



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) 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. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Proclamation re Yellow Ribbon Youth Suicide Awareness and Prevention Week
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any 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. Special Bankruptcy Legal Counsel
 - B. 2004 Traffic Calming Construction
 - C. Huron Street Design, 140th to 150th Avenue
 - D. Renewal of Pinnacle Towers LLC Radio Tower Site Lease
 - E. Engineering Services Contract for the Update to the Solids Management Master Plan
 - F. Contract for Owner's Representative Services for BDC Wastewater Treatment Upgrade and Expansion
 - G. CB No. 58 re Allowing Tastings (Dittman-Hicks)
 - H. CB No. 59 re Supplemental Appropriation for Community Reach Center (David-Dittman)
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing on 2005 and 2006 City Budget
 - B. Public Hearing re Big Dry Creek Open Space Annexation
 - C. Resolution No. 53 re findings on Big Dry Creek Open Space Annexation
 - D. Councillor's Bill No. 61 re Big Dry Creek Open Space Annexation
 - E. Councillor's Bill No. 62 re CLUP Amendment for Big Dry Creek Open Space
 - F. Councillor's Bill No. 63 re Zoning for Big Dry Creek Open Space
 - G. Public Hearing re 2nd Amended Preliminary Development Plan for Parkland Planned Unit Development
 - H. 2nd Amended Preliminary Development Plan for Parkland Planned Unit Development
 - I. Resolution No. 54 in Support of Adams 12 School District Bond Increase and Mill Levy
 - J. Resolution No. 55 in Support of Jefferson County School District R-1 Bond Issue and Mill Levy Increase
 - K. Resolution No. 56 in Support of Adams County Open Space Ballot Issue
 - L. Councillor's Bill No. 64 re Development Review Fee Amendments
 - M. Councillor's Bill No. 65 re Synchroness, Inc. Business Assistance Package Addendum
 - N. Councillor's Bill No. 66 re 2004 Budget Supplemental Appropriation
 - O. Resolution No. 57 re Metro Mayors Caucus 2004 Regional Memorandum of Understanding on Water
 - P. Councillor's Bill No. 67 re Issuance of Building Permits within the HollyPark Urban Renewal Area

11. Old Business and Passage of Ordinances on Second Reading

12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business

- A. City Council
- B. Executive Session
 1. Business Assistance Package
 2. North I-25 Economic Development
 3. Retail and Legal Services Contract

13. Adjournment

Amherst GID Agenda following City Council Meeting

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 13, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro-Tem Kauffman and Councillors Dittman, Dixon, Hicks, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Richelle Work, Deputy City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor Dixon moved, seconded by Price to approve the minutes of the meeting of August 23, 2004 and the Special meeting of August 30, 2004 with no corrections or additions. The motion carried unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on last week being Employee Appreciation Week, the Employee Appreciation Breakfast, and the appreciation of Staff for City Council's gift.

CITY COUNCIL COMMENTS

Councillor Kauffman commented on the Westminster Faire.

Councillor Davia commented on the Public Safety Banquet held on September 11, 2004.

Councillor Dixon commented on the Public Safety Banquet and that she will be attending multiple Rocky Flats meetings this week.

Mayor McNally commented on the Public Safety Banquet.

PROCLAMATION RE YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION

Councillor Dittman presented a certificate to Dale and Dar Emme proclaiming September 19-25, 2004 as Yellow Ribbon Youth Suicide Awareness and Prevention Week in the City of Westminster.

CITIZEN COMMUNICATION

Joe Armstrong, 4765 West 101st Pl, addressed Council on traffic calming devices in Hyland Greens, and updated Council on the Rocky Mountain Figure Skating Club located at Sun Microsystems Ice Arena.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Special Bankruptcy Legal Counsel agreement with Charles Greenhouse for \$5,000; 2004 Traffic Calming Construction with Goodland Constructors for \$152,734.50; Huron Street Design, 140th-150th Avenue with Transystems Corporation for \$58,010; Renewal of Pinnacle Towers LLC Radio Tower Site Lease for \$21,054; Engineering Services Contract to update Solids Management Master Plan with Brown & Caldwell for \$98,814; Contract for Owner's Representative Services for Big Dry Creek Wastewater Treatment Facility Upgrade and Expansion with Sorenson Engineering for \$409,851; CB No. 58 re Allowing Tastings; CB No. 59 re Supplemental Appropriation for Community Reach Center.

Mayor McNally 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.

Councillor Dittman moved, seconded by Dixon to adopt the consent agenda items as presented. The motion carried unanimously.

PUBLIC MEETING ON 2005 AND 2006 CITY BUDGET

At 7:29 p.m. the public meeting was opened for citizen comments regarding the 2005 and 2006 City budget. Brent McFall, City Manager, gave a PowerPoint presentation. Robert Roome, 7272 Marshall Court, representing the residents on 72nd Avenue between Pierce and Depew, addressed Council asking for a sound wall on 72nd Avenue; Bernice Aspinwall, 4873 W 93rd Avenue, representing the Highpoint HOA, addressed Council asking for development of park across from City Hall; Joy Deffenbaugh, 2900 W 100th Court, presented Council with a packet of letters asking for traffic light at 98th Ave and Sheridan Blvd; David Zaterman, 2000 S Colorado Blvd 2-606 and Pat Payne, 4901 W 93rd Ave #1712, addressed Council asking for financial help (\$36,854.60) to set up Westminster Spotlight Theatre at Hidden Lake Shopping Center; Charles & Susan Hettinger, 5012 W 77th Dr, supported the Westminster Spotlight Theatre. The public meeting was declared closed at 8:10 p.m.

The Mayor called a recess at 8:11 P.M. and City Council reconvened at 8:27 P.M.

PUBLIC HEARING RE BIG DRY CREEK OPEN SPACE ANNEXATION

At 8:27 p.m. the public hearing was opened on the Annexation, CLUP Amendment, and Zoning on the Big Dry Creek Open Space. David Falconieri, Planner III, entered a copy of the Agenda Memorandum and other related items into the record. Cleo Erichson, 9940 Ammons Circle, addressed Council asking for clarification on the use of the land. Larry Isles, 8326 West 99th Ave, addressed Council on concerns of the future use of this land. The public hearing was declared closed at 8:42 p.m.

RESOLUTION NO.53 RE FINDINGS ON BIG DRY CREEK OPEN SPACE ANNEXATION

Councillor Hicks moved, seconded by Dixon to adopt Resolution No. 53 making certain findings as required under Section 31-12-110 C.R.S. concerning the proposed Big Dry Creek Open Space annexation. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 61 RE ANNEXATION OF DRY CREEK OPEN SPACE

Councillor Hicks moved, seconded by Dixon to pass Councillor's Bill No. 61 on first reading annexing the Big Dry Creek Open Space. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 62 RE CLUP AMENDMENT FOR DRY CREEK OPEN SPACE

Councillor Hicks moved, seconded by Dixon to pass Councillor's Bill No. 62 on first reading amending the Comprehensive Land Use Plan (CLUP) for the Big Dry Creek Open Space property changing the designation from Northeast Comprehensive Development Plan to Public Open Space. This action is based on the findings that the amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan, the proposed amendment is compatible with existing and planned surrounding land uses, and the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 63 RE ZONING OF DRY CREEK OPEN SPACE

Councillor Hicks moved, seconded by Dixon to pass Councillor's Bill No. 63 on first reading rezoning the Big Dry Creek Open Space property from Jefferson County A-2 to City of Westminster O-1, based on the findings that the standards listed in Section 11-5-3 of the Westminster Municipal Code have been satisfied. Upon roll call vote, the motion carried unanimously.

PUBLIC HEARING RE 2ND AMENDED PDP FOR PARKLAND PLANNED UNIT DEVELOPMENT

At 8:47 p.m. the public hearing was opened on the Second Amended Preliminary Development Plan for the Parkland Planned Unit Development. Michele McLoughlin, Planner II, entered a copy of the Agenda Memorandum and other related items into the record. Mike Byrne, 2391 Ranch Reserve Ridge, presented Council with the overview of this project, and Chris Schaffer, Felsburg, Holt & Ullevig, addressed Council on the traffic issues surrounding this project. Mary Dambman, 2975 W 119th Avenue #102, and Nancy Humble, 2926 W 119th Ave #102, addressed Council on traffic concerns. Randy Slaybaugh, 11836 Bryant Cir, spoke in support of this project. The public hearing was declared closed at 9:21 p.m.

SECOND AMENDED PRELIMINARY DEVELOPMENT PLAN FOR PARKLAND PUD

Councillor Dittman moved, seconded by Kauffman to approve the Second Amended Preliminary Development Plan within the Parkland Planned Unit Development. The motion carried unanimously.

RESOLUTION NO. 54 SUPPORTING ADAMS 12 SCHOOLS BOND INCREASE/MILL LEVY

Councillor Dixon moved, seconded by Price to adopt Resolution No. 54 formally supporting the Adams County District 12 Five Star Schools ballot issues pertaining to a proposed \$180,000,000 bond issue and \$9,900,000 mill levy override for the purpose of improving school buildings, student achievement, recruiting and retaining quality staff, and promoting growth in programs. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 55 SUPPORTING JEFFCO SCHOOLS BOND ISSUE/MILL LEVY

Councillor Price moved, seconded by Dixon to adopt Resolution No. 55 which formally supports the Jefferson County School District R-1 ballot issue pertaining to a proposed \$323.8 million bond issue and \$38.5 mill levy override for the purpose of improving school buildings, student achievement, recruiting and retaining quality staff, and maintaining existing programs. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 56 RE SUPPORTING ADAMS COUNTY OPEN SPACE BALLOT ISSUE

Councillor Davia moved, seconded by Dittman, to adopt Resolution No. 56 which formally sets forth the City's support of the Adams County Open Space ballot issue pertaining to a proposed increase in the existing countywide sales tax from one-fifth of one percent to one-fourth of one percent and extending the sales tax through December 31, 2026 for the purpose of preserving open space and creating and maintaining parks and recreation facilities. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO 64 RE DEVELOPMENT REVIEW FEE AMENDMENTS

Councillor Dittman moved, seconded by Davia, to pass Councillor's Bill No. 64 amending Section 11-1-6 and repealing Section 2-6-5 of the Westminster Municipal Code regarding development review fees. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 65 RE SYNCRONESS BUSINESS ASSISTANCE PKG ADDENDUM

Councillor Kauffman moved, seconded by Dixon, to pass Councillor's Bill No. 65 on first reading, authorizing the City Manager to execute a Business Assistance Package (BAP) Addendum with Synchroness, Inc. for the purpose of clarifying sales and use tax rebates on equipment purchases. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 66 RE 2004 BUDGET SUPPLEMENTAL APPROPRIATION

Councillor Davia moved, seconded by Price, to pass Councillor's Bill No. 66 on first reading, providing for supplementary appropriations to the 2004 budget of the General, General Capital Improvement and Debt Service. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 57 RE METRO MAYORS CAUCUS MEMORANDUM OF UNDERSTANDING

Councillor Dittman moved, seconded by Hicks, to withdraw this item until further notice. The motion carried unanimously.

COUNCILLOR'S BILL NO. 67 BUILDING PERMITS WITHIN HOLLY PARK URBAN RENEWAL

Councillor Dixon moved, seconded by Kauffman, to pass Councillor's Bill No. 67 on first reading temporarily suspending the processing and issuance of building permits within the HollyPark Urban Renewal Area until such time as (a) the Westminster Economic Development Authority ("WEDA" or "Authority") has completed its review of redevelopment proposals received in response to its Request for Proposals ("RFP") dated August 6, 2004, and has accepted a proposal, (b) WEDA has rejected all such proposals, or (c) 180 days has passed following the adoption of this ordinance on second reading, whichever occurs first. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor McNally stated there would be an executive session to discuss a Business Assistance Package, North I-25 economic development, Retail and Legal Services Contract, and an attorney-client privilege matter.

ADJOURNMENT:

The meeting was adjourned at 9:28 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Proclamation re Yellow Ribbon Youth Suicide Awareness and Prevention Week

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action

Councillor Dittman present a proclamation to Dale Emme and Dar Emme proclaiming September 19-25, 2004 as Yellow Ribbon Youth Suicide Awareness and Prevention Week in the City of Westminster.

Summary Statement

- City Council is requested to proclaim the week of September 19-25, 2004 as Yellow Ribbon Youth Suicide Awareness and Prevention Week in the City of Westminster.
- This week has helped bring awareness about suicide and has helped people of all ages ask for help in their most desperate time.
- This week also allows survivors to be with others and remember loved ones lost to suicide.
- Dale Emme, Executive Director / Co-Founder and Dar Emme, Founder / Deputy Director of the Yellow Ribbon Suicide Prevention Program will be present to accept this proclamation.

Expenditure Required: \$0

Source of Funds: n/a

SUBJECT: Proclamation re Yellow Ribbon Youth Suicide Awareness and Prevention Week Page 2

Policy Issues

There are no policy issues identified

Alternatives

There are no alternatives identified

Background Information

The number of youth suicides in our nation is staggering. The Yellow Ribbon Suicide Prevention Program and their partners are working to save lives through this community-based direct, inexpensive and effective program.

The Yellow Ribbon Suicide Prevention Program is accepted and used worldwide, achieving successful results with over 1,500 lives saved.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**Yellow Ribbon Youth Suicide Awareness/Prevention Week
September 19-25, 2004**

WHEREAS, Youth suicide is one of the most disruptive and tragic events a family and a community can experience, and is occurring at a national rate of over 5,000 suicides annually; and

WHEREAS, Youth suicide is the "fastest growing killer of youth today"; and

WHEREAS Colorado is one of the leading states for youth suicides with at least one youth suicide every week. Suicide kills youth 3 to 6 times more than homicide. Research shows that almost all youth suicides are preventable; and

WHEREAS, The issue of youth suicide and how to prevent it is of extreme importance and must be recognized as an immediate need for awareness and prevention; and

WHEREAS, Statistics show that awareness, education and action do save lives. Heightened community awareness will encourage communities to develop strategies to prevent youth suicides; and

WHEREAS, The City of Westminster is pleased to be at the forefront in participating these worthwhile efforts; and

WHEREAS, The Yellow Ribbon is rapidly becoming recognized internationally as the symbol for the awareness and prevention of Youth suicide. It is recognized and used by suicide prevention groups, crisis centers, schools, churches, youth centers/hospitals, counselors, teachers, parents and especially youth themselves.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim September 19-25, 2004, as

Yellow Ribbon Youth Suicide Awareness and Prevention Week

and urge all citizens to work to prevent youth suicide, wear a yellow ribbon and to raise awareness and tolerance around all people affected by this tragedy.

Signed this 13th day of September, 2004.

Nancy McNally, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Special Bankruptcy Legal Counsel

Prepared By: Jeffrey M. Betz, Assistant City Attorney

Recommended City Council Action

Authorize the City Manager to enter into an agreement with Mr. Charles Greenhouse of the firm of Murray Franke Greenhouse List & Lippitt for special legal counsel services in the amount of \$5,000.00 for advice on bankruptcy law as it relates to the City's appeal of the trial court's decision in the *City of Westminster v. Centric-Jones, et al.*

Summary Statement

- Several years ago, the City of Westminster initiated a lawsuit against Centric-Jones and others arising out of the Semper Water Treatment expansion project. The trial court dismissed the lawsuit and the City subsequently appealed that decision that is currently pending before the Colorado Supreme Court. During the pendency of the appeal, Centric-Jones filed for bankruptcy in U. S. Bankruptcy Court in North Carolina, and the Court issued a stay of all suits and action against Centric-Jones.
- The Bankruptcy Court lifted its stay as to the City's appeal; however, advice is still required in order to protect the City's ability to collect on any judgment it may ultimately recover against Centric-Jones. This cannot wait because the Bankruptcy Court is in the process of considering a plan of liquidation for the payment of creditor's claims.
- Staff is recommending that the City Council authorize the City Manager to execute a legal services agreement with Mr. Charles Greenhouse, of Murray Franke Greenhouse List & Lippitt, who specializes in bankruptcy law in order to assist the City in providing legal advice on various bankruptcy issues related to the Centric-Jones bankruptcy filing.
- City Council has previously found merit in approving special legal counsel to assist the City Attorney's Office as needed rather than expanding Staff.
- Funds for this expense are available in the Semper Rehabilitation Account.

Expenditure Required: \$5,000

Source of Funds: General Capital Improvement Fund - Semper Rehabilitation Account

Policy Issues

Whether to retain special legal counsel to assist in reviewing various bankruptcy issues in order to preserve the City's claims against Centric-Jones.

Alternatives

City Council could elect not to retain this type of special legal counsel assistance or seek such assistance from another source.

Background Information

Mr. Charles Greenhouse is an experienced attorney specializing in bankruptcy law. Mr. Greenhouse represents creditors in loan workouts, loan documentation and related commercial and bankruptcy litigation. He represents financial institutions and other institutional clients in commercial litigation including collections and complicated bankruptcy matters. He is experienced in the routine procedural matters that arise in bankruptcy, including jurisdictional and removal issues and motions for relief from stay. He practices before the Bankruptcy Court for the District of Colorado and in a number of other districts. Under the proposed agreement, Mr. Greenhouse would be providing his services at the rate of \$285.00 an hour, which is a rate that is at or below what other bankruptcy lawyers in the metro area with his experience charge for these matters.

The City Charter requires City Council approval for all outside legal counsel agreements. The City Council has previously approved similar agreements for specialized legal counsel in other areas of law.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this ____ day of September, 2004, by and between **MURRAY FRANKE GREENHOUSE LIST AND LIPPITT** (the "Firm") and the **CITY OF WESTMINSTER** (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 special legal services as needed to assist in reviewing various bankruptcy issues in order to preserve the City's claims against Centric-Jones.
2. Charles Greenhouse 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 an hourly rate not to exceed \$285.00 per hour.
5. This Contract may be terminated by the City with or without cause.
6. The Westminster City Council authorized this contract on September 13, 2004.
7. Payments for legal services pursuant to this Contract shall not exceed \$5,000.00 without further written authorization by the City.

MURRAY FRANKE GREENHOUSE LIST & LIPPITT

By _____
Charles Greenhouse

CITY OF WESTMINSTER

By _____
Brent McFall, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: 2004 Traffic Calming Construction

Prepared By: Michael Normandin, Transportation Engineer

Recommended City Council Action

Authorize the City Manager to execute a contract for the construction of traffic calming devices with the low bidder, Goodland Constructors, Inc. in the amount of \$138,834.50 and authorize a total project budget of \$152,734.50, which includes a \$13,900 construction contingency.

Summary Statement

- City Council approved funds in the 2004 General Capital Improvement Fund for the construction of traffic calming projects. On February 2, 2004, City Council approved the enactment of a moratorium for new traffic calming projects. The moratorium does not pertain to projects that have completed the Traffic Calming Approval Process. The proposed traffic calming construction projects for 2004 fall within that category.
- City Council action is requested to award the bid for the 2004 Traffic Calming Projects to Goodland Constructors, Inc. and authorize the City Manager to execute that contract in the amount of \$138,834.50 along with a construction contingency of \$13,900 for the construction of traffic calming devices at three locations.
- The contingency funds for this project will be set aside in a separate account.

Expenditure Required: \$152,734.50

Source of Funds: General Capital Improvement Fund

Policy Issues

Should the City continue its program to construct traffic calming devices on residential streets?

Alternatives

Alternative 1 – Do not construct traffic calming devices. This action would be a disappointment to residents in the affected neighborhoods who have participated in planning these projects, particularly in light of the adopted budget for these purposes.

Alternative 2 – Postpone construction of traffic calming devices until a future year. This action would disappoint many residents who have been anticipating these projects for several years. Costs may increase in the future as the price of materials and services increase.

Background Information

Within the past six years, the City has pursued an active program for the installation of traffic calming devices in residential neighborhoods. On February 2, 2004, City Council placed a nine-month moratorium on new Neighborhood Traffic Mitigation Program projects to allow time for City Staff and the City Council to evaluate the effectiveness of this program and consider alternative means of addressing the issue of speeding within residential subdivisions. The subject moratorium did not pertain to projects that had completed the Traffic Calming Approval Process. There are eight traffic calming devices, located in four neighborhoods, that fall under this category.

The funds available in 2004 are sufficient to construct three of the eight remaining devices. Using the budgeted funds in the 2004 General Capital Improvement Program, the three highest priority projects that are proposed for construction this year, include the following:

1. **Home Farm Lane at 126th Court** – Raised Pedestrian Crossing
2. **Alcott Street at 111th Place** – Curb Extensions
3. **Alcott Street at 111th Avenue** – Raised Pedestrian Crossing

These locations are identified on the attached map.

Bids for the proposed 2004 projects were received and are listed below:

<u>Contractor</u>	<u>Bid Amount</u>
Goodland Constructors, Inc.	\$138,834.50
K.E.C.I. Colorado, Inc.	\$149,838.00
Technology Constructors	\$180,594.85
<i>Engineer's Estimate</i>	<i>\$142,400.00</i>

SUBJECT: 2004 Traffic Calming Construction

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The low bidder, Goodland Constructors, Inc. has met all of the bid requirements and has successfully completed similar traffic calming projects for the City of Westminster in years past. Staff is recommending award of the contract to Goodland Constructors, Inc. Construction will begin in late September and should be completed by mid-November 2004.

As mentioned previously, five remaining devices located within Stratford Lakes, Cedar Bridge, and Legacy Ridge Subdivision have been approved through the City's Traffic Calming approval process but have not yet been funded. It is anticipated that these devices will be funded and constructed in 2005.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Huron Street Design, 140th to 150th Avenue

Prepared By: Stephen C. Baumann, Assistant City Engineer

Recommended City Council Action:

Authorize the City Manager to sign an addendum to the agreement with Transystems Corporation for additional engineering design services requested by the City for the Huron Street improvements project from 140th to 150th Avenue and authorize the expenditure of \$58,010 to cover these costs.

Summary Statement:

- Design of Huron Street from 140th Avenue to the north City limits (150th Avenue alignment) was started under an agreement with Transystems Corporation, approved by City Council in July of 2003. A total of \$293,000 was approved for the various components of the initial design effort. A subsequent amendment of the contract was approved by City Council on April 12, 2004, bringing the total expected compensation to \$337,010.
- The scope of work for the design contract as amended was comprehensive, but several new design issues have arisen and will require an amendment of the agreement with Transystems. They include the development of design plans and specifications for a 16" water line to be installed in Huron Street; an expansion of the design elements of Huron Street and 144th Avenue to be more compatible with the planned Forest City development; and plans for demolition of structures that will be vacated prior to the start of utility undergrounding. These additional work items are being proposed for inclusion in the agreement with Transystems for \$58,010.
- Funds are available for this additional expense in the Huron Street Project Account and Utility Fund Water System Maintenance account.

Expenditure Required: \$58,010

Source of Funds: Utility Fund Water System Maintenance Account and the General Capital Improvement Account for the Huron Street Project

Policy Issue

Should the City contract for additional engineering services under the existing design contract for Huron Street, 140th Avenue to 150th Avenue?

Alternative

City Council could decide to leave the scope of design as originally defined. This is not recommended since the added services are critical to progress of the street improvement project itself and are very desirable to coincide with and support Forest City's development planning and progress.

Background Information

City Council approved a contract with Transystems Corporation in 2003 covering the final design engineering of street improvements to Huron Street from 140th Avenue and 150th Avenue. This is the second of two Huron Street projects, the first of which extends from 128th Avenue to 140th Avenue, which recently started construction. Both projects will be rebuilding Huron Street to arterial street standards with significant landscaping, drainage and sidewalk facilities that will serve the growing north I-25 corridor. The design of the 140th-150th Avenue project is approximately 70% complete and if funding can be arranged, construction of this phase would begin in early 2005.

Several additional work items are being requested of Transystems in addition to the original scope of design and an addendum that Council approved in April of 2004. First, it will be necessary to demolish buildings and remove trees that conflict with proposed improvements to the east side of Huron Street between the 140th Avenue alignment and 144th Avenue. The occupants have recently relocated and the buildings are now accessible for testing for hazardous materials and removal. Plans and specifications will then be prepared for the demolition of these buildings, so that utility relocations can occur this winter and the street improvement themselves next year. Approximately \$14,715 has been identified for the hazardous materials assessment, demolition plan preparation and bidding of the work.

As part of the ongoing planning for Forest City's development of the northeast corner of 144th and Huron Street, the City has committed to water system improvements to support it. Utilities Division staff is recommending that the City's water system be expanded at the same time as the Huron Street improvements are built by installing a 16" water main in Huron St and 144th Avenue. This will allow the City to meet system pressure and flow requirements that are necessary for the commercial land uses being proposed at that site. Design plans and specifications need to be developed and included in the evolving street improvements bid package and Transystems has proposed to cover this design assignment for \$22,210.

Similarly, the Forest City planning indicates that 144th Avenue should be improved farther east than originally planned, to optimize access and to facilitate the implementation of their proposed first phase of development. Traffic signals at two locations may also be warranted to serve that site, dependent on the extent of Forest City's first phase. If so, one or more of the signals will be included in the initial phase of construction of Huron Street. Transystems will be evaluating the extent to which these facilities are needed and coordinating their design with progress on the Forest City site plan. This component of their increased design scope of work is expected to cost \$21,085.

SUBJECT: Huron Street Design, 140th to 150th Avenue

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The total fees for the proposed additional design activities for Huron Street from 140th to 150th Avenue are \$58,010. If Council approves, this will bring the design contract total to \$395,020. Funds are available for this purpose in the Utility Fund Water Replacement Account and the Huron Street Project Account of the General Capital Improvement Fund.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Renewal of Pinnacle Towers LLC Radio Tower Site Lease

Prepared By: R. Tim Tripp, Commander, Police Technical Services

Recommended City Council Action

Based on a recommendation of the City Manager, the City Council finds the public interest would best be served by authorizing the City Manager to enter into a Tower Lease Agreement with Pinnacle Towers LLC, in an amount not to exceed \$21,054.

Summary Statement

The Police Department is recommending that the City approve the attached lease that has been reviewed and approved by the City Attorney's Office.

The cities of Westminster and Arvada have an 800 MHz radio system via an Inter-Governmental Agreement that was signed in 1992. The current lease contract with Pinnacle Towers LLC expired in July of 2004. The current payment for this lease has been withheld as a result of Pinnacle Towers LLC's failure to adequately maintain the site location. Their failure to maintain the site had the potential to damage radio system components and, in fact, had caused damage during the summer months of 2003. After lengthy negotiations, Pinnacle Towers LLC has agreed to correct the site problems and provide regular site maintenance. At the conclusion of these site improvements, lease funds will be released to Pinnacle Towers LLC. Pinnacle Towers LLC is aware of this arrangement and understands that lease payment will be made upon completion of the site improvements. The original lease agreement was in need of updating and now reflects the current building addresses, technology, and site maintenance issues.

Since June 2003, the City of Arvada's Technical Systems Manager and Commander Tripp have worked to accomplish site improvements to the Eldorado Mountain Radio Site. In July 2003, the heat inside the building that houses the radio system exceeded acceptable levels and resulted in the failure of the radio system site controller. This radio component was replaced by Pinnacle Towers LLC after lengthy negotiation. This mountain location is critical to the operation of the Arvada/Westminster public safety radio system. There are currently no other site locations capable of providing an optimum microwave site path necessary to keep the Arvada/Westminster joint radio system functioning. Therefore, Staff determined that the public interest would best be served by continuing our association with Pinnacle Towers LLC, working through difficulties, and renewing our radio site lease at the Eldorado Mountain location. No other provider could meet the site location requirements without significant relocation costs to both Cities.

Expenditure Required: Funds were approved by City Council in the 2004 budget for this yearly expense. Total contract cost for the shared site lease is \$42,108 and the Westminster portion is \$21,054

Source of Funds: General Fund, Police Department Operating Budget

Policy Issue

Should the City enter into a lease renewal with Pinnacle Towers LLC in the amount of \$21,054 for the City of Westminster's portion of the Eldorado Mountain site lease of the Westminster/Arvada shared 800 MHz radio system.

Alternatives

City Council could choose not to authorize the signing of a lease for the Eldorado Mountain radio site location. This course of action could leave the City of Westminster and the City of Arvada without a site location capable of powering the main microwave components of the joint radio system. This would render the joint 800 MHz radio system out of service. Currently, Pinnacle Towers LLC is the only site location able to meet the microwave projection criteria of our complex radio system.

Background Information

The City of Westminster is responsible for delivering public safety services to the community, and depends on complex radio communication components in order to communicate. The location of these components and their maintenance requires cooperation and trust. Since 1992, the City of Westminster and the City of Arvada have worked under an IGA that enabled them to share the "backbone" portion of the 800 MHz radio system. This partnership has proven successful and has saved both cities considerable costs. Both cities depend on each other for radio communication needs. The City of Westminster's radio system serves Police, Fire, Public Works and Utilities and Parks, Recreation and Libraries.

Both cities recognize the critical role that system components and their respective locations play. Therefore, they continue to work collectively to accomplish optimum performance of the shared 800 MHz radio system. The original IGA that set this partnership in motion continues to pay dividends.

The lease previously in effect was outdated and in need of change. It had been renewed for several years without language change and subsequent changes were needed in order to protect the collective cities from lease violations and high costs. The attached lease is the culmination of those changes.

In the past, Arvada and Westminster have leased the Eldorado Mountain radio site in order to project a necessary microwave path for the shared radio system. While the location has remained the same, the site has changed hands several times and is currently owned by Pinnacle Towers LLC. This location is critical to the operation of the radio system. While Pinnacle Towers LLC has allowed the site to fall into a state of disrepair, Staff is confident that these shortcomings have been resolved and the site will be brought up to acceptable standards immediately.

It is anticipated that Arvada's City Council will approve this lease with Pinnacle Towers LLC for the lease of the Eldorado Mountain Radio site in the near future.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Award of Engineering Services Contract for the Update to the Solids Management Master Plan

Prepared By: Kent W. Brugler, Senior Engineer

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest would best be served by accepting the bid for this work from Brown & Caldwell. Authorize the City Manager to execute a contract with Brown & Caldwell in an amount not to exceed \$89,814, plus a project contingency of \$9,000 (10%) for the completion of an engineering study to update the 1995 Solids Management Master Plan for managing the residual solids generated by the City's four water and wastewater treatment facilities.

Summary Statement

- The City owns and operates four water and wastewater treatment facilities that generate residual solids that must be properly disposed. Two of these facilities have been constructed since the completion of the last Solids Management Master Plan in 1995.
- The facilities use a combination of disposal alternatives that have been employed for many years and it is prudent to examine ways to improve the efficiency of the overall solids disposal system due to the addition of the new facilities and to the development of new alternatives and regulatory requirements.
- This study will give the City an opportunity to investigate alternative solids treatment, handling and disposal methods, and to minimize costs and operational impacts of solids disposal.
- With the expansion and upgrade of the Big Dry Creek Wastewater Treatment Facility beginning in the near future, any modifications to the process to accommodate changes or improvements to the solids disposal process can be incorporated into the project at this time.
- The Metro Wastewater Reclamation District, which receives a portion of the solids generated at the Semper Water Treatment Facility, has indicated that it may prohibit the discharge of the solids or may substantially increase the costs of disposal.
- Brown & Caldwell is highly qualified to conduct this study and submitted the most thorough and responsive proposal of the four firms that proposed.

Expenditure Required: \$98,814

Source of Funds: Utility Fund Capital Improvement Budget

Policy Issue

Should the City proceed with updating the Solids Management Master Plan to reassess the alternatives available for the proper and cost-effective disposal of the solids generated by the City's four treatment facilities?

Alternatives

The City could continue the current solids disposal practices without examining all the alternatives available and the long-term issues specific to each treatment facility. This would likely result in higher disposal costs due to inadequate long-range planning and poor use of system-wide efficiencies that may be identified through this Master Plan update.

The City could award this contract to one of the other firms that submitted a proposal, but this would likely result in a lesser quality examination of alternatives and costs projections, and possibly higher study costs.

Background Information

At the time the last Solids Management Plan was developed in 1995, the City operated two treatment facilities that generated residual solids requiring disposal. That plan outlined alternatives available then for solids disposal, and the recommendations were implemented and represent the disposal practices currently used. This includes beneficial land application of the wastewater biosolids from the Big Dry Creek Wastewater Treatment Facility (BDCWWTF) to the City-owned Strasburg Natural Resource Farm site and other leased farm property, and a combination of off-site contract hauling and disposal of a portion of the solids generated at the Semper Water Treatment Facility (Semper) along with discharge of the remaining solids to the Metro Wastewater Reclamation District (Metro). Since this study was completed, the Reclaimed Water Treatment Facility (RWTF) was constructed in 2000 and the Northwest Water Treatment Facility (NWTF) was constructed in 2002.

The RWTF, which is located adjacent to the BDCWWTF site, discharges its solids to a wastewater interceptor line just upstream of the BDCWWTF and the solids are treated along with the normal wastewater flow entering the plant. The NWTF also discharges its solids to a wastewater interceptor line that drains to the BDCWWTF approximately 6.5 miles away, and these solids are treated as part of the normal influent wastewater flow.

The purpose of this Plan update is to re-examine the solids disposal alternatives currently available in order to map out the best overall long-term solids management approach for all four facilities. The upcoming upgrade and expansion of the BDCWWTF will enable the City to incorporate any recommended modifications to the solids handling processes more efficiently and cost-effectively now rather than later. It will also examine the effects of and alternatives to the direct disposal of the RWTF and the NWTF solids to the normal wastewater treatment process, and explore alternative coagulant chemicals that could be used at these facilities that may be more beneficial to the BDCWWTF.

Currently, the City's main water treatment facility, the Semper WTF, discharges a portion of its solids to a pipeline that conveys the waste to Metro, along with approximately one-third of the wastewater flow from the City. While Metro has continued to accept these solids from Semper, officials with Metro have indicated that they will likely prohibit this kind of discharge in the near future or charge a substantial user fee for the right to continue the discharge. Metro is currently undertaking a comprehensive study of its solids management systems, and it is highly likely that, if the discharge of the Semper solids is permitted to continue, a very large user fee could be imposed upon the City. This study will evaluate the impact of this type of fee and develop alternatives to this method of disposal for use in future discussions with Metro. The

remaining solids generated at Semper are stored and thickened in on-site lagoons from which they are removed and hauled off-site for land application by a contracted hauling and disposal firm. This method of disposal is becoming more expensive, and this study will evaluate alternatives that should be considered.

In response to a Request for Proposals (RFP) that the Public Works and Utilities Department issued, four engineering firms submitted proposals outlining each firm's estimate of hours required and a cost-not-to-exceed total, as follows:

<u>Firm</u>	<u>Total Cost</u>	<u>Total Hours</u>
Black & Veatch	\$74,502	520
Boyle Engineering	\$81,930	779
Brown & Caldwell	\$89,814	594
Burns & McDonnell	\$97,600	591

After careful review of the proposals, Staff determined that Brown & Caldwell submitted the most thorough and responsive proposal that addressed all the requirements outlined in the RFP; and would best serve the public interest. While Black & Veatch appeared to submit the lowest cost proposal, they also outlined the fewest number of hours. However, more importantly, Black & Veatch was awarded a contract to perform a similar study for Metro during the City's proposal process, and Staff believes it would be a conflict of interest for them to perform the work for the City at the same time. Boyle Engineering also submitted what appeared to be a lower cost proposal, but after City Staff analysis, it was determined their proposal was not technically strong and contained several factual errors that appeared would impact the level of effort they anticipated to provide.

Brown & Caldwell is highly qualified to perform this work for the City, and will utilize the same project team that recently completed a similar study for the Colorado Springs Utilities and for the City of Greeley.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 F

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Award of Contract for Owner's Representative Services for the Big Dry Creek Wastewater Treatment Facility Upgrade and Expansion Project

Prepared By: Kent W. Brugler, Senior Engineer

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest would best be served by accepting the bid from Sorenson Engineering Inc. Authorize the City Manager to execute a contract with Sorenson Engineering, Inc. for an amount not-to-exceed \$409,851, for providing third-party Owner's Representative/Project Management services for the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility.

Summary Statement

- The City is currently completing the final design of the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility (BDCWWTF), and is preparing for the start of the construction phase in the fourth quarter of 2004.
- The City has contracted with CDM Engineers for completing the final design of the project and for providing on-site construction management services during the construction phase of the project.
- Due to the size and complexity of the project, and in accordance with Administrative Memorandum #00-04, it is recommended that an Owner's Representative/Project Manager be hired to assist City staff in providing overall project management during the final design and construction phases of the project.
- A Request for Proposals was issued and three firms submitted technical qualifications-based proposals along with separate cost proposals.
- After review of the proposals, staff determined that Sorenson Engineering, Inc. submitted the most responsive and cost-effective proposal. This firm is highly qualified to provide the services requested, as a majority of the proposed team has recently provided similar services for the nearly completed Standley Lake Dam Renovation Project.
- The cost of these services represents approximately 1.4% of the estimated total project budget.

Expenditure Required: \$409,851

Source of Funds: Utility Fund Capital Improvement Budget

Policy Issue

Should the City contract with a third-party Owner's Representative/Project Manager to provide assistance with the project management requirements related to the design and construction of the upgrade and expansion of the Big Dry Creek Wastewater Treatment Facility?

Alternatives

The City could elect to not hire a third-party Owner's Representative/Project Manager for this project. This is not recommended due to the project management requirements for a project of this size and complexity. Also, the intent of Administrative Memorandum #00-04 would not be met if an independent Owner's Representative/Project Manager were not hired.

The City could award the contract to one of the other firms that submitted a proposal for the work. However, this would likely result in a reduced level of the quality of services provided and most likely a higher total cost.

Background Information

City Council has previously authorized the completion of the final design of the upgrade and expansion of the BDCWWTF, and CDM Engineers was contracted to provide final design and on-site construction management services. The final design phase is approximately 75% completed, and the construction phase is scheduled to begin late in 2004. The Capital Improvement Project Team has determined that the most effective way to complete the design and construction phases of this complex, multi-million dollar project is to utilize the Construction Manager/General Contractor (CM/GC) delivery method rather than the more traditional design/bid/build method. Through a competitive selection process, a CM/GC, Lillard & Clark Construction Inc., has been added to the project team to assist with the final design review and to provide a Guaranteed Maximum Price proposal for the construction of the project. At the appropriate time, the recommendation for the award of the construction contract to the CM/GC will be brought to City Council for approval.

Administrative Memorandum #00-04 recommends the hiring of an independent third-party Owner's Representative/Project Manager for a project of this size and complexity. The Owner's Representative will provide assistance to City Staff during the completion of the final design phase, negotiations with the CM/GC during the development of the construction contract, and during the estimated 27 months of project construction. The Owner's Representative will oversee the engineering contract and the construction contract, monitor costs and performance of both, provide a daily record of the construction activity, and review the project contract documents for cost savings and constructability.

Staff developed and issued a Request for Proposals for the Owner's Representative contract, and three firms submitted proposals outlining each firm's estimate of hours required and a cost-not-to-exceed total, as follows:

<u>Firm</u>	<u>Total Cost</u>	<u>Total Hours</u>	<u>Hourly Rate</u>
Sorenson Engineering, Inc.	\$409,851	4464	\$91.81
Merrick & Company	\$383,500	4049	\$94.71
Owen Eng. & Mgmt. Consultants, Inc.	\$584,043	4588	\$127.30

After careful review, Staff determined that the proposal submitted by Sorenson Engineering, Inc. was the most responsive and cost-effective for the City's needs, and would best serve the public interest. Merrick & Company's proposal, while apparently presenting a lower total cost, was not as thorough in its technical presentation and actually reflected a higher average hourly rate applied to fewer total hours.

SUBJECT: Award of Contract for Owner's Representative Services for the BDCWW Treatment Facility Upgrade and Expansion Project

Page 3

Sorenson Engineering, Inc. is highly qualified to provide the services requested, as a majority of the proposed team has recently provided similar services for the nearly completed Standley Lake Dam Renovation Project. Their proposal also presented the lowest overall hourly cost for the individuals and tasks proposed for the work involved.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004

SUBJECT: Second Reading of Councillor's Bill No. 58 re Allowing Tastings

Prepared By: Michele Kelley, City Clerk and Sharon Widener, Assistant City Attorney

Recommended City Council Action

Adopt Councillor's Bill No. 58 on second reading amending the City Code to allow tastings to be conducted within retail liquor stores and liquor licensed drugstores.

Summary Statement

The State legislature passed and the Governor signed HB 04-1021 that allows a municipality to enact an ordinance to allow retail liquor store and liquor licensed drug store premises to have "tastings," effective July 1, 2004.

- The Special Permit and License Board met on June 16th, and again on July 7th, to discuss this issue and listen to a liquor store owner requesting enactment of an ordinance to allow tastings, and reviewed information from other jurisdictions that have adopted a "tastings" ordinance.
- The Special Permit and License Board voted to recommend to City Council to draft an ordinance allowing tastings within Westminster retail liquor store and liquor licensed drug stores.
- Donna McMillan, Vice Chair of the Special Permit and License Board and member Frank Jaime discussed this item with City Council at the August 4th Study Session.
- Council considered this Councillor's Bill on first reading on August 23, 2004.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2004

COUNCILLOR'S BILL NO. **58**
INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE ALLOWING TASTINGS OF MALT, VINOUS, OR SPIRITOUS LIQUORS
AND AUTHORIZING AN APPLICATION AND FEES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title V, Chapter 14, W.M.C., is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

5-14-15: LIQUOR TASTINGS:

(A) AUTHORIZATION. LICENSED RETAIL LIQUOR STORES AND LIQUOR LICENSED DRUGSTORES ARE HEREBY AUTHORIZED TO CONDUCT TASTINGS IN COMPLIANCE WITH SECTION 12-47-301, C.R.S., AS "TASTINGS" AS DEFINED THEREIN.

(B) APPLICATION; FEE. AN APPLICANT FOR A TASTING PERMIT MUST COMPLETE AN APPLICATION ON A FORM TO BE PROVIDED BY THE CITY CLERK AND ACCOMPANY THE APPLICATION WITH A FIFTY DOLLAR (\$50.00) FEE.

(C) VIOLATION. IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONDUCT A TASTING WITHOUT A TASTING PERMIT ISSUED BY THE CITY OR TO CONDUCT SUCH TASTING IN ANY MANNER NOT IN COMPLIANCE WITH THE RULES AND REGULATIONS IN SECTION 12-47-301, C.R.S. OR THIS SECTION. FAILURE TO COMPLY WITH SAID SECTIONS SHALL BE CONSIDERED A VIOLATION OF THE COLORADO BEER AND LIQUOR CODES AND MAY BE SANCTIONED AS ANY OTHER VIOLATION OF THE CODES.

(D) TERM; RENEWAL. TASTING PERMITS SHALL BE VALID FOR ONE (1) YEAR AND SHALL BE ISSUED CONCURRENT WITH THE RENEWAL OF THE RETAIL LIQUOR STORE LICENSE. RENEWAL SHALL BE ADMINISTRATIVELY ACCOMPLISHED BY THE CITY CLERK, PROVIDED THAT A RENEWAL FEE OF FIFTY DOLLARS (\$50.00) IS PAID AND THE PERMITEE HAS NO VIOLATIONS OF SECTION 12-47-301, C.R.S., IN WHICH CASE THE RENEWAL APPLICATION SHALL BE CONSIDERED BY THE SPECIAL PERMIT AND LICENSE BOARD.

(E) THE PERMITEE SHALL PROVIDE THE CITY CLERK WITH A SCHEDULE OF DATES AND TIMES THE TASTINGS WILL BE CONDUCTED. SUCH NOTICE SHALL BE AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE TASTING.

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 23RD day of August, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of September, 2004.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Second Reading of Councillor's Bill No. 59 Supplemental Appropriation for Community Reach Center

Prepared By: Jerry Cinkosky, Facilities Manager

Recommended City Council Action

Approve Councillor's Bill No 59 on second reading to provide for supplementary appropriation of \$135,000 into the General Capital Improvement Fund from the Community Reach Center contribution toward the 76th Ave. remodel project.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading, which authorizes a supplemental appropriation to the 2004 budget of the General Capital Improvement Fund.
- On May 24, 2004, City Council authorized a lease between the City and Community Reach Center for use of the former 76th Avenue Library as its Westminster Clinic.
- The City has budgeted funds for a portion of the remodel costs of this building in the amount of \$90,000 and an additional amount of \$15,000 for the cost of replacing the building roof. \$90,000 has been allocated for this expense in the General Capital Improvement Project fund and \$15,000 through a 2003 budget carryover in General Services Department.
- Community Reach Center funds of \$135,000 have been approved to be used for construction costs.

Expenditure Required: \$135,000

Source of Funds: Community Reach Center contribution

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **59**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Davia – Dittman

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$135,000 which, when added to the fund balance as of the City Council action on August 23, 2004 will equal \$17,606,997. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of a contribution from Community Reach Center.

Section 2. The \$135,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Revenue				
Contributions	7500.43100.0000	\$5,140	<u>\$135,000</u>	\$140,140
Total change to revenues			<u>\$135,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Expenses				
Walker Bldg Remodel	80175012022.80400.8888	\$181,000	<u>\$135,000</u>	\$316,000
Total change to expenses			<u>\$135,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 23rd day of August, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of September, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Public Hearing on 2005 and 2006 City Budget

Prepared By: Barbara Opie, Assistant to the City Manager

Recommended City Council Action

Hold a public hearing on the 2005 and 2006 City Budget and receive citizen comments.

Summary Statement

- Development and review of the 2005 and 2006 City Budget has been completed by the City Manager's Office. Public meetings regarding the 2005 and 2006 Budget were held on June 14 and July 12.
- September 13 is the final public hearing before the City Council Budget Retreat, affording citizens one more opportunity to comment and provide feedback on the 2005 and 2006 City Budget.
- In accordance with the City Charter, City Council must adopt the budget no later than the October 25th City Council meeting.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Listen to citizen requests, comments and suggestions as it pertains to the 2005 and 2006 budgets.

Alternative

No alternatives identified for this item.

Background Information

City Council is scheduled to hold a public hearing to receive input on the 2005 and 2006 City Budget at the Monday, September 13, City Council meeting. Staff will make a brief presentation at Monday night's City Council meeting on the Proposed 2005 and 2006 Budget. This public hearing is intended to receive citizen requests, comments and suggestions for both of these budget years.

In April, City Council revisited the goals for 2005 and 2006. The City Council Goals are listed below:

- Financially Sound City Government
- Balanced, Sustainable Local Economy
- Revitalized Aging Neighborhoods and Commercial Areas
- Beautiful City
- Safe and Secure Community

The direction provided by City Council through these goals assists City Staff as they develop the 2005 and 2006 City Budgets. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen or neighborhood input.

The Departments' efforts culminate in the distribution of the Proposed 2005/2006 Budgets to City Council. After reviewing the Proposed Budget for two weeks, City Council is scheduled to meet the evenings of Friday, September 17 and Monday, September 20 at the Budget Retreat to deliberate on final funding decisions on staffing levels, programs, services, and capital projects.

In November of 2000, Westminster voters approved a City Charter amendment that will allow the City Council to adopt a formal two-year budget. The 2003/2004 Budget was the first officially adopted two-year budget. Staff is pleased to submit to City Council the second two-year budget for official adoption.

A Proposed 2005/2006 Budget document is available to the public in the City Clerk's Office. Monday's public hearing was advertised in the *Westminster Window*, *Westsider*, and *City Edition*; on cable Channel 8 and the City's website; and at various public meetings.

Public meetings regarding the 2005 and 2006 Budget were held on June 14 and July 12. September 13 is the final public hearing before the City Council Budget Retreat, affording citizens one more opportunity to comment and provide feedback on the 2005 and 2006 City Budget.

Final adoption of the 2005 and 2006 Budget is required by October 25 per City Charter requirements. Staff will make a brief presentation at Monday night's City Council meeting on the Proposed 2005 and 2006 Budget.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Public Hearing and Action on the Big Dry Creek Open Space Annexation, Comprehensive Land Use Plan Amendment and Zoning

Prepared By: Dave Falconieri, Planner III

Recommended Planning Commission Action:

1. Hold a public hearing.
2. Approve Resolution No. 53 making certain findings as required under Section 31-12-110 C.R.S. regarding the Dry Creek Open Space annexation.
3. Pass Councillor's Bill No. 61 on first reading annexing the Big Dry Creek Open Space property and adjacent railroad and Colorado Department of Transportation right-of-way to the City.
4. Pass Councillor's Bill No. 62 on first reading amending the Comprehensive Land Use Plan for the Big Dry Creek open space property, changing the designation from Northeast Comprehensive Development Plan to Public Open Space. This action is based on the finding that the amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan, the proposed amendment is compatible with existing and planned surrounding land uses, and the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
5. Pass Councillor's Bill No. 63 rezoning the Big Dry Creek Open Space property from Jefferson County A-2 to City of Westminster O-1, based on the findings that the standards listed in Section 11-5-3 of the Westminster Municipal Code have been satisfied.

Summary Statement:

- The City purchased two parcels of land located on the east side of Wadsworth Parkway for the purpose of extending the Big Dry Creek trail to 99th Avenue. Both parcels are currently located in unincorporated Jefferson County. The policy of the City has been to have City owned parcels located within the City boundaries in order to provide better services to those lands.
- The proposed annexation also includes portions of adjacent rights-of-way of the Burlington Northern Santa Fe Railroad and Wadsworth Parkway. A small unincorporated portion of Wadsworth Parkway is included at the request of the City's Police Department in order to avoid the confusion of multiple jurisdictional responsibilities for that area. The City Council has recently approved several similar annexations to address the same problem.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on August 24, 2004, and voted unanimously (7-0) to recommend the City Council approve the annexation, Comprehensive Land Use Plan amendment changing the designation from Northeast Comprehensive Development Plan to Public Open Space and the rezoning of the Big Dry Creek Open Space property from Jefferson County A-2 to City of Westminster O-1.

No one spoke in favor or in opposition to this proposal.

Policy Issue

The City Council has, by recent actions, affirmed the policy of annexing City owned lands when possible. Should these parcels be annexed at this time?

Alternative

Make a finding that the Big Dry Creek Open Space property not be annexed at this time and take no further action. If this action is taken, the City owned parcels will remain under the jurisdiction of Jefferson County.

Background Information

The property in question was purchased by the City in order to provide access for the Big Dry Creek trail to connect from Wadsworth Parkway, under the railroad tracks to 99th Avenue. The trail has already been constructed, and in order for the City to have the authority to patrol the trail corridor, it must be located within the City.

The portion of Wadsworth Parkway that has been included has never been annexed to the City over the years. As a result, there is a portion of the arterial where the City is not technically allowed to provide emergency services. This would be corrected if the annexation is approved. No new development is proposed for any of the subject parcels of land and no change in use is contemplated or requested.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **53**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

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 UNINCORPORATED TERRITORY IN SECTIONS 15 AND 16, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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 \$200,000 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 13th day of September, 2004.

Mayor

ATTEST:

City Clerk

Big Dry Creek Open Space Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **61**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., 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 an application 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 application and accompanying maps are in substantial compliance with Section 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. 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:

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminster as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears

S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following five courses; 1) S00°54'37"E, 23.75 feet; 2) S44°14'02"W; 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning;

Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity.

Said property contains 638902 square feet or 14.6672 acres more or less.

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 13th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

ATTEST:

Mayor

City Clerk

Big Dry Creek Open Space Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **62**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Big Dry Creek Open Space annexation property, legally described as follows:

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminster as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following five courses; 1) S00°54'37"E, 23.75 feet; 2)

S44°14'02"W; 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning;

Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity.

Said property contains 638902 square feet or 14.6672 acres more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to Public Open Space, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **63**

SERIES OF 2004

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 SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., 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 O-1 zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster O-1. A parcel of land located in Sections 14 and 15, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminster as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the

west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following five courses; 1) S00°54'37"E, 23.75 feet; 2) S44°14'02"W, 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning;

Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity.

Said property contains 638902 square feet or 14.6672 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 13th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

ATTEST:

Mayor

City Clerk

Big Dry Creek Open Space Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **62**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Big Dry Creek Open Space annexation property, legally described as follows:

A parcel of land in the southwest quarter of Section 14 and in the southeast quarter of Section 15, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, in the State of Colorado, more particularly described as follows;

Beginning at the southwest quarter corner of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 2586.26 feet on which all bearings hereon are based, the true point of beginning;

Thence along the east line of said Section 15, along the east line of that parcel annexed to the City of Westminster as recorded in Book 37 at Page 19, File 489530 of the records of the Jefferson County Clerk and Recorder, N00°31'29"W, 486.80 feet to a point on a non-tangent curve to the right on the west line of the Colorado & Southern Railroad; thence along said east line along said curve with a central angle of 56°23'07", a radius of 2006.00 feet, an arc length of 1974.13 feet, long chord bears N00°31'29"W, 1895.42 feet to a point on the west line of said Section 14 from whence the west quarter corner of said section bears N00°31'29"W, 204.03 feet; thence continuing along said east line along said curve with a central angle of 06°49'02", a radius of 2006.00 feet, an arc length of 238.68 feet, long chord bears N31°04'36"E, 238.54 feet to a point on the north line of said section from whence the west quarter corner of said section bears S89°52'19"W, 125.00 feet; thence N89°52'19"E, 167.50 feet to a point on the east line of said railroad, on the west line of Wadsworth Acres as recorded at Reception Number 62919166 of said records; thence along said west line S35°37'56"W, 167.02 feet; thence continuing along said west line S28°44'31"W, 225.20 feet to the northwesterly corner of Lot 23 of said acres; thence along the northerly line of said Lot S62°59'29"E, 201.30 feet to a point on a non-tangent curve left; thence along the easterly line of said lot along said curve with a central angle of 54°36'51", a radius of 134.60 feet, an arc length of 128.30 feet, long chord bears S00°17'54"E, 123.50 feet; thence along the southerly line of said lot S73°54'54"W, 271.84 feet to a point on the east line of said Section 15 on the east line of that parcel described at Reception Number F1046849 of said records; thence along said east line and the following five courses; 1) S00°54'37"E, 23.75 feet; 2)

S44°14'02"W; 32.45 feet; 3) S09°22'11"W, 108.38 feet; 4) S22°21'45"E, 20.57 feet; 5) S06°43'31"W, 71.46 feet to a point on the north line of Big Dry Creek; thence along said north line S67°08'27"E, 46.50 feet to a point on the west line of said Section 14 on the west line of said acres; thence along said west line S00°31'29"E, 51.57 feet to a point on the south line of Big Dry Creek; thence continuing along said west line S00°31'29"E, 796.29 feet to a point on the east line of the Colorado & Southern Railroad; thence along said east line, continuing along said west line along the following six courses 1) S19°28'47"E, 75.99 feet; 2) S29°36'47"E, 203.67 feet; 3) S36°23'47"E, 210.07 feet; 4) S42°09'47"E, 238.77 feet; 5) S42°27'47"E, 217.67 feet; 6) S45°27'47"E, 131.78 feet to a point on the south line of said Section 14 at the northwest corner of that land annexed to the City of Westminster and recorded at Reception Number 83078140 of said records; thence S89°29'12"W, 283.10 feet to a point on the west line of said railroad on the east line of Colorado State Highway 121 (Wadsworth Boulevard) at the northeast corner of that land annexed to the City of Westminster and recorded at Reception Number 630745 of said records; thence along the north line of said annexation S89°29'12"W, 360.90 feet to the point of beginning;

Total perimeter 6734 feet – contiguous perimeter 3061 feet – 45% contiguity.

Said property contains 638902 square feet or 14.6672 acres more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to Public Open Space, as shown on the attached "Exhibit A".

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Public Hearing and Action on the Second Amended Preliminary Development Plan for the Parkland Planned Unit Development

Prepared By: Michele McLoughlin, Planner II

Recommended City Council Action:

1. Hold a public hearing.
2. Approve the Second Amended Preliminary Development Plan within the Parkland Planned Unit Development.

Summary Statement:

- This portion of the Parkland Planned Unit Development (PUD) is located north of 120th Avenue and to the east of Federal Parkway and City of Westminster Open Space, and consists of approximately 20.05 acres.
- The Second Amended Preliminary Development Plan (PDP) for the Parkland Planned Unit Development changes the land use on the property from Office to Retail Commercial and revises the access points. This change is consistent with the Comprehensive Land Use Plan designation for this property.
- The developer is proposing a three-quarter turning movement access along 120th Avenue. This would eliminate the current full-turn access to Decatur Street south that currently serves Ranch Filing No. 6. The existing median break would be closed and force residents to travel to Zuni Street in order to head west on 120th Avenue. Colorado Department of Transportation has given conditional approval, provided a proper final design can be provided. This will be finalized at the Official Development Plan stage.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on August 24, 2004, and voted 6-1 to recommend the City Council approve the Second Amended Parkland PDP. This recommendation is based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have been met. Commissioner English requested that it be put on the record that Mr. Byrne hold a neighborhood meeting prior to the Official Development Plan going before Planning Commission and City Council.

Commissioner Crocker voted against the Second Amended Preliminary Development Plan stating that he saw no need for a left-hand turn into the parcel from 120th Avenue, especially with the proximity to a signalized intersection at 120th Avenue and Federal Boulevard.

Six individuals spoke in opposition to the proposal. The following comments were received:

- Ms. Carol Pool of 11420 Quivas Way, stated that she would like to see a quality development and asked that the City be very cautious when considering a left-hand turn across 120th Avenue.
- Ms. Mary Dambmam of 2975 W. 119th Avenue #102, had concerns regarding drainage.
- Mr. Chuck Vanstrom, 2263 Country Club Loop, highly encouraged the Planning Commission and the City to work with the Colorado Department of Transportation (CDOT) to install a traffic signal at 120th Avenue and Zuni Street.
- Ms. Nancy Humble, 2929 West 119th Avenue #102, questioned the need for a left hand turn from 120th Avenue and questioned the need for more retail along the 120th Avenue corridor.
- Ms. Faye Parker, 2929 W. 119th Avenue #201, had concerns that this be a high quality development and how the development would affect property values. She also stated that she would like to see some kind of pedestrian access across 120th Avenue so that residents in the vicinity could get to the retail center.
- Ms. Geraldine Eckroth, 2929 W. 119th Avenue #102, stated her concern about the speed on 120th Avenue and Federal Boulevard.

Policy Issue

Should the Amended PDP be approved without definitive final approval from the CDOT for the proposed three-quarter access?

Alternative

Table the amended Preliminary Development Plan until such time as a final design for the three-quarter access is acceptable to CDOT.

Background Information

Mike Byrne is requesting approval of an amended Preliminary Development Plan for a portion of the Parkland Planned Unit Development. The recently approved Comprehensive Land Use Plan (CLUP) update changed the land use on this parcel from Business Park to Retail Commercial. The amended PDP will amend the land use on the PDP to comply with the CLUP.

Along with the land use change, a three-quarter turning movement access along 120th Avenue has been requested through CDOT and a connection into the residential development to the east is proposed. The developer is proposing to construct trail connections into the City Open Space directly to the west of the site with the approval of the Official Development Plan (ODP).

Applicant/Property Owner

Mike Byrne
Country Club Village Enterprises
555 Eldorado Boulevard, Suite 200
Broomfield, Colorado 80021

Surrounding Land Use and Comprehensive Land Use Plan Designation

The property is bordered on the west by City of Westminster Open Space. To the south on the south side of 120th Avenue, and to the north, on the north side of Federal Parkway, is also City of Westminster Open Space. The property to the east is designated as Single-Family Detached and Commercial per the CLUP.

Site Plan Information

Details of the site plan will be determined at the time of ODP approval. The developer is proposing a “village” retail shopping center that will be pedestrian friendly with outdoor areas, plazas and adequate pedestrian access between buildings. There will also be vehicular/pedestrian access between this site and the future residential parcel to the east.

Traffic and Transportation

The developer will dedicate right-of-way and build the required additional laneage along both 120th Avenue and Federal Parkway adjacent to this property. A right-in/right-out and a full access turning movement are proposed along Federal Parkway. A three-quarter turning movement is proposed along 120th Avenue that will require final CDOT approval. At the present time, CDOT has given conditional approval, based on the final design and closing the existing median opening at Decatur to the south. As previously noted, an additional connection will be made between this property and the residential property to the east.

Service Commitment Category

Service Commitments will be awarded out of Category C for non-residential development.

Referral Agency Responses

CDOT has currently granted conditional approval for the proposed three-quarter turning movement along 120th Avenue, based on final design. CDOT’s issues of concern would include intersection spacing of auxiliary lane design and adequate storage for westbound vehicles at 120th Avenue and Federal, which will be resolved based on the provision of an acceptable design from the developer. The PDP includes a statement on the plans that this access is subject to CDOT approval and will be finalized at the ODP stage.

Public Comments

None received.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments



Agenda Item 10 I

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004

SUBJECT: Resolution No. 54 Supporting Adams 12 Five Star Schools Bond Increase and Mill Levy Override

Prepared By: Christy Owen, Management Intern II

Recommended City Council Action:

Adopt Resolution No. 54 formally supporting the Adams County District 12 Five Star Schools ballot issues pertaining to a proposed \$180,000,000 bond issue and \$9,900,000 mill levy override for the purpose of improving school buildings, student achievement, recruiting and retaining quality staff, and promoting growth in programs.

Summary Statement:

The Adams County District 12 Five Star Schools Board of Education approved a resolution on August 17, 2004 proposing a bond issue increase and a mill levy override to be placed on the ballot for the general election on November 2, 2004. City Staff has prepared a resolution in support of this ballot issue and is seeking City Council's review and approval.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does the City Council wish to formally support Adams County 12 School District's ballot issue through adoption of the attached resolution?

Alternative

City Council could choose not to take a formal position on the Adams County 12 School District's ballot issue or to oppose the issue. Based on the financial needs of Adams County 12 School District, which are generated in part by inflation and in part to a growing student population, and a need to provide school resources for a growing Westminster, Staff believes that a position of support is warranted.

Background Information

As part of the November 2nd General Election, Adams County School District 12 voters will be asked to approve financial issues that Adams County School District 12 has placed on the ballot. School District 12 requests a \$9,900,000 increase of the existing mill levy for the purpose of meeting essential needs of the district including improving student achievement, recruiting and retaining quality staff, and maintaining existing programs and schools. The mill levy would raise the property tax for District 12 residents \$4.60 per month per \$100,000 of assessed value. School District 12 is also requesting a bond issue in the amount of \$180,000,000 with no increase in taxes. The bond issue would be used for capital improvements and it would support a growing infrastructure.

Approximately 1,000 new students enter Adams District 12 each year making it one of the fastest growing districts in the State. It is estimated that Adams District 12 will educate approximately 40,000 students in 2008, up from 35,000 students at present. Currently, 18 schools exceed their program capacity within their respective buildings. The proposed bond issue would address growth by repairing and expanding existing facilities and building two new elementary schools within the district. Adams School District 12, also seeks to increase the standards for graduation from high school, and in order to accomplish this the district will have to add more classes and more teachers, thus increasing the per-pupil funding. These costs associated with increasing academic standards would be covered by the proposed mill levy override:

- Increasing the requirements for high school graduation from 20 credits to 23 credits.
- Increase the summer school course offerings to aide struggling students.
- Recruit, hire and train highly qualified staff.
- Increase English Language acquisition for non-English speaking students.
- Increase communications between parents, students and teachers.

City Council has previously chosen to adopt a formal position regarding School District ballot issues. Staff is recommending support of this ballot issue. This mill levy increase and bond issue will benefit the residents of Westminster by providing for essential needs of the district.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **54**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

**WESTMINSTER'S FORMAL POSITION ON ADAMS COUNTY
DISTRICT 12 FIVE STAR SCHOOLS MILL LEVY OVERRIDE BALLOT PROPOSAL AND
BOND ISSUE BALLOT PROPOSAL**

WHEREAS, a portion of the City of Westminster lies within Adams County District 12 Five Star Schools and Westminster residents attend District 12 public schools; and

WHEREAS, the City Council of Westminster does hereby recognize Adams County School District 12's commitment to educate the children of Westminster; and

WHEREAS, Adams County School District 12 has identified an essential need for additional funds to support increased student achievement and the recruitment and retention of quality staff, as well as maintaining existing programs and schools; and

WHEREAS, November 2, 2004 is the election date at which ballot issues proposing increasing taxes for the purposes set forth herein may be submitted to the eligible electors of the District pursuant to TABOR.

NOW, THEREFORE, be it resolved that the City Council of Westminster supports the efforts of Adams County District 12 Five Star Schools and the mill levy override and bond issue questions to be proposed to the electors of Adams County, Colorado, and the City Council of Westminster urges all Adams County School District 12 voters to approve this ballot proposal.

Passed and adopted this 13th day of September, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004

SUBJECT: Resolution No. 55 Supporting Jefferson County School District R-1 Bond Issue and Mill Levy Increase

Prepared By: Christy Owen, Management Intern II

Recommended City Council Action:

Adopt Resolution No. 55 which formally supports the Jefferson County School District R-1 ballot issue pertaining to a proposed \$323.8 million bond issue and \$38.5 mill levy override for the purpose of improving school buildings, student achievement, recruiting and retaining quality staff, and maintaining existing programs.

Summary Statement:

The Jefferson County School District Board of Education has approved a resolution calling for a bond issue and a mill levy increase by Jefferson County School District R-1 voters. City Staff has prepared a resolution in support of this ballot issue and is seeking City Council's review and approval.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does the City Council wish to formally support Jefferson County School District R-1's ballot issue through adoption of the attached resolution?

Alternative

City Council could choose not to take a formal position on the Jefferson County School District R-1 ballot issue or to oppose the issue. Based on the financial needs of Jefferson County School District R-1, which are being driven by a loss in revenue sources, and a need to provide school resources for Westminster students, Staff believes that a position of support is warranted.

Background Information

As part of the November 2nd General Election, Jefferson County School District R-1 voters will be asked to approve two financial issues that the School District Board of Education has placed on the ballot. The School District Board is requesting a \$323,800,000 bond issue and a \$38,500,000 operating revenue increase from the existing mill levy for the purpose of meeting essential needs of the district including improving school structures, improving student achievement, recruiting and retaining quality staff, and maintaining existing programs and schools.

The proposed bond issue would increase funding for capital expenditures such as building schools, maintaining existing schools, and providing facility enhancements. The proposed bond issue of \$323.8 million would increase a Jefferson County property owner's tax bill by \$0.73 per month per \$100,000 of assessed property valuation. The mill levy override would fund programs and day-to-day operating expenses in the School District. The \$38.5 million mill levy override would cause a property tax increase of \$4.05 per month per \$100,000 of assessed property value for the homeowner.

The effects of the economic climate over the past three years have forced Jefferson County School District R-1 officials to eliminate \$20 million in operating and administrative costs. The School District is not only faced with increased operating costs, it is also faced with a \$2.9 million revenue shortfall due to a decline in enrollment of approximately 2,000 students. For the upcoming budget, the School District is now faced with making cuts that will affect students and employees. Students are faced with the possibility of:

- Increased student fees for parking, labs and field trips
- Fewer classroom supplies and equipment
- Decline in support staff such as nurses, technicians and administration
- Loss of educational opportunities and activities
- Larger class sizes and fewer electives
- Less maintenance and cleaning of classrooms

The outlook for Jefferson County School District R-1 employees includes the potential for:

- 800 employees being laid off in the next two years
- Minimal or no salary increases
- Shortened work year
- Increase in the costs for benefits such as healthcare
- Decrease in training opportunities

SUBJECT: Resolution Supporting JeffCo School Bond Issue and Mill Levy Ballot Issue Page 3

City Council has previously chosen to adopt a formal position regarding Jefferson County School District R-1 ballot issues. Staff is recommending support of this ballot issue. The bond issue and mill levy override will benefit the residents of Westminster by providing for essential needs of the district with respect to operating and capital expenses.

Respectfully submitted,

Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **55**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

**WESTMINSTER'S FORMAL POSITION ON JEFFERSON COUNTY
SCHOOL DISTRICT BOND ISSUE AND MILL LEVY OVERRIDE BALLOT PROPOSALS**

WHEREAS, a portion of the City of Westminster lies within Jefferson County School District R-1 and Westminster residents attend Jefferson County public schools; and

WHEREAS, the City Council of Westminster does hereby recognize Jefferson County School District R-1's commitment to educate the children of Westminster; who reside in the district, and

WHEREAS, Jefferson County School District R-1 has identified an essential need for additional funds to support increased student achievement and the recruitment and retention of quality staff, as well as maintaining existing programs and schools; and

WHEREAS, November 2, 2004 is the election date at which ballot issues proposing increasing taxes for the purposes set forth herein may be submitted to the eligible electors of the District pursuant to TABOR.

NOW, THEREFORE, be it resolved that the City Council of Westminster supports the efforts of Jefferson County School District R-1 and the bond issue and mill levy questions to be proposed to the electors of Jefferson County, Colorado, and the City Council of Westminster urges all Jefferson County School District R-1 voters to approve this ballot proposal.

Passed and adopted this 13th day of September, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Resolution No. 56 in Support of Adams County Open Space Ballot Issue

Prepared By: Lynn Wodell, Open Space Coordinator

Recommended City Council Action:

Adopt Resolution No. 56 which formally sets forth the City's support of the Adams County Open Space ballot issue pertaining to a proposed increase in the existing countywide sales tax from one-fifth of one percent to one-fourth of one percent and extending the sales tax through December 31, 2026 for the purpose of preserving open space and creating and maintaining parks and recreation facilities.

Summary Statement:

The Adams County Board of County Commissioners approved Resolution No. 2004-1 on August 25, 2004 proposing an increase and an extension to the Open Space Sales Tax to be placed on the ballot for the general election on November 2, 2004. City Staff has prepared a resolution in support of this ballot issue and is seeking City Council's review and approval.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does the City Council wish to formally support Adams County's Open Space ballot issue through adoption of the attached resolution?

Alternative

City Council could choose not to take a formal position on the Adams County Open Space ballot issue or to oppose the issue. Based on the financial needs to preserve open space and develop and maintain parks in the Adams County portion of the City, Staff believes that a position of support is warranted.

Background Information

As part of the November 2nd General Election, Adams County voters will be asked to approve a financial issue that Adams County has placed on the ballot. The ballot issue is whether to increase the current one fifth of one percent (20 cents on a \$100 purchase) countywide sales tax to one fourth of one percent (25 cents on a \$100 purchase) to preserve open space in order to "limit sprawl, to preserve farmland, to protect wildlife areas, wetlands, rivers and streams and for creating, improving and maintaining parks and recreation facilities" beginning on January 1, 2007 and extending the tax through December 31, 2026.

Currently, the tax at one fifth of one percent sunsets on December 31, 2006. It was approved by the voters on November 2, 1999. It is estimated that the first year of the new tax (2007) the revenue collected would be \$8,651,882 or 25% higher than the current tax would generate. The tax is on sales only and is not collected on the sale of food or prescription drugs. No other changes to the Open Space Program are proposed. The funds will still be distributed into the following three groups.

- 2% Retained by the County to administer the program.
- 30% Distributed back to the jurisdiction in which the funds were collected.
- 68% Distributed through the open space grant program to qualified jurisdictions.

To date, the City has received \$890,739 from the 30% distribution and 10 grants awarded for over \$2.5 million for a total \$3,443.239. Grants have been received to acquire open spaces including McKay Lake, Vogel (Gussie's Pond), a Hidden Lake parcel, and for the future acquisition of the Metzger Farm. Grants have also been received for the development of portions of the Big Dry Creek Trail, Foxshire Park and Carroll Butts Park.

City Council has previously chosen to adopt a formal position regarding ballot issues. Staff is recommending support of this ballot issue. The Adams County Open Space Program has made a tremendous contribution to the City's ability to acquire open spaces and develop parks and trails. The tax proposed would increase annual revenues and greatly extend the life of the program.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **56**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

CITY'S FORMAL POSITION ON ADAMS COUNTY'S
INCREASE IN THE AMOUNT OF TAX TO BE COLLECTED AND THE EXTENSION OF THE OPEN
SPACE PROGRAM BALLOT PROPOSAL

WHEREAS, a portion of the City of Westminster lies within Adams County ; and

WHEREAS, the City Council of Westminster does hereby recognize Adams County's commitment to the preservation of open space and park and trail development in the City of Westminster; and

WHEREAS, Adams County has identified an essential need for additional funds for the purpose of preserving open space and creating and maintaining parks and recreation facilities within both unincorporated and incorporated parts of the county; and

WHEREAS, the Adams County Open Space Sales Tax has contributed significantly to Westminster Open Space and Parks and Recreation programs; and

WHEREAS, November 2, 2004 is the election date at which ballot issues proposing increasing taxes for the purposes set forth herein may be submitted to the eligible electors of the District pursuant to TABOR.

NOW, THEREFORE, be it resolved that the City Council of Westminster supports the efforts of Adams County and the increase and extension of the Open Space Sales Tax proposed to the electors of Adams County, Colorado, and the City Council of Westminster urges all Adams County voters to approve this ballot proposal.

Passed and adopted this 13th day of September, 2004.

ATTEST:

Mayor

City Clerk



Agenda Item 10 L

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Councillor's Bill No. 64 re Development Review Fee Amendments

Prepared By: John Shary, Planning Technician

Recommended City Council Action:

Pass Councillor's Bill No. 64 amending Section 11-1-6 and repealing Section 2-6-5 of the Westminster Municipal Code regarding development review fees.

Summary Statement:

- City staff is recommending changes to certain fees charged to developers as part of the development review process. The following changes are proposed.
 - 1) Addition of a Development Proposal Sign Posting Fee of \$50 for any development proposal or rezoning request in review.
 - 2) Increase of the Board of Adjustments and Appeals fee from \$25 plus advertising fee (\$50 on average) to \$250 and move the fee from a separate section of the Code to the Development Review Fee Schedule. (This requires repeal of Section 2-6-5 of the Westminster Municipal Code.)
 - 3) Deletion of the Conditional Use fee from the Development Review Fee Schedule.
- City Council reviewed this item at its May 17, 2004, Study Session and directed staff to schedule this item for formal adoption.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issues

- 1) Should the City of Westminster post properties under development review and charge a fee for the service in order to further notify the public regarding all development reviews, not only the ones requiring public notice?
- 2) Should the City of Westminster increase the Board of Adjustments and Appeals fee and move the fee to the Development Review Fee Schedule?
- 3) Should the City of Westminster delete the Conditional Use Fee from the Development Review Fee Schedule?

Alternatives

Take no action. This alternative would not increase fees and would not create any additional revenue. The alternative is not recommended because the cost of providing the service exceeds the current revenues collected. Section 2-6-5 would remain as is in the Westminster Municipal Code and would leave an extraneous fee (for a conditional use) on the Development Review Fee Schedule.

Background Information

Sign Proposal

Several other municipalities (such as Fort Collins, Longmont, Loveland and Thornton) have begun posting general "Development Proposal Under Review" signs on property for which a development proposal has been submitted to the City. (See attached sample photo.) The posting allows interested parties to contact the Planning Division with questions about the development proposal.

In comparing the sign cost in various other cities, staff discovered that it will cost the City of Westminster significantly less to produce these signs and have them posted. The City of Fort Collins currently pays \$64 - \$134 per sign. City Planning Technicians then post the signs and retrieve them. The City of Westminster Sign Shop can produce the signs for \$25 each, and Street Maintenance staff will post and retrieve them upon Planning Division's request.

Staff also researched how other cities recover the cost of posting the signs. Some cities (Fort Collins and Greeley) charge the developer from \$50 to \$100 for sign posting, while others (Golden, Northglenn, and Thornton) recover the cost in higher overall development fees.

Currently the City of Westminster posts a property only when the development proposal requires a public hearing prior to approval by the Planning Commission or City Council. The proposed posting would give the public the opportunity to comment on all proposals, even if the project is eligible to be administratively approved and does not require public notice or action by the Planning Commission or Council.

Proposed Fee Increase

The Board of Adjustments and Appeals fee increase for the processing of variance requests, was originally planned to be included under Ordinance 3031, amending the Westminster Municipal Code concerning Land Use and Development Review Fees adopted on June 9, 2003, but was inadvertently overlooked. Board of Adjustments and Appeals cases typically require multiple hours of staff time in preparation – file review, property photos, PowerPoint presentation, agenda memorandum preparation, and public notice posting. Additionally, the Board of Adjustments and Appeals meets and requires a public hearing. The procedure is comparable to development proposals requiring public notice. This change is needed to bring the fee in line with the other fees already in effect, and to recover more of the City's costs of providing the service. The City's staff time per case averages about eight hours, at a cost of about \$30 per hour or \$240. In addition, there are advertising costs averaging about \$50 per case. Upon adoption of this fee, Section 2-6-5 must be deleted as it would conflict with the new fee.

SUBJECT: Councillor's Bill re Development Review Fee Amendments

Page 3

Staff research determined that Board of Adjustments and Appeals fees in some cities (Fort Collins, Golden, and Thornton) have not been reviewed in several years and are still between \$50 and \$100. Other cities such as Greeley and Wheat Ridge charge \$300 plus the cost of public notice, while Denver charges \$500. City staff is recommending a fee of \$250 to cover most of the costs associated with these reviews.

City of Westminster does not allow conditional use permits, so the Conditional Use Fee is extraneous. Removing the fee from the Development Review Fee Schedule brings the fee schedule current.

This proposal was reviewed by City Council at the May 17, 2004, Study Session at which time staff was directed to schedule this item for formal adoption.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING LAND USE AND DEVELOPMENT REVIEW FEES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-1-6 (A), W.M.C., is hereby AMENDED to read as follows:

11-1-6: LAND USE AND DEVELOPMENT REVIEW FEE SCHEDULE: An applicant for any of the following land use or development reviews shall pay in advance the corresponding fee or fees:

(A) Review Fees:

PDP or amendment – Concept Review	\$350 (x) sq. rt. of acres (\$350 min.)
PDP or amendment – Technical Review	\$350 (x) sq. rt. of acres (\$350 min.)
ODP or amendment – Concept Review	\$400 (x) sq. rt. of acres (\$400 min.)
ODP or amendment – Technical Review	\$400 (x) sq. rt. of acres (\$400 min.)
Combined PDP/ODP (including amendments)	
Concept Review	\$550 (x) sq. rt. of acres (\$550 min.)
Technical Review	\$550 (x) sq. rt. of acres (\$550 min.)
Rezoning	\$500
Annexation	\$300
Comprehensive Land Use Plan Amendments	\$500
Minor Administrative Amendment	\$250
Public Hearing	\$350
ODP Waiver	\$250
Special Use Permit	\$450
Temporary Use Permit	\$100
BOARD OF ADJUSTMENT AND APPEALS	\$250
Construction Drawing Reviews	\$750 + \$75 times the sq. rt. of acres (\$1125 max)
Minor Replat (Lot Line Adjustment)	\$300
Vacations (R.O.W. and Easements)	\$300
Land Disturbance Permits	\$250
R.O.W./Street Cut Permit	\$ 50
DEVELOPMENT SIGN POSTING FEE	\$ 50

Section 2. Section 2-6-5, Westminster Municipal Code, is hereby REPEALED in its entirety as follows:

BOARD OF ADJUSTMENT AND APPEALS

~~**2-6-5: FEES:** The following fees shall be paid to the Clerk with every application for a hearing before the Board:~~

~~(A) A sum of twenty five dollars (\$25) with each application for a variance, appeal or Zoning Map determination.~~

~~(B) The City Clerk shall certify the cost of advertising said hearing which cost shall be paid by the applicant at or before the public hearing.~~

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 13th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Councillor's Bill No. 65 re Synchroness, Inc. Business Assistance Package Addendum

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 65 on first reading, authorizing the City Manager to execute a Business Assistance Package (BAP) Addendum with Synchroness, Inc. for the purpose of clarifying sales and use tax rebates on equipment purchases.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached business assistance package addendum with Synchroness, Inc.
- This addendum allows for the rebate of sales tax in addition to use tax rebate on furniture, fixtures, and equipment.
- Changes to the BAP text (See Exhibit A), which will allow for the Sales Tax rebates are in **Bold**.
- The intent of the original BAP was to provide a rebate to the company of the use tax paid when purchasing furniture and fixtures at move-in and for the first four years of operation. Synchroness, Inc. choose to "Shop Westminster", therefore paying sales tax instead of use tax. Since the agreement was written to apply only to use tax, the company could not receive the intended rebate.
- The addendum will allow Synchroness Inc. to receive sales tax rebates from purchases of furniture and fixtures as intended per the original agreement.
- The total dollar amount of the rebate does not change from the original agreement.

Expenditure Required: No change to the current amount of the original BAP (\$6,375 for furniture and fixtures).

Source of Funds: The business assistance package with Synchroness, Inc. will be funded through the rebate of permit fees, construction use tax, and equipment sales and use tax generated directly from the relocation of Synchroness Inc. to Walnut Creek Business Park, located at 108th Avenue and Wadsworth Parkway.

Policy Issue

Does Council desire to approve the addendum to the BAP with Synchroness, Inc. to allow them to receive both sales and use tax rebates?

Alternatives

Do Nothing: One alternative is to do nothing. The result would be that Synchroness, Inc. is not able to receive any rebate on furniture, fixtures, and equipment, as no use tax would be paid. Thus, the intent of providing a rebate on furniture, fixtures, and equipment would not be met.

Background Information

City Council approved a BAP with Synchroness Inc. on April 26, 2004 for a total of \$10,500. The BAP was comprised of \$2,100 in permit fee rebates, \$2,205 in construction use tax rebates, and \$6,375 in use tax rebates on furniture and fixtures.

Synchroness Inc. made the choice to "Shop Westminster" for the purchases of furniture and fixtures. As a result of making the purchases in the City, the company paid sales tax, not use tax, to the City and therefore was not eligible for the use tax rebate. Making this minor change to the BAP will allow Synchroness Inc. to receive a rebate of the sales tax paid and uphold the original intent of the BAP.

Staff is not recommending any change to the amount the rebate, rather the adoption of the addendum to include sales and use tax rebates from purchases of furniture and fixtures.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

Exhibit A

**ADDENDUM COUNCILLOR'S BILL NO. 28 TO THE
AGREEMENT TO FURNISH SERVICES BETWEEN THE
CITY OF WESTMINSTER AND SYNCRONESS INC.
FOR A BUSINESS ASSISTANCE PACKAGE DATED APRIL 26, 2004.**

The City of Westminster (hereinafter referred to as "Westminster") and Synchroness, Inc. agree to amend the Business Assistance Package described above as follows:

Amend Paragraph 3 to read:

3. **Sales and Use Tax Rebate- Furniture and Fixtures.** For a period of 6 months prior to Synchroness, Inc. obtaining the Certificate of Occupancy for the new Westminster facility, and for the first four years of operation, the City will rebate 50% of the **Westminster** General **Sales and Use Tax** (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facility (\$25,000 new equipment at move-in x 3%= \$750 Use Tax x 50% = \$375 + \$100,000 new equipment per year x 3%= \$3,000 x 50% = \$1,500 per year for 4 years = \$6,000 for a total of \$6,375). The rebate shall not exceed \$6,375.

All other terms and conditions of this Agreement shall remain in effect.

This Addendum is dated September 13, 2004.

CITY OF WESTMINSTER

By _____
J. Brent McFall
City Manager

ATTEST:

City Clerk

SYNCRONESS, INC.

By _____
Mark Henault
President

ATTEST:

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **65**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE ADDENDUM WITH SYNCRONESS INC. TO AID IN THE RETENTION AND EXPANSION OF SYNCRONESS INC. TO WALNUT CREEK BUSINESS PARK IN WESTMINSTER

WHEREAS, the Addendum will provide sales and use tax rebates for purchase of furniture and fixtures,

WHEREAS, a proposed Business Assistance Package Addendum between the City and Synchroness, Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into a Business Assistance Package Addendum with Synchroness, Inc. in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of September 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Councillor's Bill No. 66 re 2004 Budget Supplemental Appropriation

Prepared By: Karen Creager, Internal Auditor

Recommended City Council Action:

Pass Councillor's Bill No. 66 on first reading providing for supplementary appropriations to the 2004 budget of the General, General Capital Improvement and Debt Service.

Summary Statement

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2004 2nd quarter supplemental appropriation.
- General Fund amendments:
 - \$4,103 Police Department overtime reimbursement
 - \$143,854 Lease proceeds
 - \$125 Parks, Recreation and Libraries memorial donation
- General Capital Improvement Fund amendments:
 - \$369,555 to establish Holly Park capital project
- Debt Service Fund amendments:
 - \$558,000 carryover appropriation
- Appropriation of these unbudgeted funds allows the funds to be spent in 2004.

Expenditure Required: \$1,075,637

Source of Funds: The funding sources for these expenditures include carryover, reimbursements, lease proceeds and donations.

Policy Issue

Does City Council support amending the appropriations for the 2004 budget of the General, General Capital Improvement and Debt Service Funds?

Alternative

The alternative would be not to amend the 2004 budget appropriations for the General, General Capital Improvement and Debt Service Fund and utilize these funds to increase reserves. Staff does not recommend this alternative as the various departments have already incurred these expenses and covered them in their current budget in anticipation of receipt of the funds.

Background Information

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

The Police Department (PD) received \$4,103 from the City of Thornton on behalf of the North Metro Drug Task Force for High Intensity Drug Trafficking Area (HIDTA) Investigations overtime reimbursements. These reimbursements were for overtime incurred by members of the Police Department while working on Federal HIDTA cases. (General Fund)

On April 12, 2004, City Council approved an addition to the City's master lease for Light Emitting Diode (LED) traffic signals. The City's master lease was amended in the amount of \$143,854 on June 15, 2004 to include the LEDs. In order to properly reflect the receipt of the lease proceeds and the subsequent use of the proceeds on the City's books, the lease proceeds are now being appropriated. (General Fund)

In June, the Library received \$125 in donations from the Judy Farrell memorial fund. While typically such small amounts are not included in supplemental appropriations, the Library wants to make sure that the donations are spent in accordance with the deceased patron's wishes. Therefore, \$125 is being appropriated into the Library's material account. (General Fund)

The City Council annually reviews and appropriates carryover funds from the previous year's budget into the current year budget for key operating priorities for which funds are needed and carryover funds are available. The Debt Service Fund has \$558,000 of carryover available to be appropriated. These funds are being appropriated into interest expense to assist with bond interest payments that would have been paid for by capitalized interest from the Sales and Use Tax Revenue Bonds, Series 2002 for the 136th/I-25 Interchange. Appropriating carryover will accomplish two things: 1) Reduce fund balance in order to keep a bona-fide debt service fund for IRS purposes and 2) preserve the capitalized interest for debt service payments in 2005. (Debt Service Fund)

Community Development received \$506,000 from a letter of credit for the Holly Park Development. These funds are to be used specifically for that development. For tracking purposes, Staff has decided to set-up a separate capital project for these funds. (General Capital Improvement Fund)

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **66**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$148,082 which, when added to the fund balance as of the City Council action on September 14, 2004 will equal \$86,591,599. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of reimbursements, library donations, and lease proceeds.

Section 2. The \$148,082 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Federal Grants	1000.40610.0000	\$43,911	\$4,103	\$48,014
General Misc	1000.43060.0000	156,366	125	156,491
Other Financing Use	1000.46000.0000	1,429,973	<u>143,854</u>	1,573,827
Total Change to Revenues			<u>\$148,082</u>	

EXPENSES		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Overtime	10020300.60400.0344	\$12,911	\$4,103	\$17,014
Library Matrils	10050620.71600.0000	302,500	125	302,625
Other Financing Use	10010900.78800.0000	1,466,776	<u>143,854</u>	1,610,630
Total Change to Expenses			<u>\$148,082</u>	

Section 3. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$369,555 which, when added to the fund balance as of the City Council action on September 13, 2004 will equal \$17,976,552. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is from 2003 carryover to set-up a separate capital project for the Holly Park Development.

Section 4. The \$369,555 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Carryover	7501.40020.0000	\$0	<u>\$369,555</u>	\$369,555
Total Change to Revenue			<u>\$369,555</u>	

EXPENSES		2004		2004
Description	Account Number	Adopted	Amendment	Revised
Holly Park - LOC	80475030619.80400.8888	\$0	\$506,000	\$506,000
Capital Projects Reserve	80175050186.80400.8888	844,912	<u>(136,445)</u>	708,467
Total Change to Expenses			<u>\$369,555</u>	

Section 5. The 2004 appropriation for the Debt Service Fund initially appropriated by Ordinance No. 2977 in the amount of \$7,603,664 is hereby increased by \$558,000 which, when added to the fund balance as of the City Council action on September 13, 2004 will equal \$8,161,664. The actual amount in the Debt Service 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 appropriation is due to the appropriation of 2003 carryover.

Section 6. The \$558,000 increase in the Debt Service Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Carryover	8000.40020.0000	\$74,171	<u>\$558,000</u>	\$632,171
Total Changes to Revenue			<u>\$558,000</u>	
EXPENSES		Current		Revised
Description	Account Number	Budget	Amendment	Budget
Interest	80010900.78400.0058	\$0	<u>\$558,000</u>	\$558,000
Total Change to Expenses			<u>\$558,000</u>	

Section 7. – 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 8. This ordinance shall take effect upon its passage after the second reading.

Section 9. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Resolution No. 57 Declaring the Intent of the City of Westminster to Sign the Metro Mayors Caucus 2004 Regional Memorandum of Understanding on Water

Prepared By: Mike Happe, Water Resources and Treatment Manager
Stu Feinglas, Water Resources Analyst

Recommended City Council Action

Adopt Resolution No. 57 authorizing the Mayor to sign the proposed Metro Mayors Caucus Memorandum of Understanding (MOU) on Water.

Summary Statement

- The Metro Mayors Caucus is proposing a Memorandum of Understanding for adoption to set forth principles for wise water management and stewardship.
- The principles focus on areas of resource management, conservation, technology, and cooperative efforts.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council Adopt Resolution No. authorizing the Mayor to sign the Metro Mayors Caucus 2004 Regional Memorandum of Understanding on Water.

Alternative

City Council may choose not to authorize the Mayor to sign the proposed MOU. In this case, Westminster would not be a party to the MOU and would not agree to pursue the goals of the document as a part of the regional effort.

Background Information

The Denver metropolitan area is faced with a set of specific conditions that make water a critical issue. These conditions include Colorado's semi-arid climate and unique set of natural resources, which help drive the regions economic engine. Regional governments have responded to recent drought with a spirit of consensus and cooperation. This same spirit can be embraced, and focused to reduce the regions vulnerability to drought through conservation, and water supply projects. Participating entities recognize that there are regional and local differences with respect to water quality, supply, and usage. Each entity must tailor their efforts to reach their goals.

Several specific principles have been set forth in the MOU to demonstrate commitment to the goal of wise management and stewardship of water resources. Recommended actions are proposed and encouraged in the MOU, that entities may individually or collectively carry out where appropriate, including the following:

- Best Management Practices (BMP's) to improve efficiency and reduce demand have been adopted by many communities. Use of BMP's are beneficial in conservation, reuse, and/or new technologies.
- New Technologies should be adopted when cost effective and appropriate.
- Cooperation between water systems at the regional and sub-regional levels can result in more efficient use of water resources.
- Efforts will continue to coordinate public education to convey the importance of water, conservation, and the need to plan for current and future water needs.
- Fee structures need to be evaluated and modified so that they deter wasteful water use while protecting the publics' investment in water supplies and infrastructure.
- Entities will work together to address the economic, environmental, and social impacts of water projects, and transfers of water place and use. Water leases and interruptible supply contracts for agricultural water are encouraged. Locally effected communities must have the opportunity to assist in defining appropriate mitigation.
- Water conservation principles will be considered and encouraged in municipal planning, construction, maintenance, and redevelopment of public spaces.
- While the recent drought will come to an end, Colorado has a semi-arid climate. Demands on water supply will grow with the population. Maintaining commitment to wise stewardship is just as important in times of abundance.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **57**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

WHEREAS, the City of Westminster, Colorado (the "City"), is a home rule city, and
WHEREAS, Colorado is a semi-arid climate where water is a finite and valuable resource; and;
WHEREAS, the Denver metropolitan area is Colorado's population center and economic "engine"
and thus must reduce its potential vulnerability to drought through conservation and water supply projects;
and

WHEREAS, elected officials in the Denver metropolitan area want to build on the spirit of
consensus, cooperation and essential pragmatism about Colorado's water supply; and,

WHEREAS, local governments in the Denver metropolitan area in drafting the Metro Mayors
Caucus 2004 Regional Memorandum of Understanding on Water have voluntarily and collaboratively set
forth the principles that illustrate their commitment to wise management and stewardship of vital water
resources within their individual and overlapping jurisdictions and the region as a whole.

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

Does hereby authorize Nancy McNally as Mayor of the City of Westminster to sign the Metro
Mayors Caucus 2004 Regional Memorandum of Understanding on Water.

Passed and adopted this 13th day of September, 2004.

ATTEST:

Nancy McNally, Mayor

Richelle Work, Deputy City Clerk

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this ___ day of _____ 2004, by and among the local governments in the Denver, Colorado metropolitan area, bodies politic organized under and existing by virtue of the laws of the State of Colorado.

Whereas, Colorado is a semi-arid climate where water is a finite and valuable resource; and

Whereas, water has important environmental, economic, political and social impacts; and

Whereas, historically, Colorado's precipitation patterns have included inevitable and cyclical periods of drought; and

Whereas, Colorado's natural environment and recreational opportunities, a primary draw for visitors, new residents and relocating businesses, require a reasonable degree of minimum stream flows; and

Whereas, the Denver metropolitan area is Colorado's population center and economic "engine" and thus must reduce its potential vulnerability to drought through conservation and water supply projects; and

Whereas, elected officials in the Denver metropolitan area want to build on the spirit of consensus, cooperation and essential pragmatism about Colorado's water supply; and,

Whereas, the Denver metropolitan area is projected to add an additional 1 million residents between 2000 and 2025, primarily through births by existing residents and in-migrants¹; and

Whereas, regional and local differences exist in water quality, quantity, and usage and each local government or water provider must tailor its water efficiency program to reach conservation goals; and

Whereas, many local governments in the Denver metropolitan area have developed extensive water wise management systems and practices; and

Whereas, local governments in the Denver metropolitan area have voluntarily and collaboratively set forth the principles defined herein that illustrate their commitment to wise management and stewardship of vital water resources within their individual and overlapping jurisdictions and the region as a whole.

NOW THEREFORE, the undersigned cities and towns (hereinafter referred to as we) agree as follows:

1. ***Intent of Agreement.*** This agreement is intended to set forth principles that illustrate our commitment to wise management and stewardship of vital water resources and actions that we individually or collectively might take to carry out that stewardship. Nothing in this agreement shall confer rights on third parties or create obligations in favor of third parties.
2. ***Best Management Practices.*** Thoughtful modification of direct and indirect resource management practices can improve efficiency and reduce demand. Many communities have already adopted best management practices, some have not and some that have been adopted could be improved. Towards that end, we will use our best efforts to continue to identify and adopt, or urge the water utilities that serve us to adopt, best management practices that achieve efficient water use through conservation, reuse, and/or new technologies.
3. ***New Technologies.*** New technologies that have the potential to reduce demand for both potable and non-potable water are being developed every day. We will continue to strive to implement new technologies whose benefits are demonstrable and cost effective.
4. ***Coordination.*** We acknowledge that as members of a region and of the State of Colorado, we share a common challenge in providing a safe, stable supply of affordable water to our customers, both present and prospective. We will use our best efforts to find areas of cooperation between water systems at the regional and subregional levels that will result in more efficient use of our water resources.
5. ***Education.*** The consumer benefits from knowing how the public sector is working to reduce consumption, increase efficiency and provide stable future water supplies. Further, an educated consumer can make informed decisions about his or her own consumption. We will continue to work together to coordinate public education in the Denver metropolitan area to convey the importance of

¹ United States Census Bureau and Denver Regional Council of Governments 2025 population estimates

water and to increase awareness of the need to conserve, manage and plan for current and future water needs.

6. ***Protect Providers.*** As consumers reduce consumption, this may have the unintended consequence of jeopardizing the current and future financial viability of water providers. We will continue to evaluate our fee structures to look for ways to deter wasteful use of water while still protecting the public's investment in water supplies and infrastructure.
7. ***Address Impacts.*** Reducing consumption is only a partial answer to providing for the future needs of the growing Denver metropolitan area. In future water supply projects, we will work together to meet the needs of a growing population and to address the economic, environmental and social impacts of water projects and transfers of water from its historic place and type of use. The transfer of agricultural water outside of a local government's planning area should be encouraged to be completed through leases or interruptible water supply contracts. Locally affected communities must have the opportunity to assist in defining appropriate mitigation for each project.
8. ***Lead by Example.*** We understand that individuals look to their community leaders to set an example for the public and that actions speak louder than words. We will continue to consider and encourage water conservation principles in our planning, construction, maintenance and redevelopment of public spaces.
9. ***Commit to Future Stewardship.*** Though upon signing we have been experiencing long-term drought, we recognize that the current drought will come to an end. However, Colorado will continue to be a semi-arid climate and demands on our water supplies will grow with our state's population, making our commitment to the wise stewardship of water just as important in times of abundance.
10. ***Execution in Counterparts.***



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
September 13, 2004



SUBJECT: Councillor's Bill No. 67 re Issuance of Building Permits within the HollyPark Urban Renewal Area

Prepared By: Martin McCullough, City Attorney
John Carpenter, Director of Community Development

Recommended City Council Action

Adopt Councillor's Bill No. 67 on first reading temporarily suspending the processing and issuance of building permits within the HollyPark Urban Renewal Area until such time as (a) the Westminster Economic Development Authority ("WEDA" or "Authority") has completed its review of redevelopment proposals received in response to its Request for Proposals ("RFP") dated August 6, 2004, and has accepted a proposal, (b) WEDA has rejected all such proposals, or (c) 180 days has passed following the adoption of this ordinance on second reading, whichever occurs first.

Summary Statement

- On August 6, 2004, the WEDA issued an RFP for the redevelopment or rehabilitation of the Holly Park Townhome Project.
- On September 1, 2004, the Executive Director of WEDA requested that the City enact a 180-day temporary moratorium on the issuance of building permits and the consideration of development plan approvals within the Holly Park Urban Renewal Area.
- Prior to final consideration of this ordinance on second reading, a public hearing will be held in order to provide the property owner and any other interested parties an opportunity to speak concerning this proposed ordinance.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

Whether the City Council should cooperate with the Westminster Economic Development Authority during the pendency of the Authority's RFP process by suspending, for a period of 180 days, the processing and issuance of building permits within the Holly Park Urban Renewal Area in order to afford the Authority the opportunity to complete its review of all proposals and decide which proposal, if any, should be accepted by the Authority for the redevelopment of the HollyPark Townhome Project as an urban renewal project.

Alternatives

Reject the proposed moratorium on the issuance of building permits within the HollyPark Townhome Authority, and allow the City's building division to continue to process and issue building permits within the HollyPark Townhome area, and keep the process of issuing building permits and the Authority's RFP process separate. City Staff is not recommending this alternative because Staff believes it would seriously undermine the Authority's RFP process, and that it would be inconsistent for the City to be issuing building permits at the same time the Westminster Economic Development Authority is considering proposals that would require building permits to be secured by the selected redeveloper.

Background Information

On August 6, 2004, the Westminster Economic Development Authority issued a request for proposals for the redevelopment and rehabilitation of the HollyPark Townhome Project pursuant to C.R.S. § 31-25-106.

The Colorado Urban Renewal Law requires that once an RFP is issued, the Authority shall consider all such redevelopment and rehabilitation proposals, including the financial and legal abilities of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the Authority in the Urban Renewal Area. The Authority issued its notice of intent to acquire this property on August 20, 2004, subject to review of the proposals and determination of feasibility as allowed by the Colorado Urban Renewal Law.

On September 1, 2004, the Executive Director of the Westminster Economic Development Authority requested that the City enact a 180-day temporary moratorium on the issuance of building permits, and the consideration of development plan approvals within the HollyPark Urban Renewal Area.

Colorado Urban Renewal Law provides that a public body may do all things necessary to aid or cooperate with an urban renewal authority in connection with the planning or undertaking by the Authority of any plans, projects, programs, works, operations, or activities within the area in which such public body is authorized to act.

Staff believes that the requested moratorium and the City's agreement to process future building permit applications consistent with the Authority's RFP process will allow the Authority the time it needs to review and evaluate the proposals it has requested, and to conduct any negotiations that may be appropriate for the purchase, lease, or other transfer of this property by the Authority in connection with the Urban Renewal Project.

Of further relevance to the proposed redevelopment and rehabilitation of the HollyPark Townhome Project, Wells Fargo Bank holds liens upon this property in excess of \$6 million dollars. Wells Fargo has informed the Authority that Wells Fargo has commenced foreclosure of its liens, and intends to actively undertake discussions with the various developers who have expressed interest in acquiring its position and completing the project. Wells Fargo has submitted a proposal pursuant to the request for proposals issued by the Authority on August 6, 2004, and in its proposal has indicated that it would require no assistance from the City in connection with the acquisition of the Property. Staff has not yet had an opportunity to look into the details of the proposal received by Wells Fargo, nor has it had an opportunity to review any other proposals that have been submitted in connection with the Authority's RFP. City Staff intends to conduct a review of all such proposals and develop a recommendation for the Authority to consider in as timely a manner as possible.

The proposed moratorium on the issuance of building permits within the HollyPark Townhome Area will allow the RFP process to continue as intended by the Authority and as contemplated by the Colorado Urban Renewal Law. Appropriate City Staff will be available to answer any questions that City Council has concerning this matter.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **67**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM UPON THE REVIEW, APPROVAL, OR ISSUANCE OF BUILDING PERMITS WITHIN THE HOLLYPARK URBAN RENEWAL AREA

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds as follows:

A. The City of Westminster is a home-rule municipality organized and existing under the provisions of Colorado Constitution Article XX;

B. C.R.S. § 31-25-112 provides, among other things, that any public body, within its powers, purposes, and functions and for the purpose of aiding an authority in or in connection with the planning or undertaking pursuant to Part I of the Colorado Urban Renewal Law of any plans, projects, programs, works, operations, or activities of such authority whose area of operation is situated in whole or in part within the area in which such public body is authorized to act, upon such terms as such public body shall determine, may:

(1) Do all things necessary to aid or cooperate with such authority in or in connection with the planning or undertaking of any plans, projects, programs, works, operations, or activities;

(2) Enter into agreements with such authority respecting actions to be taken pursuant to any of the powers set forth in Part I of the Colorado Urban Renewal Law, including agreements respecting the planning or undertaking of any such plans, projects, programs, works, operations, or activities which such public body is otherwise empowered to undertake;

(3) Plan or re-plan and zone or re-zone any part of the area under the jurisdiction of such public body, or make exceptions from its building regulations;

(4) Cause administrative or other services to be furnished to such authority;

(5) For the advancement of the public interests for the purpose of aiding and cooperating in the planning, acquisition, demolition, rehabilitation, construction, or relocation or otherwise assisting the operation or activities of an urban renewal project located wholly or partly within the area in which it is authorized to act, a public body may enter into agreements which may extend over any period with an authority respecting action taken or to be taken pursuant to any of the powers granted by Part I of the Colorado Urban Renewal Law;

C. The Westminster Economic Development Authority established the HollyPark Urban Renewal Area on February 23, 2004.

D. The Westminster Economic Development Authority issued a request for proposals for the redevelopment of the HollyPark Townhome Project, which is located within the HollyPark Urban Renewal Area, on August 6, 2004;

E. The deadline for submitting proposals for the redevelopment of the HollyPark Townhome Area pursuant to the RFP was September 7, 2004;

F. City Staff also serves as Staff for the Westminster Economic Development Authority;

G. Significant time will be required of City Staff to review and analyze the proposals and develop a recommendation for the Westminster Economic Development Authority;

H. The City has very limited Staff resources at this time. Expending Staff time reviewing applications for building permits for the Holly Park Townhome Project before the Authority has selected a redeveloper for the Project would be an inefficient and imprudent use of such resources;

I. It would be inconsistent for the City to be reviewing applications or issuing building permits for this property at the same time that the Westminster Economic Development Authority is considering proposals that would also require building permits to be secured by the selected redeveloper;

J. Wells Fargo Bank, which holds a lien upon the HollyPark property in a total amount in excess of \$6 million dollars, has notified the Authority that it has commenced foreclosure of its liens and intends to actively undertake discussions with various developers who have expressed an interest in acquiring its position and completing the project as part of the request for proposal process;

K. The Executive Director of the Westminster Economic Development Authority has requested City Council to consider a temporary moratorium on the issuance of building permits within the HollyPark Urban Renewal Area until such time as the Authority's request for proposal process can be completed; and

L. The adoption of this ordinance would assist and aid the Authority with the planning and undertaking of the Holly Park Urban Renewal Project as contemplated by C.R.S. § 31-25-112, and would further the goals and objectives of the Urban Renewal Plan for this area as previously adopted by City Council pursuant to C.R.S. § 31-25-107.

Section 2. On and after the effective date of this ordinance, no applications for building permits shall be considered and no building permits shall be issued within the HollyPark Urban Renewal Area until such time as: (A) the Westminster Economic Development Authority notifies the City pursuant to C.R.S. § 31-75-106 of the Authority's acceptance of a redevelopment proposal received in response to the Authority's Request for Proposals dated August 6, 2004, (B) the Westminster Economic Development Authority notifies the City that it has rejected all such proposals and has determined not to solicit further proposals, or (C) 180 days has passed since the adoption of this ordinance on second reading, whichever event occurs first.

Section 3. It is the intent of the City Council that, during the pendency of the Westminster Economic Development Authority's request for proposal process, no building permits shall be issued within the HollyPark Urban Renewal Area except to the extent consistent with and in furtherance of the Authority's request for proposal process, and the Holly Park Urban Renewal Plan.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of September, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 2004.

Mayor

ATTEST:

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, September 13, 2004. . Mayor McNally, Councillors Davia, Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call. Absent none.

The minutes of the August 23, 2004 and August 30, 2004 meetings were approved.

Council proclaimed the week of September 19-25 as Yellow Ribbon Youth Suicide Awareness and Prevention Week.

Council TABLED Resolution No. 57 re Metro Mayors Caucus 2004 Regional Memorandum of Understanding on Water.

The following Public Hearings were held: at 7:29 p.m. On 2005 And 2006 City Budget; at 8:27 p.m. Big Dry Creek Open Space Annexation; at 8:47 p.m. on the Second Amended Preliminary Development Plan for the Parkland Planned Unit Development.

Council approved the following: Special Bankruptcy Legal Counsel agreement with Charles Greenhouse for \$5,000; 2004 Traffic Calming Construction with Goodland Constructors for \$152,734.50; Huron Street Design, 140th-150th Avenue with Transystems Corporation for \$58,010; Renewal of Pinnacle Towers LLC Radio Tower Site Lease for \$21,054; Engineering Services Contract to update Solids Management Master Plan with Brown & Caldwell for \$98,814; Contract for Owner's Representative Services for Big Dry Creek Wastewater Treatment Facility Upgrade and Expansion with Sorenson Engineering for \$409,851; and 2nd Amended PDP for Parkland PUD.

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: Annexing Big Dry Creek Open Space

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: CLUP Amendment for Big Dry Creek Open Space

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 14 AND 15, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: Zoning the Big Dry Creek Open Space

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING LAND USE AND DEVELOPMENT REVIEW FEES purpose: Amendment to Development Review Fees

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE ADDENDUM WITH SYNCRONESS INC. TO AID IN THE RETENTION AND EXPANSION OF SYNCRONESS INC. TO WALNUT CREEK BUSINESS PARK IN WESTMINSTER purpose: Addendum to Synchroness Business Assistance Package

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS purpose: 2004 Budget Supplemental Appropriation

A BILL FOR AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM UPON THE REVIEW, APPROVAL, OR ISSUANCE OF BUILDING PERMITS WITHIN THE HOLLYPARK URBAN RENEWAL AREA purpose: suspension of issuance of building permits within Holly Park Urban Renewal Area

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

A BILL FOR AN ORDINANCE ALLOWING TASTINGS OF MALT, VINOUS, OR SPIRITOUS LIQUORS AND AUTHORIZING AN APPLICATION AND FEES

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND

The following Resolutions were adopted:

Resolution No. 53 re findings on Big Dry Creek Open Space Annexation

Resolution No. 54 re Support of Adams 12 School District Bond Increase and Mill Levy

Resolution No. 55 re Support of Jefferson Schools Bond Issue and Mill Levy Increase

Resolution No. 56 re Support of Adams County Open Space Ballot Issue

At 9:28 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on September 24, 2004

A BILL
FOR AN ORDINANCE ALLOWING TASTINGS OF MALT, VINOUS, OR SPIRITOUS LIQUORS
AND AUTHORIZING AN APPLICATION AND FEES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title V, Chapter 14, W.M.C., is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

5-14-15: LIQUOR TASTINGS:

(A) AUTHORIZATION. LICENSED RETAIL LIQUOR STORES AND LIQUOR LICENSED DRUGSTORES ARE HEREBY AUTHORIZED TO CONDUCT TASTINGS IN COMPLIANCE WITH SECTION 12-47-301, C.R.S., AS "TASTINGS" AS DEFINED THEREIN.

(B) APPLICATION; FEE. AN APPLICANT FOR A TASTING PERMIT MUST COMPLETE AN APPLICATION ON A FORM TO BE PROVIDED BY THE CITY CLERK AND ACCOMPANY THE APPLICATION WITH A FIFTY DOLLAR (\$50.00) FEE.

(C) VIOLATION. IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONDUCT A TASTING WITHOUT A TASTING PERMIT ISSUED BY THE CITY OR TO CONDUCT SUCH TASTING IN ANY MANNER NOT IN COMPLIANCE WITH THE RULES AND REGULATIONS IN SECTION 12-47-301, C.R.S. OR THIS SECTION. FAILURE TO COMPLY WITH SAID SECTIONS SHALL BE CONSIDERED A VIOLATION OF THE COLORADO BEER AND LIQUOR CODES AND MAY BE SANCTIONED AS ANY OTHER VIOLATION OF THE CODES.

(D) TERM; RENEWAL. TASTING PERMITS SHALL BE VALID FOR ONE (1) YEAR AND SHALL BE ISSUED CONCURRENT WITH THE RENEWAL OF THE RETAIL LIQUOR STORE LICENSE. RENEWAL SHALL BE ADMINISTRATIVELY ACCOMPLISHED BY THE CITY CLERK, PROVIDED THAT A RENEWAL FEE OF FIFTY DOLARS (\$50.00) IS PAID AND THE PERMITEE HAS NO VIOLATIONS OF SECTION 12-47-301, C.R.S., IN WHICH CASE THE RENEWAL APPLICATION SHALL BE CONSIDERED BY THE SPECIAL PERMIT AND LICENSE BOARD.

(E) THE PERMITEE SHALL PROVIDE THE CITY CLERK WITH A SCHEDULE OF DATES AND TIMES THE TASTINGS WILL BE CONDUCTED. SUCH NOTICE SHALL BE AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE TASTING.

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 23RD day of August, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of September, 2004.

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$135,000 which, when added to the fund balance as of the City Council action on August 23, 2004 will equal \$17,606,997. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of a contribution from Community Reach Center.

Section 2. The \$135,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Revenue				
Contributions	7500.43100.0000	\$5,140	<u>\$135,000</u>	\$140,140
Total change to revenues			<u>\$135,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Expenses				
Walker Bldg Remodel	80175012022.80400.8888	\$181,000	<u>\$135,000</u>	\$316,000
Total change to expenses			<u>\$135,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 23rd day of August, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of September, 2004.