



**WESTMINSTER
COLORADO**

**JULY 26, 1999
7:00 P.M.**

AGENDA

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

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

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
None
- 5. Citizen Communication (5 minutes or Less in Length)**
- 6. Report of City Officials**
 - A. City Manager's Report
- 7. City Council Comments**

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

- 8. Consent Agenda**
 - A.** Westminster Promenade East Amended Construction Engineering Services Contract with Martin/Martin for \$114,300
 - B.** Bond Counsel Agreement with Sherman & Howard of \$30,000 and Kutak Rock as Disclosure Counsel for \$15,000 for Bond Issues
 - C.** Councillor's Bill No. 37 re Amended Lucent Technology Assistance Package changing construction completion date to December 31, 2001 (Smith-Hicks)
 - D.** Councillor's Bill No. 38 re Standley Lake Regional Park appropriating \$125,000 for interpretive/environmental education center (Allen-Atchison)
- 9. Appointments and Resignations**
None

10. Public Hearings and Other New Business

- A. Resolution No. 49 re Financial Management System General Fund Contingency Transfer of \$70,000
- B. Contract with Deloitte and Touche for \$120,000 as Consultant for Human Resources and Financial Management System
- C. Councillor's Bill No. 39 re appropriation of \$345,000 for Little Dry Creek Trail Project at 76th Avenue and Sheridan Boulevard
- D. Colorado Department of Transportation contract amendment to obligate funding for construction of Little Dry Creek Trail Underpass project at 76th Avenue and Sheridan Boulevard
- E. Resolution No. 50 re Parkland Acquisition in Little Dry Creek corridor for open space, trail, storm drainage and utility purposes
- F. Councillor's Bill No. 40 re Park Development Fees for Senior Housing Projects establishing a fee structure
- G. Resolution No. 51 re Savory Farms Service Commitment award of 5 Category B-1 service commitments for 2001
- H. Resolution No. 52 re DOE Proposal for Disposition of Concrete Rubble at Rocky Flats recommending no stockpiling and disposal of rubble
- I. Resolution No. 53 supporting Reestablishment of Stateside portion of Land and Water Conservation Fund
- J. Resolution No. 54 re Metro Wastewater Reclamation District Service Contract Amendments

11. Business and Passage of Ordinances on Second Reading
None

12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business

- A. Financial Report for June, 1999
- B. Quarterly Insurance Report
- C. City Council
- D. Request for Executive Session
 - 1. Potential Litigation re Water Rights

13 Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JULY 26, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Merkel to accept the minutes of the meeting of July 12, 1999 with no additions or corrections. The motion carried unanimously.

CITIZEN COMMUNICATION:

Mr. Adrian Michalicek, 10752 Ross Court addressed the Council regarding the Broomfield jail and advised City Council that the Colorado Voters for Ethical Local Government submitted a constitutional amendment for the repeal of Broomfield's county status to the Colorado Legislative Council Staff and the Office of Legislative Legal Services.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Westminster Promenade East Amended Construction Engineering Contract – Authorize the City Manager to execute an amendment to the Construction Engineering Services Agreement with Martin/Martin in an amount not to exceed \$114,300, revising the total contract amount to \$469,300, and charge these expenses to the appropriate project account in the General Capital Improvements Fund; Bond and Disclosure Counsel Agreements for Bond Issue – Approve fees for Sherman & Howard to act as Bond and Special Counsel to the City at a fee of \$30,000 or the actual hours spent, whichever is less, to be paid for out of the proposed capital facilities financing. Approve fees for Kutak Rock to act as Disclosure Counsel at a fee of \$15,000 to be paid for out of the proposed capital facilities financing, and authorize the City Manager to execute agreements with Sherman & Howard and Kutak Rock accordingly and approve a special legal services contract with Sherman & Howard not-to-exceed \$1,500 for Dee Wisor to review the proposed “Sponsorship Agreement” between the City, Hyland Hills and Sun Microsystems for the Ice Centre; Councillor's Bill No. 37 - Amended Lucent Technology Assistance Package; and Councillor's Bill No. 38 – Standley Lake Regional Park Appropriation. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

RESOLUTION NO. 49 – CONTINGENCY TRANSFER FOR FINANCIAL MANAGEMENT SYSTEM:

A motion was made by Smith and seconded by Merkel to adopt Resolution No. 49 authorizing a General Fund Contingency Account transfer of \$70,000 to Central Charges to supplement funding for consulting services related to the selection of a financial management system. Upon roll call vote, the motion carried unanimously.

FINANCIAL MANAGEMENT SYSTEM CONSULTING SERVICES:

A motion was made by Smith and seconded by Merkel to authorize the City Manager to accept the third lowest bid for this project and award the contract to Deloitte and Touche based on a finding that this action will best serve the public interest. (ref: City Charter sec 13.3 (k)) The amount of the contract is for up to \$120,000 and requires Deloitte and Touche to serve as consultant to the City in the HR/Pay and FMS system selection process, as well as provide an evaluation of the feasibility of outsourcing the payroll function. The motion carried unanimously.

COUNCILLOR'S BILL NO. 39 A- GRANT APPROPRIATION FOR LITTLE DRY CREEK TRAIL:

A motion was made by Merkel and seconded by Allen to pass Councillor's Bill No. 39 on first reading appropriating \$345,000 into the General Capital Improvement Fund of the Little Dry Creek Trail Project. Upon roll call vote, the motion carried unanimously.

LITTLE DRY CREEK TRAIL UNDERPASS AT 76TH AVENUE AND SHERIDAN BOULEVARD:

A motion was made by Merkel and seconded by Allen to authorize the City Manager to sign a contract amendment with the Colorado Department of Transportation (CDOT) in the amount of \$625,000 to obligate grant funding for construction of the Little Dry Creek Trail Underpass project. The motion carried unanimously.

RESOLUTION NO. 50 - PARKLAND ACQUISITION:

A motion was made by Smith and seconded by Atchison to adopt Resolution No. 50 authorizing the City Manager and City Attorney to execute the necessary documents to acquire from Raleigh No. 72, the land necessary for park, trail, open space, storm drainage and utility purposes, including through eminent domain if necessary, and charge the expenses to the appropriate project account in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 40 - PARK DEVELOPMENT FEES FOR SENIOR HOUSING PROJECTS:

A motion was made by Hicks and seconded by Atchison to pass Councillor's Bill No. 40 on first reading amending the park development fee requirements for new senior housing project. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 51 - SAVORY FARM SERVICE COMMITMENT REQUEST:

A motion was made by Atchison and seconded by Hicks to adopt Resolution No. 51 awarding five additional single-family detached (Category B-1) Service Commitments in the year 2001 to the Savory Farm project. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 52 - DISPOSITION OF CONCRETE RUBBLE AT ROCKY FLATS:

A motion was made by Atchison and seconded by Smith to table action on Resolution No. 52 recommending that no stockpiling and disposal of rubble at the Rocky Flats Environmental Technology Site occur until the August 9, 1999 Council meeting. The motion carried with dissenting votes from Heil and Merkel.

RESOLUTION NO. 53 - RE-ESTABLISHMENT OF LAND AND WATER CONSERVATION FUND:

A motion was made by Allen and seconded by Merkel to adopt Resolution No. 53 supporting the re-establishment of the statewide portion of the Land and Water Conservation Fund. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 54 – METRO WW RECLAMATION DISTRICT CONTRACT AMENDMENTS:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 54 adopting amendments to the Metro Wastewater Reclamation District Sewage Treatment and Disposal Agreement and authorizing the Mayor to execute a contract amendment between the Metro Wastewater Reclamation District and the City of Westminster. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for June, 1999 and the Quarterly Insurance Report.

Mayor Heil stated there would be no Executive Session.

ADJOURNMENT:

The meeting was adjourned at 7:30 P.M.

ATTEST:

Mayor Pro Tem

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Westminster Promenade East Amended Construction Engineering Contract

Prepared by: David W. Loseman, Senior Projects Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an amendment to the Construction Engineering Services Agreement with Martin/Martin in an amount not to exceed \$114,300, revising the total contract amount to \$469,300. Funds for this expense are available in the appropriate project account in the General Capital Improvement Funds. This is for that portion of the Promenade located east of Westminster Boulevard.

Summary

The original contract with Martin/Martin in the amount of \$355,000 was authorized by City Council on March 23, 1998.

The additional fees requested (\$114,300) are largely due to 25 weeks of additional inspection and increased surveying for the project.

The original contract was 3.4% of the cost of construction, and the requested additional fees would bring this percentage to 4.5%. Construction engineering service fees are typically in the 5 to 9% range for other recently constructed Capital Improvement Projects.

Construction of the Phase II site work, which is the remainder of the project (not including the office building), began in January 1999 and is scheduled for completion in November 1999.

The following is a list of reasons why Staff recommends Martin/Martin's request for additional fees be authorized:

1. The Phase I site work around the Ice Centre building took longer than originally anticipated, which added 25 weeks of inspection time.
2. Additional surveying fees are warranted due to restaking because of vandalism and extra staking requested by Staff that was not part of the original scope of the contract. The extra staking is for such things as the service ramp into the Ice Centre, the Jackson's Restaurant patio and miscellaneous surveys to verify grading and drainage and to generally assure a higher quality of construction.
3. Additional design during construction is also a small part of the additional fees requested. These designs are typical for a project of this magnitude and are done to either coordinate the construction of the building with the site work or to value engineer the construction of certain project elements.

Staff Recommendation

Authorize the City Manager to execute an amendment to the Construction Engineering Services Agreement with Martin/Martin in an amount not to exceed \$114,300, revising the total contract amount to \$469,300, and charge these expenses to the appropriate project account in the General Capital Improvements Fund.

Background

Staff has been working with Inland Pacific Colorado, the developer of the Westin Hotel and adjacent offices, to design and construct a unified development plan for the area north of 104th Avenue between Westminster Boulevard and Big Dry Creek. The project includes high quality architectural guidelines and unique design features such as those recently constructed at the Promenade West Plaza. The Promenade East features the new Ice Centre, a Westin Hotel and office building. These buildings will be connected by a pedestrian-oriented walkway or “promenade” with special features such as a lake, shade structures, special landscape planter boxes and uniquely designed concrete pavers.

Construction of Phase I of this project, which is the area around the Ice Centre, began in mid-April 1998 and was scheduled for completion in September 1998. The Ice Centre building is just now substantially complete; therefore, the site work around the Ice Centre will not be substantially complete until August, although public access to the building is now available.

Value engineering is a continuing process throughout construction in which Staff continually looks for ways to save money on construction without affecting quality. This requires additional design time, but is more than offset by the savings in construction.

As mentioned previously, the total revised contract amount would be 4.5% of the cost of construction for both Phase I and II and is below the typical fee of 5% to 9% that the City has paid on past capital improvement projects. Based on this, Staff believes that Martin/Martin’s additional fee request is fair to the City and justifiable.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Bond and Disclosure Counsel Agreements for Bond Issue

Prepared by: Marty McCullough, City Attorney

Introduction

City Council action is requested to approve fees for legal services in connection with the proposed issuance of Certificates of Participation ("COP's) for the Harlan flyover project and improvements related to the Westminster Mall, as follows: the lesser of \$30,000, or the actual hours spent in completing the transaction, for Sherman & Howard, as Bond and Special Counsel to the City; and \$15,000 for Kutak Rock, as Disclosure Counsel to the City. In addition, a separate agreement with Sherman & Howard is necessary for their review of a Sponsorship Agreement for the Ice Centre.

Summary

All special counsel agreements are subject to approval by the City Council, in accordance with City Charter requirements. Sherman & Howard has acted on several past financings as Bond and Special Counsel for the City, including the last COP issue for the City's capital facilities financing. Kutak Rock has also acted on several past financings as Disclosure Counsel for the City; fees have ranged from \$10,000 to \$17,000, dependent on the size and complexity of the issue. The proposed fees are considered within the range of fees experienced for similar City financings in the past, and will be included as part of the issuance costs for this COP financing.

Staff Recommendation

Approve fees for Sherman & Howard to act as Bond and Special Counsel to the City at a fee of \$30,000 or the actual hours spent, whichever is less, to be paid for out of the proposed capital facilities financing. Approve fees for Kutak Rock to act as Disclosure Counsel at a fee of \$15,000 to be paid for out of the proposed capital facilities financing, and authorize the City Manager to execute agreements with Sherman & Howard and Kutak Rock accordingly and approve a special legal services contract with Sherman & Howard not-to-exceed \$1,500 for Dee Wisor to review the proposed "Sponsorship Agreement" between the City, Hyland Hills and Sun Microsystems for the Ice Centre.

Background Information

City Staff and the City's financial advisor and underwriter are working on a proposed COP financing for the Harlan Flyover Project, as well as improvements related to the Westminster Mall. The final proposed form of this financing will be presented to Council at a City Council meeting in the near future. As with all public, tax-exempt financings, this financing will require an opinion from a nationally-recognized law firm regarding certain tax-related matters. Mr. Dee Wisor of Sherman & Howard has served as the City's bond counsel on numerous other issues and is thoroughly familiar with the City's charter, ordinances and outstanding bond covenants. His normal hourly rate is \$285, but Mr. Wisor has agreed to discount his rate for this transaction to \$240 per hour. Certificate of Participation financings are much more fee intensive because of the collateral, insurance and title issues. In addition, the recent Colorado Supreme Court case concerning lease purchase financings under TABOR has added another layer of legal complexity to the bond counsel's responsibilities.

If Council approves of Kutak Rock, the disclosure document, or Official Statement, will be drafted by Mr. Tom Peltz of this firm. This firm has also acted in this capacity on numerous other bond issues, and is familiar with the City's financial position, charter, ordinances and outstanding bond covenants.

Staff is recommending retaining both firms for this financing. An alternative includes retaining other attorneys. This is not recommended, as the fees quoted by the recommended firms are reasonable, in line with past financings, and their familiarity with the City and its legal documents is significant. The City will realize significant efficiencies by retaining these firms.

Council approval is also sought to have Dee Wisor of Sherman & Howard review the "Sponsorship Agreement" for the Ice Centre whereby Sun Microsystems will become an official sponsor of the Ice Centre. The retention of special legal counsel is necessary for this project because Assistant City Attorney Leslie Annand has a conflict of interest with regard to the Sponsorship Agreement in that her spouse is employed by Sun Microsystems and Sun employees and their families will benefit from the Agreement. The Attorneys Code of Professional Responsibility dictates that outside legal counsel be retained to review and negotiate this Agreement. Dee Wisor is recommended for this project because of his familiarity with the Ice Centre and the relationship between the City and Hyland Hills with regard to the Ice Centre.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Financial Management System Consulting Services

Prepared by: Tammy Hitchens, Accounting Manager
Debbie Mitchell, Human Resources Manager

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Deloitte & Touche, in the amount of \$120,000 to provide a needs analysis, development of scope of work and RFP, coordination of demonstrations and vendor negotiations for the proposed purchase of a Human Resources/Payroll and Financial Management software system the City is currently considering. The contract will include an evaluation of outsourcing City payroll functions. A portion of the funds for this expense will require a contingency transfer of \$70,000. Currently, the General Fund Contingency account has a balance of \$1,443,000. The balance of the funds is available in a Central Charges account. City Council action is requested to adopt the attached Resolution authorizing a General Fund Contingency Account transfer of \$70,000 to Central Charges to supplement funding for consulting services related to the selection of a financial management system.

Summary

Financial Reporting and Human Resource management are integral and critical functions required to provide City services. The current software vendor, Spectrum, notified Staff that the current Human Resources/Payroll (HR/Pay) system would no longer be supported as of September 2000. The current financial management system (FMS) was written by in-house Staff and is over 18 years old. If current Information Technology Staff were to leave, it would be difficult to find replacement Staff with the skills needed to support the current financial system. Integrated FMS-HR/Pay systems are available on the market that are very robust and use the latest technology. An integrated FMS-HR/Pay system is a system that improves efficiency and accuracy because all of the modules work together. A change of transaction in one module will automatically be updated in another module. For example, when payroll is processed, it would automatically record the transactions in the General Ledger, send information to the Accounts Payable module to process checks related to payroll, and update all Human Resource and Payroll Information. Staff believes it is prudent to replace both systems with a new fully integrated system. A new fully integrated system will cost approximately \$2,000,000 and can be purchased and implemented over several years. The cost of the new fully integrated system assumes the City will have to make a minimal investment in new hardware.

The selection of a new system is a complicated process and requires a great deal of expertise. Staff does not have the expertise to oversee this process and has determined that a consultant is needed to lead this effort. Staff will be highly involved in the process, evaluation and selection of the new FMS-HR/Pay system. In addition to leading the effort to select a new fully integrated system, the consultant will be performing an analysis on the feasibility of outsourcing payroll.

There are many advantages a new fully integrated system can provide. Six basic capabilities are as follows:

- The ability to perform ad-hoc reporting and data query;
- Web-enabled user access allowing for employee self-service;
- The ability to recreate history as of a certain date;
- Entering data one time and having all applicable programs be able to access and update it;
- The ability to have more than one year of history on the financial system; and
- The ability to have automated flow of documents for approvals, notification and reminders.

There are many other features, capabilities and advantages of a new fully integrated FMS-HR/Pay system. The first step in a successful implementation of a new system is to determine the City's needs and select the best system to meet those needs. Staff is requesting City Council authorization to proceed with the hiring of a consultant to lead and assist Staff in the selection of a new fully integrated FMS-HR/Pay system.

Staff developed and sent an RFP to potential consultants to lead the City's selection process. Four proposals were received and reviewed. All four vendors were interviewed by the FMS Steering Committee. Additionally, the committee had an in-depth discussion with regard to the scope of work with top two vendors. Deloitte and Touche is the consultant the FMS Steering committee recommends for the project. Deloitte and Touche added strengths are as follows:

- A depth of experienced staff and research resources available;
- Excellent references from similar organizations in the recent past;
- A balanced approach of strategic concerns and detailed analysis;
- Software experts available for vendor demonstrations; and
- Projection timeline agreement.

Staff believes that Deloitte and Touche brings significant value to the project that is not available to the same degree from the other vendors. The low bid was \$95,000 from Solbourne. The low bidder is not recommended because the firm had no experience as a selection consultant for a FMS and HR/Pay system. They also failed to demonstrate human resources expertise in the interview process.

Staff Recommendation

1. Adopt Resolution No. 49 authorizing a General Fund Contingency Account transfer of \$70,000 to Central Charges to supplement funding for consulting services related to the selection of a financial management system.
2. Authorize the City Manager to accept the third lowest bid for this project and award the contract to Deloitte and Touche based on a finding that this action will best serve the public interest. (ref: City Charter sec 13.3 (k)) The amount of the contract is for up to \$120,000 and requires Deloitte and Touche to serve as consultant to the City in the HR/Pay and FMS system selection process, as well as provide an evaluation of the feasibility of outsourcing the payroll function.

Alternatives

- Do not utilize a consultant in the selection process – this is not recommended because Staff does not have the expertise to oversee the selection process; or
- Do not convert to new FMS-HR/Pay systems – this is not recommended because the HR/Pay system will be unsupported as of September 2000 and the FMS could be unsupported if current IT Staff were to leave.

Background

The HR/Payroll system the City currently uses is Spectrum HR/Pay. The Spectrum Human Resource module was implemented in 1986 and the Payroll module was added in 1994.

Spectrum is a DOS based system. In April 1999, Spectrum notified the City they will no longer support the system after September 2000. The HR/Payroll system is an integrated human resources information and payroll system. An integrated FMS-HR/Pay system is a system that improves efficiency and accuracy because all of the modules work together. A change of transaction in one module will automatically be updated in another module. There is no integration with the current General Ledger system.

The HR/Payroll system is a complicated system that handles oddities such as a general leave bank system, different Fair Labor Standards Act (FLSA) periods for different employee groups, no participation in the social security system, a portion of employees participating in Medicare and others participating in a deferred compensation program required by Omnibus Reconciliation Act (OBRA). The City employs 1692 employees. The breakdown is 806 full time equivalents (FTE's) comprised of 813 full and part time benefited employees and 68 part-time regular non-benefited employees with the balance of the workforce (811) in temporary, seasonal and instructors classifications.

The City currently utilizes a governmental accounting package that was written in the early 1980's by in-house Staff. It is written using Universe DataBase and Universe Basic language and operates on a Hewlett Packard 9000-800 Series. Information Technology (IT) Staff currently supports this system. If current IT Staff were to leave, it may be difficult to find someone with the skills to support this system. This program has been modified over the years to meet the needs of the City. It is still functional and does not have any complications presented by the year 2000. The current Financial Management System (FMS) includes the following functionality: Budget, General Ledger, Cash Receipting, Purchasing and Accounts Payable. It allows the City to perform accounting functions in accordance with governmental generally accepted accounting principles. This includes fund, encumbrance and capital project accounting. The modules have varying degrees of integration. The City also has several stand-alone systems such as utility billing, sales tax, cash registers, fixed assets and HR/Payroll. The information generated from these systems is entered into the General Ledger system manually.

Technology and Financial Systems have changed dramatically since the current financial system was written. There are many features, functionality and reporting capabilities present in the new systems that are not available in the City's current system. Six basic capabilities the current financial system lacks are as follows:

- The ability to perform ad-hoc reporting and data query;
- Web-enabled user access allowing for employee self-service;
- The ability to recreate history as of a certain date;
- Entering data one time and having all applicable programs be able to access and update it;
- The ability to have more than one year of history on the financial system; and
- The ability to have automated flow of documents for approvals, notification and reminders.

There are many systems currently on the market. These systems have varying degrees of functionality, integration and cost. The selection of a new system is a complicated process and requires a great deal of expertise. Staff does not have the expertise to oversee this process. Staff identified that a consultant will best lead this effort. An internal Steering Committee was formed to define the scope of the work the consultant would perform and ultimately select the consultant. The FMS Steering Committee is co-chaired by Accounting Manager Tammy Hitchens and Human Resources Manager Debbie Mitchell; comprised of Information Technology Director David Puntenny, Assistant to the City Manager Barbara Gadecki, and Lead Software Engineer Larry Garlick; and has Treasury Manager Bob Eiche and Finance Director Mary Ann Parrot serving in an advisory capacity.

The FMS Steering Committee met several times to begin initial strategic planning and research to determine the scope of the project to purchase and implement a new FMS system for the City. Costs, product lines and features, potential vendors, implementation options and a review of current approaches by other local government agencies were explored in a variety of ways.

A Request for Proposal (RFP) was written and distributed to potential selection consultant vendors. The RFP requested bids for the following key services:

- Assistance with the selection of an HR/Pay and FMS system; and
- An analysis of the feasibility of outsourcing Payroll either on a temporary or permanent basis.

The City received four bids ranging in cost from \$95,000 to \$165,000. Each of the bids articulated similar delivery of services including a needs analysis, completion and evaluation of the RFP, extensive scripted demonstrations by top vendors, analysis of vendor strengths and weaknesses, review of contract and an analysis of outsourcing payroll functions. The four vendors bidding on the project are listed below with the amount of their initial and revised bids.

<u>Company</u>	<u>Original Bid</u>	<u>Revised Bid</u>
Solbourne	\$ 95,000	N/A
Colorado Consulting Group	\$165,000	\$113,000
Deloitte & Touche	\$143,175	\$120,000
Arthur Andersen	\$130,000	N/A

All four vendors were interviewed by the FMS Steering Committee. Additionally, the Steering Committee had an in-depth discussion with regard to the scope of work with the top two vendors, Deloitte & Touche and Colorado Consulting Group. Deloitte and Touche is the consultant the FMS Steering Committee recommends for the project. Deloitte and Touche added strengths are as follows:

- A depth of experienced staff and research resources available;
- Excellent references from similar organizations in the recent past;
- A balanced approach of strategic concerns and detailed analysis;
- Software experts available for vendor demonstrations; and
- Projection timeline agreement.

Staff believes that Deloitte and Touche brings significant value to the project that is not available to the same degree from the other vendors. The low bid was \$95,000 from Solbourne. The low bidder is not recommended because the firm had no experience as a selection consultant for a FMS and HR/Pay system. They also failed to demonstrate human resources expertise in the interview process.

The Steering Committee heard a common theme regarding strategy for implementation. This “free” information or advice includes:

1. Key distinctions in “Tier I” and “Tier II” systems are:
 - Tier I systems allow the organization to set rules and parameters for system operation, whereas Tier II systems have more preformatted structure and options;
 - Tier I systems have greater opportunities for full system integration;
 - Purchasing a “best of breed” in each software area may not allow for integration but only interface between packages;
 - Tier I systems are more expensive and implementation is more time consuming and costly because of the design work involved;
 - Tier I systems are likely to be more long term solutions because of the capital backing for research and development to upgrade the systems over the next ten to fifteen years; and

- Tier I systems provide better reporting tools.
2. There are three reasons that it is best to select the HR/Pay and FMS system at the same time if the desire is to integrate them in the future; they are as follows:
 - There is a substantial cost savings in doing both selection processes at the same time;
 - Integrated system needs for FMS and HR/Pay need to be evaluated together because the selection may be quite different if just considering one system's needs without the others. Selection of a HR/Pay system architecture would then dictate the future selection of the FMS system, possibly locking the City into a system that does not work well on the FMS side; and
 - Selection of both HR/Pay and a FMS system will allow the City to select two packages within predetermined budget. If a Tier I system is not feasible because of budgetary constraints, selection of a Tier I HR/Pay system may be a poor decision.
 3. Purchase and implementation of an HR/Pay system and a FMS system can be done in a phased approach.
 4. The cost of utilizing a selection consultant is more than \$50,000 because of the need to evaluate current process needs prior to evaluating a vendor for a critical system. This information is vital to setting up any new system and will have to be performed during implementation if it is not completed in the consulting phase. It would be more valuable if performed up front. The cost of the system, length of time the system will be utilized, the impact on employees and operations as well as the need for ownership and support of the change are all reasons that a thorough needs analysis be completed prior to evaluation of potential systems.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTMINSTER AUTHORIZING
A GENERAL FUND CONTINGENCY TRANSFER

WHEREAS, Financial Reporting and Human Resource Management are integral and critical functions required to provide City services;

WHEREAS, the current financial system is over 18 years old and the current human resources/payroll system is not going to be supported by Spectrum as of September 2000;

WHEREAS, Staff believes it is prudent to replace both systems with a new fully integrated system;

WHEREAS, the selection of a new system is complicated, requiring the expertise of an outside consultant to oversee this process;

WHEREAS, Staff anticipates the cost of outside consulting services relative to the selection of a new financial management system will be approximately \$120,000;

WHEREAS, Staff has a budget of \$50,000 available in 1999 to fund outside consulting services for the selection of a new Financial Management System;

WHEREAS, an additional \$70,000 is needed in 1999 for selection consultant fees; and,

WHEREAS, the General Fund Contingency account for the 1999 budget year currently stands at \$1,443,000.

NOW THEREFORE, BE IT RESOLVED that the Westminster City Council hereby authorizes a General Fund Contingency Account transfer of \$70,000 to Central Charges to supplement funding for consulting services related to the selection of a financial management system.

Passed and adopted this 26th day of July 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Little Dry Creek Trail Underpass at 76th Avenue/Sheridan Boulevard

Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill re a supplemental appropriation of \$345,000, the amount of the 1998 Intermodal Surface Transportation Efficiency Act (ISTEA) grant award, into the General Capital Improvement Project Fund for construction of the Little Dry Creek Trail Underpass project. City Council action is also requested to authorize the City Manager to sign a contract amendment with The Colorado Department of Transportation (CDOT) to increase the contract from \$194,000 to \$625,000 to fund design, right of way acquisition and construction for the Little Dry Creek Trail Underpass project, located at 76th Avenue and Sheridan Boulevard. The City already has budgeted in the Little Dry Creek Trail account the 20% matching funds in the amount of \$125,000 required by the ISTEA grant.

Summary

In December 1995, Staff applied for a \$500,000 ISTEA trails grant administered by Denver Regional Council of Governments (DRCOG) and sponsored by the Federal Highway Administration. The City was awarded the grant in the amount of \$500,000 in September 1996 for the construction of the Little Dry Creek Trail Underpass located at 76th Avenue and Sheridan Boulevard. The ISTEA grant funding is administered through CDOT. The contract with CDOT allows the City to receive the ISTEA funding for construction, and guarantees that the City will provide the matching funds. The grant requires 20% matching funds of \$125,000 and ISTEA grant will fund 80% at \$500,000 for a total project cost of \$625,000. In April of 1998, City Council appropriated \$155,000 for design and right of way for this project. This construction appropriation of \$345,000 is required to complete the ISTEA grant amount of \$500,000. The design is nearly complete and construction is anticipated to begin in October 1999 with completion of the project in the spring of 2000.

Staff Recommendation

1. Pass Councillor's Bill No. 39 on first reading appropriating \$345,000 into the General Capital Improvement Fund of the Little Dry Creek Trail project.
2. Authorize the City Manager to sign a contract amendment with the Colorado Department of Transportation (CDOT) in the amount of \$625,000 to obligate grant funding for construction of the Little Dry Creek Trail Underpass project.

Background Information

The Little Dry Creek Trail is a regional trail corridor as identified in the DRCOG trails masterplan. Projects located on the regional trail corridors are given priority funding in the DRCOG region. Also since the City had successfully completed the last ISTEA grant for the Little Dry Creek Trail from England Park to the Clear Creek Trail, it made sense to continue to fund this trail corridor.

In November of 1998, MK Centennial was selected as the most qualified firm based on the abilities of their personnel, past performance on similar ISTEAs enhancement projects, willingness to meet time and budget requirements, location of their firm, accessibility to respond to the work site, current and projected work load, volume of previously awarded contracts, and involvement of minority consultants, i.e. Disadvantage Business Enterprise (DBE) and Emerging Small Business (ESB) to at least 10% participation level. These are all mandatory requirements which must be evaluated to select a consultant through the CDOT contract process.

The total project cost for the Little Dry Creek Trail Underpass is anticipated to cost \$1 million. Since the drainage structures at Sheridan Boulevard is undersized for the 100 year storm event, Urban Drainage and Flood Control District (UD&FCD) will participate in half of the project cost to the City. The Urban Drainage funding of \$250,000 will be available in 1999. The following is a summary of project funding.

ISTEA Grant	\$500,000
UD&FCD funding	\$250,000
City of Westminster	<u>\$250,000</u>
 TOTAL	 \$1,000,000

Respectfully submitted,

William M. Christopher
City Manager

Attachments - Councillor's Bill and Project map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **39**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby increased by \$345,000 which, when added to the fund balance as of the City Council action on August 9, 1999, will equal \$14,451,374. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of an ISTE A grant for the construction of Little Dry Creek Trail.

Section 2. The \$345,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental			
75-0426-019	\$ 0	<u>\$345,000</u>	\$345,000
Total Change to Revenues		<u>\$345,000</u>	
<u>EXPENSES</u>			
Little Dry Creek Trail Project			
75-50-88-555-367	\$135,050	<u>\$345,000</u>	\$480,050
Total Change to Expenditures		<u>\$345,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26th day of July, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this _____ day of August, 1999.

ATTEST

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Resolution No. 50 re Parkland Acquisition

Prepared by: Bob Lienemann, Open Space Coordinator
Philo Shelton, Park Engineer

Introduction

City Council action is requested to adopt the attached Resolution authorizing the acquisition of property necessary to construct park improvements, and to preserve the Little Dry Creek corridor for open space, trail, storm drainage and utility purposes (see attached map). Funds for this acquisition are available from the Parks, Recreation and Libraries Capital Improvements Program.

Summary

The proposed acquisition is approximately 5.6 acres in size (includes the Little Dry Creek channel constructed in a permanent easement held by the City), and is owned by Raleigh No. 72, a partnership group. The property is located north of 72nd Avenue and Raleigh Street, and abuts the Della Villa apartments to the west, the railroad tracks to the northeast, small business and residential properties to the east, and England Park and 72nd Avenue to the south (see map). The property acquisition is needed to construct a small park adjacent to the Della Villa apartments, and to preserve the open space and floodplain along Little Dry Creek.

Various Staff and several right-of-way acquisition agents have attempted to negotiate with the landowners for the past two years. Many discussions have been held with various partners in the ownership group and the managing partner to thoroughly review an appraisal, other sales, allowable land use, access, and completion of a survey. Staff and the City's agent now suggest that agreement on terms is not likely to be reached, and recommend that the City now begin the formal acquisition process through eminent domain. The attached Resolution authorizes the City Manager and City Attorney to continue appropriate efforts necessary to acquire this property.

Alternatives to the proposed action:

1. Do not acquire any of the proposed property. This alternative would not provide a park adjacent to many residents of this area. The need for a park to serve this part of South Westminster is identified in the City's Park, Recreation and Libraries Master Plan.
2. Acquire only that part of the property south of the channel for park use now, and consider acquisition of the back parcel at a later date. However, the owners' group has not indicated any interest in a partial sale, and the legal and other costs are better applied to the entire property at one time.

Staff Recommendation

Adopt Resolution No. 50 authorizing the City Manager and City Attorney to execute the necessary documents to acquire from Raleigh No. 72, the land necessary for park, trail, open space, storm drainage and utility purposes, including through eminent domain if necessary, and charge the expenses to the appropriate project account in the General Capital Improvement Fund.

Background Information

This park site acquisition was identified in the City's 1996 Capital Improvement Program Budget. Additional funds have been budgeted for its development. Available parklands are hard to find in the south part of the City, and the Parks, Recreation and Libraries Master Plan recommends that this land be acquired and developed to provide additional park improvements to serve the neighborhood.

The site is bisected by the concrete-lined Little Dry Creek channel. The storm drainage improvements were constructed by the City and the Urban Drainage and Flood Control District in the 1980's, within a permanent easement which was purchased at that time. Two small homes in poor condition are located on the back portion of the property. This acquisition would allow these two blighted structures to be demolished, this improving the appearance of the area. A portion of the site is also used informally as a community garden. Staff met with City Council previously in Executive Session to discuss the project. Staff has continued to negotiate toward this acquisition, but these negotiations do not appear to be nearing success.

Staff will continue to negotiate, and to consider any options that the landowner may propose. The owner's desires may change in the next few months, as the City and its consultants pursue the formal acquisition process.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **50**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to obtain the parcel of land shown on the attached map to construct a park, and to preserve a key portion of the Little Dry Creek corridor for open space, trail, storm drainage and utility purposes; and

WHEREAS, the City desires to continue negotiations and make an earnest good faith offer of purchase for the subject parcel; and

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

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

WHEREAS, the City finds that if acquisition by condemnation of the parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to reserve those lands necessary for park, trail, open space, storm drainage and utility purposes.

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

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

6. The City Manager is hereby authorized to establish the legal description of the parcels to be acquired, consistent with the attached map, and to amend the legal descriptions of the parcels to be acquired, and the nature of the interests to be acquired, if necessary.

PASSED AND ADOPTED this 26th day of July, 1999.

Mayor

ATTEST;

City Clerk

**WESTMINSTER**
COLORADO**Agenda Memorandum****Date:** July 26, 1999**Subject:** Councillor's Bill No. 40 re Park Development Fees for Senior Housing Projects**Prepared by:** Shannon Sweeney, Planner III**Introduction**

City Council action is requested on the attached Councillor's Bill amending Chapter 6 of Title XI and Chapter 4 of Title XIII of the Westminster Municipal Code concerning the City's park development fees for new senior housing projects.

Summary

The attached Councillor's Bill amends the City's existing park development fee requirements to clarify and establish a fee structure specifically for senior housing projects as defined in the City's Growth Management Program. Currently the park development fee ordinance lists fees for three residential categories: single-family detached, single-family attached or mobile home, and multiple family units. While not currently specified in the Westminster Municipal Code, in the past, all new senior housing projects in the City have been required to pay park development fees according to the multiple family rates. The attached Westminster Municipal Code amendment would define fees for senior housing projects based on the ability of the future residents to use City parks facilities and services. This is similar to the procedures followed in other local jurisdictions such as Arvada and Broomfield.

The revised ordinance specifically lists each of the four types of senior housing (skilled nursing, assisted living, congregate care, and independent living) as defined in the City's Growth Management Program and the associated fee, if any, that would apply. (Please see the Background section of this agenda memorandum for the definitions of each type). Residents of skilled nursing facilities require 24-hour medical supervision and are, for the most part, physically unable to use parks facilities and services. For this reason, skilled nursing projects would be exempt from the City's park development fee requirements. In addition, many residents in assisted living facilities typically have limited ability to use City parks facilities and services. Therefore, a reduced rate of \$350 per bed (from the current multiple-family rate of \$921 per unit) has been included for assisted living senior housing projects.

Since little or no supervision or medical care is necessary with independent living and congregate care senior housing units, and most residents are physically able and tend to use City park facilities and services, the fee reduction or waiver would not apply to these types of senior housing. As specified in the revised ordinance, the current multiple-family rate would continue to apply to these types of new projects.

Staff Recommendation

Pass Councillor's Bill No. 40 on first reading amending the park development fee requirements for new senior housing projects.

Alternatives

One alternative is not to change the existing park development fee ordinance and continue to apply the multiple-family fees to all new senior housing projects. This option does not take into account the physical ability of the future residents to use the City parks facilities and services.

Developers of skilled nursing and assisted living projects would continue to claim that the park development fee requirement is unfair since future residents of these types of senior housing projects would not utilize the City parks facilities and services to the same extent as residents of multi-family projects.

A second alternative is to allow a park development fee exemption for skilled nursing and assisted living senior housing projects. Because residents of assisted living facilities are not as physically limited as those in skilled nursing facilities, and do not require 24-hour medical care and supervision, it is possible that some residents of assisted living projects will use the City parks, trails, facilities, etc. Because these residents would not likely use City parks facilities to the same extent as residents of congregate care or independent living senior housing projects, a fee reduction, rather than an exemption, is recommended for assisted living projects.

Background Information

The Westminster Municipal Code currently requires developers to pay park development fees (sufficient to serve the projected population of the development) for all new residential projects developed in the City. These fees are based on the type of residential unit and are charged on a per unit basis when the Certificate of Occupancy is issued for the project. The City then uses the park development fees to develop public parks and recreation facilities and services.

Different fees are specified for single-family detached, single-family attached, and multiple-family units. Currently the different types of senior housing projects as defined in the City's Growth Management Program are not specifically listed under the park development fee schedule. In the past, all senior housing projects (regardless of the level of medical care and supervision necessary) were subject to the multiple family fee structure. The City's Growth Management Program defines senior housing projects as follows:

- a. **Skilled Nursing Facilities:** Facilities that integrate shelter for the elderly with medical, nursing, psychological, and rehabilitation services for persons who require 24-hour nursing supervision and care.
- b. **Assisted Living:** Shelter and services for frail elderly who are functionally and/or socially impaired and in need of 24-hour supervision. Services must include as a minimum, environmental security, transportation, housekeeping, social activities, laundry, and meals.
- c. **Congregate Care:** Shelter for elderly who may need limited assistance but do not need 24-hour supervision. Services must include as a minimum, environmental security, transportation, housekeeping, social activities, laundry, and meals.
- d. **Independent Living:** Attached or multi-family housing targeted specifically to seniors who are functionally and socially independent. Services must include as a minimum, environmental security, transportation, housekeeping, and social activities.

Recently, Sunrise Development, Inc. (the developer for the assisted living project proposed for the southeast corner of 104th Avenue and Federal Boulevard) requested the City waive or reduce park development fees for their project. The developer did not believe the park development fees should apply to their project since they do not anticipate their future residents will use the City parks or facilities. Staff researched municipal code requirements of other area cities to determine how other jurisdictions apply park development fee requirements to senior housing projects and discovered there are other communities that allow a fee waiver or reduction for senior housing projects.

Because the City of Westminster already has four specific senior housing definitions within the City's Growth Management Program that designate the level of care and supervision of the residents of each type of senior housing project, City Staff drafted a revised park development fee structure that incorporates the existing definitions.

There are two areas within the Westminster Municipal Code that refer to park development fees, and the attached Councillor's Bill amends both of these sections. In the future, the City Attorney's Office would like to repeal one of these sections to avoid repetition in the Municipal Code. Once this is drafted, Staff will bring the Code amendment to the City Council for consideration.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

ORDINANCE NO.

COUNCILLOR'S BILL NO. **40**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 6 OF TITLE XI AND CHAPTER 4 OF TITLE XIII OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S PARK DEVELOPMENT FEES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-6-8 (B) 2 (a) is hereby AMENDED as follows:

(a) Every person, firm or corporation applying for and obtaining any building permit for the original construction of any dwelling unit shall be required to pay, prior to the occupancy of the first unit in any building or structure and as a condition precedent to the issuance of any occupancy certificate, a park development fee based upon the number of dwelling units to be constructed, as follows:

Single family detached	\$1,306 \$1,381 per unit AS OF 4-1-99
Single family attached or mobile home	\$1,061 \$ 1,122 per unit AS OF 4-1-99
Multiple family, CONGREGATE CARE, OR INDEPENDENT LIVING SENIOR HOUSING	\$870 \$921 per unit AS OF 8-9-99
ASSISTED LIVING SENIOR HOUSING	\$350 PER BED AS OF 8-9-99

SKILLED NURSING FACILITIES AS DEFINED IN THIS CODE SHALL BE EXEMPT FROM THE PARK DEVELOPMENT FEES REQUIREMENTS OF THIS SECTION.

The above fees shall be automatically increased annually as of January 1 in accordance with the Consumer Price Index (CPI) as established for the Denver metropolitan area. No occupancy certificate shall be issued nor shall any occupancy of the premises be permitted until such fee shall have been paid in full.

Such fee shall be used only for the development of park and recreation facilities and services.

Section 2. Section 13-4-3 (A) is hereby AMENDED as follows:

(A) Every person, firm or corporation applying for and obtaining any building permit for the original construction of any dwelling unit shall be required to pay, prior to the occupancy of the first unit in any building or structure and as a condition precedent to the issuance of any occupancy certificate, a park development fee based upon the number of dwelling units to be constructed, as follows:

Single family detached	\$400 per unit, \$750 per unit as of 2-1-95, increasing an additional \$50 per month with a maximum of \$1,200 per unit as of 11-1-95 \$1,381 PER UNIT AS OF 4-1-99
Single family attached or mobile home	\$280 per unit, \$975 per unit as of 2-1-95 \$1,122 PER UNIT AS OF 4-1-99
Multiple family, CONGREGATE CARE, OR INDEPENDENT LIVING SENIOR HOUSING	\$210 per unit, \$800 per unit as of 2-1-95 \$921 PER BED AS OF 4-1-99
ASSISTED LIVING SENIOR HOUSING	\$350 PER BED AS OF 8-9-99

SKILLED NURSING FACILITIES AS DEFINED IN THIS CODE SHALL BE EXEMPT FROM THE PARK DEVELOPMENT FEES REQUIREMENTS OF THIS SECTION.

~~Beginning on January 1, 1996, and on January 1st of each year thereafter, the fee shall be automatically increased~~—THE ABOVE FEES SHALL BE AUTOMATICALLY INCREASED ANNUALLY AS OF JANUARY 1 in accordance with the Consumer Price Index (CPI) as established for the Denver metropolitan area. No occupancy certificate shall be issued nor shall any occupancy of the premises be permitted until such fee shall have been paid in full.

Such fee shall be used only for development of park and recreation facilities and services.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 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 26th day of July, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of August, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Resolution No. 51 re Savory Farm Service Commitment Request

Prepared by: Shannon Sweeney, Planner III

Introduction

City Council action is requested to adopt the attached Resolution awarding five additional single-family detached (Category B-1) Service Commitments in the year 2001 to the Savory Farm project.

Summary

Attached is a letter from BGD II Co., the developer for the Savory Farm project, requesting City Council award five additional Category B-1 Service Commitments to the Savory Farm project in the year 2001. The Savory Farm project is a 37-acre, 93-unit single-family detached development proposed for the southeast corner of 112th Avenue and Federal Boulevard. This request is in response to the City's revised plans related to the public land dedication previously shown on the Savory Farm site plan.

City Staff initially requested that the developer make a public land dedication of 3.125 acres at the southwest corner of the Savory Farm site for connection to the property to the south that the City considered purchasing (the Ten Eyck property). Since that time, City Council determined not to pursue purchase of the Ten Eyck property, and the Savory Farm public land dedication was no longer desired as a result. The City Parks Division is now requiring a cash-in-lieu payment for the public land dedication making it necessary for the developer to redesign this portion of the site. The developer has now designated the site for 1.35 acres of private open space with a public access easement area for the Mushroom Farm water tower on the site (to be dedicated to the City), with the remainder of the land designated for five additional single-family detached lots.

With the additional five lots the developer is requesting, the number of Service Commitments for the project would total 98. All of the additional lots would meet the 10,000 square foot average lot size requirement established in the City's Comprehensive Land Use Plan.

Staff Recommendation

Adopt Resolution No. 51 awarding five additional single-family detached (Category B-1) Service Commitments in the year 2001 to the Savory Farm project.

Alternatives

One alternative is not to award the additional five Category B-1 Service Commitments. The developer would be allowed a total of 93 single-family detached units as approved through the new residential competition process. The developer determined the additional five lots were needed to help balance the cost associated with the City's requirement of cash-in-lieu of public land dedication and believes this project is marginally developable with the extensive environmental clean-up costs. If this option is chosen, the developer may not be able to proceed with the project.

Another option is to award fewer than five Category B-1 Service Commitments to the project. Because the developer had determined five additional lots were needed to help balance the costs of the project, the developer believes this would also negatively impact the project.

Background

The Savory Farm project received a total of 93 Category B-1 (Single-Family Detached) Service Commitments as a result of the 1997 new residential competition. Since the competition, the developer discovered environmental issues related to the site that have delayed the project. Because the Service Commitments were about to expire, in March 1999, City Council approved a Service Commitment extension for the project to allow the developer to proceed with the project.

City Council previously approved the Preliminary Development Plan (PDP) amendment for the project, and the developer is currently finalizing the Official Development Plan (ODP) document. The ODP is eligible for Planning Commission approval, and based on the developer's time line, Staff anticipates the developer will be ready to proceed to Planning Commission in August or early September.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO **51.**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

SUPPLEMENTAL CATEGORY B-1 (NEW SINGLE-FAMILY DETACHED RESIDENTIAL)
SERVICE COMMITMENT AWARD FOR THE SAVORY FARM PROJECT

WHEREAS, the City of Westminster has adopted by Ordinance No. 2651 a Growth Management Program for the period 1990 through 2000; and

WHEREAS, within Ordinance No. 2651 there is a provision that Service Commitments for residential projects shall be awarded in Category B-1 (new single-family detached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new single-family detached development is limited, and the City of Westminster has previously adopted Resolution No. 76, Series of 1997, specifying the various standards for new single-family detached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster City Council has previously awarded 93 Category B-1 Service Commitments for the Savory Farm (Federal Square) project at the southeast corner of W. 112th Avenue and Federal Boulevard per Resolution No. 14, Series 1997; and

WHEREAS, Resolution No. 12, Series 1999 extended the 93 Category B-1 Service Commitments awarded to the Savory Farm project by the Westminster City Council on March 15, 1999; and

WHEREAS, on July 6, 1999, BGD II Co., the developer of the Savory Farm project submitted a written request for five additional Category B-1 Service Commitments; and

WHEREAS, the developer for the Savory Farm project has proceeded to the City's development review process and received City Council approval of the Savory Farm Preliminary Development Plan approved on August 24, 1998; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

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

1. A supplemental Category B-1 Service Commitment award for five additional Service Commitments in the year 2001 is hereby approved for the Savory Farm (Federal Square) project proposed for the southeast corner of W. 112th Avenue and Federal Boulevard. The Service Commitment awards for the Savory Farm project are hereby revised as follows:

<u>Project</u>	# SERVICE COMMITMENTS PER YEAR			
	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>Total</u>
Savory Farm (Federal Square)	10	50	38	98

2. The Service Commitment award to the project listed above is conditional and subject to the following:

For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.

a) Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project or proposed density.

b) The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-1 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-1 award.

c) The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. The City Staff during the competition process does not review the sketch plans submitted by applicants. Significant changes to the sketch plan are probable once the City's development review process begins for any project.

d) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.

e) The Service Commitment award for the project listed above, if approved by the City, may only be used within the project specified above.

f) This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.

g) The revised Category B-1 Service Commitment awards shall be valid for a period of two years from the date of award specified on this Resolution (July 26, 1999) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is issued for the project during that two-year period. Future year awards are effective as of January 1 of the specified year.

h) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.

i) All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.

3. The Category B-1 Service Commitment award shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over in to the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 26th day of July, 1999

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Resolution No. 52 re DOE Proposal for Disposition of Concrete Rubble at Rocky Flats

Prepared By: Mary Harlow, Rocky Flats Coordinator

Introduction

City Council is requested to adopt the attached Resolution regarding the U.S. Department of Energy (DOE) proposal for the disposition of concrete rubble at the Rocky Flats Environmental Technology Site.

Summary

Mayor and Members of the City Council postponed making a formal recommendation on the Department of Energy's proposal to reuse concrete rubble as fill at the Rocky Flats Environmental Technology until an Engineering consultant was retained by the Rocky Flats Coalition of Local Governments to review the proposal. Parallax, Inc. was contracted to provide the engineering review of the disposition plans for concrete rubble from onsite buildings, all available documents, and to interview pertinent Rocky Flats personnel involved with the proposed action. Parallax found that the operating protocol document is a conceptual model for concurrence and that when it is agreed upon, then other documents would be generated. DOE does not have a schedule to allow public comment on these documents. Public review of these documents is necessary to ensure the integrity of the process.

Parallax was not able to provide a thorough review of the proposal due to the lack of the necessary additional documents. Significant findings include: (1) that little substantial documentation is provided to validate the total cost of each option considered; (2) the DOE and Nuclear Regulatory Agency rules and regulations for meeting the "free release" standards cannot be used for rubbleized concrete; and (3) there is a potential for further contamination of surface and groundwater under the DOE plan to store the rubble for a long period of time. The proposal does not provide the documentation that was used to derive the environment, safety and cost advantages as stipulated.

Alternative

City Council could recommend that rubble be stockpiled and used on site and that DOE must provide all information lacking from the current proposal. This option allows rubbleization and crushing of concrete onsite. It will result in airborne contamination release, as well as the potential for putting radionuclide concrete back into foundations located in the Woman and Walnut Creek drainage.

Staff Recommendation

Adopt Resolution No. 52 recommending that no stockpiling and disposal of rubble at the Rocky Flats Environmental Technology Site occur.

Background Information

On December 30, 1998, the Mayor and members of the City Council were provided with a Staff Report on the Management and Disposition of Rubble from Rocky Flats Building Decommissioning.

The report provided three options for City Council to consider: (1) recommend that there be no onsite stockpiling and disposal of rubble; (2) work to negotiate a tradeoff with the Department of Energy; or (3) support the hiring of an engineer by the Rocky Flats Coalition of Local Governments to provide recommendations. Staff recommended the latter decision, which City Council supported.

On March 1, 1999, the Rocky Flats Coalition of Local Governments (RFCLOG) contracted with Parallax, Inc. to review disposition plans by the Rocky Flats Environmental Technology Site for concrete rubble derived from onsite building decommissioning/decontamination and destruction activities. Parallax reviewed the disposition plan, all available documents related to the plan and conducted interviews with Rocky Flats personnel involved with the proposed actions from the Department of Energy (DOE) and the regulatory agencies.

DOE Proposal for Rubble Disposition: The DOE anticipates that it will require 174,000 cubic yards of fill material to backfill building excavations and to contour the site after all remediation has been completed. Approximately 75% (130,000 cubic yards) of this material can be obtained from onsite sources, thereby reducing the need to bring in fill materials from offsite. DOE believes that using the concrete as fill will create less environmental and safety issues than removing the material from onsite and disposing it in an offsite landfill.

Parallax recommendations and findings: The rubble disposition plan was written as a Rocky Flats Cleanup Agreement Standard Operating Protocol (RSOP) that applies to a routine decommissioning activity regulated under the Rocky Flats Cleanup Agreement. It is not meant to be an inclusive document but is a conceptual model for concurrence. Once agreed upon, other documents are generated. Currently there is no DOE schedule or plan for public review of these additional documents, which is necessary to ensure the integrity of the process. Without these documents, it was very difficult for Parallax to discern enough detail to fulfill the review that RFCLOG requested.

Documentation is not provided for validation of the cost per ton disposal nor the total cost of each option that may have been considered. There are no estimates for importing similar type backfill to the site but no consideration was given to fill of a different nature such as soil from an offsite construction site rather than the concrete rubble. Parallax questioned why the environmental impacts of placing the rubble in the ground would be less than if it were placed in the ground at a landfill; or whether the truck air emissions would be greater or less if the trucks travel over a distance of 80 miles versus the lower dispersion found from onsite transportation in the relatively smaller confines of the site. The RSOP does not provide the documentation that was used to derive the environment, safety and cost advantages as stipulated in the document.

Radiological: The RSOP provides only general descriptions of the recycle process and assumes that the concrete has already been decontaminated to “free release” (acceptable for any use) criteria; has undergone decontamination, and can be dispositioned without further regard to remaining radionuclide contamination present. The DOE uses order 5400.5 and the Nuclear Regulatory Commission Regulatory Guide 1.86 to provide “free release” criteria for the rubble. Once the walls are rubbleized, the release criteria are no longer applicable because the shape of the surface has changed.

A pathway analysis needs to be completed where bulk radiologically contaminated material is being released to the environment or for unrestricted access. The DOE needs to demonstrate that the fill material activity in the soil will not exceed the soil action level limits for radionuclides.

DOE has concluded that because the rubble will meet the free release criteria that radiological air monitoring will not be necessary during the demolition, processing, or placement of the rubbleized material. Parallax does not support the DOE conclusion and believes that extensive environmental monitoring is necessary.

Hydrogeological: Materials will be stockpiled until processed and/or used as fill material. The DOE does not plan to place these materials on impervious surfaces. The rubble will be stored for a significant period of time (6 to 10 years). A potential exists for the downward migration of these materials into the underlying soil columns. Surface precipitation may dissolve materials and carry them into the underlying soils and groundwater. There are no apparent plans to prevent surface migration of fines and dissolved materials into the underlying soil column or groundwater.

Structural: The RSOP states that the maximum amount of slump over the lifetime of the backfill areas is 1%. There are no apparent provisions being made to characterize the sites for geo-technical purposes and record retention.

Quality Assurance: Parallax questions the Colorado Department of Public Health and Environments (CDPHE) role at Rocky Flats since it holds both a familiar and a regulatory role at the Site. The dual role has the potential for loss of objectivity and seeing the whole picture from an arms length perspective. Too much familiarity can encourage public distrust in the objectivity of the regulatory body. Parallax urges CDPHE to be vigilant that it maintains its oversight responsibility for the integrity of the overall site endpoint.

Environmental: It is not clear that all environmental issues have been resolved. The question as to whether the use of the backfill rubble constitutes disposal of a non-hazardous solid waste and therefore requires permits, has not been answered.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **52**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

DISPOSITION OF CONCRETE RUBBLE AT THE ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE

WHEREAS, the U.S. Department of Energy anticipates that it will require 174,000 cubic yards of fill material to backfill building excavations and to contour the Rocky Flats Environmental Technology Site after all remediation has been completed;

WHEREAS, the Department of Energy believes that using rubbleized concrete from site buildings will create less environmental and safety issues than removing the material from onsite and disposing of it in an offsite landfill;

WHEREAS, the Rocky Flats Coalition of Local Governments, of which Westminster is a member, hired Parallax Inc., to review the Departments of Energy's rubble disposal proposal;

WHEREAS, Parallax has concluded its review of the available documents and has provided the Coalition with a report; and

WHEREAS, the City of Westminster desires to provide a formal resolution on the DOE proposal.

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

1. The City of Westminster does not support the rubbleizing of concrete, onsite storage of the concrete, or the use of this material as foundation fill or for contouring at the Rocky Flats Environmental Technology Site.
2. Concrete should be removed to a designated sanitary landfill and clean fill from offsite construction excavation should be acquired when necessary. Storage of rubbleized concrete at Rocky Flats for extended periods of time will lead to further contamination of the site and the air that could eventually impact Standley Lake and the residents of Westminster.
3. The Rocky Flats Cleanup Agreement Standard Operating Protocol document for use of the rubble is a conceptual model for concurrence only. Other documents will need to be generated. Public review of these documents is necessary to ensure the integrity of the process. The City of Westminster cannot support conceptual model documents. The Department of Energy must provide more complete information so that the City of Westminster can provide informed recommendations.
4. The Department of Energy does not provide the documentation to substantiate the environment, safety and cost advantages as stipulated in the protocol document. The City of Westminster requires this information in order to make informed economic based decisions.
5. The Department of Energy and Nuclear Regulatory Commission regulations for "free release" are not applicable to bulk rubble and therefore cannot be applied at Rocky Flats. Because of this, a pathway analysis needs to be completed by the DOE for radiologically contaminated material that is being released to the environment for unrestricted access.

6. The rubbleized concrete will be stored onsite for up to four or more years awaiting demolition of the two buildings that are slated to receive the fill. A potential exists for the downward migration of these materials into the underlying soil columns and into the groundwater. Runoff from the storage sites may have an adverse impact on the Woman and Walnut Creek Drainage's.
7. Because of its unique role as both a familiar and a regulator at Rocky Flats, the Colorado Department of Public Health and Environment must ensure that it maintains its objectivity and oversight responsibility for the integrity of the overall site cleanup.

Passes and adopted this 26th day of July, 1999.

ATTEST

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Resolution No. 53 re Re-establishment of the Stateside Portion of the Land and Water Conservation Fund

Prepared by: Karen Layfield and Laura Magnetti, Management Assistants

Introduction

City Council action is requested to adopt the attached Resolution in support of revitalizing the land and water conservation fund.

The Land and Water Conservation (LWCF) Allies (including Colorado State Parks, Great Outdoors Colorado, Colorado Parks and Recreation Association, and other environmental groups), teamed up through the Americans for Our Heritage and Recreation to support pending legislation in this congressional session that affects the LWCF. The LWCF Allies believe that a unique window of opportunity exists this year and is encouraging cities, counties, and other organizations to adopt a resolution of support to be sent to each member of Colorado's congressional delegation and also to the prime sponsors of the legislation.

Summary

Numerous bills have been introduced in Congress this year that propose changes to how offshore oil and gas revenue is allocated. One of the significant proposals is the re-establishment of the stateside portion of the Land and Water Conservation Fund (LWCF). Council Resolution No. ____ officially supports the re-establishment of the stateside portion of the Land and Water Conservation Fund.

Staff Recommendation

Adopt Resolution No. 53 supporting the re-establishment of the stateside portion of the Land and Water Conservation Fund.

Background

In 1964, Congress created the Land and Water Conservation Fund (LWCF) to assure that all Americans have access to high quality recreation resources, to enhance the health and vitality of the Nation, and to preserve valuable habitat. Investments from the fund support the creation of public parks, efficient management of forests, preservation of clean water and open spaces and guarantee outdoor recreational opportunities, and other social and environmental objectives for the nation.

Since its creation, LWCF has been responsible for the acquisition of nearly seven million acres of parks, public forests, and open space including the development of more than 37,000 state and local resource conservation and recreation projects, including playgrounds, ball fields, national historical sites, scenic trails, and nature reserves. Between 1966 and 1995, the stateside LWCF program funded more than 1,000 local and state park, open space and outdoor recreation projects totaling \$48.2 million in Colorado, touching 59 of Colorado's 63 counties and making a difference in small towns and local communities around the state. The City of Westminster directly benefited from this program in the late 1970's with grant monies awarded for the development of Bishop Square Park.

The LWCF Act is authorized to invest \$900 million annually in recreational resources, principally from public revenue received from off-shore energy extraction. Congress must annually appropriate funds from the LWCF account. Congress envisions and encourages, and the Act authorizes, federal-state-local partnerships to create a national network of public parks and other recreation resources accessible to all people. The fund emphasizes the need to conserve public spaces and to develop and maintain national, state, and local resources in anticipation of increasing population and response to rapid changes in land use and availability.

For several years, the federal program has been under funded and no allocations have been made to fund the stateside grants program, though the enabling legislation provided for such allocations and encouraged Congress to provide federal acquisition of certain lands and “close to home” sites and recreational opportunities. Without congressional allocations for federal land acquisition for national parks, forests, wildlife refuges, and other lands, opportunities for outdoor recreation is hindered and for stateside programs, states are severely limited in their capacity to develop parks and open spaces or provide funds to local jurisdiction for the creation of neighborhood recreational facilities.

The need to preserve open spaces and develop and maintain national, state, and local parks and recreational facilities becomes more critical each year due to the demands placed on such facilities by ever increasing populations.

Respectfully submitted,

William M. Christopher
City Manager

Attachment – Resolution

RESOLUTION

RESOLUTION NO. **53**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION SUPPORTING THE REVITALIZATION OF THE LAND AND WATER CONSERVATION FUND

WHEREAS, IN 1964, Congress created the Land and Water Conservation Fund (LWCF) to assure that all Americans have access to high quality recreation resources, to enhance the health and vitality of the Nation, and to preserve valuable habitat; and

WHEREAS, investments from the fund support the creation of public parks, efficient management of forests, preservation of clean water and open spaces and guarantee outdoor recreational opportunities, and other social and environmental objectives for the nation; and

WHEREAS, since its creation, LWCF has been responsible for the acquisition of nearly seven million acres of parks, public forests, and open space including the development of more than 37,000 state and local resource conservation and recreation projects, including playgrounds, ball fields, national historical sites, scenic trails, and nature reserves; and

WHEREAS, between 1966 and 1995, the stateside LWCF program funded more than 1,000 local and state park, open space and outdoor recreation projects totaling \$48.2 million in Colorado, touching 59 of Colorado's 63 counties and making a difference in small towns and local communities around the state; and

WHEREAS, the LWCF Act is authorized to invest \$900 million annually in recreational resources, principally from public revenue received from off-shore energy extraction, and that the congress must annually appropriate funds from the LWCF account; and

WHEREAS, the Congress envisioned and encouraged, and the Act authorizes, federal-state-local partnerships to create a national network of public parks and other recreation resources accessible to all people; and

WHEREAS, the fund emphasizes the need to conserve public spaces and to develop and maintain national, state, and local resource in anticipation of increasing population and response to rapid changes in land use and availability; and

WHEREAS, for several years, the federal program has been under funded and no allocations have been made to fund the stateside grants program, though the enabling legislation provided for such allocations and encouraged Congress to provide federal acquisition of certain lands and "close to home" sites and recreational opportunities; and

WHEREAS, without congressional allocations for federal land acquisition for national parks, forests, wildlife refuges, and other lands, opportunities for outdoor recreation is hindered and for stateside programs, state are severely limited in their capacity to develop parks and open spaces or provide funds to local jurisdiction for the creation of neighborhood recreational facilities; and

WHEREAS, the need to preserve open spaces and develop and maintain national, state, and local parks and recreational facilities becomes more critical each year due to the demands placed on such facilities by ever increasing populations; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Westminster, Colorado, sees the full and permanent funding of the Land and Water Conservation Fund, as an absolutely critical need and urges the US Congress to re-establish the stateside portion of the Land and Water Conservation Fund.

Passed and adopted this 26th day of July, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 22, 1999

Subject: Resolution No. 54 re Metro Wastewater Reclamation District Service Contract Amendments

Prepared by: Ray Glasmann, Big Dry Creek Water Reclamation Facility Supervisor
Kelly DiNatale, Water Resources Manager

Introduction

City Council action is requested to adopt the attached Resolution authorizing the Mayor to execute a contract amendment (Addendum to the Sewage Treatment and Disposal Agreement) between the Metro Wastewater Reclamation District and the City of Westminster.

Summary

The Metro Wastewater Reclamation District (Metro District) is requesting adoption by its governing bodies of three amendments to the Sewage Treatment and Disposal Agreement (Service Contract) with its members. The Metro Board of Directors, on August 20, 1996, October 20, 1998, and November 17, 1998, approved three (3) separate amendments to the Service Contract. These three amendments concern Large-User Exception (Attachment A&B), Final Adjustment (Attachment C) of Annual Charges for Service, and Use of Sewer Connection Charge Revenue (Attachment D). The Metro District is requesting that the respective governing bodies of its members approve these changes through a Resolution or Ordinance and executing the Addendum to Sewage Treatment and Disposal Agreement.

The Large-User Exception is amended to allow single-family residential equivalents (SFREs) (Attachment A&B) for certain large users to be based on wastewater strength, biochemical oxygen demand (BOD), suspended solids (SS), and total Kjeldahl nitrogen (TKN), in addition to flow. Prior to this amendment, SFREs' sewer connection charges were based on the average wastewater usage per water tap size compared to the average wastewater generated by a typical single family residence.

The Final Adjustment of Annual Charges (Attachment C) for Service is amended to state that projected annual charges for service for any year may be made no later than March of the following year. Prior to this, Metro District's annual charges for Service program is that Connectors initially pay Annual Charges for Service based on projections of their contributions of flows and loadings to the District's facilities. The projections and the resulting annual charges for service payments had to be adjusted after the end of each year when actual data for the year had been accumulated.

The Use of Sewer Connection Charge Revenue (Attachment D) is amended to allow the Metro District to use Sewer Connection Charge revenues to finance any capital projects instead of only growth-related projects, as is currently the case.

Staff Recommendation

Adopt Resolution No. 54 adopting amendments to the Metro Wastewater Reclamation District Sewage Treatment and Disposal Agreement and authorizing the Mayor to execute a contract amendment between the Metro Wastewater Reclamation District and the City of Westminster.

Background

On August 20, 1996, October 20, 1998, and November 17, 1998, approved three (3) separate amendments to the Sewage Treatment and Disposal Agreement (Service Contract), which include Large-User Exception, Final Adjustment of Annual Charges for Service, and Use of Sewer Connection Charge Revenue. These amendments are described in detail as follows:

Large-User Exception (Attachment A & B)

The Large-User Exception is amended to allow single-family residential equivalents (SFREs) for certain large users to be based on wastewater strength, biochemical oxygen demand (BOD), suspended solids (SS), and total Kjeldahl nitrogen (TKN), in addition to flow. Prior to this amendment, SFREs' sewer connection charges were based on the average wastewater usage per water tap size compared to the average wastewater generated by a typical single family residence.

The Metro District's current Sewer Connection Charge program assigns single-family residential equivalents (SFREs) for non-residential connections (including multi-family, commercial, and industrial) based on the average wastewater usage per water tap size compared to the average wastewater generated by a typical single family residence. For example, a commercial property with a ¾ inch water tap is assigned 2.5 SFREs. This methodology only assesses potential flow.

Section 509 of the Service Contract was amended through the adoption of Resolution 0896-6.g (Attachment A) to allow SFREs for certain large users to be based on wastewater strength, biochemical oxygen demand (BOD), suspended solids (SS), and total Kjeldahl nitrogen (TKN), in addition to flow. The purpose of the large-user exception is to prevent a large new industrial customer from connecting to the Metro District's system, paying a Sewer Connection Charge based on average flow assumptions, and proceeding to discharge very high-strength wastewater that uses a disproportionate share of the treatment facilities.

As adopted, the amendment to Section 509 merely allows the Metro District to consider wastewater strength in assessing Sewer Connection Charges. To implement this amendment, the Board of Directors adopted amendments to Section 7 of the District's Rules and Regulations (Attachment B), which set forth how wastewater strength would be assessed in assigning SFREs for new large industrial customers. No action on your part is required with respect to the proposed amendments to the Rules and Regulations; this Attachment is included for illustrative purposes only. The amendments to Section 7 of the Rules and Regulations will not be effective until such time as 13 of the Member Municipalities ratify the amendment to Section 509 of the Service Contract. The amendments to the Rules and Regulations reflect the following definitions of what constitutes a large user:

1. Large users are defined as those new connections with water taps six inches or larger. This would limit the application of the large-user exception to the most significant new industrial connections. It would also prevent the large-user exception from affecting normal commercial operations, such as hotels, office buildings, and schools.
2. Large users will be evaluated for their wastewater strength in relation to other commercial connections, such as restaurants and laundries, and additional SFREs will be assigned when the projected strength exceeds 840 mg/L BOD, 840 mg/L SS, and 126 mg/L TKN, which represents the estimated wastewater strength of a typical restaurant.

Final Adjustment of Annual Charges for Service (Attachment C)

The Final Adjustment of Annual Charges for Service is amended to state that projected annual charges for service for any year may be made no later than March of the following year.

The structure of the Metro District's Annual Charges for Service program is that Connectors initially pay Annual Charges for Service based on projections of their contributions of flow and loadings to the District's facilities. These projections, and the resulting Annual Charges for Service payments, must be adjusted after the end of each year when actual data for the year have been accumulated. Section 605 of the Service Contract requires that the Final Adjustment of Annual Charges for Service for any year be made no later than March of the following year. Section 405 allows Connectors to object to the Metro District's annual determinations of flows and loadings, which form the basis for the Final Adjustment, any time within 60 days after the District mails the determinations.

Because of the time required to process and verify year-end data, the annual flows and loadings determinations are not ready for distribution until mid to late February. This creates a situation where the Board is obligated to adopt the Final Adjustment before the end of the Connector objection period. Furthermore, on two occasions Connectors have filed objections prior to the adoption of the Final Adjustment, and the Board has delayed adoption pending resolution of the objections.

In order to resolve the inconsistency between the period allowed for Connector objections and the date of Final Adjustment, the Board of Directors adopted an amendment to Section 605 of the Service Contract (Attachment C, Resolution 1098-6.g) moving the Final Adjustment date to June, which is after the 60-day Connector objection period. The Final Adjustment only affects Annual Charges payments for the following year, and these are not established until August of each year when the Certified Estimate for the following year and Revised Estimate for the current year are adopted. Board adoption of the Final Adjustment in June will allow ample time to process any Connector objections without interfering with the process of establishing connector Annual Charges for Service payments for the coming year.

Use of Sewer Connection Charge Revenue (Attachment D)

The Use of Sewer Connection Charge Revenue is amended to allow the Metro District to use Sewer Connection Charge revenues to finance any capital projects instead of only growth-related projects, as is currently the case.

Section 509 of the Service Contract restricts the use of sewer connection charge revenues to finance growth-related projects. Because of fluctuations in growth rates and the need to build capacity in advance of growth, Sewer Connection Charge revenues will either be lower or higher than the amount the Metro District needs in a year to finance growth projects. When Sewer Connection Charge revenues are lower, existing customers subsidize growth payments through Annual Charges for Service. When Sewer Connection Charge revenues are higher, the District should be able to use them to pay back the existing customers by helping to finance non-growth-related projects. Otherwise, the Metro District may find itself with excess revenues over a particular period of time with no way of spending these monies.

In order to address this unavoidable discrepancy between the time Sewer Connection Charge revenues are needed and when growth-related projects are financed, the Board adopted an amendment to Section 509 of the Service Contract to allow the Metro District to use Sewer Connection Charge revenues to finance any capital projects instead of only growth-related projects as is currently the case. The full text of the amendment is included in Resolution 1198-6.e (Attachment D).

Alternatives

Request that representatives of the Metro District make a presentation on this request to City Council before Council takes any action on these amendments to the Service Contract, to allow further explanation and discussion.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 54

INTRODUCED BY COUNCILLORS

SERIES OF 1999

APPROVING AND AUTHORIZING AMENDMENTS TO THE SERVICE CONTRACT BETWEEN THE METRO WASTEWATER RECLAMATION DISTRICT AND THE CITY OF WESTMINSTER BY AMENDMENTS TO SECTION 509 AND SECTION 605.

WHEREAS, on August 20, 1996, October 20, 1998, and November 17, 1998, the Board of Directors of the Metro Wastewater Reclamation District approved three separate amendments to the Service Contract between Metro Wastewater Reclamation District and the CITY OF WESTMINSTER, by amending Sections 509 and 605 in the form attached hereto as Exhibit A; and

WHEREAS, it is in the best interests of the CITY OF WESTMINSTER that the Service Contract to be so amended; and

WHEREAS, it is necessary that the Member Municipalities authorize such amendment to the Service Contract.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER;

That the Mayor and Clerk of the CITY OF WESTMINSTER are hereby authorized and instructed to enter into an agreement authorizing the amendment to the Service Contract by:

1. Amending Sections 509 and 605 in the form attached hereto as Exhibit A.

Passed and adopted this 26th day of July, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Financial Report for June 1999

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council is requested to review the attached financial statements which reflect 1999 transactions through June 1999.

Summary

There are three sections to the attached report:

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

General Fund revenues represent 53% of the total budget estimate while General Fund expenditures and encumbrances represent 51% of the 1999 appropriation.

Utility Fund revenues represent 58% of the total budget estimate. Utility fund expenditures and encumbrances represent 43% of the 1999 appropriation. The City has begun to receive reimbursements from the Colorado Water Power Authority. These funds were appropriated in prior years.

The Sales and Use Tax Fund revenues represent 54% of the total budget estimate, while expenditures and encumbrances in that fund represent 50% of the 1999 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 8% from the same period last year and increased 9% year-to-date.

The Open Space Fund revenues represent 52% of the total budget estimate while expenditures and encumbrances in that fund represent 38% of the 1999 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 43% of the total budget estimate while operating expenditures and encumbrances represent 37% of the 1999 appropriation. This is consistent with the seasonal nature of golf. The Heritage reflects the \$1,500,000 loan from Jefferson County. There are no operating expenses for the Heritage as all expenses being incurred by the Fund are related to the construction of the golf course.

Theoretically, 50% of revenues and expenditures should be realized after six months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

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

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: July 26, 1999

Subject: Quarterly Insurance Report

Prepared by: Nancy Weaver, Risk Management Specialist

Introduction

The following is a list of third party claims filed with the City from April 1, 1999 through June 30, 1999. No Council action is required at this time.

Summary

The information provided on each claim includes the claim number, date of loss, claimant's name and address, and a brief summary of the claim and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. All of the claims listed in this report are in compliance with City Ordinance No. 1411 of 1984.

Staff Recommendation

Staff is not recommending any action at this time.

Background

The Risk Management Division received the following claims during the second quarter of 1999:

1. WS10359016 - Date of Loss: March 21, 1999. Mohammed DeJani, 4812 Beach Court, Denver, Colorado 80221. On March 21, 1999, Westminster police were engaged in the pursuit of a stolen vehicle on southbound Wadsworth Parkway when the pursuit was called off at 88th Avenue. The suspects continued south on Wadsworth and collided with the DeJani family's vehicle at the intersection of Pomona Drive, killing one child and injuring the other occupants of the vehicle. Mohammed DeJani is alleging that the City is responsible for the incident and is seeking \$5 million in damages. CIRSA is investigating the claim.
2. WS10349017 - Date of Loss: December 21, 1998. Susan Blevins, 7736 Xavier Court, Westminster, Colorado 80030. Claimant alleges the City is responsible for medical bills her son incurred after he was injured while resisting arrest. CIRSA denied the claim after determining that there was no liability on the part of the City.
3. WS12519018 - Date of Loss: September 23, 1998. Pat Warman for Earl Hancock, 11041 Gray Street, Westminster, Colorado 80020. Claimant alleges the City is responsible for medical bills incurred after tripping over a raised portion of concrete on the path surrounding City Park Recreation Center and breaking his arm. Parks Division employees immediately marked the hazard with yellow paint and have since repaired the damage. CIRSA settled the claim for \$240.35.

4. WS16709019 - Date of Loss: April 2, 1999. Mang Lee, 7131 Beach Street, Westminster, Colorado 80030. Claimant alleges that the City is responsible for the cost of repairs to her vehicle after a City employee driving a Utility Division vehicle rear-ended her car at 75th Avenue and Federal Boulevard. CIRSA settled the claim for \$1,907.02.
5. WS10359020 - Date of Loss: May 1, 1999. Shonna Sveen, 9099 Hunter Street, Westminster, Colorado 80030. Claimant alleges a Police Officer in a City vehicle collided with her vehicle, causing damage to her vehicle and injuries to her person. CIRSA settled the claim for \$2,532.02.
6. WS10359021 - Date of Loss: May 11, 1999. A. Shana Corbin, 8979 Field Street, #22, Westminster, Colorado 80021; B. Kristen Bakehouse; and C. Mr. and Mrs. Gallagher. Claimant Shana Corbin alleges the City is responsible for costs to repair damage to her vehicle that occurred when a police officer parked his car on the side of the road, exited his vehicle, but left the car in drive. The car crossed the highway and caused three cars to collide in order to avoid hitting the patrol car. CIRSA settled the Sveen claim for \$2,532.48. The other claimants have been contacted by Risk Management Staff and/or CIRSA, but have not filed claims as of this date.
7. WS12519022 - Date of Loss: May 10, 1999. Kathy Flageolle, 9495 Carr Street, Westminster, Colorado 80021. Claimant alleges that the City is responsible for dental bills claimant incurred after she tripped over a raised portion of sidewalk near the Standley Lake dam and damaged several teeth. CIRSA denied the claim based on the fact that the City was not previously informed of any possible hazardous situation regarding the path, and the sidewalk crack that the claimant tripped over was one-half inch high. Although one-half inch is not normally enough of a separation to require concrete repair, City crews scheduled the sidewalk for repair in the near future.
8. WS10359023 - Date of Loss: May 15, 1999. Johnson Nguyen, 4388 Deephaven Court, Denver, Colorado 80221. Claimant alleges an officer in a patrol car hit his vehicle and caused damage to the car. CIRSA settled the claim for \$1,334.27.
9. WS12529024 - Date of Loss: April 17, 1999. Alicia Johnson for Dylan Johnson, 10435 Garrison Street, Broomfield, Colorado 80021. Claimant alleges that the City is responsible for paying medical bills incurred by her son when he ran and jumped headfirst into the wading pool at City Park Recreation Center. Paramedics responded to the scene and recommended the child be transported to St. Anthony's North Hospital. Ms. Johnson is alleging that the City Park Recreation Staff told her there would be no charge for the transport or subsequent medical treatment at the hospital. An investigation into the matter found that Staff did advise Ms. Johnson that there would be a charge for the ambulance. CIRSA denied the claim for payment of the ambulance bill and emergency room treatment bill.
10. WS12519025 - Date of Loss: May 13, 1999. Darrell Canham, 860 West 132nd Avenue, Westminster, Colorado 80234. Claimant alleges that a rock thrown up by a City lawn mower damaged his vehicle, and is seeking vehicle repair costs from the City. CIRSA settled the claim for \$162.32.
11. WS10359026 - Date of Loss: November 7, 1999. Richard MacNeill, 200 Jefferson County Parkway, Golden, Colorado. Claimant alleges that the City is responsible for damages as a result of claimant's injury caused after he fell from a makeshift noose while attempting suicide at the Westminster Police Department's holding facility. Claimant alleges that although Westminster police officers transported him to St. Anthony's Hospital North, they eventually transferred his custody to Jefferson County Sheriff's and did not allow claimant to receive proper medical treatment. Claimant seeks \$100,000 in damages. CIRSA is investigating the claim.

12. WS10359027 - Date of Loss: May 22, 1999. Linda Braaten, 36 South Holman Way, #4B, Golden, Colorado 80401. Claimant alleges a police officer in a City vehicle hit her vehicle while she was slowing down to stop at a traffic light on 76th and Simms, causing damage to her car. CIRSA settled the claim for \$1,513.61 in repair costs.
13. WS16709028 - Date of Loss: March 31, 1995 is the date of the original water break. Claimant's date of claim is April 1, 1999. Ed Barrella, 5741 West 111th Avenue, Broomfield, CO 80020. Claimant alleges a previous water break caused his driveway to sink, and as a result, when a contractor for the City recently replaced the sidewalk in front of the driveway, there is substantial height difference between the driveway and the abutting sidewalk. Claimant seeks approximately \$2,750 in damages. CIRSA is investigating the claim.

Respectfully submitted,

William M. Christopher
City Manager

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, July 26, 1999.

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

The minutes of the meeting of July 12, 1999 were approved with no additions or corrections.

Council approved the following: Westminster Promenade East Amended Construction Engineering Contract; Bond and Disclosure Counsel Agreements for Bond Issue; Contract for Financial Management System Consulting Services; and an Amended Contract for Little Dry Creek Trail Underpass project.

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

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND. Purpose: Appropriate Grant award for Little Dry Creek Trail Underpass project.

A BILL FOR AN ORDINANCE AMENDING CHAPTER 6 OF TITLE XI AND CHAPTER 4 OF TITLE XIII OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S PARK DEVELOPMENT FEES. Purpose: Clarify fee structure for senior housing projects.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN AMENDED ASSISTANCE AGREEMENT WITH LUCENT TECHNOLOGIES.

A BILL FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND.

The following Resolutions were adopted:

Resolution No. 49 – Contingency Transfer for Financial Management System Consulting Services.

Resolution No. 50 – Parkland Property Acquisition.

Resolution No. 51 – Savory Farm Service Commitments.

Resolution No. 53 – Re-establishment of Land and Water Conservation Fund.

Resolution No. 54 – Metro Wastewater Reclamation District Contract Amendments.

Council tabled action on Resolution No. 52 – Disposition of Concrete Rubble at Rocky Flats until August 9th.

At 7:30 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

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