

August 10, 1998
7:00 PM

Notice to Readers: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the City Council's part as issues have been discussed by Council previously. Council may defer final action on an item to a future meeting. Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Presentations**
 - A. National Parents Day Contest Winners
 - B. Big Dry Creek Water Reclamation Facility Award Presentation
 - C. Employee Service Awards
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. Mowing Equipment Purchase
 - B. Radio Maintenance Contract
 - C. Custodial Services Contract
 - D. CB No. 30 re Personnel Policies & Rules Amendments (Merkel-Allen)
 - E. CB No. 31 re Martin Luther King Holiday (Scott-Smith)
9. **Appointments and Resignations**

None
10. **Public Hearings and Other New Business**
 - A. TABLED - Resolution No. 40 re Special Promotions
 - B. TABLED - CB No 27 re Definitions for Hotels/Motels
 - C. TABLED - Westminster Conference Center Lease Agreement
 - D. Public Hearing re 4th Amended PDP re Village at Park Centre
 - E. 4th Amended Preliminary Development Plan for Park Centre
 - F. Public Hearing re Ryan Annexation/Zoning
 - G. Resolution No. 42 re Annexation Findings
 - H. Councillor's Bill No. 32 re Ryan Annexation
 - I. Councillor's Bill No. 33 re Ryan Zoning
 - J. Councillor's Bill No. 34 re City owned Property Zoning
 - K. Preliminary Development Plan for Ryan Development Property
 - L. Resolution No. 43 re Supporting Fair Housing Act HR3206
 - M. Tennyson Street Storm Sewer Contract
 - N. Councillor's Bill No. 35 re Water Reclamation Loan Proceeds
 - O. Retention of Professional Services re Westin Lease Agreement
 - P. Countryside Wetland Mitigation
11. **Old Business and Passage of Ordinances on Second Reading**

None
12. **Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
 - A. Lynne Isles re Big Dry Creek Trail
 - B. City Council
 - C. Request for Executive Session
 1. Proposed Westminster Plaza Settlement

2. Real Estate Matter re NW Business Park
 3. Proposed Lawsuit Settlement re Comprehensive Land Use Plan
 4. Westminster Mall Update
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 10, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Boy Scout Troop No. 81 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, Dixon, Scott and Smith. Also present were Alan Miller, Assistant City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Allen to accept the minutes of the meeting of July 27, 1998 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Mayor Pro Tem Merkel presented Certificates of Achievement and City Recreation passes to Nicholas Ceanna, Brittany Feiten, Brandon Motta, Jenney Ledtkow and Jennifer Tonge in recognition of their selection as winners in the Adams County National Parent's Day Essay Contest.

Mayor Heil and Councillors presented service pins and Certificates of Appreciation to employees celebrating 10, 15, 20, 25 and 35 years of service with the City.

Jack Rychecky, Municipal System Chief of the EPA, presented the 1998 EPA, Region VIII, Operations and Maintenance Excellence Award to Mayor Heil, Director of Public Works & Utilities Ron Hellbusch and Lead Plant Operator Ray Glasmann.

CITIZEN COMMUNICATION:

Don Schaefer, 7496 Skyline Drive, presented a letter with 7 signatures in opposition to the Pedestrian Bridge over U.S. 36 at Zuni Street being rebuilt.

Faye Holt, 8561 W. 86th Circle, addressed Council requesting that the area of 86th Avenue and Dover Street be designated as "No Parking" due to the number of Pomona High School students who park in the area.

Leland Leatherbury, 4667 W. 87th Place, addressed Council requesting that handicapped facilities be installed at Standley Lake.

REPORT OF CITY OFFICIALS:

Mayor Heil reported on the Reclaimed Water Project groundbreaking; Councillor Dixon attended 4 sites during the National Night Out held last Tuesday, reported on the Metro North Chamber Thank You held at the Adams County Fair and a meeting on Rocky Flats she attended where Kutak Rock attorneys offered suggestions for local governments, and reminded everyone that Tuesday was voting day; Mayor Pro Tem Merkel thanked all the neighborhoods that participated in the National Night Out and thanked the Mayor for the Private Ryan screening for WWII Veterans; and Councillor Smith complimented the Parks, Recreation and Libraries Staff on the Westminster Faire.

CONSENT AGENDA:

The following items were considered as part of the consent agenda: **Mowing Equipment Purchase for Park Services** - Award the bid for the riding mower to the sole bidder, L.L. Johnson, in the amount of \$39,903 and charge the expense to the appropriate 1998 Parks, Recreation and Libraries budget account; **Radio Maintenance Contract** - Authorize the City Manager to sign a maintenance contract in the amount of \$58,356.18 with Legacy Communications, Inc. for the maintenance of the radio system jointly shared by the City of Westminster and the City of Arvada; **Custodial Services Contract for City Facilities** - Authorize the City Manager to execute custodial service contracts with the low bidder, Champion Building Services, in the amount of \$59,220; and find that it is in the best interest of the City to award to the second lowest bidders, CC Cleaning Company in the amount of \$60,600, and KG Cleaning Services in the amount of \$113,400 for custodial services and charge the expense to the 1998/1999 General Fund, General Services Department Budget; **Councillor's Bill No. 30** re Personnel Policies & Rules Amendments; and **Councillor's Bill No. 31** re Martin Luther King Holiday.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

PUBLIC HEARING ON PARK CENTRE PDP AMENDMENT:

At 8:05 P.M. the meeting was opened to a public hearing on the 4th Amended Preliminary Development Plan for Park Centre, generally located at the northwest corner of 120th Avenue and Huron Street. City Planner Mark Geyer entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as Exhibits. The applicant, Larry Gayeski, 2334 Country Club Loop, was present to address Council. Leland Leatherbury, 4667 W. 87th Place, addressed questions about improvements to 120th Avenue. No one spoke in opposition. At 8:20 P.M. the public hearing was declared closed.

4TH AMENDED PRELIMINARY DEVELOPMENT PLAN FOR PARK CENTRE:

A motion was made by Dixon and seconded by Scott to approve the Fourth Amended Preliminary Development Plan for park Centre. The motion carried unanimously.

PUBLIC HEARING ON RYAN PROPERTY ANNEXATION AND ZONING:

At 8:22 P.M. the meeting was opened to a public hearing on the Annexation, Zoning and Preliminary Development Plan for the Ryan Property, generally located north of the Westminster Promenade on the west side of Westminster Boulevard. City Planner Dave Falconieri entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. The applicant, Don Ryan, 4305 Everett Street, gave a brief presentation to Council. No one spoke in opposition. At 8:40 P.M. the public hearing was declared closed.

RYAN PROPERTY ANNEXATION AND ZONING:

A motion was made by Scott and seconded by Dixon to adopt Resolution No. 42 adopting the State findings criteria; to pass Councillor's Bill No. 32 on first reading annexing the Ryan Property to the City; to pass Councillor's Bill No. 33 on first reading zoning the Ryan Development property to Planned Unit Development; and to pass Councillor's Bill No. 34 on first reading zoning the City owned parcel south of the Ryan owned land to Planned Unit Development. Upon roll call vote, the motion carried unanimously.

PRELIMINARY DEVELOPMENT PLAN FOR RYAN DEVELOPMENT PROPERTY:

A motion was made by Scott and seconded by Atchison to approve the proposed Preliminary Development Plan for the Ryan Development Property deleting warehousing from the list of allowed uses. The motion carried unanimously.

RYAN PROPERTY AMENDED ANNEXATION AGREEMENT:

A motion was made by Scott and seconded by Dixon to authorize Staff to amend the annexation agreement with the Ryan's to eliminate warehousing as an allowed use. The motion carried unanimously.

RESOLUTION NO. 43 - SUPPORTING FAIR HOUSING ACT HR3206:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 43 supporting the federal legislation, H.R. 3206, pertaining to changes to the Federal Fair Housing Act. Upon roll call vote, the motion carried unanimously.

TENNYSON STREET STORM SEWER CONTRACT:

A motion was made by Allen and seconded by Merkel to award a contract to Diamond Contracting Corporation in the amount of \$71,300 for storm sewer construction in Tennyson Street based on a finding that their proposal best serves the public interest; authorize a total of \$83,300 for the contract and a contingency amount and charge the expense to the appropriate General Capital Improvement Fund project account. The motion carried unanimously.

COUNCILLOR'S BILL NO. 35 - WATER RECLAMATION LOAN PROCEEDS:

A motion was made by Scott and seconded by Dixon to pass Councillor's Bill No. 35 on first reading appropriating \$4,041,590, which is Westminster's portion of the bond proceeds from the April 1, 1998 issue of Colorado Water Resources and Power Development Authority Clean Water Revenue Bonds. Upon roll call vote, the motion carried unanimously.

RETENTION OF SPECIAL LEGAL COUNSEL FOR PROMENADE PROJECT:

A motion was made by Smith and seconded by Allen to authorize the City Manager to execute a fee agreement with Ms. Barbara Banks with the law firm of Banks and Imatani for special counsel real estate services related to the Promenade Project with a top set amount of \$19,500. The motion carried unanimously.

COUNTRYSIDE WETLAND MITIGATION:

A motion was made by Dixon and seconded by Atchison to authorize the City Manager to sign a contract with WSRI in the amount of \$40,143.10 and to authorize \$500 for geotechnical testing and \$3,705.90 construction contingency for a total project budget of \$44,349. Further, authorize these expenditures from the General Capital Improvement Fund and the Greenbelt and Drainage Improvement account in the 1998 Budget, as described in the Agenda Memorandum. The motion carried unanimously.

CITIZEN COMMUNICATION:

Raleigh Inman, Attorney representing Larry and Lynne Isles, addressed Council pertaining to the routing of the Big Dry Creek Trail across their property in unincorporated Jefferson County. Randy Boyd, a planner, and Dennis Holliday, 8266 W. 99th Avenue also addressed Council on this issue.

MISCELLANEOUS BUSINESS:

The Mayor stated there would be an Executive Session regarding the proposed Westminster Plaza Settlement, a real estate matter for Northwest Business Park, a proposed Lawsuit Settlement regarding the Comprehensive Land Use Plan and an update on the Westminster Mall.

ADJOURNMENT:

The meeting was adjourned at 9:20 P.M.

ATTEST:

Mayor

City Clerk

Date: August 10, 1998
Subject: 1998 National Parent's Day Contest Winners
Prepared by: Patrick Goff, Management Intern

Introduction

City Council is requested to recognize five Westminster youth who participated in and were selected as winners in the Adams County National Parent's Day Essay Contest. Three of the youth wrote winning essays while two received honorable mentions for their essays.

Summary

The National Parent's Day 3rd Annual Picture and Essay Contest is sponsored by Colorado State University Cooperative Extension and Adams County school districts and municipalities. This contest gives youth an opportunity to recognize and honor their parents through pictures or words. Contestants in grades K-3 youth were required to draw or paint a picture of their family or write a story. Contestants in grades 4-8 were required to write a story (250-500 words) in their own words on why their parents should be given special recognition and an award for being parents.

Staff Recommendation

Recognize and present certificates of achievement and City Recreation passes to Nicholas Ceanna, Brittany Feiten, Brandon Motta, Jenny Ledtkow (Honorable Mention), and Jennifer Tonge (Honorable Mention).

Background Information

The City of Westminster is proud of the way these youth choose to honor their parents. In a world with many distractions and outside pressures, it can be difficult for today's youth to stay focused and centered.

Accordingly, the City of Westminster would like to recognize the following young people as winners in our community who have demonstrated outstanding achievement:

Nicholas Ceanna, 5th grade, attends Rocky Mountain Elementary School.

Brittany Feiten, 5th grade, attends Rocky Mountain Elementary School.

Brandon Motta, 6th grade, attends Westlake Middle School.

Jenny Ledtkow, 5th grade, attends Rocky Mountain Elementary School (Honorable Mention).

Jennifer Tonge, 5th grade, attends Rocky Mountain Elementary School (Honorable Mention).

The Mayor is to recognize these youth at Monday night's City Council meeting and present them with a certificate of achievement and City Recreation passes.

Respectfully submitted,

William M. Christopher, City Manager

Date: August 10, 1998

Subject: Big Dry Creek Water Reclamation Facility Award Presentation

Prepared by: Alex Iacovetta, Utilities Operations Manager

Summary

The Mayor and City Council are requested to accept the award, along with the employees of Big Dry Creek Water Reclamation Facility. The 1998 Environmental Protection Agency (EPA), Region VIII, Operations and Maintenance Excellence Award was given for development and implementation of outstanding operation, maintenance, and management programs at the City of Westminster's Big Dry Creek Water Reclamation Facility.

Staff Recommendation

Mayor and City Council accept the award from Jack Rychecky, Municipal System Chief of the EPA.

Background Information

The City of Westminster's Big Dry Creek Water Reclamation Facility was named the Region VIII winner in the one-million to ten-million gallons per day wastewater treatment plant category. Region VIII is comprised of the States of Colorado, Wyoming, North Dakota, South Dakota, Utah, and Montana. The Facility was selected for the award because of an outstanding operations and maintenance program. The City of Westminster will now advance to the national competition where the winner and runner-up will be recognized at the Water Environment Federation (WEF) Annual Conference to be held in Orlando, Florida, in October 1998.

This is the third time over the last 12 years that the City of Westminster's Big Dry Creek Water Reclamation Facility has received this award recognizing the Plant and Operations Staff for their superior accomplishments. The EPA first implemented the award program in 1986. Westminster was fortunate enough to be the first recipient of the award that year.

The award signifies that the EPA considers Big Dry Creek Water Reclamation Facility to be the best operated secondary wastewater treatment plant in the one-million to ten-million gallon per day category in the six-state Region VIII area. The Facility has been successful in meeting all EPA stream discharge permit standards, thus insuring a relatively pollution free discharge into Big Dry Creek. Facility employees who are to participate in the award presentation include:

Harry Britton, Plant Supervisor; Ray Glasmann, Lead Plant Operator IV; Robert Airhart, Plant Operator IV; David Marquez, Plant Operator IV; Larry Murphy, Plant Operator II; Eric Pierce, Plant Operator IV; John Pinkston, Plant Operator IV; Randy Schnoor, Plant Operator II; Mike Whalen, Plant Operator IV; Tim Woodard, Plant Operator IV; Dave Cross, Wastewater Operations Coordinator; Dave DeCarlo, Equipment Operator II; Ralph Moffat, Equipment Operator II; David Carter, Lab Services Coordinator; Bob Kutchen, Electromechanic Specialist; and Mark Pageler, Senior Maintenanceworker.

Individual certificates and other mementos will be presented to Big Dry Creek Water Reclamation Facility employees for the dedication and professionalism consistently demonstrated in their work.

Respectfully submitted,

William M. Christopher
City Manager

Date: August 10, 1998
Subject: Presentation of Employee Service Awards
Prepared by: Michele Kelley, City Clerk

Introduction

City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 10th, 15th, 20th, 25th and 35th anniversary of employment with the City.

Summary

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

Staff Recommendation

City Council present service pins and certificates of appreciation to employees celebrating 10, 15, 20, 25 and 35 years of service with the City.

Background Information

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

David Cross	Public Works & Util	Wastewater Operators Coordinator
Greg Olson	Community Development	Transportation Sys Coordinator
Janice O'Neil	Police Department	Records Specialist II

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

Sharon Bernia	Public Works & Util	Chemist
Eric Pierce	Public Works & Util	Plant Operator IV
Deane Sigler	Public Works & Util	Equipment Operator
Mary Pat Simpson	Police Department	Records Specialists
Jerry Tretter	Public Works & Util	Street Projects Inspector
Bob Van Briesen	Community Development	Eng Construction Inspector

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

Bill Christian	Fire Department	Fire Captain
Herb George	Fire Department	Fire Lieutenant
Karen Sexton	Police Department	Secretary

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

George Bosser
Michele Kelley

Public Works & Util
General Services

Plant Supervisor
City Clerk

The following 35 year employee will be presented with a certificate and service pin:

Russ Logan

Public Works & Util

Plant Operator IV

On August 5th, the City Manager hosted an employee awards luncheon at which time 12 City employees received their five year service pins, while recognition was also be given to those who are celebrating their 10th, 15th, 20th, 25th and 35th anniversary. This was the second of three luncheons for 1998 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 325 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

William M. Christopher
City Manager

Date: August 10, 1998
Subject: Mowing Equipment Purchase for Park Services
Prepared by: Richard Dahl, Park Services Manager

Introduction

City Council action is requested to award the bid for one 12' riding mower to be used by the Park Services Division for turf maintenance operations at Westminster City Park. Funds have been specifically allocated in the 1998 General Fund, Parks, Recreation and Libraries Department budget for this expense.

Summary

Bids were sent to three companies in accordance to City Charter bidding requirements. However, only one company, L.L. Johnson, was able to submit a bid according to the time table required.

The riding mower to be purchased was previously approved by City Council in the 1998 Budget.

The mower requested for purchase will be used to maintain turf areas at City Park and has the capacity to reduce mowing time by 50%. Staff currently uses a 72" Toro which was purchased in 1986 and has 1,500 hours of maintenance operations logged on to it.

The Park Services Division has several pieces of Toro mowers, which have proven to be very dependable, long lasting and high quality pieces of equipment that are easily repaired and serviced. It is not unusual for Toro mowing equipment, within the Parks Division, to last ten to fifteen years, which is well beyond the industry standard.

Alternatives

- > Accept staff recommendation and award the bid to L.L. Johnson Distributing Company.
- > City Council could reject these bids and require City Staff to rebid the purchase of the mowing equipment in hopes of getting more than one qualified bid. Staff recommends against this action as it delays the delivery of the mower at a time when the seasonal labor is beginning to leave summer employment, thereby reducing staffhours available to continue maintenance operations.
- > Take no action at this time.

Staff Recommendation

Award the bid for the riding mower to the sole bidder, L.L. Johnson, in the amount of \$39,903, and charge the expense to the appropriate 1998 Parks, Recreation and Libraries budget account.

Background Information

The Park Services Division has experienced a dramatic increase in areas of responsibility for park maintenance, trails, open space and right-of-way operations in the past three years. One method of managing additional responsibilities is to

purchase equipment that performs at higher capacities, thereby reducing staffhour costs to maintain specific areas.

Mowing Equipment Purchase for Park Services

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With the Rapids Training Facility at City Park, expanded City sponsored soccer programs, and increased drop in use at City Park by the general public, Staff has difficulty performing maintenance operations within specific time frames. The mower being recommended, with its increased mowing capacity, will help Staff to stay on established maintenance schedules.

The following vendors were requested to submit bids:

L.L. Johnson Distributing Company	\$39,903
Universal Tractor Co.	No bid
Heritage Turf Equip.	Not available until 1999

The sole bid from L.L. Johnson meets all of the City's specifications for this bid. The cost of the Toro riding mower is \$39,903 and is within the amount previously approved by City Council for this expense.

Respectfully submitted,

William M. Christopher
City Manager

Date: August 10, 1998

Subject: Radio Maintenance Contract

Prepared by: Dan Montgomery, Chief of Police
Gary Muck, Communications Supervisor

Introduction

City Council action is requested to authorize the City Manager to sign a contract for radio maintenance with Legacy Communications, Inc. in the amount of \$58,356.18 for the maintenance of the City's 800Mhz radio system. Funds to pay for this expenditure are currently available in the appropriate budget accounts in the General Fund.

Summary

The Cities of Westminster and Arvada have a shared 800 MHz radio system via an intergovernmental agreement that was signed in 1992, and the current maintenance agreement with Ericsson expired in July. Legacy Communications, who is Ericsson's sub-contractor for providing radio maintenance, has agreed to continue providing maintenance services for Westminster as well as Arvada, during this interim period preceding contract approval.

The City of Arvada's purchasing ordinance required they take the radio maintenance to a bid process when the current contract expired in July. Westminster Staff had input into the bid document, bid requirements, vendor selection and contract negotiation, and has been working closely with the City of Arvada.

Three qualified companies responded to the open bid notice, and Staff is recommending Legacy Communications as the new service provider. Their bid was the lowest, and their service has been excellent.

All bids meet specifications set in the bid notice and the amounts quoted are within the previously allocated funds for this expense.

Staff Recommendation

Authorize the City Manager to sign a maintenance contract in the amount of \$58,356.18 with Legacy Communications, Inc. for the maintenance of the radio system jointly shared by the City of Westminster and the City of Arvada.

Background Information

The maintenance agreement previously in effect was with Ericsson, Inc. The contract expired on July 1, 1998 and the City of Arvada was required by their purchasing ordinance to take this contract out to bid.

Staff from Arvada and Westminster developed the bid requirements and bid document. Three companies responded to the bid: Legacy Communications, Ericsson, and STI Communications. Listed below are the quotes from the three responding vendors.

The amounts reflect the total contract price which involves shared fixed equipment (transmitters, receivers, microwave system, etc), Arvada only fixed equipment, Westminster only fixed equipment, Arvada user equipment (mobile radios, portable radios, etc), and Westminster user equipment. Also reflected is the City of Westminster's portion of the total contract amount. Arvada pays the remaining amount.

Legacy Communications	
Total contract	\$119,257.92
City of Westminster portion	\$ 58,356.18
STI Communications	
Total contract	\$124,598.16
City of Westminster portion	\$ 61,742.22
Ericsson, Inc.	
Total quote	\$147,288.00
City of Westminster portion	\$ 73,776.00

Staff from Westminster and Arvada evaluated all responses for their compliance to the bid requirements and have determined that Legacy Communications meets those requirements and also is the lowest bid.

Over the past year Arvada and Westminster have received maintenance from Legacy as the subcontractor to Ericsson, Inc. and have been pleased by the level of service that Legacy has provided. Staff is confident in their skills and knowledge of the radio system.

Arvada's City Council has approved this agreement with Legacy Communications for radio maintenance at their meeting on July 6, 1998.

Alternatives

Selection of one of the other vendors is an alternative, but Staff does not recommend this option as Ericsson would use Legacy as their subcontractor for maintenance, and the Cities would ultimately pay a higher price. Staff from both Cities believe that STI Communications does not understand the full magnitude and complexities of the system and the upgrades that are needed, and again, based on past experiences with Legacy, their service has been excellent.

Respectfully submitted,

William M. Christopher
City Manager

Date: August 10, 1998
Subject: Custodial Services Contract for City Facilities
Prepared by: Gary Casner, Purchasing/Telecommunications Officer

Introduction

City Council action is requested to authorize the City Manager to execute contracts with KG Cleaning Services, Champion Building Services, and CC Cleaning Company for custodial services in City facilities. Funds are available in the 1998 General Fund, General Services Department budget for this expenditure.

Summary

Twelve custodial firms were invited to submit bids to provide janitorial services to 14 City-owned facilities, beginning September 1, 1998. On June 26, 1998, eight firms submitted bids for Staff's review and evaluation.

The criteria used to evaluate the bids were: cost of contracts; proposed staffing for each facility; recommendations from other clients; and past performance working with the City of Westminster.

The bid was written to allow for an award to three different companies, to ensure that all buildings are cleaned and ready for the next business day.

Staff believes KG Cleaning Services, Champion Building Services, and CC Cleaning Company are capable of meeting all contractual requirements set forth in the City bidding specifications.

Staff Recommendation

Authorize the City Manager to execute custodial service contracts with: The low bidder, Champion Building Services, in the amount of \$59,220; and find that it is in the best interest of the City to award to the second lowest bidders, CC Cleaning Company in the amount of \$60,600, and KG Cleaning Services in the amount of \$113,400 for custodial services and charge the expense to the 1998/1999 General Fund, General Services Department Budget.

Background Information

For the past ten years, the City of Westminster has used both in-house personnel and private sector contracts to provide custodial services to City facilities. Historically, custodial companies have provided services in all but one facility - City Park Recreation Center. Over the past four months, Staff has been successfully working with KG Cleaning Company to provide contractual services at City Park Recreation Center.

In the contract specifications and during the prebid conference, Staff requested that each of these companies bid each facility separately. This would allow separate contracts for the different facilities. Staff's objective was to use the services of three contractors this year so that a backup would be readily available in case one of the contractors was unable to fulfill their contractual requirements. The lack of available staff, due to the booming economy, has hindered companies in this industry. Staff also believes that the three contractor approach provides an added incentive for each contractor to maintain a good work performance level.

Criteria used to evaluate bids for an award recommendation were:

- 1) Cost of contracts
- 2) Contractor's proposed staff hours
- 3) Past performance in working with the City.
- 4) References from other companies using the services
- 5) Division of City building to allow for an award to three companies.

After review of all bids received, five bids met bid specifications and the standards for previous experience with the City and the reference checks. The results of the bids are as follows (the results are listed by geographic groups* of buildings):

	Champion	KG	CC Cleaning	ECM	Carnation
Group 1	<u>**\$59,220</u>	\$69,660	\$84,000	\$81,060	\$95,169
Group 2	108,290	<u>**113,400</u>	166,800	147,600	195,528
Group 3	55,740	65,520	<u>**60,600</u>	66,648	74,352

* Geographic groups are:

Group 1 - Municipal Court, Main Library, Swim and Fitness Center, and the Municipal Service Center.

Group 2 - City Hall and City Park.

Group 3 - Police Building, Kings Mill Library, and Countryside Recreation Center.

** Indicates the Staff recommended bid award.

Westminster City Code allows for the award of bid to other than the lowest bidder when the public interest would be better served by accepting a higher bid. City Staff is recommending two bids that are the second lowest bid for a number of reasons: During the last year, the City has used one cleaning company to help in another company's area over ten times due to special situations, such as employee vacations, events that change the hours when a building could be cleaned, employee shortages, etc. If the City had not already had another cleaning company under contract, it would not have been possible to get all the buildings cleaned for the next day's opening.

The use of three companies will insure that the buildings are cleaned and ready for the public on the next working day. The use of three companies provides an added incentive for each contractor to maintain a highwork performance level, as the City could go to one of the other companies should performance fall below an acceptable level. In order to award to three companies, the second lowest bid is being recommended in two cases.

Staff has reviewed KG Cleaning Services', Champion Building Services', and CC Cleaning Company's proposed staff hours for each facility and checked references from companies presently being serviced by these companies. All three companies received satisfactory or higher remarks from their present clients.

Both KG Cleaning Company and CC Cleaning Company work and live in Westminster and presently contract with the City at City Park Recreation Center and Westminster Police Department respectively, and have done an exceptional job. Champion Building Maintenance was second low bidder and is being recommended based on cost of contracts and high recommendations from current and past clients.

Respectfully submitted,

William M. Christopher
City Manager

Date: August, 10, 1998
Subject: Park Centre Preliminary Development Plan Amendment
Prepared by: Mark E. Geyer, Planner II

Introduction

The City Council is requested to make a decision on an amendment to the Park Centre Preliminary Development Plan (PDP). The requested amendment involves the addition of a use (gas station/convenience store/car wash) and language to bring the property into conformance with the City's Comprehensive Land Use Plan (District Center) at the northwest corner of 120th Avenue and Huron Street.

Summary

The applicant, Larry Gayeski, is in the process of developing the 36 acres at the northwest corner of 120th Avenue and Huron Street. The overall plan for the property includes a gas station, convenience store, and car wash. Currently, the Preliminary Development Plan/Official Development Plan does not allow for gas stations. In addition to the use addition, the amended PDP will account for the recently adopted land use category of "District Center" in the City's Comprehensive Land Use Plan.

Applicant/Property Owner

Gayeski and Associates, Ltd.
One Park Centre
1333 West 120th Avenue, Suite 313
Westminster CO, 80234

Location

Northwest corner of 120th Avenue and Huron Street (see attached vicinity map).

Size of site

Thirty-six plus acres.

Description of Proposed Use

This PDP amendment would modify an Official Development Plan which was approved in 1997 for the ten southwestern acres of the site. This previous development includes the C.B. & Potts restaurant/brew pub and the Kinkos/Starbucks building (the Kinkos and Starbucks building is part of an amendment to this original Official Development Plan (ODP) and is projected to begin construction in August, 1998). The applicant proposes to complete the majority of the 36 acre development with a combination of a retail/service center and outlying pad sites in the southern portion of the area. The northern part of the site would be reserved for office/medical development which would occur sometime in the future. The retail/service center and pads will be part of an ODP currently being reviewed administratively by City Staff.

Major Issues

The applicant has addressed all of Staff's initial concerns regarding the Comprehensive Land Use Plan designation of District Center. The proposed PDP amendment includes language taken directly from the Plan which describes the goals of the District Center and how the applicant will meet those goals.

The proposed additional use of a gas station, was not contained in the original PDP. The original PDP's intent was for higher-end office uses along 120th Avenue with some restaurant, hotel, banks and office/showroom type uses in the northern portion of the site (fronting on 122nd Avenue). Market conditions have changed in the past ten years and additional retail uses can be considered in the mix. The applicant is proposing the addition of a gas station use along the Huron Street frontage. When reviewing this particular request, Staff wished to keep the 120th Avenue frontage free of automobile oriented uses. The applicant agreed to place it along the Huron Street frontage, one lot north of the corner.

Planning Commission Recommendation

The Planning Commission voted (7-0) to recommend to the City Council approval of the proposed Fourth Amended Preliminary Development Plan for Park Centre.

Staff Recommendation

1. Hold a Public Hearing.
2. Approve the Fourth Amended Preliminary Development Plan for Park Centre.

Background Information

Park Centre was first approved in 1981 as a mixed use office/research and development, light industrial and limited commercial project. A small commercial center has been built at the northwest corner of 120th Avenue and Pecos Street. Other office, light industrial and research and development uses have been developed throughout the business park. However, some larger undeveloped parcels still remain, most notably at the northwest corner of 120th Avenue and Huron Street.

This large parcel was designated as District Center in the Comprehensive Land Use Plan in 1997. This designation calls for higher quality development standards, and a pedestrian friendly environment which creates a sense of place. These higher quality standards have been incorporated into the amended PDP document and will translate into requirements of the subsequent ODP review.

Architectural/Building Materials

Specific building materials and architectural design are not a part of the PDP. However, the applicant has included statements in the PDP that mandate higher design and material quality. The proposed ODP incorporated materials and designs already started with the C.B. Potts building and the soon to be constructed Kinkos/Starbucks building. The retail center and pads and the proposed extended stay hotel will use generous percentages of brick which will be coordinated throughout the development. Other higher quality elements such as metal and concrete tile roofing, special paving of interior intersections and sidewalks are also proposed. A pedestrian trail system will be constructed. It will tie into the existing and proposed Park Centre trails and sidewalks to provide good pedestrian connections and circulation for both the Park Centre employee base and for the residential neighborhoods surrounding the area.

Public Land Dedication, Parks/Trails

Public Land Dedication is not required of this development. As stated earlier, trails will be provided via a private system that will connect to the existing and proposed Park Centre trails system.

Access and Circulation

Major access to the development will be from 120th Avenue midway between Huron Street and Mariposa Street and from Huron Street at the 121st Avenue alignment. Other access points will be from Mariposa and 122nd Avenue. An internal private driveway system will provide connection and circulation for all properties.

Signage

Monument signage for the development will consist of two, low-profile signs placed at a 45 degree angle on both sides of the entrances at the 120th Avenue and Huron Street. All building signage will be individually lettered.

Service Commitment Category

Service commitments fall under the Category "C" of the Growth Management Plan.

Referral Agency Responses

The PDP was referred to the Colorado Department of Transportation and the Regional Transportation District. No adverse comments were received.

Public Comments

A neighborhood meeting was held on July 21st. Only one resident attended. No adverse comments were received. There was no public input at the Planning Commission hearing.

Surrounding Zoning

North:	PUD - Industrial and Business Park
East:	T-1, PUD - Multi-Family Residential, Cemetery
South:	M-1-Lucent Technologies
West:	PUD - Office Park

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: August 10, 1998
Subject: Ryan Property Annexation and Zoning
Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached Councillor's Bills and Resolution concerning the annexation of the Ryan property to the City and zoning two parcels (one owned by the Ryans the other by the City of Westminster) to PUD. Action is also requested on the proposed Preliminary Development Plan for the Ryan property.

Summary

Applicant/Property Owner: The Ryan Development Property: Donald Ryan and the Ryan Family Trust. The 4 acre southern parcel: The City of Westminster.

Location: North of the Westminster Promenade on the west side of Westminster Boulevard (see attached vicinity map).

Size of site: Area to be annexed, 9 acres; Area of Preliminary Development Plan, 11.32 acres.

Description of Proposed Use: The Ryan property will be developed as a business park as defined in the City's Comprehensive Land Use Plan. The intent of the Preliminary Development Plan is to develop the property as a continuation of the Westminster Promenade and the Northwest Business Park, in terms, quality design and access. Uses on the Ryan Property will be restricted to those permitted in the Business Park category of the Comprehensive Land Use Plan.

Major Issues: In August of 1997 the City Council authorized an exchange of land with the Ryans where the City acquired 4 acres for use as parking for the Promenade in exchange for 6.74 acres located to the north of the Ryan land. An annexation agreement was also approved by Council, at that time obligating the Ryan's to annex the property to the City. A petition has been received by Staff along with a proposed PDP which covers all of the land now owned by the Ryan's. Staff is recommending that the City owned parcel which will be annexed at this time be zoned PUD, although no PDP is proposed at this time. This is the same approach used by the City for the Golf Course property which was recently annexed near the Jefferson County Airport.

Planning Commission Recommendation:

By a unanimous vote of the members present, the Commission recommended to the City Council that:

- * The property be annexed to the City.
- * That the entire Ryan and City ownerships be zoned PUD.
- * That the Preliminary Development Plan for the Ryan Development Property be approved as submitted.

Staff Recommendation

1. Hold a public hearing.
2. Adopt Resolution No. re State findings criteria.
3. Pass Councillor's Bill No. annexing the Ryan Property to the City.
4. Pass Councillor's Bill No. Zoning the Ryan Development property to Planned Unit Development.
5. Pass Councillor's Bill No. zoning the City owned parcel south of the Ryan owned land to Planned Unit Development.
6. Approve the proposed Preliminary Development Plan for the Ryan Development Property with the following modifications:
 - a) Allow only full service hotels, no extended stay or limited service.
 - b) Delete warehousing from the list of allowed uses.
7. Authorize Staff to amend the annexation agreement with the Ryan's to limit hotel uses to Full Service hotels only and to eliminate warehousing as an allowed use.

Background Information

Discussion of Major Issues: Because of the subject property's location between the Northwest Business Park and the Promenade, the proposed Preliminary Development Plan contains specific language that will require high quality development to occur on the site. The intent of the Preliminary Development Plan is to guide a development that is not only compatible with those adjacent developments but will be connected by architectural similarities, pedestrian paths, streets and landscaping details.

The proposed Preliminary Development Plan for the Ryan Property will permit the uses which are specified in the Business Park category and the Comprehensive Land Use Plan. That designation permits "campus-like, investor planned" developments with large setbacks and attractive landscaping. Allowed uses include office, research and development, light industrial, warehousing and hotels. Limited retail is also permitted but restricted to 10-25% of the total floor area. Staff had concerns that warehousing and extended stay and limited service hotel uses would be inappropriate for the Ryan Property. Therefore, Staff has recommended that warehousing be deleted as an allowed use and only full service hotels be allowed. The applicant has agreed to these changes.

Architectural/Building Materials: Specific materials will be addressed as part of the Official Development Plan. Quality architectural design which is compatible with adjacent developments is specified on the PDP.

Public Land Dedication, Parks/Trails: No Public Land Dedication is required of commercial developments. Pedestrian connections are required by this plan.

Access and Circulation: A full movement access will be granted for this property off of both Westminster Boulevard and the street which will abut the Ryan Property to the north. Such access was permitted as part of the annexation agreement. The exact location of the access points will be determined on the ODP.

Site Design: As previously noted, the PDP requires that the design will be compatible and integral with the adjacent developments. Specific design details will be addressed as part of the ODP review.

Signage: Signs will conform to the City Code and specified on the ODP.

Service Commitment Category: Service commitments will be allocated from Category C. The number of commitments will be calculated at the time of the ODP.

Referral Agency Responses: No agencies responded with concerns.

Public Comments: Public meetings will be held as part of the ODP review.

Surrounding Zoning: The property is surrounded on the north, east and south by the Northwest Business Park PUD and by the Northpoint PUD. The property is bordered by US 36 on the west.

Respectfully submitted,

William Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY TRACT 57E OF MANDALAY GARDENS AS RECORDED BY RECEPTION NO. 194693, EXCEPT ANY PORTION OF SAID TRACT 57E LYING WITHIN THE PARCEL OF LAND DESCRIBED IN DEED RECORDED JUNE 1, 1976 IN BOOK 2858 AT PAGE 37 LOCATED WITHIN NORTHEAST ONE QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for Ryan property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 22 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER THAT:

1. The City Council finds:

- a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
- b. A community of interest exists between the area proposed to be annexed and the City;
- c. The area is urban or will be urbanized in the near future; and
- d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:

- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
- b. That the annexation will not result in the attachment of area from a school district;
- c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
- d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
- e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 10th day of August, 1998.

ATTEST:

Mayor

City Clerk

Ryan Property Annexation and Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

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

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 61 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

Beginning at a point on the westerly right-of-way line of proposed Westminster Boulevard from whence the northeast corner of the southeast one-quarter of said Section 11 bears S32°31'42"E, a distance of 429.81 feet; thence S00°10'36"E along said proposed westerly right-of-way line, a distance of 195.80 feet to a point of curvature; thence continuing along said proposed westerly right-of-way line on a curve to the left having an arc length of 475.20 feet, a radius of 740.00 feet, a central angle of 36°47'35"E, a chord which bears S18°34'23"E, a chord length of 467.08 feet to a point on the westerly line of a city of Westminster parcel recorded at reception No. 90008931; thence departing said proposed westerly right-of-way line S75°51'00"W, a distance 634.86 feet to a point on the east line of tract 46 as shown on Mandalay Gardens Plan recorded at Reception No. 194693; thence N28°34'58"W, a distance of 112.99 feet; thence N54°16'43"W, a distance of 66.54 feet; thence N29°54'57"W, a distance of 360.60 feet to a non-tangent curve to the right having an arc length of 659.14 feet, a central angle of 71°56'07", a chord which bears N53°51'21"E, a chord length of 616.69 feet to a point of tangency; thence N89°42'24"E, a distance of 250.35 feet to the True Point of Beginning. Said parcel contains 11.32 acres, more or less.

Basis of bearing: The west line of the southwest quarter of Section 12, Township 2 South, Range 69 west of the sixth principal meridian is assumed to bear N0°18'04"E. Said line being established by the southwest corner (a 3 1/4" aluminum cap L.S. 5239) and the west quarter corner (a 3 1/4" aluminum cap L.S. 23899) of said Section 12. The bearings herein have been rotated clockwise 00°00'23" from previous work to match the City of Westminster datum.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of August, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of August, 1998.

ATTEST:

Mayor

City Clerk

Ryan Property Annexation and Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster PUD - Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code sections 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Jefferson County A-2 to City of Westminster PUD--Planned Unit Development.

Beginning at a point on the westerly right-of-way line of proposed Westminster Boulevard from whence the northeast corner of the southeast one-quarter of said Section 11 bears S32°31'42"E, a distance of 429.81 feet to the True Point of Beginning; thence S00°10'36"E along said proposed right-of-way line, a distance of 195.80 feet to a point of curvature; thence continuing along said proposed right-of-way line on a curve to the left having an arc length of 475.20 feet, a radius of 740.00 feet, a central angle of 36°47'35"E, a chord which bears S18°34'23"E, a chord length of 467.08 feet to a point on the westerly line of a City of Westminster parcel recorded at Reception No. 90008931; thence departing said proposed westerly right-of-way line S73°51'00"W, a distance 634.86 feet to a point on the east line of tract 46 as shown on Mandalay Gardens Plat recorded at Reception No. 194693; thence N28°34'58"W, a distance of 112.99 feet; thence N54°16'43"W, a distance of 66.54 feet; thence N29°54'57"W, a radius of 525.00 feet, a distance of 360.60 feet to a non-tangent curve to the right having an arc length of 659.14 feet, a radius of 525.00 feet a central angle of 71°56'07", a chord which bears N53°51'21"E, a chord length of 616.69 feet to a point of tangency; thence N89°49'24"E, a distance of 250.35 feet to the True Point of Beginning.

Basis of Bearing: The west line of the southwest quarter of Section 12, Township 2 south, Range 69 west of the sixth principal meridian is assumed to bear N00°18'04"E, said line being established by the southwest corner (a 3 1/4" aluminum cap L.S. 5239) and the west quarter corner (a 3 1/4" aluminum cap L.S. 23899) of said Section 12. The bearing herein have been rotated clockwise 00°00'23" from previous work to match the City of Westminster datum.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of August, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of August, 1998.

ATTEST:

Mayor

City Clerk

Ryan Property Annexation and Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster PUD - Planned Unit Development zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code section 11-2-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 2 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code sections 11-5-1.

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein hereto from Jefferson County A-2 to City of Westminster PUD--Planned Unit Development.

Commencing at the northeast corner of the southeast one-quarter of said Section 11; thence S89°40'24"W along the north line of the southeast one-quarter of said Section 11, a distance of 80.34 feet to the northwest corner of a City of Westminster parcel recorded at Reception No. 90008931; thence departing north line of the southeast quarter of said Section 11 and along the westerly line of said City of Westminster parcel S00°17'33"W, a distance of 275.70 feet to a point on the westerly right-of-way line of proposed Westminster Boulevard and the True Point of Beginning; thence continuing along westerly line of said City of Westminster parcel S00°17'33"W, a distance of 373.44 feet to a point on the northerly boundary line of Northpoint Center Filing No. 1, first replat as recorded at Reception No. 94182014; thence departing said westerly line and along said northerly boundary line S89°23'56"W, a distance of 539.02 feet to a point on the easterly line of U. S. Highway 36 recorded at Reception No. S90021373 and F0042685; thence departing said northerly boundary line and along said easterly line of U. S. Highway 36, N26°26'05"W, a distance of 89.31 feet to a point of the west line of tract 45 as shown on Mandalay Gardens Plat recorded at Reception No. 194693; thence departing said easterly line of U. S. Highway 36 and along the west line of said tract 45, N00°24'01"E, a distance of 131.24 feet; thence departing said west line N73°51'00"E, a distance of 603.56 feet to the True Point of Beginning. Said parcel contains 3.85 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of August, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of August, 1998.

ATTEST:

Mayor

City Clerk

Ryan Property Annexation and Zoning

BY AUTHORITY

ORDINANCE NO. 2605

COUNCILLOR'S BILL NO. 32A

SERIES OF 1998

INTRODUCED BY COUNCILLORS

Scott - Dixon

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND BEING A PORTION OF A PARCEL DESCRIBED IN BOOK 2425, PAGE 932 AND A PORTION OF A 30 FOOT RIGHT-OR-WAY BETWEEN TRACTS 45 AND 46 AS DEDICATED BY MANDALAY GARDENS PLAT RECORDED AT RECEPTION NO. 194693 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 EST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

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

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 61 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado, to wit:

Commencing at the northeast corner of the southeast one-quarter of said Section 11; thence S89°40'24"W along the north line of the southeast quarter of said Section 11, a distance of 80.34 feet to the northwest corner of a City of Westminster parcel recorded at Reception No. 90008931 and the true point of beginning; thence departing said north line of the southeast quarter of said Section 11 and along the westerly point on the northerly boundary line of Westminster Promenade - Filing No. 1 as recorded at Reception No. F0389873; thence departing said westerly line and along said northerly boundary line of Westminster Promenade - Filing No. 1 S89°23'56"W, a distance of 539.02 feet to a point on the northeasterly line of U.S. Highway 36 as recorded at Reception No. S90021373 and F0042685; thence departing said northerly boundary line of Westminster Promenade - Filing No. 1 and along said northeasterly line of U.S. Highway 36 N26°26'05"W, a distance of 155.76 feet to a point on the westerly line of said 30 foot right-of-way as dedicated by Mandalay Gardens;

thence departing said northeasterly line and along said westerly line of 30 foot right-of-way and along the easterly line of Tract 46 of said Mandalay Gardens plat and along the easterly line of Northwest Business Park PUD as recorded at Reception No. 86117544 N00°24'01"E, a distance of 511.86 feet to a point on the north line of said southeast quarter of Section 11; thence departing said westerly line of said 30 foot right-of-way and said easterly line of said Tract 46 and along the north line of said southeast quarter of Section 11 and continuing along the southerly line of said Northwest Business Park PUD N89°40'24"E, a distance of 608.08 feet to the true point of beginning said parcel contains 8.98 acres, more or less.

Basis of Bearing: The west line of the southwest quarter of Section 12, Township 2 south, Range 69 west of the sixth principal meridian is assumed to bear N00°18'04"E, said herein have been rotated clockwise 00°00'23" from previous work to match the City of Westminster datum.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of August, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of August, 1998.

ATTEST:

Mayor

City Clerk

Ryan Property Annexation

This Ordinance has a corrected legal description and should replace the previously recorded Ordinance 2605 recorded on 10-5-98 at Reception No. F0708417

Date: August 10, 1998

Subject: Resolution No. Supporting H.R. 3206, A Bill To Amend The Fair Housing Act

Prepared by: Galen Requist, Community Development Programs Coordinator

Introduction

City Council action is requested on the attached Resolution which pledges the City's support for H.R. 3206, a bill before the U.S. Congress which would amend the Fair Housing Act to allow increased local control on issues relating to group homes.

Summary

H.R. 3206 is a bill currently before the U.S. Congress which would substantially amend the Fair Housing Act. Specifically, H.R. 3206 would give state and local governments much greater control when making policy decisions related to the placement, dispersal and occupancy of group home facilities in their communities. Additionally, the bill would make it more difficult to bring legal action against citizens who oppose the location of a group home in their neighborhood, and local government officials who make decisions opposing placement of a group home as a result of citizen complaints.

Staff Recommendation

Adopt Resolution No. supporting the federal legislation, H.R. 3206, pertaining to changes to the Federal Fair Housing Act.

Background Information

H.R. 3206, a bill currently under consideration in the U.S. House of Representatives, would significantly change the federal Fair Housing Act. H.R. 3206 proposes a number of changes that would increase local control over issues relating to the placement, dispersal and occupancy of group home facilities.

The bill was brought to the attention of Staff by the Metro Mayors Caucus, which distributed written materials to metro area cities about the bill. The Metro Mayors Caucus has not formally adopted a position supporting or opposing the bill. However, at least one other metro city, Englewood, has passed a resolution supporting H.R. 3206.

H.R. 3206 contains a number of provisions relating to group homes that Staff believes are important. The key provisions are:

- * Local governments could regulate the proximity of one group home to another by adopting reasonable legislation containing dispersal requirements to prevent the concentration of such homes in a particular neighborhood
- * Local governments could place a cap on the number of unrelated recovering substance abusers allowed to reside in a group home located in a residential area

- * Local governments could place restrictions on the occupancy of group homes serving persons with disabilities by anyone convicted of punishable crimes
- * Citizens who petition their local officials to make known their opposition to a group home in their neighborhood would be protected from libel lawsuits
- * Local officials who make policy decisions in response to constituent complaints about the siting of group homes would be protected. Under current law, local officials can be investigated and prosecuted for discrimination by the U.S. Department of Justice.
- * Fair housing complaints would have to be filed in sufficient detail to enable the defendant to prepare an informed response and defense.
- * Aggrieved parties seeking to establish a group home in a particular area would be required to exhaust any available administrative remedies at the state or local level before filing a fair housing complaint in federal courts

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

A RESOLUTION SUPPORTING H.R. 3206, A BILL TO AMEND THE FAIR HOUSING ACT

WHEREAS, the City of Westminster desires to increase local government control regarding the approval, placement and dispersal of group home facilities in the City's single-family neighborhoods, and

WHEREAS, the proposed House Resolution 3206 would provide for increased local control of group home facilities through the following:

- a. By allowing local governments to regulate the proximity of one group home to another by adopting reasonable legislation containing dispersal requirements to prevent the concentration of such homes in a particular neighborhood.
- b. By allowing local governments to place a cap on the number of unrelated recovering substance abusers allowed to reside in a group home located in an area zoned for single-family dwellings.
- c. By allowing local governments to place restrictions on the occupancy of group homes serving persons with disabilities by anyone convicted of a crime punishable by at least a one year prison term or juveniles adjudicated delinquent on the basis of conduct that would constitute a crime if committed by an adult
- d. By protecting local citizens from being the target of libel lawsuits or other sanctions for petitioning their locally elected officials in an effort to make known their opposition to a proposed group home in their neighborhood.
- e. By protecting local officials when policy decisions are made in response to constituent complaints about the siting of group homes. Currently, local officials can be investigated and prosecuted by the U.S. Department of Justice for practices which may be considered discriminatory.
- f. By requiring that fair housing complaints be filed in sufficient detail to enable the defendant to prepare an informed response and defense.
- g. By clarifying the meaning of "family" by making protection from discrimination on the basis of familial status available only to groups of persons related by blood, marriage, or adoption, and to foster children under 18 who share a household with persons related by blood, marriage, or adoption.
- h. By requiring that an aggrieved party seeking to establish a group home in a particular area exhaust any available administrative remedies at the state or local level before filing a fair housing complaint in federal court.

NOW THEREFORE, be it resolved that the Westminster City Council unanimously adopts this Resolution supporting H.R. 3206, a bill to amend the Fair Housing Act.

Passed and adopted this 10th day of August, 1998.

ATTEST:

Mayor

City Clerk

Date: August 10, 1998
Subject: Tennyson Street Storm Sewer Contract
Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to award a contract to Diamond Contracting Corporation and authorize \$83,300 to construct storm sewer improvements in Tennyson Street and 92nd Avenue. Funds have been specifically allocated in the 1998 General Capital Improvement Fund for this expense.

Summary

Several streets in the Northridge Manor neighborhood have experienced long-range problems with standing storm water and the resultant deterioration of curb, gutter and asphalt. Three streets in particular, Tennyson Street, Utica Street and Utica Court, built in the 1960's were constructed with very low street grades. After years of high frequency maintenance efforts and complaints from the neighborhood, it was concluded that a re-alignment of the street profile was necessary along with the installation of storm sewer and reconstruction of almost all street components.

Tennyson Street will be the first of the three streets to be reconstructed. Proposals were requested from three pipeline contractors for the storm sewer installation. Of the three who considered submitting a bid, only Diamond Contracting Corporation was able to provide a firm cost and begin the work in mid-August, a necessity for completing the sewer in time to also replace curb, gutter and asphalt in Tennyson Street. Since meeting this schedule is the most significant constraint of the project, Staff is recommending that the contract be awarded to Diamond at their proposed bid of \$71,300.

The City's contracting policy calls for the acceptance of the lowest bid from at least three qualified contractors when awarding contracts of this nature. Since Diamond's bid is considered very reasonable and fair, and given their ability to start immediately, there is considerable justification for accepting the Diamond proposal.

Staff Recommendation

Award a contract to Diamond Contracting Corporation in the amount of \$71,300 for storm sewer construction in Tennyson Street based on a finding that their proposal best serves the public interest; authorize a total of \$83,300 for the contract and a contingency amount and charge the expense to the appropriate General Capital Improvement Fund project account.

Background Information

The Northridge Manor Subdivision was built in the 1960's and early 1970's, and several of the streets (Tennyson Street, Utica Street and Utica Court) were constructed with very low street grades; some as low as 0.30% grade. Current City standards require that public streets be constructed at a minimum grade of 0.50%. No storm sewer was installed in these three side streets. Because the grades are so shallow for significant distances, the streets have had problems with storm water runoff standing in the gutter. This has led to deterioration of both concrete curb and gutter and the adjoining asphalt pavement along with an increased need for maintenance of both.

For the last several years, City Council has heard from residents living on the three streets, requesting that something be done. It was concluded that over the long term, the only adequate solution to the problem was a re-alignment of the vertical profile of the streets by reconstructing them after installing a storm sewer to collect storm water runoff at several sump locations. The storm sewer will tie into an existing facility now present in 92nd Avenue.

Tennyson Street is the first of the three streets where these improvements will be made. As the design and the phasing of the projects took shape, Staff developed an approach where the storm sewer would be done under one contract and the concrete and asphalt street reconstruction would be done under the annual contracts for such work administered by the Streets Division of the Department of Public Works and Utilities. This approach provides the very best value for the overall reconstruction of Tennyson Street since unit prices for curb, gutter, sidewalk and asphalt are very low due to the size of these contracts. Assuming that funding for the next phases (Utica Street and Utica Court) of the storm sewer work is approved for 1999, a similar allocation of project elements will be done in 1999 and possibly the year 2000.

Plans for the Tennyson Street storm sewer were prepared and provided to three area contractors with whom the City has had good experience. Timing and the scheduling of the storm sewer work was a significant consideration since the asphalt work must be done before the colder temperatures of fall arrive, generally the end of October. Advertising the project publicly would have pushed the start date for the storm sewer to mid-September, so Staff reviewed the plans with Badger Trenching, Inc., R&D Pipeline Contractors and the Diamond Contracting Corporation. Badger was interested but could not start the work until October. Diamond Contracting Corporation's bid \$71,300 and a short lull in their work schedule would allow them to begin in mid-August. Given the importance of the project and the long-standing neighborhood concerns that something be done, Staff is recommending acceptance of the Diamond Contracting Corporation's proposal so that the storm sewer improvements can be started immediately.

Several alternatives to awarding the contract to Diamond are available. The first would be to publicly advertise the project in the normal fashion, hoping to attract more qualified bidders. Although most pipeline contractors are extremely busy, more bidders could be expected, but this would postpone the project until spring or summer of 1999 and the bid costs could easily be higher given high level of construction activity. This is not recommended, since it is a delay that the neighborhood would perceive as avoidable. Council could also direct Staff to continue to negotiate with the other two bidders in the hopes of securing a bid lower than that offered by Diamond and to persuade them to re-arrange their immediate work schedule so as to start the Tennyson project. This is also unlikely because Diamond's bid is judged to be quite reasonable and competitive since Diamond needs the work to keep crews busy until other contracts they have secured start in September. Staff is recommending that Council award the contract to Diamond Contracting Corporation in the amount of \$71,300. A \$12,000 contingency should also be authorized to deal with the unforeseen circumstances of a sub-surface utility installation.

The Capital Project budget for 1998 included \$250,000 in a Storm Drainage Improvements Account. The funding was to be used for miscellaneous storm drainage improvements throughout the City and included the first of several projects to improve Tennyson Street, Utica Street and Utica Court between 90th and 92nd Avenues. The balance of funds left after the Tennyson Street improvements and other neighborhood projects elsewhere in the City will be combined with funding in 1999 to complete the other two streets in the Northridge Manor Subdivision.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

Date: August 10, 1998
Subject: Councillor's Bill No. re Appropriation of Water Reclamation Facility Loan Proceeds
Prepared by: Cherie Sanchez, Accountant

Introduction

Council is requested to pass the attached Councillor's Bill appropriating \$4,041,590 in loan proceeds for the construction of the Reclaimed Water Project Treatment Facility and Reclaimed Water Project Distribution Pipeline.

Summary

On April 1, 1998, the Colorado Water and Power Authority issued \$33,480,123 of Colorado Water Resources and Power Development Authority Clean Water Revenue Bonds. Westminster's share of the bond proceeds is \$4,041,590, which now needs to be appropriated. The bond proceeds that Westminster received are to supplement the funding for the first phase of construction of Westminster's reclaimed water system including a treatment facility, distribution pipeline and delivery connections.

Staff Recommendation

Pass Councillor's Bill No. on first reading appropriating \$4,041,590, which is Westminster's portion of the bond proceeds from the April 1, 1998, issue of Colorado Water Resources and Power Development Authority Clean Water Revenue Bonds.

Background Information

On April 1, 1998, the Colorado Water and Power Authority issued \$33,480,123 of Colorado Water Resources and Power Development Authority Clean Water Revenue Bonds for the Reclaimed Water project. This is the second issue of this type the City has participated in; the first issue was in May 1997. There are five entities that participated in the issue. Allocation of the bond proceeds by the Colorado Water and Power Authority in the form of loans to these entities enabled the City to obtain an interest rate of 3.98% versus incurring a higher interest rate for a more conventional type of bond issue. In addition, the bond issuance costs were absorbed among the five entities, resulting in reduced issuance costs for the City, rather than if the City had been a single issuer. The City of Westminster's share of the bond issue is \$4,041,590, after bond issuance costs.

The bond proceeds are to be used on Phase I construction of the reclaimed water system. These proceeds supplement the \$14,236,000 raised in May, 1997, for the total project. This system will provide treated effluent from Big Dry Creek Water Reclamation Facility to irrigate turf at such locations as Legacy Ridge Golf Course, Hyland Hills Golf Course, City Park and the soon to be constructed Heritage at Westmoor Golf Course.

Respectfully submitted,

William M. Christopher
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1998 BUDGET OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1998 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1998 appropriation for the Utility Fund, initially appropriated by Ordinance No. 2473 in the amount of \$33,045,000 is hereby increased by \$4,041,590 which, when added to the fund balance as of the City Council action on August 24, 1998, will equal \$37,673,598. The actual amount in the Utility 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 bond proceeds from Colorado Water Resources & Power Development Authority to partially fund the construction of the Reclaimed Water Project Treatment Facility and the Reclaimed Water Project Distribution Pipeline.

Section 2. The \$4,041,590 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

<u>Description</u> <u>Final Budget</u>	<u>Current Budget</u>	<u>\$ Increase</u>	
<u>REVENUES</u>			
Bond Proceeds			
20-1477-400	\$-0-	\$4,041,590	\$4,041,590
<u>EXPENSES</u>			
Project #169			
20-35-88-555-169	12,995,000	\$4,041,590	\$17,036,590

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 10th day of August, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of August, 1998.

ATTEST:

Mayor

City Clerk

Date: August 10, 1998

Subject: Retention of Special Legal Counsel for Promenade Project

Prepared by: Alan Miller, Assistant City Manager and Marty McCullough, City Attorney

Introduction

City Council action is requested to approve the retention of Ms. Barbara Banks with the law firm of Banks & Imatani for continued assistance in preparing and negotiating the Lease, Subdivision Declaration and the Consent and Recognition Agreement related to the Promenade Project. Funds are available in the Central Charges budget for this expense.

Summary

City Council previously approved a Joint Development Agreement with the Westin Hotel for the construction and financing of a Westin Hotel and Conference Center. The Conference Center will be owned by the City, but operated by Westin under lease from the City.

Special legal counsel has been needed to assist the City in drafting the appropriate documents to finalize the lease agreement, finalize the cross parking easements, finalize the consent and recognition agreement with Bank One, finalize the common wall agreement, finalize the common area maintenance agreement and provide review of the construction finance and disbursement agreement, construction lending agreement and tri party agreement,

Staff Recommendation

Authorize the City Manager to execute a fee agreement with Ms. Barbara Banks with the law firm of Banks and Imatani for special counsel real estate services related to the Promenade Project with a top set amount of \$19,500.

Background Information

Ms. Barbara Banks is an experienced attorney specializing in real estate law. Ms. Banks is a current member and past Chairman of the Real Estate Section of the Colorado Bar Association. Ms. Banks was previously retained by City Council on March 24, 1998, to assist the City Staff and the City Attorney's Office in preparing the necessary documents to "condominiumize" the Westin Hotel and City Conference Center as well as appropriate reciprocal parking easements for the various parking areas within the Promenade East Project. Ms. Banks' expertise in commercial real estate will further assist the City in preparation and negotiation of the Lease, Subdivision Declaration and the Consent and Recognition Agreement related to the Promenade Project.

Ms. Banks is proposing an hourly rate of \$190 per hour, which is well within the rates charged by similar specialists in the Denver Metropolitan Area. A "top set" of \$19,500 will be contained in the Agreement for these additional services.

Respectfully submitted,

William M. Christopher, City Manager
Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this _____ day of August, 1998, by and between BANKS & IMATANI, P.C., Attorneys at Law (the "Firm") and the CITY OF WESTMINSTER, COLORADO (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall furnish the following special legal services to the City (the "Services"): see Exhibit "A."
2. Barbara Banks of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the rates set forth in Exhibit "A."
5. This Contract may be terminated by the City with or without cause.
6. Payments pursuant to this Contract shall not exceed \$17,500.00 without further written authorization by the City.
7. This Contract was approved by the Westminster City Council on August 10, 1998.

BANKS & IMATANI, P.C.

By _____

CITY OF WESTMINSTER, COLORADO

By _____

]

Date: August 10, 1998
Subject: Countryside Wetland Mitigation
Prepared By: Becky Eades, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to approve a contract with Western States Reclamation, Inc. (WSRI) in the amount of \$40,143.10 for the mitigation of wetlands disturbed by the construction of the Countryside ball fields at 106th Avenue and Oak Street. Total project budget, including wetland mitigation, geotechnical testing, and a nine percent construction contingency, is \$44,349. Funding is available in the General Capital Improvement Fund for this project and in the Greenbelt and Drainage Improvement Fund.

Summary

The development of the Countryside Youth Little League ball fields resulted in a .99 acre wetland disturbance. A Section 404 permit was required by the Army Corps of Engineers (COE), and as part of the permit, it is required that the disturbed wetland area be mitigated nearby. Erik Olgeirson, a Consulting Ecologist, was hired to prepare the permit application and mitigation design to expand the existing wetlands on City Open Space at a location along 106th Avenue, east of the ball fields.

The funding for the mitigation construction budget is as follows:

1996 CIP (remaining from Ball Field construction)	\$15,000
1997 CIP Greenbelt and Drainage Improvements	\$29,349
Total	\$44,349

The project was advertised and bid according to the City's purchasing ordinance, and bids were solicited from four qualified contractors on April 8, 1998. The bid tabulation is as follows:

WSRI	\$64,022.93
Arrow-J Incorporated	
\$115,433.00	
Urban Farmer	
\$116,641.00	
RBI	no bid

All three bids received exceeded the Consulting Ecologists Estimate of Probable Cost of \$37,679.14. Since the bid prices did not even closely match the consultant's estimate, Staff asked the Consulting Ecologists to come up with a design that can meet the project budget and meet the requirements of the U.S. Army Corp of Engineers' 404 Wetland Permit. Then Staff and the Consulting Ecologists worked closely with, the low bidder, WSRI to reduce the project scope and unit costs in order to bring the project within budget and maintain the project schedule by not rebidding the project.

The negotiated project budget, recommended by Staff, is as follows:

Construction Budget:	
WSRI	\$40,143.10
Geotechnical Testing	\$ 500.00
9% Contingency(of construction)	\$ 3,705.90
TOTAL	\$44,349.00

Staff Recommendation

Authorize the City Manager to sign a contract with WSRI in the amount of \$40,143.10 and to authorize \$500 for geotechnical testing and \$3,705.90 construction contingency for a total project budget of \$44,349. Further, authorize these expenditures from the General Capital Improvement Fund and the Greenbelt and Drainage Improvement account in the 1998 Budget, as described in the Summary section of this report.

Background Information

In November 1995, Civitas, Inc. was hired through a competitive bid process to develop a master plan and construction documents for the Countryside #13 Youth Little League Ball Fields project. Staff and Civitas have worked closely with American West Little League representatives in order to meet their needs as well as the City's standard of quality. A community meeting was held in May, 1996 to present the master plan prior to the preparation of construction documents. The master plan was well received by the residents at the meeting. Construction documents were completed in July, 1996 and the original competitive public bid was opened on August 8, 1996. The bids received were more than 30% over the landscape architects estimate of probable cost, exceeding the project budget. The project scope was made smaller and rebid in the Spring of 1997. All Phase Landscape was awarded the project contract, and construction began in August of 1997, with completion expected in June of 1998.

Funding for the Ballfield project comes from Great Outdoors Colorado (\$75,000), Jefferson County Open Space Joint Venture grants(\$160,000), American West Little League(\$35,000), and the City's Capital Improvement Project fund (\$365,000).

During the environmental assessment investigation conducted with the design phase of the ball fields, 1.4 acres of wetlands was identified on the project site. A disturbance of wetlands was unavoidable, but if kept less than one acre the impact to the adjacent open space and the construction costs could be minimized. The designers kept the wetland disturbance to a minimum by reducing the size of the east ball field from 225 feet to 200 feet.

While the project scope was being re-evaluated after the initial bids were received, the U.S. Army Corps of Engineers (COE) reduced the amount of wetland disturbance permissible before wetland mitigation and a permit would be required from one acre to .33 of one acre. The amount of wetlands being disturbed by the project, .99 of one acre, could not be reduced to meet this maximum allowed amount; therefore mitigation and permitting were now required by the COE.

Mitigation construction will begin in September 1998 and is expected to be completed by the end of October 1998. Yearly monitoring of the wetland establishment will be required as part of the Section 404 permit from the COE.

Respectfully submitted,

William M. Christopher, City Manager

Attachments - Project area map

Date: August 10, 1998

Subject: Citizen Communication - Lynne and Larry Isles - Big Dry Creek Trail Corridor

Prepared by: Lynn Wodell, Open Space Acquisition Agent
Philo Shelton, Park Project Engineer

Introduction

Larry and Lynne Isles are the landowners of a 3-acre property located in unincorporated Jefferson County south of West 99th Avenue adjacent to the railroad tracks on the north side of Big Dry Creek. The Isles have requested an opportunity to address City Council at Monday night's meeting pertaining to the routing of the Big Dry Creek Trail across their property.

Summary

Mr. and Mrs. Isles have indicated that their discussion with City Council will be longer than 5 minutes in length, and therefore this item has been placed under item 12 A.

Staff met with the Isles on July 6 to discuss the acquisition of a portion of their property for the Big Dry Creek Trail. After reviewing the drawing that showed the required right of way, the Isles expressed concerns and questions regarding the planning process through which the alternative alignments were evaluated and the decision made to go north across their property to West 99th Avenue rather than south and away from their property. Staff explained to the Isles that the West 99th Avenue alignment was chosen for many reasons including that this is the most direct route, and the trail would connect to the neighborhood park and charter school.

Staff is assuming that the Isles first preference is to not have a trail at all in this area, or, if a trail is required, for it to go south, away from their property. After explaining the need for the trail to connect to West 99th Avenue, the Isles suggested that the trail be rerouted from the south and east sides of their property (Alternative 1 on attached map) to the west and north sides of their property (Alternative 2). Staff told the Isles that this alternative would be seriously considered. This matter involves property acquisition so therefore it is recommended that discussion with the Isles' not take place on their concerns in a public meeting.

Staff Recommendation

Staff and City Council should listen to the Isles' concerns and refer to Staff for further investigation and come back to City Council at a future study session to discuss the Big Dry Creek Trail proposed alignment, alternatives and recommendations.

Background

The Big Dry Creek Trail Master Plan and the feasibility study for the Big Dry Creek Trail Corridor prepared by Wenk Associates, Inc., in 1995 and Transystems, Inc. in 1996 respectively, recommended, and the City accepted the recommendation, that the trail go through the culvert under the railroad tracks and then head north to connect with West 99th Avenue where it will continue east to Old Wadsworth Boulevard to connect with the existing trail.

This is the most direct route and connects with a North Jeffco Park and Recreation District park site and a charter school. Also, during previous master planning efforts with Kirk Haines, the residents of the area preferred the trail to go north to West 99th Avenue instead of south to West 98th Avenue.

The design of the trail underpass at the railroad is 90% complete and is anticipated to begin construction this fall after irrigation flows in Big Dry Creek are down and after obtaining a license agreement with the Railroad. Based on this construction schedule, Staff needs to pursue right of way to continue the trail to the east of the railroad. In January 1998, Staff was successful in receiving a \$100,000 Joint Venture Grant from Jefferson County Open Space to construct the trail east of the railroad culvert along West 99th Avenue to Old Wadsworth Boulevard. Jefferson County Open Space funded this project since it is identified on the Trails 2000 Program and meets the intent of the Big Dry Creek Master Plan.

The Isles main issues were liability, taxes and privacy. Staff attempted to address their concerns by explaining that the City was prepared to buy the property from them in fee simple relieving them of both liability and taxes and made a few proposals regarding the privacy such as fencing and landscaping.

Staff is not sure what issues the Isles intend to raise with City Council; however, their attorney said that their major concern is whether all alternatives have been fully evaluated and whether there are other alternatives that would be acceptable.

One side issue that may come up is the concern by the Isles that the City and others brought in fill material on the property owned by the neighbor to the north at the landowner's request. The Utility Division has a letter from the property owner that authorized this placement of fill. The Isles showed Staff pictures of the amount of fill brought in (including a picture showing a City truck), and their attorney indicated that she is working with Jefferson County to solve the drainage and erosion problems that have impacted the Isles property.

Respectfully submitted,

William M. Christopher
City Manager

Attachment