excited about the prospect of both parties continuing and even strengthening this most worthwhile relationship.

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Letter of Agreement

Date: April 28, 1997

Subject: Jefferson County Airport Authority Land Lease

Prepared by: Bill Walenczak, Director of Parks, Recreation and Libraries
Bill Christopher, City Manager

Introduction

City Council action is requested to authorize the City Manager to sign a land lease agreement, subject to the City Attorney's approval, with the Jefferson County Airport Authority Board to lease land to construct a new golf course which will become part of the new Countrydale office/light industrial park development.

The terms of the lease are outlined in the attached "Agreement in Principle" signed by David C. Gordon, Executive Director and Assistant Secretary of the Jefferson County Airport Authority.

Summary

On April 17, 1997 the Jefferson County Airport Authority voted to accept the City of Westminster's proposal to lease approximately 121 acres of undeveloped Airport Authority land to construct a portion of the new 18 hole championship Countrydale golf course. The resolution passed by the board noted three points of clarification which were reflected in the Airport Authority's "Agreement in Principle" dated April 21, 1997. City Council reviewed this agreement at their study session of April 21 and instructed City staff to place this item on the Council agenda for formal adoption.

The terms of the land lease also allow the City the option to lease an additional 35 acres of land at 6% of the appraised per acre value for use as a golf training center which incorporates an extended driving range/instruction center, and practice holes. This option, however, is subject to cancellation if the Airport Authority should decide to construct a runway extension into this area in the future.

Other terms of the lease include leasing the 121 acres of airport land for an initial 30 years with a 30 year option to renew at a rate of 8% of the appraised per acre value of \$7,900 beginning in year 11 of the lease. The land lease rates up to that point are fixed on a chart in the attached "Agreement in Principle." Also starting in year 11 will be an annual increase to the lease based on a 5 year average of the Denver/Boulder area's consumer price index (C.P.I.). There shall be a 6% cap on this index for any one year.

The Airport Authority has agreed to annex the leased property including 33 acres of potential office park property to the City of Westminster as part of the agreement. This will allow the City to benefit in terms of economic development from any future development that may take place on the property. The City agrees to extend water and sewer lines to the edge of the subject 33 acre site.

Staff therefore requests that Council take formal action on this item, giving it favorable consideration.

Staff Recommendation

Authorize the City Manager, subject to City Attorney review and concurrence, to sign a land lease with the Jefferson County Airport Authority Board, the terms of which are outlined in the "Agreement in Principle" dated April 21, 1997.

Background Information

On March 12, 1996 the Jefferson County Commissioners adopted a resolution to approve a no interest loan to the City of Westminster in the amount of \$3.3 million to be spread over three years beginning in 1997 for construction of a new golf course at and adjacent to the Jefferson County Airport.

That action triggered the desire on the part of the City of Westminster and Westfield Development to begin the planning process to construct a new office/light industrial park and golf course adjacent to the airport. Since that time, negotiations have been on-going between the Airport Authority and the City of Westminster.

These negotiations took a major step forward when the Airport Authority Board came to terms with the City on a land lease, as described in the attached "Agreement in Principle." This is the last major component needed to move full speed ahead on the project to a successful completion. Although there may be other obstacles to overcome in the process of completing the project, none will be severe enough to stop this from being a true economic development showcase for the City and Jefferson County.

Staff will move forward upon Council's approval of the agreement with Michael Hinddan, the golf course architect to complete the detailed course development plans, proceed with the golf course bond financing, the reclaimed water project component which will provide irrigation for the course turf and complete the master agreement with Westfield Development on the business park development and golf course.

The Countrydale Business Park will be a major economic development force in Westminster and northern Jefferson County. The recent Sun Microsystems announcement has already generated positive impacts on the Countrydale Business Park with prospects contacting Westfield Development representations.

The park is projected to build out over a 15 - 20 year period. When built out it is projected to provide the following positive impacts on Westminster and Jefferson County:

Number of Businesses:	60-70
Square footage of all buildings	2.4 million square feet
Potential Tenant Mix:	
Warehouse/Distribution	44%
Office	17%
R&D/Biomedical	39%

Projected Valuation of all Bldgs: \$101,500,000
Jobs Created: 5,600 - 6,100
Projected Annual Payroll for All Employees on Site \$ 12,000,000 per year
\$180,000,000 over 15 years

Tax Benefits to Taxing Entities:

	County	City	School/Other
Property Tax	\$7,750,000	\$ 1,100,000	\$ 13,650,000
Use Tax	-0-	\$50,644,000	-0-
Automobile Tax	Unknown	Unknown	-0-

Cumulative Sales Tax estimated from Payroll (based on City's 3.25%) \$ 25,600,000

Staff is very excited about this historic agreement with the Airport Authority Board, and thanks City Council for its patience and support during this critical period of negotiations.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: April 28, 1997

Subject: Councillor's Bill No. re Development Agreement for a Hotel and Conference Center

Prepared by: Alan Miller, Assistant City Manager

Introduction

City Council action is requested to adopt the attached Councillor's Bill as an emergency ordinance authorizing the City Manager to sign the attached development agreement with Inland Pacific Companies and to authorize the City Manager to sign other documents to assist the development of a four star, first class internationally recognized 350 room hotel and a 50,000 square foot conference center as part of the Westminster Promenade Project. The agreement also provides for the construction of office building space at the Promenade estimated to be from 80,000 to 120,000 square feet.

Summary

Staff has now concluded negotiations with Inland Pacific Company of Hillsboro, Oregon to achieve a four star, first class internationally recognized 350 room hotel and a 50,000 square foot conference center. The agreement also provides for the concurrent construction of office space estimated to be from 80,000 to 120,000 square feet located next to the hotel and conference center. This very significant agreement allows for the completion of the Westminster Promenade Project in a manner consistent with the design attractiveness, quality and type uses mostly highly desired to make the Westminster Promenade a major pedestrian oriented focal point for the community to gather, recreate, work and spend leisure time.

Very few new, four star hotels are being constructed around the country and Westminster is fortunate to have attracted to the Westminster Promenade the most highly rated upscale hotel chain in the country.

In order to make the project economically viable, the agreement includes a business assistance package that has been reviewed and analyzed by HVS International, a company who specializes in hotel fiscal analysis studies. The business assistance package includes key points as follows:

- * Inland Pacific will finance and build a four star, internationally recognized 350 room hotel.
- * The City will finance, and own a 50,000 square foot, approximately \$7 million, conference center to be constructed by Inland Pacific in an integrated manner with the hotel.
- * Inland Pacific will lease the conference center from the City for an initial period of 20 years at a rate that basically pays the City's debt service cost for the conference center.

- * The City will own the conference center, but it will be managed by Inland Pacific and the hotel operator. Once the financing is paid off in 20 years, the City will continue to receive annual lease payments at the same rate as previous lease payments (about \$700,000) or 5% of gross conference center revenue whichever is greater.
- * Inland Pacific is to build 80,000 to 120,000 square feet of office space next to the hotel/conference center and the City is to receive \$5 per square foot for the land and 50% percent of net profits from the office space leasing income.
- * The City will rebate all Sales and Use Taxes and Accommodations Taxes from the hotel to Inland Pacific for a period of 15 years or until \$13,750,000 present value is rebated whichever comes first. In addition, the City will implement a 1% conference center fee on the new hotel rooms and rebate this amount to Inland Pacific to help finance the hotel/conference center construction.
- * All maintenance and repairs needed for the common areas at Westminster Promenade East will be funded through pro rated assessments to property owners along the Promenade.
- * The City, which currently is owner of the land as a result of a gift, is to contribute the pad site for the hotel to Inland Pacific.

Staff believes that this is an excellent business decision for the City. HVS concluded in the economic feasibility study that the hotel/conference center will bring approximately \$42 million of new money into the area economy excluding new job salaries. They also concluded that the business assistant rebate package was extremely fair considering other like projects, rate of investor return, financing costs and constraints. The HVS study also determined both the size of the hotel and conference facility as well as the long term economic viability of each. The study concluded that a 50,000 square foot conference center and a 350 room first class hotel are needed in this market. Another benefit of this proposed agreement, which is consistent with all other business assistance packages the City has done, is that the City through this proposed agreement is only contributing tax dollars into the hotel/conference center project that are generated by the hotel and conference center.

The ordinance adopting the recommended agreement is proposed as an emergency ordinance due to the importance of proceeding to design and construction in a time sensitive manner. It is important from a construction timing standpoint to have the hotel and conference center grading and structural components underway before the winter weather arrives.

Staff Recommendation

Pass Councillor's Bill No. _____ as an emergency ordinance providing business assistance and defining other responsibilities for the construction, operation of a hotel, conference center and office buildings at the Westminster Promenade East project.

Background Information

The Westminster Promenade as envisioned is unique in its high quality pedestrian oriented design that provides a synergistic mix of business, entertainment, restaurant and other leisure uses. The City began the Westminster Promenade project planning in 1995 and currently the western portion is under construction with the first phase being a new 24 screen, state-of-the-art flagship model AMC Theatre that will seat over 5,000 movie goers.

The AMC Theatre will be the western anchor to the Westminster Promenade project. The proposed hotel/conference center is to be the eastern anchor just before the Promenade leads into City Park and over to City Park Recreation Center. The entire project as envisioned is a unique, high quality design, pedestrian and family oriented entertainment, leisure and business center intended to be a community focal point and public gathering place. The City's major trail system along Big Dry Creek bisects a portion of the site and highway access is convenient from several major arterial streets as well as from the Denver/Boulder Turnpike interchange at 104th Avenue.

Negotiations on the hotel/conference center have been underway for several months starting late last year and have culminated in this proposed agreement. While this is the biggest business assistance package the City has undertaken, it also is the largest in terms of investment in the community and largest opportunity to both strengthen and diversify the City's tax base.

The estimated private investment is over \$60 million, the estimated new money in the area economy is \$42 million annually, the revenues to the City from the hotel and conference center after 15 years is estimated conservatively to be over \$2 million annually and will increase to approximately \$3 million annually when the conference center financing is paid off. It is important to stress that only taxes generated by this hotel and conference center are being used to assist with achieving the hotel and conference center. This business assistance package marks another significant achievement in public and private partnerships that Westminster is pioneering to create a very vibrant, attractive and liveable City. This business assistance package is clearly an investment in Westminster's future and not only financially, but maybe more importantly to further differentiate Westminster as one of the best locations in the country to live.

If this agreement is adopted by City Council, it is projected that the hotel/conference center will be open in the spring of 1999 along with the office buildings and the new Ice Arena. The AMC Theatre is expected to open this November and the numerous restaurant and retail shops should be completed in early 1998.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN EMERGENCY ORDINANCE AUTHORIZING AN AGREEMENT WITH INLAND PACIFIC COLORADO FOR THE COOPERATIVE DEVELOPMENT AND CONSTRUCTION OF THE WESTMINSTER PROMENADE EAST HOTEL AND CONFERENCE CENTER

WHEREAS, the successful attraction 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 incentives for high quality development to locate in the City; and

WHEREAS, the City has previously embarked on the development of a major pedestrian-oriented restaurant, retail and entertainment center generally located at the northeast corner of the intersection of U.S. Highway 36 and 104th Avenue and commonly referred to as the Promenade; and

WHEREAS, Inland Pacific Colorado, L.L.C., is a Colorado Limited Liability Company with whom the City has previously entered into a preliminary agreement of intent for the cooperative development and construction of a first-class, four-start, internationally recognized hotel and conference center and neighboring office and commercial buildings to be located within the Promenade East section of the Promenade; and

WHEREAS, a proposed Agreement between the City and Inland Pacific Colorado, L.L.C. for the Cooperative Development and Construction of the Westminster Promenade East Hotel and Conference Center 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, the members of the City Council of the City of Westminster direct and authorize the following action by the City Staff:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Agreement with Inland Pacific Colorado, L.L.C. 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. Because time is of the essence in order to allow this important economic development project to move forward and any delay in approving this Agreement could adversely affect the ability to acquire financing and construction support for the project, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on April 28, 1997, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 28th day of April, 1997.

Mayor

ATTEST:

City Clerk

Date: April 28, 1997

Subject: Councillor's Bill No. re 1996-97 CDBG Fund Appropriation

Prepared by: Nancy Alberts, Accounting Manager
Ed Powers, Community Development Programs Manager

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading, appropriating the 1996 and 1997 Community Development Block Grant (CDBG) Funds to reflect the actual federal funds awarded.

Summary

The exact amount of CDBG funds is unknown at the time of budget adoption. An estimate is used for the budget of the funds expected to be received. Although Council does take action to formally appropriate CDBG funds, that action does not amend the budget. The budget for the CDBG Fund now needs to be amended by ordinance to correctly reflect the amount of funds awarded for 1996 and 1997.

Staff Recommendation

Pass Councillor's Bill No. on first reading to appropriate the 1996 and 1997 CDBG funds in the amount of \$672,000 and \$670,000 respectively which reflects the actual federal funds awarded.

Background Information

The federal CDBG funds became available following adoption of the budget by City Council. The City budget is adopted in October and the final amount of federal funds awarded is usually known in March of the following year. The amount adopted in the budget is an estimated amount of federal funds expected to be received.

Council adopts a resolution typically in November, following a public hearing, allocating the estimated amount of federal funds expected to be received. The Resolution provides direction on the expenditure of these federal funds. A subsequent resolution may be adopted clarifying the use of additional federal funds for various projects and programs. These subsequent resolutions did not amend the adopted budget. Due to congressional budget negotiations, 1996 funds were received partially on March 15, 1996 and finally on July 8, 1996. The 1997 funds were received March 14, 1997.

The CDBG budget needs to be amended by ordinance to correctly reflect the amount of federal funds awarded for 1996 and 1997. The recommended ordinance modifies the budget for the CDBG Fund to reflect the actual amount of federal funds awarded.

The following is a summary of the proposed amended budget for each grant year:

<u>Year</u>	<u>Original Budget</u>	<u>Federal Award</u>	<u>Increase (Decrease)</u>	<u>Final Budget</u>
1996	\$-0-	\$ 672,000	\$ 672,000	\$ 672,000
1997	\$-0-	<u>\$ 670,000</u>	<u>\$ 670,000</u>	<u>\$ 670,000</u>
TOTAL		\$1,342,000	\$1,342,000	\$1,342,000

The total amount to be appropriated is \$1,342,000.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the CDBG fund, initially appropriated by Ordinance No. 2473 in the amount of \$64,996 is hereby increased by \$1,342,000 which, when added to the fund balance as of the City Council action on April 28, 1997, will equal \$1,406,996. The actual amount in the CDBG Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of the 1996 and 1996 federal grant awards.

Section 2. The \$1,342,000 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
96 Grant Participation 76-0426-448	\$-0-	\$672,000	\$672,000
97 Grant Participation 76-0426-449	-0-	<u>670,000</u>	670,000
Total change to revenues		<u>\$1,342,000</u>	
<u>EXPENSES</u>			
96 Grant Participation 76-30-88-69-303	-0-	672,000	672,000
97 Grant Participation 76-30-88-610-303	-0-	<u>670,000</u>	670,000
Total change to Expenses		<u>\$1,342,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this ____ day of _____, 1997.

ATTEST:

Mayor

City Clerk

Date: April 28, 1997
Subject: Councillor's Bill No. re Panorama Pointe Easement Vacation
Prepared by: Richard Borchardt, Civil Engineer

Introduction

City Council action is requested on the attached Councillor's Bill to vacate a water line easement located within the Panorama Pointe Subdivision Planned Unit Development (PUD) for the Villa Maria project located west of 81st Place and Zuni Street (see attached map).

Summary

The site plan included in the Official Development Plan (ODP) for Panorama Pointe Subdivision, Filing No. 5 indicates that a new building will be located over an existing water line and within an existing water easement. The development of the site will require the relocation of the existing water line within a new water line easement and the vacation of the original water easement.

The new water line easement has already been dedicated to the City, making the original easement unnecessary. City Staff is in agreement with the Owner's request that the unnecessary easement be vacated. The City Charter mandates that City Council must approve vacations via ordinance.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating an existing water line easement within the Panorama Pointe Subdivision Planned Unit Development.

Background Information

The site plan for the Official Development Plan for Panorama Pointe Subdivision Filing No. 5 showed a 12-inch water line being relocated along a new alignment to the west of the Villa Maria building. The ODP also showed a new easement to be dedicated for the relocated water line. The ODP was approved by City Council on September 27, 1996.

Panorama Pointe Subdivision, Filing No. 5, which was platted on September 30, 1996, granted the new water line easement for the relocated 12-inch water line. The original easement is no longer needed and is in conflict with the Villa Maria building. The owner has requested that the City vacate the original easement.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING UTILITY EASEMENTS WITHIN THE PANORAMA POINTE SUBDIVISION PLANNED UNIT DEVELOPMENT

WHEREAS, a certain water easement was dedicated to the public; and

WHEREAS, this water easement is no longer necessary due to current site planning in the Panorama Pointe Subdivision, Filing No. 2 Official Development Plan; and

WHEREAS, vacation is necessary to develop the property as approved in the Panorama Pointe Subdivision, Filing No. 5 Official Development Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easements described in Section 2 hereof.

Section 2.

A portion of a 20-foot water line easement, as recorded in Book 2954, at Page 762, Adams County Records, being in the southeast quarter of Section 29, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado and being more particularly described as follows:

Easement Description

Commencing at the northeast corner of Lot 1, Block 1, Panorama Point Subdivision, Filing No. 5, as recorded in File 17, at Map No. 592, said Adams County Records; Thence S76°20'10"W, a distance of 128.28 feet to a point on the east line of said 20-foot water line easement; Thence 174.45 feet along the arc of a curve to the right, having a central angle of 48°45'29", a radius of 205.00 feet, and whose chord bears S19°52'06"W, a distance of 169.24 feet to a point of reverse curvature; Thence 58.26 feet along the arc of a reverse curve, having a central angle of 23°01'17", a radius of 145.00 feet, and whose chord bears S32°44'11"W, a distance of 57.87 feet; Thence N19°30'27"W, a distance of 8.55 feet; Thence N08°44'27"E, a distance of 38.72 feet to a point of non-tangent curvature; Thence 19.73 feet along the arc of a non-tangent curve, to the left, having a central angle of 06°51'09", a radius of 165.00 feet, and whose chord bears N40°49'16"E, a distance of 19.72 feet to a point of reverse curvature; Thence 131.62 feet along the arc of a reverse curve, having a central angle of 40°45'49", a radius of 185.00 feet, and whose chord bears N23°51'55"E, a distance of 128.86 feet; Thence N35°45'40"E, a distance of 33.72 feet to the Point of Beginning.

Parcel contains 3,905 square feet, 0.0897 acres, 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 28th day of April, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 1997.

ATTEST:

Mayor

City Clerk

Date: April 28, 1997
Subject: Community Gateway Project
Prepared By: Bob Lienemann, Open Space Coordinator

Introduction

City Council action is requested to authorize award of a construction contract to Etkin Construction Company in the amount of \$51,454, and to authorize the project budget to construct new City "gateway" signage and landscaping at 120th Avenue and Sheridan Boulevard. Funds have been specifically allocated in the 1997 General Capital Improvement Fund for this expense, provided through the City's Accommodations Tax.

Summary

The work is proposed for the southeast corner of the intersection of 120th Avenue and Sheridan Boulevard, and includes a flagstone signwall with the word "WESTMINSTER" in raised letters, lighting, irrigation and landscaping, in coordination with the new Sheridan Crossing shopping center. The improvements will match the existing gateway at 104th Avenue and Federal Boulevard, and those that are about to be completed at 120th Avenue and Huron Street.

Etkin Construction Company (Etkin) is the general contractor for the shopping center, and their existing work includes all the necessary subcontractors for the gateway work. Rather than bid this small project separately, Staff and the consultant negotiated a bid with Etkin. This approach benefits from the contractor already being mobilized on the site, and saves significant consulting fees, printing and bidding costs, and Staff time which can be put toward other priority efforts. It is also an attempt to further "privatize" City projects.

After carefully reviewing Etkin's bid of \$51,454, it was determined to be an excellent and qualified bid. The consultant's estimate for this work if bid competitively to other contractors was \$70,000. Staff is confident from past performance that Etkin will construct a quality project if awarded this bid.

A 15% budget contingency is recommended, since this work is close to Colorado Department of Transportation (CDOT) right of way, and utility and subsurface conditions are not fully known. The proposed project budget is as follows:

Construction Inspection/Testing (allow)	\$2,500
Construction by Contractor	51,454
Utilities - PSCo electrical	1,500
<u>Contingency @ 15%</u>	<u>8,300</u>
TOTAL	\$63,754

Alternatives

City Council could accept the negotiated bid from Etkin, and authorize the work to begin immediately. It is anticipated that all work will be completed this summer, concurrent with completion and opening of the Sheridan Crossing project. This is Staff's recommendation.

City Council could reject the bid and not proceed with this work.

City Council could reject the negotiated bid from Etkin, and bid the project competitively to various contractors. Given the very favorable negotiated bid from Etkin, because the contractor and subcontractors are already on site and can coordinate this additional work with other work, it is unlikely that competitive bidding would result in an equal or lower bid. Re-bidding the project would delay the work for approximately three months. Estimated additional costs for competitive bidding would include \$1,500 for consultant's time to prepare bid documents, handle meetings and questions, \$2,000 to print drawings and specifications, and Staff time to administer the formal bid process.

Staff Recommendation

Award a construction contract to Etkin Construction Company in the amount of \$51,454 to construct the new City "gateway" signage and landscaping at 120th Avenue and Sheridan Boulevard, and authorize a project budget of \$63,754, charging the expense to the appropriate 1997 General Capital Improvement Project Fund.

Background Information

City Council established the Community Enhancement Program in 1993, with funding provided by an Accommodations Tax. The program is intended to improve the physical appearance of the City of Westminster at the most visible "gateways" and "travel corridors" throughout the community. These projects promote community pride, and also improve the City's competitive edge in attracting and maintaining businesses.

With this new shopping center about to open, it is important to inform the public that this quality project is located in Westminster, and to highlight this key entry to the City. Staff and City Council anticipated this gateway work in approving plans for the project in September 1996, and the developer agreed to set aside land at the southeast corner of 120th Avenue and Sheridan Boulevard for a city entry sign and landscaping. A permanent easement for the sign and landscaping was granted by plat.

The five year plan for Community Enhancements is updated annually with the budgeting process as part of the Capital Improvement Program. Several additional projects are presently being pursued, including gateways at US 36 and 104th Avenue/Church Ranch Boulevard interchange and at 120th Avenue and Huron Street (by separate bid award, following competitive bidding), 104th Avenue and Federal Boulevard (Staff working with Northpark Plaza developer to construct by negotiated bid), Sheridan Boulevard Median Landscaping (by separate bid award following competitive bidding), and Church Ranch Boulevard Median Landscaping between Wadsworth Boulevard and Wadsworth Parkway (already awarded as part of the roadway improvements).

Future projects will include a major gateway at US36 and Federal Boulevard (following the proposed roadway modifications - tentatively scheduled to begin in 1999), and other opportunities to improve the appearance of key areas around the community. A portion of these funds are also used for public art projects.

Respectfully submitted,

William M. Christopher
City Manager

Date: April 28, 1997
Subject: Councillor's Bill No. re Park Centre Easement Vacation
Prepared by: Kevin L. Berryhill, Senior Civil Engineer

Introduction

City Council action is requested on the attached Councillor's Bill to vacate a 20-foot-wide water line easement located within Block 13, Lot 7A of Park Centre Filing No. 1.

Summary

A proposed Official Development Plan for Dynamic Data at Block 13, Lot 7A of Park Centre Filing No. 1, located on the north side of W. 124th Avenue between Pecos Street and Huron Street, will necessitate the vacation of an existing 20-foot-wide water line easement that was previously dedicated to the public. There are no utilities located within the existing water line easement.

City Staff is in agreement with the owner's request that the subject easement be vacated. The City Charter mandates that Council must approve vacations via ordinance.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating a 20-foot-wide water line easement within Block 13, Lot 7A of Park Centre Filing No. 1.

Background Information

The existing water line easement was dedicated to the public in 1995 as part of requirements set forth in the First Amended Official Development Plan for Block 13, Lot 7A of Park Centre Filing No. 1. Dynamic Data is proposing the Second Amended Official Development Plan for Block 13, Lot 7A which is requiring the easement vacation. The Official Development Plan for Dynamic Data is proposing the construction of two, one story buildings in two phases. Phase 1 will be constructed on the west half of Lot 7A and Phase 2 will be constructed on the east half of Lot 7A. The existing water line easement is encroaching within the proposed building envelopes and needs to be vacated to accommodate the new Official Development Plan.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING AN WATER LINE EASEMENT WITHIN BLOCK 13, LOT 7A OF PARK CENTRE FILING NO. 1.

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, a certain, 20-foot-wide water line easement located within Block 13, Lot 7A of Park Centre Filing No. 1 was previously dedicated to the public with the Replat of Park Centre Filing No. 1, Block 13, Lots 7 and 8, said plat recorded at Reception No. C0058855 of the records of the County of Adams, State of Colorado; and

Section 1. City Council finds and determines that the public convenience and welfare require the vacation described in Section 2 hereof.

Section 2. A 20-foot-wide water line easement, being a part of Block 13, Lot 7A, Park Centre Filing No. 1 replat, being a portion of Section 33, Township 1 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado, said plat recorded at Reception No. C0058855, of said county, and being more particularly described as:

Basis of Bearings: The southerly line of said "Replat of Park Centre Filing No. 1", monumented as shown on the recorded plat thereof, having a bearing of S89°45'20"E.

Commencing at the southwesterly corner of said "Replat of Park Centre Filing No. 1"; Thence S89°45'20"E along said southerly line of "Replat of Park Centre Filing No. 1" a distance of 24.09 feet to the southwesterly corner of a water line easement shown on the recorded plat of said "Replat of Park Centre Filing No. 1", said point being the point of beginning;

Thence along the sideline of said water line easement the following twelve (12) courses:

1. N00°10'32"E a distance of 105.76 feet;
2. S89°59'44"E a distance of 6.05 feet;
3. N00°00'16"E a distance of 18.03 feet;
4. S89°48'19"E a distance of 20.00 feet;
5. S00°00'16"W a distance of 17.97 feet;
6. N89°59'44"E a distance of 144.04 feet;
7. N00°00'16"E a distance of 18.00 feet;
8. S89°59'44"E a distance of 26.26 feet;
9. S00°00'16"W a distance of 18.00 feet;
10. S89°59'44"E a distance of 40.13 feet;
11. S26°51'27"E a distance of 72.41 feet;
12. S00°00'16"W a distance of 42.29 feet to a point on said southerly line of "Replat of Park Centre Filing No. 1";

Thence N89°45'20"W along said southerly line a distance of 20.00 feet and returning to a point on the sideline of said water line easement;

Thence along the sideline os said water line easement the following four (4) courses:

1. N00°00'16"E a distance of 37.43 feet;
2. N26°51'27"W a distance of 55.34 feet;
3. N89°59'44"W a distance of 204.25 feet;
4. S00°10'32"W a distance of 85.85 feet to a point on said southerly line of "Replat of Park Centre Filing No. 1";

Thence N89°45'20"W along said southerly line a distance of 20.00 feet to the point of beginning. Containing 9,233 square feet.

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 28th day of April, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 1997.

ATTEST:

Mayor

City Clerk

Park Centre Vacation - Dynamic Data Systems

Date: April 28, 1997

Subject: Councillor's Bill No. re Westminster City Center Easement Vacations

Prepared by: Mikele Pletcher, Senior Civil Engineer

Introduction

City Council action is requested on the attached Councillor's Bill to vacate utility easements located within the Westminster City Center, Filing No. 3 Planned Unit Development (PUD) for the Marketplace project located at W. 92nd Avenue and Sheridan Boulevard (see attached maps).

Summary

The First Amended Official Development Plan (ODP) for Westminster City Center, Filing No. 3 revised several building locations and a vehicular access location. The revised building locations and circulation require the vacation of utility easements previously dedicated to the public but no longer needed.

A new utility easement for the existing utilities will be dedicated to the public by separate document (see Exhibit A).

City Staff is in agreement with the owner's request that the unnecessary utility easement be vacated. Therefore, City Council is requested to approve the utility vacation via ordinance.

City Staff is also currently reviewing the proposed First Amended Official Development Plan (ODP) for Westminster City Center, Filing No. 3 Office Building at Block 2. The proposed building location is in conflict with an existing water easement and water line which requires the relocation of the water line and vacation of the water easement previously dedicated to the public.

A new water line will be constructed and a new utility easement will be dedicated by the proposed First Replat of Westminster City Center, Filing No. 3, Block 2 (see Exhibit B)

City Staff is in agreement with the owner's request that the water easement be vacated after the following conditions have been met: 1) a new utility easement be dedicated to the public; 2) the new water line has been constructed and accepted by the City; and 3) the "old" water line is removed. The City Charter mandates that Council must approve vacations via ordinance, and the attached ordinance includes language making the subject easement vacation conditional upon the receipt of a new utility easement.

Staff Recommendation

Pass Councillor's Bill No. on first reading vacating two utility easements within the Westminster City Center, Filing No. 3 Planned Unit Development.

Background Information

Exhibit A:

An Official Development Plan (ODP) was approved for Filing No. 3 of the Westminster City Center PUD on December 12, 1994. The ODP included a site plan showing building locations, utility layout and traffic circulation which were the basis of the easements dedicated in the final plat of Westminster City Center, Filing No. 3. The ODP for Westminster City Center, Filing No. 3 was amended and approved on October 26, 1995. The amendment changed the building locations, utility layout and traffic circulation from the original ODP.

The easement dedicated by the original plat is now in conflict with the existing building location, utility layout and traffic circulation. The owner has requested that the said easement be vacated. Staff has determined that the original easement is not used (i.e. no utility facilities were installed in this easement) and Public Service Company, TCI Cable of Colorado and U.S. West are also in agreement with the owner's request. A new easement will be dedicated by a separate document Easement Agreement for the actual alignment of the utility lines.

Exhibit B:

The proposed First Amended Official Development Plan (ODP) for Westminster City Center, Filing No. 3, Block 2 shows a building being located over the top of the existing easement and water line. The owner has requested said easement to be vacated per the proposed Amendment. Staff has determined that the original easement can be vacated after the dedication of a new easement, completion of the construction of the new water line, and the removal of the existing water line.

A new easement will be dedicated by the proposed Second Replat of Westminster City Center, Filing No. 3.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING UTILITY EASEMENTS WITHIN THE WESTMINSTER CITY CENTER, FILING NO. 3
PLANNED UNIT DEVELOPMENT

WHEREAS, a certain utility easement was dedicated by the plat of Westminster City Center, Filing 3 (Exhibit A); and

WHEREAS, the utility easement is no longer necessary due to site revisions approved in the First Amended Westminster City Center, Filing No. 3 Official Development Plan; and

WHEREAS, vacation is necessary to correct the location of the utility easement as approved in the First Amended Westminster City Center, Filing No. 3 Official Development Plan; and

WHEREAS, a certain water easement was dedicated by Book 2632, Page 604 in the County of Adams (Exhibit B); and

WHEREAS, the water easement will not be necessary after the relocation of the existing water line as shown in the First Amended Westminster City Center, Filing No. 3, Block 2 Official Development Plan; and

WHEREAS, vacation is necessary to relocate an existing water line from under a proposed building as shown on the proposed First Amended Westminster City Center, Filing No. 3, Block 2 Official Development Plan.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easements described below:

The twenty (20) foot wide utility easement, as shown on the Subdivision Plat of Westminster City Center Filing No. 3 (File 17, Map 436, Adams County Records), City of Westminster, County of Adams, State of Colorado being more particularly described as follows:

Easement Description

Commencing at the point of curve return of the westerly right-of-way line of City Center Drive being 75 feet north of the northerly right-of-way line of West 92nd Avenue; Thence along said westerly right-of-way line N00°05'20"W, 516.78 feet; Thence departing said right-of-way line S89°54'40"W, 12.17 feet to the easterly line of a utility easement dedicated by said plat of Westminster City Center, Filing No. 3 and the True Point of Beginning; Thence along or across said utility easement the following fourteen (14) consecutive courses: 1) Thence S89°54'40"W, 20.00 feet; 2) Thence N00°05'20"W, 14.17 feet; 3) Thence S89°54'40"W, 54.93 feet; 4) Thence S00°05'20"E, 10.00 feet; 5) Thence S89°54'40"W, 10.00 feet; 6) Thence N00°05'20"W, 10.00 feet; 7) Thence S89°54'40"W, 167.73 feet to a point on the easterly line of a 30.00 foot wide utility easement (per said Filing No. 3); 8) Thence along said easterly line N00°05'20"W, 20.00 feet; 9) Thence departing said easterly line N89°54'40"E, 160.31 feet; 10) Thence N00°05'20"W, 20.00 feet; 11) Thence N89°54'40"E, 10.00 feet; 12) Thence S00°05'20"E, 20.00 feet; 13) Thence N89°54'40"E, 82.35 feet; 14) Thence S00°05'20"E, 34.17 feet to the True Point of Beginning; Said parcel containing 5,637 square feet, more or less; (Exhibit A) and

The twenty (20) foot wide water easement (Book 2632, Page 604) being a portion of Block 2 Westminster City Center, Filing No. 3, Reception No. C01071100 located in the northwest quarter of Section 19, Township 2 South, Range 68 West of the Sixth Principal Meridian,
City of Westminster, County of Adams, State of Colorado being more particularly described as follows:

Easement Description

Commencing at the northwest corner of said Section 19; Thence S18°06'41"E, 181.76 feet to a point on the easterly right-of-way line of Sheridan Boulevard, said point being the True Point of Beginning; Thence departing said right-of-way line N89°34'54"E, 250.93 feet to a point on the westerly right-of-way line of City Center Drive; Thence along said right-of-way line S50°30'15"E, 27.75 feet; Thence continuing along said right-of-way line S54°07'12"E, 3.71 feet; Thence departing said right-of-way line S89°34'54"W, 275.20 feet to a point on the easterly right-of-way line of Sheridan Boulevard; Thence along said right-of-way line N00°26'44"W, 20.00 feet to the True Point of Beginning; said parcel containing 5,258 square feet more or less. (Exhibit B)

Section 2. 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 28th day of April, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of May, 1997.

ATTEST:

Mayor

City Clerk

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easement described in Section 2 hereof.

Date: April 28, 1997

Subject: Resolution No. re Sheridan Boulevard Median

Prepared By: Rod Larsen, Open Space Supervisor

Introduction

City Council action is requested to authorize the City Manager to sign a construction contract with Richdell Construction, Inc. in the amount of \$69,580; authorize the project budget to construct median landscaping on Sheridan Boulevard between 105th Avenue and 112th Avenue; and to adopt the attached Resolution authorizing 2 Water Service Commitments from Category F for this project. Funds have been specifically allocated in the 1997 General Capital Improvement Fund for this expense.

Summary

City Council allocated funds for this work in the General Capital Improvement Fund budget, as part of the Community Enhancement Program. The designated funding comes from the Accommodations Tax, and is intended to construct priority projects throughout Westminster which improve the physical appearance of the community. The 5-Year Plan for use of Community Enhancement Funds as adopted by Council, identified landscape improvements to Sheridan Boulevard as a high priority.

This project will include careful plant selection, drip irrigation and mulching, which are key Xeriscape design principles, to provide healthy and attractive median landscape with lowest possible water use and maintenance costs. The plantings will use only two Service Commitments of water, the amount of water needed for two single family detached homes. The attached Resolution awards the two Water Service Commitments for the project. Sufficient Service Commitments are available in Category F - Contingency and Public Usage for this project.

The low bidder, Richdell Construction, has only been operating for two years, but it has completed several comparable projects for other municipalities. After checking references, Staff is confident that Richdell Construction, Inc. will construct a quality project if awarded this bid. Their low bid of \$69,580 is significantly below consultant estimates for this project.

Staff Recommendation

1. Authorize the City Manager to sign a construction contract with the low bidder, Richdell Construction, Inc. in the amount of \$69,580; authorize a project budget of \$104,707, and charge the expense to the appropriate 1997 General Capital Improvement Fund.
2. Adopt Resolution No. awarding two Water Service Commitments for this project.

Background Information

City Council established the Community Enhancement Program in 1993, with funding provided by the Accommodations Tax. The program is intended to improve the physical appearance of the City of Westminster at the most visible "gateways" and "travel corridors" throughout the community. These projects promote community pride, and also improve the City's competitive edge in attracting and maintaining businesses.

Staff and consultants prepared bid documents for this median landscaping, which is an extension of the median landscaping already constructed along Sheridan Boulevard and along 104th Avenue. The proposed improvements include tree, shrub and perennial plantings with drip irrigation and mulch.

The project was advertised for bid through the Daily Journal and Rocky Mountain Construction building trade newspapers, and plans were available through their Plan Rooms. Staff and consultants also contacted qualified firms which have constructed similar work for the City previously. Bids were opened April 3, 1997. Eleven contractors submitted bids with the following results of the six lowest bidders:

Richdell Construction	\$69,580
Hamon Contractors	79,544
Randall and Blake	83,800
AJI	84,754
Land Ethics	87,259
T2 Construction	90,444
(Consultant/Staff <u>Estimate</u>)	\$117,180

After carefully reviewing the bids, it was determined that the low bid from Richdell Construction, Inc. is a qualified bid.

Staff and the Consultant were very pleased that the bids were competitive and significantly below the consultant's project cost estimate. Suggestions from contractors were included in the design, which apparently resulted in lower bids. This leaves a small amount of funding available for other enhancement efforts.

As part of the proposed project budget, a 15% contingency is recommended, since this work is within street rights of way, assumes sleeving under roads which may be difficult to find, soils and subsurface conditions are not fully known, and additional traffic control or other efforts may be required during construction. The proposed project budget is as follows:

Construction by contractor	\$69,580
Water Tap Fees	\$16,600
Utilities - PSCo/Traffic	\$2,000
One year Maintenance	\$3,000
<u>Contingency @ 15%</u>	<u>\$13,527</u>
TOTAL	\$104,707

Alternatives

1. City Council could accept the bid from Richdell Construction, Inc. and authorize the work to begin immediately. It is anticipated that the work would begin in May, and be completed by August of this year.

2. City Council could reject the bids and not proceed with this work.

3. City Council could reject the bids and rebid the project, which would likely discourage bidders and delay the work.
4. City Council could award the bid to another contractor, though Richdell Construction, Inc. is the lowest qualified bidder for this project.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1997

AWARD OF SERVICE COMMITMENTS FOR SHERIDAN BOULEVARD
MEDIAN LANDSCAPING

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

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990, through June 30, 2000; and

WHEREAS, within that ordinance there is a provision for an award of Service Commitments to Category F, Contingency and Public Usage; and

WHEREAS, Category F is the category which is appropriate for the Sheridan Boulevard Median Landscaping; and

WHEREAS, there are 200.50 Service Commitments available for award in Category F; and

WHEREAS, the City Council has approved the development of the Sheridan Boulevard Median Landscaping; and

WHEREAS, the City Council is authorized to award Service Commitments by Section 11-5-5(F) of the City Code.

NOW, THEREFORE, be it resolved that:

1. An award of 2.0 Service Commitments is hereby made for use for the Sheridan Boulevard Median Landscaping.
2. A reduction of 2.0 Service Commitments is hereby made to the total number of Service Commitments available in Category F.
3. This award shall be valid for a period ending April 28, 1999.
4. This shall constitute the resolution required under Section 11-5-4 of the City Code.

Passed and adopted this 28th day of April, 1997.

ATTEST:

Mayor

City Clerk

Date: April 28, 1997
Subject: Councillor's Bill No. re Fire Training Facility
Prepared by: Ed Hopkins, Training Chief; Jim Cloud, Fire Chief

Introduction

City Council action is requested on the attached Councillor's Bill authorizing the transfer of \$110,000 from the General Fund Contingency into the appropriate General Capital Improvements Fund project account for the construction of a joint fire training/community recreation facility at the old England Park rodeo grounds, 3800 West Elk Drive. City Council action is also requested to award contracts for the construction of a 52,000 square foot concrete driving surface and a five story training tower at the training facility site. Additional funding for this project is available through the 1997 Capital Improvement Projects and Fire Department budget.

Summary

Staff has been working for a number of months on the construction of a joint fire service training and community recreational facility. This facility will include a 52,000 square foot concrete driving/recreational surface and a five story training tower. This project was reviewed with City Council on April 14, 1997, during a Study Session and a copy of the Staff Report is attached.

In accordance with the City Charter bidding requirements, formal bids were solicited for the training tower and concrete driving surface. Three bids were received for the concrete driving surface. The low bidder, Big Brother's Concrete, was unable to provide a performance bond as required in the bid documents and was therefore eliminated from consideration. The second lowest bidder, Meadows Concrete, offered a good bid including a performance bond and is the recommended vendor. The bid from Meadows Concrete is \$110,955.

No bids were received by the cut off date for the design and construction of the training tower. Staff then solicited vendors who were familiar with this type of project. Zimmer Cox Commercial Builders was contacted and chosen to design and construct the training tower. The bid from Zimmer Cox Commercial Builders was \$153,250 which includes a performance bond.

\$175,000 is currently available for this project from the Capital Improvement Projects budget (CIP) and 1997 Fire Department budget. As indicated in the April 14 Study Session, in order to pursue the project during the spring of 1997, a \$110,000 General Fund Contingency transfer will be necessary. The Contingency account currently has a balance of \$702,991. Additionally, it is expected that the Parks Department would invest approximately \$23,000 in 1998 towards this project to provide for landscaping, irrigation, and an official City sign.

Staff Recommendation

1. Pass Councillor's Bill No. on first reading authorizing the transfer of \$110,000 from the General Fund Contingency into the appropriate capital account for the construction of the Fire Training Facility.

2. Authorize the City Manager to sign contracts with Zimmer Cox Commercial Builders, Inc., in the amount of \$153,250 for the design and construction of the training tower and Meadows Concrete in the amount of \$110,955 for the construction of the concrete driving surface and charge the expenses to the appropriate project account in the General Capital Improvement or Fire Department budget.

Background Information

Staff originally sent out a bid request for the design and construction of a five story training tower during mid 1996. No formal bids were received as a result of this bid request. Staff then solicited vendors in the local area who were familiar with this type of project and were able to negotiate a satisfactory agreement with Zimmer Cox Commercial Builders, Inc., in the amount of \$153,250 for the design and construction of a five story training tower.

Staff received three bids for the construction of the 52,000 square foot concrete driving surface. The bids were as follows:

Big Brother's Concrete (Note: Vendor could not produce a performance bond and was therefore eliminated by staff for consideration.)	\$107,400
Meadows Concrete	\$110,955
Concrete Foundations Inc.	\$139,398

Project funding will come from the General Capital Improvement Fund, the current Fire Department budget, and through a request for 1997 contingency funding. A specific breakdown of the amounts dedicated or requested for this project is as follows:

1997 General Capital Improvement Budget (Tower Construction)	\$150,000
1997 Fire Department Budget (Site Plan, Construction drawings, Painting, Soil testing, Surveyor, Temporary fencing, Permanent fencing, Parking striping)	25,605
1997 Contingency Fund (Concrete driving surface, Performance bond, Concrete testing)	110,000
1998 Capital Improvement Budget (Parks Dept: Landscaping, Irrigation, City sign)	23,000
Project Total	\$308,605

Respectfully submitted,

William M. Christopher
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1997 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1997 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1997 appropriation for the General Capital Improvement Project Fund initially appropriated by Ordinance No. 2473 in the amount of \$11,285,000 is hereby increased by \$110,000 which, when added to the fund balance as of the City Council action on April 28, 1997 will equal \$22,837,341. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a transfer from the General Fund for the training tower facility.

Section 2. The \$110,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>REVENUES</u>		
Transfer from General Fund		
75-9999-360	\$770,000	<u>\$110,000</u>
\$880,000		
<u>EXPENSES</u>		
Training Tower Facility		
75-25-88-555-037	\$152,500	<u>\$110,000</u>
\$262,500		

Section 3. The General Fund budget will not change as a result of this ordinance but is included here for clarification purposes only.

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>
<u>EXPENSES</u>		
Contingency		
10-10-99-999-000	\$702,991	<u>\$(110,000)</u>
\$592,991		
Transfer to GCIF		
10-10-95-990-975	\$770,000	<u>\$110,000</u>
\$880,000		

Section 4 - 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 5. This ordinance shall take effect upon its passage after the second reading.

Section 6. 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 28th day of April, 1997.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of May, 1997.

ATTEST:

Mayor

City Clerk

Date: April 28, 1997
Subject: Big Dry Creek Open Space Utility Easement
Prepared By: Rod Larsen, Open Space Supervisor

Introduction

City Council action is requested to authorize the Mayor to execute a utility easement document granting a permanent utility easement on City-owned Open Space property located at Sunstream Subdivision Filing No. 8 to Public Service Company of Colorado.

Summary

Public Service currently has an existing "blanket" easement which was granted by the original landowner permitting them unrestricted access on this Open Space property. By granting this proposed easement, Public Service would be restricted to an access of 50' in width, thereby protecting the majority of the Open Space from future maintenance and construction damage.

The proposed 50' x 463' easement would be located starting at the southeast corner of Lukas Elementary School property and proceeding due southeast, under Big Dry Creek, and terminating at the entrance to the developed greenbelt within the Sunstream Subdivision (see attached maps).

By granting the easement, the City agrees to give Public Service Company of Colorado access to the area described by survey. The purpose of the easement is to grant the right to construct, operate, and maintain underground utilities to Public Service Company of Colorado and its successors, assigns, lessees, licensees, and agents.

Staff Recommendation

Authorize the Mayor to execute the easement documents to grant a permanent easement to Public Service Company of Colorado along the designated areas in Big Dry Creek Open Space.

Background Information

Public Service Company of Colorado is requesting this easement in order to install and replace gas and electrical service lines to the residents in the Sunstream and Westbrook Subdivisions. This action comes from Westminster City Council's request to Public Service to provide a more reliable service to the residents within the City. By restricting Public Service Company of Colorado to a 50' access easement, the City is protecting the vast majority of land in this Open Space area.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Date: April 28, 1997

Subject: Resolution No. re Westcliff Park and Open Space Acquisitions

Prepared by: Bill Christopher, City Manager

Introduction

City Council is requested to adopt the attached Resolution authorizing the City Manager to proceed with acquiring land for a future community park and a separate open space parcel in the Westcliff Planned Unit Development (PUD)(see attached map). The Resolution further authorizes the City Attorney and Staff to pursue condemnation of the land if just compensation is rejected and normal negotiations fail. Expenses necessary for the purchase of the land and reasonable costs associated with acquiring the property are available in the Westcliff Park Account in the General Capital Improvement Fund as well as the City's Open Space Fund.

Summary

In 1994, City Council reviewed two alternatives for acquiring 16 acres of land for a neighborhood park in the Westcliff PUD directly north of Betty Adams Elementary School and the Westminster Sports Center. One alternative was to proceed with a negotiated agreement between Jefferson County Open Space (JCOS) and the owner, Westcliff Ltd., in the amount of \$952,965. The other alternative, which was selected by City Council in March, 1995, directed Staff to proceed with the land acquisition without JCOS participation.

There remains a definite need to acquire additional park property north of 92nd Avenue, east of Wadsworth Boulevard, and west of U.S. 36. This is due to the expansion of the existing population base and continuing residential development pressure in this area of Westminster. There are limited opportunities for purchasing land parcels of this size to serve park needs for the surrounding residential area. City Council reviewed eight potential land acquisition sites in January 1994 and selected the Westcliff PUD parcel as the best location for a community park. There are currently six acres of park land at Betty Adams School Park and Westminster Sport Center that must serve over 4,000 residents.

Staff has been negotiating since Council's authorization with U.S. Home representatives who in turn have been coordinating with Westcliff Seven, Ltd., the owner of the subject land. The negotiations expanded to include a second parcel for open space purposes located adjacent to U.S. 36. This parcel is 26 acres in size and would help to maintain views to the mountains and the general "open feeling" along US 36. Preserving the trees along the canals and expanding existing open space in this area has been a general priority for the City's Open Space Advisory Board.

The total amount of park land needed in this area is approximately 28 acres which would serve a projected population of more than 5,500 residents living in more than 1,600 dwelling units.

This ratio of land to population (5 acres per 1,000 population) would meet the proposed neighborhood/community park needs in the (revised) Parks, Recreation and Libraries Master Plan.

The open space parcel is strategically located and would insure the continued open corridor look with the previously acquired parcel on the eastside of U.S. 36.

Alternatives:

> City Council could adopt the attached Resolution authorizing Staff to proceed with acquiring the Westcliff PUD 16 acre parcel for a community park and the 26 acre open space parcel.

> City Council could reject one or both of the Westcliff PUD parcels and pursue other parcels within the service area. However, only one other parcel of this size is available and the estimated appraised value is greater than the Westcliff PUD parcel.

Staff Recommendation

Adopt Resolution No. _____ authorizing the City Manager to proceed with the acquisition of 16 acres of land for a community park and 26 acres for City open space in the Westcliff Planned Unit Development as reflected on the attached map and charge the appropriate expenses necessary for the land acquisition and associated costs to the appropriate project account in the General Capital Improvement Fund and to the Open Space Fund.

Background Information

In January 1994, City Council directed Staff to proceed with acquiring up to 20 acres of land in cooperation with JCOS in the Westcliff PUD north of the Betty Adams Elementary School and Westminster Sports Center. City Council also appropriated \$880,000 of General Capital Improvement Funds in 1995 for the Westcliff Park acquisition project.

Westminster and JCOS Staff have been working on the Westcliff Park acquisition since July, 1994. An appraisal was ordered on the property last summer, and negotiations with the land owners, Westcliff Seven, Ltd., started in August. Protracted negotiations extended until recently when U.S. Home executive Gary Aalen advised City Staff that his corporation would offer only the 16 acre park site for sale at a cost of \$846,370 along with other conditions which were unacceptable to the City. In earlier negotiations, Brian Daley, a U.S. Home executive at the time, had offered to sell both subject parcels to the City on a multi year installment payment plan. The latest appraisal on both subject parcels by Justin H. Haynes finds a value of \$1,975,000 for the 42 acres, which is approximately \$47,000 an acre. Given the need for park land in the subject area and the US 36 corridor open space effort, Staff believes this cost is justified.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. _____

INTRODUCED BY COUNCILLORS

SERIES OF 1997

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain the land described in Exhibit A to accommodate the construction of a public park and for preservation as open space in the vicinity of the Westcliff Subdivision; and

WHEREAS, an appraisal has been made by a professional company experienced in performing appraisals to determine the fair market value for these parcels; and

WHEREAS, the City will make an earnest good faith offer of purchase for each of the subject parcels; and

WHEREAS, a municipal public purpose exists to acquire the property; and

WHEREAS, legal counsel for the City of Westminster deems it to be in the best interest of the City to acquire the property by the City's right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare due to bidding and construction deadlines for park development,

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Manager is hereby authorized to establish the minimum just compensation to be offered to acquire the property.
2. City Staff is authorized to cause and shall cause negotiations to be initiated to acquire the parcels and interests identified in Exhibit A on the basis of the appraised value, or such higher amount as may seem just and reasonable to facilitate such acquisition without the necessity of condemnation, and the City Manager is hereby authorized to acquire such parcels consistent with applicable law, including the execution of all documents necessary to complete the purchase.
3. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the properties in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such other or further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceeding required to obtain the properties should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request immediate possession of the properties if possession is determined by the City Manager to be necessary to accommodate public use of the properties.
4. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitation, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filing fees and charges, and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property.

The costs shall be charged to the Westcliff Park Account in the General Capital Improvement Project Fund; and to the City's Open Space fund based on actual acreage between the two parcels; and

5. The City Manager is hereby authorized to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, if necessary.

PASSED AND ADOPTED this 28th day of April, 1997.

ATTEST:

Mayor

City Clerk

Date: April 28, 1997
Subject: Change Date for Last Council Meeting in May
Prepared by: Michele Kelley, City Clerk

Introduction

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

Summary

The last City Council meeting of May would normally be held on Monday, May 26th, which is Memorial Day and City Hall will be closed that day in observance of this holiday.

Council recently discussed changing the date of this meeting to May 19th and eliminating one Study Session during May.

Council is requested to formally change the date of the last Council meeting in May to Monday, May 19th.

Staff Recommendation

Change the date of the last City Council meeting in May from May 26th to Monday, May 19th.

Respectfully submitted,

William M. Christopher
City Manager

Date: April 28, 1997

Subject: Resolution No. re Relocation Policy for the Westminster Urban Renewal Area and Amending the Westminster Urban Renewal Plan

Prepared by: Vicky Bunsen, Assistant City Attorney
Bill Christopher, City Manager

Introduction

City Council action is requested to Table the resolution which would adopt a relocation policy for the Westminster Urban Renewal Area and amend the Westminster Urban Renewal Plan to permit the provision of relocation benefits to businesses.

Summary

The Westminster Urban Renewal Plan gives discretion to the Westminster Economic Development Authority ("Authority") to adopt a relocation handbook to address the displacement of businesses or residences as a result of redevelopment activity. The proposed relocation policy has been reviewed by the Authority and distributed for public comment between April 3 and April 18. State statute indicates that City Council approval of a relocation policy is also needed. It is recommended that action on the policy be tabled until May 5. Based on suggestions made by tenants at a Thursday afternoon meeting with City officials, additional time to evaluate and cost out the various suggestions would be recommended.

In recent revisions to the Westminster Urban Renewal Plan, a reference to "businesses" in the relocation provisions appears to have been inadvertently omitted. City Council is requested to approve a provision in the attached Resolution that will cure this omission.

Staff Recommendation

Table Resolution No. which would adopt a relocation policy for the Westminster Urban Renewal Area and amend the Westminster Urban Renewal Plan to permit the provision of relocation benefits to businesses.

Set the date of Monday, May 5, 1997 at 7:30 P.M. for a special City Council meeting to consider the relocation policy for the Westminster Urban Renewal Area and amend the Westminster Urban Renewal Plan to permit the provision of relocation benefits to businesses.

Background Information

The proposed relocation policy was reviewed by the Authority and released for public distribution on April 4. Staff received comments from the affected businesses until April 18. While a number of responses were received from tenants, very few comments were received on the policy itself. The policy provisions can be generally summarized as follows:

1. Professional Services, Insurance and Transportation. Each business will receive \$1,500 (plus \$.50 per square foot for those occupying over 3,000 square feet, up to 5,000 square feet) for professional services, insurance, and transportation costs related to the move.
2. Moving Costs. A WEDA-authorized moving contractor will visit each business and provide a written estimate of all costs to move the business to its new location. The Authority will pay each business only the amount specified in that written estimate. The business may use that moving contractor, a different contractor, or any other means to accomplish the move.
3. Temporary Storage. If personal property must be put into storage, WEDA will pay for storage up to six months. The storage space may not exceed 50% of the area from which the business is relocating.
4. Reinstallations. The cost of all disconnecting, removing, reconnecting, and installation of equipment owned by the business from the present location to the new location will be covered by the Authority. A WEDA-authorized contractor will visit each business and provide a written estimate of all costs involved in disconnecting, moving, reconnecting, and installing the equipment at the new location. A written list of the property to be moved, along with proof of ownership, must be given to the contractor at that time. The business may use that contractor, a different contractor, or perform the work itself. The benefit will be paid based on the contractor's estimate.
5. Licenses, Printing, and Advertising. The business will receive \$1,000 to cover these costs.
6. Substitute Personal Property. For personal property that cannot be moved, yet is needed at the new location, the Authority will pay the depreciated replacement cost for that personal property.
7. Real Property Fixtures. The business will not be compensated for fixtures on the premises to be vacated unless evidence is provided that the business owns them, rather than the landlord. If evidence is provided, an appraiser will establish the value, subject to reduction for depreciation. The value reimbursed will be only for the business' remaining lease term.
8. Rent Subsidy. To help offset the potential increased cost of rent in new locations, it will be proposed in a resolution scheduled for the Authority meeting set for April 28, 1997, that the Authority pay each business a one-time stipend of \$3.00 per square foot of space currently leased up to 5,000 square feet. Those businesses currently occupying more than 5,000 square feet will receive an additional \$1.00 per square foot of rented space over 5,000 square feet.
9. Payment Schedule. When a business signs a settlement agreement, it will receive one-half of the benefits stated in the agreement. The remaining one-half will be paid when the business vacates the premises.

The Authority previously established the date of April 3, 1997, as the eligibility date for relocation benefits. If a business was not present on that date on properties to be acquired by the Authority, then it is not eligible for benefits. Other grounds for ineligibility are stated in the policy, including the announcement of plans to leave the Plaza prior to the announcement of the redevelopment project.

Thus, King Soopers and El Fugitivo will not be eligible for relocation benefits. A few other businesses may also be found ineligible for various reasons.

The relocation provisions of the Westminster Urban Renewal Plan were recently revised to permit the payment of relocation benefits. It cannot be documented whether the final version of the Resolution passed by City Council included a reference to businesses for purposes of relocation benefits. In order to adopt the attached relocation policy, which provides benefits for businesses, it is recommended that the Plan be amended to clearly include businesses.

Alternatives

Relocation payments for this urban renewal project are not required by law. These payments are entirely within the discretion of the City Council and the Authority. The City Council and the Authority could choose not to make relocation payments, or could adjust any of the payments specified in the policy in order to balance the needs and desires of displaced businesses with the budgetary constraints of the Plaza redevelopment project.

Respectfully submitted,

William M. Christopher
City Manager

Attachments: Resolution, Relocation Policy

RESOLUTION NO. _____

INTRODUCED BY COUNCILMEMBERS

SERIES OF 1997

A RESOLUTION ADOPTING A RELOCATION POLICY FOR THE WESTMINSTER
URBAN RENEWAL AREA AND AMENDING THE WESTMINSTER URBAN RENEWAL PLAN
TO PERMIT THE PROVISION OF RELOCATION BENEFITS TO BUSINESSES

WHEREAS, the Westminster Urban Renewal Authority (the "Authority") announced on April 3, 1997, the intention of Safeway to anchor a redevelopment of the Westminster Plaza area; and

WHEREAS, the Authority authorized the acquisition of certain properties, by condemnation if necessary, in Resolution No. 10, dated April 3, 1997, in order to facilitate this redevelopment for the purpose of revitalizing the south Westminster area, enhancing employment opportunities, eliminating existing conditions of blight in the Westminster Urban Renewal Area, and improving the tax base of the City of Westminster; and

WHEREAS, the Authority stated in Resolution No. 10 its intention to adopt a policy providing for certain reimbursement and financial grants to assist displaced businesses in their relocation from the properties to be acquired; and

WHEREAS, the City of Westminster City Council has previously adopted the Westminster Urban Renewal Plan (the "Plan") for the Westminster Urban Renewal Area; and

WHEREAS, in previous amendments to the Plan, the City Council intended to include businesses within the scope of the relocation provisions; and

WHEREAS, the omission of "businesses" in section VI(A)(2) of the Plan appears to be the result of a typographical error in preparing the amendments to the Plan; and

WHEREAS, this correction to the Plan will not substantially change the current Plan, and, therefore, the approval of this amendment is not subject to the procedural requirements of C.R.S. section 31-25-107.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The first paragraph of section VI(A)(2) of the Plan is hereby amended to read as follows:

In the event any relocation or displacement OF BUSINESSES or residences ever occurs as a result of the redevelopment activities herein, then, prior to such displacement, the Authority may adopt a relocation handbook in accordance with the following guidelines.

2. The proposed relocation policy attached hereto is adopted pursuant to the Westminster Urban Renewal Plan and C.R.S. section 31-25-105(1)(i)(IV).

PASSED AND ADOPTED this 28th day of April, 1997.

ATTEST:

Mayor

City Clerk

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY RELOCATION POLICY

1. PURPOSE.

The Westminster Economic Development Authority (the "Authority") adopts this Policy which describes the requirements governing the provision of relocation payments and other relocation assistance to businesses displaced as a result of acquisition of property pursuant to the Westminster Urban Renewal Plan (the "Plan"), dated September 14, 1992, as it may be amended from time to time.

2. SCOPE.

A. Relocation Plan. This Policy is derived from and is an extension of the relocation provisions of the Plan. The specific provisions of this Policy shall govern and control over the general provisions of the Plan in the event of conflicts between the documents.

B. Nature of Payments. The Authority recognizes that relocation payments are administrative in nature and are not required by law. Therefore, it is the intention of the Authority that the determinations of the Authority regarding eligibility for and the amount of relocation payments made pursuant to this Policy shall be wholly a matter of discretion of the Authority. No federal or state funds are being utilized by the Authority to make relocation payments.

C. No Contract. Nothing in this Policy shall be construed as an entitlement or a contractual or promissory obligation to make relocation payments. All payments made pursuant to this Policy are at the discretion of the Authority.

3. DEFINITIONS.

The following definitions shall be used by the Authority in interpreting the payments and benefits available under this Policy.

Action by the Authority. Any lawful activity undertaken by the Authority, its agents or assigns, or one operating under the aegis of the Authority.

Business. A non-profit organization or any lawful activity that is conducted primarily for the purchase, sale, lease or rental of personal or real property; or for the manufacture, processing or marketing of products, commodities, or any other personal property; or is conducted primarily for the sale of services to the public. This definition shall not include: (1) outdoor advertising displays which are intended to be acquired as part of the real property purchased by the Authority; and (2) owners and operators of public utilities such as cable, electrical, gas and telephone lines and related service facilities.

Displaced Business. Any business that moves its personal property from real property which is acquired as a result of the action of the Authority for projects within the Urban Renewal Area, if such business is occupying such real property on the date of the Authority's notice of intent to acquire such property and otherwise is eligible for relocation expense benefits and complies with this Policy.

Notice of Intent to Acquire Real Property. The initial written offer by the Authority to the owner to purchase real property for an urban renewal project.

Notice to Relocate. The written notice from the Authority to an owner or business that it must move from its current location in the Urban Renewal Area. Relocation shall not be required upon less than thirty days notice and shall not be required until the Authority either owns or has legal possession pursuant to contract or court order of the real property from which the owner or business must move. A Notice to Relocate and negotiations concerning relocation may occur at any time prior to the Authority taking title to or possession of real property.

Owner. Any person who owns fee simple title or a life estate in real property to be acquired for an urban renewal project or who holds any other interest which in the judgment of the Authority warrants consideration as ownership.

Personal Property. Tangible property which is classified by the Authority as personalty under Colorado law, is located on real property to be acquired by the Authority, and is not purchased by the Authority in the acquisition of such real property.

Real Property. Property which is classified by the Authority as realty under Colorado law, for example, fixtures which cannot be moved at a reasonable cost. Relocation expenses shall not be reimbursed for fixtures and other items of real property which have been purchased by the Authority in connection with its acquisition of the realty from which a displaced business is moving.

Project. Any urban renewal or redevelopment project in the Urban Renewal Area as described in the Urban Renewal Plan.

Urban Renewal Area. The area described in the Urban Renewal Plan and within the jurisdiction of the Authority.

Urban Renewal Plan. The Westminster Urban Renewal Plan which was approved and adopted by the City Council of the City of Westminster as the same may be amended by such City Council from time to time.

4. RELOCATION ASSISTANCE ADVISORY SERVICES.

A. General. The Authority will provide a relocation assistance advisory program which offers the services described below. The purpose of the advisory services program is to minimize inconvenience to persons who must be relocated and to provide an information program to advise these persons of relocation activities and benefits on a continuing basis.

B. Services to be Provided. The Authority, through its staff, will provide the following services.

1. Assistance with identifying real estate brokers and others who may help locate replacement site alternatives.
2. Assistance in identifying services for moving, packing, storage and insurance.
3. Assistance with the Authority's relocation expense procedures and submittals for relocation expenses.

5. GENERAL RELOCATION ASSISTANCE REQUIREMENTS.

A. No Duplication of Payments. No displaced business shall receive any compensation for relocation which, in the opinion of the Authority, would substantially duplicate the compensation which was received or which an owner or displaced business is eligible to receive under the state law of eminent domain or under any other law or regulation. Under no circumstances will there be a duplication of payments for acquisition and for relocation.

B. Least Cost Approach. The amount of payment for an eligible relocation expense shall not exceed the least costly method, as determined by the Authority, of accomplishing the objective of the payment without causing undue hardship to the displaced business.

C. Determination of Eligibility. The Authority will designate a person who shall have primary responsibility for establishing eligibility for and the amount of relocation payments claimed in accordance with this Policy. Appeals from the decisions made by this person shall be determined in accordance with Section 9 hereof.

D. Documentation. If requested, any claim for a relocation payment shall be submitted to the Authority on the appropriate form and supported by such documentation as may reasonably be required by the Authority to establish accurately expenses incurred, such as bills, statements, certified prices, appraisals, or other evidence of such expenses.

E. Total Settlement. It is the intent of the Authority to arrive at negotiated total lump-sum settlements with all displaced businesses. Those settlements will compensate all of the eligible expenses contained in Sections 6 and 7. Claimants will receive one-half of the payment amount following approval of the business's settlement agreement by the Authority. The remaining one-half will be paid no later than thirty days following proof the claimant has vacated the property. If a settlement is not reached by negotiation, payments shall be made as outlined in section 8, Appeals, below.

F. Set Off for Claims. The Authority may withhold any part or all of a relocation payment to a displaced business to satisfy an obligation of the displaced business to the Authority or the City of Westminster.

G. Burden of Proof. Claimants shall have the burden of proof to establish eligibility for and amount of any relocation payment claimed hereunder.

H. Time for Moving. All claimants must complete any relocation from their current sites by the date specified in the settlement agreement with the Authority or, if no settlement is achieved, within thirty days of receiving written notification from the Authority to relocate or within such additional time as the Authority may determine and specify in writing.

I. Ineligible Tenants.

1. Owner's Obligation to Notify New Tenants. No owner within the Urban Renewal Area shall lease premises to a tenant after the owner's receipt of the Authority's notice of intent to acquire the property, without giving prior written notice to such tenant that the property is being acquired by the Authority and that such tenant shall not be eligible for relocation benefits from the Authority. A copy of the owner's notice to the tenant shall be delivered to the Authority.

2. Categories of Ineligibility. The following businesses shall not be eligible for relocation assistance:

a. One which does not occupy real property in the project on the date of the Authority's notice of intent to acquire the property.

b. Any business which moves before receiving a notice to relocate from the Authority, if such property is for any reason not redeveloped pursuant to the Urban Renewal Plan.

- c. A subtenant of a tenant, unless such subtenant demonstrates, with documentation satisfactory to the Authority, that it is a separate legal entity from the tenant and otherwise satisfies the eligibility requirements of this policy.
- d. Any business which the Authority determines had prior plans to relocate for reasons independent of the project for which the Authority is acquiring the property.
- e. Expenses of relocating outdoor advertising displays and public utilities are not eligible for relocation payments hereunder.
- f. Multiple lease agreements for different leasehold areas shall not be considered multiple tenancies if the Authority determines, in its sole discretion, that the areas are operated as a single business.
- g. Any displaced business which is operating in violation of applicable law shall not be eligible for relocation expenses pursuant to this Policy. This shall include, but not be limited to businesses operating without required licenses or in violation of applicable land use laws and regulations.
- h. Any business to whom WEDA made a good faith offer to retain as a tenant or owner in a Project and which business declined such offer.

6. ELIGIBLE EXPENSES.

Settlement of relocation expenses shall include the following eligible expenses.

A. Professional Services, Insurance and Transportation. A displaced business shall receive a sum of \$1,500.00, plus \$.50 per square foot for the area of the premises in excess of 3,000 square feet, not to exceed a total payment of \$5,000.00, to cover any expenses incurred in the following categories:

- 1. Professional services, including, but not limited to, architects, brokers, planners, attorneys, engineers, and consultants hired for such activities as finding a new location, negotiating a new lease or purchase of the new location, and planning the move of the personal property. Professional fees incurred in connection with representing the displaced business in preparing a relocation claim or in contacts or proceedings before the Authority, including grievance procedures or other administrative or legal proceedings or suit, shall not be eligible for reimbursement.
- 2. Liability or casualty insurance in connection with the move and any temporary storage.
- 3. Transportation expenses in connection with relocation.

B. Moving. Packing, crating, moving, unpacking, and uncrating personal property, based on moving industry customary and standard moving costs on a per square foot basis as established by the Authority.

C. Temporary Storage. Storage of personal property as the Authority determines to be necessary, based on customary and standard rates as established by the Authority. The period of storage shall not exceed six (6) months. The storage space shall not exceed 50% of the area from which the displaced business is relocating.

D. Reinstallations. Disconnecting, dismantling, removing, reassembling, and installing relocated and any substitute machinery, equipment and other personal property, based on customary and standard costs as established by the Authority. This includes connection to utilities available at the new site and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property. A displaced business shall be eligible for payment of these expenses only if it provides a list of property that is to be disconnected and reinstalled at the replacement location to the Authority by the date set for submission of the list by the Authority.

E. Licenses, Printing and Advertising. The sum of \$1,000.00 for businesses occupying up to 4,000 square feet, \$2,000.00 for businesses occupying from 4,001 to 12,000 square feet, and \$4,000.00 for businesses occupying space in excess of 12,000 square feet to cover any expenses incurred in the following categories:

1. Any license, permit or certification required by the displaced business at the replacement location.
2. Advertising, relettering signs and printing materials such as stationary and business cards made obsolete as a result of the move.

F. Substitute Personal Property. Purchase of substitute personal property which is used as part of the business and is not moved, but is promptly replaced with a comparable substitute item at the replacement site. The displaced business is entitled to payment of the lesser of:

1. The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade in of the replaced item, if any; or
2. The estimated cost of moving the replaced item, based on the lowest acceptable bid or estimate by the Authority for eligible moving and related expenses, but with no allowance for storage.
3. Limitation. Personal property which must be upgraded to comply with health or building codes or other applicable regulations or which has no or minimal value, as determined by the Authority, shall not be covered by this Section.

G. Real Property Fixtures. A displaced tenant business shall not be compensated for loss of real property fixtures installed on the premises to be vacated unless the business provides evidence satisfactory to the Authority that the business installed the fixtures and that the business, not the owner of the premises, owns the fixtures. If such evidence is provided, the value of the fixtures will be established by the Authority's appraiser, subject to reduction for depreciation calculated by the appraiser. The value reimbursed to the business shall be only for the business's remaining lease term in the premises.

H. Notification to the Authority and Inspection. To be eligible for payment under this section, the displaced business shall:

1. Permit the Authority to make reasonable and timely inspections of the personal property at the displacement and replacement sites.

2. Provide an inventory of all personal property expected to be moved within thirty days after receiving a Notice to Relocate from the Authority and, if the business is a tenant, a list of all real property improvements made by the business which are affixed to the real property and belong to the owner.

I. Cessation of Business, Unspecified Relocation Site and Moving Out of the Area. If a displaced business decides to cease doing business or delays a decision on a relocation site, the Authority will assume that the business is moving 25 miles and pay moving costs pursuant to this Policy based on such assumption. If a displaced business chooses to relocate to a site that requires a move in excess of 25 miles, the Authority will pay moving costs pursuant to this Policy based on the assumption that the business is moving 25 miles away.

7. **RENT SUBSIDIES.** In consideration of the potential difference between the rent paid by a displaced business at the time it is required to relocate and the higher rent charged for comparable space elsewhere, the Authority may, in its discretion, decide to pay a rent subsidy.

8. **INELIGIBLE MOVING AND RELATED EXPENSES.**

A displaced business is not entitled to payment for:

A. Cost of moving any structure or other real property improvement in which the displaced business reserved ownership. Nothing herein will obligate the Authority to allow a displaced business to reserve ownership in any fixture or item of real property.

B. Interest on a loan to cover moving or storage expenses.

C. Loss of good will.

D. Loss of profits.

E. Loss of trained employees.

F. Configuration or physical changes at the replacement location of business.

G. Any additional expense of a business which was incurred because of operating in a new location.

H. Personal injury.

I. Any legal fee or other cost for preparing a claim for a relocation payment or for representing claimant before the Authority or any other body or court.

J. Taxes.

K. Any expense or payment for which the business receives reimbursement or compensation from another source or pursuant to any other law, rule or regulation.

L. Any expenses not specifically listed as eligible for payment in this Policy.

9. APPEALS.

A. Dispute Resolution. It is the intent of the Authority to provide an efficient, fair process for settlement of eligible relocation expenses. The Authority prefers a negotiated settlement that is mutually fair and beneficial to both the Authority and displaced business. In order to achieve this result, the Authority prefers that impasses in negotiation be resolved through mediation and will arrange for a mediation process at any time at the request of a displaced business. Mediation shall be a prerequisite to filing an appeal under this Section.

B. Selection of Mediator. If the Authority determines that a settlement of eligible relocation expenses with a displaced business cannot be reached due to an impasse in negotiations, the Authority shall schedule a session with a mediator within thirty days of a written notice to the business that an impasse exists, or within such time period as the Authority and business may mutually agree. The mediator shall be selected by mutual consent of the Authority and the business. If the business refuses to participate in the selection of a mediator or unreasonably withholds consent in the selection of a mediator, the Authority shall make a final determination of benefits, which shall be payable upon the business's completion of the move from the project area. The business shall have no right of appeal or judicial review of such determination.

C. Unsuccessful Mediation. If the mediation fails to result in a settlement agreement between the Authority and the displaced business, the Authority shall make a final determination of benefits, and shall pay one-half of such determination immediately.

The final payment shall be made at the conclusion of the appeal period or upon conclusion of the appeal if one is filed.

D. Scope and Timing of Appeal. If mediation is unsuccessful, the Authority shall request the mediator to provide a dated notice that the dispute could not be resolved to both the Authority and the displaced business. The business shall have fourteen days from the date of that notice to file an appeal with the Authority. The appeal shall be limited to a determination regarding eligibility for or the amount of payments set forth in this Policy and pursuant to any further resolutions or actions of the Authority establishing rates for eligible expenses.

E. Initiation of Appeal. An appeal is instituted by a written request for review by the claimant, which may include any documentation deemed relevant by the claimant. If a hearing is requested in the request for review, it shall be scheduled within thirty days before a hearing officer designated by the Authority. If no hearing is desired, the officer shall decide the appeal based on the documentation provided with the request for review. In either case, the officer's decision shall be subject to review and revision by the Authority. All supporting documentation shall be filed with the Authority at least seven days prior to the hearing. Information submitted thereafter need not be considered by the Authority.

F. Right to Representation. A claimant may be represented by legal counsel in connection with the appeal, but solely at its own expense.

G. Review of Files by Claimant. The Authority will permit a claimant to inspect and copy all files and records pertinent to such appeal pursuant to the Open Records Act, including the limitations contained therein, and at the expense of the claimant.

H. Scope of Review. In deciding the appeal, the hearing officer shall consider:

1. All applicable rules and regulations;
2. All pertinent justification and written materials submitted by the claimant;
3. All material upon which the Authority staff based the determination being appealed and any other available information that is needed to assure a fair and full review of the appeal.

I. Determination and Notification After Written Appeal. The hearing officer shall make a written determination within thirty days of the hearing, or if no hearing is requested, within thirty days of the receipt the request for review, and shall furnish the claimant with a copy. The written determination will include, but need not be limited to:

1. The factual and legal basis upon which the decision was based, including any pertinent explanation;
2. If any payment or other relief to the claimant is granted, a statement of how this will be provided.

J. Determinations Final. Determinations on appeals made by the hearing officer and the Authority shall be final and not subject to further review or appeal.

10. GENERAL PROVISIONS.

A. Time. Any deadline or time period in this policy may be modified in a written agreement signed by the Authority and a displaced business.

B. Payments. In its sole discretion, the Authority may agree to a payment schedule in variance from this policy upon a showing of necessity by the displaced business.

Date: April 28, 1997
Subject: Financial Report for March 1997
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1997 transactions through March, 1997.

Summary

There are three sections to the attached report:

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

General Fund revenues represent 24% of the total budget estimate while General Fund expenditures and encumbrances represent 24% of the 1997 appropriation.

Utility Fund revenues represent 26% of the total budget estimate.

Utility Fund expenditures and encumbrances represent 33% of the 1997 appropriation. The large amount encumbered is for payments to Thornton for treated water and to the Metro Wastewater Reclamation District for sewage treatment.

The Sales and Use Tax Fund revenues represent 27% of the total budget estimate, while expenditures and encumbrances in that fund represent 25% of the 1997 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 15% from the same period last year and increased 11% year-to-date.

The Open Space Fund revenues represent 85% of the total budget estimate while expenditures and encumbrances in that fund represent 8% of the 1997 appropriation. In March, the City issued \$23,350,000 in bonds; \$12,000,000 was allocated for open space land purchases which will be spent later in 1997.

The Golf Course Fund revenues represent 9% of the total budget estimate while expenditures and encumbrances in that fund represent 23% of the 1997 appropriation. The encumbrances are for the golf cart lease and other foreseeable expenditures.

Theoretically, 25% of revenues and expenditures should be realized after three months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background Information

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments