



## CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
7. Citizen Communication (5 minutes or less)

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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
  - A. Financial Report for May 2008
  - B. 2008 Wastewater Collection System Improvement Project
  - C. Semper Farmhouse Exterior Rehabilitation Construction Contract
  - D. System Wide Supervisory Control and Data Acquisition Enhancements Project
  - E. Wadsworth Wetlands Open Space and Church Ranch Boulevard Water Lines Design-Build Contract
  - F. Intergovernmental Agreement with Adams County School District 50 Regarding the Use of England Park
  - G. Second Reading of Councillor's Bill No. 23 re 2008 Community Development Block Grant Fund Appropriation
  - H. Second Reading of Councillor's Bill No. 24 re Right-of-Way Vacation of Bradburn Boulevard – South of 120<sup>th</sup> Ave.
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Resolution No. 35 re US 36 Preferred Alternative
  - B. Resolution No. 36 re 2008 Pay Plan Approval of Addendum to the Hyland Hills Park and Recreation District IGA
  - C. Councillor's Bill No. 25 re Economic Development Agreement with The Bedrin Organization
  - D. Councillor's Bill No. 26 re Disposal of City Property and the Vacations of City Roadways and Utility Easements
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
  - A. City Council
13. Adjournment

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**GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
  
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
  
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
  
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
  
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
  
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
  
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
  
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
  
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
  
- J.** Final comments/rebuttal received from property owner;
  
- K.** Final comments from City Staff and Staff recommendation.
  
- L.** Public hearing is closed.
  
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JUNE 23, 2008 AT 7:00 P.M.

MOMENT OF SILENCE

Mayor McNally asked that those present pause for a moment of silence to remember former community leader Nancy Heil, who had passed away on June 19. Ms. Heil had served on City Council from 1989 to 2001 and as Mayor from 1991 to 2001. She had been the City's first direct-elect Mayor, and her distinguished service and contributions to the City of Westminster would endure to the benefit of future generations.

PLEDGE OF ALLEGIANCE

Weblo Scouts from Den 6, Pack 835, presented the colors and led the Mayor, Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Dittman, to approve the minutes of the regular meeting of June 9, 2008, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall invited the public to attend a post-meeting to be held in the Council Board Room following adjournment of this meeting. There would be no meeting or study session of City Council next Monday, June 30, as it was the fifth Monday of the month. The community July 4<sup>th</sup> celebration, co-sponsored by the City, Hyland Hills Recreation District, and Adams School District 50, would be on the grounds of City Park. Entertainment and activities for all age groups were planned with a fireworks display concluding the day's celebration. Everyone was encouraged to attend.

CITY COUNCIL COMMENTS

Councillor Briggs thanked the Mayor for her comments about Nancy Heil. He congratulated the Weblos who had participated in the Council meeting. He and other Council members had attended the annual Colorado Municipal League Conference in Steamboat last week. The conference had presented many opportunities to talk with other community elected officials about mutual concerns. Unfortunately, car problems and an injury to his wife had lengthened their planned stay and made the conference they would not soon forget. Finally, he had represented Council at dedication ceremonies of a sculpture of an eagle at the Adams County's District Attorney's Office. The eagle had been sculpted by an artist from Marble, Colorado, and had an impressive 8-foot wing span.

Councillor Winter reported that last week had marked the 10<sup>th</sup> anniversary of the Citizens' Police Academy Alumni Association, which was appropriately celebrated by Council, Staff, and alumni members. Additionally, summer presented many opportunities to attend functions, meet fellow residents, and talk with Council members. One such opportunity was "We're All Ears" that would be held at City Park on June 28 in conjunction with "Cinema Under the Stars." Council would be serving up popcorn and anxious to meet residents and talk with them to learn what the City is doing that works and where improvement might be needed.

Councillor Major also had attended the Police Academy Alumni Association's anniversary celebration. Members of the association were very busy and actively involved in the community. To join residents had to complete the Citizens Police Academy. A few vacancies remained in the Academy's class of 2008 that would start in August. He and Mayor McNally encouraged the public's involvement.

Councillor Lindsey enjoyed attending the Alumni Association's festivities and learning the history of how it started. She, too, had attended the Colorado Municipal League Annual Conference. Councillors had attended different sessions to collect information to share with other members of Council and learn more about the variety of topics discussed. July 4<sup>th</sup> also would be the annual raft race of City Councils in the region at E. B. Raines Park in Northglenn. Westminster's team was ready to defend its championship title and would appreciate a large cheering contingency during the competition.

Mayor McNally reported that attending the Father/Daughter Ball at City Park Recreation Center was comparable to going to a fairy princess event. It was a very busy time of year for Parks and Recreation Staff, and they never disappointed their guests. From the Father/Daughter Ball to Movies in the Park and the July 4<sup>th</sup> community celebration, opportunities to have fun in the community and meet your neighbors were plentiful. The City's facilities were bustling with activities for all ages and preferences.

### CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: acceptance of the May 2008 Financial Report; authority for the City Manager to execute a contract with Western Slope Utilities, Inc. to complete the 2008 Wastewater Collection System Improvement Project/Cured-in-Place-Pipe (CIPP) Lining Phase I and authorize a \$725,152 project budget with a 10% contingency of \$72,515; authority for the City Manager to award and execute a \$146,740 contract with TC 2, Inc. for the construction of the Semper Farmhouse exterior rehabilitation project and authorize a project contingency of \$14,674 subject to final approval of the State Historical Fund, the grant agency; based on recommendation of the City Manager, find that the public interest would best be served by accepting the proposal of Electrical System Consultants, Inc. for the construction and implementation of the Supervisory Control and Data Acquisition Systems (SCADA) and communication upgrades, authorize the City Manager to execute a contract in the amount of \$488,155, and authorize a \$48,815 contingency; authority for the City Manager to execute a \$148,498 contract with Twin Peaks Infrastructure and Utilities, Inc. for design and construction of the Wadsworth Wetlands Open Space and Church Ranch Boulevard Water Lines and authorize a 20% contingency in the amount of \$29,700; authority for the City Manager to sign an Intergovernmental Agreement with Adams County District 50 Schools regarding the use of England Park for school activities; passage of Councillor's Bill No. 23 on second reading to appropriate 2008 Community Development Block Grant funds in the amount of \$553,850; and passage of Councillor's Bill No. 24 on second reading to vacate a portion of the center median in Bradburn Boulevard south of 120<sup>th</sup> Avenue.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request.

It was moved by Councillor Major, seconded by Councillor Kaiser, to approve the consent agenda, as presented. The motion passed unanimously.

### RESOLUTION NO. 35 ADOPTING THE US 36 PREFERRED ALTERNATIVE

It was moved by Major Pro Tem Dittman and seconded by Councillor Lindsey to adopt Resolution No. 35 relating to the proposed preferred alternative for reconstruction of US 36.

Councillors praised Matt Lutkus, Dave Downing, and Mayor McNally for their hard work and diligence in representing the best interests of Westminster citizens and commercial enterprises throughout the eight-year process to reach consensus on a reconstruction alternative that was acceptable to the US 36 corridor municipal and county governments abutting the highway. Because of term limits, elected officials had come and gone during that time; but Mayor McNally's involvement had been constant, knowledgeable, and determined, for which her colleagues were grateful.

The roll was called and the motion passed unanimously.

RESOLUTION NO. 36 RE 2008 PAY PLAN APPROVAL OF ADDENDUM TO HYLAND IGA

Upon a motion by Councillor Briggs, seconded by Councillor Kaiser, the Council voted unanimously on roll call vote to adopt Resolution No. 36 authorizing a revision to the 2008 Pay Plan FTE Staffing Summary by adding a .6 full-time equivalency indexed Guest Relations Clerk and a .6 full-time equivalency indexed Recreation Aide to the staffing allocation for The MAC facility operations, and authorize the City Manager to sign an addendum to the Intergovernmental Agreement (IGA) between Hyland Hills Park and Recreation District and the City.

COUNCILLOR'S BILL NO. 25 RE EDA WITH THE BEDRIN ORGANIZATION

It was moved by Councillor Lindsey and seconded by Councillor Major to pass Councillor's Bill No. 25 on first reading authorizing the City Manager to execute an implement an Economic Development Agreement with The Bedrin Organization. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 26 RE CODE AMENDMENTS ON VACATIONS/DISPOSAL OF PROPERTY

Councillor Major moved to pass Councillor's Bill No. 26 on first reading amending the Westminster Municipal Code by clarifying processes for vacations of roadways and easements and for the disposal of City real and personal property. Councillor Kaiser seconded the motion, which passed unanimously at roll call.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 7:25 p.m.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## Summary of Proceedings

Summary of proceedings of the City of Westminster City Council meeting of Monday, June 23, 2008. Mayor McNally, Mayor Pro Tem Dittman, and Councillors Briggs, Kaiser, Lindsey, Major, and Winter were present at roll call.

Weblo Scouts in Den 6, Pack 835, presented the colors and led the Council, Staff, and audience in the Pledge of Allegiance.

The minutes of the regular meeting of June 9, 2008, were approved as presented.

Council approved the following: May 2008 Financial Report; 2008 Wastewater Collection System Improvement Project; Semper Farmhouse Exterior Rehabilitation construction contract; System-wide Supervisory Control and Data Acquisition Enhancements Project; Wadsworth Wetlands Open Space and Church Ranch Boulevard water lines design-build contract; IGA with Adams County School District 50 regarding the use of England Park; final passage of Councillor's Bill No. 23 re 2008 Community Development Block Grant Fund Appropriation; and final passage of Councillor's Bill No. 24 re right-of-way vacation of a portion of Bradburn Blvd, south of 120<sup>th</sup> Ave.

Council adopted the following resolutions: Resolution No. 35 approving the preferred alternative for redevelopment of US 36; and Resolution No. 36 approving the 2008 Pay Plan for specific positions at the MAC and an addendum to the Hyland Hills Park and Recreation District IGA.

Council passed the following Councillors' Bills on first reading:

**A BILL FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH THE BEDRIN ORGANIZATION FOR THE ATTRACTION OF "3 MARGARITAS" RESTAURANT TO THE BROOKHILL V SHOPPING CENTER IN WESTMINSTER, COLORADO.** Purpose: authorizing the implementation of an EDA with The Bedrin Organization.

**A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE PROCESSES FOR THE DISPOSAL OF CITY PROPERTY AND THE VACATIONS OF CITY ROADWAYS AND UTILITY EASEMENTS.** Purpose: amending the City Code to clarify processes for vacating roadways and easements and the disposal of City real and personal property.

The meeting adjourned at 7:25 p.m.

By order of the Westminster City Council  
Linda Yeager, City Clerk  
Published in the Westminster Window on July 3, 2008

**A BILL FOR AN ORDINANCE INCREASING THE 2008 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2008 ESTIMATED REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the CDBG Fund, initially appropriated by Ordinance No. 3316 is hereby increased by \$553,850. This appropriation is amount approved by the U.S. Department of Housing and Urban Development (HUD) for the City for 2008.

Section 2. The \$553,850 increase in the CDBG Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10B, dated June 9, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

CDBG Fund	<u>\$553,850</u>
Total	<u>\$553,850</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9<sup>th</sup> day of June, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23<sup>rd</sup> day of June, 2008.

ORDINANCE NO. **3419**  
SERIES OF 2008

COUNCILLOR'S BILL NO. **24**  
INTRODUCED BY COUNCILLORS  
**Major - Dittman**

**A BILL FOR AN ORDINANCE VACATING A PORTION OF THE CENTER MEDIAN  
IN BRADBURN BOULEVARD, SOUTH OF 120<sup>TH</sup> AVENUE**

WHEREAS, certain roadways were dedicated on the final plat for Bradburn Subdivision Filing No. 1 (recorded in the Adams County Clerk and Recorder Office on August 6, 2002, in File No. 18, Map No. 749 at Reception No. 1007109); and

WHEREAS, the vacation is being requested to allow the Bradburn Commercial Owners Association to construct a monument sign within the center median of Bradburn Boulevard; and

WHEREAS, there are no existing utility lines within the right-of-way; and  
THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the roadway described in Section 2 and the same is hereby vacated.

Section 2. Legal Description for vacation: See attached legal description in Exhibit A.

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

Section 4. 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 9<sup>th</sup> day of June, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23<sup>rd</sup> day of June, 2008.





WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
June 23, 2008



**SUBJECT:** Financial Report for May 2008  
**Prepared By:** Tammy Hitchens, Finance Director

**Recommended City Council Action**

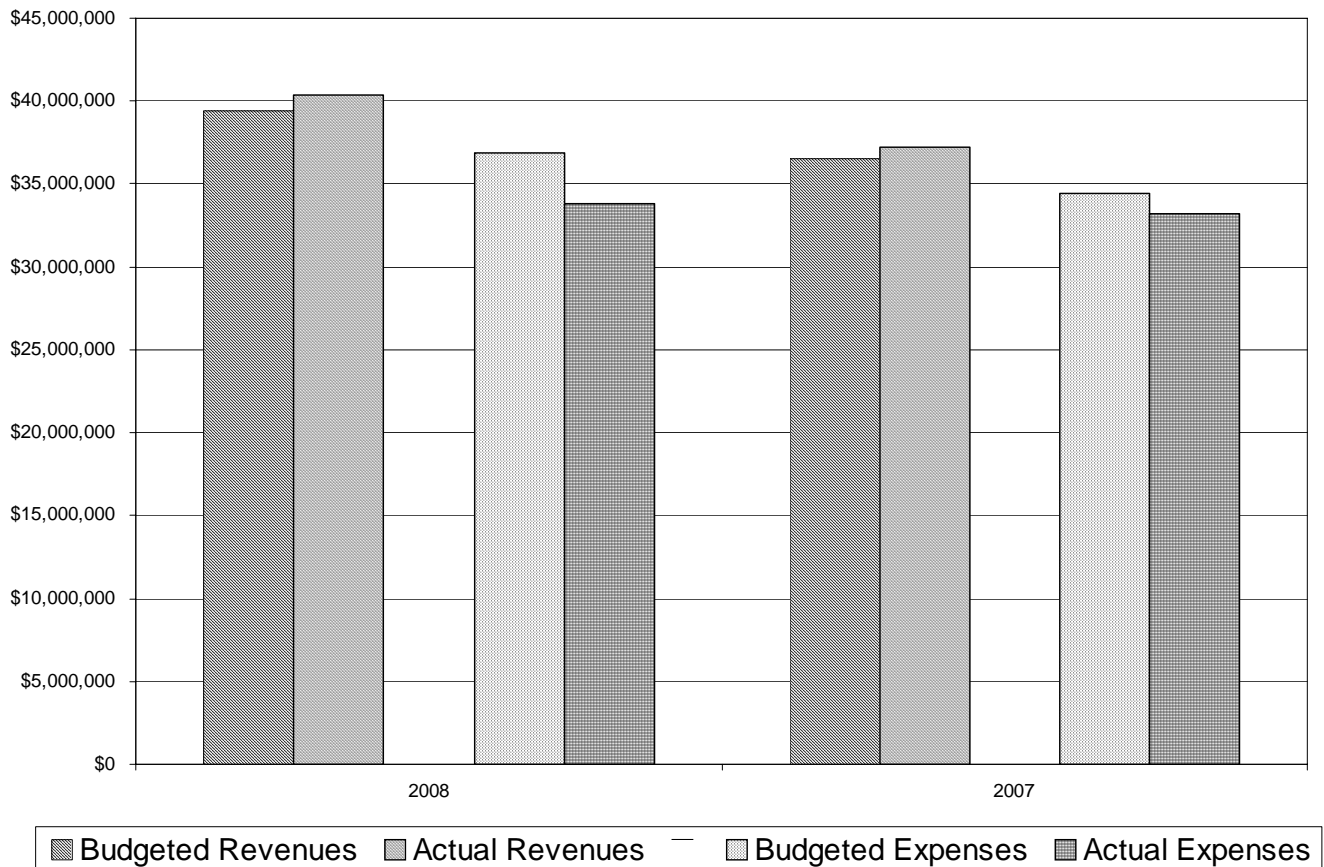
Accept the Financial Report for May as presented.

**Summary Statement**

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$6,526,689. The following graph represents Budget vs. Actual for 2007 – 2008.

**General Fund  
Budget vs Actual**

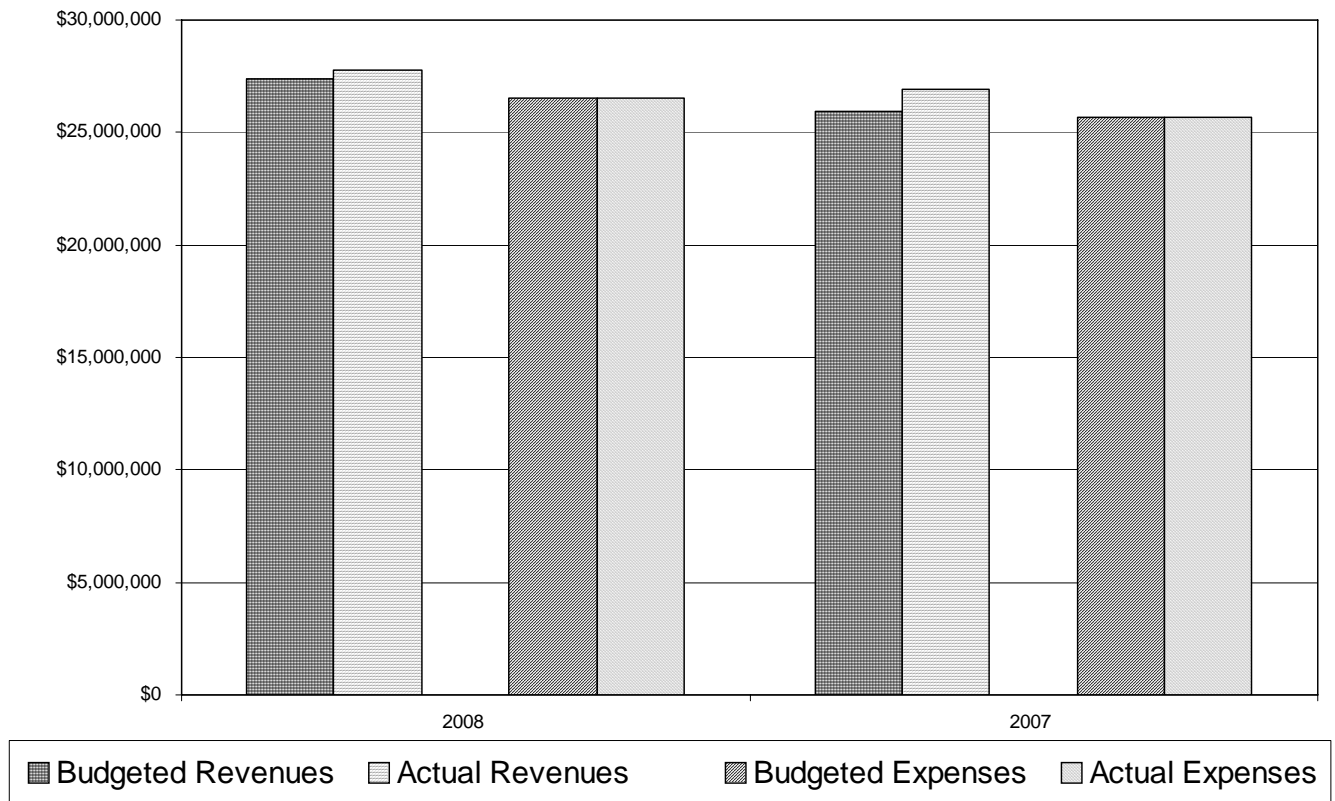


The 2008 budget to actual variance is primarily due to commercial building permit activity for the Orchard Town Center and Lifetime Fitness as well as lease income for the former police building at 88<sup>th</sup> Avenue and Sheridan Boulevard.

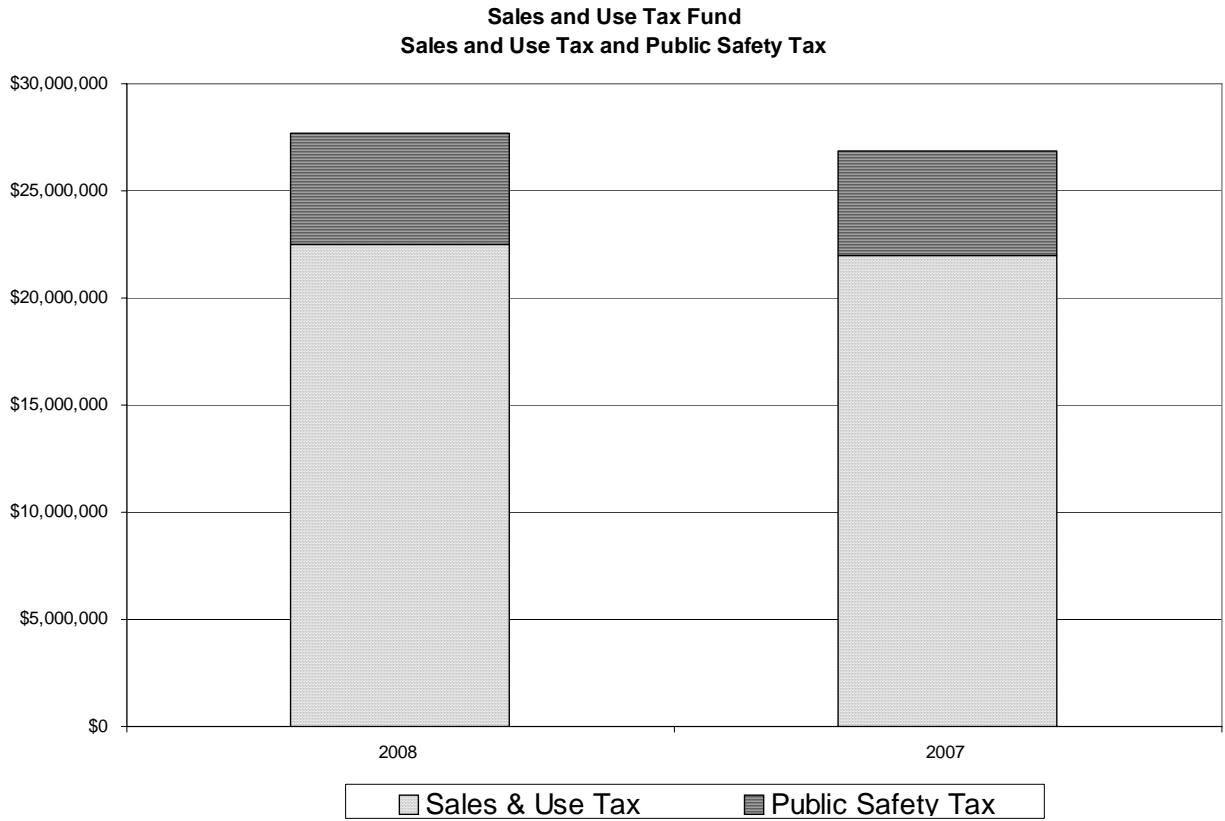
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$1,268,298.

- On a year-to-date cash basis, sales & use tax returns are up 2.1% over 2007.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 0.1% from the prior year. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 2.6%.
- The top 50 Sales Taxpayers, who represent about 62% of all collections, were up 1.6% after adjusting for Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 22% on a year-to-date basis. In its first month of collections, the Orchard generated more Sales and Use Tax than the Mall.
- Building Use Tax is up 43.0% year-to-date over 2007.

**Sales & Use Tax Fund  
Budget vs Actual**

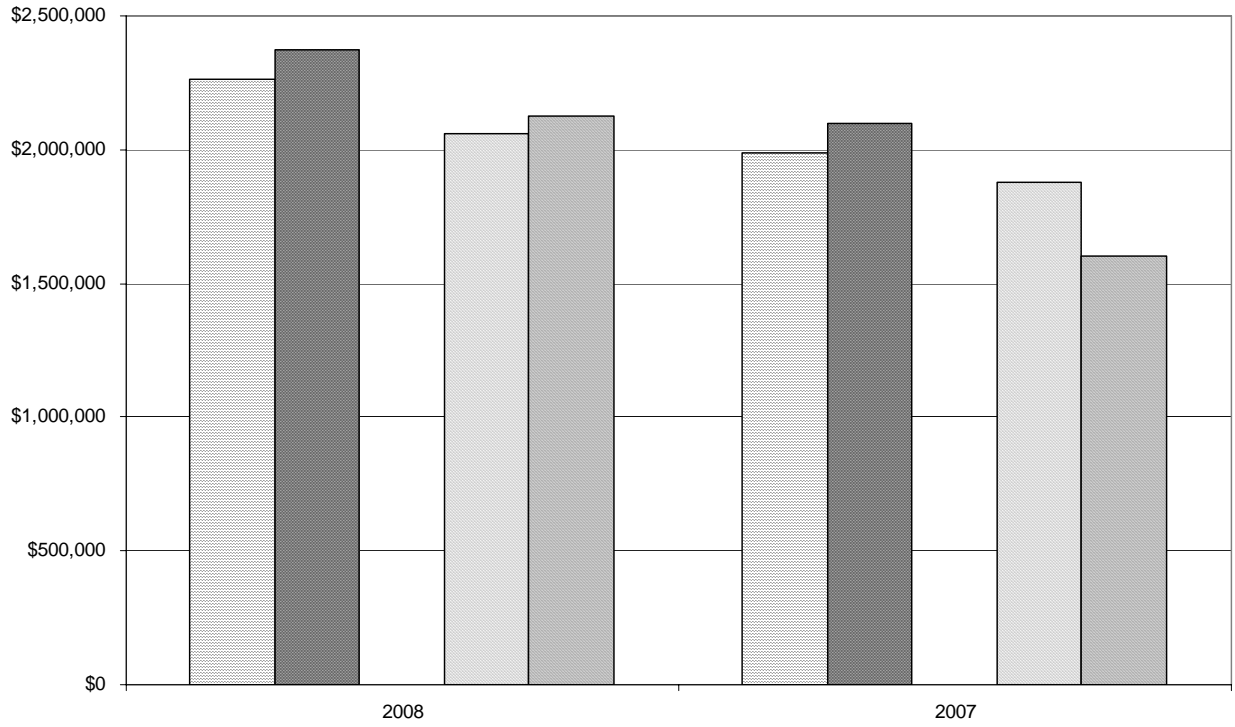


The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



The Parks Open Space and Trails Fund revenues exceed expenditures by \$246,093. 2008 revenues reflect the sale of assets to the General Capital Improvement Fund for right of way acquisitions.

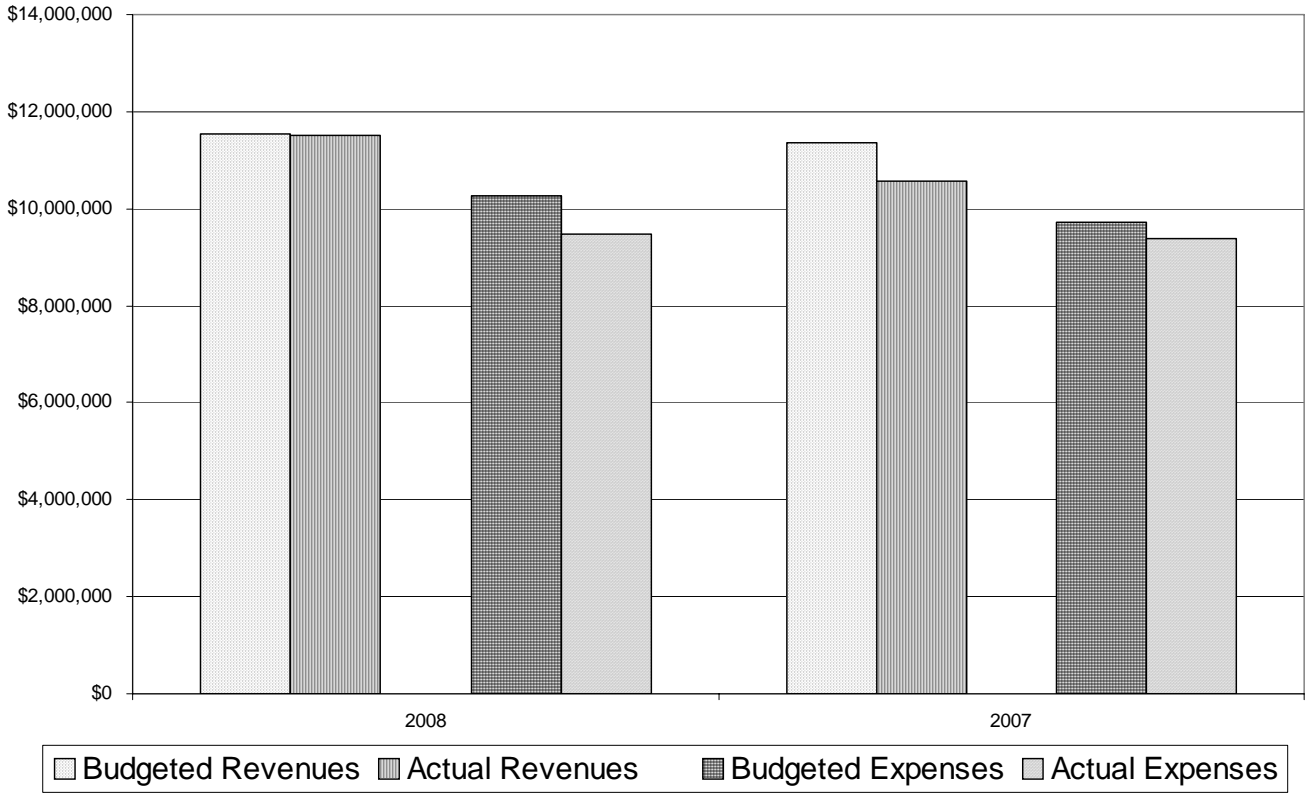
**POST Fund**  
**2008 Budget vs Actual**



■ Budgeted Revenues   ■ Actual Revenues   ■ Budgeted Expenses   ■ Actual Expenses

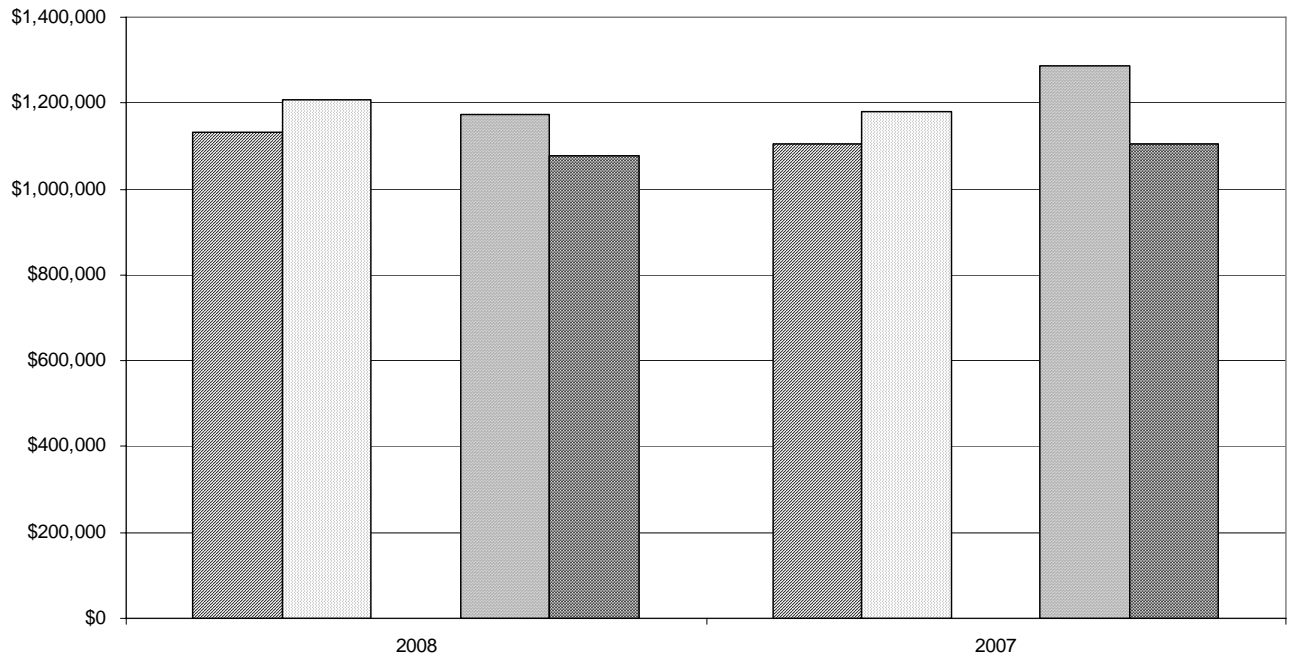
The combined Water & Wastewater Fund revenues and carryover exceed expenses by \$17,061,127. \$24,548,993 is budgeted for capital projects and reserves.

**Combined Water and Wastewater Funds  
2008 Operating Budget vs Actual**



The combined Golf Course Fund revenues exceed expenditures by \$128,609.

**Golf Course Enterprise  
Budget vs Actual**



■ Budgeted Revenues    □ Actual Revenues    ■ Budgeted Expenses    ■ Actual Expenses

**Policy Issue**

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

**Alternative**

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

**Background Information**

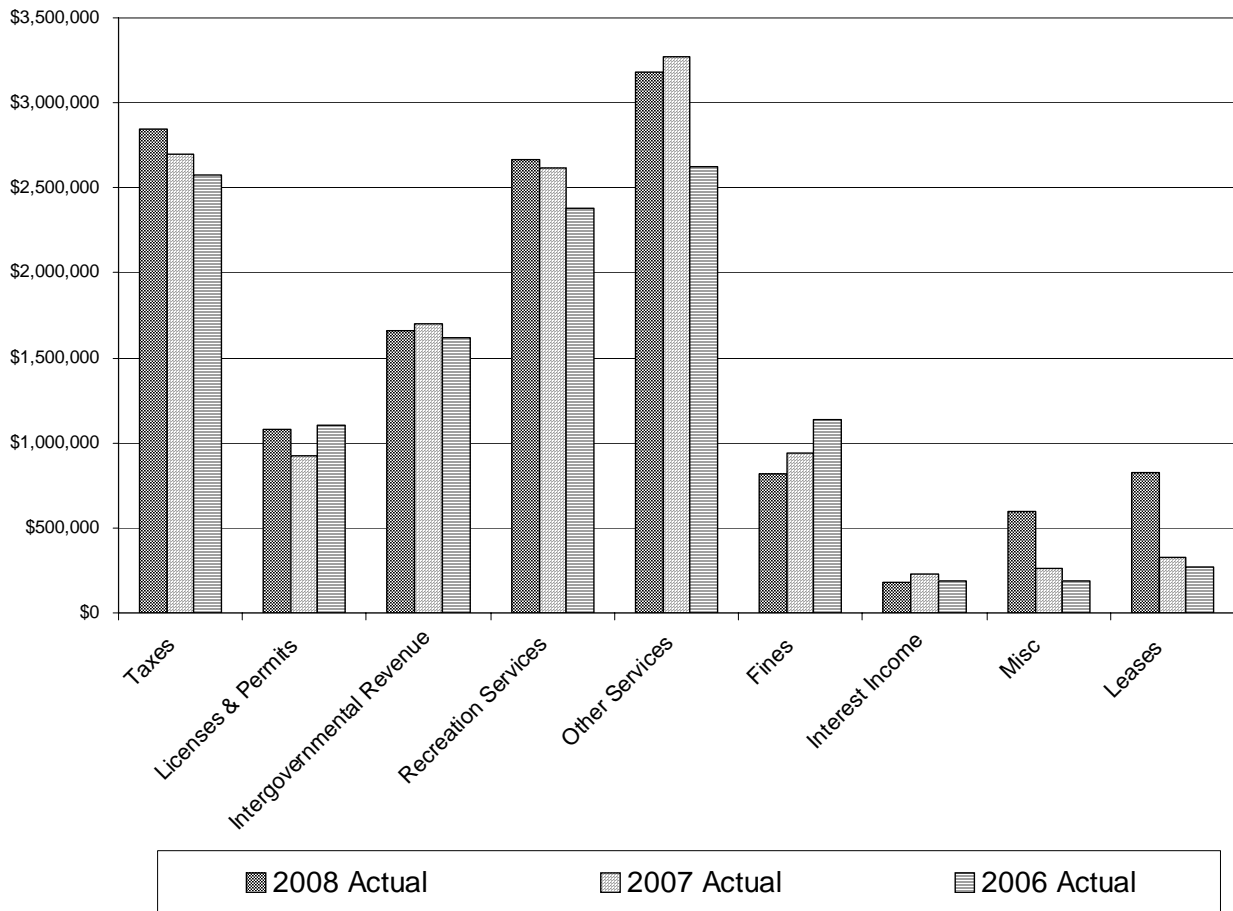
This section includes a discussion of highlights of each fund presented.

**General Fund**

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

The following chart represents the trend in actual revenues from 2006 – 2008 year-to-date.

**General Fund Revenues without Transfers, Carryover, and Other Financing Sources  
2006 - 2008**

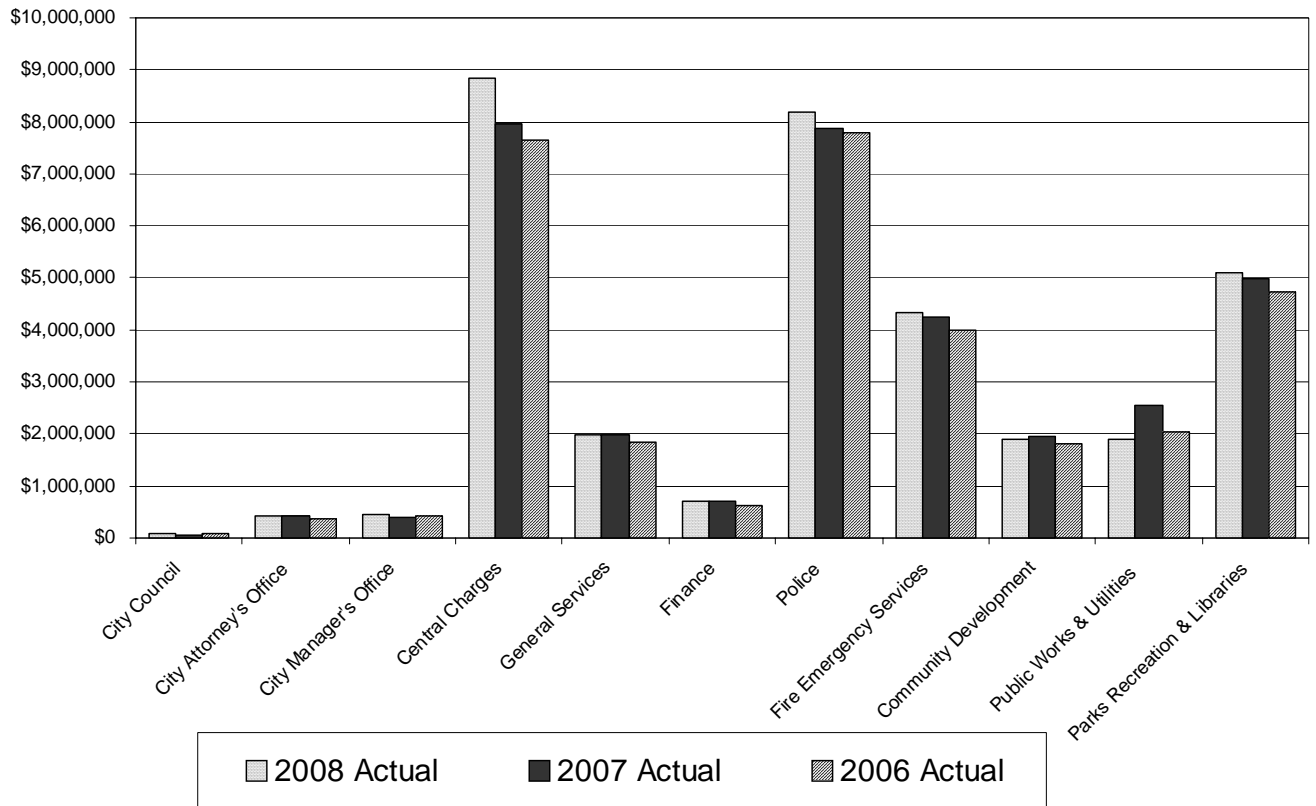


Increases in General Fund revenue categories are explained as follows:

- Leases reflect rental income for the former police building at 88<sup>th</sup> Avenue and Sheridan Boulevard
- Miscellaneous revenue reflects a reimbursement from the City of Thornton for debt service on the 2005 Certificates of Participation, which were used to construct the 144<sup>th</sup> Avenue bridge.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2006 –2008.

**Expenditures by Function, less Other Financing Uses  
2006- 2008**



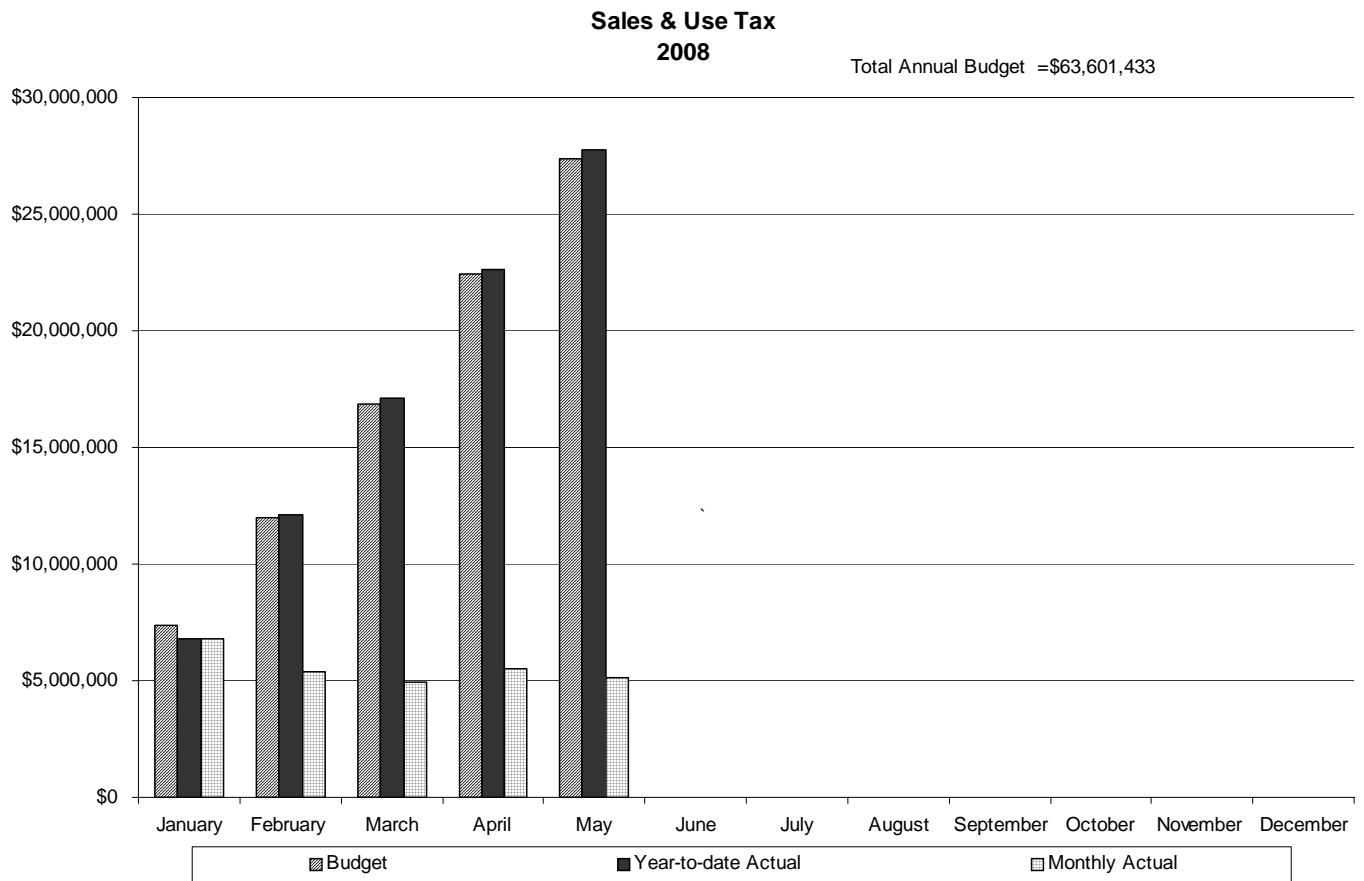
The increase in Central Charges reflects a timing difference in debt/lease payments from prior years.



**Sales and Use Tax Funds (Sales & Use Tax Fund and Parks Open Space and Trails Sales & Use Tax Fund)**

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project Fund, the Debt Service Fund and the Golf Course Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.

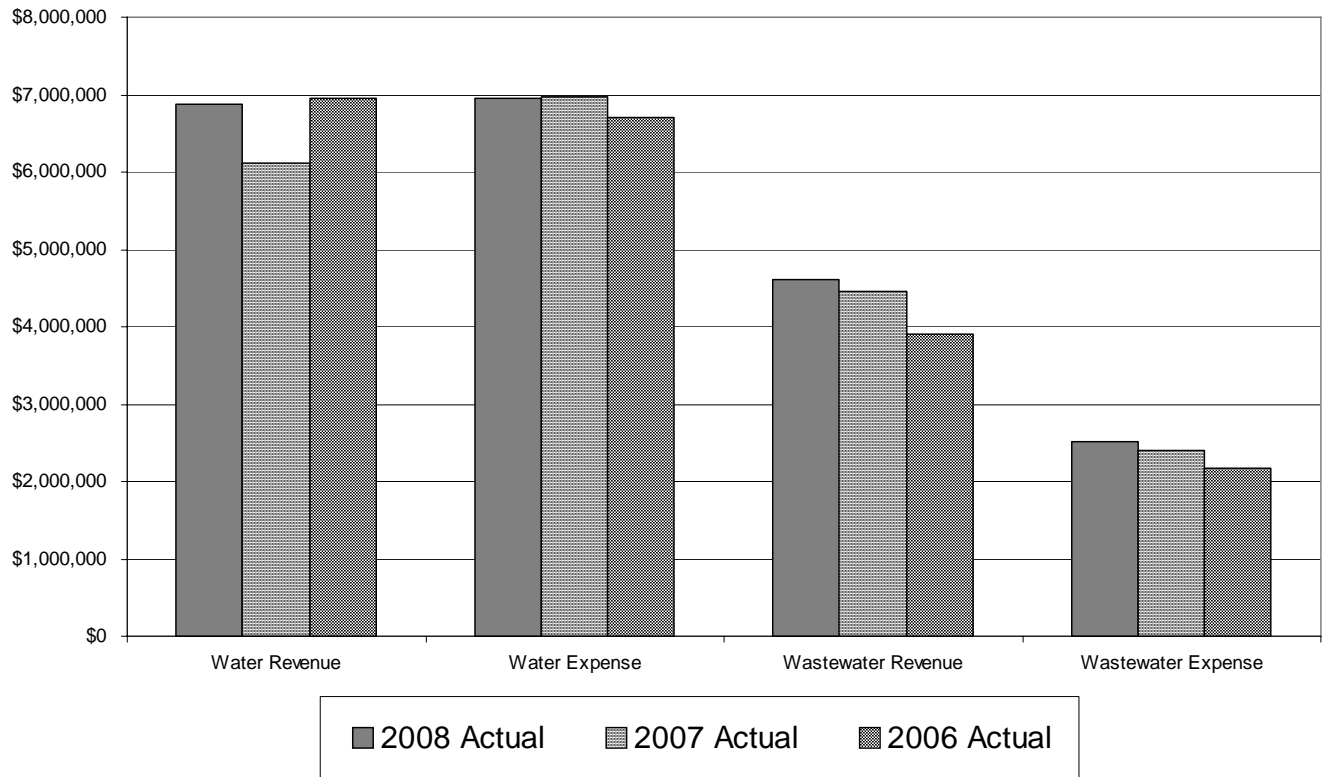


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects and reserves.

These graphs represent the segment information for the Water and Wastewater funds.

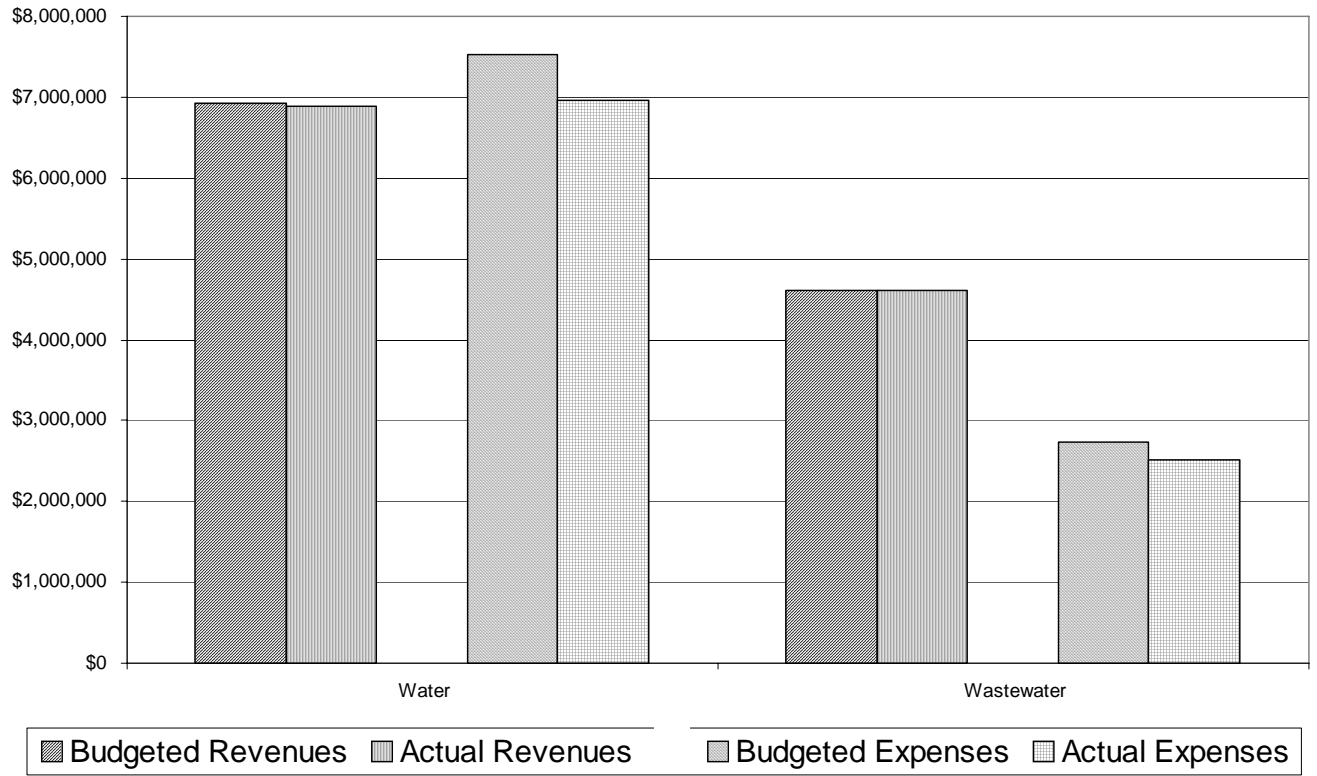
**Water and Wastewater Funds  
Operating Revenue and Expenses 2006-2008**



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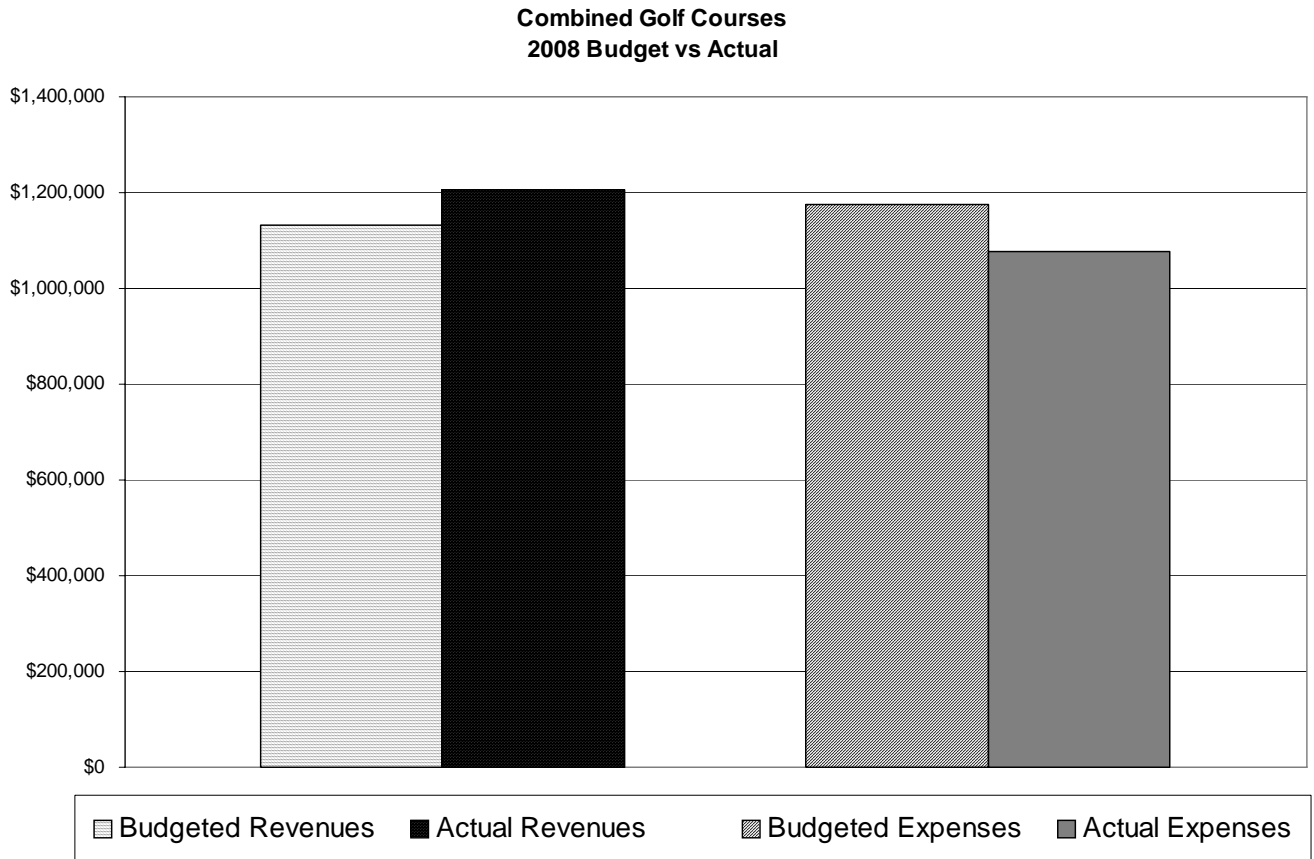
Charges for Services are \$825,000 higher in 2008 than 2007. At this time last year, 6 inches of precipitation had fallen, while this year 3 inches have fallen.

**Water and Wastewater Funds  
2008 Operating Budget vs Actual**



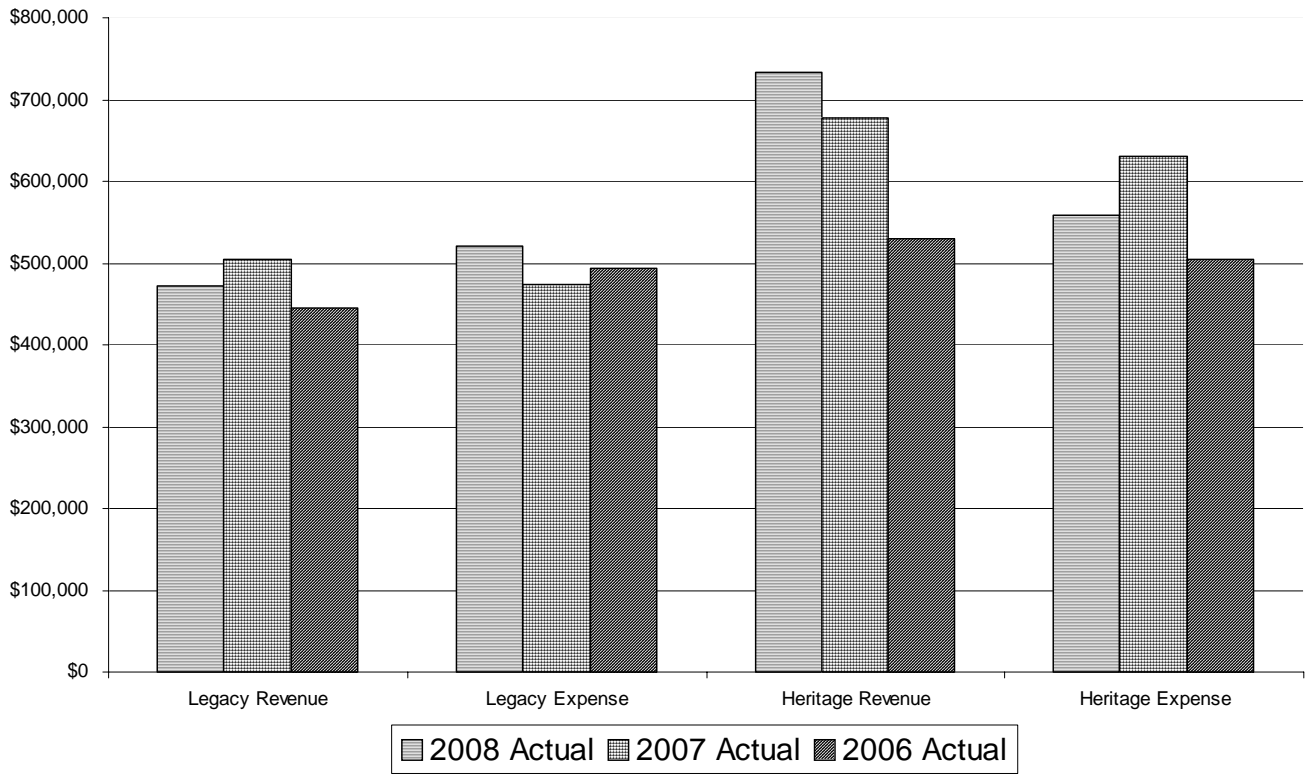
**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

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



The following graphs represent the information for each of the golf courses.

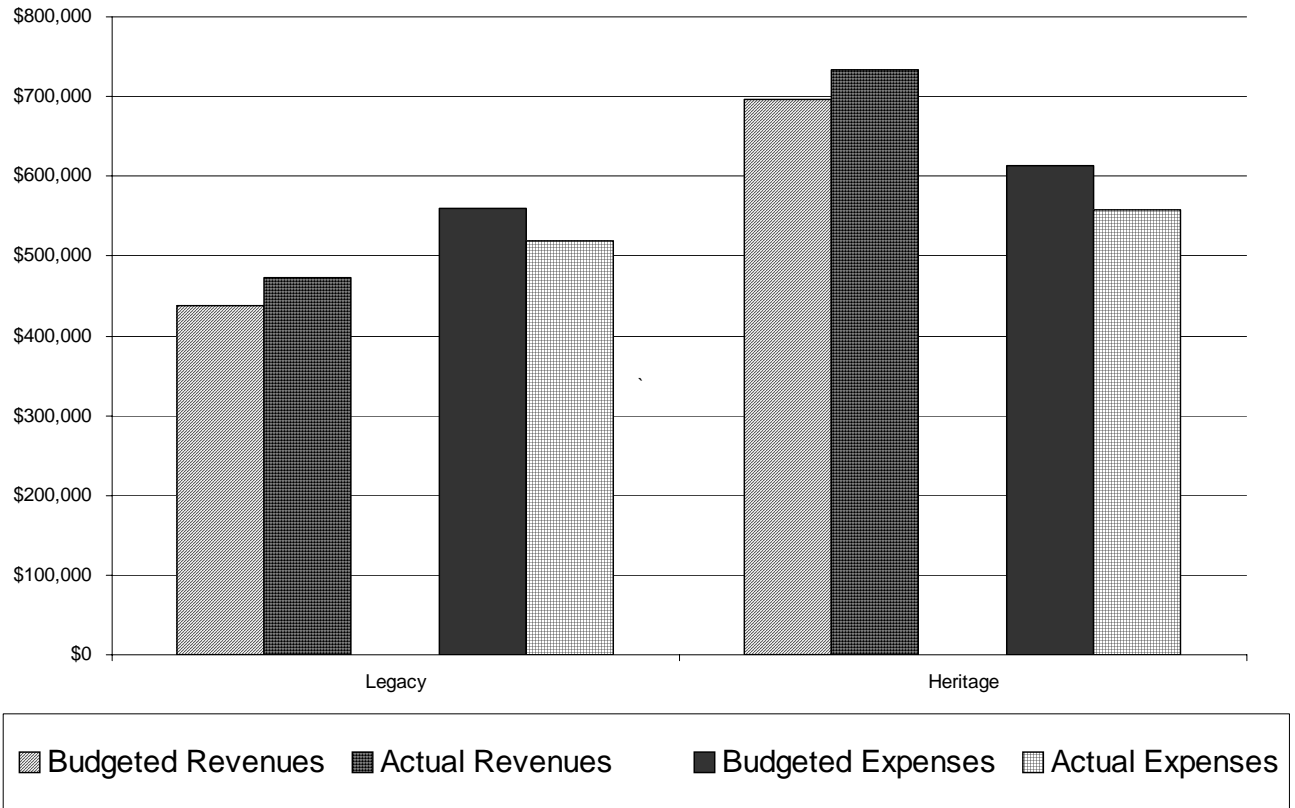
**Legacy and Heritage Golf Courses  
Revenue and Expenses 2006-2008**



**SUBJECT:**

The 2008 expenses at Legacy reflect merchandise purchases and lease payments for golf course equipment. A one time Other Financing Source and use of \$582,144, which was a lease purchase of golf carts, was omitted from 2006 Heritage Revenue and Expense for comparison purposes.

**Legacy and Heritage Golf Courses  
2008 Budget vs Actual**



Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
MONTH OF MAY 2008

Center Location Major Tenant	General Sales	Current Month General Use	Total	General Sales	Last Year General Use	Total Sales	Use Total	%Change
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	366,538	2,090	368,628	360,956	2,236	363,193	2 -7	2
THE ORCHARD 144TH & I-25	225,112	83,840	308,952	89,871	398	90,269	150 20962	242
JC PENNEY WESTMINSTER MALL 88TH & SHERIDAN	231,336	1,352	232,688	285,060	2,993	288,053	-19 -55	-19
4 DEPARTMENT STORES INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25	194,573	27,958	222,531	161,409	972	162,381	21 2775	37
WALMART 136TH BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	197,810	896	198,705	187,984	1,278	189,263	5 -30	5
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	192,458	5,513	197,971	220,919	830	221,749	-13 564	-11
SHOPS AT WALNUT CREEK 104TH & REED TARGET	193,053	1,352	194,404	151,074	504	151,578	28 168	28
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	174,079	352	174,432	171,036	915	171,951	2 -61	1
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	113,611	9,385	122,996	129,781	13,317	143,098	-12 -30	-14
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	108,595	7,098	115,692	106,999	849	107,848	1 736	7
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	99,123	124	99,248	89,843	223	90,066	10 -44	10
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	87,203	1,410	88,613	94,020	834	94,854	-7 69	-7
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	77,892	118	78,010	77,182	111	77,293	1 6	1
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	65,719	2,895	68,614	59,575	159	59,734	10 1719	15
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	52,856	4,995	57,851	53,327	180	53,507	-1 2675	8

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
MONTH OF MAY 2008

Center Location Major Tenant	General Sales	Current Month General Use	Total	General Sales	Last Year General Use	Total Sales	Use Total	%Change
SAFEWAY	55,981	161	56,143	56,354	259	56,614	-1	-38
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER.								
GUITAR STORE	50,946	207	51,153	49,979	129	50,108	2	61
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH								
SAFEWAY	44,638	4,085	48,723	41,764	325	42,089	7	1158
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON								
CB & POTTS	42,054	1,232	43,286	49,627	114	49,741	-15	982
WILLOW RUN 128TH & ZUNI								
SAFEWAY	7,554	28,047	35,601	6,474	31,007	37,482	17	-10
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL								
LUCENT TECHNOLOGY	27,153	147	27,300	25,253	686	25,939	8	-79
ELWAY/DUGLAS CORRIDOR NE CORNER 104TH & FED								
ELWAY MOTORS	17,228	9,180	26,409	13,018	18	13,037	32	49957
I.A CONTE PLAZA E SIDE FEDERAL 72-74TH								
MCDONALD'S	26,056	98	26,154	25,438	294	25,732	2	-67
STANDLEY PLAZA SW CORNER 88TH & WADS								
WALGREENS	25,697	308	26,005	15,273	385	15,658	68	-20
LAKE ARBOR PLAZA W SIDE HARLAN/INDUS PRK								
ASPEN AUTO BODY	24,388	177	24,565	23,495	400	23,895	4	-56
NORTHVIEW 92ND AVE YATES TO SHERIDAN								
SALTGRASS	2,701,655	193,019	2,894,675	2,545,712	59,417	2,605,130	6	225









## Agenda Item 8 B

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** 2008 Wastewater Collection System Improvement Project

**Prepared By:** Richard A. Clark, P.E., Utilities Operations Manager  
Andy Mead, Utilities Operations Coordinator

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Western Slope Utilities, Inc. to complete the 2008 Wastewater Collection System Improvement Project/Cured-in-Place-Pipe (CIPP) Lining Phase I, authorize a project budget of \$725,152 with a 10% contingency of \$72,515 for a total budget of \$797,667.

**Summary Statement:**

- This project consists of the rehabilitation of approximately 20,000 feet of 6 to 24 inch diameter sanitary sewer line using trenchless technology, CIPP.
- Formal bids were issued and a bid opening took place on June 4, 2008. Three contractors bid on this project. The lowest responsive bid was submitted by Western Slope Utilities, Inc. (WSU). This contractor has been utilized by the City in the past and has provided a satisfactory work product.
- Adequate funds were budgeted for this expenditure in the 2008 Utility Fund Capital Improvement Projects budget.
- In addition to the contract and contingency amounts, there will also be post project pipe inspection costs from our wastewater collection system maintenance contractor, Quality Pipe Services, Inc. that will total approximately \$7,000 (\$0.35 per foot x 20,000 ft.) that will be incurred to close out the project.

**Expenditure Required:** \$797,667

**Source of Funds:** Utility Fund Capital Improvements –Sewer Line Trenchless Rehabilitation Project

**Policy Issue**

Should the City utilize Utility Fund Capital Improvement Project funds to complete this sewer line rehabilitation project, using an outside contractor, as specified in the contract documents?

**Alternative**

Delay this sanitary sewer lining rehabilitation project. This is not recommended as the City would risk additional sewer line failures and damages that may occur due to line collapse.

**Background Information**

Annually, the Utility Operations Divisions budgets funds for the rehabilitation of deteriorated sanitary sewer lines utilizing the Cured-In-Place Process - CIPP (trenchless technology) to achieve the required pipe rehabilitation. Sewers are assigned a numerical condition rating during the annual inspection program and the most severely deteriorated lines are selected for rehabilitation first. Typically, hydrogen sulfide gas from the sewage has worn away the concrete mortar and caused joint leaks and crown corrosion along the sewer lines. This can eventually cause the sewer's structural support to fail and can cause a total line collapse. The selected sewer lines related to this project were identified as a priority for rehabilitation due to their advanced deteriorating condition.

Last year, the sanitary sewer line rehabilitation program funding was expanded and moved from the Utilities Division Operating Budget to the Utility Fund Capital Improvements Program (CIP) portion of the Budget. Funding for these types of projects was significantly increased in 2007 and has allowed for an accelerated schedule of rehabilitation of the sanitary sewer lines in need of repair throughout the City. The goal is to address all sanitary sewer lines rating poor or failing in the Pipe Assessment and Certification Program (PACP) over the next five years. This CIPP project will complete another 20,000 feet of sewer line that has been identified as in need of repair or rehabilitation.

The project scope of work for this Wastewater Collection System Improvement Project/CIPP Lining Phase I consists of repairing 20,082 feet of 6-inch through 24-inch sanitary sewer lines using trenchless technology methods (internal cured-in-place lining of the existing sewer pipe.) Trenchless technology has proven very successful and less disruptive for residents and traffic flows. This process of rehabilitating sewer lines has been successfully utilized by the City in past years and has been a reliable method of repair. The work for this project will generally take place in the Little Dry Creek drainage basin area, which is the southern portion of the City. Attached is a listing of addresses/locations of the areas to be completed within the scope of this project.

The 2008 Wastewater Collection System Improvement Project/CIPP Lining was advertised for notice and bids were accepted until June 4, 2008, at which time bids were opened and read aloud. Three contractors submitted bids. The City has utilized the services of Western Slope Utilities, Inc. (WSU) in the past for sewer lining projects and has been satisfied with the quality of their work. The results of the submitted bids are as follows:

Western Slope Utilities	\$725,152
Wildcat Civil Services	\$741,040
Insituform Technologies Inc.	\$913,385
Estimated Cost	\$1,181,301

Staff anticipates that the contractor, Western Slope Utilities, Inc. would commence work about August 1<sup>st</sup>, and would complete this sewer lining project by the end of November, 2008.

This project helps achieve the City Council's Strategic Plan Goals of, "Financially Sustainable City Government, Safe and Secure Community and Vibrant Neighborhoods and Commercial Areas" by meeting the following objectives:

- Well-maintained City infrastructure and facilities
- Citizens are safe anywhere in the City
- Maintain and improve neighborhood infrastructure and housing

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments

## **2008 CIPP LINING PROJECT LOCATION LIST**

	<b>SIZE</b>	<b>TAPS</b>	<b>PSR*</b>	<b>LENGTH</b>	<b>STREET</b>
1	8	7	1879	365	7516 Lowell Blvd
2	6	9	1882	257	7590 Julian Street
3	6	3	1883	71	7541 Julian Street
4	8	2	1884	161	3355 West 75th Pl
5	6	2	1885	88	7533 Julian Street
6	6	3	1886	101	7517 Julian Street
7	6	16	1887	481	7510 Julian Street
8	6	4	1888	158	7442 Julian Street
9	8	4	1549	227	9425 Meade Street
10	8	6	5073	381	9340 104th Place.
11	8	5	1880	369	7431 Lowell Blvd.
12	8	8	1881	363	7396 Lowell Blvd.
13	6	4	1870	295	3507 Westminster Place.
14	8	0	2207	185	7848 Stuart Street.
15	8	1	2206	148	7821 Stuart Street.
16	8	2	1913	108	7425 Irving Street.
17	8	1	1919	186	7405 Irving Street.
18	8	4	1925	327	7595 Irving Street.
19	8	4	5261	234	10722 Pierson Street
20	6	8	6836	316	7420 Julian Street.
21	6	10	2006	660	7490 Osceola Street.
22	10	9	1997	308	7299 Orchard Court.
23	10	7	18294	290	7225 Newton Street.
24	8	4	2018	295	7290 Wolff Street.
25	8	2	2015	81	7260 Wolff Street.
26	8	11	2014	360	7250 Wolff Street.
27	8	4	2062	271	4835 W. 73rd Ave.
28	6	2	2144	197	3641 W. 78th Ave.
29	6	7	2147	198	7790 Newton Street.
30	6	9	2148	397	7730 Newton Street.
31	8	5	1057	281	3948 Shaw Blvd
32	8	0	1981	20	7440 Orchard Ct.
33	24	0	7965	218	4705 W.76th Avenue
34	24	0	7283	69	4705 W.76th Avenue
35	18	0	7291	380	4705 W.76th Avenue
36	18	0	7233	332	7591 Wolff Street
37	18	4	7237	373	7560 Wolff Street

\* PSR - Pipe Segment Reference. Numerical reference used by the Geographic Information System (GIS) and the inspection system to refer to particular sewer lines

	SIZE	TAPS	PSR*	LENGTH	STREET
38	18	2	7238	476	7490 Wolff Street
39	18	2	7225	391	7410 Wolff Street
40	18	0	7228	11	7391 Wolff Street
41	21	0	7229	92	7391 Wolff Street
42	21	0	7224	91	4885 W. 73rd Avenue
43	21	0	7242	204	4845 W. 73rd Avenue
44	21	0	7987	273	7298 Winona Court
45	21	0	7989	7	7296 Vrain Street
46	18	2	7988	305	7296 Vrain Street
47	24	0	7244	350	7280 Utica Street
48	8	5	1948	340	7410 Quitman Street
49	8	0	7241	90	7298 Winona Court
50	8	4	1992	205	7250 Newton Street
51	6	2	1993	264	7220 Newton Street
52	8	0	2145	322	7790 Meade Street
53	8	9	2143	381	7830 Meade Street
54	8	4	1874	300	3451 W 76th Avenue
55	8	0	2142	310	7851 Meade Street under HWY 36
56	8	2	6761	216	4220 W 75th Avenue
57	8	6	2291	328	7601 Raleigh Street
58	8	2	1753	190	7195 Federal Blvd
59	15	2	1133	115	4420 Wagner Drive.
60	15	1	1128	132	4400 Wagner Drive.
61	10	0	7054	400	8600 Zuni Street.
62	8	6	914	225	8376 North Mason Circle
63	10	8	1685	321	8325 North Oakwood Street
64	8	8	1015	207	8600 North Cherry Lane.
65	8	11	2403	311	8800 North Ithaca Way.
66	8	10	1214	401	8922 North Quigley Street
67	8	8	1446	238	3430 W 96th Ave.
68	8	8	1538	301	9280 N Osceola Street
69	12	0	4300	237	10100 Wadsworth Blvd
70	12	2	4301	402	10055 Wadsworth Blvd
71	12	2	4311	375	9999 Wadsworth Blvd
72	12	0	4322	330	9959 Wadsworth Blvd
73	12	0	7665	62	9900 Wadsworth Blvd
74	12	0	7669	444	9900 Wadsworth Blvd
75	12	0	7666	254	9900 Wadsworth Blvd
76	12	0	8017	320	9900 Wadsworth Blvd
77	21	0	0	310	11455 W. 100th Avenue
		<b>273</b>		<b>20082</b>	Total Length

\* PSR - Pipe Segment Reference. Numerical reference used by the Geographic Information System (GIS) and the inspection system to refer to particular sewer lines



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** Semper Farmhouse Exterior Rehabilitation Construction Contract

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

**Recommended City Council Action**

Authorize the City Manager to award and execute a contract with TC 2, Inc. in the amount of \$146,740 for the construction of the Semper Farmhouse exterior rehabilitation project and authorize a project contingency of \$14,674, subject to final budget approval by the grant agency, the State Historical Fund.

**Summary Statement**

- The Charles and Julia Semper Farm is a designated local historic landmark located at 9215 Pierce Street.
- Using a State Historical Fund assessment grant, the buildings were assessed in 2006 and a grant application was filed in April 2007 with the State Historical Fund to complete an exterior rehabilitation project on the farmhouse.
- Using a combination of funding from the 2007 Community Development Block Grant for the 25% cash match and the \$132,349 grant award from the State Historical Fund, the exterior rehabilitation project is expected to be completed in 2008.
- Plans were completed and approved by the Westminster Historic Landmark Board and the State Historical Fund and the project was advertised for bid. Two general contractors submitted bids, including a low bid of \$146,740 from TC 2, Inc. A review of TC 2, Inc.'s work and experience confirms that they meet the requirements for acceptance of their bid, and staff is recommending award of the contract to them. Work could begin as soon as late July and is expected to take approximately three months to complete.
- A ten percent contingency amount of \$14,674 is also recommended, bringing the total requested authorization to \$161,414.

**Expenditure Required:** \$161,414

<b>Source of Funds:</b>	General Capital Improvement Fund - Historic Preservation Project	\$124,729
	((\$110,055 is from State Historical Fund Grant)	
	Community Development Block Grant Fund	\$36,685

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**Policy Issue**

Should the City enter into a construction contract for the exterior rehabilitation of the Semper Farmhouse?

**Alternative**

The alternative is to postpone or abandon construction of the exterior rehabilitation of the Semper Farmhouse. These alternatives are not recommended because the project is grant-funded and these funds may not be available in the future to complete the project at a later time.

**Background Information**

The Charles and Julia Semper Farm is a designated local historic landmark located at 9215 Pierce Street. Using a State Historical Fund assessment grant, the buildings were assessed in 2006 and a grant application was filed April 1, 2007 with the State Historical Fund to complete an exterior rehabilitation project on the farmhouse. Using a combination of funding from the 2007 Community Development Block Grant for the 25% cash match and the \$132,349 grant award from the State Historical Fund, the exterior rehabilitation project is expected to be completed in 2008.

The proposed project was advertised on the City website and by targeted communications with qualified contractors. Bids were received from two contractors with the following results.

<u>Contractor</u>	<u>Submitted Bid</u>
TC 2, Inc.	\$159,965
White Construction, Inc.	\$172,269
Grant Proposal Estimate (March 2007)	\$156,776

TC 2, Inc. is the lowest bidder and meets the requirements established in the contract documents. Staff is recommending award of the contract to them. They have prior experience with State Historical Fund requirements as well as the Davis-Bacon labor standards required by the Community Development Block Grant funding. They have revised their bid to eliminate the asbestos mitigation task because the City is able to contract separately for this service at a lower price. They were also able to reduce their painting bid slightly, bringing their revised bid down to \$146,740. Work could begin as soon as late July and is expected to take approximately three months to complete.

The grant application was prepared in March 2007 and was based on a professional contractor estimate at the time. A 14% contingency was added to the contractor's estimate and included in the grant application. Given the length of time required for a grant application to be reviewed and awarded, contracts to be approved and executed, and construction drawings prepared, fifteen months have passed since that estimate was prepared. The bids received in June 2008 reflected substantially higher estimates for some tasks, based at least in part on higher fuel costs (e.g. for transportation of concrete). The recommended bid (plus the separate cost of asbestos mitigation) even with the negotiated reductions in price, results in only a \$1,651 cushion as a contingency fund. For that reason, City Council is requested to approve the use of cash in the Historic Preservation CIP account as a contingency fund of 10% for this proposed construction contract. This contingency would be used only in the event of a change order approved by both the City and the State Historical Fund. It is not possible to request additional State Historical Fund money to cover change orders that exceed the budget set forth in the grant application.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager



**WESTMINSTER**

**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** System Wide SCADA Enhancements Project

**Prepared By:** Stephanie Bleiker, PE, Senior Engineer

**Recommended City Council Action**

Based on the recommendation of the City Manager, find that the public interest would best be served by accepting the proposal of Electrical System Consultants, Inc. (ESC) for the construction and implementation of the Supervisory Control and Data Acquisition Systems (SCADA) and communication upgrades, authorize the City Manager to execute a contract with ESC in the amount of \$488,155 and authorize a contingency of \$48,815.

**Summary Statement**

- The Supervisory Control and Data Acquisition (SCADA) system is the computerized system used in the operations at the Semper and Northwest Water Treatment Facilities and for the remote monitoring of Water Resource and Utility Operations facilities throughout the City.
- The existing SCADA system is outdated and increasingly difficult to support and maintain. Accordingly, adequate funding was included in the 2007 and 2008 City Budget for system-wide SCADA enhancements and associated communications upgrades.
- City Council previously approved the pre-design and evaluation of the City's SCADA system at its October 8, 2007 City Council meeting.
- The 2008 authorized SCADA budget is \$472,000. Combining the 2008 SCADA budget with the amount remaining from the 2007 SCADA budget provides \$536,970 for System-Wide SCADA Enhancements Project construction.

**Expenditure Required:** \$536,970

**Source of Funds:** Utility Fund – System Wide SCADA Enhancements Capital Project

**Policy Issue**

Should the City proceed with the System Wide SCADA Enhancements Project by awarding this contract for engineering construction services to ESC?

**Alternatives**

1. The City could choose not to approve the contract, and either place the project on hold or solicit other proposals to execute the work. This is not recommended since it would result in delaying the SCADA and communications systems upgrades.
2. The City could advertise the project for bid; however this is not recommended as Staff believes that ESC is fully qualified to do this work and has some of the more competitive rates for work in their field. They also have gained a familiarity with the City's water treatment facilities and field stations that other engineering firms would not have.

Staff does not recommend either of these alternatives.

**Background Information**

The City's SCADA system is the operating system for the Semper and Northwest Water Treatment Facilities and the eyes and ears of the remote field stations, including water storage tanks, pump stations, and lift stations. Without SCADA, operating and maintaining the City's utility system facilities would be difficult. The City's existing potable water treatment plants' and utility field stations' SCADA system has developed from technology of the early 1990's. Over the years as the potable water treatment facilities were constructed and expanded, and as utility field stations, such as water tanks and pump stations, increased in number, the SCADA technology in the outside world evolved in a new direction. While the City's original SCADA system has been adapted to meet the requirements of newer generations of hardware technology, the newer developments in SCADA technology have been refined with capabilities better suited to keep pace with industry standard hardware improvements. The SCADA system the City currently operates falls in a category that was at one time state-of-the art, but has since been surpassed. The City's present day SCADA system is no longer being supported by the original vendor. With a SCADA system that lies outside of the mainstream SCADA technology, it is becoming increasingly difficult to keep pace with the industry standard technology improvements used to operate the City's water and wastewater facilities.

City Council authorized a contract with ESC at its October 8, 2007 City Council meeting for the pre-design of the City's SCADA supported facilities. The SCADA pre-design work included 37 facilities that ESC assessed in their report. Of those 7 facilities were identified as less critical or otherwise yet to be constructed. As such these less critical and future facilities will be excluded from this scope of work. The proposed scope of work includes 30 Water Resource and Utilities facilities as part of the System-Wide SCADA Enhancements. The facilities range in size from water treatment plants, to potable water tanks with pump stations, lift stations, and water resource field stations. Staff believes it is in the City's best interest to have all of the facilities operating under the same SCADA technology. However, not all of the facilities have a high priority of being upgraded so a phased approach to the implementation is being recommended for this project. Along with improvements to the SCADA system, communications improvements were also evaluated in order to support the enhanced SCADA communications needs.

Based on the findings of the SCADA Pre-Design Report and the Project Cost Summary, the SCADA improvements have been broken down into 2 phases. Phase 1 would be addressed in this agenda memo, funding the Semper and Northwest Water Treatment Facilities SCADA upgrades as well as 28 other Utilities and Water Resource field station SCADA upgrades. Phase 2 future improvements would involve enhancing the City's radio communications systems with licensed frequencies, redundant capabilities, and increased data capacity appropriate for SCADA and security measures at the City's remote field station sites. Phase 2 improvements are estimated to cost approximately \$575,000.

In the earlier SCADA project Agenda Memo, Staff recommended that the construction phase be negotiated after Staff reviewed ESC's pre-design deliverables. Due to the inherent uncertainties associated with the project, Staff believed that it would be more appropriate to negotiate the construction services with ESC after the pre-design was completed, based upon the pre-design deliverables, their established rate structure, and their submitted proposal for construction. In keeping with this approach Staff is recommending the construction contract be awarded to ESC based upon their SCADA Pre-Design Report, project proposal, project team, and rate structure. Staff interviewed four firms in the pre-design phase of the project that included assessing their conceptual approach, local representation, supporting technical staff, and rate structures. As such Staff still believes that ESC is the most qualified firm to construct the project.

This project helps achieve the City Council's Strategic Plan Goal of "Financially Sustainable City Government" by contributing to the objective of well-maintained City infrastructure and facilities. It also contributes to the City achieving "Safe and Secure Community" by improving SCADA security functions at the City's remote field station sites.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** Wadsworth Wetlands Open Space and Church Ranch Boulevard  
Water Lines Design- Build Contract Approval

**Prepared By:** Dan Strietelmeier, Senior Engineer, Capital Projects & Budget Management

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Twin Peaks Infrastructure and Utilities Inc. in the amount of \$148,498 for design and construction of the Wadsworth Wetlands Open Space and Church Ranch Boulevard Water Lines and authorize a twenty percent contingency in the amount of \$29,700 for a total project budget of \$178,198.

**Summary Statement**

- The project consists of construction of new water lines at separate sites; adjacent to the Wadsworth Wetlands Open Space and along Church Ranch Boulevard at Walnut Creek (see attached maps).
- The new waterlines will complete a loop in the distribution system at the Wadsworth Wetlands Open Space site and replace damaged water lines at the Church Ranch Boulevard site.
- The City sent out a request for design-build qualifications and bids on May 7, 2008, and received three qualified bids on June 4, 2008. Twin Peaks Infrastructure and Utilities Inc. presented the lowest responsible bid in the amount of \$148,498. Twin Peaks Infrastructure and Utilities Inc. will be teaming with J & T Consultants, who will perform the design and construction management phases of the project.
- The design-build process was selected due to the complex constructability issues yet relatively basic design process for the new water lines. This process allowed construction contractors to be involved early in the process, teaming with engineering design firms while investigating constructability issues at each site. The design-build process also saves time and bidding costs compared to the traditional design-bid-build approach, and will allow construction to be completed this year.
- Design plans and specifications should be completed in September, and completion of construction is anticipated to occur by the end of October.
- A twenty percent contingency is requested for this project due to the potential for unforeseen underground conditions at the project sites, the preliminary design nature of the estimated quantities for construction and to cover potential changes that may occur during the project development phase of the design-build process.
- The new water lines will provide redundancy and reliability in the potable water distribution system.
- The requested funding is within the funding authorized by City Council in the 2008 Utility Fund Capital Budget for potable water system improvements.

**Expenditure Required:** \$178,198

**Source of Funds:** Utility Fund Capital Improvements - Open Cut Water Lines Project

## **Policy Issue**

Should the City award with the design-build contract for the Wadsworth Wetlands Open Space and Church Ranch Boulevard Water Lines to Twin Peaks Infrastructure and Utilities, Inc.?

## **Alternatives**

The City could choose from the following alternatives:

1. Award the contract to another bidder, however this would only unnecessarily increase the project costs since the low bidder is responsible and qualified to perform this work.
2. Re-bid the project as currently designed; however, three qualified bids were received through a competitive process.

Staff does not recommend any of these alternatives.

## **Background Information**

The project consists of design and construction of two water lines at separate project sites within the City. A new Wadsworth Wetlands Open Space 12-inch water line about 380 linear feet in length, will be constructed north of 92nd Avenue between Wadsworth Parkway and the west side of the new Guardian Storage facility that is currently under construction. The proposed route is well defined and will be located in City of Westminster Open Space and CDOT ROW. The completion of a water line by the Guardian Storage builder allows the City to complete the loop of the water system in this area with the construction of the Wadsworth Wetlands Open Space water line. The contractor will take precautions during construction in order to minimize impacts to City Open Space.

The second water line is to replace approximately 300 linear feet of the Church Ranch Boulevard 12-inch water line that crosses under Walnut Creek in Church Ranch Boulevard. This portion of water line is inaccessible as it extends underneath the Church Ranch Boulevard box culvert. The weight of the road and box culvert may have caused the water line to elongate in shape thereby damaging it. The proposed route will either be in City of Westminster ROW or Open Space.

The two project sites are close in vicinity and similar pipeline projects so combining into one project was warranted. The Church Ranch Boulevard water line is the highest priority and will be constructed first. The damaged water line is currently valved-off and isolated, which will likely be capped off and abandoned in place.

The design-build team will design and construct water lines that are complete with all appurtenances required for proper operation and maintenance, as well as comply with performance criteria, site development issues, City standards, and code requirements. The design-build team will perform the design, construction cost updating, construction observation and construction management services and construction for the entire project.

The short list of engineering firms qualified for this type of work was developed based on the review of 63 Engineering firms who submitted Statements of Qualifications (SOQ's) to the City for Utility Fund Capital Improvement Projects. The request for design-build bids and qualifications was sent to four pre-qualified firms. The request required the engineering firms to team up with a contractor in order to prepare a bid for design and construction of the water lines. The City received three qualified design-build bids on June 4, 2008. Staff evaluated the three bids and qualifications that were submitted and compared the design-build teams based on their technical approach to the project, project understanding, project team experience on similar projects, proposed cost, and ability to complete the project within the City's requirements. Based on these evaluations, and through contacting references, Staff determined that the team of Twin Peaks Excavating and Infrastructure Inc. and J & T Consulting provided the most comprehensive and responsive bid that addressed all of the project requirements.

The following is a summary of the bids received:

<u>Team</u>	<u>Bid Amount (1)</u>
Twin Peaks/J & T Consulting	\$148,498
Northern Colorado Constructors/J & T Consulting	\$233,273
IB Associates/Fiore & Sons Construction	\$302,219

(1) The Bid Amounts include a \$5,000 allowance that will be used to locate existing utilities in both project areas.

Alternate bids for underground or directional drilling of the water lines were also received. The bids for underground construction were all higher from each design-build team. Twin Peaks bid for underground construction was \$229,225 and after discussions with City Open Space Staff it was determined that open cut construction would be the best option due to the substantial cost savings.

Completion of this project will help achieve the City Council's Strategic Plan Goal of Financially Sustainable City Government by contributing to the objective of a well-maintained City infrastructure and facilities. The project also will help maintain a Beautiful City by supplying and distributing water for irrigation of parks and common areas, and maintain a Safe and Secure Community by providing redundancy and adequate fire flows in the water distribution system.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments

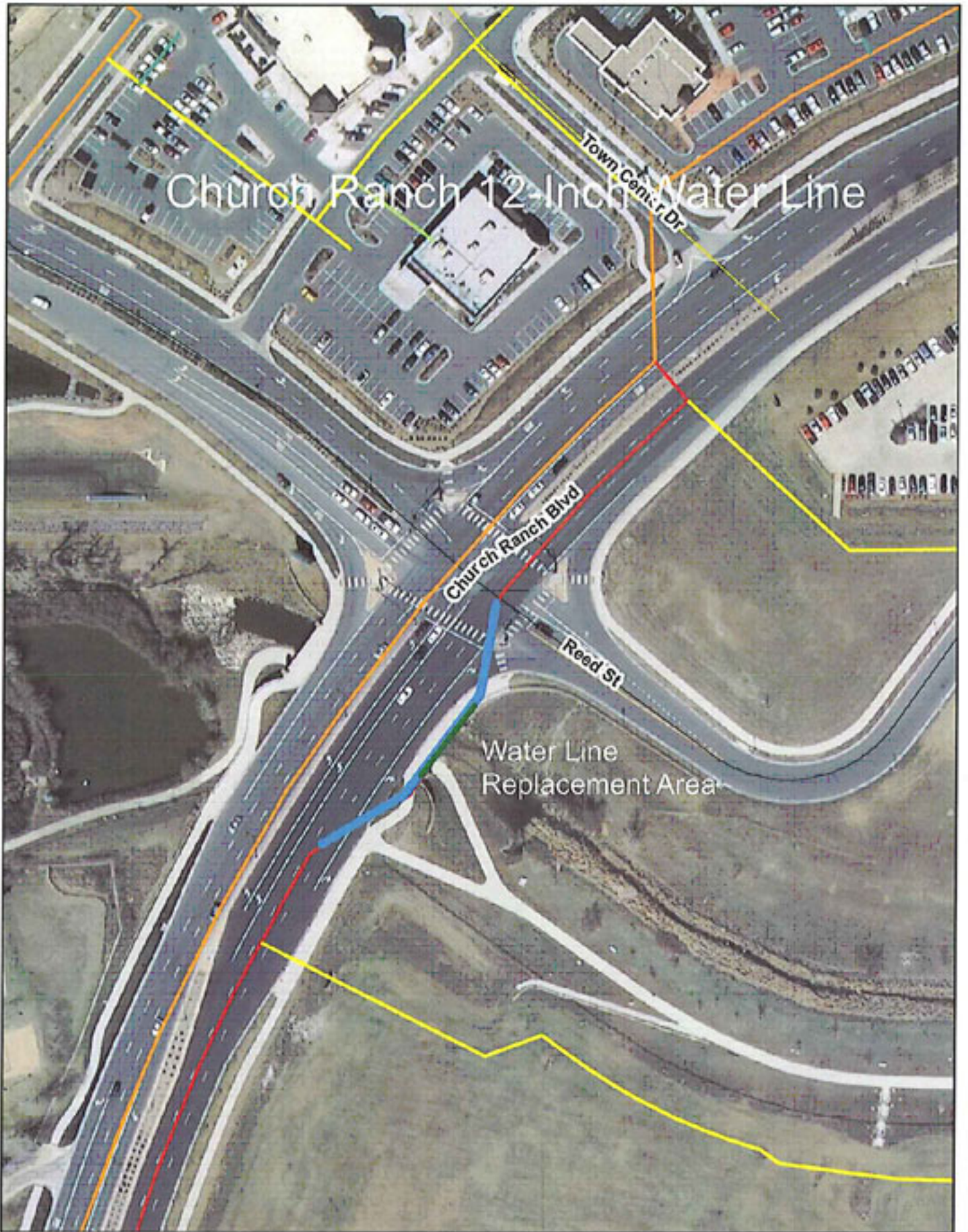




**City of Westminster**







City of Westminster





**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** Intergovernmental Agreement with Adams County School District 50  
Regarding the Use of England Park

**Prepared By:** Richard Dahl, Park Services Manager

**Recommended City Council Action**

Authorize the City Manager to sign the attached Intergovernmental Agreement (IGA) between the City of Westminster and Adams County District 50 Schools (District 50) regarding the use of England Park for school activities.

**Summary Statement**

- During the construction of the new Westminster High School and the demolition of the old school, all the athletic fields at the high school, with the exception of the Stadium, will be unavailable for outdoor gym classes. District 50 has requested the exclusive use of the England Park baseball field complex to hold outdoor student classes for a four-year period from June 2008 to June 2012.
- The attached IGA outlines the responsibilities between the City and District 50 to use England Park for school activities.
- The IGA addresses responsibilities of the two parties with respect to ongoing yearly maintenance and public access to the park.
- Athletic field use scheduled for 2008 will be administered by the City.
- Athletic field use during the remainder of the IGA will be administered by District 50.
- The term of the IGA is four years (2008 -2012)
- The IGA can be terminated by either party annually on the anniversary date with 120-days notice.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City assist District 50 by providing England Park as a facility for the students to hold outdoor sports and fitness classes while the new Westminster High School is being constructed?

**Alternatives**

1. Council could decide not to approve this intergovernmental agreement. However, Staff does not recommend this as District 50 has no alternatives for providing outdoor field use.
2. Council could direct Staff to negotiate a new agreement for a shorter duration of time that would be renewed on a yearly basis; however, Staff believes this is addressed by the 120 day cancellation notification included in the IGA.

**Background Information**

During the construction of the new Westminster High School and the demolition of the old school, all the athletic fields, with the exception of the Stadium, will be unavailable for outdoor gym classes. District 50's Grounds Supervisor Dan Monroe has requested the exclusive use of the England Park baseball field complex to hold outdoor student classes Monday through Friday from June 2008 to June 2012. The park will be open to the public during the evenings, on weekends and when school is not in session. For the duration of the IGA, District 50 will assume all maintenance operations for England Park with oversight and direction by the Westminster Parks, Recreation and Libraries Department to insure adequate maintenance standards.

The City and the District will work together to schedule and coordinate the use of the baseball field with the appropriate leagues and sports organizations for the 2008 season. For the remainder of the IGA (2009-2012), the District will be responsible to coordinate the use of the baseball field with the appropriate leagues and sports organizations. Although the fire training facility is included (attachment A) the District will not be using this portion of the site other than maintaining the landscape portions of the area.

The term of this Agreement is four (4) years, beginning on June 2008, and ending on June 1, 2012, unless written notification for an extension is given by the District to the City by May 1, 2012 (30 days). Either party may terminate this agreement for any reason effective the anniversary date of any year by giving notice of its intent to do so on or before the one hundred twentieth (120<sup>th</sup>) day prior to the anniversary date.

This IGA with District 50 meets City Council's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services," "Vibrant Neighborhoods and Commercial Areas," and "Beautiful and Environmentally Sensitive City."

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments



Attachment A

Bradburn Blvd

72nd Way

Osceola St

Newton St

72nd Ave

Newton St

Raleigh St

Elk Dr

Adams County District 50  
Westminster High School  
Maintenance IGA  
March 12, 2008



 indicates maintenance area

AGREEMENT FOR USE AND MAINTENANCE OF FACILITIES  
BETWEEN  
ADAMS COUNTY SCHOOL DISTRICT 50  
AND THE  
CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between, ADAMS COUNTY SCHOOL DISTRICT 50, State of Colorado, (The "District") and the CITY OF WESTMINSTER, COLORADO, a municipal corporation (the "City").

WHEREAS, the parties are authorized by the Colorado Constitution, Article XIV, Section 18, and C.R.S., Section 29-1-201, et seq., to enter into cooperative agreements to provide to each other any function, service, or facility lawfully authorized to each of them; and

WHEREAS, the parties provide for the Maintenance and Recreational opportunities of Lower England Park located at 7190 Osceola, City of Westminster, and

WHEREAS, the parties desire to work cooperatively to provide temporary outdoor education (gym class) for students attending Westminster High School; and

WHEREAS, the parties wish to share certain land and facilities for student use during the construction of the new Westminster High School; and

WHEREAS, the DISTRICT will install and maintain a fence line and locking gates to provide access to Lower England Park from Raleigh Street on the south side of the England Water Treatment Plant as outlined in attachment (A); and

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

**MAINTENANCE RESPONSIBILITIES FOR THE DISTRICT AND THE CITY**

1. The following yearly maintenance tasks will be the responsibility of the Adams County School District 50:
  - (a) All turf mowing as outlined in attachment (A)
  - (b) Irrigation operation and maintenance that encompasses the above mentioned attachment. This includes programming time clocks to maintain healthy turf and landscape plantings.
  - (c) Fertilization of turf areas on an agreed upon schedule by both parties.
  - (d) Routine fence and gate repairs.
  - (e) Trash removal on a daily basis.
  - (f) All irrigation water bills for the duration of the agreement.

- (g) Irrigation start up and winterization of the system.
  - (h) Inform the City Forester of any tree and shrub concerns before maintenance is performed.
  - (i) Install signs indicating park reserved for District use during specific times and dates.
  - (j) All gates, fences and access points are to be secured on a daily basis.
2. The following maintenance tasks will be the responsibility of the City of Westminster:
- (a) Opening, closing and maintenance of the restroom for City sponsored recreation programs.
  - (b) Baseball infield preparation and maintenance for City sponsored recreation programs.
3. The following maintenance tasks are to be shared equally by both agencies in funding responsibilities:
- (a) The cost of additional maintenance materials such as; baseball infield mix, sand, fencing, etc. will be equally shared between the District and the City. All labor for these maintenance materials will be the responsibility of the District.

### **SUPERVISION AND MANAGEMENT**

1. The City shall be responsible for the supervision and management of its tasks and the District shall be responsible for supervision and management of its tasks as detailed in this Agreement.
2. Once each month during the growing season, the City and the District maintenance personnel shall jointly inspect the condition of the park and facilities to ensure that each party's standards are maintained.
  - (a) The District agrees to report to the City any damage to Lower England Park as soon as the problem is discovered.
  - (b) If damage is found to areas used by either party, and the cause of which cannot be determined, the parties shall share equally the cost of repair or replacement.
3. The City and the District will work together to schedule and coordinate the use of the baseball field with the appropriate leagues and sports organizations for the 2008 season. For the remainder of the IGA (2009-2012) the District will

coordinate the use of the baseball field with the appropriate leagues and sports organizations.

**INSURANCE AND INDEMNIFICATION**

1. Each party shall indemnify and hold harmless the other party, to the extent permitted by law, from any claims or causes of action for damage to property of third parties or for injury or death of any person arising out of the party's use of the other's facilities.
2. If requested, each party shall provide to the other party evidence of comprehensive general liability insurance. Each party shall provide to the other party evidence of comprehensive general liability insurance. Each party shall maintain workers compensation insurance as required by state statute.
3. Nothing in this section shall be construed as a waiver of any of the rights or protections the City or the District may have under the Colorado Governmental Immunity Act or the Colorado Constitution.

**MISCELLANEOUS PROVISIONS**

1. The term of this Agreement is four (4) years, beginning on June 2008, and ending on June 1, 2012, unless written notification for an extension is given by the District along with concurrence by the City no later than May 1, 2012 (30 days).
2. Either party may terminate this agreement for any reason effective the anniversary date of any year by giving notice of its intent to do so on or before the one hundred twentieth (120<sup>th</sup>) day prior to the anniversary date.
3. The City Manager and the Director of the Adams County School District 50 or their designees, may develop and establish rules and procedures to implement, clarify or in any other manner carry out the purposes and intent of this agreement.
4. It is the intention of the parties that the provision of the Agreement shall be re-negotiated as need arises

IN WITNESS WHEREOF, the authorized representatives of the parties sign below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CITY OF WESTMINSTER

4800 West 92<sup>nd</sup> Avenue  
Westminster, CO 80031

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Attest:

Attest:

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved as to Legal Form:

\_\_\_\_\_

City Attorney





## Agenda Item 8 G

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
June 23, 2008



**SUBJECT:** Second Reading of Councillor's Bill No. 23 re 2008 Community Development Block Grant Fund Appropriation

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

#### Recommended City Council Action

Pass Councillor's Bill No. 23 on second reading appropriating 2008 Community Development Block Grant funds in the amount of \$553,850.

#### Summary Statement

- This Councillor's Bill was passed on first reading on June 9, 2008.
- The 2008 CDBG allocation was designated to fund the 2008 CDBG projects, pursuant to City Council approval on November 26, 2007.
- CDBG funding has been decreasing for several years, from \$696,000 in 2003 to \$575,303 in 2007. The 2008 allocation is \$21,453 less than the 2007 amount.

**Expenditure Required:** \$553,850

**Source of Funds:** 2008 Community Development Block Grant Funds

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3418**

COUNCILLOR'S BILL NO. **23**

SERIES OF 2008

INTRODUCED BY COUNCILLORS  
**Dittman - Major**

**A BILL  
FOR AN ORDINANCE INCREASING THE 2008 BUDGET OF THE COMMUNITY  
DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL  
APPROPRIATION FROM THE 2008 ESTIMATED REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the CDBG Fund, initially appropriated by Ordinance No. 3316 is hereby increased by \$553,850. This appropriation is amount approved by the U.S. Department of Housing and Urban Development (HUD) for the City for 2008.

Section 2. The \$553,850 increase in the CDBG Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10B, dated June 9, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

CDBG Fund	<u>\$553,850</u>
Total	<u>\$553,850</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9<sup>th</sup> day of June, 2008

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23<sup>rd</sup> day of June, 2008.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** Second Reading of Councillor’s Bill No. 24 re Right-of-Way Vacation of Bradburn Boulevard, south of 120<sup>th</sup> Avenue

**Prepared By:** Mikele Wright, Senior Civil Engineer

**Recommended City Council Action**

Pass Councillor’s Bill No. 24 on second reading vacating a portion of the center median in Bradburn Boulevard south of 120<sup>th</sup> Avenue.

**Summary Statement**

- State statute requires that the vacation of all rights-of-way be accomplished by Ordinance.
- The owner of the surrounding property, Bradburn Commercial Owners Association, is requesting the right-of-way vacation to allow them to construct a monument sign in the center median of Bradburn Boulevard. Per Section 11-11-5, W.M.C, a permanent, private sign cannot be placed within the public rights-of-way.
- No utility easements will need to be retained since there are no public or private utility lines within this portion of the existing right-of-way of Bradburn Boulevard.
- A legal description of the right-of-way is included in Exhibit A.
- The proposed monument sign has been reviewed and approved by the City’s Planning Division contingent upon the vacation of this portion of the center median within Bradburn Boulevard.
- Staff has determined that the subject right-of-way is not needed by the City. Bradburn Commercial Owners Association will be responsible for maintaining this portion of the center median and the monument sign.
- This Councillor’s Bill was passed on first reading on June 9, 2008.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3419**

COUNCILLOR'S BILL NO. **24**

SERIES OF 2008

INTRODUCED BY COUNCILLORS  
**Major - Dittman**

**A BILL  
FOR AN ORDINANCE VACATING A PORTION OF THE CENTER MEDIAN  
IN BRADBURN BOULEVARD, SOUTH OF 120<sup>TH</sup> AVENUE**

WHEREAS, certain roadways were dedicated on the final plat for Bradburn Subdivision Filing No. 1 (recorded in the Adams County Clerk and Recorder Office on August 6, 2002, in File No. 18, Map No. 749 at Reception No. 1007109); and

WHEREAS, the vacation is being requested to allow the Bradburn Commercial Owners Association to construct a monument sign within the center median of Bradburn Boulevard; and

WHEREAS, there are no existing utility lines within the right-of-way; and

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the roadway described in Section 2 and the same is hereby vacated.

Section 2. Legal Description for vacation: See attached legal description in Exhibit A.

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

Section 4. 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 9<sup>th</sup> day of June, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23<sup>rd</sup> day of June, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

# Vigil Land Consultants

SURVEYORS

Exhibit A

480 Yuma Street ■ Denver, Colorado 80204  
Off: (303) 436-9233 ■ Fax: (303) 436-9235

Date 02-19-08

Job No. 99064

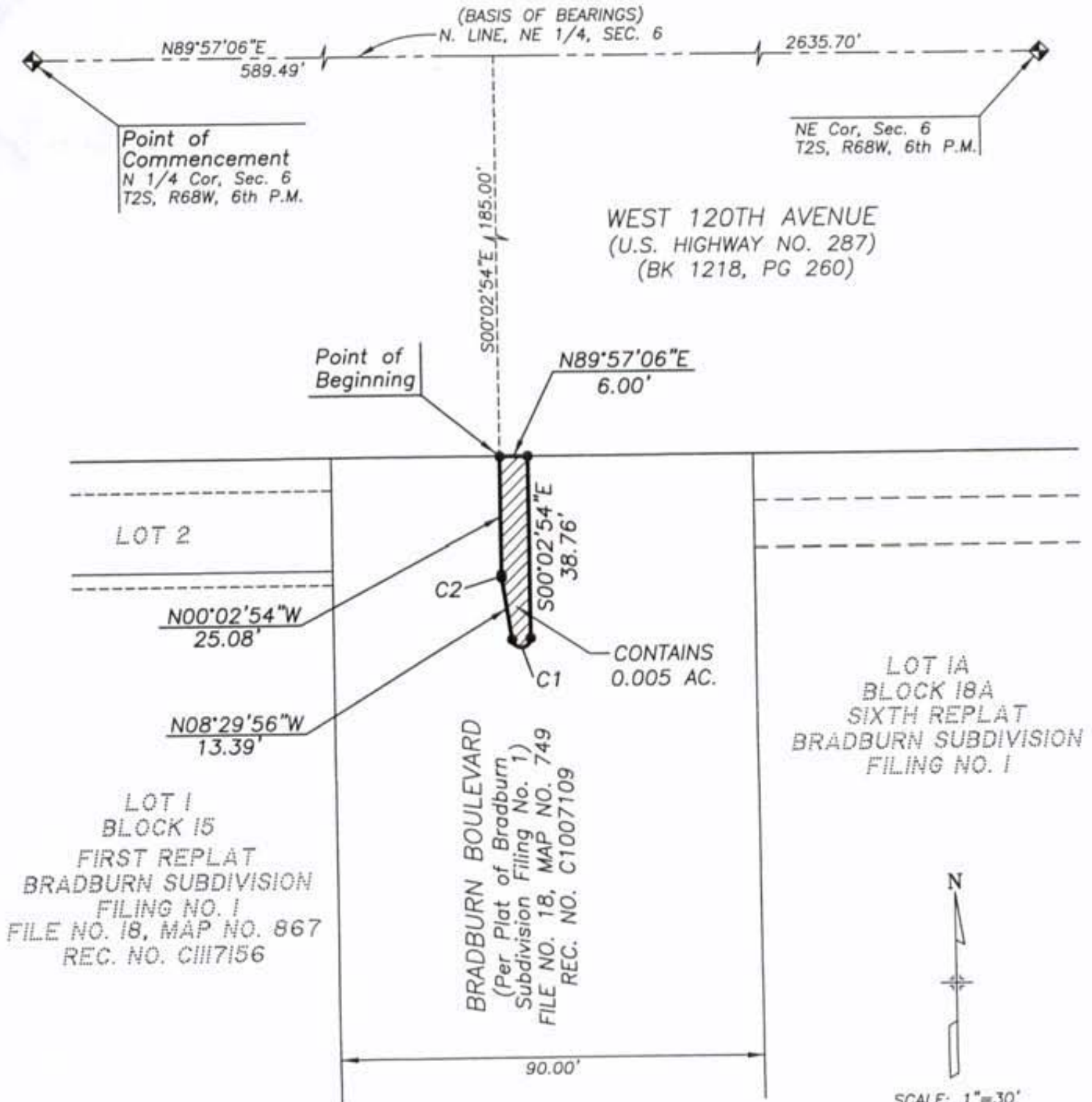
## LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO, BEING A PORTION OF BRADBURN BOULEVARD AS SHOWN ON THE PLAT OF BRADBURN SUBDIVISION FILING NO. 1, RECORDED IN FILE NO. 18, MAP NO. 749 AT RECEPTION NO. C1007109, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6, WHENCE THE NORTHEAST CORNER THEREOF BEARS N89°57'06"E, A DISTANCE OF 2635.70 FEET; THENCE N89°57'06"E, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6, A DISTANCE OF 589.49 FEET; THENCE S00°02'54"E, A DISTANCE OF 185.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WEST 120<sup>th</sup> AVENUE, BEING THE POINT OF BEGINNING; THENCE N89°57'06"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 6.00 FEET; THENCE S00°02'54"E, A DISTANCE OF 38.76 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 171°32'57", A RADIUS OF 2.00 FEET AND AN ARC LENGTH OF 5.99 FEET TO A POINT OF TANGENT; THENCE N08°29'56"W, ALONG SAID TANGENT, A DISTANCE OF 13.39 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 08°27'03", A RADIUS OF 5.00 FEET AND AN ARC LENGTH OF 0.74 FEET TO A POINT OF TANGENT; THENCE N00°02'54"W, ALONG SAID TANGENT, A DISTANCE OF 25.08 FEET TO THE POINT OF BEGINNING. CONTAINING 226 SQUARE FEET OR 0.005 ACRES MORE OR LESS.



ATTACHMENT TO LEGAL DESCRIPTION - NOT A SURVEY



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	2.00'	5.99'	3.99'	S85°43'35"W	171°32'57"
C2	5.00'	0.74'	0.74'	N04°16'25"W	8°27'03"





120th Ave

Bradburn Blvd

Main St

4257

4257

11961

11970

11950

11940

4185

4185

4147



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** Resolution No. 35 re US 36 EIS Preferred Alternative

**Prepared By:** Matt Lutkus, Deputy City Manager

**Recommended City Council Action**

Adopt Resolution No. 35 related to the proposed preferred alternative for US 36 reconstruction.

**Summary Statement**

- In July 2007, the Colorado Department of Transportation (CDOT) and their consultants completed the Draft Environmental Impact Statement (DEIS) for the reconstruction of US 36. This study assessed the environmental impact of a no-build alternative and two build alternatives.
- As part of the development of a Final Environmental Impact Statement (FEIS), a Preferred Alternative Committee (PAC) was created and charged with the task of developing a combined single alternative taking into account feedback received during the public hearing process on the DEIS. The PAC is comprised of representatives from the jurisdictions located along the US 36 urban corridor, CDOT, Regional Transportation District (RTD) and the Federal agencies involved in this process.
- The PAC has been meeting monthly since January, 2008 as a full committee and has held a series of additional work group meetings that have addressed the specific subjects of managed lane access, auxiliary lanes, project phasing, bus rapid transit, a dedicated bikeway system, west-end issues and east-end issues.
- As a result of extensive discussions at these meetings, the PAC arrived at a consensus on a number of issues related to the ultimate vision for US 36 as well as the phasing of construction. In an effort to show the level of region-wide support there is for the conclusions reached by the PAC, each of the jurisdictions represented on the PAC is being asked to formally approve the Committee's recommendations. The agreement on the Preferred Alternative represents a significant milestone in what has been a multi-year process.
- The attached document entitled the "US 36 Preferred Alternative Committee Recommendation" was approved by the PAC on June 11, 2008. In terms of content, it is nearly identical to the draft previously reviewed by City Council.

**Expenditure Required:** \$1.5 billion to \$1.7 billion  
(a rough estimate of total project costs provided by CDOT for the entire corridor)

**Source of Funds:** RTD / FasTrack Funds and yet-to-be-identified Federal and State Grants



**Policy Issue**

Does City Council agree with the position taken by the US 36 Preferred Alternative Committee regarding the preferred alternative for reconstruction of US 36?

**Alternative**

Do not approve the proposed resolution. This alternative is not recommended. Although the proposed resolution does not achieve all that Westminster had initially requested in a preferred alternative for US 36, it reflects the interests of all the various entities involved in the process and represents, in City Staff's view, a satisfactory solution to current and projected congestion along this important transportation corridor.

**Background Information**

In July 2007, consultants working with the Colorado Department of Transportation (CDOT) completed the Draft Environmental Impact Statement (DEIS) for US 36. The development of the DEIS, which took approximately four years, identified the environmental impacts of a no-build alternative and two build alternatives, referred to Package 2 (P2) and Package 4 (P4). P2 placed a heavy emphasis on mass transit and high occupancy vehicles (HOV) with the addition of two lanes separated from general purpose lanes with concrete barriers for HOV, mass transit and toll vehicles. P4, on the other hand, provided for the expansion of the highway to address additional mass transit and HOV use with one managed lane and also provided for one additional general purpose lane. Improvements in both scenarios would have been constructed along the full length of the corridor from I-25 to Foothills Parkway in Boulder.

During the public feedback process, the City expressed several major concerns with the DEIS. These included the limited ability for residents and businesses to access the HOV and toll lanes under P2; the location of a drop ramp interchange along Westminster Boulevard and its impact on developments in the area and adjacent streets; the absence of an extension of 88<sup>th</sup> Avenue to connect the segments of 88<sup>th</sup> Avenue on either side of US 36; and the need for sensitivity to the impacts of highway expansion on those citizens and businesses whose property would be affected by the purchase of additional right-of-way.

In late 2007, CDOT initiated a process whereby jurisdictions located along the corridor, CDOT, RTD and the Federal agencies involved in this process would review the public feedback on the DEIS, examine in more detail the major issues related to the reconstruction of US 36 and develop, through a consensus building process, a recommended preferred alternative. This committee known as the Preferred Alternative Committee, or PAC, met monthly beginning in January of this year as a group and on an as-needed basis in smaller groups to discuss specific issues related to the project. The entities involved in this process were the cities of Westminster, Superior, Louisville and Boulder, the City & County of Broomfield, and Adams, Jefferson and Boulder Counties. The PAC also included representatives from CDOT, RTD, the Federal Highway Administration, the Federal Transit Administration and the US Army Corps of Engineers. The representatives serving on the panel from Westminster were Mayor McNally, Deputy City Manager Matt Lutkus and City Engineer Dave Downing. The areas that received more in-depth discussion within smaller groups were bus rapid transit, auxiliary lanes, project phasing, managed lane access, bikeway, west-end issues and issues related to the east end of the corridor.

The attached US 36 Preferred Alternative Committee recommendation was initially prepared by CDR Associates, a consultant working with CDOT on this project. The document was then reviewed and edited by the Mayors/Commissioners' Coalition (MCC) jurisdictions and CDOT and approved by the PAC on June 11. It is anticipated that a ceremonial signing of the resolution by each of the jurisdictions and agencies will take place at the PAC meeting in July.

The most significant components of the PAC recommendation from the City's perspective are as follows:

- **Extension of Managed Lanes** – A very important component of this proposal is the extension of the current HOV lanes from where they terminate in Westminster to the Table Mesa/Foothills interchange in Boulder. The managed lanes would be buffer separated from the general purpose lanes with a painted stripe and would be accessible to HOV, express bus and drivers of single occupant vehicles who pay a toll. The amount of the toll would vary depending on level of traffic congestion in the managed lane so as to ensure a relatively high rate of travel speed in these lanes.
- **Bus Facilities** – The recommended alternative provides for “side loading” stations for express buses versus the median stations that were identified in the FasTracks proposal and the DEIS. As previously discussed with Council, the reasons for making this change are the high cost of constructing the median stations and acquiring the right-of-way, the impact that the acquisition of right-of-way would have on established businesses and future commercial development, and the marginal increase in express bus time savings given the cost factors involved. It is important to note that while median stations are not included in this proposal, the draft resolution emphasizes the need to enhance express bus operations as part of the US 36 project.
- **General Purpose Lanes** – The recommended preferred alternative calls for one additional general purpose lane to be added starting at Sheridan Boulevard eastbound to I-25. There are no other sections of the highway where through lanes would be added.
- **Auxiliary Lanes** – In this proposal, interchange to interchange auxiliary lanes would be added for most segments of the highway from McCaslin Boulevard to I-25. The addition of these auxiliary lanes addresses the need for additional road capacity for the large percentage of public traveling who uses US 36 for point to point access along the highway. It also facilitates interchange to interchange bus traffic.
- **Construction of Bikeway Parallel to US 36** – The Committee's recommendation includes a bikeway that parallels US 36 for most of the roadway between Boulder and Westminster. Where US 36 intersects with the Bradburn Boulevard alignment, the bikeway would travel south along Bradburn Boulevard to 72<sup>nd</sup> Avenue where it could connect with Little Dry Creek Trail and ultimately to the South Platte trail system.

As described in this recommendation, the Preferred Alternative Committee will be requesting that additional analysis be done in a number of areas including extending the bikeway to Broadway, evaluating the feasibility of continuing to have an exit to Broadway from westbound US 36, further improvements to the connection with the managed lanes from I-25 to US 36 and further improvements to enhance bus rapid transit operations throughout the corridor.

The changes that the MCC jurisdictions made that are reflected in the final document relate to a stronger emphasis on bus rapid transit improvements, and the need to identify specific project phases that take advantage of a very limited stream of funding dollars in a manner which maximizes the improvements to the corridor. For example, the MCC would like to see a specific phasing plan that could perhaps call for the construction of managed lanes prior to the major rebuilding of interchanges.

During the past few months, there have been two notable events related to this project. The first was the MCC's unsuccessful effort to obtain Federal funds through the Urban Partnership Agreement Program (UPA). The second was a meeting where RTD committed to allocate FasTrack dollars that originally were to be made available for US 36 for median stations to the construction of the managed lanes. Combined with the amounts previously earmarked for managed lanes, this RTD contribution to the US 36 project would total \$214 million.

Once the preferred alternative is formally approved by the jurisdictions represented on the PAC, work will begin on the Final Environmental Impact Statement (FEIS). At the completion of the FEIS, the consultants have indicated that they will begin work on the phasing of the project. The timetable provided by the consultant calls for the FEIS, the public input process and the final record of decision (ROD) to be completed in December 2009. Given the fact that opportunities for grant funding might be lost with this longer-than-expected timetable, at the MCC's urging, CDOT has said that they will work toward a more streamlined timetable. One way this can be accomplished is by having the construction phasing analysis completed concurrently with the FEIS.

City Staff believe that the Preferred Alternative Committee consensus process has been very effective in terms of allowing the affected jurisdictions to have input into what will ultimately be a very important project for the region. Significant to Westminster is the accessibility to managed lanes for Westminster residents and those accessing Westminster businesses, improvements to the express bus service, the addition of auxiliary lanes to improve intra-corridor traffic movement and the additional general purpose lane from Sheridan Boulevard to I-25. In addition, the recommended preferred alternative requires a significantly smaller "footprint" than the P2 or P4 that will result in much less of an impact on residential and commercial property owners adjacent to the current highway right-of-way. While the FEIS will likely include significant changes to the Sheridan Boulevard interchange, it will not include a connection of 88<sup>th</sup> Avenue via an overpass or underpass. The Denver Regional Council of Governments (DRCOG) traffic modeling data used to assess the impact of an 88<sup>th</sup> Avenue connection showed a relatively small amount of congestion relief for the interchange and thus did not justify the inclusion of an overpass or underpass as part of the US 36 project.

Overall, City Staff believes that the draft resolution represents an acceptable compromise and an important step forward for the US 36 corridor. The Staff's recommendation supports the City Council's strategic plan goal of a balanced, sustainable local economy by further improving a multi-modal transportation system that provides access to shopping and to employment centers.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

RESOLUTION

RESOLUTION NO. **35**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

**ENDORISING THE U.S. 36 PREFERRED ALTERNATIVE COMMITTEE  
RECOMMENDATION**

WHEREAS the Colorado Department of Transportation, Regional Transportation District, Federal Highway Administration, Federal Transit Administration and stakeholders are evaluating transportation improvements for the U.S. 36 Corridor through an Environmental Impact Statement (EIS); and

WHEREAS the public, after reviewing the transportation packages analyzed in the Draft EIS, requested that the agencies adopt an alternative in the final environmental document that minimized community and environmental impacts while achieving long-term transportation needs; and

WHEREAS the agencies and local municipalities established a Preferred Alternative Committee (PAC) to reach a consensus recommendation for U.S. 36 transportation improvements by selecting a combination of elements that were already studied within the draft document; and

WHEREAS the City of Westminster (City) participated as a member of the PAC and, as the committee, reached consensus on a multi-modal recommendation that achieves the public's desire as identified above; the consensus Recommendation is attached as Exhibit "A" (the "Recommendation"); and

WHEREAS this Recommendation identifies a combination alternative that will undergo additional analysis requested by agencies and stakeholders to verify that the selected elements effectively perform and achieve the project's goals.

NOW, THEREFORE, be it resolved that the Westminster City Council supports the conclusion and policy direction adopted by the PAC as stated in the attached Recommendation, recognizing that pending further analysis, this recommendation will be refined to identify a Preferred Alternative that will be carried through the requirements of the National Environmental Policy Act; and

BE IT FURTHER RESOLVED that the City Council supports development of a phasing and financing plan focused on accelerating congestion relief by initially constructing useable segments of managed lanes that improve transit travel time and bikeway phases consistent with community priorities and the availability, eligibility and appropriate uses of reasonably available funding sources.

BE IT FURTHER RESOLVED that City Council fully supports continuing the collaborative engagement amongst all agencies to achieve the long-term transportation vision for the U.S. 36 corridor.

RESOLVED, PASSED AND ADOPTED this 23<sup>rd</sup> day of June, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney



Project No. NH 0361-070(14133)

## FINAL U.S. 36 PREFERRED ALTERNATIVE COMMITTEE RECOMMENDATION

June 11, 2008

The U.S. 36 Preferred Alternative Committee (PAC), a 21-member group comprised of agency representatives, elected officials and technical staff from local jurisdictions, was charged with collaboratively developing a 'combination' alternative for the U.S. 36 Corridor using elements evaluated during the Draft Environmental Impact Statement that, after additional analysis to verify that the selected elements effectively perform and achieve the project's goals, would be adopted as a Preferred Alternative that will be carried through the requirements of the National Environmental Policy Act.

### BACKGROUND

The Colorado Department of Transportation (CDOT) and the Regional Transportation District (RTD), in conjunction with the Federal Highway Administration and the Federal Transit Administration, have been studying multi-modal transportation improvements between Denver and Boulder in the US 36 Environmental Impact Statement (EIS) since 2003. A Draft EIS was released in August 2007 that evaluated a variety of transportation solutions within two "build" packages and a "no build" alternative for the U.S. 36 Corridor. The majority of public comments received during the Draft EIS sought a transportation solution that further reduced the community and environmental impacts, decreased project cost, and that still provided for increased mobility improvements.

Given the next step in the EIS process was to incorporate public comments, identify a preferred alternative and outline implementation phases, the agencies approached corridor municipalities in 2007 to complete this step in a collaborative manner. The U.S. 36 PAC was established to consider public comment, and identify an alternative consisting of the elements outlined in the Draft EIS that would be advanced through the National Environmental Policy Act process in the Final Environmental Impact Statement (FEIS) to a Record of Decision.

### RECOMMENDATION

The U.S. 36 PAC is recommending a 'combination' alternative that is responsive to public comments and long-term transportation needs that, after additional analysis, is expected to be adopted as the Preferred Alternative. The following describes the components of this multi-modal recommendation:

#### *Transit*

- Ramp and side-loading stations supported by parking facilities and local transit services, with specific premium components to support Bus Rapid Transit (BRT) operations. This could include, but is not limited to: special vehicles, prepayment technology to facilitate efficient loading, service image and identity treatments such as bus wraps, signal pre-emption, specialized marketing and transportation demand management. Facilities should include multi-modal connections to the existing and planned transportation infrastructure.
- BRT Access to Table Mesa that consists of a transition of the Express Lane to a General Purpose Lane at a point west of Cherryvale Road. This lane would change the regulatory designation from Express to General Purpose and would result in a continuous through lane to 28<sup>th</sup> Street. This access requires only a one-lane traffic weave to the westbound 36 BRT side-platform ramp.



Project No. NH 0361-070(14133)

### *Multimodal*

- One buffer-separated managed lane in each direction of U.S. 36 from Pecos Street to the Table Mesa/Foothills Parkway interchange. Maintain existing reversible managed lane operations on U.S. 36 from Pecos to Interstate 25. While this lane is open to High Occupancy Vehicles and Single Occupancy Vehicle toll users, buses will have the highest priority, followed by HOV users. SOV toll and HOV use will be managed to ensure free flow conditions for bus travel.
- Access to the new managed lanes will have separate, at-grade buffer openings between each interchange for entering and exiting traffic.

### *Highway*

- Ramp-to-Ramp auxiliary lanes for most segments of U.S. 36 from McCaslin Boulevard to I-25.
- One new continuous eastbound general-purpose lane from Sheridan Boulevard to I-25.
- One new climbing lane in each direction of U.S. 36 (westbound begins at McCaslin Boulevard; eastbound begins at Table Mesa) to the top of Davidson Mesa.

### *Bikeway*

- Adopt the west-end corridor alignment identified as the 'US 36 Bikeway Option' in the Draft EIS public comments, which places the bikeway along the south side of the highway from Table Mesa to South Boulder Creek before traveling along the north side of U.S. 36 to McCaslin Boulevard.
- From McCaslin to Sheridan, the bikeway aligns along the north side of the highway from McCaslin to Coal Creek, crosses to the south side of the highway and follows an access road under U.S. 36 to cross to the north side to Flatirons West, before returning along the south side through Broomfield.
- From Sheridan Boulevard to Broadway, the bikeway remains on the south side of US 36 until Bradburn Boulevard, then travels south on Bradburn to 72nd Avenue, where it connects to the Little Dry Creek Trail.
- Grade-separated bike crossings will be incorporated as interchanges are rebuilt. Additional connections to streets, trails and new developments also would be encouraged and supported as appropriate.

### *Additional Analysis*

Recognizing that this alternative will undergo additional analysis to verify consistency with the project's purpose and need, design and safety standards, financial feasibility, regulatory requirements and local municipality requests, the PAC recognizes that additional refinements may be necessary prior to declaring this alternative as the Preferred for the FEIS:

- Develop traffic simulation model at select locations across the corridor.
- Evaluate and consider impacts of combined alternative on local arterials and other resources identified in DEIS.
- Examine feasibility of aligning U.S. 36 bikeway along the south side of highway from Sheridan Boulevard to Broadway Boulevard provided there are no additional right-of-way takes.
- Evaluate the benefit, cost and impacts of an 88th Street drop ramp to the managed lanes and local roads to improve access to and from the municipalities of Louisville and Superior.
- Examine design refinements at Table Mesa to improve transit operations.
- Evaluate inclusion of a Broadway slip ramp from southbound I-25 to westbound U.S. 36.
- Examine additional measures to reduce right-of-way impacts.
- Evaluate ramp volumes from Sheridan Boulevard to I-25.
- Evaluate water quality and conveyance from US 36 and opportunities to partner with jurisdictions to address problem areas.

Project No. NH 0361-070(14133)

- Evaluate extension of climbing lanes on US 36 between McCaslin Boulevard and Table Mesa to bus-only lanes as well as the use of shoulders for transit during peak travel periods. Identify 'triggers' for when this design approach would be considered.
- Examine low cost options to connect US 36 managed lanes to north I-25 bi-directional HOT lanes. Evaluate opportunities to facilitate travel time savings for buses not able to operate in managed lanes.
- Assess specific premium components to support BRT transit operations. This assessment would consider, but would not be limited to, special vehicles, service image and identify treatments such as bus wraps, signal priority strategies (such as queue jump lanes) at interchanges, prepaid boarding, boarding and alighting all doors, specialized marketing, transportation demand management, adequate parking and local transit service and connections.
- Identify logical projects with independent utility based on available funding.
- Research, analyze, and seek alternate funding mechanisms and project delivery methods to maximize the construction of identified logical projects as early as possible.
- Examine the feasibility of retaining the westbound I-270 access to Broadway.

#### PHASING AND IMPLEMENTATION STEPS

The PAC has placed a high priority on congestion relief through the extension of the managed lanes in the initial phase of construction. Accordingly, the phasing and financing plan will focus on initially constructing useful components that improve transit time consistent with the preferred alternative. All implementation phases will be developed concurrently with the engineering, design, and construction analysis on the preferred alternative. These phases will be developed consistent with community priorities, agency approval, and the availability, eligibility and appropriate uses of reasonably available funding sources.

Stakeholders will aggressively pursue financing options in partnership with CDOT and RTD. Alternative financing options and project delivery methods such as design-build will be considered to accelerate implementation. The phasing plan should be sufficiently flexible to accommodate the requirements of specific funding sources as they become available.

#### FUTURE STAKEHOLDER ENGAGEMENT

Future stakeholder engagement is necessary to complete the FEIS and reach a Record of Decision for the U.S. 36 Corridor. As the PAC's combined alternative advances through the FEIS analysis, the agencies will meet with stakeholders at established project milestones to share findings, gather input, and address concerns. The PAC will be an important forum for evaluation, communication and public involvement in development and analysis of the phased ROD. Regular project updates will also be provided through established stakeholder meetings, project newsletters, project website and public meetings.



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** Resolution No. 36 re Amending the 2008 Pay Plan Approval of Addendum to the Hyland Hills Park and Recreation District Intergovernmental Agreement

**Prepared By:** Peggy Boccard, Recreation Services Manager

**Recommended City Council Action**

Adopt Resolution No. 36 authorizing a revision to the 2008 Pay Plan FTE Staffing Summary adding a .6 full time equivalency (FTE) indexed (I) Guest Relations Clerk and a .6 FTE indexed (I) Recreation Aide to the staffing allocation for The MAC facility operations, and authorize the City Manager to sign an addendum to the Intergovernmental Agreement (IGA) between Hyland Hills Park and Recreation District (Hyland Hills) and the City of Westminster.

**Summary Statement**

- The proposed reorganization would provide improved facility coverage and enhanced guest service at The MAC by shifting existing staffing from Hyland Hills to the City of Westminster. This reorganization involves modifying the existing pay plan full time equivalency (FTE) staffing authorization.
- The staffing changeover requires no additional allocation of funds in 2008 and will be covered within the existing operating account budget.
- The IGA between the City of Westminster and Hyland Hills would be amended and the existing 1.0 FTE Hyland Hills transportation position would be eliminated. The funding for that position would be transferred to the City to pay for a .6 FTE increase in Guest Relations Clerk I/II hours and a .6 FTE addition of a (I) Recreation Aide position.

**Expenditure Required:** \$0

**Source of Funds:** N/A



## **Policy Issue**

Does City Council wish to amend the current IGA with Hyland Hills to adjust staffing levels at The MAC and allow the City to assume supervisory responsibilities for the positions?

## **Alternatives**

1. Council could choose to not support this resolution and amendment to the IGA. Staff does not recommend this action, as no additional funding is being requested and the needs of the community would be better served by making this adjustment.
2. Council could choose to support a modified amendment to the IGA and reduce or change the positions requested. Staff does not recommend this action as the positions recommended are necessary to meet current demands of the facility.

## **Background Information**

In 1993, City of Westminster and Hyland Hills Park and Recreation District joined forces to convert a vacated Safeway store into the Community Senior Center (MAC). At that time, Staffs from both entities were assigned to the facility under the supervision of a City employee. The IGA between the City and Hyland Hills, states that, "The day-to-day operation of the Center shall be conducted by Westminster, subject to and in accordance with the Operational Protocols agreed to by the parties hereto."

Anticipating the retirement of a 40-hour/wk Hyland Hills employee, both entities met to re-evaluate and prioritize the needs of the center. Hyland Hills and City Staff recommended the elimination of the transportation position (used for home pick-ups, not excursions). It was determined that the funds from this position could be better utilized to increase by .6 FTE the (I) Guest Relations Clerk I/II hours and add a .6 (I) FTE Recreation Aide.

With the addition of the SilverSneakers program at The MAC, participation has increased tremendously. Between July 2007 and April 2008, over 24,112 new visits by SilverSneakers guests have been logged at The MAC. These visits are in addition to the existing average of 2,500 monthly visits, as well as class registrations and phone calls.

The MAC Recreation Supervisor, a City of Westminster employee, will hire and supervise these positions, which Hyland Hills will fund. Neither the City's nor Hyland Hills' budgets will be impacted. Annual expenses and revenue will continue to be equally shared by both entities.

## **Staffing Proposal**

The requested positions would replace the Hyland Hills 1.0 FTE Transportation Specialist who retired in April 2008. Using 2007 data, the Hyland Hills transportation specialist salary was \$30,500, with \$8,420 in benefits costs, for a total of \$38,920. It is understood that this requested .6 FTE Guest Relation Clerk and new .6 FTE Recreation Aide positions would be "indexed" (I), and subject to the continuation of the IGA with contributions by Hyland Hills to fund these positions. In accordance with the IGA, Hyland Hills will be responsible to pay the entire amount and will be required to pay for any annual increases in salaries and benefits. The cost to fund these positions is approximately \$30,265 and with benefits calculated at 20% (\$6,053), the overall cost would be approximately \$36,318. The City would incur no additional expenses after being reimbursed by Hyland Hills. As with other positions at The MAC, the City would hire and supervise these positions and Hyland Hills would reimburse the expenses.

**SUBJECT:**

Resolution re 2008 Pay Plan Addendum to the Hyland Hills IGA

Page 3

<b>Proposed MAC Staffing</b>				
<b>Position</b>	<b>FTE</b>	<b>Salary</b>	<b>Benefits</b>	<b>City Total</b>
(I) Guest Relations Clerk I/II	0.60	\$14,931	\$2,986	\$17,917
(I) Recreation Aide	0.60	\$15,334	\$3,067	\$18,401
Total	1.20	\$30,265	\$6,053	\$36,318

The IGA with Hyland Hills Park and Recreation District and the proposed addendum meet City Council's Strategic Plan Goal of "Financially Sustainable City Government Providing Exceptional Services."

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. **36**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

**AUTHORIZATION OF THE REORGANIZATION OF THE MAC OPERATIONS**

WHEREAS, Section 1-24-3 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule and full time equivalency staffing authorization for all position classifications in the municipal service; and

WHEREAS, this reorganization will provide improved supervisory coverage and enhanced customer service at The MAC; and

WHEREAS, The MAC is a jointly owned and operated facility that requires on-site professional level supervision and fiscal accountability.

NOW, THEREFORE, be it resolved that the Westminster City Council hereby authorized the salary schedule and authorized personnel schedule for the 2008 year, be amended by increasing the existing full-time equivalency staffing allocation at The MAC facility for the positions listed below:

(I) Guest Relations Clerk I/II increase by .6 FTE

(I) Recreation Aide increase by .6 FTE

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

PASSED AND ADOPTED THIS 23rd day of June, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

**ADDENDUM NO. 3 TO THE  
THE COMMUNITY SENIOR CENTER IGA  
DATED JANUARY 19, 1993**

**AGREEMENT TO FURNISH SERVICES BETWEEN THE  
CITY OF WESTMINSTER AND THE HYLAND HILLS PARK AND RECREATION DISTRICT.  
FOR DEVELOPMENT OF NEW STAFF ALLOCATION TO SERVE AT THE  
MAC (formerly the Community Senior Center)**

The City of Westminster (hereinafter referred to as "Westminster") and Hyland Hills Park and Recreation District (hereinafter referred to as Hyland Hills) agree to amend the Agreement described above as follows:

1. Westminster and Hyland Hills staffs agree to eliminate one Hyland Hills 1.0 FTE position and to utilize those funds in the following manner (indexed to the continuation of Hyland Hills funding)

Indexed Position	FTE
(I) Guest Relations Clerk I/II*	0.60
(I) Recreation Aide *	0.60
Total	1.20

\* Expense to be reimbursed to the City by Hyland Hills.

2. Westminster is responsible for hiring and supervising above-listed positions.
3. Hyland Hills is responsible for the cost of annual salary and benefits for these positions. The annual sum owed, once determined by Westminster's Human Resources Department, will be due quarterly, enabling the entire funds to be paid in full each fiscal year.
4. The cost would increase annually to accommodate changes in the salary and benefits for these positions pursuant to Westminster's Pay Plan and changes in benefits.
5. All other terms and conditions of this Agreement shall remain in effect.

This Addendum is dated \_\_\_\_\_, 2008.

**CITY OF WESTMINSTER**

By \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney

**HYLAND HILLS PARK AND RECREATION DISTRICT**

By \_\_\_\_\_  
Its \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Its \_\_\_\_\_

**City of Westminster  
2008 Authorized Full-Time Equivalent Employees**

<b>Position Title</b>	<b>2008 Authorized</b>	<b>2008 Authorized Amended 1/1/08</b>	<b>2008 Mid- Year Proposed Amended 6/23/08</b>
<hr/> <hr/>			
<b>Mature Adult Center "THE MAC"</b>			
<b>Business Unit: 100507600017</b>			
Recreation Supervisor/Senior Center	1.000	1.000	1.000
Recreation Specialist	1.000	1.000	1.000
Facility Assistant	0.500	0.500	0.500
(I) Facility Assistant	0.500	0.500	0.500
Guest Relations Clerk I/II	1.000	1.000	1.000
(I) Guest Relations Clerk I/II	0.300	0.300	0.900
(I) Recreation Aide	0.000	0.000	0.600
Custodian	1.000	1.000	1.000
<b>The MAC</b>	<b>5.300</b>	<b>5.300</b>	<b>6.500</b>



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** Councillor's Bill No. 25 re Economic Development Agreement with The Bedrin Organization

**Prepared By:** Susan Grafton, Economic Development Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 25 on first reading authorizing the City Manager to execute and implement an Economic Development Agreement with The Bedrin Organization.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached Economic Development Agreement (EDA) with The Bedrin Organization to assist with the redevelopment of the Brookhill V retail center and with the attraction of 3 Margaritas Restaurant. Brookhill V is located at the southeast corner of 92<sup>nd</sup> Avenue and Wadsworth Parkway.
- The \$112,500 EDA will be funded with rebates of the sales tax resulting from the new restaurant.
- This Economic Development Agreement will assist in filling the final vacant space in the Brookhill V Shopping Center; one of City Council's strategic plan objectives.
- The EDA rebate shall terminate after five years.
- If 3 Margaritas ceases business operations in the City within five years of when new operations commence, any payments made to The Bedrin Organization under this agreement shall be reimbursed to the City unless a comparable replacement tenant is found.

**Expenditure Required:** Approximately \$112,500 (Rebates)

**Source of Funds:** The EDA with The Bedrin Organization will be funded through revenue received from sales tax revenues directly generated from the operation of 3 Margaritas Restaurant.

**Policy Issue**

Does Council desire to provide assistance to The Bedrin Organization to aid in the redevelopment of the Brookhill V Shopping Center?

**Alternatives**

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. The City may lose the project if assistance is not provided, the result would be that the City's goal of encouraging the redevelopment of this center would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is less than what the developer requested to provide the upgrades to the retail center. A lower assistance package may result in losing this retail opportunity.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. It is Staff's opinion that additional assistance is not needed.

**Background Information**

Staff has been working with The Bedrin Organization of New Jersey, owners of the Brookhill V Shopping Center regarding strategies for filling the vacancies in this shopping center. Ever since the closure of the Builders Square, this particular shopping center has struggled with high vacancy rates. These vacancies have not occurred because of lack of market but because of decisions being made nationally that affect this center. For example, these former Brookhill tenants all closed nationally: Sears Home Life, Discovery Zone, Builders Square, and Media Play. The Bedrin Organization has aggressively pursued users for the shopping center with the most recent tenant being the new Steve & Barry's store.

With the signing of the 3 Margaritas, the non Builders Square portion of the shopping center is now 100% occupied.

3 Margaritas is a minority owned Colorado based company with 15 locations in Colorado, Arizona and Wyoming. They will be taking the former Macaroni Grill and serve a predominately Mexican cuisine. 3 Margaritas anticipates being open for business sometime in June 2008. Once stabilized, the restaurant is expected to generate approximately \$3.5 million in annual sales. The 5 year sales tax collection, not including public safety or open space sales tax, is estimated to be \$382,500.

Revitalization of and filling the vacancies in the Brookhill V Shopping Center has long been a City Council priority. The Bedrin Organization asked the City to assist them in covering some of the costs of attracting 3 Margaritas to the shopping center. Therefore, to aid with the filling the last vacant space at Brookhill V Shopping Center, Staff is recommending the following business assistance package:

**Proposed Assistance**

**Approximate  
Value**

Sales Tax Rebate – 5 years

\$112,500

30% of the Sales Tax collected in the first five years of operation of the 3 Margaritas Restaurant will be rebated (excludes the City's .25% Open Space Tax and .6% Public Safety Tax). (Based on an estimated \$12.5 million in sales over 5 years x 3% sales tax = \$375,000 x 30% = \$112,500).

**Total Proposed Assistance Package**

**\$112,500**

As Council will note, the assistance being proposed is for a 5 year period of time instead of the usual 3 years. Because of the up-front costs and the lower lease rates The Bedrin Organization needed in order to attract 3 Margaritas, Staff thought a longer than usual assistance package was warranted. The rebates will only be paid from dollars generated by the new 3 Margaritas Restaurant.

This assistance package is based upon the City's goals to attract additional sales tax revenue and support the upgrading and renovation of existing retail center space. Staff believes that this investment in the redevelopment of the Brookhill V retail center will aid The Bedrin Organization in its overall goal to revitalize the Brookhill V Shopping Center, which is one of the objectives identified in the City Council's Strategic Plan.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **25**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT  
WITH THE BEDRIN ORGANIZATION  
FOR THE ATTRACTION OF "3 MARGARITAS" RESTAURANT TO THE BROOKHILL V  
SHOPPING CENTER IN WESTMINSTER, COLORADO**

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

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

WHEREAS, The Bedrin Organization plans to redevelop and fill a portion of the vacant space in the Brookhill V Shopping Center with a 3 Margaritas restaurant; and

WHEREAS, a proposed Economic Development Agreement between the City and The Bedrin Organization is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23<sup>rd</sup> day of June, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14<sup>th</sup> day of July, 2008.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

## EXHIBIT A

### ECONOMIC DEVELOPMENT AGREEMENT WITH THE BEDRIN ORGANIZATION FOR A "3 MARGARITAS" RESTAURANT

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, between the CITY OF WESTMINSTER (the "City"), and THE BEDRIN ORGANIZATION; a New Jersey LLC.

WHEREAS, the City wishes to provide certain assistance to The Bedrin Organization to encourage the location of a 3 Margaritas restaurant in the Brookhill V Shopping Center; and

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

In consideration of the mutual promises set forth below the City and The Bedrin Organization agree as follows:

1. Sales Tax Rebate. The City shall rebate to The Bedrin Organization 30% of the sales tax collected from 3 Margaritas for the first five years (60 months) of operation of the new restaurant. Such rebate shall be payable exclusively from sales tax revenue collected by the City from 3 Margaritas and attributable to the imposition of the City's 3.0% general sales tax (excluding the City's .25% open space tax and .6% public safety tax). The sales tax rebate shall not continue past five years (60 months) of operation and shall be administered as follows:

- (a) Sales Tax Rebate Amount. Any rebates provided by the City to The Bedrin Organization pursuant to this agreement will be from the sales tax generated by 3 Margaritas restaurant. The City shall rebate to The Bedrin Organization 30% of the sales tax generated.
- (b) Payment. The sales tax rebate amount will be paid to The Bedrin Organization in quarterly payments, made within 20 days after the end of each calendar quarter. The sales tax rebate payment will be submitted electronically to The Bedrin Organization designated financial institution.
- (c) End of Sales Tax Rebate. The sales tax rebate shall commence on issuance of the Certificate of Occupancy for 3 Margaritas and end on the fifth (5<sup>th</sup>) anniversary thereof. The rebate is estimated to be \$112,500.

2. Entire Agreement. This instrument shall constitute the entire agreement between the City and The Bedrin Organization concerning the 3 Margaritas restaurant and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this agreement with respect to its subject matter.

3. Termination. This Economic Development Agreement shall terminate and become void and of no force or effect upon the City if 3 Margaritas has not moved into their new space in Brookhill V on or before December 31, 2008; or, should The Bedrin Organization or 3 Margarita's fail to comply with any City code and/or approval process.

4. Business Termination. In the event that 3 Margaritas ceases business operations in the City within five years after the new operations commence, The Bedrin Organization shall reimburse the City for any amounts rebated to or otherwise provided to The Bedrin Organization pursuant to this Agreement, unless the City approves a successor to the initial approved user within 12 months of the closing of 3 Margaritas, which is substantially similar in quality and sales tax production as the approved user.

5. Subordination. The City's obligations pursuant to this agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the

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

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

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

THE BEDRIN ORGANIZATION,  
A NEW JERSEY LLC

CITY OF WESTMINSTER

\_\_\_\_\_  
Gerald Bedrin,  
Managing Member

\_\_\_\_\_  
J. Brent McFall  
City Manager

ATTEST:

ATTEST:

\_\_\_\_\_  
Linda Yeager  
City Clerk

\_\_\_\_\_  
*Adopted by Ordinance No.*



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 23, 2008



**SUBJECT:** Councillor's Bill No. 26 re the Disposal of City Property and the Vacations of City Roadways and Utility Easements

**Prepared By:** David Downing, City Engineer  
Jane Greenfield, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor's Bill No. 26 on first reading amending the Westminster Municipal Code clarifying processes for vacations of roadways and easements and the disposal of City real and personal property.

**Summary Statement**

Staff has prepared a proposed ordinance that, if enacted, would:

- Expand and clarify the process for vacating traffic-related public rights-of-way ("ROW"), such as streets, roads, alleys, sidewalks, and other ways open to the public for vehicular and pedestrian access;
- Add specific authorization for the vacation of utility and other public (non-traffic related) easements, and provide for their vacation by plat, by City Manager approval (if two acres or less), or by motion of City Council;
- Differentiate between real and personal property in the Code's chapter on Disposal of City Property; and
- Adopt congruent changes in the City Manager's duties regarding the disposition of City property.

**Expenditure Required:** \$0

**Source of Funds:** N/A

### **Policy Issues**

Should City Council amend the Code to provide an explicit process for considering the vacations of City roadways and other public easements?

Should City Council amend the Code to clarify the procedures for disposal of real and personal property?

### **Alternative**

The Council could elect not to adopt the proposed ordinance. Staff does not recommend this approach since it would result in continuing certain ambiguous and potentially conflicting provisions in the current Code, and would retain the cumbersome process of bringing an ordinance to Council for simple utility easement vacations.

### **Background Information**

This ordinance is designed to incorporate the vacation process that the City currently administers and to remove any conflicts that might exist in the Code regarding the disposal of City property and the City Manager's duties related thereto.

Currently the Code addresses the vacation of ROWs and easements in a subsection under public improvements dedications [§11-6-1(B)]. The subsection is difficult to find. It designates the Planning Manager as the administrator of vacation requests. It does not distinguish between roadways, the vacations of which are governed by state statute, and the vacations of utility easements, which are not addressed in state statute. The term "vacations" does not appear in the index to Chapter 11-6, so it is hard for the user public to locate. The Community Development Engineering Division, not the Planning Division, actually processes requests for vacations and currently has vacation application forms and handouts for Procedures and Requirements for Vacation Requests.

The Code requires the City to receive input from adjoining property owners, which is consistent with the state statute's requirement that no roadway be vacated so as to leave a parcel of land without public access; however, currently the Code provides no method for receiving that input. The physical posting of roadway vacations will encourage this input.

The present Code language implies that all vacations must proceed by adoption of an ordinance before City Council, even though that is not required by state law. Many municipalities permit easement vacations through the subdivision process or by administrative review and approval. Additionally, Staff recommends that the City Manager be authorized to determine if the City should be compensated or reimbursed for the value of the utility easement being vacated, as, in some instances, the City had to pay to acquire the easement.

City Staff is also proposing clarifications to Chapter 2 of Title 15 concerning the disposal of City property. This Chapter has generally been applied only to personalty (personal property), and not to real property. Real property includes City-owned easements and rights-of-way. The chapter's current language speaks about *items* and never mentions *land*. When the City Code was last amended in 2005, the agenda memorandum addressed only surplus equipment disposal; it never mentioned real property or land, and it seems clear that is was not intended to do so. Also, the existing \$5,000 limitation in that Chapter, if applied to real property, is inconsistent with the City Manager's authority to grant easements of no more than two acres and with the concept of vacating utility easements. The revision, which provides a parallel process for the disposal of land, recognizes the unique character of real property and clarifies how disposal of property under this Chapter relates to the vacation process.

Finally, Staff is recommending that conforming amendments be made to §1-12-2, W.M.C., regarding the City Manager's authority to dispose of City property, so that it becomes consistent with Chapter 2 of Title 15.

If adopted, the proposed ordinance will:

- Distinguish vacation of public "roadways," as that term is defined in statute, from vacation of utility and other non-traffic related easements. Roadway vacations will continue to require ordinance adoption.
- In the case of roadways, provide notice of a proposed vacation by means of posting prior to formulating a recommendation to Council.
- Permit easement vacations to occur through the subdivision process, by motion of Council, or by City Manager approval. The City Manager's approval authority would be limited to the vacation of utility-type easements, where the easement is no more than two acres in size, which is consistent with the Manager's existing authority to grant utility easements that are no larger than two acres.
- Authorize the City Manager to determine if the City should be reimbursed for any easement vacation.
- Designate the City Engineer as the administrator of vacation requests.
- Clarify the methods of disposal of City personal property and of real property, and recognize that *vacations* are not "disposals" of City property.
- Clarify the City Manager's authority to dispose of City equipment and to grant easements of two acres or less.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **26**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE  
CONCERNING THE PROCESSES FOR THE DISPOSAL OF CITY PROPERTY AND THE  
VACATIONS OF CITY ROADWAYS AND UTILITY EASEMENTS**

WHEREAS, Title 11, Chapter 6, W.M.C., provides for the vacation of public rights-of-way but does not differentiate between roadways owned by the City in trust for public access versus City utility easements burdening private property; and

WHEREAS, Section 15-2-1 provides for methods of disposing of City property but does not differentiate between real and personal property; and

WHEREAS, Section 1-12-2 addresses the City Manager's authority to sell surplus City property and grant limited easements upon City property, without describing that authority's relationship to the vacation process in Section 11-16-1 or the process for City property disposal in Section 15-2-1; and

WHEREAS, City Council desires to clarify and differentiate the manner of processing vacation requests from the other powers of the City Manager for the disposal of City property, both real and personal.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-12-2, subsections (M) and (O), W.M.C., are AMENDED as follows:

**1-12-2: DUTIES:** The City Manager shall be the Chief Administrative Officer of the City Government. His functions and duties shall be:

(M) To ~~sell surplus~~ DISPOSE OF City property, without City Council approval, ~~when the estimated value of the item is less than five thousand dollars (\$5,000),~~ PURSUANT TO SECTION 15-2-1, W.M.C.; (1564 2029)

(O) NOTWITHSTANDING ANY LIMITATION IN SUBSECTION 15-2-1(B), W.M.C., the City Manager is hereby authorized to grant easements over, under and across City-owned real property by signing easement agreements and other written instruments necessary and customary to accomplish such grants. This authority is limited to easements where such easement is for utility, drainage or similar limited purposes, and the easement consists of no more than two (2) acres. Nothing herein shall be deemed to require the City to grant any easement nor to limit or impede the City's ability to set terms and conditions FOR THE GRANTING of an easement and to fix fees ~~therefore~~ THE VALUE THEREOF.

Section 2. Title 11, Chapter 6 index, and section 11-6-1, W.M.C., are AMENDED, AND NEW SECTION 11-6-9, W.M.C., is ADDED as follows:

**CHAPTER 6**

**PUBLIC IMPROVEMENTS**

- 11-6-1: ~~PUBLIC RIGHTS OF WAY AND IMPROVEMENTS~~ ROADWAYS, EASEMENTS, AND LAND FOR PUBLIC IMPROVEMENTS
- 11-6-2: GENERAL REQUIREMENTS
- 11-6-3: UNDERGROUNDING OF ELECTRIC AND COMMUNICATION LINES

- 11-6-4: PUBLIC AND PRIVATE IMPROVEMENT AGREEMENTS AND SURETY REQUIREMENTS
- 11-6-5: DESIGN AND CONSTRUCTION OF IMPROVEMENTS
- 11-6-6: LOCAL IMPROVEMENT DISTRICTS
- 11-6-7: PROCEDURES FOR THE ESTABLISHMENT OF RECOVERY AND PARTICIPATION COSTS
- 11-6-8: DEDICATION OF PROPERTY FOR PUBLIC PURPOSES
- 11-6-9: VACATION OF PUBLIC ROADWAYS AND EASEMENTS

**11-6-1: PUBLIC RIGHTS-OF-WAY AND IMPROVEMENTS ROADWAYS, EASEMENTS, AND LAND FOR PUBLIC IMPROVEMENTS: (2534)**

**(A) DUTY TO PROVIDE.** As a condition to any approval required under this Title, the City may require the dedication of PUBLIC ROADWAYS OR rights-of-way FOR PUBLIC ACCESS, UTILITY easements, and OTHER landS for public use, and the construction or installation of such public improvements as the City may deem are reasonably necessary to address such impacts as may be caused by a proposed development on public facilities or services. FURTHER, THE CITY MAY REQUIRE THE PAYMENT OF AN EQUIVALENT AMOUNT OF CASH IN LIEU OF ANY REQUIRED DEDICATION.

**(B) OVERSIZING.** Subject to the cost recovery provisions of this Title, the City may also require, as a condition to any approval required under this Title, the dedication of such additional ROADWAYS, PUBLIC ACCESS rightS-of-way, and easements and the construction or installation of such other or additional public improvements as the City may deem are reasonably necessary for the orderly and logical extension of City facilities and services within the City as a whole. ~~Further, the City may require the payment of an equivalent amount of cash in lieu of any required dedication.~~

~~**(B) VACATION OF PUBLIC RIGHTS-OF-WAY.**~~

~~— 1. Previously dedicated public right of way easements shall be vacated in accordance with the procedures and requirements of applicable state statutes.~~

~~— 2. Any requests for vacation of a public right of way or easement shall include a legal description of the property to be vacated, prepared by a land surveyor certified by the State of Colorado, and shall include all relevant documents pertaining to the original dedication.~~

~~— 3. Prior to the scheduling of the proposed vacation ordinance before City Council, the Planning Manager shall receive such input from adjoining or nearby property owners as may be deemed necessary to formulate a recommendation to Council.~~

**11-6-9: VACATION OF PUBLIC ROADWAYS AND EASEMENTS:**

**(A) VACATION OF PUBLIC ROADWAYS.**

1. PUBLIC ROADWAYS AND RIGHTS-OF-WAY FOR PUBLIC ACCESS SHALL BE VACATED BY ORDINANCE AND TITLE TO SAID VACATED PROPERTY SHALL VEST IN ACCORDANCE WITH THE REQUIREMENTS OF APPLICABLE STATE STATUTES. AS USED IN THIS SECTION, THE TERMS “ROADWAY” AND “RIGHTS-OF-WAY FOR PUBLIC ACCESS” INCLUDE ANY PLATTED, DEDICATED, OR DESIGNATED PUBLIC STREET, ALLEY, LANE, AVENUE, ROAD, SIDEWALK OR OTHER PUBLIC WAY FOR TRAVEL, WHETHER OR NOT IT HAS BEEN USED AS SUCH.

2. ANY APPLICANT REQUESTING A VACATION OF A PUBLIC ROADWAY OR PUBLIC ACCESS RIGHT-OF-WAY SHALL:

(A) FILE A WRITTEN VACATION REQUEST ON A FORM PROVIDED BY THE CITY ENGINEER AND PAY THE REQUIRED APPLICATION FEE;



(B) INCLUDE A WRITTEN LEGAL DESCRIPTION AND DEPICTION OF THE PROPERTY TO BE VACATED, PREPARED BY A LAND SURVEYOR CERTIFIED BY THE STATE OF COLORADO;

(C) INCLUDE ALL RELEVANT DOCUMENTS PERTAINING TO THE ORIGINAL DEDICATION; AND

(D) INCLUDE A WRITTEN STATEMENT EXPLAINING WHY THE ROADWAY OR RIGHT-OF-WAY FOR PUBLIC ACCESS IS NO LONGER NEEDED FOR THE PUBLIC PURPOSE FOR WHICH IT WAS ORIGINALLY REQUIRED.

3. PRIOR TO THE SCHEDULING OF THE PROPOSED VACATION ORDINANCE, THE CITY ENGINEER SHALL:

(A) POST THE PROPERTY WITH A PUBLIC NOTICE IDENTIFYING THE AREA AFFECTED BY THE REQUESTED VACATION AND LISTING A CONTACT PHONE NUMBER FOR ADDITIONAL INFORMATION;

(B) NOTIFY ALL CITY DEPARTMENTS AND SUCH PUBLIC AGENCIES AND UTILITIES AS STAFF MAY REASONABLY DETERMINE TO HAVE A LEGAL INTEREST IN THE VACATION REQUEST;

(C) MAKE A REASONABLE EFFORT TO OBTAIN INPUT FROM ADJOINING PROPERTY OWNERS AND OTHER MEMBERS OF THE PUBLIC AS MAY BE DEEMED NECESSARY TO FORMULATE A RECOMMENDATION TO COUNCIL;

(D) MAKE A PRELIMINARY FINDING THAT NO PRESENT OR FUTURE PUBLIC ACCESS NEED EXISTS FOR THE AREA REQUESTED FOR VACATION;

(E) MAKE A PRELIMINARY FINDING THAT THE VACATION REQUEST, IF APPROVED, WILL NOT LEAVE ANY LAND ADJOINING SAID ROADWAY WITHOUT AN ESTABLISHED PUBLIC ROAD OR A PRIVATE-ACCESS EASEMENT CONNECTING SAID LAND WITH ANOTHER ESTABLISHED PUBLIC ROAD.

(F) MAKE A PRELIMINARY FINDING WHETHER OR NOT AN EASEMENT SHOULD BE RESERVED BY THE CITY FOR THE PRESENT OR FUTURE USE OF ANY UTILITIES, INCLUDING BUT NOT LIMITED TO SEWER, GAS, WATER, ELECTRIC, TELECOMMUNICATIONS OR SIMILAR PIPELINES AND APPURTENANCES, OR DITCHES OR CANALS.

4. IF THE VACATION ORDINANCE IS ADOPTED, THE APPLICANT SHALL PAY THE RESPECTIVE COUNTY'S RECORDING FEES AND THE CITY SHALL RECORD THE VACATION ORDINANCE IN THE OFFICE OF THE APPROPRIATE CLERK AND RECORDER.

**(B) VACATION OF UTILITY OR OTHER EASEMENTS.**

1. CITY OWNED EASEMENTS MAY BE VACATED IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE CITY MANAGER AND THE REQUIREMENTS OF THIS CODE. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE VACATION OF A CITY OWNED EASEMENT. VACATION OF CITY EASEMENTS, EXCEPT PUBLIC ACCESS EASEMENTS, MAY OCCUR:

(A) THROUGH THE CITY'S SUBDIVISION OR PLATTING PROCESS; OR

(B) BY APPROVAL OF THE CITY MANAGER OR THE CITY COUNCIL. THE CITY MANAGER MAY APPROVE EASEMENT VACATION REQUESTS WHERE THE VACATION IS NO MORE THAN TWO ACRES IN SIZE. ALL OTHER VACATION REQUESTS SHALL BE SUBJECT TO CITY COUNCIL APPROVAL BY MOTION.

2. ANY LANDOWNER REQUESTING VACATION OF A CITY-OWNED EASEMENT BURDENING THE OWNER'S PROPERTY SHALL:

(A) FILE A WRITTEN VACATION REQUEST ON A FORM PROVIDED BY THE CITY ENGINEER AND PAY THE REQUIRED APPLICATION FEE;

(B) INCLUDE A LEGAL DESCRIPTION OF THE EASEMENT TO BE VACATED, PREPARED BY A LAND SURVEYOR CERTIFIED BY THE STATE OF COLORADO, UNLESS THE VACATION WILL OCCUR THROUGH THE SUBDIVISION OR PLATTING PROCESS;

(C) INCLUDE ALL RELEVANT DOCUMENTS PERTAINING TO THE ORIGINAL DEDICATION; AND

(D) INCLUDE A WRITTEN STATEMENT EXPLAINING WHY THE EASEMENT IS NO LONGER NEEDED FOR THE PURPOSE FOR WHICH IT WAS ORIGINALLY REQUIRED.

3. PRIOR TO APPROVING OR RECOMMENDING APPROVAL OF ANY PROPOSED EASEMENT VACATION TO THE CITY MANAGER OR CITY COUNCIL, AS APPROPRIATE, THE CITY ENGINEER SHALL:

(A) NOTIFY ALL CITY DEPARTMENTS AND SUCH PUBLIC AGENCIES AND UTILITIES THAT STAFF MAY REASONABLY DETERMINE TO HAVE A LEGAL INTEREST IN THE VACATION REQUEST ;

(B) MAKE A REASONABLE EFFORT TO OBTAIN INPUT FROM ADJOINING PROPERTY OWNERS AND OTHER MEMBERS OF THE PUBLIC AS MAY BE DEEMED NECESSARY TO DETERMINE IF ANY PRESENT OR FUTURE NEED EXISTS FOR THE EASEMENT REQUESTED FOR VACATION; AND

(C) DETERMINE THE PRESENT VALUE OF THE EASEMENT.

4. IF AN EASEMENT VACATION IS APPROVED AS PART OF THE SUBDIVISION OR PLATTING PROCESS, SUCH VACATION SHALL BE CALLED OUT IN A SEPARATE STATEMENT AND THE VACATED AREA SHALL BE DELINEATED CLEARLY ON THE FINAL PLAT. EXCEPT WHERE THE VACATION OCCURS THROUGH THE SUBDIVISION OR PLATTING PROCESS, THE CITY MANAGER IS AUTHORIZED TO SIGN AND DELIVER A QUIT CLAIM DEED TO THE OWNER OF THE PROPERTY BURDENED BY THE EASEMENT AFTER RECORDING THE SAME, UPON PAYMENT BY THE OWNER OF THE RECORDING FEES. IN EITHER CASE, THE CITY MANAGER IS AUTHORIZED TO DETERMINE IF THE APPROVAL OF THE EASEMENT VACATION WILL BE CONDITIONED UPON THE OWNER'S PAYMENT OF THE PRESENT VALUE OF THE EASEMENT TO THE CITY.

Section 3. Section 15-2-1, W.M.C., is AMENDED as follows:

**15-2-1: METHODS OF DISPOSAL AND PROCEDURES: (3245)**

**(A) PERSONALTY.** Obsolete, surplus or other City PERSONAL property, ~~including real estate,~~ may be traded as part of the purchase of new property, sold to the public through formal bidding procedures or public auction, donated, or disposed of, ~~in some other manner that has been approved by City Council.~~ AS FOLLOWS:

~~(B) An agreement for the~~ 1. THE trade, ~~or sale,~~ DONATION, OR DISCARDING of City PERSONAL property with an estimated value of \$5,000 or more per item shall be approved by City Council.

2. ~~All other agreements for~~ The trade or sale of City PERSONAL property WITH AN ESTIMATED VALUE LESS THAN \$5,000 PER ITEM shall be approved by the City Manager.

~~(C)~~ 3. The City Manager may authorize the donation OR DISCARDING of City PERSONAL property with an ESTIMATED value ~~of less than \$5,000 PER ITEM~~ if such property cannot be disposed of through trade or sale, or if such property is deemed to be of such nominal value that trade or sale is impractical. ~~City Council may authorize the donation of City property regardless of its value.~~

~~(D)~~ 4. When City PERSONAL property is to be sold through formal bidding procedures or public auction, a notice inviting bids or a notice of public auction shall be published at least once in an area newspaper selected for maximum impact on prospective bidders or shall be sent to three or more potential bidders at least five (5) days prior to the public auction or the deadline for receipt of bids. The notice shall include a general description of the property to be sold.

**(B) REALTY.** SURPLUS CITY REAL PROPERTY MAY BE TRADED AS PART OF THE PURCHASE OF NEW REAL PROPERTY, DONATED TO ANOTHER PUBLIC OR QUASI-PUBLIC ENTITY OR NON-PROFIT CORPORATION, OR SOLD IN AN OPEN MARKET TRANSACTION, OR DISPOSED OF IN ANY OTHER MANNER APPROVED BY CITY COUNCIL, AS FOLLOWS:

1. THE TRADE, SALE, OR DONATION OF CITY REAL PROPERTY WITH AN ESTIMATED VALUE OF \$5,000 OR MORE PER PARCEL SHALL BE APPROVED BY CITY COUNCIL.

2. THE TRADE, SALE, OR DONATION OF CITY REAL PROPERTY WITH AN ESTIMATED VALUE LESS THAN \$5,000 PER PARCEL MAY BE APPROVED BY THE CITY MANAGER.

3. WHEN CITY REAL PROPERTY IS TO BE SOLD IN AN OPEN MARKET TRANSACTION, A NOTICE INVITING BIDS SHALL BE PUBLISHED AT LEAST ONCE IN AN AREA NEWSPAPER SELECTED FOR MAXIMUM IMPACT ON PROSPECTIVE BIDDERS. THE NOTICE SHALL INCLUDE A GENERAL DESCRIPTION OF THE PROPERTY TO BE SOLD. ALTERNATIVELY, THE CITY MAY LIST THE PROPERTY WITH A LICENSED REAL ESTATE BROKER, SELECTED BY THE CITY MANAGER.

4. THE TERM "ESTIMATED VALUE" AS USED IN THIS SUB-SECTION SHALL MEAN A GOOD FAITH DETERMINATION BY ANY INDIVIDUAL KNOWLEDGEABLE IN THE VALUE OF REALTY COMPARABLE TO THE CITY REALTY BEING EVALUATED. THE CITY MANAGER IS AUTHORIZED TO DETERMINE IF A FORMAL "MEMBER APPRAISAL INSTITUTE" ("MAI") APPRAISAL IS REQUIRED TO ESTABLISH THE ESTIMATED VALUE.

5. NOTHING IN THIS SUBSECTION IS INTENDED TO APPLY TO THE VACATION OF CITY ROADWAYS OR EASEMENTS, AS THAT PROCESS IS SET FORTH IN SECTION 11-6-9, W.M.C.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of June, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of July, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office