



WESTMINSTER
COLORADO

MAY 22, 2000
7:00 P.M.
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. Valorous Service Awards to Police Officers Mike Anish and Kevin Sagar
 - B. Recognition of the Outgoing 1999/2000 Westminster Youth Advisory Panel Members
 - C. Proclamation re Flynn Elementary School Student Council for the Schools Recycling Program
 - D. Proclamation re Swim and Fitness Center 25th Anniversary June 1, 2000
5. Citizen Communication
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. Award Bid to Furnish PVC Water Pipe from CPS Distribution Inc.
 - B. Contract for Engineering Services for Wandering View and Silo Pump Stations Emergency Generators
 - C. Award of Contract to Aquacraft for Water Conservation Study
 - D. Councillor's Bill No. 37 annexing Fritzler property (Atchison-Merkel)
 - E. Councillor's Bill No. 38 zoning Fritzler property to City of Westminster RE (Atchison-Merkel)
 - F. Councillor's Bill No. 39 re Promenade West Easement/Utility Vacations (Smith-Atchison)
 - G. Councillor's Bill No. 40 re Vacation of ROW within Circle Point Corporate Center (Merkel-Smith)
 - H. Councillor's Bill No 41 re Library Board Powers and Duties (Merkel-Smith)
 - I. Councillor's Bill No. 42 re Election Changes suggested by Election Commission (Merkel-Smith)
 - J. Councillor's Bill No. 43 re Drug Paraphernalia municipal offense for possession (Merkel-Smith)
 - K. Councillor's Bill No. 44 re Trespassing Ordinance amendments (Merkel-Smith)
9. Appointments and Resignations
 - A. Resolution No. 37 re Youth Advisory Panel Appointments
10. Public Hearings and Other New Business
 - A. TABLED Resolution No. 33 re Career Enrichment Park Site Improvement and Utilization Plan
 - B. Resolution No. 38 re Church Ranch West Property Annexation Petition for 6.95 acres at 103rd Avenue and Wadsworth Boulevard
 - C. Councillor's Bill No. 45 re Contingency Transfer for 96th Avenue Extension Project
 - D. Intergovernmental Agreement Amendments with Jefferson County and Jefferson County R-1 School District for 96th Avenue, Pierce to Teller Streets Connection
 - E. Construction Contract with Asphalt Specialties Company and Nolte Associates for Project Construction Engineering for 96th Avenue Connection, Pierce to Teller Streets
 - F. Agreement with Western States Land Services for Lowell Boulevard Right-of-Way Acquisition Services

- G. Resolution No. 39 `Federal/Zuni Extension ROW Property Acquisitions for Street Improvements
- H. Resolution No. 40 Public Works & Utilities Position Reclassification Changes
- I. Big Dry Creek Trail Change Order with Neatline Structures to continue the trail east of the Railway Underpass
- J. Councillor's Bill No. 46 re Parks & Recreation Advisory Board Powers and Duties
- K. Award for Brownfield's Project Award for Consulting Services

11. Old Business and Passage of Ordinances on Second Reading

None

12. Citizen Presentations and Miscellaneous Business

- A. Financial Report for April 2000
- B. City Council
- C. Request for Executive Session
 - 1. Potential Joint Venture Negotiations

13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MAY 22, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel and Moss. Also present were Alan Miller, Acting City Manager; Martin McCullough, City Attorney; and Michael Allen, Deputy City Clerk. Councillor Smith was absent.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Atchison to accept the minutes of the meeting of May 8, 2000 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil, Police Chief Dan Montgomery and Acting City Manager Alan Miller presented the Valorous Service Award to Police Officers Mike Anich and Kevin Sagar.

Mayor Heil presented plaques to the members not continuing with the Youth Advisory Panel, Chelsea Camalick, Anissa Gallegos, Matthew Hatfield and Michael Ross.

The Mayor presented a proclamation to Flynn Elementary School music teacher, Donna Deininger and Student Council representatives recognizing their leadership role in providing a paper recycling program at Flynn Elementary School.

Mayor Heil presented a proclamation to Recreation Facility Assistant Renee Foote proclaiming June 1 as the Swim and Fitness Center's 25th Anniversary Day.

CITIZEN COMMUNICATION:

Bob Zalewski, 11333 Newland Street, addressed Council with questions concerning the City's ordinance on parking of motorhomes/campers for loading/unloading purposes on residential streets.

Kathy Dawson, 966 E. 8th Avenue, Broomfield, requesting Council meet with concerned citizens to develop a policy for prairie dog relocation.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Contract to Furnish PVC Water Pipe – Award bid for the PVC water pipe to the low bidder, CPS Distribution Inc. in the amount of \$147,191 and charge expense to the appropriate 2000 Public Works and Utilities budget account; Contract for Engineering Service – Emergency Generator Design - Authorize the City Manager to execute an agreement with Given & Associates in the amount of \$35,000 for engineering services related to the design, purchase and installation of emergency generator sets at the Wandering View and Silo Pumping Station and charge this expense to the Utility Fund Emergency Generator Capital Improvement Project Account; Award of Contract to Aquacraft for Water Conservation Study - Authorize the City Manager to execute a contract with Aquacraft, Inc., in an amount not to exceed \$60,000 for consulting services related to the Evaluation of Water Usage and Development of a Water Conservation Program for Westminster's Industrial/Commercial/Irrigation Water Customers and charge this expense to the Water Resources Budget in the Utility Fund;

Councillor's Bill No. 37 re Fritzler Property Annexation; Councillor's Bill No. 38 re Fritzler Property Zoning; Councillor's Bill No. 39 re Promenade West Easement/Utility Vacations; Councillor's Bill No. 40 re Circle Point Corporate Center ROW Vacation; Councillor's Bill No. 41 re Library Board Powers and Duties; Councillor's Bill No. 42 re Election Changes; Councillor's Bill No. 43 re Drug Paraphernalia Municipal Offense for Possession; and Councillor's Bill No. 44 re Trespassing Ordinance Amendments. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

A motion was made by Atchison and seconded by Dixon to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 37 – APPOINTMENTS TO 2000-2001 WESTMINSTER YOUTH ADVISORY PANEL:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 37 appointing Sophia Rutledge, Arvada High School, Jessika Strickland, Northglenn High School, Sarah Ingle and Katie Jandera, Ranum High School, Lindsey Leuenberger and Felisa Anne Reed, Standley Lake High School, Allen Hiserodt and Jessica Woods, Westminster High School, and Sarah Keel, Andrew Wazny and Sean Woytek, At-Large Representatives, to the Westminster Youth Advisory Panel for 2000/2001. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 38 –CHURCH RANCH WEST PROPERTY ANNEXATION PETITION:

A motion was made by Merkel and seconded by Dixon to adopt Resolution No. 38 accepting the annexation petition submitted by Mr. Harper and make the findings required by State Statute on the sufficiency of the petition and set the date of July 10, 2000 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 45 – CONTINGENCY TRANSFER FOR 96TH AVENUE CONNECTION:

A motion was made by Hicks and seconded by Moss to pass Councillor's Bill No. 45 on first reading authorizing the transfer of \$41,539 to the 96th Avenue, Pierce Street to Teller Street Connection Project in the General Capital Improvement Fund from the General Fund Contingency. Upon roll call vote, the motion carried unanimously.

IGA AMENDMENT WITH JEFFERSON COUNTY AND JEFFERSON COUNTY R-1 SCHOOL DISTRICT:

A motion was made by Hicks and seconded by Merkel to authorize the City Manager to amend the Intergovernmental Agreements with Jefferson County, Jefferson County R-1 School District and the City of Westminster to approve the revised financial commitment of each three entities for the 96th Avenue, Pierce to Teller Streets Connection project. The motion carried unanimously.

CONSTRUCTION CONTRACT FOR 96TH AVENUE, PIERCE STREET TO TELLER STREET:

A motion was made by Hicks and seconded by Merkel to authorize the City Manager to execute a contract with Asphalt Specialities Company, Inc. in an amount not to exceed \$671,565 for the construction of 96th Avenue between Pierce Street and Teller Street; authorize the City Manager to execute a construction engineering services agreement with Nolte Associates, Inc., in the amount of \$32,360; and charge all of the expenses to the appropriate project account in the General Capital Improvements Fund. The motion carried unanimously.

LOWELL BOULEVARD RIGHT-OF-WAY ACQUISITION SERVICES:

A motion was made by Hicks and seconded by Atchison to authorize the City Manager to execute an agreement with Western States Land Services in the amount of \$41,250 for land acquisition services for the Lowell Boulevard Improvement Project and charge the expense to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

RESOLUTION NO. 39 – FEDERAL/ZUNI EXTENSION RIGHT-OF-WAY ACQUISITIONS:

A motion was made by Atchison and seconded by Hicks to adopt Resolution No. 39 authorizing City Staff to proceed with acquisition of the right-of-way and easements necessary to construct street improvements for the Federal/Zuni Extension Project, using eminent domain proceedings if necessary. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 40 – PUBLIC WORKS & UTILITIES POSITION RECLASSIFICATION CHANGES:

A motion was made by Dixon and seconded by Atchison to adopt Resolution No. 40 authorizing changes to the 2000 pay plan and reclassification of three existing positions within the Department of Public Works and Utilities. Upon roll call vote, the motion carried unanimously.

BIG DRY CREEK TRAIL CHANGE ORDER:

A motion was made by Atchison and seconded by Dixon to authorize the City Manager to sign a change order with Neatline Structures, Inc. in the amount of \$80,157 to complete construction for Big Dry Creek Trail – east to 99th Avenue. Authorize a 10% project contingency of \$8,016, and charge this expense to the appropriate project account in the 2000 General Capital Improvement Fund. The motion carried unanimously.

COUNCILLOR’S BILL NO. 46 – PARKS & RECREATION ADVISORY BOARD POWERS AND DUTIES:

A motion was made by Moss and seconded by Atchison to pass Councillor’s Bill No. 46 on first reading amending Title 12 of the City Code pertaining to the Parks and Recreation Advisory Board. Upon roll call vote, the motion carried unanimously.

CONTRACT FOR SERVICES RELATED TO BROWNFIELDS PILOT DEMONSTRATION PROJECT:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to execute a contract with Parsons Brinckerhoff Quade and Douglas in the amount of \$195,000 for the purpose of providing services related to the Brownfields Pilot Demonstration Project in South Westminster, and authorize the expense of \$100,000 from the Brownfield’s Project Account to provide funding in 2000. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for April, 2000.

Mayor Heil stated there would be an Executive Session concerning Potential Joint Venture Negotiations.

ADJOURNMENT:

The meeting was adjourned at 7:57 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Valorous Service Awards

Prepared by: Lee Birk, Police Captain and Dan Montgomery, Chief of Police

Introduction

Police Chief Dan Montgomery requests the assistance of Mayor Nancy Heil and City Manager Bill Christopher in presenting the Police Departments Valorous Service Award to Police Officers Mike Anich and Kevin Sagar.

Summary

The nomination of these officers was submitted to the Police Department's Award Review Board for review and recommendation. The Board concluded that the actions taken by Officer Mike Anich and Kevin Sagar involved extreme risk and were performed above and beyond the call of duty. The Board concluded as well, that both officers are deserving of the police department's medal of valor.

Policy Issues

Police Department Directive 94-8, adopted on December 22, 1994, provides for the awarding of service medals for meritorious, distinguished, and valorous police actions. This particular City Council action is in sync with the basic tenets of the awards policy, and no "issues," in staff's opinion, exist with regard to the policy of the recommended action.

Staff Recommendation

Present the Valorous Service Award to Officers Mike Anich and Kevin Sagar.

Background

On February 5, 2000, at approximately 12:53 am, Officers Mike Anich and Kevin Sagar responded to the 13200 block of Tejon Street on the report of a violent domestic disturbance. A report had been received from a 14-year-old female that her father and mother, who were estranged, were traveling in a vehicle together and that her father had been choking and threatening her mother. The daughter had been present in the vehicle but had escaped when her mother had momentarily stopped the vehicle, allowing her to get to a phone and call for help.

The officers were unable to locate the vehicle so they responded to the residence of the couple involved. Upon arrival the officers could hear the sounds of a struggle inside the house and a female voice calling for help. The officers forcibly entered the residence and followed the cries for help to the back of the house. There, in a dimly lit dining room the officers encountered the suspect and his wife struggling. The suspect was behind his wife and had her in a bear hug. He had a large survival type knife and was attempting to pull the knife into her chest while she was pushing out with her hands.

The officers yelled at the suspect to release his wife and to stop but he ignored them. The officers struck the suspect with their batons and flashlights in an attempt to force him to drop the knife but were unsuccessful.

Officer Anich attempted to grab the knife and pull it away and while doing so received a cut on his hand. The wife continued to cry for help and stated that her husband had a knife and was going to kill her by using it. At this point the officers realized that they were going to have to utilize deadly force to prevent death or injury to the victim and both officers fired their weapons at the suspect, who subsequently died of his wounds. The victim received several lacerations to her chest and arm as the result of the suspects attempts to stab her and told the officers that they saved her life.

These officers made one of the most difficult decisions an officer may be required to make in the course of their career, that being to utilize deadly force to protect another from serious injury or death. These officers acted decisively and courageously to save the life of an innocent victim, but not without attempting lesser levels of force first. Their actions are exemplary and reflect the highest standards of law enforcement professionalism.

Respectfully submitted,

Alan Miller,
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Proclamation re Flynn Elementary Student Council

Prepared by: Jerry Cinkosky, Contract Services Coordinator

Introduction

City Council is requested to recognize the Flynn Elementary School Student Council and music teacher, Donna Deininger, for their efforts in providing and operating the school's recycling program.

Summary

The Flynn Elementary School Student Council, working with teacher Donna Deininger, has provided a paper recycling program at Flynn Elementary School for the past two years. Through this recycling program, it is estimated that Flynn Elementary School has saved the School District \$600 in trash hauling expenses and statistics show that 46 trees have been saved, in addition to other environmental savings. During this time, students have collected over 2 tons of paper, which would normally have been hauled to a landfill.

Student Council is to be commended for their conscientious efforts and setting an example for other schools in the District to follow. There are 27 students on the Student Council and several representatives and Ms. Deininger will be present at Monday night's meeting to accept this proclamation. Names of the students that will be present will be given to the Mayor prior to the presentation,

Policy Issues

The presentation to the students is consistent with Council's policy of recognizing notable contributions to the community.

Staff Recommendation

Mayor presents a proclamation in recognition of the efforts of Flynn Elementary School Student Council and Ms. Donna Deininger for their leadership role in providing this paper recycling program at Flynn Elementary School.

Background

In 1999, music teacher Donna Deininger from Flynn Elementary School contacted Staff inquiring about the City's recycling program. Although Flynn Elementary School Student Council had an existing program, their recycler was no longer able or willing to pick up the materials. The Student Council was able to find another recycler but services were \$40 per pickup and with no financial resources available, the school found it difficult to continue the program.

City Staff met with Ms. Deininger and agreed with the Student Council on the importance of providing a recycling program. An agreement was made to assist the students by allowing them to use the City's recycling program at no additional costs to the City or the students.

The Student Council has been responsible for collecting recyclable materials and Staff agreed to pick up the materials on an on call basis. For the past two years, the Student Council has collected between 2 and 3 tons of paper in the school, which has been recycled.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachment

WHEREAS, The Flynn Elementary School Student Council several years ago began a recycling program within their school; and

WHEREAS, The Flynn Elementary School Student Council was unable to continue the recycling program due to increased costs associated with picking up the recycled items; and

WHEREAS, The Flynn Elementary School Student Council, wanting to continue recycling efforts within the school, contacted the City of Westminster about a joint effort to allow their recycling to continue; and

WHEREAS, The Student Council of Flynn Elementary School for the past two years, has been responsible for collecting recyclables within the school and contacting City Staff in order to have the recyclable picked up; and

WHEREAS, Because of the conscientious efforts of the Student Council and teacher Donna Deininger, between two and three tons of paper have been recycled in the last two years; and

WHEREAS, This recycling effort equates to saving 46 trees, a water savings of 18,900 gallons; air pollution reduced by 35%; solid waste reduced by 10.80 cubic yards and a cost saving of over \$600 in trash hauling costs.

NOW THEREFORE, I, NANCY M. HEIL, Mayor of the City of Westminster, on behalf of the entire City Council and Staff do hereby proclaim Tuesday, May 23rd, 2000 as

FLYNN ELEMENTARY SCHOOL STUDENT COUNCIL DAY IN THE CITY OF WESTMINSTER

In recognition of the Student Council and Ms. Deininger's effort to contribute to their community by encouraging recycling within Flynn Elementary School.

Signed this 22nd day of May, 2000

Nancy M. Heil, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000
Subject: Proclamation re Swim and Fitness Center 25th Anniversary
Prepared by: Renee Foote, Facility Assistant

Introduction

City Council is requested to proclaim Thursday, June 1, as the Swim and Fitness Center's 25th Anniversary Day.

Summary

On June 1, 1975, the City of Westminster opened its first recreation center. The 17,000 square foot Swim and Fitness was designed to provide recreation for the entire family.

The Center quickly became a popular recreation facility in Westminster. The indoor pool has provided countless hours of entertainment, as well as home to the swim teams of Westminster High School and Ranum High School.

The Swim and Fitness Center will be celebrating its 25th Anniversary on Saturday, June 3, with admission prices at 1975 rates, raffle prizes, refreshments, as well as the following activities:

11:30 am-1:00 pm	Musical entertainment
1:00 pm	Mayor's remarks and anniversary cake
1:00-4:00 pm	Dino the Plonkasaurus in the pool
3:00-4:00 pm	Aquatic games

Staff Recommendation

Present a proclamation to Recreation Facility Assistant Renee Foote celebrating 25 years of recreation center operation at the Swim and Fitness Center.

Background Information

The Swim and Fitness Center was the cradle of the now two-time winner of the National Recreation and Parks Association National Gold Medal Grand Award for Excellence in Park and Recreation. The Center has provided quality recreation for families for 25 years.

In 1993, the Swim and Fitness Center was completely renovated to include an 8-lane lap pool, diving well, teaching pool, hot tub, steam room, lockers and showers, lobby, and new parking lot. Today the Center houses one of the nicest indoor competition pools in the Denver metro area.

Respectfully submitted,

Alan Miller, Acting City Manager
Attachments

WHEREAS, The City of Westminster's Swim and Fitness Center was the first recreation center in the City; and

WHEREAS, The Center provided a valuable and integral service to the citizens of the City of Westminster; and

WHEREAS, The Center has been the "Home Team" facility for both Westminster High School and Ranum High School swim teams; and

WHEREAS, The Center has provided recreation center use to Hyland Hills Park and Recreation District residents through an intergovernmental agreement; and

WHEREAS, The Center was the cradle of the now two-time winner of the National Gold Medal Grand Award for Excellence in Park and Recreation Management; and

WHEREAS, The Center has contributed greatly to the quality of life of the citizens of the City, and

WHEREAS, This year the Swim and Fitness Center celebrates its 25th Anniversary of service to the citizens.

NOW, THEREFORE, the City Council of the City of Westminster, Colorado, hereby proclaims Thursday, June 1, 2000, as SWIM AND FITNESS CENTER 25TH ANNIVERSARY DAY in the City of Westminster, to formally recognize the contributions of the Swim and Fitness Center.

Signed this 22nd day of May, 2000.

Nancy M. Heil, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Contract to Furnish PVC Water Pipe

Prepared by: Roger Harshman, Utilities Construction Foreman

Introduction

City Council action is requested to award the bid for 20,000 feet of 8-inch and 400 feet of 6-inch PVC pipe in the amount of \$147,190.80 to CPS Distribution Inc. The pipe is to be used by the in-house Utility Construction Crew to replace the old deteriorating cast and ductile iron water mains throughout the City of Westminster. Funds have been specifically allocated in the 2000 Utility Fund, Public Works and Utilities Department budget for these expenses.

Summary

In March 2000, the Purchasing Division sent out formal bid proposals for PVC Water Pipe. The low bid was received from CPS Distribution Inc. for 20,000 feet of 8-inch and 400 feet of 6-inch PVC pipe. City Council previously approved \$873,000 in the 2000 budget for the in-house water line replacement program. Part of that funding is allocated for the purchase of this pipe material.

Policy Issues

Should the City accept the bid submitted by CPS Distribution Inc., for waterline system pipe materials.

Staff Recommendation

Award the bid for the PVC Water Pipe to the low bidder, CPS Distribution Inc. in the amount of \$147,191 and charge the expense to the appropriate 2000 Public Works and Utilities budget account.

Background Information

The purchase of this pipe will be utilized by the in-house utility water line replacement program, which will be replacing cast and ductile iron pipe throughout the City. The City's in-house Utility Construction Crew performs this activity. The program was established in order to reduce the frequency and number of pipe failures customers experienced in the City's water distribution system. The Utility Construction Crew replaces approximately 4-miles of deteriorating ductile and cast iron pipe per year with PVC pipe which can be placed in our hot, corrosive soils without any deterioration concerns.

Bids were solicited from the following vendors:

CPS Distribution Inc.	\$147,191
Mountain States	\$153,156
Dana Kepner	\$153,620
US Filter	\$155,780
Waterworks Sales	\$170,430

The low bid from CPS Distribution Inc. meets all of the City's specifications for this bid. The cost of the pipe was previously approved by City Council in the 2000 Public Works and Utilities budget.

Alternatives

The alternative would be not to purchase the PVC pipe and replace deteriorating pipe, and continue to take the risk of pipe failures on the cast and ductile iron pipe lines.

Respectfully submitted,

Alan Miller
Acting City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Award of Contract to Aquacraft for Water Conservation Study

Prepared by: Bob Krugmire, Water Resources Engineer
Katie Leone, Water Resources Intern
Kelly DiNatale, Water Resources and Treatment Manager

Introduction

City Council action is requested to authorize the City Manager to execute a contract with Aquacraft, Incorporated, for consulting services related to the Evaluation of Water Usage and Development of a Water Conservation Program for Westminster's Industrial/Commercial/Irrigation Water Customers in an amount not to exceed \$60,000. Funding is available in the 2000 Utility Fund Water Resources Budget for this expense.

Summary

Industrial, Commercial and Irrigation (ICI) water users are one of the most diverse sectors of customers in the City. In the ICI sector, water is used for typical domestic purposes, cooling, cleaning, irrigation, manufacturing processes, cooking, washing cars, filling swimming pools and more. This sector accounts for approximately 30 percent of the City's total demand. Despite the substantive proportion of urban water consumed by the ICI sector, relatively little attention has been focused on water conservation and demand management for these customers – perhaps because each group of ICI accounts uses water in a different way, and because initial conservation efforts have focused on residential users.

Requests for Proposals were sent out to four consulting firms, including Aquasan Network, Planning and Management Consultants, Stratus Consulting, and Aquacraft, Inc. Staff received notification from Aquasan Network that they would not be proposing on the project due to other time demands. No proposal was received from Planning and Management Consultants, even though they responded to the initial RFP with clarification questions. Aquacraft, Inc. and Stratus Consulting jointly submitted the single proposal that was received.

In response to the RFP, Aquacraft, Inc., along with Stratus Consulting, intend upon completion in the fall of 2000, to provide the City of Westminster with a working ICI conservation program. The ICI conservation plan will be capable of functioning in an ongoing manner using a combination of In-House Staff and consultants, and with systems in place to track both overall ICI water use in the City and the effectiveness of the ICI conservation program in reducing unit demands within this sector.

Aquacraft, Inc. has worked on several projects for Westminster with respect to water usage and optimization. The execution of the ICI Conservation Program is the next logical step for the City of Westminster as part of the ongoing effort to optimize existing water resources and the provision of future planning guidelines.

Policy Issues

Should Westminster fund a water conservation program as a way to maximize the use of a limited resource?

Alternatives

As an alternative to completing this contemplated project, Westminster could choose to delay or not perform the study. It is anticipated that implementation of a conservation program for the City's industrial/commercial/irrigation users would result in quantifiable savings in consumption. Water savings realized in one segment of the consumer population would then be available to other customers or as supply for new growth.

Staff Recommendation

Authorize the City Manager to execute a contract with Aquacraft, Inc., in an amount not to exceed \$60,000 for consulting services related to the Evaluation of Water Usage and Development of a Water Conservation Program for Westminster's Industrial/Commercial/Irrigation Water Customers and charge this expense to the Water Resources Budget in the Utility Fund.

Background

Requests for Proposals were sent out to four consulting firms, including Aquasan Network, Planning and Management Consultants, Stratus Consulting, and Aquacraft, Inc. Staff received notification from Aquasan Network that they would not be proposing on the project due to other time demands. No proposal was received from Planning and Management Consultants. Aquacraft, Inc. and Stratus Consulting jointly submitted the single proposal that was received.

The City of Westminster and Aquacraft, Inc. have conducted several studies of ICI water use including a study of peak use patterns in 1996 and a study of Residential and ICI end use patterns in 1998. While these studies added to the body of knowledge on ICI water use, they did not "take the next step" and actually implement demand management measures.

Recently, staff from Water Resources has taken the important step of organizing and categorizing ICI billing accounts in the City and linking these billing records with available tax assessor and sales tax data. This effort provides the City with a new tool for analyzing ICI water use in more extensive and useful ways. Similar ICI account categories such as supermarkets or office buildings can now be grouped together, compared, and statistically analyzed. In many cases it may be possible to identify customers from their billing records who are either efficient or inefficient users of water. This makes it possible to target water conservation and demand management efforts at the customers who might achieve the highest water savings.

Respectfully submitted,

Alan Miller
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Resolution No. 37 re Appointments to the Westminster 2000-2001 Youth Advisory Panel

Prepared by: Cindy McDonald, Youth Advisory Panel Liaison
Dee Martin, Youth Advisory Panel Liaison

Introduction

City Council action is requested to adopt the attached Resolution making appointments to the Westminster Youth Advisory Panel for 2000/2001.

Summary

On September 13, 1999, City Council adopted Resolution No. 68 creating the Westminster Youth Advisory Panel. Fourteen candidates were interviewed for the 2000-2001 Youth Panel by Mayor Nancy Heil, Councillor Butch Hicks, and Staff Liaisons Dee Martin and Cindy McDonald on May 2 and 3. Two additional applicants were interviewed by Mayor Nancy Heil, and Staff Liaisons Dee Martin and Cindy McDonald on May 10 as part of an expedited recruitment process to recruit additional male candidates. The attached resolution formalizes the appointments to the Youth Advisory Panel based on these interviews. City Council is scheduled to appoint the new members of the Panel at the City Council meeting on Monday, May 22. Further, during the selection process, several very qualified candidates from area high schools had to be turned down due to residency requirements and the rule only allowing two panelists from each school. At the Mayor's suggestion, Staff will be presenting these issues to the existing Youth Panel for discussion. Since amendments to the By-laws require Council action, an Agenda Memo with possible recommendations to change the Youth Advisory Panel By-laws may be submitted in the future.

Recommendation

Adopt Resolution No. 37 appointing members to the Westminster Youth Advisory Panel for 2000/2001.

Background Information

On September 13, 1999, City Council adopted Resolution No. 68 creating the Westminster Youth Advisory Panel. Each Panel is seated for a term of one year with re-appointments possible up to four terms in total. As such, Staff recruited candidates for the 2000/2001 Youth Advisory Panel. Applications became available on April 3, with the application deadline April 26. The City solicited support from the seven area high schools (Arvada, Westminster, Ranum, Pomona, Northglenn, Standley Lake, and the Alternative Center for Education) for recruiting and promoting the Panel. Additionally, the City placed information in the *Westminster Window*, *City Edition*, Channel 8 and the City's website.

In the resolution establishing the Youth Advisory Panel, membership is to be comprised of two representatives from each school identified as having Westminster teens in attendance. As such, the seven area high schools (Arvada, Westminster, Ranum, Pomona, Northglenn, Standley Lake, and the Alternative Center for Education) should be represented on this Panel.

The resolution also included three at-large members to represent those individuals not attending one of the seven high schools previously noted (i.e., they may attend home, private, charter or other schools not identified as having representation on the Panel). Based on these parameters established in the resolution creating the Panel, the membership was anticipated to total 17 youth assuming sufficient participation from each school for 2000/2001.

The City received 17 applications for the 2000/2001 Youth Panel. One candidate did not meet Westminster residency requirements and therefore was not interviewed. Fourteen candidates were originally interviewed by Mayor Nancy Heil, Councillor Butch Hicks, and Staff Liaisons Dee Martin and Cindy McDonald on May 2 and 3. Two additional applicants were interviewed by Mayor Nancy Heil, and Staff Liaisons Dee Martin and Cindy McDonald on May 10 as part of an expedited recruitment process to recruit additional male candidates. No applications were received from Pomona High School and the Alternative Center for Education, only one application from Arvada and Northglenn High Schools, and only one application to represent the at-large group. As noted, based on these parameters established in the resolution creating the Panel, the membership was anticipated to total 17 youth assuming sufficient participation from each school for 2000/2001.

Since the number of eligible applicants totaled 16, Staff originally recommended maintaining equity in representation on the Panel by keeping to the original membership allocation. Based on the applications received and the interview process, the 2000/2001 Panel's composition would total eight members (i.e., two from Westminster, Ranum and Standley Lake High Schools; one from Arvada and Northglenn High Schools).

However, at the conclusion of the interview process, the interviewers recommended appointing three additional "at-large" representatives from the candidate pool from schools that already had their two designated seats filled. This was done once previously on the selection of candidates for the 1999-2000 Youth Advisory Panel when Council appointed a student from Ranum High School to fill an "At-Large" seat even though the two seats designated from Ranum High School had already been filled. Therefore, the total number of candidates being recommended for appointment to the 2000-2001 Panel is eleven. This number is six short of the total number of seats available under the current By-laws. During the selection process, several very qualified candidates from area high schools had to be turned down due to residency requirements and the rule allowing only two panelists from each school. At the Mayor's suggestion, Staff will be presenting these issues to the existing Youth Panel for discussion. Since amendments to the By-laws require Council action, an Agenda Memo with possible recommendations to change the Youth Advisory Panel By-laws may be submitted in the future.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. 37

INTRODUCED BY COUNCILLORS

SERIES OF 2000

CITY OF WESTMINSTER YOUTH ADVISORY PANEL APPOINTMENTS

WHEREAS, the City Council of the City of Westminster believes that our youth should share with their community leaders the responsibility in addressing their needs, desires, challenges and issues, and molding their own futures; and

WHEREAS, the City values its youth and desires to advance and promote their special needs and interests and therefore created the Westminster Youth Advisory Panel on September 13, 1999; and

WHEREAS, currently the Panel has no members appointed for the 2000-2001 school year; and

WHEREAS, it is important to have this City Panel working with its fullest possible complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individuals to serve on the Youth Advisory Panel, representing the following schools:

Sophia Rutledge	Arvada High School
Jessika Strickland	Northglenn High School
Sarah Ingle	Ranum High School
Katie Jandera	Ranum High School
Lindsey Leuenberger	Standley Lake High School
Felisa Anne Reed	Standley Lake High School
Allen Hiserodt	Westminster High School
Jessica Woods	Westminster High School
Sarah Keel	At-Large Representative
Andrew Wazny	At-Large Representative
Sean Woytek	At-Large Representative

Passed and adopted this 22nd day of May, 2000.

ATTEST

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Resolution No. 38 re the Church Ranch West Property Annexation Petition

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petitions requesting annexation of the Church Ranch West property and establishing a hearing date. The proposed annexation consists of approximately 6.95 acres located at the southeast corner of 103rd Avenue and Wadsworth Boulevard.

Summary

Scott Harper, owner of The Plant Store, a retail nursery located north of Church Ranch Boulevard on the eastside of Wadsworth Boulevard, has entered into an agreement with Church Ranch to sell a portion of his property. As a result of that agreement, he has agreed to annex all of his property to the City. The Plant Store property, which consists of three separate parcels all currently owned by Mr. Harper, will be added to the Church Ranch Preliminary Development Plan and to the Church Ranch Filing No. 3 Official Development Plan. The amendments to those documents will be processed simultaneously with the annexation.

Policy Issues

Does the City Council wish to annex this property to the City? The Northeast Comprehensive Development Plan was adopted by both Jefferson County and the City of Westminster in 1996 to guide development in the unincorporated areas including this parcel. The plan calls for the City to annex properties covered by the Plan if in compliance with City goals.

Staff Recommendation

Adopt Resolution No. 38 accepting the annexation petition submitted by Mr. Harper and make the findings required by State Statute on the sufficiency of the petition, and set the date of July 10, 2000, for the annexation hearing.

Alternative

Find that the petition is not in compliance with State Statutes and take no further action.

Background

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) C.R.S. In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50 percent of the landowners of the land to be annexed. (In this case, Mr. Harper, signer of the petition, owns 100 percent of the property.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An attached map showing the boundaries of the area.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If the City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. 38

INTRODUCED BY COUNCILLORS

SERIES OF 2000

WHEREAS, there has been filed with the City Clerk of the City of Westminster, a petition, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein-described to the City;

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

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

1. City Council finds the said petitions and annexation maps to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes July 10, 2000, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 22nd day of May, 2000.

ATTEST:

Mayor

City Clerk

EXHIBIT A

PARCEL 1

A part of Mandalay Gardens, described as:

Beginning at a point that is 108 feet north of the southwest corner of Lot 57C, Mandalay Gardens; thence north 96 feet to southwest corner of Lot 57B, Mandalay Gardens; thence east along the south line of said Lot 57B to the southeast corner of Lot 57B; thence north 100 feet to the northeast corner of said Lot 57B; thence east 174.4 feet; thence south 196 feet; thence west 369 feet to the point of beginning; except that part described as:

The easterly 25.0 feet of the following described property, beginning at a point that is 108 feet north of the southwest corner of Lot 57C, Mandalay Gardens; thence north 96 feet to southwest corner of Lot 57B, Mandalay Gardens; thence east along the south line of said Lot 57B to the southeast corner of Lot 57B; thence north 100 feet to the northeast corner of said lot 57B; thence east 174.4 feet; thence south 196 feet; thence west 369 feet to the point of beginning.

County of Jefferson, State of Colorado

PARCEL 2

The south 108 feet of the west 369.15 feet of Tract 57C and the north 10 feet of the west 369.15 feet of Tract 57D, Mandalay Gardens, County of Jefferson, State of Colorado

PARCEL 3

Tract 57D, Mandalay Gardens except the northerly 10 feet County of Jefferson, State of Colorado



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Councillor’s Bill No. 45 re: 96th Avenue Connection, Pierce Street to Teller Street Supplemental Appropriation and Award of Construction Contract

Prepared by: Mike Normandin, Transportation Engineer

Introduction

City Council action is requested to pass the attached Councillor’s Bill on first reading which transfers \$41,539 to the 96th Avenue Connection, Pierce Street to Teller Street Project from the General Fund contingency; authorize the City Manager to amend the Intergovernmental Agreements between the Jefferson County R-1 School District, Jefferson County and the City of Westminster to approve the revised financial commitment of each of the three entities; authorize the City Manager to execute a construction contract for the 96th Avenue Connection, Pierce to Teller Street to Asphalt Specialties Company, Inc. in an amount to exceed \$671,565; and authorize the expenditure of \$32,360 to Nolte Associates, Inc. for project construction engineering. Funds for these expenses are available in the General Fund Contingency and the appropriate project account in the General Capital Improvement Fund.

Summary

The 96th Avenue extension project consists of the construction of a new roadway between Teller Street and Pierce Street (see attached map) and a school bus loading area, which will connect the proposed new link of 96th Avenue to the Mandalay Middle School parking area. The sponsors of this project include the City of Westminster, the Jefferson County R-1 School District and Jefferson County.

On February 28, 2000, City Council authorized the City Manager to execute Intergovernmental Agreements with the Jefferson County R-1 School District and Jefferson County regarding funding and contract administration for the subject project. Construction bids for the project were opened on April 26, 2000. The anticipated budget for this project, with the current information available, is approximately \$1,043,809. This represents a deficit of \$92,309 in available funding. The City Manager sent a formal request to the Jefferson County R-1 School District and Jefferson County for them to pay for their proportionate share of the project deficit. The Jefferson County R-1 School District and Jefferson County have responded favorably to the City Manager’s request. The proportionate share of the project deficit is as follows:

Jefferson County R-1 School District	\$29,539
Jefferson County	\$21,231
City of Westminster	<u>\$41,539</u>
Total	\$92,309

City Council action is requested to pass the attached Councillor’s Bill which transfers the City of Westminster’s share of the project deficit (\$41,539), to the 96th Avenue Connection project account from the General Fund Contingency. The General Fund Contingency account will have \$1,130,081 remaining after this transfer.

The revised financial commitment has the Jefferson County R-1 School District providing \$329,539, Jefferson County \$246,231, and the City of Westminster \$468,039 for a total of project budget in the amount of \$1,043,809 for design, right-of-way and construction. City Council is requested to authorize the City Manager to amend the Intergovernmental Agreements to reflect the revised financial commitments of each of the three entities.

City Council is requested to award the construction bid to Asphalt Specialties Company, Inc., in an amount not to exceed \$671,565. City Council action is also requested to authorize the City Manager to execute a construction engineering services contract with Nolte Associates, Inc., the design consultant on the project, in the amount of \$32,360. The requested fee represents 5% of the construction cost, which compares very favorable with the cost of such services on previous capital improvement projects.

Alternatives to these requested actions include abandoning the project or re-bidding the project at a later date. Delaying the project until a later date would more than likely result in increased bid prices. Abandoning the project would result in the loss of \$229,010 which has been allotted to date for design and right-of-way costs.

Policy Issues

Is City Council comfortable with proceeding with this project at this time given the added City share of the cost of \$41,539 and funding this added cost from the General Fund Contingency account?

Staff Recommendation

1. Pass Councillor's Bill No. 45 on first reading authorizing the transfer of \$41,539 to the 96th Avenue, Pierce Street to Teller Street Connection Project in the General Capital Improvement Fund from the General Fund contingency.
2. Authorize the City Manager to amend the Intergovernmental Agreements with Jefferson County, Jefferson County R-1 School District and the City of Westminster to approve the revised financial commitment of each three entities for the 96th Avenue, Pierce to Teller Streets Connection Project.
3. Authorize the City Manager to execute a contract with Asphalt Specialties Company, Inc. in an amount not to exceed \$671,565 for the construction of 96th Avenue between Pierce Street and Teller Street; authorize the City Manager to execute a construction engineering services agreement with Nolte Associates, Inc., in the amount of \$32,360; and charge all of the expenses to the appropriate project account in the General Capital Improvements Fund.

Background

A few years ago when the Cambridge Farms Subdivision, located east of Wadsworth Boulevard at 93rd Place was approved, several residents of the surrounding neighborhood attended the public hearing to express concerns over traffic problems within the Greenlawn area. As a result, Council directed City of Westminster and Jefferson County Staff and a transportation consultant to work with the residents of the Greenlawn neighborhood to develop a comprehensive set of recommendations for transportation actions that would enhance traffic operations and safety in the neighborhood. Several neighborhood meetings were held and an external facilitator/mediator was hired to assist in formulating a plan that would be most compatible and agreeable to all parties involved. A neighborhood design team was formed which represented various factions of the neighborhood.

One of the consensus recommendations reached by the neighborhood design team was to extend 96th Avenue from Teller Street to Pierce Street (see attached map). The purpose of this street connection was to keep buses that circulate between the schools and any cut-through traffic on the northern edge of the neighborhood, as well as to reduce traffic on West 95th Avenue by increasing the number of roads connecting between Teller and Pierce Streets. Currently, 95th Avenue is the only street that connects with Pierce Street between 92nd Avenue and 98th Avenue.

Within the past few years, preliminary design for the 96th Avenue Extension has been completed and the Jefferson County R-1 School District, Jefferson County and the City of Westminster have formed a partnership to fund the cost of the 96th Avenue project. Jefferson County Schools benefits from this project because it will provide bus access to the Mandalay Middle School parking lot. Removing buses from the existing parking will alleviate the circulation problems that currently exist. In early 1999, a consultant was hired to prepare the final design and a bid package for the construction of the subject street connection.

At the May 10, 1999, City Council meeting, a petition signed by 225 people was submitted to stop the plans to construct the 96th Avenue Extension. Several people that signed the petition were parents of students attending Semper Elementary School as well as Semper Elementary Staff members. The organizers of the petition indicated that they questioned the need for the 96th Avenue Extension due to the decreased traffic volumes on 95th Avenue between Teller and Pierce Streets. Recent traffic counts indicate that over the past four years, the traffic volumes on 95th Avenue between Teller and Pierce Streets have dropped from 1650 cars per day to 881 cars per day. This decrease in traffic volume may be due to the opening of 98th Avenue between Pierce Street and Old Wadsworth Boulevard.

The final design of the 96th Avenue connection was placed on hold until additional feedback could be obtained from the Greenlawn neighborhood. City Staff surveyed the Greenlawn area due to the extensive neighborhood process that was initially conducted, and found that 60% of those responding to the survey still favored the construction of the roadway.

On February 28, 2000, a resolution was adopted by City Council which authorized the acquisition of property interests necessary to construct the subject project. There are three private properties that abut the 96th Avenue Project. The land owners of the properties on the east end and in the middle of the project have agreed to a final settlement. The owner of the property on the west end of the project has signed an agreement for possession and use. However, the final right-of way cost for the property on the west end of the project is unknown at this time and may not be determined for several months. This is not an uncommon occurrence on City Capital Improvement Projects; recent projects such as the 72nd Avenue Improvements and the Church Ranch Boulevard western extension were constructed well before all of the right-of way costs were finalized.

City Council has previously determined that it is appropriate to move forward with the construction of the project despite the fact the final right-of way cost for the property on the west end of the project is unknown at this time and may not be determined for several months.

The construction package for the 96th Avenue Connection, Pierce Street to Teller Street project was advertised in the Daily Journal and bids were opened on April 26, 2000. Seven contractors submitted bids with the bid results as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Asphalt Specialties Company, Inc.	\$671,565
Randall and Blake Inc.	\$685,984
Concrete Express	\$753,718
Goodland Construction	\$766,810
New Design Construction	\$810,064
Concrete Works of Colorado	\$907,193
Contracting Services Inc.	\$926,633

City Staff believes the low bid submitted by Asphalt Specialties Company, Inc. is reasonable and believe that this company is very capable of performing this type of project.

Staff also recommends a construction contingency of \$100,734, to be authorized to account for any unforeseen change orders on this project.

Capital improvement projects of this type usually require construction engineering services. The City is not adequately staffed to provide these services "in house". In almost all cases, it is best to retain the design consultant to provide construction engineering services on the project. Staff routinely checks proposed construction services against generally accepted industry standards relating to fair percentage of the value of the work being constructed. Depending on the size of the project, construction engineering fees should usually fall in the range of 5% to 15% of the cost of construction. For the 96th Avenue Connection, Nolte Associates fee of \$32,360 (5% of the expected costs of construction) is fair to the City.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2000

COUNCILLOR'S BILL NO. 45
INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2000 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2728 in the amount of \$12,699,851 is hereby increased by \$617,309 which, when added to the fund balance as of the City Council action on May 22, 2000, will equal \$16,334,440. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a transfer from the General Fund Contingency Account and contributions from Jefferson County R-1 School District and Jefferson County to fund expenses associated with the Greenlawn Traffic Mitigation project.

Section 2. The \$617,309 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Transfer from General Fund			
75-9999-360	\$ 2,340,280	\$ 41,539	\$ 2,381,819
Contributions			
75-1108-000	\$ 0	<u>\$ 575,770</u>	\$ 575,770
Total Revenue		<u>\$ 617,309</u>	
<u>EXPENSES</u>			
Greenlawn Traffic Mitigation			
75-30-88-555-411	\$ 317,946	\$ 617,309	\$ 935,255

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

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>EXPENSES</u>			
Contingency			
10-10-99-999-000	\$ 1,171,620	\$(41,539)	\$ 1,130,081
Transfer to GCIF			
10-10-95-990-975	\$ 2,340,280	\$ 41,539	\$ 2,381,819

Section 4 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 6. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of May, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO
Agenda Memorandum

Date: May 22, 2000
Subject: Lowell Boulevard Right-of-Way Acquisition Services
Prepared by: Dan Blankenship, Senior Civil Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an agreement with Western States Land Services Inc. in the amount of \$41,250 for land acquisition services. Funds for this right-of-way acquisition service are available in the General Capital Improvement Fund.

Summary

Final design of the Lowell Boulevard Improvement Project from 68th Avenue to the Burlington Northern Santa Fe Railroad track is nearing completion. The project will widen Lowell Boulevard to a three-lane cross-section (one lane in each direction with a continuous center turn lane) and curb, gutter and sidewalk will be added to both sides of the roadway, which matches the current street cross-section south of the project. Provided that the right-of-way acquisition proceeds in a reasonable manner, construction of the roadway improvements is scheduled to begin this summer.

Within the approximate 2000-foot project length there are 30 properties that are immediately adjacent to Lowell Boulevard. Of these, five belong to the City and 25 are privately owned. In order to accommodate the project, right-of-way will need to be obtained from five residential properties and four business properties. In addition to the right-of-way, construction easements will have to be acquired from 22 of the 25 properties.

On April 24, 2000, City Council passed a resolution authorizing acquisition of the property interests necessary to construct the roadway improvements. A proposal for land acquisition services in the amount of \$41,250 was received from Western States Land Services. For comparative purposes, Staff solicited a proposal from a second land acquisition agent but the agent respectfully declined because he currently has a full workload.

Policy Issues

Should the City proceed with land acquisitions to achieve the Lowell Boulevard widening project?

Staff Recommendation

Authorize the City Manager to execute an agreement with Western States Land Services in the amount of \$41,250 for land acquisition services for the Lowell Boulevard Improvement Project and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Background

In 1994 Adams County initiated the Lowell Boulevard Improvement Project from 68th Avenue to the Burlington Northern Santa Fe Railroad track, a distance of approximately 2000 feet in length.

In 1995, City Council authorized an agreement for the design of roadway and water line improvements on Lowell Boulevard. The project was divided into two phases and the first phase, the water line improvements was completed in 1996. The second phase of the project, the roadway improvements, includes widening to a three-lane cross-section (one lane in each direction with a continuous center turn lane) with curb, gutter and sidewalk along each side to match the existing cross-section south of the project. The project also includes moving 69th Place ten feet north of the existing building on the southwest corner of Lowell Boulevard and 69th Place, which was made possible by the acquisition of open space north of 69th Place.

The final design of the project is nearly complete. Within the approximate 2000 foot project length there are 30 properties that are immediately adjacent to Lowell Boulevard, of which, five belong to the City and 25 are privately owned. In order to accommodate the project, it will be necessary to obtain right-of-way in fee simple from five residential properties and four business properties. The right-of-way acquisitions include the entire frontage of these properties and range in width from two feet to 12 feet. Additionally, construction easements will need to be acquired from 22 of the 25 properties.

A single proposal was solicited from Western States Land Services for acquisition services on the project. Typically multiple proposals are solicited. However the list of potential acquisition agents is very limited. The list is limited because it is critical that the agent be intimately familiar with the statutory process, that they be properly prepared for potential testimony in eminent domain proceedings, and that they have demonstrated that they can perform these services competently. When Western States submitted a proposal in the amount of \$41,250, staff solicited an additional proposal for comparative purposes. Unfortunately, the acquisition agent that was solicited respectfully declined because he was unable to take on new projects at this time. Given the limited availability of qualified acquisition agents and Western States past performance on other City projects, it is has been determined by staff that awarding the services agreement to Western States is in the best interest of the City.

An agreement has been executed with West Terra Corporation for appraisal services and they have been directed to proceed with appraisals of the parcels from which right-of-way acquisition is required. Staff anticipates that some, if not all of the easements, can be obtained through negotiation without formal appraisals. Upon completion of the appraisals, Western States has proposed to prepare Value Finding Reports as a basis for negotiations of the required easements and will then begin the negotiation process to acquire the right-of-way and easements. In addition to preparing the Value Finding Reports for the easements, Western States scope of services includes negotiations with the owners of each of the privately owned properties, documentation and file management for each parcel, assistance with closing and extended negotiations and condemnation, if necessary. Western States fee is \$1,650 per parcel, which equates to \$41,250 for the entire project.

Possession of the necessary right-of-way and easements is a prerequisite to awarding a construction contract. The project will be ready to bid later this spring and provided that the right-of-way and easements have been acquired or possession has been secured, construction is scheduled to begin this summer. A map of the area is attached as Exhibit A.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Resolution No. 39 re Federal/Zuni Extension Right-of-Way Acquisition

Prepared by: Dan Blankenship, Senior Civil Engineer

Introduction

City Council action is requested to adopt the attached Resolution authorizing acquisition of property interests necessary to construct the street improvements for the Federal/Zuni Extension Project, using eminent domain proceedings, if necessary. Funds for the right-of-way acquisition are available in the Federal Boulevard Extension Project in the General Capital Improvement Fund.

Summary

Final design of the Federal/Zuni Extension Project is nearing completion. The project will extend Federal Boulevard from the intersection of 120th Avenue to Zuni Street, approximately 1300 feet south of the intersection of 128th Avenue. The project includes the construction of a two-lane roadway, one lane in each direction, a drainage and trail crossing at Ranch Creek, and a bridge and trail crossing at Big Dry Creek. Provided that the right-of-way acquisition proceeds in a reasonable manner, construction of the roadway improvements is scheduled to begin this summer.

Within the approximate 6,000-foot project length, there are five separate properties. Four of the properties are privately owned and the City of Westminster owns the fifth. In order to accommodate the proposed roadway construction, fee simple right-of-way and construction easements will need to be acquired from the four private properties. Additionally, an access easement across a fifth parcel of private property will be needed to realign a driveway with Willow Run Parkway and right-of-way along the south side of 128th Avenue will need to be acquired from a sixth private property to complete the right-of-way on 128th east of Zuni.

The attached Resolution will allow City Staff to pursue all legal and appropriate activities necessary to acquire the right-of-way and easements needed to construct the project. This includes filing condemnation actions using the City's right of eminent domain if negotiations with property owners do not result in timely possession of the parcels needed to accommodate the proposed construction.

Since the proposed acquisition is a statutory process, there are no legal alternatives.

Policy Issues

Should the City proceed with the right-of-way acquisitions as proposed to achieve the Federal Boulevard Extension Project?

Staff Recommendation

Adopt Resolution No. 39 authorizing City Staff to proceed with acquisition of the right-of-way and easements necessary to construct street improvements for the Federal/Zuni Extension Project, using eminent domain proceedings, if necessary.

Background

In October of 1999, City Council authorized a business assistance agreement with Southwestern Investment Group (SIG) for the Safeway anchored Willow Run Shopping Center at the northeast corner of 128th Avenue and Zuni Street. As a part of the assistance package, SIG agreed to design and construct the first phase of the Federal/Zuni extension with reimbursement from the City over a three- year period beginning in 1999. The first phase of the project includes the construction of a two-lane roadway, one lane in each direction, a drainage and trail crossing at Ranch Creek, and a bridge and trail crossing at Big Dry Creek.

With the final design nearing completion, Staff is prepared to begin the land acquisition process. An appraisal services agreement has been executed with Earley and Associates and a land acquisition services agreement has been executed with Western State Land Services. The appraisal services are underway and the acquisition services will proceed upon authorization to proceed with the acquisition process.

In order to construct the approximate 6000-foot roadway, a total of 7.2 acres of right-of-way will need to be acquired from four private property owners. In addition to the right-of-way, construction easements will need to be acquired from each of the four properties along the route and a permanent access easement will need to be acquired from private property opposite of Willow Run Parkway to allow a driveway to be aligned with Willow Run Parkway. Willow Run Parkway serves a Broomfield residential subdivision west of Zuni Street. Also, in order to complete the 128th Avenue right-of-way, approximately 0.7 acres will need to be acquired along the south side of 128th east of Zuni. Although the 128th Avenue roadway construction will not occur with this project, the acquisition at this time will secure the full right-of-way width for 128th Avenue.

Possession of the necessary right-of-way and easements is a prerequisite to proceeding with construction. Construction of the project is scheduled to begin this summer, provided that the necessary right-of-way and easements have been acquired or possession has been obtained.

The attached Resolution authorizes staff to carry out the activities necessary to acquire property for the Federal/Zuni Extension Project. A map of the area is attached.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. 39

INTRODUCED BY COUNCILLORS

SERIES OF 2000

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to acquire certain parcels of land to accommodate the construction of the Federal Boulevard Extension Project shown on the attached Exhibit A; and

WHEREAS, property appraisals are being prepared by a professional appraisal company experienced in performing appraisals to determine the fair market value of the property rights being acquired in each of the parcels; and

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

WHEREAS, a delay in the acquisition of any of these parcels could result in a delay of the Federal Boulevard Extension Project, thus creating a hardship on the general population of the City of Westminster and Adams County wishing to utilize the proposed project; and

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to keep the Federal Boulevard Extension Project on the desired schedule.

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

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the Federal Boulevard Extension Project in the area shown in Exhibit A.

2. City Staff is authorized to proceed with negotiations to acquire the necessary property interests in the area shown on Exhibit A, including remainders pursuant to W.M.C section 15-1-11, on the basis of the appraised value, or such higher value as is considered just and necessary to facilitate the acquisition and avoid the necessity of condemnation.

3. The City Manager is hereby authorized to acquire such property interests consistent with applicable law, including the execution of all documents necessary to complete these purchases.

4. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property interests in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceedings required to obtain property interests should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request a grant of immediate possession of the necessary property interests.

5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitations, contractual services, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filings fees and charges and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property. The cost shall be charged to the Federal Boulevard Extension Project Account of the General Capital Improvement Project Fund.

6. The City Engineer is hereby authorized to call for amendment of the legal descriptions of the parcel interests to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of the project.

Passed and adopted this 22nd day of May 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Resolution No. 40 re Public Works and Utilities Position Reclassification Changes

Prepared by: Ron Hellbusch, Director of Public Works & Utilities
Jenny Hilbert, Human Resources Analyst

Introduction

City Council action is requested to authorize three reclassifications of current full-time equivalent (FTE) positions within the Department of Public Works and Utilities. The City Charter requires that the pay plan be approved by City Council, and therefore any changes to the plan needs City Council's authorization.

Summary

Staff is requesting that City Council consider mid-year changes to the 2000 pay plan regarding three reclassifications of current FTE positions.

The recommended changes are: reclassifying the Water Plant Supervisor to Water Plant Superintendent (Grade 61 to Grade 64); reclassifying the Wastewater Plant Supervisor to Wastewater Plant Superintendent (Grade 61 to Grade 64); and reclassifying the Water Quality Coordinator to Water Quality Administrator (Grade 61 to Grade 64). Both the Water and Wastewater Plant Supervisors will become overtime exempt under this proposal resulting in nearly \$4,000 in annual savings. The proposed pay range increases are prompted by the need to hire a new Water Treatment Plant Superintendent in a very competitive market, up grading the qualifications to require a college degree and to keep the related positions consistent with the upgrade of the Water Plant Superintendent position.

Alternatives

There are several alternatives to these proposed changes. First, Staff could request these reclassifications in the 2001 Budget process with the reclassifications becoming effective on January 1, 2001. The problem with this alternative is that, with the current vacancy of the Water Plant Supervisor it makes it a prime opportunity to increase the City's competitiveness by recruiting the most highly qualified individuals for this position. The second alternative is to authorize only the Water Plant Supervisor reclassification at this time and request the other two reclassifications through the 2001 budget process. In terms of internal alignment issues, Staff believes that it would be best to authorize all three reclassifications at the same time. In addition, the Wastewater Plant Supervisor will have the added responsibility of the operations for the reclaimed water facility beginning this summer. The last alternative is to leave positions at the same grade they are currently. Staff does not recommend this alternative due to the competitive employment market and the anticipated difficulty in obtaining highly qualified applicants for the Water Plant Supervisor. Staff believes the other two positions warrant increases to meet the demands of the labor market.

Policy Issue

Whether City Council believes it is appropriate to amend the City Pay Plan mid-year to provide for the three recommended reclassifications in Public Works and Utilities to strengthen the City's competitive recruiting position.

Staff Recommendation

Adopt Resolution No. 40 authorizing the changes to the 2000 pay plan and reclassification of three existing positions within the Department of Public Works and Utilities.

Background Information

On January 1, 1999, the Department of Public Works and Utilities implemented a reorganization of its plant and laboratory operations to the Water Resources Division from the Utilities Operations Division. The reorganization was in response to the continued increase in expanded services and responsibilities in the Utilities Division since 1990 and to a need to centralize the highly technical water quality and regulatory issues. Also, the laboratory operations were removed from both plant responsibilities and placed under the direction of the Water Quality Coordinator to provide technical support, objectivity and quality assurance when evaluating water quality from both plants. When the reorganization was proposed in 1998, these reclassifications were not recommended at that time since Staff wanted to carefully evaluate how significant duties and responsibilities would change.

Over the last year and a half, the Department has had an opportunity to monitor and review current operations and evaluate what direction operations are going in the future. With this review, the hiring of an independent consultant to review water and wastewater plant operations, and the retirement of Semper Water Treatment Facility Supervisor George Bossler, Department Staff began collaborating with the Human Resources Division to evaluate the accuracy of the current pay classifications of these highly technical positions and to examine appropriate options for recommendations.

The Human Resources Division surveyed the Water and Wastewater Plant Supervisor positions this year and the Water Quality Coordinator position both last year and this year. During the survey, Human Resources found that there are currently four cities (Arvada, Boulder, Fort Collins, and Thornton) reevaluating their water/wastewater operations and compensation. Thornton will be recommending an increase in pay for their Water Plant Supervisor, and Arvada is looking to do the same. Also, all the positions surveyed at the Plant Supervisor level are overtime exempt which is consistent with the provisions of the Fair Labor Standards Act. Based on this research, the City's pay is below market for these positions, and the recommended reclassifications will bring them inline with the market.

Surveys of the Water Quality Coordinator position in 1999 and 2000 indicated that the City's pay range was below market value based on the duties and responsibilities of this position. The duties and responsibilities of this position include supervising 5.6 FTE's, managing the City's Reclaimed Water Treatment Facility user connections, obtaining regulatory permits for the City's drinking water, wastewater, and reclaimed water treatment facilities, managing and ensuring water quality in the City, and promoting water education/conservation to water users to preserve potable water resources. Of all the cities surveyed, none of them have reclaimed water treatment operations. Although the survey information was considered in 1999 for the 2000 recommendations, at that time the Department and Human Resources thought that internal equity and the employee's length of time in the position were stronger factors to note in the pay recommendation.

Under this proposal, the Water and Wastewater Plant Supervisors will become overtime exempt thus saving dollars, become their own benchmark, and have their title and pay changed to better reflect the duties and responsibilities of the positions. The Water Quality Coordinator, who is already overtime exempt, will receive a title and pay change to better reflect the scope of responsibilities. Due to the similar technical natures of these three positions, Human Resources supports having them being internally aligned to one another. Also, based on these changes, Staff anticipates a net savings in overtime pay of approximately \$4,000 annually.

The City Administration has reviewed these recommended staffing changes and fully supports them. As City Council knows, Staff is reluctant to seek mid-year staffing reclassifications. However, given the recruitment competition, demands for service, growth in the City, morale and productivity/response time factors, and the vacancy of the Semper Water Treatment Facility Supervisor position, the outlined reclassification of current positions are deemed to be appropriate at this time. Net cost, which includes the savings from the elimination of overtime, equals \$8,168 in 2000 and funds are available in the Public Works and Utilities Department operations budget to provide for these recommended pay changes. The attached Resolution will incorporate the changes described above into the 2000 City Pay Plan and the City Staffing Plan.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachment

RESOLUTION

RESOLUTION NO. 40

INTRODUCED BY COUNCILLORS

SERIES OF 2000

AUTHORIZING THE RECLASSIFICATION OF THREE FULL TIME BENEFITTED POSITIONS

Whereas, the reclassification of the Water and Wastewater Plant Supervisor and Water Quality Coordinator are being requested to better reflect the scope of their responsibilities, and

Whereas, the Water and Wastewater Plant Supervisors and Water Quality Coordinator are expected to increase decision making autonomy and enhance the quality of operations at their respective operations, and

Whereas, the Water and Wastewater Plant Supervisors will become overtime exempt, and

Whereas, Water Quality Coordinator is expected to oversee the management of the reclaimed water treatment new user connection program,

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that 3.0 full time benefitted positions in the Department of Public Works and Utilities be reclassified. The classification changes are described as follows:

1. Reclassify the Water Plant Supervisor to Water Plant Superintendent position (Grade 61 to Grade 64) to better reflect the scope of responsibilities and to better reflect the expectation for increased decision making autonomy.
2. Reclassify the Wastewater Plant Supervisor to Wastewater Plant Superintendent position (Grade 61 to Grade 64) to better reflect the scope of responsibilities and to better reflect the expectation for increased decision making autonomy.
3. Reclassify the Water Quality Coordinator to Water Quality Administrator position (Grade 61 to Grade 64) for increased supervisory responsibilities and management of the reclaimed water treatment new user connections.

Passed and adopted this 22nd day of May, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Big Dry Creek Trail Change Order

Prepared by: Julie Meenan Eck, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to sign a change order with Neatline Structures, Inc. in the amount of \$80,157 for construction services for the Big Dry Creek Trail and an additional \$8,016 for a 10% contingency. The change order is to continue the Big Dry Creek Trail east of the Burlington Northern Santa Fe (BNSF) Railway underpass project, which is currently under construction. Funds for this expense are available from the 2000 General Capital Improvement Fund, Big Dry Creek Trails.

Summary

Neatline Structures, Inc. was hired in 2000 to construct both the Wadsworth Parkway Trail Underpass and the BNSF Railroad Trail underpass. Loris and Associates, the consultant, recently completed the construction documents for the connection east of the railroad underpass to 99th Avenue. The City at the same time finally acquired the necessary right-of-way from Larry and Lynne Isles to construct the trail behind their garage (see attached plan). Staff chose to allow Neatline Structures, Inc. to bid on the project as a change order since they are on site currently constructing the railroad piece. Staff closely evaluated the additional fee proposal by the contractor and determined that the unit prices are the same proposed as the current work being completed, for which Neatline won low bid and, therefore, it appears cost efficient to have them complete this construction. The engineers estimate was higher at \$88,990, which further illustrates this point. There also is considerable time savings to proceed with the contractor already on site and it fixes responsibility with one contractor rather than have the work split.

City Council appropriated \$300,000 in 1999 and \$900,000 in 1998 Capital Improvement Project (CIP) Fund for the development of Big Dry Creek Trails in Jefferson County. This portion of the trail will be the final connection from Standley Lake to 99th Avenue, which pedestrians can then continue on the road to Old Wadsworth. Once this portion of the trail is completed, the City will have a continuous trail primarily along Big Dry Creek from Standley Lake to Huron. This has been an objective of the Open Space program and the Trails Master Plan for many years. A grand celebration is planned for September of this year when the entire trail should be completed.

Alternatives

City Council could decide not to authorize the additional funds for the change order to Neatline Structures, Inc.; however, this would leave Staff to bid out the project and costs would likely increase, as well as pose the potential for not completing the work by Trails Day celebrations in September.

Staff Recommendation

Authorize the City Manager to sign a change order with Neatline Structures, Inc. in the amount of \$80,157 to complete construction for Big Dry Creek Trail – east to 99th Avenue. Authorize a 10% project contingency of \$8,016, and charge this expense to the appropriate project account in the 2000 General Capital Improvement Fund.

Background Information

Jefferson County Open Space established the Trails 2000 program to provide funding for trail development throughout Jefferson County. In 1993, the Jefferson County Commissioners and Jefferson County Open Space agreed to place the Big Dry Creek Trail system on their list of priority projects. Westminster and Jefferson County Staff, identifying \$1.3 million for design and construction of the trail prepared an estimate for this project. Loris and Associates Consultants were hired to design the trail east of the BNSF Railway to 99th Avenue. Staff had several negotiations with Lynne and Larry Isles regarding the trail crossing their property, and it was agreed the City would pursue the trail turning north to pass behind their garage. The City also purchased an acre north of the Isles as open space, so the trail can cross this property and impact as little as possible of the Isles property. Easement agreements were signed in March of 2000, and construction documents finished in April. Neatline Structures, Inc. was hired for the construction of the Big Dry Creek Trail from Wadsworth Parkway to the underpass at the BNSF Railway. They were the low bidder out of seven bids. Construction began in February of this year and Staff has been pleased with the work that Neatline Structures, Inc. has completed to date.

Respectfully submitted,

Alan Miller
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Councillor's Bill No. 46 re Parks and Recreation Advisory Board Powers and Duties

Prepared by: Greg McSwain, Recreation Programs Manager

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading amending Title II, Chapter 4, Section 12 of the City Code relating to the Powers and Duties of the Parks and Recreation Advisory Board.

Summary

In January 2000, Council asked each Board and Commission to review their "Powers and Duties" as described in the City Code and to recommend any needed changes. The Parks and Recreation Advisory Board reviewed its powers and duties at its meeting of April 13, 2000. The Board agreed that the following changes should be made:

- (C) To advise Staff, with Council's approve, on the administration of such gifts of money or property, or endowments as may be granted to and accepted by Council for parks and recreation purposes, and to take such steps as the Board may deem feasible to encourage gifts in support of the City Parks and Recreation programs, and to administer a grant-in-aid program directed at individuals who would be unable, due to financial considerations, to participate in Parks and Recreation programs.
- (H) To advise and assist the Westminster Legacy Foundation in any matters as may be requested by the City; the Department of Parks, Recreation and Libraries; or the Board of Directors of said Foundation and to recommend to Council the appointment of one member of the Parks and Recreation Advisory Board to serve as a director on the Foundation.
- (I) To administer the Neighborhood Enhancement Program in any and all aspects as may be necessary to meet the goals and objectives of the program.
- (J) To perform any other related duties as assigned by Council.

The change to paragraph (C) is to add the Grant-in-Aid program.

Paragraphs (H), (I), and (J) are new.

Policy Issues

The policy issues relates to whether City Council agrees with the changes proposed by the Parks and Recreation Advisory Board.

Staff Recommendation

Pass Councillor's Bill No. 46 on first reading amending Title 12 of the City Code pertaining to the Parks and Recreation Advisory Board.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachment: Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 46

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING TITLE II CHAPTER 12 OF THE WESTMINSTER RELATING TO THE PARKS AND RECREATION ADVISORY BOARD

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 2 Chapter 12 of the Westminster Municipal Code is hereby amended as follows:

CHAPTER 12 – PARKS AND RECREATION ADVISORY BOARD

2-12-1: CREATION

2-12-2: ADVISORY MEMBERS

2-12-3: POWERS AND DUTIES

2-12-4: MEETINGS

2-12-1: CREATION: There is hereby created a Parks and Recreation Advisory Board, hereinafter referred to as "THE BOARD," consisting of five (5) regular members and two (2) alternate members.

2-12-2: ADVISORY MEMBERS: (2284) The Director of Parks, Recreation and Libraries, and one (1) member of the City Council, to be appointed by the Mayor, shall be advisory members of the Parks and Recreation Board who shall have the right to participate in all meetings of the Board; except that, they shall not have the right to vote.

2-12-3: POWERS AND DUTIES: (2284) The powers of the Parks and Recreation Board shall be advisory only, and the Board shall have the following duties:

(A) To assist Staff and Council in the promotion of the parks and recreation functions and their services to the community, in response to community needs;

(B) Obtain input from the community and make recommendations to Staff and City Council regarding the City's long-range plan for the development, improvement and maintenance of parks, recreation facilities and recreation services.

(C) To advise Staff, with Council's approval, on the administration of such gifts of money or property, or endowments as may be granted to and accepted by the Council for parks and recreation purposes, and to take such steps as the Board may deem feasible to encourage gifts in support of the City Parks and Recreation programs, AND TO ADMINISTER A GRANT-IN-AID PROGRAM DIRECTED AT INDIVIDUALS WHO WOULD BE UNABLE, DUE TO FINANCIAL CONSIDERATIONS, TO PARTICIPATE IN PARKS AND RECREATION PROGRAMS.

(D) Adopt, subject to approval of the City Council, Rules and Regulations for the conduct of meetings of the Parks and Recreation Board;

(E) Obtain feedback from the community on park and recreation matters in order to assist in long range planning;

(F) To advise Staff and City Council on park, recreation programs and recreation facilities rules, regulations and policies as the Board believes necessary and proper for the management and use of the public park and recreation facilities.

- (G) The Board shall not make recommendations or advise on the park and recreation operating budgets, fees and charges, any personnel matter, administrative decisions of the Director of Parks, Recreation and Libraries or City Manager, nor make recommendations on staffing levels, Staff pay rates, scheduling of staff or other operational matters.
- (H) TO ADVISE AND ASSIST THE WESTMINSTER LEGACY FOUNDATION IN ANY MATTERS AS MAY BE REQUESTED BY THE CITY; THE DEPARTMENT OF PARKS, RECREATION AND LIBRARIES; OR THE BOARD OF DIRECTORS OF SAID FOUNDATION AND TO RECOMMEND TO COUNCIL THE APPOINTMENT OF ONE MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD TO SERVE AS A DIRECTOR ON THE FOUNDATION.
- (I) TO ADMINISTER THE NEIGHBORHOOD ENHANCEMENT PROGRAM IN ANY AND ALL ASPECTS AS MAY BE NECESSARY TO MEET THE GOALS AND OBJECTIVES OF THE PROGRAM.
- (J) TO PERFORM ANY OTHER RELATED DUTIES AS ASSIGNED BY COUNCIL.

2-12-4: MEETINGS: (2284) The Parks and Recreation Board shall convene on the third Wednesday in January or at such other time in January of each year as shall be agreed upon. The Board shall meet at least six times per year, as the Chairperson of the Board requests. A record of the minutes of each meeting shall be kept and placed in the office of the City Clerk for public inspection. Except as provided by Section 2-1-5 (A), all meetings of the Parks and Recreation Board shall be open to the public.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of May, 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of June, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: May 22, 2000

Subject: Contract Award for Services Related to the Brownfields Pilot Demonstration Project in South Westminster

Prepared by: Tony Chacon, South Westminster Revitalization Projects Coordinator

Introduction

City Council action is requested to award a contract to Parsons Brinckerhoff Quade and Douglas, in an amount not to exceed \$195,000, for the purpose of providing consulting services related to the Brownfields Pilot Demonstration Project in South Westminster, per the attached contract. The contract scope of services includes preparation of Phase I and Phase II environmental site assessments, community outreach and participation, development of mechanisms to disseminate information, and promotion of economic development opportunities. Staff requests City Council authorize the City Manager to execute a contract between the City of Westminster and Parson Brinckerhoff Quade and Douglas, and, further establish a budget of \$100,000 for the remainder of the 2000 calendar year. Funding for the project comes from a \$200,000 (\$100,000 per year over two years) Brownfields Pilot Demonstration Project Grant awarded to the City of Westminster by the U.S. Environmental Protection Agency.

Summary

On February 11, 2000 ten environmental company teams submitted proposals to provide services related to the City of Westminster Brownfields' Pilot Demonstration Project for the area shown in Attachment A. A staff review group reviewed the proposals and chose four applicants to participate in an oral interview. From the interviews, it was determined that Parsons Brinckerhoff offered the necessary technical expertise and proposed the most innovative approach to conducting environmental site assessments, communicating information to prospective developers and financiers, and promoting community participation. Based on this assessment, Staff determined Parsons Brinckerhoff Quade and Douglas to be the best suited to providing services related to the Brownfields Pilot Project goals approved by the Environmental Protection Agency in the City's grant proposal.

Policy Issues

It is certain that properties will be encountered having varying levels of contamination. While the "contaminated" tag is generally construed as an undesirable burden, the Brownfields Demonstration Project is directed to assisting owners in developing cost-effective strategies for remediation of significant environmental conditions. Accordingly, as a means of protecting private property owners' interest, soil sampling of private property will be done only upon approval of the property owner. Given the above, does the City Council support the Brownfields project and awarding this contract as a first step.

Staff Recommendation

Authorize the City Manager to execute a contract with Parsons Brinckerhoff Quade and Douglas in the amount of \$195,000 for the purpose of providing services related to the Brownfields Pilot Demonstration Project in South Westminster, and authorize the expense of \$100,000 from the Brownfield's Project Account to provide funding in 2000.

Alternatives

1. The City Council may choose not to accept the contract as proposed and direct Staff to negotiate additional changes to the contract's scope of services with Parsons Brinckerhoff. Such an action would delay the start of the project and could result in the consultant choosing to withdraw its proposal; or,
2. The City Council could choose to reject Parsons Brinckerhoff as the preferred provider and instruct Staff to initiate a new request-for-proposal process to select a new provider. Such an action would result in a significant delay in the start of the project and could further place the City in poor standing with the EPA, as they expect the work to proceed as quickly as possible.

Background

On August 24, 1999, the City of Westminster was awarded a \$200,000 (over a two year period) Brownfields Pilot Project Grant from the United States Environmental Protection Agency (EPA). This grant focuses on the following goals for the Pilot Study Area: environmental assessment of properties; promotion of economic development activity; enhancing the neighborhood's quality of life, particularly as it relates to the minority population; conducting community outreach activities; and preserving and enhancing the historical identity in the neighborhood. The grant is to be used specifically to conduct required site assessments and develop mechanisms to disseminate the resulting information to the community and potential developers and investors throughout the United States. The grant cannot, and will not, be used to acquire land and/or remediate environmental contamination. As a result of the City accepting this grant award, it was determined that a consulting team with a broad range of expertise was required to provide the necessary technical support to conduct the project.

In late 1999, the City issued an RFP for services related to the Brownfields Pilot Demonstration Project. On February 11, 2000, ten environmental company teams had responded and submitted proposals related to the RFP. A Staff review group including Tony Chacon, South Westminster Revitalization Projects Coordinator; Rachel Harlow-Schalk, Environmental Compliance Coordinator; Vicky Bunsen, Assistant City Attorney II; Brian Bosshardt, Management Assistant; and Galen Requist, former Community Development Program Coordinator, reviewed the proposals. Based on their reviews, the staff review group chose four environmental company teams to participate in an oral interview. The four environmental company teams chosen for the interview included the following:

- **IHI Environmental Project Team:** IHI Environmental, Richard Chong & Associates, and Denver Urban Gardens; Cost Estimate -- \$168,000
- **Parsons Brinckerhoff Quade and Douglas Team:** Parsons Brinckerhoff Quade and Douglas, and Sigler Communications, Inc.; Cost Estimate -- \$199,000
- **Commodore Advanced Sciences Team:** Commodore Advanced Sciences, Inc., and John Reiss, Jr. & Associates, Inc.; Cost Estimate -- \$180,000

- **Harding Lawson Associates Team:** Harding Lawson Associates and D&D Environmental Consultants, Inc.; Cost Estimate – None Provided

After thorough evaluation, Parsons Brinkerhoff was selected as the preferred provider although their estimated cost was higher than two of the other proposals. This cost differential, however, can be accounted for relative to the respective quality and proposed scope of services of each proposal. For example, the IHI proposal substantially underestimated the number of properties for which an environmental assessment would be provided, thereby underestimating the relative cost. And, Commodore Advanced Sciences' proposal assigned minimal resources to developing the mechanisms by which to disseminate the information. Alternatively, Parsons Brinkerhoff offers a high level of expertise, innovative approaches, and quality and quantity of deliverable products. Per the contract's scope of services, the following deliverables will be provided:

- Phase One and Phase Two Environmental Reports;
- Brownfield's Web Page tied to the City of Westminster Web Page;
- Computer simulations of redevelopment concepts for selected sites;
- Promotional videos, in two or more languages, detailing the Brownfield's project and neighborhood attributes; and a

Parsons Brinkerhoff, further, proposes to identify and pursue additional funds for Brownfield's redevelopment efforts.

Respectfully submitted,

Alan Miller
Acting City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: May 22, 2000
Subject: Financial Report for April 2000
Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 2000 transactions through April 2000.

Policy Issues

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

Summary

There are three sections to the attached report:

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

General Fund revenues represent 35% of the total budget estimate while General Fund expenditures and encumbrances represent 33% of the 2000 appropriation.

Utility Fund revenues represent 29% of the total budget estimate. Utility fund expenditures and encumbrances represent 27% of the 2000 appropriation.

The Sales and Use Tax Fund revenues represent 37% of the total budget estimate, while expenditures and encumbrances in that fund represent 33% of the 2000 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 6% from the same period last year and increased 9% year-to-date. Audit and enforcement revenue is greater than anticipated because of a use tax audit on a large construction project within the City.

The Open Space Fund revenues represent 39% of the total budget estimate while expenditures and encumbrances in that fund represent 28% of the 2000 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 16% of the total budget estimate while operating expenditures and encumbrances represent 31% of the 2000 appropriation. The Heritage at Westmoor Golf Course opened for business in September 1999. Operating revenues for Heritage represent 12% of the total budget estimate while operating expenditures and encumbrances represent 37% of the 2000 appropriation. The 1999 Golf Course operating revenues reflect a grant from Jefferson County. This financial activity is consistent with the seasonal nature of golf.

Theoretically, 34% of revenues and expenditures should be realized after three months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

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

Respectfully submitted,

Alan Miller
Acting City Manager

Attachments

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, May 22, 2000.

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel and Moss. Councillor Smith was absent.

The minutes of the meeting of May 8, 2000 were approved with no additions or corrections.

Mayor Heil presented the Police Department's Valorous Service Awards to Police Officers Mike Anich and Kevin Sager, and presented plaques to outgoing members of the Westminster Youth Advisory Panel.

The Mayor presented a proclamation to Flynn Elementary School music teacher, Donna Deininger and School Student Council members for their leadership role for the school's paper recycling program, and proclaimed June 1 as the Swim and Fitness Center's 25th Anniversary Day.

Council made the following appointments to the Youth Advisory Panel: Sophia Rutledge, Arvada High School, Jessika Strickland, Northglenn High School, Sarah Ingle and Katie Jandera, Ranum High School, Lindsey Leuenberger and Felisa Anne Reed, Standley Lake High School, Allen Hiserodt and Jessica Woods, Westminster High School, and Sarah Keel, Andrew Wazny and Sean Woytek, At-Large Representatives.

Council approved the following: Bid for purchase of PVC Water Pipe; Contract for Engineering Services and Emergency Generator Design; Award of Contract for Water Conservation Study; Amended IGA's with Jefferson County and Jefferson County R-1 School District, and the Construction Contract for the 96th Avenue Connection; Acquisition Services Agreement for Lowell Boulevard Right of Way; Change Order for Big Dry Creek Trail; and Contract Award for Services to the Brownfields Pilot Demonstration Project.

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

A BILL FOR AN ORDINANCE INCREASING THE 2000 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT PROJECT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2000 ESTIMATED REVENUES IN THE FUND. Purpose: Contingency transfer for 96th Avenue Connection project.

A BILL FOR AN ORDINANCE AMENDING TITLE II, CHAPTER 12 OF THE WESTMINSTER MUNICIPAL CODE RELATING TO THE PARKS AND RECREATION ADVISORY BOARD. Purpose: Amend the Board's powers and duties.

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

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

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

A BILL FOR AN ORDINANCE VACATING TWO 30-FOOT WIDE AND ONE 20-FOOT WIDE ACCESS AND UTILITY EASEMENTS WITHIN THE WESTMINSTER PROMENADE FILING NO. 1 SUBDIVISION.

A BILL FOR AN ORDINANCE VACATING PUBLIC RIGHTS-OF-WAY WITHIN THE CIRCLE POINT CORPORATE CENTER.

A BILL FOR AN ORDINANCE AMENDING TITLE II, CHAPTER 4 OF THE WESTMINSTER MUNICIPAL CODE RELATING TO THE LIBRARY BOARD.

A BILL FOR AN ORDINANCE AMENDING TITLE VII, CHAPTER 1 OF THE WESTMINSTER MUNICIPAL CODE RELATING TO ELECTIONS.

A BILL FOR AN ORDINANCE CREATING THE MUNICIPAL OFFENSE OF POSSESSION OF DRUG PARAPHERNALIA.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING TRESPASSING.

The following Resolutions were adopted:

Resolution No. 37 – Youth Advisory Panel Appointments.

Resolution No. 38 – Church Ranch West Property Annexation Petition.

Resolution No. 39 – Federal/Zuni Extension ROW Property Acquisitions.

Resolution No. 40 – Public Works & Utilities Positions Reclassifications.

At 7:57 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window June 1, 2000.