



WESTMINSTER
COLORADO

May 12, 2003
7:00 P.M.

CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Proclamation re Colorado Water Congress Service to Water Community
 - B. Proclamation re Public Works Week
5. Citizen Communication (5 minutes or less)
 - A. Stan Brooks re Impact Fees
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. Recreation Facilities Video Security Equipment
 - B. 2003 Sewer Improvements Design Award
 - C. Tandem Dump Trucks
 - D. 73rd Avenue Street Improvement Project Change Order
 - E. CB 16 re CLUP for Highlands at Westbury (Atchison – Hicks)
 - F. CB 17 Rezoning for Highlands at Westbury (Atchison – Hicks)
 - G. CB 18 Ryan Park Supplemental Appropriation (Kauffman – McNally)
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 19 re Wal-Mart Business Assistant Package
 - B. Councillor's Bill No. 20 re Lockheed Business Assistant Package
 - C. Councillor's Bill No. 21 re Deannexation of Day Property
 - D. Resolution No. 17 Target as Economic Development Project
 - E. Councillor's Bill No. 22 re 2002 Final Supplemental Appropriation
 - F. Thornton Treated Water Agreement Amendment
 - G. Resolution No. 18 re Support for TEA Reauthorization
 - H. Councillor's Bill No. 23 Extending Period for Circulation and Nomination of Petitions
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
 1. Open Space Acquisition
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MAY 12, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Kauffman to approve the minutes of the meeting of April 28, 2003 with no corrections or additions. The motion carried unanimously.

PRESENTATIONS

Mayor Moss and Director of Public Works and Utilities, Ron Hellbusch presented a proclamation recognizing the Colorado Water Congress. Executive Director Richard D. MacRavey and Mary Sterling, Administrative Assistant accepted the proclamation.

Councillor Butch Hicks presented a proclamation to Pat Sexton, Street Operations Division Foreman recognizing the week of May 18 – 24, 2003 as Public Works Week in the City of Westminster.

CITIZEN COMMUNICATION:

Stan Brooks, 2967 Middlefork Road, Boulder addressed Council and requested the opportunity to meet with a Councillor to discuss impact fees.

CITY MANAGER COMMENTS

City Manager, Brent McFall commented on water situation and snow pack improving dramatically over the past several weeks, and Council will received an updated report next week. Because of the weekend heavy snow there was extensive tree damage and property owners are responsible for removal of the limbs from their property.

CITY COUNCIL COMMENTS

Councillor Hicks commented on the Shoe Carnival Grand Opening, Sensory Park visit and State Suicide Prevention meeting.

Councillor Dixon commented on the Xcel Energy Wind Site tour.

Councillor McNally commented on the Comprehensive Land Use Plan amendment meeting to be held on Tuesday, at 7 PM at City Park. She also commented on her graduation from the Police Academy and the next class of the Police Academy will begin in August on Wednesday evenings.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: Recreation Facilities Video Security Equipment bid to Edelman Corporation for \$56,218, add a 10 percent project contingency of \$5,620, and charge the expense to the 2003 Parks, Recreation and Libraries Department CIP Recreation Facilities Improvement budget account; Authorize the City Manager to execute a contract with Martin/Martin Engineering in the amount of \$72,170 to provide design and construction inspection services for the 2003 Sewer Improvements and a 10% contingency of \$7,217. Award the bid for two Tandem Dump Truck Cab and Chassis to low bidder, McCandless International, for \$117,207 and award the bid for the body and snow plow to O.J. Watson Co. for \$94,954.36 and charge the expense to the appropriate 2002 Public Works and Utilities Department budget accounts; Authorize the City Manager to sign a change order to the Goodland Construction, Inc. contract pertaining to the reconstruction of 73rd Avenue from Bradburn Boulevard to Lowell Boulevard in the amount of \$54,236.50 for completing asphalt repaving. Second reading of CB 16 re CLUP for Highlands at Westbury CB 17 Rezoning for Highlands at Westbury and CB 18 Ryan Park Supplemental Appropriation

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. Mayor Pro Tem Atchison requested removing Recreation Facilities Video Security Equipment and 2003 Sewer Improvements Design Award from the consent agenda for separate vote.

Mayor Pro Tem Atchison moved, seconded by Hicks to adopt the remaining consent agenda items as presented. The motion carried unanimously.

RECREATION FACILITIES VIDEO SECURITY EQUIPMENT:

Councillor Hicks moved, seconded by Dixon to award the bid for Recreation Facilities Video Security Equipment to Edelman Corporation for \$56,218, with the 10 percent project contingency of \$5,620 being held in an appropriate account, and charge the expense to the 2003 Parks, Recreation and Libraries Department CIP Recreation Facilities Improvement budget account. The motion carried unanimously.

2003 SEWER IMPROVEMENTS DESIGN AWARD

Mayor Pro Tem Atchison moved, seconded by Councillor Hicks to authorize the City Manager to execute a contract with Martin/Martin Engineering in the amount of \$72,170 to provide design and construction inspection services for the 2003 Sewer Improvements. The motion carried unanimously.

COUNCILLOR'S BILL NO. 19 RE WAL-MART BUSINESS ASSISTANCE PACKAGE

Councillor Dittman moved, seconded by Kauffman to pass Councillor's Bill No. 19 on first reading authorizing the City Manager to execute and implement the business assistance package (BAP) with Wal-Mart. The BAP totals \$3 million, which includes \$87,000 in permit fee rebates, \$67,500 in construction use tax rebates, \$37,800 in use tax on furniture and fixture rebates, and approximately \$2,807,525 in rebates from the sales tax increment over current sales tax revenue. The BAP is capped at a total of \$3 million. Mr. Scott Crosby representing Wal-Mart addressed Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 20 RE LOCKHEED BUSINESS ASSISTANCE PACKAGE

Councillor Dittman moved, seconded by McNally to pass Councillor's Bill No.20 on first reading authorizing the City Manager to execute the business assistance package (BAP) with Lockheed Martin Corporation in the amount of \$22,025. The BAP includes \$7,400 in permit fee rebates, \$5,625 in construction use tax rebates, and \$9,000 in equipment use tax rebates. Steve Russell, representing Lockheed addressed Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO 21 RE DAY PROPERTY DEANNEXATION:

Councillor McNally moved, seconded by Mayor Pro Tem Atchison to pass Councilor's Bill No. 21 on first reading de-annexing the Day Property, located at 12785 W. 88th Avenue from the City of Westminster. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 17 RE TARGET AS ECONOMIC DEVELOPMENT PROJECT

Councillor Kauffman moved, seconded by Dittman to adopt Resolution No. 17 designating the Target project officially as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan. Upon roll call vote the motion carried unanimously.

COUNCILLOR'S BILL NO. 22 RE: 2002 BUDGET SUPPLEMENTAL APPROPRIATION

Councillor McNally moved, seconded by Mayor Pro Tem Atchison to pass Councillor's Bill No. 22 on first reading providing for supplementary appropriations to the 2002 budget of the General Fund and Open Space Fund. Upon roll call vote, the motion carried unanimously.

THORNTON TREATED WATER AGREEMENT AMENDMENT

Councillor Dittman moved, seconded by McNally to authorize the Mayor to execute an amendment to the agreement for the lease of treated water from the City of Thornton dated January 7, 1982 extending the terms of the 2002 contract until December 31, 2003. The motion carried unanimously.

RESOLUTION NO. 18 SUPPORTING REAUTHOR FEDERAL TRANSPORTATION EQUITY ACT

Councillor Hicks moved, seconded by Councillor McNally to adopt Resolution No. 18 supporting the reauthorization of the Transportation Equity Act (TEA) by Congress taking into consideration the principals developed by a cross section of Colorado transportation proponents. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 23 RE: COUNCIL ELECTION NOMINATING PETITION TIMEFRAME

Mayor Pro Tem Atchison moved, seconded by Dittman to Pass Councillor's Bill No. 23 on first reading amending the City Code Election requirements for submittal of City Council or Mayoral candidate nominating petitions. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION.

The Mayor stated there would be an executive session with 2 items: Open Space Acquisition and Report on DIA Noise Settlement.

ADJOURNMENT:

The meeting was adjourned at 7:53 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Proclamation re: Colorado Water Congress Service to the Water Community

Prepared By: Ronald A. Hellbusch, Director Public Works and Utilities

Recommended City Council Action

Present a proclamation recognizing the Colorado Water Congress and Executive Director Richard D. MacRavey.

Summary Statement

- The Colorado Water Congress was created in 1958 to represent the water interests of Colorado.
- The Colorado Water Congress represents both municipal as well as agricultural water interests.
- The Colorado Water Congress has an outstanding record of successfully enacting constructive municipal water legislation and in influencing the defeat of detrimental water legislation.
- Richard D. MacRavey has served as Executive Director of the Colorado Water Congress since 1980.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified.

Alternative

None identified.

Background Information

The Colorado Water Congress was created in 1958 to bring together and represent Colorado's statewide water interests, including municipal, agricultural, industrial, and recreational. The CWC represents municipal water interests before the legislature, regulatory agencies, and related in-state and out-of-state water organizations. The Colorado Water Congress has a tremendous success record in successfully opposing detrimental water legislature and regulatory mandates; and an equally impressive record of success of enacting constructive water legislation. The Colorado Water Congress has 306 sustaining members and 42 individual members and is governed by a 26 member board of directors and a 7 member management and budget committee.

Richard D. MacRavey directs an efficient and productive staff, including Mary Stirling, Administrative Assistant, plans and conducts two statewide conventions and more than a dozen workshops, produces a quarterly newspaper, "Colorado Water Rights," and monthly "Water Legislative Review" and "Water Intelligence Report" for members, the state legislature and regulatory agencies. It is appropriate in the current period of critical water supply management challenges for water users to recognize the successful accomplishments of the Colorado Water Congress and the leadership of Richard D. MacRavey in protecting Colorado water resources.

The current year President of the Colorado Water Congress is the City of Westminster's Director of Public Works and Utilities Ron Hellbusch, who will assist the Mayor and City Council in recognizing the Colorado Water Congress and Executive Director Richard D. MacRavey.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, The Colorado Water Congress represents municipal water interests before the legislature, regulatory agencies, and related in-state and out-of-state water organizations; and

WHEREAS, the Colorado Water Congress has played an important and instrumental role in bringing together Colorado's statewide water interests, including municipal, agricultural, industrial, and recreational since 1958; and

WHEREAS, The Colorado Water Congress has an outstanding record of successfully enacting constructive municipal water legislation and in influencing the defeat of detrimental water legislation; and

WHEREAS, Richard D. MacRavey has served as Executive Director of the Colorado Water Congress since 1980; and

WHEREAS, The Colorado Water Congress has 306 sustaining members and 42 individual members and is governed by a 26 member board of directors and a 7 member management and budget committee; and

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

COLORADO WATER CONGRESS

for the continued involvement and representing Colorado's statewide water interests, including municipal, agricultural, industrial, and recreational during the current period of critical water supply management challenges for water users and in protecting Colorado water resources.

Signed this 12th day of May, 2003

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Proclamation re: Public Works Week

Prepared By: Sam LaConte, Street Operations Manager

Recommended City Council Action

Proclaim the week of May 18 – 24, 2003 as Public Works Week in the City of Westminster.

Summary Statement

- The National and State Chapters of the American Public Works Association dedicate one week each year to inform and educate citizens of the importance of public works.
- The theme this year is “The Strength of Public Works.”
- Efforts are made to educate the citizenry on public improvements such as safe, well-maintained streets, the treatment of drinking water, and the management of wastewater.
- There will be a Channel 8 broadcast on how Public Works and Utilities operations affect daily life.
- Poster displays and brochures will be available at City Hall, City Recreation Centers, City Libraries, and the Westminster Mall
- A booth and the graffiti removal equipment will be set up in Westminster Mall on Tuesday and Wednesday, May 20 – 21 manned by Street Operations and Utilities Operations Divisions field personnel.
- Equipment will be displayed at the Municipal Service Center for interested groups or individuals to inspect.
- An e-mail invitation will be extended to all City employees and City Council members to stop by the Municipal Service Center on Thursday, May 22, between 11:00 a.m. and 1:30 p.m. to view the display and enjoy a free hot dog.
- Street Operations Division Foreman Pat Sexton will be in attendance to receive the proclamation on behalf of the Department of Public Works and Utilities.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Public works professionals throughout the United States and Canada will celebrate National Public Works Week, May 18 through 24, 2003.

Since 1960, the annual observance has been an opportunity to increase public awareness of the role that public works plays in all of our daily lives. The 2003 events are being coordinated in the State by the Colorado Chapter of the American Public Works Association.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Public works and utilities services provided in our community are an integral part of our citizen's lives; and

WHEREAS, Support of an understanding and informed citizenry is vital to the efficient operation of Public Works and Utilities and programs concerning the maintenance of water, sewers, streets and highways, public buildings, solid waste collection, and snow removal operations; and

WHEREAS, The health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, The quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, The efficiency of the qualified and dedicated personnel who staff public works and utilities departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire Westminster City Council and Staff, do hereby proclaim the week of May 18 through 24, 2003, as

PUBLIC WORKS AND UTILITIES WEEK

in the City of Westminster and call upon all citizens and civic organizations to acquaint themselves with the problems involved in providing our public works and utilities and to recognize the contributions which public works and utilities officials make every day to our health, safety, and comfort.

Signed this 12th day of May, 2003

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003

SUBJECT: Citizen Communication – Stan Brooks

Prepared By: Michele Kelley, City Clerk

Recommended City Council Action

Listen to the presentation by Stan Brooks pertaining to impact fees

Summary Statement

Mr. Stan Brooks of Galena Street II Corporation has requested time on Monday night's agenda to address City Council.

Mr. Brooks has indicated that their presentation will be less than 5 minutes and therefore this item has been placed on the agenda accordingly.

A copy of the letter from City Manager, Brent McFall to Mr. Brooks pertaining to the development of Cottonwood Village to be located at the northwest corner of 88th Avenue and Federal Boulevard is attached.

Expenditure Required: \$ 0

Source of Funds: n/a

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Recreation Facilities Video Security Equipment

Prepared By: Ken Watson, Recreation Facilities and Golf Manager

Recommended City Council Action

Award the bid for video security equipment to be installed at the City's Recreation Facilities to Edelman Corporation for \$56,218, add a 10 percent project contingency of \$5,620, and charge the expense to the 2003 Parks, Recreation and Libraries Department CIP Recreation Facilities Improvement budget account.

Summary Statement

- City Council approved funds in the 2003 Parks, Recreation and Libraries CIP Recreation Facilities Improvement budget to provide various facility upgrades including the purchase and installation of video security equipment at the City's recreation facilities.
- Video security equipment will be installed/updated at the City Park Recreation Center, City Park Fitness Center, the Swim and Fitness Center, and the West View Recreation Center.
- Formal bids were solicited and received from seven contractors.
- All bids were thoroughly reviewed and four contractors were selected for further review based on equipment specifications, warranty, service packages, and the bid amount.
- Four contractors were invited for an interview. Two of the contractors withdrew from the process, leaving two qualified finalists; Edelman Corporation and Digatron.
- Both remaining finalists have excellent credentials and experience in this field. Both finalists met all City bid requirements and also scored evenly on their abilities to successfully complete the project as specified. Therefore, Staff is recommending awarding the bid to the low bidder, Edelman Corporation.

Expenditure Required: **\$61,838**

Source of Funds: **2003 General Capital Improvement Fund Fund: Parks, Recreation and Libraries – Recreation Facilities Improvement Fund**

Policy Issue

Should this bid be awarded to the low bidder for the purchase and installation of video security equipment in the City’s recreation facilities?

Alternative

Reject the low bid and accept either the remaining finalist bid or rebid the project in hopes of getting a lower bid. Staff recommends against this option as the bid received meets all of the City’s needs and is a good bid.

Background Information

The City Park Recreation Center had a video security systems installed in 2000. That system has been a useful tool to assist with guest and staff safety, guest service, liability and overall security of cash points and entry/exit access. The original system consisted of 14 interior/exterior camera locations and a videotape backup system. Staff utilized the positive and negative experiences with the City Park Recreation Center system to specify and bid a better system for the recreation facilities.

The new system will be all-digital and will also include interior and exterior low-light camera locations to assist with providing safer facilities for guests and staff members. Staff will also be upgrading the City Park Recreation Center system, as the budget permits, to bring that highly used facility in line with the state-of-the-art systems being installed at the other facilities. Specifications and equipment was selected to enable additional camera locations to be added as needed and as funds become available.

The following sealed bids were received:

Contractor	Bid Amount	Comments
Edelman	\$55,342	Finalist and low bidder of the two finalists based on the basic bid received. Actual cost has been adjusted to \$56,218 with fine-tuned equipment specs with final two bidders.
Securis	\$58,115	Bid did not meet required equipment specifications. Also lacked warranty information.
Brunetti	\$59,559	Equipment pricing was very high with low labor estimate. Eliminated from second review based on equipment specifications.
Digatron	\$66,377	Made three finalist selection. Met bid and equipment specifications. Lost final bid award to Edelman’s lower bid. With fine-tuning the equipment with the two finalists, Digatron’s adjusted bid was \$70,029 compared to Edelman’s \$56,218 for the same equipment quantity and specifications.
Sieman	\$70,050	Highest bid of basic equipment specifications. Eliminated due to higher priced equipment compared to other bidders.
AASI	\$46,044	Made first cut, but did not show up to interview.
LVW	\$49,729	Made into three finalists, but withdrew from final review.

Staff thoroughly reviewed both companies, visited businesses that use their equipment and hosted additional onsite visits to the City's recreation facilities to fine-tune the equipment and actual costs. Staff is recommending Edelman based on the fact that they were the lowest bid of the two finalists.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: 2003 Sewer Improvements Design Award

Prepared By: Diane M. Phillips, Capital Improvement Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Martin/Martin Engineering in the amount of \$72,170 to provide design and construction inspection services for the 2003 Sewer Improvements and a 10% contingency of \$7,217.

Summary Statement

- Four areas of the sewer system require improvements and maintenance.
- Request for Proposals were sent to six engineering firms and four firms submitted proposals for the design of the improvements.
- Martin/Martin Engineering submitted the lowest cost proposal and it is recommended that the City contract with them to provide design and construction inspection services for this project.

Expenditure Required: \$79,387

Source of Funds: Utility Fund Capital Improvement Project Account

Policy Issue

Should the City award a contract to Martin/Martin Engineering to provide design and construction inspection services for the 2003 Sewer Improvements.

Alternative

The City could delay the design and construction of this project but operations of the sewer system could be compromised and cost of future repair and construction could increase.

Background Information

Four areas of the sewer system require improvements. At 104th and Sheridan the aerial sewer crossing is in poor condition and needs to be replaced. At 80th and Clay a sewer overflow is needed in the event of operational failure of the Shadowridge Lift Station. The 88th and Zuni Lift Station needs a supplemental wetwell to contain heavy flow. At 68th and Lowell the junction chamber needs to be replaced and a study conducted to help improve capacity. Funds are budgeted in the Utility Fund Major Wastewater Management Systems Repairs and Replacements account. Funds totaling \$213,000 are scheduled for these projects, with additional funds available if needed.

Request for Proposals were sent to six engineering firms and four firms responded. Their prices are listed below.

Martin/Martin Engineering	\$72,170
SA Miro Engineering	\$73,038
JR Engineering	\$76,564
Merrick Engineering	\$93,035

Martin/Martin Engineering had the lowest cost and they have completed numerous successful projects for the City.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Tandem Dump Trucks

PREPARED BY: Carl F. Pickett, Purchasing Specialist

Recommended City Council Action

Award the bid for the two Tandem Dump Truck Cab and Chassis to the low bidder, McCandless International, in the amount of \$117,207 and award the bid for the body and snow plow to O.J. Watson Co. in the amount of \$94,954.36 and charge the expense to the appropriate 2002 Public Works and Utilities Department budget accounts.

Summary

- In March 2003, the City's Purchasing Specialist solicited formal bids for a Tandem Dump Truck Cab and Chassis and for the body and snowplow. This equipment will be used primarily by the Utilities Operations and Streets Divisions.
- Funds have been specifically allocated in the 2003 General Capital Outlay Replacement Fund Budget and the 2003 Utility Fund, Utilities Division budget for this expense.
- The lowest net bid of \$57,750 for each cab and chassis was submitted to the City by McCandless International; the lowest qualified bid submitted by O.J. Watson Co. in 2002 has been extended for 2003; with a bid price of \$47,477.18 per body and plow for a purchase price of \$105,227.18 per unit or \$210,454.36 for this purchase.

Expenditure Required: \$210,454.36

Source of Funds: General Capital Outlay Replacement Fund Budget
Utility Fund, Utilities Division Budget

Policy Issue

Should vehicles and equipment be replaced as they reach the end of their useful service life?

Alternative

Reject all bids and continue to use the existing unit. This is not recommended due to the anticipated increase in maintenance costs.

Background Information

As part of the 2003 budget, City Council approved the purchase of two replacement Tandem Dump Trucks. One will be utilized by the Street Division and the other by the Utilities Division.

Unit #6222 and unit #9780 have reached a point that it is no longer economically reasonable to maintain them in service. Information regarding these vehicles replacements and trade-ins is as follows:

UNIT #	YEAR	MAKE	HOURS	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)	TRADE IN ALLOWANCE
6222	1993	Freightliner	7,755	\$71,163.62	\$19,000.00
9780	1994	Freightliner	6,804	\$82,080.16	\$22,000.00

The present condition and maintenance history of these vehicles would make it impractical to continue to operate them in regular service based on the Fleet Maintenance Division’s replacement recommendations.

The bid for the dump trucks was separated into two separate bids as was done last year so the City could realize savings by having the vendors bid on their area of specialty, trucks and body work. This year, vendors were extremely competitive in their bids for the cab and chassis. The base cost for the cab and chassis was 10.5% less than last year.

Bids for the Cab and Chassis were solicited from seven vendors and received from five vendors. These bids per vehicle are as follows:

Vendor	Bid	Average Trade-in	Bid less Trade-in	Brand
American La France Transwest	\$91,403	\$15,000	\$76,403	Freightliner
Western Star of Colorado	\$88,295	\$17,000	\$71,295	Western Star
Colorado Mack Sales	\$91,200	\$15,000	\$76,200	Mack
Kenworth	\$86,742	\$28,000	\$58,742	Kenworth
McCandless International	\$78,250	\$20,500	\$57,750	International

The low bid for the replacement Tandem Dump Truck Cab and Chassis with trade in is from McCandless International in the amount of \$57,750.

Bids were not solicited from vendors for the body and plow this year. 2002's low qualified bid from O.J. Watson was extended at the same cost as last year and is below the current state bid amount for this equipment. 2002 bids were as follows

Vendor	Bid
MacDonald Equipment Co.	\$52,095
Kois Equipment	\$48,636
O.J. Watson Equipment	\$47,477.18
Frontier Equipment	\$41,493

Upon evaluation, the low bid by Frontier Equipment was determined by staff to still be a prototype model that Frontier has never built before. Staff determined not to commit City funds to an unknown and unproven product, and recommends the second low bid by O.J. Watson.

The bids received from McCandless International and O.J. Watson Equipment Co. meet all specifications and requirements set by the City. The total cost of the two Tandem Dump Trucks, with body and plows, of \$210,454.36 is within the amount previously authorized by City Council for this expense.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003

SUBJECT: 73rd Avenue Street Improvement Project Change Order

Prepared By: Tony Chacon, South Westminster Revitalization Coordinator

Recommended City Council Action:

Authorize the City Manager to sign a change order to the Goodland Construction, Inc. contract pertaining to the reconstruction of 73rd Avenue from Bradburn Boulevard to Lowell Boulevard in the amount of \$54,236.50 for the purpose of completing asphalt repaving.

Summary Statement

- Goodland Construction was awarded a contract to reconstruct 73rd Avenue in August 2002 in the amount of \$790,216.55. An additional \$79,021.66 was set aside as a project contingency.
- Unanticipated problems related primarily to the age of the roadway and underground utilities resulted in additional cost to the project, whereby \$49,077.55 in change orders have been approved to date.
- The original construction plans called for full reconstruction of the street pavement section between Bradburn Boulevard and Newton Street, and roto-milling and asphalt overlay of the remainder of 73rd Avenue from Newton Street to Lowell Boulevard.
- Major trenching operations along 73rd Avenue by Xcel Energy, Qwest, and the City's Water Division, along with the generally poor condition of the asphalt along the edges of the roadway, has resulted in Staff having to reevaluate the repaving of 73rd Avenue. Staff has concluded that the entire street should now be completely rebuilt with 6.5 inches of asphalt.
- The cost to completely rebuild the street requires \$54,236.50 to cover the additional cost.
- There are sufficient funds in the Community Development Block Grant account to cover the additional costs to the project.

Expenditure Required: \$54,236.50

Source of Funds: CDBG funds

Policy Issues:

Should City Council authorize expenditures on improvements outside the original scope of work and construction contract?

Alternatives

City Council may choose not to approve the change order and direct the contractor to proceed with improvements as originally bid. Staff recommends that this alternative not be pursued as the roadway pavement is in such disrepair that the originally planned overlay would fall apart in a relatively quick time period, and the contractor would not be willing to warranty the overlay.

Background Information

The 73rd Avenue reconstruction project is an initial and important phase in the revitalization strategy for south Westminster. The reconstruction of 73rd Avenue between Bradburn Boulevard and Lowell Boulevard includes regrading and reconstruction of the pavement of the street, installation of historic bronze markers, undergrounding of the electrical lines to include decorative street lighting, landscaping, widening of the sidewalks, decorative pavers, benches, and sidewalk-ramps improving handicapped accessibility.

City Staff solicited proposals and received bids related to the reconstruction project in August 2002. City Council awarded the contract to Goodland Construction, Inc., which submitted the lowest and most responsive bid. Goodland Construction has moved diligently to complete the project and has been extremely responsive to adjusting schedule and working around issues pertaining to the undergrounding of utilities by Xcel Energy and Qwest. In addition, Goodland has worked cooperatively with City staff to address unforeseen problems related to the project, such as the necessary removal of old, abandoned water services, and has kept additional costs to a minimum. A total of \$49,077.55 (6.2% of original contract amount) has been added to the project to date to cover extraneous costs related to the required modifications.

The original construction plans as bid called for new asphalt pavement the length of 73rd Avenue from Bradburn Boulevard to Lowell Boulevard. The section from Bradburn Boulevard to Newton Street was to be rebuilt to full depth with 7-inches of asphalt. The 7-inch depth was based on the recommendation of the City Streets Division partly based on the need to support fire vehicles entering and exiting from Fire Station No. 1. In consultation with the City Streets Division, it was recommended that the remainder of 73rd Avenue, from Newton Street to Lowell Boulevard, be roto-milled and a 2-inch overlay placed over the existing pavement. However, construction activity along this aged section of roadway has resulted in substantial degradation to the street base and asphalt rendering a roto-mill and overlay impracticable. This unanticipated degradation has resulted from several factors including:

- Extensive trenching activity by Xcel Energy, Qwest and the City's Water Division.
- Removal of several abandoned water services;
- Intrusion of heavy construction equipment related to trenching activities;
- Unanticipated rebuild of undocumented Harris Park Irrigation Company facilities; and,
- General poor condition of the pavement sub-structure along the edge of roadway.

Given the high level of degradation, an engineering firm was hired to prepare a pavement design report for Staff review. Based on the pavement design report, City staff strongly recommends that the roto-mill/overlay option not be pursued and that the existing pavement be removed and rebuilt in accordance with an engineered pavement design calling for 6.5-inches of full-depth asphalt.

Based on a proposal submitted by Goodland Construction, staff is requesting a change order in the amount of \$54,236.50 be approved for the 73rd Avenue Street Improvement Project. The \$54,236.50 cost to rebuild the remainder of 73rd Avenue was based on current-date price units for asphalt provided by LaFarge (Western Paving), and a requirement for the contractor to pay prevailing wages established by the federal Department of Housing and Urban Development (HUD) given the project is funded with Community Development Block Grant (CDBG) funds. Funding to cover the cost of the change orders would come from the following CDBG sources:

CDBG Account	Project Funds Available	Project Funds Allocated
73 rd Avenue project contingency	\$79,021.66	\$79,021.66
2003 73 rd Avenue/Meade Street reconstruction project account	\$278,000.00	\$24,292.39
Total Change Orders (inclusive of other change orders to date on the project)		\$103,314.05

The collective cost of the change orders granted to Goodland Construction would be \$103,314.05, which equates to 13.1% of the original contract award. \$79,021.66 is available from the existing 73rd Avenue Project contingency. \$24,292.39 is available from the 2003 CDBG Fund Meade Street Project. This is appropriate as the 73rd Avenue improvements being proposed here are taking care of improvements that were scheduled to be part of the Meade Street Project.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Second Reading Councillor’s Bill No. 16 Amending the Comprehensive Land Use Plan and Councillor’s Bill No. 17 Rezoning the Highlands at Westbury

Prepared By: John Quinn, Planner II

Recommended City Council Action

1. Pass on second reading Councillor’s Bill No. 16 amending the Westminster Comprehensive Land Use Plan to change the land use designation from Office/Residential to Single-family Attached (21.78 acres), Public Park/Golf Courses (3.63 acres) and Public Open Space (2.14 acres). This action is based on the findings set forth in the Westminster Comprehensive land Use Plan (CLUP) as follows:
 - a) The proposed amendment is justified and the plan is in need of revision as proposed; and
 - b) The amendment is in conformance with the overall purpose, intent, goals and policies of the Plan; and
 - c) The proposed amendment is compatible with the existing and planned surrounding land uses; and
 - d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure system.

2. Pass on second reading Councillor’s Bill No.17 approving the rezoning for the Highlands at Westbury from 7.15 acres R-4 (Multi-Family) and 20.40 acres Planned Unit Development (PUD) Office/Residential to 27.55 acres PUD for 201 Single-Family Attached condominiums and townhomes. This is based upon findings set forth in Section 11-5-3 of the Westminster Municipal Code.

Summary Statement

City Council is requested to approve the application of Century Communities LLC to:

- Amend the land use designation for a 27.55-acre site located at the Southeast corner of 112th Avenue and Pecos Street from Office/Residential to Single-family Attached, Public Park/Golf Courses and Public Open Space.
- Rezone the property from R-4 (Multi-family residential) and (PUD) Office/Residential to PUD for 201 Single-family Attached condominiums and townhomes.
- These requests were approved on first reading by City Council on April 28, 2003.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **16**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS The City maintains a Comprehensive Land use Plan which regulates land uses within the City; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Highlands at Westbury property, legally described below. The Highlands at Westbury property shall be changed from Office/Residential PUD to Single-Family Attached (21.78 acres), Public Park/Golf Courses (3.63 acres) and Public Open Space (2.14 acres), the areas of each as shown on Exhibit A.

Property Description

A parcel of land, lying in the southeast quarter of Section 4, Township 2 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado, being all of blocks one (1) and three (3), North Glen Manor - amended filing as recorded in File 12 Map 289, except those portions conveyed to the City of Westminster as recorded in Book 4789 at Page 245. Also being all of the property being known as the Fogg's Investment, Parcels A and B as recorded in Book 2631, Page 563 and Book 2591, Page 354 respectfully, said recorded information being located at the Clerk and Recorder's office in Brighton, Adams County, Colorado. Said parcels of land being located in the City of Westminster, County of Adams, State of Colorado and being more particularly described as follows:

Commencing at the south quarter corner of said Section 4; thence north 00°19'06" west along the west line of the southeast quarter of said Section 4 a distance of 40.22 feet; thence leaving said west line, north 89°22'02" east a distance of 40.00 feet to a point on the easterly right-of-way line of north Pecos Street, said point being the southwest corner of said Block 1, North Glen Manor – amended filing, said point being also the point of beginning;

Thence along said easterly right-of-way line north 00°19'06" west a distance of 610.08 feet to the northwesterly corner of said Block 1; thence leaving said Block 1 along said easterly right-of-way line, north 00°19'06" west a distance of 80.00 feet to a point being the southwest corner of said Block 3, North Glen Manor-amended filing;

Thence along said easterly right-of-way line north 00°19'06" west a distance of 336.44 feet to a point being the southwest corner of said, the Fogg's Investment – Parcel A; Thence along said easterly right-of-way line north 00°19'06" west a distance of 414.39 feet;

Thence leaving said easterly right-of-way line north 89°40'54" east a distance of 10.00 feet along the northerly line of said, the Fogg's Investment – Parcel A to the northwesterly corner of said, the Fogg's Investment – Parcel B; Thence along the northerly line of said, the Fogg's Investment – Parcel B north 64°47'15" east a distance of 147.30 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 76°47'03" east a distance of 275.00 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 82°22'13" east a distance of 286.85 feet to a point on the northerly line of said, the Fogg's Investment – Parcel A; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel A south 74°35'09" east a distance of 60.00 feet; Thence continuing along the easterly line of said, the Fogg's Investment – Parcel A south 00°37'56" east a distance of 305.00 feet to a point on the northerly line of said Block 3, North Glen Manor – amended filing; Thence continuing along the northerly line of said Block 3 north 89°22'04" east a distance 467.58 feet; Thence continuing along the easterly line of said Block 3 south 00°27'19" east a distance 316.51 feet to a point on the northerly line of West 113th Avenue right-of-way; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 85°06'19" west a distance of 470.97 feet; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 89°22'04" west a distance of 65.41 feet; Thence south 00°41'28" west a distance of 50.00 feet to a point on said Block 1 also being the southerly right-of-way of said west 113th Avenue to a point of non-tangent curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 90°18'49" and an arc length of 23.64 feet, the chord of which bears south 45°28'31" east a distance of 21.27 feet to a point on the westerly right-of-way of Navajo Street; Thence continuing along said westerly right-of-way line, south 00°19'06" east a distance of 594.99 feet to a point of curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 89°41'08" and an arc length of 23.48 feet, the chord of which bears south 44°31'28" west a distance of 21.15 feet to a point of tangency on the northerly right-of-way line of West 112th Avenue; Thence along said northerly right-of-way line, south 89°22'02" west a distance of 682.08 feet to the point of beginning. Said parcel of land containing 1,200,321 square feet or 27.55 acres more or less.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2003.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **17**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE REZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SOUTHEAST QUARTER SECTION OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the Highlands at Westbury property described below from City of Westminster R-4 (Multi-family residential) and Planned Unit Development (PUD) Office/Residential to 201 Single-family attached condominiums and townhomes PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-3.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

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

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

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

Section 2. The Zoning District Map of the City is hereby amended (See Exhibit A) by reclassification of the Highlands at Westbury property described herein from R-4 (Multi-family residential) and Planned Unit Development (PUD) Office/Residential to PUD for 201 Single-family attached condominiums and townhomes. A parcel of land located Southeast Quarter Section of Section 4, Township 2 South, Range 68 West, 6th P.M., in County of Adams, State of Colorado, more particularly described as follows:

Property Description

A parcel of land, lying in the southeast quarter of Section 4, Township 2 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado, being all of blocks one (1) and three (3), North Glen Manor - amended filing as recorded in File 12 Map 289, except those portions conveyed to the City of Westminster as recorded in Book 4789 at Page 245. Also being all of the property being known as the Fogg's Investment, Parcels A and B as recorded in Book 2631, Page 563 and Book 2591, Page 354 respectfully, said recorded information being located at the Clerk and Recorder's office in Brighton, Adams County, Colorado. Said parcels of land being located in the City of Westminster, County of Adams, State of Colorado and being more particularly described as follows:

Commencing at the south quarter corner of said Section 4; thence north 00°19'06" west along the west line of the southeast quarter of said Section 4 a distance of 40.22 feet; thence leaving said west line, north 89°22'02" east a distance of 40.00 feet to a point on the easterly right-of-way line of north Pecos Street, said point being the southwest corner of said Block 1, North Glen Manor – amended filing, said point being also the point of beginning;

Thence along said easterly right-of-way line north 00°19'06" west a distance of 610.08 feet to the northwesterly corner of said Block 1; thence leaving said Block 1 along said easterly right-of-way line, north 00°19'06" west a distance of 80.00 feet to a point being the southwest corner of said Block 3, North Glen Manor-amended filing; Thence along said easterly right-of-way line north 00°19'06" west a distance of 336.44 feet to a point being the southwest corner of said, the Fogg's Investment – Parcel A; Thence along said easterly right-of-way line north 00°19'06" west a distance of 414.39 feet; Thence leaving said easterly right-of-way line north 89°40'54" east a distance of 10.00 feet along the northerly line of said, the Fogg's Investment – Parcel A to the northwesterly corner of said, the Fogg's Investment – Parcel B; Thence along the northerly line of said, the Fogg's Investment – Parcel B north 64°47'15" east a distance of 147.30 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 76°47'03" east a distance of 275.00 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 82°22'13" east a distance of 286.85 feet to a point on the northerly line of said, the Fogg's Investment – Parcel A; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel A south 74°35'09" east a distance of 60.00 feet; Thence continuing along the easterly line of said, the Fogg's Investment – Parcel A south 00°37'56" east a distance of 305.00 feet to a point on the northerly line of said Block 3, North Glen Manor – amended filing; Thence continuing along the northerly line of said Block 3 north 89°22'04" east a distance 467.58 feet; Thence continuing along the easterly line of said Block 3 south 00°27'19" east a distance 316.51 feet to a point on the northerly line of West 113th Avenue right-of-way; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 85°06'19" west a distance of 470.97 feet; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 89°22'04" west a distance of 65.41 feet; Thence south 00°41'28" west a distance of 50.00 feet to a point on said Block 1 also being the southerly right-of-way of said west 113th Avenue to a point of non-tangent curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 90°18'49" and an arc length of 23.64 feet, the chord of which bears south 45°28'31" east a distance of 21.27 feet to a point on the westerly right-of-way of Navajo Street; Thence continuing along said westerly right-of-way line, south 00°19'06" east a distance of 594.99 feet to a point of curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 89°41'08" and an arc length of 23.48 feet, the chord of which bears south 44°31'28" west a distance of 21.15 feet to a point of tangency on the northerly right-of-way line of West 112th Avenue; Thence along said northerly right-of-way line, south 89°22'02" west a distance of 682.08 feet to the point of beginning. Said parcel of land containing 1,200,321 square feet or 27.55 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, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Councillor's Bill No. 18 re Ryan Park Supplemental Appropriation

Prepared By: Julie M. Meenan Eck, Landscape Architect

Recommended City Council Action:

Pass Councilor's Bill No. 18 on second reading re a supplemental appropriation in the amount of \$75,000 reflecting the City's receipt of a Jefferson County Joint Venture Grant for ball field rehabilitation at Ryan Park.

Summary Statement:

- In December of 2002, Staff received City Council's approval to submit a proposal for a Jefferson County Joint Venture Grant for improvements to the existing Ryan Park ballfields.
- The City was notified in February of 2003 that it was successful in receiving this Joint Venture Grant in the amount of \$75,000.
- City Council approved this Councillor's Bill on first reading on April 28th, 2003.

Expenditure Required: \$ 75,000 Joint Venture Grant

Source of Funds: Jefferson County Joint Venture Grant

Respectfully submitted,

Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **18**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$75,000 which, when added to the fund balance as of the City Council action on April 28, 2003 will equal \$8,998,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Joint Venture Grant from Jefferson County.

Section 2. The \$75,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Open Space Grant Jeffco 7501.40630.0020	\$0	<u>\$75,000</u>	\$75,000
Total Change to Revenues		<u>\$75,000</u>	
EXPENSES			
Ryan School Park 80175050048.80400.0000	\$580,000	<u>\$75,000</u>	\$655,000
Total Change to Expenditures		<u>\$75,000</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. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 28th day of April, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2003.

ATTEST:

Mayor

City: Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Councillor's Bill No. 19 re Wal-Mart Expansion Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 19 on first reading authorizing the City Manager to execute and implement the business assistance package (BAP) with Wal-Mart. The BAP totals \$3 million, which includes \$87,000 in permit fee rebates, \$67,500 in construction use tax rebates, \$37,800 in use tax on furniture and fixture rebates, and approximately \$2,807,525 in rebates from the sales tax increment over current sales tax revenue. The BAP is capped at a total of \$3 million.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill authorizing the execution of the attached business assistance package with Wal-Mart to aid in the expansion at Westfield Shopping Center at 94th Avenue and Sheridan Boulevard.
- The Wal-Mart expansion will involve converting the existing store to a superstore concept, adding a full service grocery.
- This assistance package is based upon the City's goal to generate additional sales tax revenue and expand existing retail centers.

Expenditure Required: \$3 million (Permit Fees, Use Tax, and Sales Tax Rebates)

Source of Funds: The business assistance package with Wal-Mart will be funded through revenue received from permit fees, construction use tax, equipment use tax, and incremental sales tax directly generated from the expansion of the existing Wal-Mart store in Westfield Shopping Center.

Policy Issue

Does Council desire to provide assistance to Wal-Mart to promote the expansion of the existing store at Westfield Shopping Center?

Alternative

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to Wal-Mart. In this case, Wal-Mart will most likely not proceed with the planned expansion and may consider looking at alternative sites in or outside the City. Also, the City's relationship with Wal-Mart will be significantly hindered.

Provide Less: Another alternative is to provide less assistance than what is recommended. However, less assistance may cause Wal-Mart to rethink their expansion plans and consider looking at alternative sites in or outside the City.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. However, Wal-Mart has expressed agreement with the package as proposed.

Background Information

City Staff has been meeting with representatives from Wal-Mart since July 2001 to encourage the company to expand its existing location on Sheridan Boulevard at 96th Avenue. Wal-Mart was considering abandoning that location and building a larger store elsewhere, either in or outside of the City. Since Wal-Mart is the second highest sales tax producer for the City, Staff was aggressive in trying to retain them in Westminster.

During Staff's meetings with Wal-Mart, it was discovered that Wal-Mart would be willing to stay at the current location if they were able to acquire the JC Penney Home Store and expand on the current site. The costs to Wal-Mart to terminate the lease currently held by JC Penney's as well as pay the landlord's rent during the demolition and reconstruction, exceeds \$1 million. In addition, Wal-Mart will spend \$7.5 million for construction of the expansion. Therefore, the total project cost is estimated to be approximately \$8.5 million.

In addition, staff is working with the ownership of Westfield Shopping Center and Wal-Mart to make recommended improvements to the parking lot to improve on-site access and traffic flow throughout the center. As a result, Wal-Mart will incur additional costs in the design and implementation of a new parking configuration. Wal-Mart has also agreed to providing additional landscaping within the US 36 right-of-way to improve the image along the western side of the store.

The City will receive approximately \$320,800 in permit fees and use tax from the expansion project. This is based on \$7.5 million in construction costs for the expansion of the center, plus equipment purchases of \$2.1 million at move-in. Wal-Mart is projecting gross sales to increase from the current \$58 million to \$85 million in the first full year of operation. This equates to \$27 million or a 47% increase in gross sales following the expansion. The average projected increase over five years of operation is \$37 million per year.

Staff is recommending that assistance be provided to this project, based on the expansion and sales tax increment generated from the expansion. Wal-Mart's expansion at its current location also prevents the vacancy of this large retail space in the City's key retail area. The agreement requires Wal-Mart to remain at this location for a minimum of five years, or they forfeit the entire business assistance package

Based on the 5-year projection of the sales tax increment over the existing sales tax revenue, as well as other City tax and fee revenue resulting from the expansion, staff recommends the following assistance package:

Proposed Assistance	Approximate Value
<u>Permit-Fee Rebate</u> 60% of the building related fees (excluding water & sewer tap fees) will be rebated (Estimated \$145,293 x 60% = \$87,175)	\$ 87,175
<u>Building Use Tax Rebate</u> 60% of the Use Tax on construction materials for the expansion will be rebated (Estimated \$112,500 x 60% = \$67,500)	\$ 67,500
<u>Equipment and Furnishings Use Tax Rebate</u> 60% of the Use Tax on equipment and furnishings for the expansion will be rebated (Estimated \$63,000 x 60% = \$37,800)	\$ 37,800
<u>Sales Tax Rebate</u> 60% of the incremental sales tax that is collected over the base year amount, shall be rebated the first year of operation; and 50% of the incremental sales tax collected will be rebated each year thereafter, up to a maximum of \$2,807,525. The base year amount will be determined by actual sales tax collections garnered during the 12-month period prior to issuance of the Certificate of Occupancy for the expansion.	\$2,807,525
Total Proposed Assistance Package (Not to exceed)	\$3,000,000

As Council will note, the total assistance being proposed is 50% of the total projected revenue from use tax and permit fee revenue as well as from the sales tax increment over five years from the project (\$3,000,000 total assistance divided by \$5,925,480 projected revenue = 50%). However, the assistance is only 22% of the total projected sales and use tax revenue anticipated to be generated by the expanded Wal-Mart.

This assistance package is based upon the City’s goal to expand major retailers. Wal-Mart is the second highest sales tax generator in the City. The expansion of the existing Wal-Mart facility will strengthen Wal-Mart’s commitment to the current site. Furthermore, the provision of assistance for this project has opened up discussions for future Wal-Mart store in other parts of the City. The provision of this business assistance package will make for an excellent short term and long-term investment.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**ASSISTANCE AGREEMENT FOR THE
WAL-MART EXPANSION AT WESTFIELD SHOPPING CENTER
IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2003, between the CITY OF WESTMINSTER (the "City"), and Wal-Mart.

WHEREAS, the City wishes to provide certain assistance to Wal-Mart to aid in the expansion of existing store at 94th Avenue and Sheridan Boulevard in Westfield Shopping Center; and

WHEREAS, Wal-Mart expects that the expansion will be complete on or before December 31, 2004; and

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

In consideration of the mutual promises set forth below, the City and Wal-Mart agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to Wal-Mart 60% of the building related permit fees for the Wal-Mart expansion in Westfield Shopping Center, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees. The rebate shall not exceed \$87,175.

2. Use Tax Rebate- Construction. The City shall rebate to Wal-Mart 60% of the Building Use Tax (exclusive of the City's .25% Open Space Tax) on the construction materials, resulting from the Wal-Mart expansion at Westfield Shopping Center, required under W.M.C. sections 4-2-9 and 4-2-3. The rebate shall not exceed \$67,500.

3. Use Tax Rebate- Furniture and Fixtures. For purchases other than construction materials for Wal-Mart made during the 3 months prior and 3 months after the issuance of the Certificate of Occupancy for Wal-Mart, the City shall rebate 60% of the General Use Tax remitted to the City of Westminster on Wal-Mart's use tax return. Such Rebate shall be payable exclusively from those revenues actually collected by the City from Wal-Mart's for the expansion and attributable to the imposition, of the City's 3.0% general use tax (exclusive of the City's .25% Open Space Tax). The rebate shall not exceed \$37,800.

4. Sales Tax Rebate. The City shall rebate to Wal-Mart 60% of the amount of the incremental sales tax collected over the base year sales tax receipts for Wal-Mart at Westfield Shopping Center, for the first year. Each year there after, 50% of the incremental sales tax collected will be rebated until such time as a maximum of \$2,807,525 in rebates has been accumulated. Such rebate shall be payable exclusively from incremental sales tax revenue collected by the City from Wal-Mart and attributable to the imposition of the City's 3.0% general sales tax (exclusive of the City's .25% Open Space Tax). The total amount of the sales tax rebate shall not exceed \$2,807,525.

- (a) Base Sales Tax Amount. Promptly following the issuance of the final Certification of Occupancy for the Wal-Mart expansion at Westfield Shopping Center, the City shall establish the Base Sales Tax Amount. The Base Sales Tax amount will be the total amount of Sales Tax collected during the Base Year to the City from Wal-Mart, and attributable to the imposition against retail sales of the City's 3.0% Sales Tax (excluding the City's .25% Open Space Tax and sales from the fuel station). Wal-Mart will be notified of the City's determination of the Base Sales Tax Amount.
- (b) Base Year. The Base Year is defined as the period of time equivalent to the 12 reporting periods prior to opening of the Wal-Mart expansion. The end of the Base Year will be at the end of the reporting period just prior to the issuance of the Final Certificate of Occupancy for the Building Expansion.
- (c) Sales Tax Increment. The Sales Tax Increment is that amount of Sales Tax collected during an Assistance Year from Wal-Mart that is in excess of the Base Sales Tax Amount.

- (d) Sales Tax Rebate Amount. Any rebates provided by the City to Wal-Mart will be from the Sales Tax Increment from Wal-Mart. The City shall rebate to Wal-Mart 60% of the Sales Tax Increment in year one and 50% thereafter.
- (e) Payment. Once the City has collected the Base Sales Tax Amount during an Assistance Year, then Sales Tax Rebate payments will be provided to Wal-Mart. The Sales Tax Rebate amount will be paid to Wal-Mart in an annual payment, made within 30 days following the end of the applicable Assistance Year. The Sales Tax Rebate Payment will be submitted electronically to Wal-Mart's designated financial institution.
- (f) End of Sales Tax Rebate. The Sales Tax Rebate shall end at the point when the Sales Tax Rebate, Building Permit Fee Rebate and Use Tax Rebate equal, in total, \$3 million.

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

6. Termination. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Wal-Mart has not completed the expansion to the existing store in Westfield Shopping Center and received a certification of occupancy by December 31, 2004; or should Wal-Mart fail to comply with any City code and/or approval process.

7. Business Termination. In the event Wal-Mart ceases business at Westfield Shopping Center within the City within five years after the expansion is complete, Wal-Mart shall reimburse the City for any amounts rebated to or otherwise provided to Wal-Mart pursuant to this Agreement.

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

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

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

Wal-Mart

CITY OF WESTMINSTER

Roger Thompson, Real Estate Manager

J. Brent McFall, City Manager

ATTEST:

ATTEST:

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **19**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT
FOR THE WAL-MART EXPANSION AT WESTFIELD SHOPPING CENTER**

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

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

WHEREAS, Wal-Mart plans to expand the current facility 78,000 square feet at 94th Avenue and Sheridan, in the Westfield Shopping Center and improve the traffic patterns within the parking lot; and

WHEREAS, a proposed Assistance Package between the City and Wal-Mart is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of May 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Councillor's Bill No. 20 re Lockheed Martin Corporation Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 20 on first reading authorizing the City Manager to execute the business assistance package (BAP) with Lockheed Martin Corporation in the amount of \$22,025. The BAP includes \$7,400 in permit fee rebates, \$5,625 in construction use tax rebates, and \$9,000 in equipment use tax rebates.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill that authorizes the execution of the attached business assistance agreement with Lockheed Martin Corporation.
- This assistance package is based upon the City's goal to fill existing vacant space with quality companies.
- Lockheed Martin Corporation will be locating its Enterprise Service Desk Division from North Valley Tech Center at 84th Avenue and I-25 to the four-story office building at Church Ranch Corporate Center.
- Assistance to this division of Lockheed Martin Corporation could be a key component in attracting other divisions of the company to Church Ranch Corporate Center and other locations in Westminster.

Expenditure Required: \$22,025 (Permit Fees and Use Tax Rebates)

Source of Funds: The business assistance package to Lockheed Martin Corporation will be funded through the rebate of permit fees, construction use tax, and equipment use tax directly generated from Lockheed Martin Corporation's relocation to Church Ranch Corporate Center.

Policy Issue

Does Council desire to provide assistance to Lockheed Martin Corporation to promote the filling of existing space in the City?

Alternatives

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

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is considered modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. As noted above, Staff has recommended an assistance package that is 40% of the total 5-year projected revenue. There is room for additional funding. However, it is staff's opinion that additional assistance is not needed.

Background Information

Lockheed's division operates the internal information technology customer service center and serves as the internal IT systems environment for Lockheed Martin Corporation.

Lockheed has selected Church Ranch Corporate Center for the upgrade of the customer service center image. The company will lease a minimum of 20,000 square feet on the fourth floor of this building. The Enterprise Service Desk currently employs 105 people that provide customer service to military and space contracts.

The building in which Lockheed will be locating has been vacant for two years, due to poor commercial office space market conditions throughout the metro area. Lockheed will be the first tenant to occupy the office building, and will also have the first right of refusal for future space in this building. Though no plans are currently in progress, this building would be considered a strong candidate for future expansion of Lockheed Martin Corporation.

The average salary paid by this company is \$55,000 per year. The company plans to employ approximately 105 people at the Westminster facility, resulting in an annual payroll of approximately \$5.25 million. Lockheed Martin Corporation has projected employment to grow to 150 employees by 2008.

It is anticipated that Lockheed Martin Corporation will generate over \$54,641 of revenue directly to the City in the first five years of operation. This is based on \$750,000 in tenant finish and new equipment purchases of \$600,000 at move-in.

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

Proposed Assistance	Approximate Value
<u>Building Permit-Fee Rebate</u> 50% of the building related fees (excluding water & sewer tap fees) will be rebated ($\$9,400 \times 50\% = \$4,700$)	\$4,700
100% of the expedited building review fees will be rebated (estimated at \$2,700)	\$2,700
<u>Building Use Tax Rebate</u> 50% of the General Use Tax (excludes the City’s .25% Open Space Tax) on construction materials for this project will be rebated ($\$11,250 \times 50\% = \$5,625$)	\$5,625
<u>Use Tax on Furniture and Fixtures Rebate</u> For the period 3 months prior and 3 months after Lockheed Martin Corporation obtains the Certificate of Occupancy for the new Westminster offices, the City will rebate 50% of the General Use Tax (excludes the City’s .25% Open Space Tax) collected on the furnishings and equipment purchased to furnish the new offices ($\$600,000$ new equipment $\times 3\% = \$18,000$ Use Tax $\times 50\% = \$9,000$)	\$9,000
Total Proposed Assistance Package Not To Exceed	\$22,025

As Council will note, the assistance being proposed is 40% ($\$22,025$ total assistance divided by $\$54,641$ Projected Revenue = 40%) of the total direct general use tax and fee revenue projected from the project in the first 5 years of operation. The City will be made whole on this investment at the time of the Certificate of Occupancy. In addition, Lockheed Martin Corporation has requested that staff “fast track” this project to meet operational deadlines.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**ASSISTANCE AGREEMENT FOR
LOCKHEED MARTIN CORPORATION IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2003, between the CITY OF WESTMINSTER (the "City"), and Lockheed Martin Corporation.

WHEREAS, the City wishes to provide certain assistance to Lockheed Martin Corporation to aid in the relocation of the company to vacant space in the City; and

WHEREAS, Lockheed Martin Corporation plans to occupy 20,000 square feet of existing space on the fourth floor of the four story building at Church Ranch Corporate Center, thus providing additional primary job creation within the City; and

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

In consideration of the mutual promises set forth below, the City and Lockheed Martin Corporation agree as follows:

1. Building Permit Fee Rebates. The City shall rebate 50% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, to Lockheed Martin Corporation that will result in occupying of a 20,000 square feet of the four story office building at Church Ranch Corporate Center, with a projected move-in date of June 1, 2003. In addition, the City agrees to rebate 100% of the expedited building review fee. The permit fee rebate shall not exceed \$7,400.

2. Use Tax Rebate- Construction. The City shall rebate 50% of the Building Use Tax on the construction materials, which are to be used in tenant finish of the 20,000 square foot facility in Church Ranch Corporate Center in Westminster, required under W.M.C. sections 4-2-9 and 4-2-3, to Lockheed Martin Corporation. The rebate shall not exceed \$5,625.

3. Use Tax Rebate- Furniture and Fixtures. For purchases of items for the new offices made during 3 months prior and the 3 months after Lockheed Martin Corporation obtains the Certificate of Occupancy, the City shall rebate 50% of the General Use Tax remitted to the City of Westminster on its use tax return for the new offices. The total rebate pursuant to this paragraph shall not exceed \$9,000 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from Lockheed Martin Corporation and attributable to the imposition against Lockheed Martin Corporation, of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax).

4. Payments of Rebates. Rebates will be paid by the City in quarterly installments from revenue actually collected and received by the City from Lockheed Martin Corporation. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically.

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

6. Termination. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Lockheed Martin Corporation has not moved into its new building by December 31, 2003 or should Lockheed Martin Corporation not comply with the City regulations or code.

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

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

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

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

LOCKHEED MARTIN CORPORATION

CITY OF WESTMINSTER

Kenneth M. Bryan
Manager, Real Estate

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Title Michele Kelley
City Clerk

Adopted by Ordinance No. 3023

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **20**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH
LOCKHEED MARTIN CORPORATION TO AID IN THEIR RELOCATION TO
CHURCH RANCH CORPORATE CENTER IN WESTMINSTER**

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

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

WHEREAS, Lockheed Corporation plans to occupy 20,000 square feet in the four story office building at Church Ranch Corporate Center, off of US 36 and Church Ranch Boulevard in Westminster, and

WHEREAS, a proposed Assistance Agreement between the City and Lockheed Martin Corporation is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of May 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Councillor's Bill No. 18 re Day Property De-annexation

Prepared By: David Falconieri, Planner II

Recommended City Council Action

Pass Councillor's Bill No. 18 de-annexing the Day Property from the City of Westminster.

Summary Statement

- The property known as 12785 W. 88th Avenue was inadvertently included in the Standley Lake annexation in 1998. The property owners, Michael Day and Glenna Day, were not notified that their property would be included in the annexation and they do not wish to be part of the City. Their property consists of approximately 5.5 acres on the west side of Standley Lake. It is surrounded by the City on three sides, but is adjacent to unincorporated Jefferson County on the south side.
- De-annexation is recommended because the property is not easily serviced by police and fire facilities due to its isolated location.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issues

Whether the City wishes to accommodate the desire of the property owner not to be included in the City.

Alternative

Do not de-annex the property. This is not recommended as the property is difficult to serve and the property owners would prefer to not be a part of the City.

Background Information

Colorado statutes contain a procedure by which a judicial de-annexation can be accomplished, although the procedure is limited to parcels of twenty acres or more and appears to be applicable only to statutory cities. Therefore the de-annexation would be accomplished by ordinance under the City's home rule authority and its Charter.

The Day property was not shown as a separate property when the survey was prepared for the annexation of Standley Lake. As a result, the property was annexed along with the lake and adjacent lands. Due to the distance of the home from City service providers, the property would not have been included in the annexation if it were known that a house existed on this separate property.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

Day property de-annexation ordinance
Vicinity map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **21**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE DISCONNECTING A PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, City Council has received a petition from Michael Day and Glenna Day, owners of a certain parcel previously annexed to the City, for disconnection of the parcel; and

WHEREAS, said parcel was inadvertently included in the annexation known as Standley Lake Open Space and Recreation Area; and

WHEREAS, disconnection of the parcel is in the best interests of the property owners and the City.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The parcel known as 12785 West 89th Avenue, Westminster, Colorado, more particularly described as follows:

A parcel of land in the Southwest ¼ of Section 20, Township 2 South, Range 69 West of the sixth Principal Meridian, more particularly described as follows:

Beginning at a pin and cap on the South line of said Section 20, being South 89 degrees 46 minutes 49 seconds East 1321.52 feet from the Southwest corner of said Section 20,

Thence North 00 degrees 00 minutes 53 seconds East 800.30 feet to an existing pin and cap: thence South 89 degrees 58 minutes 00 seconds East 271.80 feet to a point: thence South 01 degrees 12 minutes 15 seconds East 801.87 feet to a point: thence North 89 degrees 51 minutes 02 seconds West 288.80 feet to the point of beginning, County of Jefferson, State of Colorado.

Said above described property is hereby disconnected from the City of Westminster. This ordinance shall be recorded in the official records of Jefferson County, Colorado.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of May, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May, 2003.

ATTEST

Mayor

City Clerk
Day Property De-annexation



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Resolution No. 17 Declaring the Target Project as an Economic Development Project

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action

Adopt Resolution No. 17 designating the Target project officially as an Economic Development Project for the purpose of receiving Administrative Review of the project's Official Development Plan.

Summary Statement

- City Council action is requested to designate the Target project in Mandalay Gardens as an Economic Development Project, for the purpose of allowing the Official Development Plan to receive administrative review per City Code subsection 11-5-8(B). The project meets the City's economic development goals by enhancing the City's retail shopping opportunities.
- The City Code permits administrative approval by the City Manager for an Official Development Plan (ODP), for a non-residential project under 20 acres in size if City Council determines that the project furthers the economic development goals of the City, or if it qualifies for economic development assistance.
- The process of Administrative Review does not guarantee approval of the Official Development Plan.
- The Official Development plan must meet the City's Design Guidelines and Code Requirements

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Whether or not to allow administrative review of the Official Development Plan for the Target project.

Alternative

Do not designate Target as an Economic Project. Target would then have to proceed to Planning Commission for review. As a result, RED Development will not be able to meet the construction time frame that Target is requesting.

Background Information

Target is proposing to build a 170,000 sq. ft. superstore in Mandalay Gardens. The superstore concept provides groceries, as well as soft goods for purchase. It is the goal of Target and the City to build and open the new store by November 2004.

Staff believes that this development meets the general criteria required by the Code; is zoned for the use intended; conforms to the adopted Comprehensive Land Use Plan; and therefore, should be officially designated as an economic development project. Allowing administrative review is important to the financing of the project and to keep it on a time sensitive construction schedule.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **17**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

DECLARING THE TARGET PROJECT AS AN ECONOMIC DEVELOPMENT PROJECT FOR THE PURPOSE OF RECEIVING ADMINISTRATIVE REVIEW OF THE OFFICIAL DEVELOPMENT PLAN

WHEREAS, the City encourages the development of the Target superstore in Mandalay Gardens; and

WHEREAS, the project will provide additional tax revenues to the City of Westminster; and,

WHEREAS, when the Official Development Plan for Target meets with staff approval, Administrative Approval will be granted; and

WHEREAS, Section 11-5-8(B) of the Westminster Municipal Code allows that an Official Development Plan (ODP) for a non-residential project under 20 acres in size may be administratively approved by the City Manager if it is determined that the project furthers the City's economic development goals, or if it qualifies for economic development assistance.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that the Target project be designated as an economic development project for the purposes of receiving Administrative Review as outlined in the Westminster City Code, Section 11-5-8 (B), enabling the City Manager to administratively approve the Official Development Plan for the project, upon staff recommendation.

Passed and adopted this 12th day of May, 2003

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Councillor's Bill No. 22 re: 2002 Budget Supplemental Appropriation

Prepared By: Karen Creager, Internal Auditor

Recommended City Council Action:

Pass Councillor's Bill No. 22 on first reading providing for supplementary appropriations to the 2002 budget of the General Fund and Open Space Fund.

Summary Statement

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2002 budget appropriations in the General Fund and Open Space Funds.

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Additionally, at the end of audit fieldwork each year, Staff prepares a final ordinance for the prior year to make any necessary appropriation corrections discovered during the audit. The adjustment has been made for the audit work papers. These adjustments have been made in the audit work papers.
- This is the final supplemental appropriation for 2002.
- General Fund amendments:
 - \$354,785 Other financing source for computer equipment leases entered into and refinanced in 2002
 - \$533,033 Correction of carryover inadvertently appropriated twice; these funds have not been spent twice
- Open Space Fund amendments:
 - \$157,500 Contributions for open space land purchases
- Appropriation of these funds allows the budget to reflect actual activity in 2002.

Expenditure Required: \$512,285

Source of Funds: The funding sources for these expenditures include lease proceeds, contributions and carryover funds correction.

Policy Issue

Does City Council support amending the appropriations for the 2002 budget of the General Fund and Open Space Fund?

Alternative

The alternative would be not to amend the 2002 budget appropriations for the General Fund and Open Space Fund. Staff does not recommend this alternative as the books would not properly reflect all of the City's activity in 2002.

Background Information

This agenda memo and attached Councillor's Bill is a routine action addressing the need to appropriate additional revenues and offsetting expenditures that resulted from increased activity or events that were not anticipated during the normal budget process.

On December 10, 2001, City Council approved the refinancing of seven of the City's leases in order to lower the interest rate paid on the leases. This refinancing was done in 2002. Also, City Council approved a new computer lease for 2002 on November 26, 2001. In order to properly reflect the receipt of the lease proceeds and the subsequent use of the proceeds, the lease proceeds are being appropriated to the General Fund.

General Fund carryover of \$533,033 was inadvertently appropriated twice. This amount represents the amount of carryover used to establish the General Capital Outlay Replacement Fund (GCORF). This amount was inadvertently appropriated (but not spent) twice, once with carryover and once with the establishment of the GCORF.

The Open Space Fund received contributions from landowners totaling \$157,500 for open space purchases made in December 2002. (Open Space Fund)

These adjustments will bring the City's accounting records up to date to reflect the various detailed transactions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **22**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF AND OPEN SPACE FUND AND DECREASING THE 2002 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby decreased by \$ 178,248 which, when subtracted from the fund balance as of the City Council action on May 12, 2003 will equal \$78,810,149. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This net decrease is due to the appropriation of lease proceeds and the correction of carryover that was inadvertently appropriated twice.

Section 2. The \$178,248 net decrease in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Other Financing Source Note Proceeds 1000.46000.0195	\$0	\$354,785	\$354,785
Carryover 1000.40020.0000	10,332,958	(533,033)	9,799,925
Total Change to Revenues		<u>\$(178,248)</u>	
EXPENSES			
Other Financing Use 10010900.78800.0000	\$0	\$354,785	\$354,785
Other Expenditures – Misc 10010900.79400.0000	533,033	(533,033)	0
Total Change to Expenditures		<u>\$(178,248)</u>	

Section 3. The 2002 appropriation for the Open Space Fund, initially appropriated by Ordinance No. 2913 in the amount of \$4,761,666 is hereby increased by \$157,500 which, when added to the fund balance as of the City Council action on May 12, 2003 will equal \$8,155,286. The actual amount in the Open Space 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 open space land purchases contributions.

Section 4. The \$157,500 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Contributions 5400.43100.0000	\$500	\$157,500	\$158,000
Total Change to Revenues		<u>\$157,500</u>	
EXPENSES			
Land Purchases 54010900.76600.0000	\$7,896,136	\$157,500	\$8,053,636
Total Change to Expenditures		<u>\$157,500</u>	

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

Section 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 12th day of May, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Thornton Treated Water Agreement Amendment

Prepared By: Michael Happe, Senior Water Resources Engineer

Recommended City Council Action

Authorize the Mayor to execute an amendment to the agreement for the lease of treated water from the City of Thornton dated January 7, 1982 extending the terms of the 2002 contract until December 31, 2003.

Summary Statement

- On July 22, 2002 City Council authorized the City Manager to execute an amendment to an Intergovernmental Agreement entered into in 1982, whereby Thornton was to deliver to Westminster up to 3 million gallons per day (MGD) of treated water into Westminster's water system on a continuous basis.
- That amendment called for the temporary reduction of water leased from Thornton from 3 million gallons per day to 2 million gallons per day for a one-year period.
- This amendment has saved the City of Westminster approximately \$750,000 over the last year in reduced lease payments to Thornton.
- The amendment also gave Westminster the option of making the reduction from 3 million gallons per day to 2 million gallons per day permanent, and gave Westminster until June 1, 2003 to make that determination.
- Westminster and Thornton Staff have been discussing potential alternatives to permanently restructure the existing treated water delivery contract reducing the delivery of Thornton treated water to Westminster; however, more time is needed in order to work out the details of this arrangement before the June 1, 2003 deadline.
- Westminster and Thornton Staff recommend continuing the reduction of treated water delivery from 3 MGD to 2 MGD and extend Westminster's deadline, for determining if it wishes to make that reduction permanent, until December 31, 2003.
- The reduction in water delivery from Thornton, until December 31, 2003, will save the City approximately \$330,000 and Westminster's water supply is fully capable of supplying additional demand in 2003.

Expenditure Required: None. There will be an additional \$330,000 savings in 2003

Source of Funds: Utility Funds

Policy Issues

Should the City of Westminster extend the temporary reduction of the amount of treated water received from Thornton during a drought event in order to reduce expenditures until the end of 2003?

Should the City of Westminster take this opportunity to investigate replacing the Thornton treated water with another more cost effective permanent source of water?

Alternative

Allow the terms of the amendment of the Thornton treated water contract to expire on July 26, 2003 and resume full deliveries of Thornton treated water.

Background Information

The Thornton treated water contract entered into in 1982 accounts for approximately 12% of Westminster's current water supply. In the early 1980's Westminster's rate of growth was outpacing its water supply and this contract was viewed as a way to increase Westminster's supply. At the time, Thornton's water rates were favorable and Westminster did not have to pay system development charges (tap fees) for this water. However, since the agreement was entered into, Thornton's rate structure has changed and the water rate has increased at a faster pace than Westminster's, causing this water to become very expensive to Westminster.

The current drought is impacting all Front Range water users. Thornton is in the process of developing several long-term water supplies that are not currently on line. In order to help alleviate potential water shortage, Thornton and Westminster Staff discussed the concept of temporarily reducing Thornton treated water deliveries to Westminster for the next year. Council approved this amendment in July of 2002.

Westminster and Thornton Staff have been working on potential alternatives to the existing treated water deliveries from Thornton to Westminster. These alternatives involve complex water right and water system analysis. In order to fully explore the potential opportunities while preserving the benefits of the current contract amendments, Staff is recommending extending the terms of the 2002 contract amendment until December 31, 2003. Extending the terms of the temporary amendment will have two positive consequences for Westminster:

1. Westminster will save approximately \$330,000 in payments to Thornton in the 2nd half of 2003.
2. Westminster and Thornton Staff will be able to make further progress on a potential restructuring of the current Thornton treated water contract.

Due to favorable snowpack and streamflow conditions, Staff believes that the reduction of treated water deliveries from Thornton, for the remainder of 2003, will not substantially impact Westminster's water supply situation.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003



SUBJECT: Resolution No. 18 in Support of Principles for the Reauthorization of the Federal Transportation Equity Act

Prepared By: Steve Smithers, Assistant City Manager

Recommended City Council Action:

Adopt Resolution No. 18 supporting the reauthorization of the Transportation Equity Act (TEA) by Congress taking into consideration the principals developed by a cross section of Colorado transportation proponents.

Summary:

- Approximately every five years Congress takes up the issue of reauthorization of federal transportation planning and funding.
- The Transportation Equity Act for the 21st Century (TEA-21) expires at the end of the current federal fiscal year, or September 30, 2003.
- The US Department of Transportation estimates that there is a nationwide backlog of unmet transportation needs that exceeds 500 billion dollars. The City of Westminster has significant transportation needs including improvements to the two major transportation corridors that pass through the City, US 36 and north I-25.
- Congress is currently considering proposals for the reauthorization of TEA 21 and is expected to pass legislation in the next 12 to 18 months.
- A group of Colorado transportation proponents has developed a set of principals that would provide very useful guidance as Congress moves forward with the TEA-21 reauthorization process.
- In supporting the Colorado Principals for Reauthorization, the City would be joining numerous other government entities including RTD, DRCOG, CDOT, The Transit Alliance and the Metro Mayors Caucus who have already endorsed these principals.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Resolution No. 18 in Support of Principles for the Reauthorization of the Federal
Transportation Equity Act

Page 2

Policy Issue

Should the City endorse the principals for TEA-21 reauthorization?

Alternative

City Council could choose to not endorse these principles. These principles have discussed by wide range of groups including DRCOG, RTD, CDOT, the Transit Alliance and the Metro Mayors' Caucus and endorsed by each of these groups. Staff believes these are a very good set of principles that would be a helpful guide to Congress as they move through the reauthorization process.

Background Information

The current TEA-21 legislation will expire at the end of the 2003 Federal fiscal year in September of 2003. Reauthorization of this bill will be needed to continue transportation programs from the previous authorizing legislation and to further address unmet transportation needs by the states. Several reauthorization bills will be introduced throughout 2003 in Congress. The principles developed by a broad group of transportation agencies and proponents, would serve as helpful guide to Congress as they move through the reauthorization process.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 18
SERIES OF 2003

INTRODUCED BY COUNCILLORS

Support the Principles for the Reauthorization of the Federal Transportation Equity Act

WHEREAS, The Transportation Equity Act for the 21st Century (TEA-21) expires at the end of the current federal fiscal year, or September 30, 2003; and

WHEREAS, Congress is currently considering proposals for the reauthorization of TEA 21 and is expected to pass legislation in the next 12 to 18 months

WHEREAS, The US Department of Transportation estimates that there is a nationwide backlog of unmet transportation needs that exceeds 500 billion dollars; and

WHEREAS, The City of Westminster has significant transportation needs including improvements to the two major transportation corridors that pass through the City, US 36 and north I-25; and

WHEREAS, A group of Colorado transportation proponents has developed a set of principals that would provide very useful guidance as Congress moves forward with the TEA-21 reauthorization process

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster does hereby urge members of Congress to take the Colorado's Principles for TEA-21 Reauthorization into consideration as they deliberate on this issue that is so critical to our nation's future.

Passed and adopted this 12th day of May, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2003

SUBJECT: Councillor's Bill No. 23 re: City Council Election Nominating Petition Timeframe

Prepared By: Steve Smithers, Assistant City Manager
Marty McCullough, City Attorney

Recommended City Council Action

Pass Councillor's Bill No. 23 on first reading amending the City Code Election requirements for submittal of City Council or Mayoral candidate nominating petitions.

Summary Statement

- > City Council directed Staff to bring back a city code amendment to modify the timeframe that a City Council or Mayoral candidate is allowed to submit a nominating petition.
- > The attached Councillor's Bill reflects a change from the current requirement for a candidate to submit their nominating petition "not earlier than 90 days prior to the election," to "not earlier than 145 days prior to the election." The requirement to submit petitions "not later than 60 days before the election" would remain the same.

Expenditure Required: \$0

Source of Funds: n/a

SUBJECT: Councillor's Bill No. 23 re: City Council Election Nominating Petition Timeframe Page 2

Policy Issue(s)

Should the City modify the timing of the submittal of election nominating petitions for the offices of City Councillor and Mayor.

Alternative(s)

City Council could pick a timeframe other than 145 days prior to the election as the earliest date that a nominating petition can be submitted.

City Council could decide to leave the current nominating petition requirements unchanged.

Background Information

The Westminster City Code contains the following provision in regard to the requirement for a candidate for City elected office to submit a nominating petition:

7-1-5: NOMINATING PETITIONS: All nominating petitions for the office of Council or Mayor shall be filed not earlier than ninety (90) days and not later than sixty (60) days before the election.

At the May 5th Study Session City Council directed Staff to bring back a modification to the City's election requirements changing the timeframe that is required for a candidate for City Council/Mayor to submit a nominating petition. The attached Councillor's Bill reflects a change in the early petition submittal timeframe from 90 days to 145 days.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **23**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
NOMINATING PETITIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 7-1-5, W.M.C., is hereby AMENDED to read as follows:

7-1-5: NOMINATING PETITIONS: ~~All~~ Nominating petitions for the office of Council or Mayor MAY BE CIRCULATED AND SIGNED BEGINNING ONE HUNDRED FORTY-FIVE (145) DAYS PRIOR TO THE ELECTION, AND shall be filed ~~not earlier than ninety (90) days and~~ not later than sixty (60) days before the election.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 12th day of May, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 19th day of May, 2003.

Mayor

ATTEST:

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, May 12, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent none.

The minutes of the April 28, 2003 meeting were approved.

Council presented the following: Proclamation re Colorado Water Congress Service to the City and Public Works Week. Council approved the following: Recreation Facilities Video Security Equipment; 2003 Sewer Improvements Design Award; Tandem Dump Trucks; 73rd Avenue Street Improvement Project Change Order; extending agreement for the lease of treated water from the City of Thornton.

Mr. Stan Brooks of Galena Street II Corporation addressed Council regarding impact fees for his development at northwest corner of 88th Avenue and Federal Boulevard.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT FOR THE WAL-MART EXPANSION AT WESTFIELD SHOPPING CENTER

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH LOCKHEED MARTIN CORPORATION TO AID IN THEIR RELOCATION TO CHURCH RANCH CORPORATE CENTER IN WESTMINSTER

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH LOCKHEED MARTIN CORPORATION TO AID IN THEIR RELOCATION TO CHURCH RANCH CORPORATE CENTER IN WESTMINSTER

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF AND OPEN SPACE FUND AND DECREASING THE 2002 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

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

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

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE REZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SOUTHEAST QUARTER SECTION OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND

:

The following Resolutions were adopted by Council:

Resolution No. 17 Target as Economic Development Project

Resolution No. 18 re Support for ISTEPA Reauthorization

At X:XXX P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on May 15, 2003

BY AUTHORITY

ORDINANCE NO. **3019**
SERIES OF 2003

COUNCILLOR'S BILL NO. **16**
INTRODUCED BY COUNCILLORS
Atchison- Hicks

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS The City maintains a Comprehensive Land use Plan which regulates land uses within the City; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Highlands at Westbury property, legally described below. The Highlands at Westbury property shall be changed from Office/Residential PUD to Single-Family Attached (21.78 acres), Public Park/Golf Courses (3.63 acres) and Public Open Space (2.14 acres), the areas of each as shown on Exhibit A.

Property Description

A parcel of land, lying in the southeast quarter of Section 4, Township 2 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado, being all of blocks one (1) and three (3), North Glen Manor - amended filing as recorded in File 12 Map 289, except those portions conveyed to the City of Westminster as recorded in Book 4789 at Page 245. Also being all of the property being known as the Fogg's Investment, Parcels A and B as recorded in Book 2631, Page 563 and Book 2591, Page 354 respectfully, said recorded information being located at the Clerk and Recorder's office in Brighton, Adams County, Colorado. Said parcels of land being located in the City of Westminster, County of Adams, State of Colorado and being more particularly described as follows:

Commencing at the south quarter corner of said Section 4; thence north 00°19'06" west along the west line of the southeast quarter of said Section 4 a distance of 40.22 feet; thence leaving said west line, north 89°22'02" east a distance of 40.00 feet to a point on the easterly right-of-way line of north Pecos Street, said point being the southwest corner of said Block 1, North Glen Manor – amended filing, said point being also the point of beginning;

Thence along said easterly right-of-way line north 00°19'06" west a distance of 610.08 feet to the northwesterly corner of said Block 1; thence leaving said Block 1 along said easterly right-of-way line, north 00°19'06" west a distance of 80.00 feet to a point being the southwest corner of said Block 3, North Glen Manor-amended filing;

Thence along said easterly right-of-way line north 00°19'06" west a distance of 336.44 feet to a point being the southwest corner of said, the Fogg's Investment – Parcel A; Thence along said easterly right-of-way line north 00°19'06" west a distance of 414.39 feet;

Thence leaving said easterly right-of-way line north 89°40'54" east a distance of 10.00 feet along the northerly line of said, the Fogg's Investment – Parcel A to the northwesterly corner of said, the Fogg's Investment – Parcel B; Thence along the northerly line of said, the Fogg's Investment – Parcel B north 64°47'15" east a distance of 147.30 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 76°47'03" east a distance of 275.00 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 82°22'13" east a distance of 286.85 feet to a point on the northerly line of said, the Fogg's Investment – Parcel A; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel A south 74°35'09" east a distance of 60.00 feet; Thence continuing along the easterly line of said, the Fogg's Investment – Parcel A south 00°37'56" east a distance of 305.00 feet to a point on the northerly line of said Block 3, North Glen Manor – amended filing; Thence continuing along the northerly line of said Block 3 north 89°22'04" east a distance 467.58 feet; Thence continuing along the easterly line of said Block 3 south 00°27'19" east a distance 316.51 feet to a point on the northerly line of West 113th Avenue right-of-way; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 85°06'19" west a distance of 470.97 feet; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 89°22'04" west a distance of 65.41 feet; Thence south 00°41'28" west a distance of 50.00 feet to a point on said Block 1 also being the southerly right-of-way of said west 113th Avenue to a point of non-tangent curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 90°18'49" and an arc length of 23.64 feet, the chord of which bears south 45°28'31" east a distance of 21.27 feet to a point on the westerly right-of-way of Navajo Street; Thence continuing along said westerly right-of-way line, south 00°19'06" east a distance of 594.99 feet to a point of curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 89°41'08" and an arc length of 23.48 feet, the chord of which bears south 44°31'28" west a distance of 21.15 feet to a point of tangency on the northerly right-of-way line of West 112th Avenue; Thence along said northerly right-of-way line, south 89°22'02" west a distance of 682.08 feet to the point of beginning. Said parcel of land containing 1,200,321 square feet or 27.55 acres more or less.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2003.

BY AUTHORITY

ORDINANCE NO. **3020**
SERIES OF 2003

COUNCILOR'S BILL NO. **17**
INTRODUCED BY COUNCILLORS
Atchison- Hicks

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE REZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SOUTHEAST QUARTER SECTION OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the Highlands at Westbury property described below from City of Westminster R-4 (Multi-family residential) and Planned Unit Development (PUD) Office/Residential to 201 Single-family attached condominiums and townhomes PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-3.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

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

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

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

Section 2. The Zoning District Map of the City is hereby amended (See Exhibit A) by reclassification of the Highlands at Westbury property described herein from R-4 (Multi-family residential) and Planned Unit Development (PUD) Office/Residential to PUD for 201 Single-family attached condominiums and townhomes. A parcel of land located Southeast Quarter Section of Section 4, Township 2 South, Range 68 West, 6th P.M., in County of Adams, State of Colorado, more particularly described as follows:

Property Description

A parcel of land, lying in the southeast quarter of Section 4, Township 2 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado, being all of blocks one (1) and three (3), North Glen Manor - amended filing as recorded in File 12 Map 289, except those portions conveyed to the City of Westminster as recorded in Book 4789 at Page 245. Also being all of the property being known as the Fogg's Investment, Parcels A and B as recorded in Book 2631, Page 563 and Book 2591, Page 354 respectfully, said recorded information being located at the Clerk and Recorder's office in Brighton, Adams County, Colorado. Said parcels of land being located in the City of Westminster, County of Adams, State of Colorado and being more particularly described as follows:

Commencing at the south quarter corner of said Section 4; thence north 00°19'06" west along the west line of the southeast quarter of said Section 4 a distance of 40.22 feet; thence leaving said west line, north 89°22'02" east a distance of 40.00 feet to a point on the easterly right-of-way line of north Pecos Street, said point being the southwest corner of said Block 1, North Glen Manor – amended filing, said point being also the point of beginning;

Thence along said easterly right-of-way line north 00°19'06" west a distance of 610.08 feet to the northwesterly corner of said Block 1; thence leaving said Block 1 along said easterly right-of-way line, north 00°19'06" west a distance of 80.00 feet to a point being the southwest corner of said Block 3, North Glen Manor-amended filing; Thence along said easterly right-of-way line north 00°19'06" west a distance of 336.44 feet to a point being the southwest corner of said, the Fogg's Investment – Parcel A; Thence along said easterly right-of-way line north 00°19'06" west a distance of 414.39 feet; Thence leaving said easterly right-of-way line north 89°40'54" east a distance of 10.00 feet along the northerly line of said, the Fogg's Investment – Parcel A to the northwesterly corner of said, the Fogg's Investment – Parcel B; Thence along the northerly line of said, the Fogg's Investment – Parcel B north 64°47'15" east a distance of 147.30 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 76°47'03" east a distance of 275.00 feet; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel B south 82°22'13" east a distance of 286.85 feet to a point on the northerly line of said, the Fogg's Investment – Parcel A; Thence continuing along the northerly line of said, the Fogg's Investment – Parcel A south 74°35'09" east a distance of 60.00 feet; Thence continuing along the easterly line of said, the Fogg's Investment – Parcel A south 00°37'56" east a distance of 305.00 feet to a point on the northerly line of said Block 3, North Glen Manor – amended filing; Thence continuing along the northerly line of said Block 3 north 89°22'04" east a distance 467.58 feet; Thence continuing along the easterly line of said Block 3 south 00°27'19" east a distance 316.51 feet to a point on the northerly line of West 113th Avenue right-of-way; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 85°06'19" west a distance of 470.97 feet; Thence continuing along the southerly line of said Block 3 also being the northerly line of said West 113th Avenue right-of-way south 89°22'04" west a distance of 65.41 feet; Thence south 00°41'28" west a distance of 50.00 feet to a point on said Block 1 also being the southerly right-of-way of said west 113th Avenue to a point of non-tangent curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 90°18'49" and an arc length of 23.64 feet, the chord of which bears south 45°28'31" east a distance of 21.27 feet to a point on the westerly right-of-way of Navajo Street; Thence continuing along said westerly right-of-way line, south 00°19'06" east a distance of 594.99 feet to a point of curvature; Thence along the arc of a curve to the right, having a radius of 15.00 feet, a central angle of 89°41'08" and an arc length of 23.48 feet, the chord of which bears south 44°31'28" west a distance of 21.15 feet to a point of tangency on the northerly right-of-way line of West 112th Avenue; Thence along said northerly right-of-way line, south 89°22'02" west a distance of 682.08 feet to the point of beginning. Said parcel of land containing 1,200,321 square feet or 27.55 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, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2003.

BY AUTHORITY

ORDINANCE NO. **3021**
SERIES OF 2003

COUNCILOR'S BILL NO. **18**
INTRODUCED BY COUNCILLORS
Kauffman - McNally

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$75,000 which, when added to the fund balance as of the City Council action on April 28, 2003 will equal \$8,998,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Joint Venture Grant from Jefferson County.

Section 2. The \$75,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Open Space Grant Jeffco 7501.40630.0020	\$0	<u>\$75,000</u>	\$75,000
Total Change to Revenues		<u>\$75,000</u>	
EXPENSES			
Ryan School Park 80175050048.80400.0000	\$580,000	<u>\$75,000</u>	\$655,000
Total Change to Expenditures		<u>\$75,000</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. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 28th day of April, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2003.