



**WESTMINSTER
COLORADO**

**SEPTEMBER 13, 1999
7:00 P.M.**

AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Presentation to the O'Bryne Family re Westin Hotel and Westminster Conference Center
5. Citizen Communication (5 minutes or Less in Length)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. IGA with CDOT for Federal Boulevard/US 36 Enhancements
 - B. Compensation System Review Consulting Services with Johnson and Associates for \$26,800
 - C. Bishop Square Ball Field Renovation Contract to Goodland Construction for \$172,200
 - D. College Hill Library Entrance Plaza for \$29,601.25 to Concrete Express
 - E. Councillor's Bill No. 48 on second reading Appropriating \$30,000 for Little Dry Creek Trail Project (Smith-Allen)
 - F. Councillor's Bill No. 49 on second reading appropriating 1998 carryover funds for Semper Water Treatment Facility Rehabilitation (Dixon-Allen)
 - G. Councillor's Bill No. 50 on second reading appropriating 1998 carryover funds for Emergency Power Generation for Water Treatment (Smith-Atchison)
 - H. Councillor's Bill No. 51 on second reading Amendments to Trespassing Ordinance when signs are posted restricting use of the premises (Allen-Merkel)
 - I. Councillor's Bill No. 52 on second reading Amendment to Amusement Centers to allow up to 6 machines without a public hearing (Merkel-Hicks)
 - J. Councillor's Bill No. 54 on second reading Revised Marriott Hotel Business Assistance Package (Hicks-Atchison)

9. Appointments and Resignations

None

10. Public Hearings and Other New Business

- A. TABLED Amendment to Purchase and Sale Agreement with Catellus Development Corporation for Westminster Promenade Project
- B. Continued Reopened Public Hearing re Foster Annexation and Zoning, located at 136th Avenue & Huron Street
- C. TABLED Amended Preliminary Development Plan for Foster Property

10. Public Hearings and Other New Business (continued)

- D. TABLED Resolution No. 60 re Committing to Incentives regarding the development of the Foster Property
- E. Second Public Hearing re 2000 Budget to receive Citizen input
- F. Resolution No. 65 re Winters Property Annexation Petition finding of compliance 5.8 acres located at the southwest corner of Wadsworth Parkway and 111th Avenue
- G. Councillor's Bill No. 55 re School Speed Limit Flasher Funding of \$50,000
- H. Councillor's Bill No. 56 re Restorative Justice Grant appropriating \$75,537 to Police Department Community Services Budget
- I. Councillor's Bill No. 57 re Growth Management Program Amendment requiring Preliminary Development Plan processing prior to Service Commitment awards
- J. Resolution No. 66 re Category B-2 Service Commitment Awards for 3 year period to Ambiance, located at 72nd Avenue and Depew Street
- K. Councillor's Bill No. 58 re Big Dry Creek Trail Underpass at 128th Avenue appropriating \$40,000 for trail development
- L. Asphalt Specialties Co., Inc Contract for \$324,561 for Big Dry Creek Trail Underpass Project
- M. Resolution No. 67 re Lifeguard Staffing
- N. Policy on Lifeguard Reimbursement or fees waived for required training
- O. Resolution No. 68 Creating Youth Advisory Board to engage youth in City government
- P. Special Bond Counsel for \$2.65 Million POST Bond Issue with Sherman and Howard
- Q. Special Legal Counsel for Voluntary Employees Beneficiary Association Trust for City Employees
- R. Resolution No. 69 re Private Activity Bond Allocation to City and County of Denver

11. Business and Passage of Ordinances on Second Reading

- A. TABLED Councillor's Bill No. 33 on second reading annexing Foster Property, located at NEC of 136th Avenue & Huron Street (Atchison-Merkel)
- B. TABLED Councillor's Bill No. 34 on second reading amending the Westminster Comprehensive Land Use Plan to include the Foster Property as Retail Commercial (Atchison-Merkel)
- C. TABLED Councillor's Bill No. 36 on second reading zoning Foster Property located at NEC of 136th Avenue & Huron Street (Atchison-Merkel)

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

- A. City Council
- B. Request for Executive Session

13 Adjournment

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 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, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Hicks and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Councillor Dixon arrived at 7:22 P.M.

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Allen to accept the minutes of the meeting of August 23, 1999 and August 30, 1999 with no additions or corrections. The motion carried unanimously.

A motion was made by Hicks and seconded by Merkel to accept the minutes of the special meeting of September 9, 1999 with no additions or corrections. Councillor Allen requested to abstain as he was not present at the meeting. The motion carried with 5 aye votes and Councillor Allen abstaining.

Councillor Dixon arrived at 7:22 P.M.

Wes Dalesio, 2537 West 104th Circle, addressed Council requesting a traffic light at the intersection of 104th Avenue and Bryant Street.

PRESENTATIONS:

Mayor Heil presented a Waterford crystal bowl with stand and inscription, to members of the O'Byrne family as a token and symbol of the City's appreciation, and in recognition of the O'Byrne family commitment to quality in the development of the Westin Hotel and Westminster Conference Center that was envisioned by the City of Westminster in the overall Westminster Promenade project.

CITIZEN COMMUNICATION:

Christine Zajac, 7298 Winona Court and David Elliott, 7291 Vrain Street, addressed Council concerning flooding of their homes during the August 4th storm.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: IGA for Federal Boulevard/US 36 Interchange – Authorize City Manager to execute a contract with the State of Colorado to share responsibilities and costs in the State's project to reconstruct the interchange at Federal Boulevard and US 36; authorize an expenditure of up to \$763,000 to cover those costs and charge the expense to the appropriate project account in the General Capital Improvement Fund; Compensation System Review Consulting Services – Authorize the City Manager to sign a contract in the amount of \$26,800 for compensation system review consulting services with the firm of Johnson and Associates, because it is in the best interests of the City, and charge the expense to the appropriate General Fund, Human Resources Division Budget account; Bishop's Square Ball Field Construction Contract – Authorize City Manager to execute a contract with Goodland Construction in the amount of \$172,200 with a 10% construction contingency, authorizing the total amount of \$189,400 to be spent from the appropriate project account in the 1999 General Capital Improvement Fund; College Hill Library Entrance Plaza – Authorize the City Manager to sign a change order in the amount of \$29,601.25 with Concrete Express to complete the flatwork improvements at the College Hill Library entrance plaza; Councillor's Bill No. 48 – Little Dry Creek Trail Project appropriation; Councillor's Bill No. 49 – Semper Water Treatment Facility Rehabilitation appropriation; Councillor's Bill No. 50 – 1998 Carryover Funds appropriation for Emergency Power Generators; Councillor's Bill No. 51 – Amendments to Trespassing Ordinance;

Councillor's Bill No. 52 – Amendment to Amusement Center Ordinance; and Councillor's Bill No. 54 – Revised Marriott Hotel Business Assistance Package.

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

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

SECOND PUBLIC HEARING ON 2000 CITY BUDGET:

At 7:30 P.M. the meeting was opened to a public hearing to receive public input on the 2000 City Budget from students in attendance at the meeting. Several students and Mike Gray, 14652 Kalamath Court, addressed Council requesting development of the park site in Cheyenne Ridge be placed within the City's 5 year capital plan. At 7:35 P.M. the public hearing was continued until later on the agenda.

REOPEN PUBLIC HEARING ON FOSTER PROPERTY ANNEXATION/ZONING/PDP:

At 7:36 P.M. the meeting was opened to reopen the public hearing and take testimony on the Foster property annexation and zoning. Lloyd Booth, 14034 Lexington Circle and Terry Kirk, 906 Lexington Avenue, addressed Council with questions and concerns. At 8:15 P.M. the public hearing was declared closed.

ORDINANCE NO. 2709 – FOSTER PROPERTY ZONING:

A motion was made by Allen and seconded by Atchison to remove from the Table and adopt Councillor's Bill No. 36 on second reading zoning the Foster property to PUD. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2710 – LAND USE PLAN AMENDMENT FOR FOSTER PROPERTY:

A motion was made by Allen and seconded by Merkel to remove from the Table and adopt Councillor's Bill No. 34 on second reading amending the Westminster Comprehensive Land Use Plan to include the Foster property as "Retail Commercial". Upon roll call vote, the motion carried unanimously.

TABLED AMENDED PRELIMINARY DEVELOPMENT PLAN FOR THE FOSTER PROPERTY:

A motion was made by Heil and seconded by Smith to amend the Preliminary Development Plan for the Foster property to include the additions to the Preliminary Development Plan text set forth on Exhibit A to the Agenda Memorandum. The motion carried unanimously.

TABLED RESOLUTION NO. 60 – INCENTIVES FOR FOSTER PROPERTY DEVELOPMENT:

A motion was made by Smith and seconded by Atchison to remove from the Table and adopt Resolution No. 60 committing to the provisions of certain incentives regarding the development of the Foster property. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2711 – FOSTER PROPERTY ANNEXATION:

Ed Sutton, the property owner representative, was asked by the Mayor whether the approved land uses were acceptable and if the property owner wished to proceed with the annexation. Mr. Sutton stated the land uses were acceptable and the property owner did wish to proceed with the annexation.

A motion was made by Dixon and seconded by Atchison to remove from the Table and adopt Councillor's Bill No. 33 on second reading annexing the Foster Property. Upon roll call vote, the motion carried unanimously.

CONTINUED SECOND PUBLIC HEARING ON 2000 CITY BUDGET:

At 8:22 P.M. the continued public hearing to receive public input on the 2000 City Budget was reopened. City Manager Bill Christopher gave a brief overview of 2000 budget. Roger Gudenkauf representing Neighborhood Action Group, requested funding for NAG in 2000 of \$10,000. Crown Pointe Academy Director Kay May, 3764 W. 103rd Avenue, requested funding of \$291,000 for a gymnasium. At 8:45 P.M. the public hearing was declared closed.

RESOLUTION NO. 65 – WINTERS PROPERTY ANNEXATION PETITION:

A motion was made by Merkel and seconded by Allen to adopt Resolution No. 65 accepting the annexation petition submitted by Mr. Winters and make the findings required by State Statute on the sufficiency of the petition; and set the date of November 8, 1999 for the annexation hearing. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 55 – SCHOOL SPEED LIMIT FLASHER FUNDING:

A motion was made by Hicks and seconded by Dixon to pass Councillor's Bill No. 55 on first reading which authorizes the transfer of \$50,000 from the General Contingency Fund to the New Traffic Signal Account in the General Capital Improvement Fund for the installation of school speed limit flashers. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 56 – RESTORATIVE JUSTICE GRANT:

A motion was made by Dixon and seconded by Hicks to pass Councillor's Bill No. 56 on first reading appropriating \$37,769 to the Police Department Community Services Division 1999 Budget. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 57 – GROWTH MANAGEMENT PROGRAM AMENDMENTS:

A motion was made by Atchison and seconded by Allen to pass Councillor's Bill No. 57 on first reading amending the City's Growth Management Program to allow the City to process Preliminary Development Plans prior to awarding Service Commitments to projects and to revise the build-out development definition to allow residential projects on sites ten acres or less that meet the revised build-out development definition to proceed to the City's development review process. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 66 – CATEGORY B-2 SERVICE COMMITMENT AWARD:

A motion was made by Allen and seconded by Merkel to adopt Resolution No. 66 awarding B-2 Service Commitments to the Ambiance single family attached project and adopt the agreement concerning Service Commitments. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 58 – BDC TRAIL UNDERPASS AT 128TH AVENUE APPROPRIATION:

A motion was made by Merkel and seconded by Allen to pass Councillor's Bill No. 58 on first reading appropriating \$40,000 into the Trail Development General Capital Improvement Project Fund. Upon roll call vote, the motion carried unanimously.

BDC TRAIL UNDERPASS AT 128TH AVENUE CONSTRUCTION CONTRACT:

A motion was made by Merkel and seconded by Allen to authorize the City Manager to sign a contract with Asphalt Specialties Co. Inc., in the amount of \$324,561.00 for construction of the Big Dry Creek Trail underpass at 128th Avenue; add a contingency of \$32,456.00, and charge this expense to the Trail Development Account in the General Capitol Improvement Fund. The motion carried unanimously.

RESOLUTION NO. 67 – LIFEGUARD STAFFING:

A motion was made by Atchison and seconded by Dixon to adopt Resolution No. 67 authorizing position title and grade changes of 16.098 FTEs and seasonal lifeguards in the City pay plan. Upon roll call vote, the motion carried unanimously.

POLICY ON LIFEGUARD REIMBURSEMENT OR FEES WAIVED FOR REQUIRED TRAINING:

A motion was made by Atchison and seconded by Dixon to approve the policy changes to allow reimbursement or fees waived for required training certificates for aquatic and building staff assigned to the recreation centers. The motion carried unanimously.

RESOLUTION NO. 68 – CREATION OF THE WESTMINSTER YOUTH ADVISORY PANEL:

A motion was made by Smith and seconded by Hicks to adopt Resolution No. 68 creating the Westminster Youth Advisory Panel. Upon roll call vote, the motion carried unanimously.

SPECIAL BOND COUNSEL FOR \$2.65 MILLION POST BOND ISSUE:

A motion was made by Merkel and seconded by Dixon to authorize the City Manager to execute an agreement with Sherman & Howard for fees in an amount not to exceed \$7,000 for bond counsel services in connection with the proposed issuance by the City of the remaining 2.65 million in P.O.S.T. revenue bonds as approved by Westminster voters in November, 1997. The motion carried unanimously.

SPECIAL LEGAL COUNSEL FOR VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION:

A motion was made by Allen and seconded by Atchison to approve Timothy J. Parsons from Gorsuch Kirgis LLP to act as special legal counsel for the City for services related to the development of a VEBA Benefit program for City employees, and approve the proposed fee agreement which totals \$2,700, with the expense charged to the appropriate General Fund Central Charges account. The motion carried unanimously.

RESOLUTION NO. 69 – PRIVATE ACTIVITY BOND ALLOCATION TO CITY/COUNTY OF DENVER:

A motion was made by Atchison and seconded by Hicks to adopt Resolution No. 69 assigning the year 1999 Private Activity Bond Allocation of \$250,000 to the City and County of Denver, and authorize the Mayor to sign the assignment agreement on behalf of the City of Westminster. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION:

Jara Raphaelson, 4720 W. 108th Place, representing the First Cotton Creek Home Owners Association, addressed Council requesting that widening of the bridge on 112th Avenue be put in the City's 5 year Capital Improvement Plan.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session concerning the Heritage Golf Course.

ADJOURNMENT:

The meeting was adjourned at 9:10 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 9, 1999

Subject: Presentation to the O'Byrne Family

Prepared by: Katie Harberg, Public Information Officer

Introduction

The Mayor is requested, on behalf of the City Council, to present a gift and read the inscription to the O'Byrne family to express the City's appreciation for their commitment to quality and excellence as they bring the Westin Hotel and Westminster Conference Center to a reality at the Westminster Promenade.

Summary

The Westin Westminster is well on its way to completion. In late August, a "Topping Off" party was held to commemorate the placement of the last structural beam. The structure is closing rapidly and opening is targeted for spring of 2000.

The O'Byrne family, formerly of Portland, Oregon, and now of Westminster, Colorado, have become very involved members of our community. They are critical partners in the unfolding of the vision held by the City of Westminster for the Promenade project.

Staff Recommendation

Present a Waterford crystal bowl with stand and inscription to members of the O'Byrne family as a token and symbol of the City's appreciation and in recognition of the O'Byrne family commitment to quality in the development of the Westin Hotel and Westminster Conference Center that was envisioned by the City of Westminster in the overall Westminster Promenade project.

Background

Although a major luxury hotel was conceptualized as part of the Promenade development, it wasn't until the O'Byrne family business of Inland Pacific Colorado, Inc. contacted the City of Westminster that the seed for a Westin Westminster became planted. The addition of the Westin Westminster to the master plan for the Westminster Promenade reinforced the momentum started with the construction of the AMC Theatre. The Westin Westminster Hotel and Westminster Conference Center is the high quality, east-end anchor to the Westminster Promenade that fulfills the vision the City had for this project.

The 369-room luxury hotel will include a ballroom/conference center that is owned by the City of Westminster and leased for operation to Westin Hotels and Resorts. At the root of the public/private partnership is the strong relationship that has developed between the O'Byrne family and the City of Westminster.

A shared vision and commitment to quality have characterized that relationship. The final architectural detailing of the hotel building, with its sandstone accents, sloped roof and other architectural details echo the urban village type theme of the Promenade. The integral landscaping, special features and plazas are a visual testament to the cooperation that has been so important to make this a successful development.

This Westin Hotel is the very first of this high-end chain to locate out of a major downtown resort or airport location. The fact that Westin chose to do this pilot project in Westminster is a tribute to the commitment the O'Byrne family has made to this project and the outstanding cooperation between the O'Byrne's and the City. That cooperation and commitment can be directly attributed to the fine qualities of the individuals in the T. Leonard O'Byrne family.

Leonard O'Byrne and his wife Sybil, his son Timothy O'Byrne, and daughters Shannon O'Byrne Penora and Colleen O'Byrne Mitchell, all have relocated to Westminster from their native Portland in order to be a part of the daily development of this project. The City of Westminster is deeply indebted to a family that demonstrates such a deep commitment to quality and to such a significant addition and amenity to our community. Their daily attention to detail, with offices on-site at the Promenade, cannot be underestimated.

Not only did a significant portion of the family move to Westminster for this project, but their arrival also brought the family dedication to community. As soon as Leonard O'Byrne established residency here he began his search for how and where he could contribute philanthropically to this community. Westminster is indeed a better place with the addition of the Family O'Byrne!

In order to celebrate the unique and highly successful relationship that has been forged between the City of Westminster and the O'Byrne family, a presentation representing the quality of this union has been planned. A select piece of Waterford crystal, commemorating the Irish heritage of this family, and its devotion to detail that is literally hand-wrought, has been chosen as our symbol of appreciation.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Intergovernmental Agreement for the Federal Boulevard/US 36 Interchange

Prepared by: Stephen C. Baumann, Assistant City Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) for the City's participation in the improvements to the Federal Boulevard/US 36 Interchange. Authorization of expenditures totaling \$763,000 is also necessary to cover the City's share of structure enhancements, property acquisition and drainage facilities being done with the project.

Summary

The Colorado Department of Transportation (CDOT) will begin the \$20 million reconstruction of the Federal Boulevard/US 36 interchange late this fall. The City and CDOT have worked out a cost sharing arrangement for project improvements that provide benefits to the City and Westminster residents. These include architectural enhancements to the new Federal Boulevard bridge, allowance for a future access to Federal Boulevard at approximately 75th Avenue alignment, storm drainage upgrade and landscaping at the interchange.

The City's share of the costs for including these elements in the project is estimated to be \$763,000. The proposed contract with the State covers expenditures which are not to exceed \$720,000, and a small land acquisition will require a separate expense of \$43,000 to the Holy Trinity Church property owner. Funding for the project will come from 1998 carryover funds and from contingencies in the Capital Project Fund. Westminster's participation is contingent on the results of the project bids falling within the budget limits described.

Alternatives include no participation in the project at all or some lesser level of improvement at less cost. Neither of these options is recommended since the enhancement package and the other project inclusions are close to the desired outcome envisioned in the Urban Renewal Plan, and will help to encourage future redevelopment opportunities in the interchange area. Staff believes the City is getting the most value for its money given the limits imposed by the State.

Staff Recommendation

Authorize the City Manager to execute a contract with the State of Colorado to share responsibilities and costs in the State's project to reconstruct the interchange at Federal Boulevard and US 36; authorize an expenditure of up to \$763,000 to cover those costs and charge the expense to the appropriate project account in the General Capital Improvement Fund.

Background

Westminster's Urban Renewal Plan, adopted by City Council in 1988, recommended significant upgrades to Federal Boulevard and its interchange with US 36. Over the years, several small projects have been done that involved on-ramps and off-ramps.

Due primarily to the insufficiency of the Federal Boulevard bridge, the Colorado Department of Transportation (CDOT) will soon reconstruct the entire interchange. At an estimated cost of \$20 million, the work will include the new Federal Boulevard bridge, widening and realignment of US 36 to accommodate High Occupancy Vehicle lanes to the west of Federal Boulevard and modification of entry/exit ramps. Federal Boulevard will be widened and a new signal installed for the on-ramp to eastbound US 36 at approximately the 75th Avenue alignment. Construction of the project will begin late this year and is expected to take approximately a year and one-half.

Once the interchange reconstruction was a certainty, the City approached the Department of Transportation about giving greater attention to components of the project of interest to the City and its residents. City Staff sought upgrades to pedestrian facilities in the area, which at present are disjointed and of poor quality. This is particularly important since the Zuni Street/US 36 pedestrian overpass has been demolished. Architectural enhancements of the Federal Boulevard bridge were requested along with upgrades to proposed landscaping in the project area. Reconfiguration of Turnpike Drive near 76th Avenue was discussed in the context of potential redevelopment of the Westminster Square Shopping Center. It was also suggested that the State incorporate drainage improvements in the City's system where it crosses US 36. Those discussions led to the development of an Intergovernmental Agreement, or Contract, between the City and CDOT to accomplish the project.

CDOT's budget was very constrained and their priorities did not necessarily match the City's. Ongoing discussions resulted in the inclusion of architectural enhancements of the new Federal Boulevard bridge, but at the City's cost. The enhancements will contain elements of the architectural treatments now being incorporated in the 92nd Avenue structure over US 36. An estimated \$700,000 from 1998 carryover funds was recently appropriated for this purpose. Under the Intergovernmental Agreement that was developed with the City, the State will also set up a \$100,000 force account for landscaping improvements in the interchange. These would be beyond the native seeding that the State would normally do. The City is responsible for developing a landscaping plan that can be incorporated into the project at CDOT's cost as the work progresses.

The City will also be responsible for securing a small strip right-of-way from the Holy Trinity Church property for the relocation of Turnpike Drive where it parallels Federal Boulevard south from 76th Avenue. Concepts for the redevelopment of the Westminster Square Shopping Center and the desire of the Holy Trinity Church community to modify their site led to this responsibility. CDOT agreed to shift the location of the access ramp entrance for Federal Boulevard to eastbound US 36 traffic to align with a future access to Holy Trinity and potentially, the redeveloped Westminster Square shopping center. The access might also tie to 76th Avenue and could eliminate the right-in/right-out movement onto Federal Boulevard located just north of 74th Avenue. That future access would become the fourth leg of the signalized intersection which the State will build with this project. The appraisal of the acquisition parcel has been completed and a total of \$43,000 will be necessary to cover the cost of the appraisal and to secure legal possession.

One other component of the agreement between the City and the State includes the State's installation of a storm sewer crossing underneath US 36. This will parallel an existing inadequate storm sewer facility, which joins the Apple Blossom Subdivision on the north side of US 36 with Irving Street on the south. The reconstruction of the interchange is a once-in-a-lifetime opportunity to install this storm sewer reach at the least possible cost, now estimated to be \$20,000. In the future, improvements can be added to this facility both upstream and downstream to benefit Westminster residents who now experience flooding problems on an intermittent basis. The cost of this work will be covered under the Miscellaneous Storm Drainage Account.

Several alternatives to the recommended action are available and include the City taking no involvement in the State's project at all. In terms of the enhancements to the Federal Boulevard bridge, CDOT's plans would be extremely austere. The City's enhancement program has focused on US 36 as a "signature" corridor and Federal Boulevard will be the City's primary gateway from Denver's Central Business District. This will be the City's only opportunity to enhance the bridge, which is the major component of the interchange. Non-involvement in the project would also squander the opportunity to develop alternative access to the west side of Federal Boulevard in the area between 74th Avenue and 76th Avenue. The provisions of the Contract with the State make redevelopment schemes in the area more workable than they would be without it. In summary, the City's participation is necessary to accomplish goals that are critical to South Westminster's improving image.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Compensation System Review Consulting Services

Prepared by: Debbie Mitchell, Human Resources Manager

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Johnson and Associates, in the amount of \$26,800 to assist Staff with an evaluation of the current pay plan, survey market and salary assessment practices as well as provide recommendations for modifying the City pay plan based on the market information and the desire to incorporate longevity compensation into pay ranges. Included in the scope of work is an analysis of the current management compensation practices. This expenditure is a 1999 budgeted expense and the funds are available in a General Services General Fund account.

Summary

A Compensation Study Task Force comprised of managers was assigned the initial responsibility to evaluate the current compensation and classification system, determine if any and to what extent there was a need to modify the system and to coordinate the analysis, review and implementation of any changes. Consultant services are being sought to assist the task force and Human Resources staff with the design of a modified compensation system. Development of multiple options for changes to the current longevity based system will be reviewed and evaluated by the task force and various employee groups, including the Employee Advisory Committee. The structure of the current management compensation system and pay criteria will be updated and enhanced with the assistance of the consultant. A complete system redesign is not anticipated nor is there a plan to do a classification system revision.

Staff is requesting City Council authorization to proceed with the hiring of a consultant to assist with the review of the City pay plan structure as it relates to the survey market in the areas of progression through range, width of ranges and management range and wage determination. Incorporation of longevity pay into a pay range and the addition of a limited performance component are also a part of the scope of work a compensation consultant would perform. Additionally, the consultant would be utilized to assist with the review of the current salary survey market organizations, pay philosophy and practices and ultimately recommend any changes to system.

A Request for Proposal was distributed to six compensation consulting firms. These firms were selected based on research and references garnered from survey work of the Compensation Study Task Force. The City received three proposals for the work with bids ranging from \$26,800 to \$33,565. Each proposal was reviewed by Compensation Study task force members and interviews were conducted with all three firms. Johnson and Associates is the firm the task force recommends for the project. They are the low bidder on the project and propose to complete all the requested services including expenses for \$26,800. Doug Johnson, the principal of the firm, would be performing the bulk of the work for the project and brings these added strengths to the project:

- Extensive experience in compensation studies in the public sector;
- Excellent references from similar organizations in the recent past; and
- A thorough project proposal that includes extensive employee input and market analysis.

Staff believes that Johnson and Associates brings the necessary background and resources to complete the project in a quality manner at the lowest cost to the City.

Alternatives

- Do not utilize a consultant in the analysis, review and revision process. This is not recommended because Staff believes that an outside, objective review is critical to a thorough review process. The last outside review of the City's pay system was conducted approximately eight years ago.
- Do not modify the current compensation system. This alternative would not address the need to update the City's current pay system to address key areas of employee compensation, including length of ranges, performance based pay and other factors which will allow the City to maintain a competitive benefit package.

Staff Recommendation

Authorize the City Manager to sign a contract in the amount of \$26,800 for compensation system review consulting services with the firm of Johnson and Associates, because it is in the best interests of the City, and charge the expense to the appropriate General Fund, Human Resources Division Budget Account.

Background

City Staff began an assessment of the current compensation and classification system in 1998 to determine whether there was any need for enhancements or updates to the current structures. The current pay system has been in place for more than two decades and is widely understood and accepted by employees and managers. Automatic step increases occur between employment date and their three-year anniversary with an additional 10% compensation awarded over a number of years for longevity. It was determined that the current system was in need of updates and review in a number of areas but that there was not a need for a complete overhaul of the compensation and classification system. An adjustment was made to the longevity system January 1, 1999 with a commitment to eliminate longevity through the modification of the current pay plan. The Compensation Study Task Force charged with reviewing the current system and compensation trends and practices reviewed their findings with the Management Team and the Employee Advisory Committee. It was determined that the appropriate next step was to acquire an objective evaluation of current compensation practices from a consultant with expertise in the compensation field.

A Request for Proposal was distributed to six firms. These firms were selected based on research and references garnered from survey work the compensation study task force accumulated. A list of the compensation study objectives is outlined below:

1. Recommend adjustments to pay plan to reflect the market with regard to pay range width and the time it takes to reach maximum pay in each range
2. Evaluate current practices in compensation management and make recommendations for modifications to the City's current compensation system; moving from a longevity based grade and step system to a system that includes the 10% longevity within pay ranges.

3. Consider changes as they relate to supporting City objectives and values including but not limited to:
 - *Quality Customer Service Delivery
 - *Employee Empowerment and Involvement
 - *Continuous Process and Product Improvement
 - *Teamwork and Cooperation
 - *Effective Communication and Interpersonal Relationships
 - *Efficient Service Delivery
 - *Personal Accountability
4. Provide an element of recognition for exceptional performance and contributions of skills and abilities beyond job requirements either by teams or individuals.
5. Evaluate management compensation practices and make recommendations for modifications to current management compensation system.

The City received quotes ranging in cost from \$26,800 to \$33,565. Each of the quotes articulated similar delivery of services. The three consultant firms responding on the project are listed below with the amount of their quotes:

<u>Company</u>	<u>Original Bid</u>	<u>Revised Bid</u>
Johnson and Associates	\$26,800	\$26,800
Fox Lawson and Associates	\$24,000	\$28,000
HR Source, Inc.	\$33,565	\$33,565

Fox Lawson and Associates revised their bid after the interview, when they discovered that conducting focus groups were a part of the scope of work. The other two consultants had included this process in their original quote. Staff is confident that Johnson and Associates expertise in compensation management will provide the City with quality services at the lowest cost to the City.

It is anticipated that the changes that are recommended as a result of the work of the consultant and task force would be considered for implementation as part of the 2001 City Pay Plan.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 13, 1999
Subject: Bishop’s Square Ball Field Construction Contract
Prepared By: Kathy Piper, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to execute a contract with Goodland Construction in the amount of \$172,200 and approve a 10% contingency in the amount of \$17,200 for the renovation of Bishop’s Square Ball Field. Funds are available in the Parks, Recreation and Libraries 1999 Park Major Maintenance Budget and Park Improvement Budget for the construction of this project.

Summary

Bishop’s Square is an existing 6.4 acre neighborhood park located at 8150 Hooker Street. Replacement of the existing playground was completed in the fall of 1998 by City of Westminster Design and Development Staff. Phase two is to complete the renovation of the spectator seating area behind the ball field. Terrasan was the design consultant hired by the City to develop the design and construction documents. This August, the project was advertised and bid according to the City’s purchasing ordinances and procedures. Four contractors attended the mandatory pre-bid meeting and construction documents were distributed to the various subcontractors. The following is a tabulation from the August 23, 1999 bid opening:

Goodland Construction	\$172,200
Arrow J	\$197,587
T2 Construction	\$220,800
Continental H/S	Did not Bid

The low bid by Goodland Construction is considered a good bid in comparison to the engineer’s cost estimate of \$199,000 for the project. Goodland Construction has performed work for Westminster in the past, most recently for the Senior Center’s parking lot renovations. Staff believes that Goodland Construction is qualified to perform this work.

Alternatives

City Council could reject the low bid from Goodland Construction and select the second lowest bidder, Arrow J to perform the work. Arrow J has previous experience working with the City on Cotton Creek Park and has proven to be a good contractor. However, the low bid from Goodland Construction has been determined to be a good bid and the evaluation of the company has been verified. In addition, there is a time constraint for this project to be completed. The fall softball season has been cancelled so that the renovations can take place this fall and completed in anticipation of the spring softball season.

Staff Recommendation

Authorize the City Manager to execute a contract with Goodland Construction in the amount of \$172,200 with a 10% construction contingency, authorizing the total amount of \$189,400 to be spent from the appropriate project account in the 1999 General Capital Improvement Fund.

Background Information

In 1995, Staff began the design process for Bishop's Square Neighborhood Park, located at 8150 Hooker Street along with the design of Wolff Run Park located at 4705 W. 76th Avenue based on a design and construction budget of \$350,000. Staff worked with Recreation Staff, as well as the citizens from the South Area COG group, to design the master plan for these two parks. Based on preliminary cost estimates for these two parks it was determined that only one could be built at that time. Phase One, an updated play structure and an additional pavilion were completed at Wolff Run Park, therefore, Staff determined that Wolff Run should be completed in its entirety before starting a new construction project.

City Staff has recently completed the playground design and construction at Bishop's Square. This new construction consists of a play structure that is ADA (Americans with Disabilities Act) accessible, a new pavilion, concrete walks, and landscaping. To complete Bishop's Square Park's renovation Terrasan was hired to work on the construction documents for the seating area behind the ball field. The existing area currently consists of wood timbers that are over 20 years old and do not comply with ADA requirements. Do to the deteriorating timbers and lack of concrete, this area has become a maintenance problem. The new design incorporates ADA requirements by providing ramp access and a designated parking space. The seating walls and concrete will replace the existing timbers and dirt spectator areas. Additional landscaping, grading and irrigation will complement the new design.

The construction project budget with a 10% contingency for Bishop's Square is \$189,400. These funds are detailed in the following budget summary.

1999 Parks Major Maintenance CI	\$150,000
2000 Park Improvements CIP	\$ <u>39,400</u>
Total	\$189,400

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Master Plan



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: College Hill Library Entrance Plaza

Prepared By: Julie Meenan Eck, Landscape Architect

Introduction

City Council action is requested to authorize a change order in the amount of \$29,601.25 with Concrete Express to do the flatwork improvements at the College Hill Library entrance plaza. This work is in addition to the Infrastructure Division's contract with Concrete Express in 1999. Funding for this project is available in Park Improvement Account in the Capital Improvement Program.

Summary

City Staff has received several complaints about the condition of the entrance at College Hill Library and has been looking at ways to improve the site. Front Range Community College is responsible for the site work at the college. However, they have informed City Staff that they have no funds available to make these improvements. The handicap parking is in a potentially hazardous location in a drop off area. The students and library patrons continue to walk across the grass in front, and reduce the lawn to dirt. Staff has looked at a way to improve the entrance by removing the handicap parking from the drop off lane and creating two handicap parking spaces in the first parking island, with the addition of four handicap ramps. Staff recommends also paving the end of the parking island where patrons are walking, add concrete and colored concrete to the very front plaza, and incorporate some potted plantings and benches.

Alternatives

1. Do not accept the change order for Concrete Express and leave the College Hill Entrance as it is currently.
2. Request that the college fund these improvements. This has all ready been done, and Staff has been informed that there is no state funding available to make any of these improvements.

Staff Recommendation

Authorize the City Manager to sign a change order in the amount of \$29,601.25 with Concrete Expresses to complete the flatwork improvements at the College Hill Library entrance plaza.

Background Information

College Hill Library is adjacent to Front Range Community College. The college currently is responsible for maintenance of the site and recently has experienced some irrigation breaks that have contributed to the trampled sod and muddy front of the library. City irrigation staff is currently fixing the irrigation for the library as part of the steps to improve the entrance. The lower parking lot is the student lot for the college, and has an extremely high foot traffic rate across the entrance to the library. This, in conjunction with the irrigation problems, has led to the downfall of the turf areas at the entrance. There is currently handicap parking at the top entrance to the library, but the college added two spaces to the drop-off lane at the lower level. Staff will relocate those spaces due to regulations and the non-accessibility to the ramp if someone is parked in front of the ramp.

College Hill Library Entrance Plaza
Page 2

Additional trees were planted in the grid pattern along the front hillside as another attempt to improve the entrance. These changes to the entrance will be easier to maintain, and will improve pedestrian circulation at the entrance.

The construction budget estimate for the College Hill Entry Plaza is \$29,601.25, which is detailed in the following budget summary.

Park improvement Funds	<u>\$ 29,601.25</u>
Total	\$ 29,601.25

Respectfully submitted,

William M. Christopher
City Manager

Attachment: Site Plan



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Tabled Amendment to the Purchase and Sale Agreement with Catellus Development Corporation

Prepared by: John Carpenter, Director of Community Development

Introduction

This item was tabled at the August 23 Council meeting until September 13 to allow City Staff and Catellus Development Corporation representatives to make needed modifications to the amended Purchase and Sale Agreement. Additional time is still needed to finalize these modifications. Therefore, Staff and Catellus are requesting that the item remain tabled.

Summary

The proposed amendment to the Catellus Purchase and Sale agreement provides for the City to acquire approximately 5.5 acres for use as a public parking lot to serve the Westminster Promenade project. Further details on this proposal are contained in the attached agenda item for the August 23 Council meeting.

Staff Recommendation

Continue to table consideration of the proposed amendment to the Purchase and Sale Agreement with the Catellus Development Corporation.

Background

Please refer to the attached Agenda memorandum from the August 23, 1999 City Council meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Second Public Hearing on 2000 City Budget

Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council is scheduled to hold a public hearing to receive public input on the 2000 City Budget at the Monday, September 13, City Council meeting.

Summary

Development and review of the 2000 City Budget has been completed by the City Manager's office and the 2000 Proposed Budget was delivered to City Council on September 3. A public meeting regarding the 2000 Budget was held on June 7 and a public hearing on July 12. This is the final public hearing prior to the City Council Budget Retreat, so that citizens will have one more opportunity to comment and provide feedback on the 2000 City Budget. In accordance with the City Charter, City Council must adopt the budget no later than the October 25 City Council meeting.

Staff Recommendation

Hold the final public hearing on the 2000 City Budget and receive citizen comments.

Background Information

In April, City Council identified key focus areas to be pursued in 2000. The following is a list of these focus areas:

- Improve transportation systems in the northwest quadrant of the Denver Metro Area;
- Continue to develop Westminster as the "City of Choice" in the Metro Area;
- Maintain high quality services;
- Broaden citizen communication and involvement;
- Enhance the City's economic/fiscal viability; and
- Strengthen regional cooperation on priority projects.

The direction provided by City Council has assisted City Staff in preparing and reviewing the 2000 Proposed City Budget. Other considerations that go into developing a well-balanced budget are department priorities that strive to maintain existing service levels and citizen/neighborhood input.

A Proposed Budget, per City Charter requirements, was submitted by the City Manager to City Council on September 3 for their review. After reviewing the Proposed Budget for several weeks, City Council will hold their annual Budget Retreat on October 1 to more thoroughly review staffing levels, programs, services, and capital projects. A copy of the Budget Message and Budget Summary by Fund 2000 is attached.

Respectfully submitted,

William M. Christopher, City Manager
Attachments



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Resolution No. 65 re Winters Property Annexation Petition

Prepared by: David Falconieri, Planner III

Introduction

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petitions requesting annexation of the Winters property and establishing a hearing date. The proposed annexation consists of 5.8 acres located at the southwest corner of Wadsworth Boulevard and 111th Avenue.

Summary

Vernon Winters is requesting annexation of 5.8 acres to the City of Westminster for the purpose of constructing eight (8) single-family detached custom residences on approximately half-acre lots. The lots will not be located within the Jefferson County Airport influence area and therefore will not be impacted by those related restrictions.

111th Avenue is currently a private road, but will be dedicated to the City as a part of this proposed annexation.

Staff Recommendation

Adopt Resolution No. 65 accepting the annexation petition submitted by Mr. Winters and make the findings required by State Statute on the sufficiency of the petition. This resolution also sets the date of November 8, 1999 for the annexation hearing.

Background

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

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

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

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

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

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

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

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

1. City Council finds the said petitions and annexation maps to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes November 8, 1999, 7:00 PM at the Westminster City Council Chambers, 4800 West 92nd Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 13th day of September, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Councillor's Bill No. 55 re School Speed Limit Flasher Funding

Prepared by: Michael Normandin, Transportation Engineer

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading which transfers \$50,000 to the New Traffic Signal Account in the General Capital Improvement Fund from the General Fund Contingency Account to fund the installation of school speed limit flashers.

Summary

In early July, the Jefferson County School District notified the City that they would be increasing the walking boundaries for students attending schools within their School District. The increased walking boundaries have resulted in numerous requests by school officials and parents for additional school crossings and school speed limit flashers on streets that the students, who are primarily elementary school age, now have to cross.

In an effort to provide enhanced customer service, City Staff proposes to move forward with the process of installing school speed limit flashers at various school crossings.

Staff Recommendation

Pass Councillor's Bill No. 55 on first reading which authorizes the transfer of \$50,000 from the General Contingency Fund to the New Traffic Signal Account in the General Capital Improvement Fund for the installation of school speed limit flashers.

Background

Early this summer, the Jefferson County School District notified the City that they would be increasing the walking boundaries for students attending schools within the Jefferson County School District. The School District has indicated that this will allow them to cut back on busing expenses which is necessary to address their budget constraints. The list of proposed locations follows:

1. Westcliff Parkway at Otis Street
2. Independence Drive at Carr Street
3. Harlan Street at 95th Avenue
4. 95th Avenue west of Harlan Street
5. Oak Street at 106th Avenue
6. Oak Street at 102nd Avenue
7. 104th Avenue at Independence Street
8. 100th Avenue at Garland Street

In an effort to provide enhanced customer service, City Staff proposes to move forward with the process of installing the school speed limit flashers now, in lieu of waiting until next year. The delivery time for the school speed limit flasher equipment is approximately 90 to 100 days, which would allow for the actual installation to occur in late December or early January.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1999

COUNCILLOR'S BILL NO. _____
INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2654 in the amount of \$14,106,374 is hereby increased by \$50,000 which, when added to the fund balance as of the City Council action on September 27, 1999, will equal \$14,156,374 The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a transfer from the General Fund Contingency Account to fund the expense of additional school crossings and school speed limit flashers within Jefferson County R-1 School District.

Section 2. The \$50,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Transfer from General Fund			
75-9999-360	\$ 641,523	\$50,000	\$691,523
<u>EXPENSES</u>			
Traffic Signal System Improvement			
75-30-88-555-274	\$ 4,263	\$50,000	\$54,263

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

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>EXPENSES</u>			
Contingency			
10-10-99-999-000	\$ 1,373,000	\$(50,000)	\$1,323,000
Transfer to GCIF			
10-10-95-90-975	\$ 3,160,232	\$50,000	\$3, 210,232

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 13th day of September, 1999.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Councillor's Bill No. 56 re Restorative Justice Grant

Prepared by: Dan Montgomery, Chief of Police

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating \$75,537 from the Department of Justice Restorative Justice in Schools Grant to the Police Department Community Services Division Budget. The \$75,537 appropriation is for the 1999-2000 school year; therefore, \$37,768 will be appropriated in the 1999 budget and \$37,768 in the 2000 budget.

Summary

In December 1998, the Police Department and Mandalay Middle School applied for a Department of Justice Grant for funding of a Restorative Justice Program at Mandalay and Moore Middle Schools. The Department of Justice approved the grant on June 10, 1999, and will provide total funding of \$75,537 for the 1999-2000 school year.

The Restorative Justice Program is an intensive intervention which involves the at-risk student, teachers, counselors, administrators, and other staff members, as well as the School Resource Officers. The focus is on teaching and encouraging responsible behavior rather than controlling irresponsible behavior. The Department of Justice grant will fund the program coordinator's salary and other miscellaneous expenses involved with running the program. The Restorative Justice Program will focus on the most high risk students in the school which is approximately 15% of the school's population. Another approximate 15% will be involved in the program as victims.

The community, parents, police and schools are always looking for ways to break the cycle of suspension and expulsion and help students bond to their school and care about their education. Alternative measures need to be evaluated to help students learn from their mistakes and reconcile and resolve problems with others, and in Staff's opinion, this program is a worthwhile endeavor.

Staff Recommendation

Pass Councillors Bill No. 56 on first reading appropriating \$37,769 to the Police Department Community Services Division 1999 budget.

Background Information

The suspension and expulsion rates in schools are increasing. Frequently, students who are suspended continue to display anti-social behavior after returning to school and are often suspended again within the school year. Expulsion rates have increased dramatically since the state law mandating expulsion for certain behaviors was passed. One mandated reason for expulsion is for being "habitually disruptive." Though this action was taken by the state to make schools safer for most children, there is concern that the students who get caught in the cycle of suspension become less committed and bonded to their school thus making them even more at risk for criminal behaviors.

Both Moore and Mandalay Middle Schools have full time Westminster Police Department SRO's who works closely with the school administration on discipline issues. The SRO's have developed a good working relationship with the school staff, students, and have worked closely with the school's comprehensive discipline plan.

Last year (1998/1999 school year), Mandalay Middle School administered this grant for their school. Student suspensions were decreased by 17%, 152 suspensions, compared to 183 for the 1997/1998 school year. In addition, Mandalay had no expulsions in the 1998/1999 school year compared to two the previous year. Based on this success, Jefferson County School administrators would like to expand this program to include Moore Middle School. The Police Department applied for the Restorative Justice in Schools Grant to include both Moore and Mandalay Middle Schools. The grant was approved on June 10, 1999 and covers the period of July 1, 1999 to June 30, 2000. Funding will pay for personnel for training, supervision, and evaluation, substitute teachers, mileage, and copying and postage expenses. The match of \$52,748 will be provided by Moore and Mandalay Middle Schools in the amount of \$41,612, and the Police Department's match of \$11,136 in soft dollar costs. Moore's and Mandalay's match is in the form of staff salaries, and the Police Department's match is the SRO's salary plus the department's facility rental for training for four days.

One of the prime objectives of the program is to assist students in the development of behavior that is socially acceptable, respectful, and mindful of the dignity of others. The program has a number of interventions that include teachers, counselors, administrators, and other staff members, as well as the SRO's, who focus on teaching and encouraging responsible behavior rather than controlling irresponsible behavior.

The program will consist of: facilitator training on the restorative justice model of family group conferencing; training for the school staff; presentations to members of community organizations who provide services to youth, families and schools; monthly supervision meetings of trained facilitators; and evaluation of the program and planning sessions with the school and facilitators for the next school year.

It is Staff's observation that law enforcement and the community wish to see students learn from their mistakes, learn more self-control, and re-enter the school setting with a responsible attitude and a feeling that they are part of their school and not feeling alienated and rebellious. This program is intended to help accomplish this goal.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1999

COUNCILLOR'S BILL NO. _____
INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Fund, initially appropriated by Ordinance No. 2654 in the amount of \$53,471,414 is hereby increased by \$37,769 which, when added to the fund balance as of the City Council action on September 27, 1999, will equal \$53,509,183. 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. This increase is due to the appropriation of a U.S. Department of Justice grant to fund the Restorative Justice in Schools Program.

Section 2. The \$37,769 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Federal Intergovernmental 10-0426-096	\$11,722	\$37,769	\$49,491
<u>EXPENSES</u>			
Contractual Services:			
Restorative Justice Grant 10-20-27-299-096	\$11,722	\$37,769	\$49,491

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of September, 1999.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Councillor's Bill No 57 re Growth Management Program Amendments

Prepared by: Shannon Sweeney, Planner III

Introduction

City Council action is requested on the attached Councillor's Bill amending the City's Growth Management Program regarding preliminary development plan processing prior to Service Commitment award for projects and a Build-Out Development definition revision.

Summary

At the August 30 City Council Study Session, City Council directed Staff to draft the necessary ordinance amendment regarding two Growth Management Program revisions. One of the two proposed amendments allows City Staff to process Preliminary Development Plans for residential projects before the projects have received Service Commitments. This would allow developers who are annexing property for future residential uses to also process a Preliminary Development Plan (PDP) establishing the zoning for residential uses and future development parameters at the same time the annexation documents are processed. Approval of a PDP does not guarantee Service Commitments, and the developer would still be required to enter a residential competition and process an Official Development Plan (ODP) if awarded Service Commitments through the competitive process. This revision would not compromise the intent of the statement within the Growth Management Program.

A second proposed amendment to the Growth Management Program revises the build-out development definition to:

- Increase the current site maximum size limitation from three (3) to ten (10) acres; and
- Decrease the developed percentage requirement for planned unit development from 75% to 50%; and
- Require higher design standards to help ensure these projects would be of similar quality to those projects awarded Service Commitments through the residential competition process.

The current definition allows smaller-scale residential projects that comply with specific criteria to proceed to the City's development review process without requiring the project to compete in a new residential competition for Service Commitments. The purpose of the provision is to give Service Commitment priority to small, infill-type projects in planned unit developments close to completion before awarding Service Commitments to brand new projects through the residential competition process. These types of projects also have greater difficulty competing against larger-scale projects in the competition process. Please see the Background section of this agenda memorandum for the existing build-out development language.

Staff Recommendation

Pass Councillor's Bill No. 57 on first reading amending the City's Growth Management Program to allow the City to process Preliminary Development Plans (PDPs) prior to awarding Service Commitments to projects and to revise the build-out development definition to allow residential projects on sites ten acres or less that meet the revised build-out development definition to proceed to the City's development review process.

Alternatives

One alternative to amending the Growth Management Program as recommended above is not to change the existing language within the Program that currently prevents Staff from processing Preliminary Development Plans (PDPs) prior to awarding Service Commitments to projects. This alternative would continue to cause difficulty for developers who plan to annex to the City and plan to propose residential uses for the property in the future. The Comprehensive Land Use Plan amendment and annexation could be processed, but no preliminary development plan establishing residential uses could be reviewed.

Another alternative is not to amend the current build-out development definition within the Growth Management Program that limits sites for consideration to three acres or less. The projects allowed under the current definition would be only the Wood Creek and Mountain Vista Village residential projects. Each is three or fewer acres and meets the other current requirements of the build-out development definition.

Background

The City's Growth Management Plan currently has a provision to allow very small residential projects (in areas where significant infrastructure improvements exist) to proceed to the City's development review process without requiring the project to compete for available Service Commitments. In order to be eligible for this provision, a project must meet very specific criteria. The current definition reads as follows:

Build-Out Development: A proposed residential development that does not meet the active residential definition but does meet all of the following:

- There is an existing City-approved Official Development Plan and Plat for the site; and
- The proposed land use complies with the Comprehensive Land Use Plan; and
- The project is located on land within a planned unit development that is at least 75% developed; and
- The undeveloped site for the proposed development does not exceed three (3) acres.

Each build-out development shall be subject to Staff review for compliance with the adopted residential design standards and guidelines. If the existing official development plan does not meet the design requirements, and an official development plan amendment (bringing the project into compliance) and plat must be submitted for review and are subject to City Manager approval. If the project is unable to meet all of the design requirements, the project will be subject to Planning Commission review and approval or denial.

City Staff received a request from the developer of the Summit Pointe project (at 82nd Avenue and Zuni Street) to allow the developer to construct single-family attached homes on a 7.5-acre parcel adjacent to the Summit Pointe project. The proposed project would be able to meet most of the criteria of the City's build-out development definition, except that the site is greater than the three-acre limitation, and the site is within a planned unit development only 50% complete (not 75% complete as currently specified in the definition). The developer requested the City allow their project to proceed due to the infrastructure improvements and costs already incurred as part of their Summit Pointe project adjacent to the vacant parcel.

Because the build-out development definition was intended to meet the needs of small residential projects under similar circumstances, Staff researched the effect of changing the existing definition to allow other projects of similar circumstance and slightly larger size to proceed to the City's development review process. In addition to the final phase of the Summit Pointe project, there are a total of three additional residential parcels that could proceed under the revised definition as listed below and shown on the attached map.

Map #	Location	ODP	# Acres	Allowed Land Use*	Allowed Density*	# Potential Units*
1	100th Ave. & Independence St.	Leonard Reed	3.6	SFD	3.5 du/a	13
2	93rd Ave. & Lark Bunting	Center of Hope	5.8	SFA	5-10 du/a	29-58
3	91st Ave. & Balsam St.	Silo North	6.5	MF	10-18 du/a	65-117
4	82nd Ave. & Bryant St.	Summit Point	<u>7.6</u>	SFA	5-10 du/a	<u>38-76</u>
			23.5			145-264

*These columns refer to the City's Comprehensive Land Use Plan designations regarding allowed land uses, density (gross density), and total possible units for each parcel.

Please note that the first project listed above (Leonard Reed property) is currently used as a recreational vehicle storage site, and based on previous discussions with the property owner, Staff does not anticipate this project would be submitted for residential development anytime in the near future. Additionally, the third project listed, Silo North, is part of Covenant Retirement Village and has, to date, maintained "active" residential status. Staff expects that this project will receive City approval as an active senior housing project. If the developer were to lose the active status on the project, this project would be eligible for the revised build-out development definition if approved by City Council.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-3-2 (D) is hereby AMENDED as follows:

(D) BUILD-OUT DEVELOPMENT: A proposed residential development which does not meet the active residential definition but does meet all of the following:

1. There is an existing, City-approved Official Development Plan and Plat for the site; and
2. The proposed land use AND DENSITY complies with the Comprehensive Land Use Plan; and
3. The project is located on land within a planned unit development which is at least 75 50% developed AND EXISTING PUBLIC IMPROVEMENTS (WATER LINES, SEWER LINES, STREETS, ETC.) ARE ADJACENT TO THE SITE; and
4. The undeveloped site for the proposed development does not exceed ~~three (3)~~ TEN (10) acres.
5. THE PROJECT WILL MEET OR EXCEED ALL OF THE CITY'S MINIMUM DESIGN STANDARDS AND GUIDELINES; AND
6. THE PROJECT WILL OFFER INCENTIVE ITEMS DETAILED WITHIN THE CITY'S COMPETITION GUIDELINES AND WILL, AT A MINIMUM, MEET THE LOWEST SCORE OF THE PROJECT(S) AWARDED SERVICE COMMITMENTS FOR THE MOST RECENT RESIDENTIAL COMPETITION FOR THAT PROJECT TYPE. THE PROJECT MAY OFFER DIFFERENT INCENTIVE ITEMS THAN THOSE CHOSEN BY THE COMPARABLE PROJECT, BUT THE TOTAL OF INCENTIVE POINTS OFFERED MUST MEET OR EXCEED THE SCORE OF THAT PROJECT.

~~Each build-out development shall be subject to Staff review for compliance with the adopted residential design standards and guidelines. If the existing official development plan does not meet the design requirements, An official development plan amendment (bringing the project into compliance) and plat must be submitted for review and are subject to City Manager approval. If the project is unable to meet all of the MINIMUM AND INCENTIVE design requirements AND ALL OTHER ODP REQUIREMENTS, the project will be subject to Planning Commission review and approval or denial.~~

Section 2. Section 11-3-5 (G) is hereby AMENDED as follows:

(G) No ~~preliminary development plan~~, official development plan, plat or construction drawings for a new Category B or new senior housing project shall be processed by City Staff until service commitments have been awarded to the project.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of September, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of September, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Resolution No. 66 re Category B-2 Service Commitment Award

Prepared By: Michele McLoughlin, Planner II

Introduction

City Council action is requested on the attached Resolution awarding 256 Category B-2 Service Commitments over a three year period to the Ambiance Single Family Attached project located at West 72nd Avenue and Depew Street (see attached location map). City Council previously authorized a negotiated resolution of the development of this property, formerly known as the Tepper property, in light of Tepper's previous dedication of park land and other considerations provided to the City as part of the development of other sections of the Tepper parcel. In exchange, the landowner has agreed to accept and develop this property in accordance with the significantly reduced zoning (more than 50 percent) for the property under the recently adopted City Comprehensive Land Use Plan (CLUP).

Summary

The owners of the property, FDC, are requesting Service Commitments from Category B-2 for the Ambiance Single Family Attached project in the Shoenberg Planned Unit Development (PUD). This request is a result of the Comprehensive Land Use Plan changing the proposed use on this property from Multi-Family (22.5 dwelling units per acre) to Single Family Attached (10 dwelling units per acre) in 1997. As a part of this Resolution, Ambiance would have to build a development in conformance with the Comprehensive Land Use Plan and incorporate sufficient elements from the City's 1999 Category B-2 Competition Criteria so that the development would meet or exceed the score of the winning project for the 1999 Competition.

The Resolution is attached which awards Service Commitments to the Ambiance Single Family Attached project (part of the Shoenberg Farms PUD). Only the project-specific Service Commitment award is required at this time. The project totals 320 units, and because single family attached units are calculated at a .8 Service Commitments per unit, the project requires a total of 256 Service Commitments to build out the project. The Resolution awards 50 Service Commitments in 1999, 103 in 2000, and the remaining 103 in 2001.

Staff Recommendation

Adopt Resolution No. 66 awarding Category B-2 Service Commitments to the Ambiance single family attached project and adopt the attached agreement concerning Service Commitments.

Alternative

Deny Resolution No. awarding Category B-2 Service Commitments to the Ambiance Single Family Attached project and force them to compete for Service Commitments in the next Category B-2 Competition. This alternative would not resolve the conflict between the City and the property owner regarding the reduction in density for this property, as a result of the Comprehensive Land Use Plan.

Background Information

The existing Preliminary Development Plan (PDP) for the Shoenberg Farms Planned Unit Development lists a multi family use for this parcel. The PDP also lists most uses allowed in the C-1, C-2, and M-1 zoning districts in the “residential-dairy” area as interim uses to be revisited at a later date by an amended Preliminary Development Plan (PDP). The Westminster Comprehensive Land Use Plan overlaid a Single Family Attached designation in both the “residential-dairy” area and the “multi-family” area. The original multi family area allowed up to 22.5 dwelling units per acre. The property owners, along with their attorneys, contested the change in uses during the Comprehensive Land Use Plan public meetings. After several discussions between the City Staff and the property owners, the parties mutually agreed to go along with the single family attached use for the multi family part of the Shoenberg Farms PDP as long as they were not subject to competing for Service Commitments in the Growth Management B-2 competition. The developer did agree to meet the minimum standards and the minimum point score of the winning project in the 1999 Category B-2 Competition.

The City Staff believes this project can be accommodated within the City’s water supply treatment capacity.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

CATEGORY B-2 SERVICE COMMITMENT AWARD FOR “AMBIANCE” SUBDIVISION

WHEREAS, the City of Westminster has adopted by ordinance a Growth Management Program for the period July 1, 1990 through June 30, 2000; and

WHEREAS, Westminster Municipal Code section 11-3-5 provides that City Council shall periodically allocate by resolution a number of service commitments to be available for Category A (Active Residential) and Category B (New Residential) development; and

WHEREAS, the City’s ability to absorb and serve new single family attached development is limited, and the City of Westminster has previously adopted Resolution No. 66, Series of 1994, specifying the various standards for new single family attached projects based upon their relative impact on the health, safety and welfare interests of the community; and

WHEREAS, Category B-2 is the category which is appropriate for the Ambiance subdivision, of the Shoenberg Farms Planned Unit Development; and

WHEREAS, the developer proposes to develop the Property described on Exhibit “A,” attached hereto and incorporated herein by this reference, as a Category B-2, Single-Family Attached Townhome Project (the “Project”); and

WHEREAS, Westminster Municipal Code section 11-3-5(E) provides that, as a minimum, all Category B-2 projects must comply with the City’s adopted Baseline Standards and Design Regulations; and

WHEREAS, the City has previously conducted a Category B-2 competition as contemplated by the City Code; and

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

WHEREAS, City Council finds that it would be in the best interests of the City and its residents, and in furtherance of the City’s Growth Management Program, to make a supplemental allocation of service commitments for the proposed project, in exchange for Ambiance’s agreement to conform the development of the project to the City’s recently enacted Comprehensive Land Use Plan Amendments applicable to the property, notwithstanding the previous dedication of public land to the City and other partial performance considerations relative to the property by Ambiance’s predecessor-in-interest under the previous, higher density zoning approved for the property.

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

1. Category B-2 Service Commitment awards are hereby made to the specific project listed below as follows:

<u>Project</u>	# SERVICE COMMITMENTS PER YEAR			
	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>TOTAL</u>
Ambiance Attached Project	50	103	103	256

2. These Service Commitment awards to the project listed above are conditional and subject to the following:
 - a) Any service commitments not issued in 1999 or 2000 shall be carried over and shall be available in the next subsequent year. The City's obligation to issue service commitments pursuant to this Agreement shall terminate as of January 1, 2002.
 - b) The above allocation of service commitments is premised upon a maximum total number of units of 320 for the project and the presumed service commitment demand set forth in the City Code of 0.8 Service Commitments per unit of Single-Family Attached Residential Housing.
 - c) For this project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
 - d) Each Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of any project or proposed density.
 - e) The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-2 award nor shall any other binding effect be interpreted or construed to occur in the City as part of the Category B-2 award.
 - f) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
 - g) Service Commitment awards for the project listed above, if approved by the City, may only be used within the project specified above.
 - h) These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
 - i) The Category B-2 Service Commitments for this project which are not issued in 1999 or 2000 shall be issued in the next subsequent year, provided the applicant proceeds with the development review process and the project is approved by the City.
 - j) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
 - k) The project will incorporate sufficient elements under the City's 1999 Category B-2 Competition Criteria that the project will meet or exceed the score of the winning project for the 1999 Category B-2 Competition.
3. This shall constitute the resolution required under Section 11-3-4 of the City Code.

Passed and adopted this 13th day of September, 1999

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Big Dry Creek Trail Underpass at 128th Avenue

Prepared by: Scott Opie, Landscape Architect

Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill for a supplemental appropriation of \$40,000, the amount of the 1996 GOCO Trails Grant award, into the General Capitol Improvement Fund for construction of Big Dry Creek Trail underpass at 128th Avenue. City Council action is also requested to authorize the City Manager to sign a contract with Asphalt Specialties Co. Inc., in the amount of \$324,561 for construction of the Big Dry Creek Trail underpass project and add 10% contingency of \$32,456. Funds for this expense are available in the General Capitol Improvement Fund Trail Development project account.

Summary

On December 29, 1995, Staff applied for a \$50,000 trail grant sponsored by Colorado State Parks and Great Outdoors Colorado (GOCO) Trust Fund for Big Dry Creek Trail – Adams County. The City was awarded the grant in the amount of \$40,000 on April 10, 1996 for construction of the trail extension. Due to the high demand for these grants most recipients were awarded partial funding.

The project was advertised and bid according to the City's purchasing ordinances. Fifteen contractors attended the mandatory pre-bid meeting and 24 copies of construction documents were provided to various contractors and suppliers. However, only one bid was submitted at the bid opening on August 25, 1999. The bid of \$324,561 is considered a fair bid since the engineer's estimate for the project was \$326,000. Asphalt Specialties has performed work for the City of Westminster in the past and is a qualified contractor for the project.

Alternative

City Council could reject the single bid, and rebid the project. However, this would further delay the construction of an important segment of the Big Dry Creek Trail System. This would also require the City of Westminster to obtain another GOCO Trails Grant extension delaying the project for another year.

Staff Recommendation

1. Pass Councillor's Bill No. 58 on first reading appropriating \$40,000 into the Trail Development General Capitol Improvement Project Fund.
2. Authorize the City Manager to sign a contract with Asphalt Specialties Co. Inc., in the amount of \$324,561.00 for construction of the Big Dry Creek Trail underpass at 128th Avenue; add a contingency of \$32,456.00, and charge this expense to the Trail Development Account in the General Capitol Improvement Fund.

Background Information

Big Dry Creek begins at Standley Lake and winds its way through Jefferson and Adams counties on a northeastern intercept with the Platte River. Presently, the Big Dry Creek Trail is a continuous trail from 104th Avenue near the Butterfly Pavilion to 128th Avenue. There are additional segments completed to the west eventually linking sections to Standley Lake. Westminster's Trail Master Plan identifies completing the Big Dry Creek Trail from Standley Lake Regional Park to I-25 and Big Dry Creek City limit.

The State of Colorado, through Lottery proceeds, has developed a State Trails Program for distribution of grant funds to governmental agencies and non-profit organizations throughout the State by competing in a grant application process. The Colorado Lottery is providing additional funding to the State Trails Program from GOCO to enhance the trail grant program. In December of 1995, Westminster City Council passed and adopted Resolution No.71 State Trails Program Application. The following application for GOCO Trails funding was submitted to the State Trails Coordinator in the amount of \$50,000 on December 29, 1995. Upon review of the applications submitted, the City of Westminster was awarded \$40,000 from over one million dollars in grants approved for the 1996 fiscal year. A one-year extension was requested on September 15, 1997 to provide time for the coordination of the Big Dry Creek Trail Underpass Project and Adams School District 12 construction of Arapahoe Ridge Elementary in the Amherst Subdivision. Further delays were encountered in the process of finalizing an IGA between the City of Westminster and Adams School District 12 resulting in another GOCO Grant extension until June 30, 1999. The project was once again delayed as the overall scope of the Army Corp of Engineers 404 wetland permitting process increased to include larger segments of the Big Dry Creek Corridor to simplify the construction of several sections by possessing a permit that covers multiple projects. Requests for grant extensions have been extended in total to December 31, 1999 for construction of this project.

Loris and Associates was brought on-line as the representative engineering firm for the project in 1998. Numerous site constraints have proved to be a design challenge as the entire project area exists within a flood plain. The trail design considered normal and sizable storm water flows. Final design details for construction of the Big Dry Creek Trail @ 128th Avenue Underpass include the construction of one bridge crossing upstream of 128th Avenue, 260 linear feet of 10' concrete walkway underpass with adjoining floodwall, and Big Dry Creek Channel modifications that include 0.70 acres of wetland mitigation enhancement. This project will provide a continuous trail linkage between the Amherst Subdivision including Arapahoe Ridge Elementary and the Butterfly Pavilion.

Sealed Bids were received by the Purchasing Specialist with the following results:

Asphalt Specialties Co. Inc.	\$324,561
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The bid received from Asphalt Specialties Co. Inc. meets all specifications for this bid. The lack of response from other bidders is due to the current high demand for contractors given the busy construction season. References have been checked and Asphalt Specialties Co. Inc. is considered qualified to complete the project.

Staff will request a reimbursement of \$40,000 for construction of the Big Dry Creek Trail @ 128th Avenue Underpass Project once construction has been completed.

Respectfully submitted,

William M. Christopher, City Manager

Attachments: Councillor's Bill, Map

BY AUTHORITY

ORDINANCE NO.
SERIES OF 1999

COUNCILOR'S BILL NO. _____
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE GENERAL CAPITAL IMPROVEMENT FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby increased by \$40,000 which, when added to the fund balance as of the City Council action on September 27, 1999 will equal \$15,108,624. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Great Outdoors Colorado Trails Grant for the construction of Big Dry Creek Trail at the 128th Avenue Underpass.

Section 2. The \$40,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
REVENUES			
Intergovernmental - State			
75-0478-000	\$160,000	<u>\$40,000</u>	\$200,000
Total Change to Revenues		<u>\$40,000</u>	
EXPENSES			
Trails Development - Unauthorized			
75-50-88-555-236	\$ 480,528	<u>\$40,000</u>	\$520,528
Total Change to Expenditures		<u>\$40,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of September 1999.

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

ATTEST:

Mayor

City Clerk



AGENDA ITEM 10 M & N

WESTMINSTER COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Resolution No. 67 Lifeguard Staffing

Prepared By: J.R. Duncan, Human Resources Analyst
Ken Watson, Recreation Facilities Manager

Introduction

City Council action is requested to approve the attached resolution amending the City's pay plan regarding lifeguard positions and a policy change providing for reimbursement or waived fees for required certifications for Staff assigned to the Recreation Facilities Division.

Summary

The Department of Parks, Recreation and Libraries and the Human Resources Division is proposing changes to existing lifeguard salary grades and position title changes for lifeguards assigned to the City's indoor and outdoor swimming pools. Changes are also proposed regarding reimbursement of certification requirements, i.e. lifeguarding skills, CPR, (cardio pulmonary resuscitation) and first aid that are required for pool and building staff assigned to the recreation centers.

Proposed grades and title changes are as follows.

Existing

Lifeguard - Grade 19

Total No. of FTEs - 16.098

Change to

Lifeguard - Grade 23

Affected # of FTEs - 16.098

Approximate 1999 Cost - \$8,600

Add 2nd level position

Lifeguard II - Grade 25

Due to staff shortages, funds are available in the 1999 Parks, Recreation and Libraries Department to cover the salary increase and new second level lifeguard positions for the remainder of the year. Additional funds will be required for the 2000 and 2001 Budgets.

Proposed salary range change for Outdoor Lifeguard I & II change to "Outdoor Lifeguard" delete Outdoor Lifeguard II title and increase pay range to \$8.43 - \$9.30 to match starting pay of Lifeguard I.

Change the Outdoor Pool Manager seasonal salary range to \$9.30 - \$10.27, which is the mid-range of Lifeguard II. Maintain the title of Outdoor Pool Manager.

1999 Cost - \$0 - (outdoor pool season is over)

These changes are proposed due to ongoing problems with recruitment and retention of qualified lifeguards. Lifeguards assigned to the City's four swimming pools are responsible for the safety of thousands of swimmers each year. Lifeguards also instruct learn to swim classes to more than 10,000 aquatic class participants each year. It is believed a premium wage is needed to attract qualified lifeguards.

Throughout 1999, Recreation Staff have been required to reduce the number of swimmers allowed into the pools, close portions of the pools, and recently had to cancel swim classes for 198 students due to a shortage of qualified lifeguards.

The existing lifeguard staff level has dropped to approximately 50% of the normal level of man-hours needed to operate the pools. All four pools have been affected. The outdoor pools either closed for the season early or greatly reduced house of operation. All recreation facility staff that possess lifeguard certification have been scheduled pool hours regardless of their job assignment.

Creating the Lifeguard II position for the indoor pools would assist with retention problems and also create a "Lead Lifeguard" position to be responsible for pool operations when the Assistant Pool Managers or Pool Manager are not on duty. Job descriptions would require successful performance prior to a Lifeguard I moving up to a Lifeguard II position. Criteria would include a minimum of three years uninterrupted time in job, proficiency with all pool chemicals, mechanical systems, excellent guest service requirements, and excellent leadership abilities.

Options

1. Approve the titles and upgrades as proposed.
2. Approve various components of this plan in a phased schedule.
3. Approve only the Lifeguard I & II changes for indoor pools and not include the seasonal outdoor pool staff.
4. Reject the entire proposal as submitted.

Policy changes are also requested to allow reimbursement or waiver fees for required training classes for personnel assigned to the recreation centers.

Recreation facility staff are required to possess and maintain certification for lifeguarding, CPR, and first aid. The cost to reimburse or pay for these trainings is estimated between \$3,000-\$5,000 depending on how many Staff need to be certified vs. re-certified, availability of City instructors vs. instructors from other agencies, etc. The proposal would apply to aquatic and building staff to alleviate possible morale issues. To qualify, Staff would need to work a minimum of 15 weeks or 300 hours.

If approved, the cost for training will be absorbed in the 1999, PR&L budget from savings in accounts due to staff shortages, and utility savings due to the mild winter in early 1999.

The cost for this program will be closely monitored and if additional funds are required, staff will follow the normal guidelines for requesting supplemental funding.

Options

1. Approve the policy changes as described.
2. Limit the policy to only Aquatic staff vs. building staff.
3. Do not change the existing policy that requires staff to obtain and maintain the required certification at their own cost.

Staff Recommendation

1. Adopt Resolution No.67 authorizing position title and grade changes of 16.098 FTEs and seasonal lifeguards in the City pay plan.
2. Approve the policy changes to allow reimbursement or fees waived for required training certificates for aquatic and building staff assigned to the recreation centers.

Background Information

Recruitment and retention of lifeguards has grown increasingly difficult. The existing lifeguard salary range is competitive when compared to the cities surveyed, but has been unsuccessful in filling several openings through the past year.

Other agencies locally and nationally have experienced similar shortages of qualified lifeguards.

Over the past eight months, lifeguard turnover has required limiting and/or eliminating pool services such as open swim hours, birthday pool parties, group usage, swim classes, use of water slides/ropes/diving pools, etc.

The City Park Recreation Center was allocated an additional 1.0 FTE, full-time, benefited lifeguard in the 1999 budget. To date, the position has been aggressively advertised and has not been filled due to unqualified applicants.

The two indoor pools are operating at a 50% pool staff level which is a shortage of approximately 400 lifeguard manhours/week.

Public safety has been the primary concern with each decision to reduce services or hours at the pools. The City's pools are very popular with recreational and avid swimmers of all ages. Due to the pool cutbacks, the complaint level has increased and staff morale has declined. However, staff has explained that swimmer safety is the deciding factor and the City has been very aggressive attempting to recruit and hire qualified lifeguards.

The City Manager's Office and Human Resource Staff have reviewed these proposed staff and policy changes and supports them. If approved, the change will become effective immediately and salary accounts for the 2000 and 2001 budgets will also be adjusted for City Council's review.

Respectfully submitted,

William M. Christopher
City Manager

Attachment:

RESOLUTION

RESOLUTION No.

INTRODUCED BY COUNCILLORS

SERIES OF 1999

LIFEGUARD PAY

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

WHEREAS, the salary schedule and authorized personnel schedule for the 1999 year were adopted by City Council by Resolution No. 57, Series of 1998; and

WHEREAS, the City Council is increasing the pay range for Lifeguards, Outdoor Lifeguards and Outdoor Pool Managers;

NOW THEREFORE, be it resolved that the Westminster City Council hereby authorized the pay plan for the 1999 year, be amended by modifying the existing specifications for the positions listed below:

Change title of Lifeguard to Lifeguard I and increase pay range for Lifeguard from Grade 19, \$7.63/hr - \$9.74/hr, to Grade 23, \$8.43/hr to \$10.75/hr.

Create new classification of Lifeguard II, Grade 25, with a pay range of \$8.85/hr – \$11.29/hr.

Combine Outdoor Lifeguard I and Outdoor Lifeguard II into one position titled Outdoor Lifeguard. Increases pay range to \$8.43 - \$9.30, to match starting pay of Lifeguard I.

Increases pay range for Outdoor Pool Manager to \$9.30 - \$10.27. Starting pay will match mid-range of Lifeguard II.

BE IT FURTHER RESOLVED that this amendment shall be effective upon passage and adoption of this resolution.

Passed and adopted this 13th day of September 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Resolution No. 68 re Creation of the Westminster Youth Advisory Panel

Prepared by: Dee Martin, Human Resource Analyst
Barbara Gadecki, Assistant to the City Manager
Cindy McDonald, Youth/Teen Recreation Specialist

Introduction

City Council action is requested to adopt the attached Resolution establishing the Westminster Youth Advisory Panel.

Summary

At the April 10th Council Goal Setting Retreat, City Council directed Staff to research the creation of a Youth Advisory Board or Commission for the City of Westminster. Staff has examined various Youth Board and Commission constructs across the country and presented the feasibility of establishing such a board at the August 30th City Council Study Session. The attached resolution will create the Youth Advisory Panel.

Alternatives:

Do not create a Youth Advisory Panel and continue to have Staff work with youth as issues arise.

Staff Recommendation

Adopt Resolution No. 68 creating the Westminster Youth Advisory Panel.

Background Information

At the April 10 Goal Setting Retreat, City Council directed Staff to research the creation of a Youth Advisory Board or Commission for Westminster. Staff has researched the establishment of a Youth Advisory Board, reviewing and evaluating several models of Youth Boards/Commissions.

After reviewing several models, Staff chose to combine those aspects that seemed to be a good match with Westminster. Staff recommends that the Youth Advisory Panel's overall purpose be to engage youth in city government and also help educate Council and Staff in the challenges which Westminster's Youth are facing. The Youth Advisory Panel would be effective in advising Council and Staff on issues concerning youth.

During the course of compiling research and developing recommendations, Staff was informed by the City Attorney's Office that the City Charter restricted creating this Youth Advisory Panel as a regular City Board or Commission. The City Charter requires that Board and Commission members be registered voters. Since the legal age to be a registered voter is 18 years old, making this group a Board or Commission would effectively eliminate the majority of the target membership age group. Staff recommends establishing the Youth Advisory Panel and giving it similar duties and responsibilities that other Boards and Commissions possess, but making it clear that the Panel would not be an official City Board or Commission and its members would not have the same rights of other Boards and Commission members (such as the right to be removed only for "good cause" after notice and public hearing.)

The members of the Panel would, however, participate in the Boards and Commissions brunch and dinner and would have a City Council member serve as liaison to the Advisory Panel. Therefore, the establishment of the Youth Advisory Panel must be via resolution.

Staff recommends establishing the Advisory Panel with a membership that would include high school students from each of the six area high schools Westminster youth attend (Westminster, Ranum, Pomona, Northglenn, Standley Lake, and the Alternative Center for Education near the Career Enrichment Park) and three at-large positions for those attending schools not already addressed (i.e. charter or private schools). The Advisory Panel is recommended to have 15 members (2 per area school and 3 at large) to ensure representation of the teens at each of the schools educating Westminster youth; the youth must be a Westminster resident to be eligible for the Advisory Board. Staff recommends that alternates not be included, so that Council can appoint a new representative from the affected school in the event of a vacancy, maintaining balanced representation.

All appointments will follow City Council's normal Boards and Commissions application process. Interested candidates must be recommended by their respective schools, complete an application and interview with City Council prior to appointment.

The Advisory Panel's responsibilities will include providing feedback in programming and planning youth activities, programs and facilities. They will research youth related issues and make recommendations to Council and Staff. Such recommendations would be couched within reasonable parameters.

The Staff Liaison is recommended to be in the General Services Department to provide a broad perspective on City issues to this Advisory Panel. Dee Martin, Human Resources Analyst, has been selected to be the staff liaison to the Advisory Panel. Locating this Advisory Panel in General Services, especially in Human Resources, will enable the Advisory Panel to keep a broad focus including social, employment, health, and recreation issues affecting Westminster teens.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **68**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION ESTABLISHING THE WESTMINSTER YOUTH ADVISORY PANEL

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

WHEREAS, the City Council recognizes that the young people of our community have unique and valuable insights to provide with respect to such needs, desires, challenges and issues; and

WHEREAS, the City values its youth and desires to advance and promote their special needs and interests.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Westminster, as follows:

Section 1. CREATION: There is hereby created a Youth Advisory Panel (hereinafter "The Panel.") The Panel shall be composed of two (2) members from each high school in the area that Council determines is attended by significant numbers of Westminster youth, plus three (3) at large members that Council shall determine should represent other segments of the City's youth population not represented by the high school representatives.

Section 2. ADVISORY MEMBERS: One (1) City staff member and one (1) member of the City Council, to be appointed by the Mayor, shall serve as advisory members of the Youth Advisory Panel who shall have the right to participate in all meetings of the Panel; except that, they shall not have the right to vote.

Section 3. TERMS: All regular members of the Youth Advisory Panel shall serve for a period of one (1) year, or such shorter or longer terms as Council may determine in its sole discretion will best serve the purpose and mission of the Panel.

Section 4. QUALIFICATIONS: All members shall be residents of the City and shall have completed at least the eight grade.

Section 5. POWERS AND DUTIES: The powers of the Youth Advisory Panel shall be advisory only. It shall be the purpose and mission of the Panel:

- (A) To advise City Council and Staff on matters in the community pertaining to youth.
- (B) To make recommendations to City Council and Staff regarding the development of citywide community and/or neighborhood programs to address short and long range youth issues.
- (C) To encourage citizen participation in community youth issues.
- (D) To adopt, subject to the approval of the City Council, rules and regulations for the conduct of meetings of the Youth Advisory Panel.
- (E) The Panel shall not make recommendations or advise on matters pertaining to internal City organization policies, or programs relating to staffing or other personnel type matters.

Section 6. MEETINGS: The Panel shall meet at least monthly during the months of September through May and at such other time as the Council or the Chairperson of the Panel may request. A record of the minutes of each meeting shall be kept and placed in the office of the City Clerk for public inspection. The meetings of the Youth Advisory Panel shall be subject to the same provisions of the City's open meetings and open records laws as are applicable to the City Council and the City's Boards and Commissions.

Section 7. Nothing in this establishing Resolution shall be deemed or construed as extending to the members of the Panel any of the requirements, rights or privileges granted to the members of those Boards and Commissions created pursuant to City Charter section 4.17.

Passed and adopted this 13th day of September, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 13, 1999
Subject: Special Bond Counsel for \$2.65 Million POST Bond Issue
Prepared by: Marty McCullough, City Attorney
Mary Ann Parrot, Finance Director

Introduction

City Council is requested to authorize the City Manager to execute a special legal counsel contract with Sherman & Howard for bond counsel services in an amount not to exceed \$7,000 for bond counsel services for the City's \$2.65 million "P.O.S.T." (Parks, Open Space and Trails) bond issue.

Summary

The issuance of \$2.65 million will complete the total \$26 million bonding authorized by the voters in 1997. A summary of bonds authorized and issued is as follows:

Issued March 1997	\$23.35 million
Proposed for October 1999	<u>2.65 million</u>
Total authorized by voters In November 1996	<u>\$26.00 million</u>

Funds for this issue will be used approximately as follows (costs of issuance will be held to a minimum and deducted from loan proceeds):

Parks Projects (ballfields)	\$1.535 million
Open Space purchases	<u>1.115 million</u>
Total	<u>\$2.650 million</u>

In summary, by selling the bonds to a local bank (in a "private placement") costs of issuance are held to a minimum. This means a larger share of proceeds can be used for direct project expenditures. The issue differs slightly from the earlier 1997 issue as follows:

	<u>1997 Issue</u>	<u>1999 Issue</u>
Size	\$23.35 million	\$2.65 million
Type of Sale	Public (via an underwriter)	Private (to banks)
Documentation Required	Official Statement (OS) Bond Ordinance Legal Opinion	Investor Letter Bond Ordinance Legal Opinion

Costs of
Issuance

Costs of Issuance
Underwriters' Discount
Two Counsels, Financial Advisor
Underwriter, other miscellaneous
costs such as printing OS

No Disclosure
No Underwriters' Discount
One Counsel, Financial
Advisor, miscellaneous costs

Staff Recommendation

Authorize the City Manager to execute an agreement with Sherman & Howard for fees in an amount not to exceed \$7,000 for bond counsel services in connection with the proposed issuance by the City of the remaining \$2.65 million in P.O.S.T. revenue bonds as approved by Westminster voters in November, 1997.

Background

Prior to issuing the bonds for the outlined expenditures, it is necessary for the City to retain bond counsel to assist in the structuring of the bond issues. Bond counsel is required to issue a bond opinion concerning the tax-exempt qualification and enforceability of the bonds. City Charter section 4.14 requires City Council approval of all agreements with outside legal counsel.

Sherman & Howard's proposed fee of \$7,000 for this project is deemed to be favorable. In addition, having served as the City's bond counsel for the prior issues of these bonds, this firm possesses the desired background knowledge to meet the City's needs in terms of the timing and marketing of this issue.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Special Legal Counsel for Voluntary Employees' Beneficiary Assn

Prepared by: Matt Lutkus, Deputy City Manager for Administration

Introduction

City Council action is requested to approve Timothy J. Parsons from Gorsuch Kirgis LLP as special legal counsel for services related to the research and development of a VEBA (Voluntary Employees' Beneficiary Association) Trust for City employees. Funds for the \$2,700 in fees were previously included in the 1999 General Fund, Central Charges Budget.

Summary

In accordance with the City Charter requirements, City Council is being requested to approve Timothy Parsons as special legal counsel for the purpose of conducting research and developing a VEBA (Voluntary Employees' Beneficiary Association) Trust for City employees. This work would allow City Staff to make a thorough assessment on whether implementing a VEBA Plan for City employees is a viable option for the City. If City Staff determines that a VEBA Plan is advantageous to the City and employees, the program proposal would be presented to Council for consideration and, if approved by Council, would subsequently be submitted to the Internal Revenue Service for its approval.

A VEBA Trust could enable the City to designate a certain amount of the cash balance of retiring employees' unused general leave balance to be set aside for medical expenses after employees terminate employment. The advantage of this program to the employees is that, when used for paying medical expenses, the retiree will pay no Federal income taxes on this income. This could be a tremendous benefit to employees in their retirement years as they plan for those expenses not covered under Medicare or individual medical insurance retirement plans.

Copies of both the retainer agreement (entitled "Letter of Intent") and Mr. Parsons' resume are attached for City Council's review. Fees for Mr. Parsons' services, including an IRS application fee of \$500, total \$2,700. As Council will note from his resume, Mr. Parsons has extensive knowledge and background in employee group plans, specifically with regard to Federal and State regulation compliance. City Staff does not possess the level of expertise and background necessary to perform the required services.

It is Staff's intent to follow a timeline which would include the following sequence of events:

- The development of a VEBA program proposal,
- Review of the plan with City Management,
- If the program is found to be viable, review of the program proposal with employees,
- A presentation to City Council and request for the appropriate City Council action on the VEBA Trust, and
- Submittal of the proposal trust agreement to the Internal Revenue Service for approval.

It is anticipated that there should be no difficulty gaining the Internal Revenue Service approval, given the fact that these plans are becoming more and more common in both the private and public sectors. The actual time for implementation of the plan depends on a number of factors, including the length of time it takes for the Internal Revenue Service to respond whether there are any funding considerations and how this plan would fit into the City's existing payroll system and the yet to be selected new Financial Management System.

Alternatives to the recommended action would be not to pursue the development and implementation of a VEBA Trust or to find another attorney with benefit expertise to provide the required services. Staff believes that a VEBA Trust has the potential of providing a significant benefit to retiring employees and, thus, should be closely reviewed. Moreover, the reasonable cost of Mr. Parsons' services and his considerable credentials in this area justify that he be selected for this project.

Staff Recommendation

Approve Timothy J. Parsons from Gorsuch Kirgis LLP to act as special legal counsel for the City for services related to the development of a VEBA Benefit Program for City employees; and approve the proposed fee agreement which totals \$2,700, with the expense charged to the appropriate General Fund Central Charges Account.

Background

Voluntary Employees' Beneficiary Association (VEBA's) are permitted under Internal Revenue Code Sections 419 and 419A, regarding the deductibility of employer contributions to welfare benefit funds. Under these sections of the Code, the Internal Revenue Service has allowed an increasing number of employers to implement VEBA accounts for employees. These accounts allow retirees to pay for health expenses for the employee, spouse, and dependents during their lives with funds which are not subject to Federal income tax. After the death of the employee, the account can continue to be used by the surviving spouse or any dependents until exhausted. After the death of employee and spouse, any balance of the VEBA account can be transferred by the employer to the estate of the last surviving employee or dependent. VEBA accounts can be funded by a variety of sources, either from the employer or employees, as designated by the approved Employer's Trust Agreement.

It is currently City Staff's intent to propose to employees, and ultimately to City Council and the Internal Revenue Service, that the City of Westminster create VEBA accounts for retiring employees and fund these through some of the proceeds which employees would receive as part of their cashout of General Leave hours when they retire. Since all retiring employees and their dependents undoubtedly have some medical expenses that would be eligible for this program, it is easy to see how retirees could stand to gain tremendously from their VEBA accounts. Eligible expenses that could be reimbursed through VEBA accounts include health insurance premiums, coinsurance and deductible expenses, and many types of medical expenses not covered by group insurance or Medicare. This program addresses the needs of a large segment of the City's employees, especially those employees within 10-15 years of retirement who have built up their general leave banks.

In order to fully assess the options available to the City, develop the required VEBA Trust Agreement and take the steps necessary to assure Internal Revenue Service approval of the plan, City Staff must rely upon the services of an expert in this field. Timothy J. Parsons, a partner in the law firm of Gorsuch Kirgis LLC is, in Staff's view, one of the most qualified individuals in this field today. As Council will note from his resume, Mr. Parsons has over 23 years of experience in employee benefit plans and has been published and has spoken extensively in this area.

The \$2,700 in fees for Mr. Parsons' services, including the \$500 Internal Revenue Service application fee for submittal of the appropriate form, are very reasonable when considering Mr. Parsons' expertise in this area. The funds for this expense were included in the approved 1999 Budget.

It is Staff's intent to review the information that Mr. Parsons provides and the options available to the City. If it is determined that this program would be advantageous for both the City and employees, Staff will, at a future date, request Council to approve the plan document. The document would then be submitted to the Internal Revenue Service for review and approval.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 13, 1999
Subject: Resolution No.69 re: Assignment of Excess Private Activity Bond Allocation to City and County of Denver
Prepared by: Mary Ann Parrot, Finance Director

Introduction

Adoption by City Council is requested on the attached resolution, which changes the assignment of \$250,000 Private Activity Bond Allocation (PAB Allocation) to the City and County of Denver from the year 2000 to 1999. City Council had approved an interim transfer of this dollar amount from Denver in 1998. No monies are to be expended; this is the assignment of allocation to issue private activity bonds, which allocation the City receives annually. The City has not used all of its allocation for 1999, having an excess of \$383,300, and therefore can revise its original commitment to “repay” Denver from the Year 2000 to the current year. This will preserve the City’s year 2000 allocation for another project, if needed.

Summary

In March 1998, the City assigned some of its Year 2000 private activity bonding capacity to the City and County of Denver in the amount of \$250,000 private activity bond allocation. This meant the City of Westminster would issue \$250,000 less in tax-exempt bonds for private use in the Year 2000. Under existing federal laws, cities have only limited amounts of capacity for this type of bond issue. The City had assigned this capacity to Denver as a result of action taken in March 1998 as follows:

- City of Westminster “borrowed” \$250,000 in PAB Capacity from Denver, to pool these funds with other entities in the area, thus making available a pool of funds to finance mortgages for low- and moderate-income families in the area. This was an initiative assembled by the Metro Mayors’ Caucus in March 1998.
- City Council approved a resolution in March, 1998 approving this “borrowing” and agreeing to repay the \$250,000 of PAB capacity from Westminster’s year 2000 PAB allocation. (All of the PAB allocation from 1998 and 1999 was committed to converting WEDA taxable bonds to tax-exempt to reduce interest expense.)

Because the City has excess capacity in 1999, Staff recommends revising the repayment assignment to the year 1999, rather than the year 2000. This will preserve the entire Year 2000 Private Activity Bond Allocation in case the City needs it for another “private activity” project.

Current status of the PAB Allocation is as follows:

PAB Allocation for 1999	\$2,398,300
Used in 1999 for WEDA	<u>2,015,000</u>
Remainder unused to date	<u>\$ 383,300</u>

Staff currently is not aware of a need for this allocation; if not used, it can be assigned to another entity such as Denver. If not used or re-assigned, it reverts to the statewide pool after September 15, 1999, for re-allocation to other communities who request these monies for their needs.

Denver would also have to take affirmative action to receive the assignment. Staff has discussed it with Staff at the City and County of Denver. They have agreed to this re-assignment and will recommend to their Council that approving action be taken.

Staff Recommendation

Adopt Resolution No. 69 assigning the year 1999 Private Activity Bond Allocation of \$250,000 to the City and County of Denver, and authorize the Mayor to sign the assignment agreement on behalf of the City.

Background

When cities wish to finance private activity (such as redevelopment of South Westminster Plaza), they can do so only to the extent they have received an allocation from the Federal Government, administered by the State of Colorado. This is called Private Activity Bond Allocation. Each year, the City of Westminster receives its allocation of approximately \$2.4million, to use in financing private business ventures. This allows cities to issue tax-exempt bonds to finance private ventures. This, in turn, saves the developer the higher costs of private “corporate” debt, which savings oftentimes are significant, and can mean the difference of cost-justifying the project. When this happens, this allows cities to sponsor community development activities, which they deem prudent for their citizens. A recent example of this initiative was the sponsorship by City Council of the redevelopment of the Westminster Plaza, which has become a real success story. Without the ability to issue tax-exempt bonds to build this project, the revitalization of South Westminster would not be taking place.

Early in 1998, the Metro Mayor’s Caucus asked several cities to participate in origination of single family mortgages loans as part of an initiative to finance residential housing facilities for low- and middle-income persons and families within Denver boundaries. The City of Westminster “borrowed” \$250,000 of capacity from Denver. Westminster then pooled that capacity with other cities in an affordable housing loan pool for area residents. City Council passed a resolution approving repayment of the \$250,000 of its future PAB Allocation from the year 2000. The City had anticipated it would use all of its 1998 and 1999 allocations for the Westminster Economic Development Authority (WEDA) program centered on revitalization of South Westminster and the Westminster Plaza.

Because of excess, unused capacity in 1999, the assignment approved in March 1998 (for repayment with Year 2000 allocation) can be revised to use the Year 1999 allocation, thus preserving the City’s flexibility in using the allocation for the Year 2000.

An alternative includes allowing the remaining 1999 allocation of \$383,300 to be left to the state and letting other cities have an opportunity to use it. Another alternative is to wait to the Year 2000 to allocate the capacity to Denver. These alternatives are not recommended, as this has the potential of shorting the allocation for that year, in the case that another critical project may need the allocation.

Respectfully submitted,

William M. Christopher, City Manager
Attachments

EXHIBIT A

RESOLUTION NO. 69

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION CONCERNING RESOLUTION NO. 15 OF MARCH 2, 1998 WHICH ASSIGNED AND TRANSFERRED TO THE CITY AND COUNTY OF DENVER, COLORADO, A PORTION OF THE CITY OF WESTMINSTER'S 2000 ALLOCATION FROM THE STATE CEILING FOR PRIVATE ACTIVITY BONDS TO FINANCE RESIDENTIAL HOUSING FACILITIES FOR LOW- AND MIDDLE-INCOME PERSONS AND FAMILIES WITHIN THE CITY AND CERTAIN OTHER CITIES AND COUNTIES IN THE STATE OF COLORADO; AMENDING THE TIMING OF THE ASSIGNMENT AND TRANSFER TO BE MADE FROM THE CITY OF WESTMINSTER'S 1999 ALLOCATION INSTEAD OF THE 2000 ALLOCATION; AMENDING THE ASSIGNMENT AGREEMENT IN CONNECTION THEREWITH.

WHEREAS, the City of Westminster, Colorado (the "City"), and the City and County of Denver, Colorado ("Denver"), are each authorized by the County and Municipality Development Revenue Bond Act, constituting Article 3 of Title 29, Colorado Revised Statutes, as amended (the "Act"), to finance projects as defined in the Act, including residential housing facilities for low- and middle-income persons and families; and

WHEREAS, the City was awarded on January 1, 1999, \$2,398,300 (the "1999 Allocation"), of the bond ceiling for the State of Colorado (the "State") and its issuing authorities pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds to finance projects under the Act among the issuing authorities of the State of Colorado; and

WHEREAS, the Allocation Act provides for the assignment of bond allocations between issuing authorities of the State; and

WHEREAS, the City had previously assigned a portion of its allocation from the Year 2000 (the "2000 Allocation"), to Denver; and

WHEREAS, the City now has determined it has excess unused capacity from the 1999 Allocation; and

WHEREAS, the City desires to assign and transfer to Denver an amount equal to \$250,000 of the 1999 Allocation instead of the 2000 Allocation; and

WHEREAS, it is necessary to evidence such assignment and transfer and the acceptance thereof by the execution and delivery by the City of an Amendment to the Assignment Agreement (the "Amendment") between the City and Denver in substantially the form presented at this meeting;

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

Section 1. The City hereby (i) assigns and transfers to Denver an amount equal to \$250,000 of the 1999 Allocation instead of the 2000 Allocation, and (ii) approves, authorizes and directs the Mayor of the City to sign and deliver and the City Clerk to attest and deliver, the Amendment in substantially the forms presented at this meeting.

Section 2. The Mayor of the City is hereby authorized and directed to execute and deliver and the City Clerk is hereby authorized and directed to attest and deliver such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the Amendment, and this Resolution.

Section 3. Nothing contained in this Resolution, or the Amendment shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the City within the meaning of the Constitution or statutes of the State of Colorado or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

Section 4. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. This Resolution shall be in full force and effect upon its passage and approval.

PASSED and adopted by the Westminster City Council on September 13, 1999.

Mayor

[SEAL]

ATTEST:

City Clerk

**FIRST AMENDMENT TO
ASSIGNMENT AGREEMENT**

This First Amendment to the Assignment Agreement (the "Amendment") dated the 13th of September, 1999, is between the CITY OF WESTMINSTER, COLORADO, a municipal corporation and political subdivision (the "Assignor") and the CITY AND COUNTY OF DENVER, COLORADO, a home rule city and a municipal corporation (the "Assignee").

RECITALS

WHEREAS, the Assignor was awarded \$2,398,300 (the 1999 Allocation) of the 1999 bond ceiling for the State of Colorado and its issuing authorities (the "State Ceiling") computed under Section 146(d) of the Internal Revenue Code of 1986, as amended (the "Code"), under the Colorado Private Activity Bond Ceiling Allocation act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds; and

WHEREAS, Assignor has not used all of its 1999 Allocation having an unused remainder of \$383,300; and

WHEREAS, the parties entered into an Assignment Agreement dated March 2, 1998, wherein Assignor assigned and transferred to the Assignee, a portion of the Assignor's 2000 Allocation in an amount equal to \$250,000; and

WHEREAS, the parties wish to amend the Assignment Agreement to allow Assignor to assign and transfer to Assignee the amount of \$250,000 from Assignor's 1999 Allocation; instead of its 2000 Allocation;

Accordingly, in exchange for the agreements set forth herein and other good and valuable consideration, the parties hereto agree as follows:

1. In accordance with the action taken by the governing body of the Assignor on September 13, 1999, the Assignor hereby assigns and transfers to the Assignee, a portion of the Assignor's 1999 Allocation from the State Ceiling for Private Activity Bonds in an amount equal to \$250,000 (the "Assigned Amount for 1999"). The Assignor also hereby cancels the assignment and transfer to the Assignee, of a portion of the Assignor's 2000 Allocation from the State Ceiling for Private Activity Bonds in an amount equal to \$250,000 (the "Assigned Amount for 2000"). The Assignor and the Assignee understand that the Assigned Amount for 1999 will substitute and replace the Assigned Amount for 2000, thus releasing the Assigned Amount for 2000 back to the Assignor for use as it sees fit.
2. The Assignee hereby accepts the assignment of a portion of the Assignor's 1999 Allocation;

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this instrument to be executed to be effective as of the date and year first written above.

[SEAL]

CITY OF WESTMINSTER, COLORADO

By _____
Mayor

Attest:

By _____
City Clerk

[SEAL]

CITY AND COUNTY OF DENVER,
COLORADO, as Issuer

By _____
Mayor

Attest:

By _____
Clerk and Recorder

Approved as to form:

By _____
City Attorney

Countersigned:

By _____
Auditor



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 13, 1999

Subject: Foster Annexation, Zoning and Comprehensive Land Use Plan Amendments, Public Hearing and Second Reading of Councilor's Bills No. 33, 34 and 36, Amended Preliminary Development Plan and Resolution re Incentives

Prepared by: David Falconieri, Planner III

Introduction

City Council is requested to open the public hearing and take testimony, remove from the table and to take action on the second reading of the Annexation, Zoning and Comprehensive Land Use Plan designation for the Foster property. Council action is also requested to amend the Preliminary Development Plan and to adopt the attached Resolution committing to certain incentives for the development of the Foster property. This matter was continued from the July 12, 1999, August 9, 1999 and August 23, 1999 meetings.

Summary

At the July 12th City Council meeting, City Council voted to continue action on the second reading of the Annexation, Zoning and Comprehensive Land Use Plan designation for the Foster property as well as reopening the public hearing in order to provide residents of the Lexington subdivision time to meet with the developers to discuss possible revisions to the proposed Preliminary Development Plan (PDP). Three (3) meetings were held in order to pursue resolution of the issues related to the proposed development.

On July 20, 1999, City Staff met with the homeowners and Mr. Ed Sutton (the Fosters' representative) to discuss the proposed development. All parties agreed that the Lexington homeowners group would generate a list of items they would desire as part of the approval of this development. On August 3, 1999, City Staff again met with the Lexington Homeowners and Mr. Sutton. The homeowners provided a list of discussion points at that meeting.

All parties agreed that a delay in Council action would permit a response and possible agreement on many of the items. There were also several significant requests made by Lexington of the City and Staff required additional time to prepare recommendations to the Council. At their August 9th hearing the Council agreed to extend the reopening of the public hearing until August 23, 1999. On August 10th, Staff met again with Mr. Sutton and the Lexington homeowners group during which all of the items on their list were addressed. The homeowners group representatives, while appreciative of the City's offers on the fencing, landscaping and roadway realignment, were still concerned that the type and size of the proposed development was very unclear and that Mr. Sutton would not agree to any overall height and gross floor area restrictions. On August 23, 1999 the Council again agreed to extend the reopening of the public hearing and defer actions on the related items to the September 13, 1999 Council meeting to allow more time for the Lexington homeowners to meet to discuss these items.

As a result of discussions with the homeowners' association. Staff is recommending that a resolution be adopted by Council committing the City to pay for the construction of a fence and/or for a berm along the frontage of the Lexington development.

Based on discussions with Mr. Sutton and the homeowners, Staff is recommending that the Council take final action on the Foster's requests at the September 13th meeting.

Staff Recommendation

1. Reopen and conduct a supplemental public hearing concerning the Foster property annexation, zoning and Preliminary Development Plan to obtain additional testimony concerning the proposed land uses for the project.
2. Remove from the table and Pass Councilor's Bill No. 36 on second reading zoning the Foster property PUD.
3. Remove from the table and Pass Councilor's Bill No. 34 on second reading amending the Westminster Comprehensive Land Use Plan to include the Foster property as "Retail Commercial".
4. Amend the Preliminary Development Plan for the Foster property to include the additions to the Preliminary Development Plan text set forth on Exhibit A to this agenda memorandum.
5. Adopt Resolution No. 60 committing to the provisions of certain incentives regarding the development of the Foster property.
6. Have the property owner state for the record whether the approved land uses are acceptable and whether he wishes to proceed with the annexation. If yes, remove from the table and pass Councilor's Bill No. 33 on second reading annexing the Foster property.

If no, move to reconsider and then defeat Councilor Bills No. 34, Councilor's Bill No. 36 and rescind the approval of the Amended Preliminary Development Plan for the Foster property and Resolution No. 60.

Alternative(s)

1. Proceed with approval of the Annexation, Zoning and Comprehensive Land Use Plan designation for the Foster property as originally submitted on second reading.
2. Reject the Comprehensive Land Use Plan and zoning ordinance, the Preliminary Development Plan and the application for annexation of the Foster property. This would leave the parcel in unincorporated Adams County. The City of Broomfield could potentially annex the subject property. This alternative should give area Westminster residents (Lexington Estates residents in particular) serious concern given the recent jail siting "episode" that Countryside area residents experienced. Obviously, a "balance" between the existing residents and the property owner/developer is warranted. If either party is too demanding, it could result in the site not being annexed to Westminster, which in turn could ultimately be detrimental to Westminster residents and the City.

Background Information

Several meetings have been held with representatives of the Lexington Homeowners Association (HOA), three of which have included Mr. Ed Sutton, representing the owners. A variety of issues were discussed pertaining to the development. Examples of the issues include increased traffic on Huron Street, possible intrusion into the Lexington community by business traffic, location of future improvements to Huron Street, and development standards for the Foster property. At the second meeting on August 3, 1999, a list of requests was presented by the Lexington Homeowners group to Mr. Sutton and the City Staff.

After the hearing was continued again by Council on August 9th to August 23rd and again to September 13th, another meeting was held with all the concerned parties in which City Staff discussed the City's response to several issues and the developer responded to others. While agreement was not reached on all items, the Staff recommendation is based on what Staff considers to be the best compromise that could be reached at this time given the complexity of the issues.

One request made by the homeowners was to require that the retail center located in the southern portion of the property be oriented to 136th Avenue and not to Huron Street. This would require significant redevelopment for the existing Bull Canal and an existing sanitary sewer main in the property. Staff has committed to studying this issue to ascertain its feasibility and cost. The homeowners also requested that a guard shack be built in lieu of a gate at the entrance to Lexington from Huron Street. This would require an amendment to the Lexington Official Development Plan and Staff would work with the homeowners association on plans for such an amendment. However, the guard shack and video monitoring cameras would be installed and maintained at the homeowners' expense.

Based on study session discussions between the Staff and City Council, Staff is recommending the adoption of a resolution in which the City commits to the provision of certain incentives for the purpose of buffering the proposed development from the Lexington subdivision. These include a landscaped median, a combination of a fence, berm and landscaping in front of the Lexington development and the relocation of the centerline of Huron Street 20 feet to the east.

As Council is aware, this is a strategic parcel of land given its location. The previous designation of the interchange at 136th Avenue and I-25 makes this site especially important as a non-residential land use. Its location is key to a successful joint high quality I-25 corridor development plan with the City of Thornton. Further, the City of Broomfield has previously demonstrated an interest in annexing this parcel. To not achieve this annexation by Westminster, would not only have a key opportunity “slip through our fingers”, but would also allow the “door to be open” for Broomfield to annex it. This could lead to a less desirable development than what either Westminster or its residents would like to see occur.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

EXHIBIT A

AMENDMENTS TO THE FOSTER PROPERTY PRELIMINARY DEVELOPMENT PLAN

- a. All additional right-of-way necessary for the widening of Huron Street will be taken from the Foster property side. The City will move the centerline of Huron Street to the east 20 feet from its current location. Any additional right-of-way over the present dedication shown on the Preliminary Development Plan would be acquired by the City.
- b. Only one full turn access point shall be permitted on Huron Street for the Foster property. All other access points shall be right-in/right-out only. The full turn access point shall not be constructed across from the access to Lexington Estates.
- c. All buildings shall be set back 50 feet from the ultimate right-of-way of Huron Street. All parking lots shall be set back 25 feet from the ultimate right-of-way of Huron Street. A sub-area of the development shall be created along the east side of Huron Street beginning at the north property line of the Foster property to approximately 1,270 feet to the south, and for a depth of 200 feet east of Huron Street. In that sub-area, no buildings shall be permitted to be higher than 50 feet. Additionally in that sub-area, no uses shall be permitted other than those permitted in the "Office" category as defined in the Westminster Comprehensive Land Use Plan.
- d. The Official Development Plan shall meet or exceed the standards provided in the City's Commercial Design Guidelines and Landscape Regulations. A minimum of 20 percent of the entire site shall be developed as landscaped area.
- e. The cross-section for Huron Street shall include a landscaped median for the entire length of the Foster property except where precluded by turn lanes.
- f. The following uses shall be prohibited: Pawn Shops, New and Used Car Sales, Massage Parlors, Tattoo Parlors, Off-track betting, Auction Houses, Mini-Storage facilities, Thrift Stores, Billiard Parlors, and stand alone Gun Shops.
- g. A section entitled "Building Elements" shall be added to the PDP which shall include the following statements:

A single building or complex must be stylistically consistent. Architectural style, materials, color, and form shall work together to express a single theme.

"Franchise architecture" is discouraged. Building elevations shall take into account the character of the surrounding architecture where appropriate. Inappropriate roof lights, roof forms, neon trim, internally illuminated awnings, banners and pennants, and overly bold and brash colors, etc. that sacrifice the integrity of a streetscape to promote a single structure, or single tenant, shall be avoided.

Exterior building design, including roof style, materials and colors, architectural forms and detailing, shall be consistent among all buildings in a complex to achieve design harmony and continuity.

Pad buildings shall match materials of main buildings, carrying out the building design theme and other established themes of the center.

The use of brick as a primary material is highly encouraged. Building colors are to be included as a part of the Official Development Plan. Colors should generally be in harmony with the surrounding environment.

"360 degree" architecture is required. All sides of all buildings are to be treated with the same degree of architectural style and detail as the front elevation of the building. Items to be considered include consistent use of materials, colors, arcades, entrances and detailing.

If the backside of pad site buildings faces the street, that side of the buildings should read like the front. Only "active" building elevations (no blank walls or loading areas) should face public streets.

Long, linear looking buildings should be avoided. Buildings should provide varying building heights, changes in wall planes and spatial volumes, as well as a variety of window areas, arcades, materials and roof elements. In some instances separation of one building into two buildings may be encouraged.

Architectural lighting including ornamental armatures, fixtures, etc. relating to the architectural theme of the development will be required.

RESOLUTION

RESOLUTION NO. 60

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION OF INTENT TO PROVIDE INCENTIVES FOR THE DEVELOPMENT OF THE FOSTER PROPERTY CONCERNING BUFFERING FROM THE LEXINGTON SUBDIVISION.

WHEREAS, the City of Westminster has annexed the Foster property located north of 136th Avenue and east of Huron Street, and;

WHEREAS, City Council wishes to provide incentives to the developers of the Foster property to promote adequate buffering of the proposed commercial uses on the Foster property from the residential areas on the west side of Huron Street, and;

WHEREAS, Separation and buffering of residential and regional commercial uses is considered to be in the best interests of good planning policy and the commercial development;

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

1. The City Council commits to providing funds for the construction and installation of a fence and/or berm to a height of approximately 8 to 10 feet above current grade along the eastern position of Lexington Estates bordering Huron Street. The fence would be single-sided plastic or recycled plastic with brick columns every 100 feet. The Lexington Homeowners may provide additional funds to upgrade the fence to a masonry wall.
2. The City Council commits to move the centerline of Huron Street 20 feet to the east, adjacent to Lexington Estates.
3. The City commits to a landscaped median for Huron Street which will run the entire length of the Foster property to at least the northern border of Lexington except for areas needed for turn lanes etc.

PASSED AND ADOPTED this 13th day of September, 1999.

ATTEST:

Mayor

City Clerk

FINAL PROJECT

by

Richelle Work

City of Westminster

November 12, 2001

Principles of Supervision MAN 116-730

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REFERENCES

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, September 13, 1999.

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

The minutes of the meetings of August 23, August 30, and September 9, 1999 were approved with no additions or corrections.

Councillor Dixon arrived at 7:22 P.M.

Mayor Heil presented a crystal bowl to members of the O'Byrne family in appreciation and recognition of their commitment to quality in the development of the Westin Hotel and Westminster Conference Center.

A public hearing was held on the 2000 City Budget, and the public hearing on the Foster Property annexation and zoning was reopened.

Council approved the following: IGA with CDOT for Federal Boulevard/US 36 Interchange reconstruction; Compensation System review consulting services contract; Bishop's Square Ball Field construction contract; College Hill Library Entrance Plaza change order; Amended Preliminary Development Plan for the Foster Property; Construction contract for Big Dry Creek Trail underpass at 128th Avenue; Policy changes on lifeguard reimbursement or fees waived for required training; Special Bond Counsel for \$2.65 million Post Bond issue; and Special Legal Counsel for Voluntary Employees' Beneficiary Association development.

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

A BILL FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND. Purpose: Contingency transfer for installation of school speed limit flashers.

A BILL FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND. Purpose: Restorative Justice Grant appropriation.

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM. Purpose: Allow City to process PDPs prior to service commitment award and revise build-out development definition.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE GENERAL CAPITAL IMPROVEMENT FUND. Purpose: GOCO Grant appropriation for Big Dry Creek Trail underpass.

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN.

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 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE UTILITY FUND.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE UTILITY FUND.

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

A BILL FOR AN ORDINANCE AMENDING PROCEDURES FOR AN AMUSEMENT CENTER LICENSE.

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH CHURCH RANCH HOTEL GROUP PERTAINING TO ADDING A MARRIOTT SPRING HILL SUITES HOTEL.

The following Resolutions were adopted:

Resolution No. 60 – Foster Property Development Incentives.

Resolution No. 65 – Winters Property Annexation Petition.

Resolution No. 66 – Category B-2 Service Commitment Award.

Resolution No. 67 – Lifeguard Staffing.

Resolution No. 68 – Youth Advisory Panel Creation.

Resolution No. 69 – Private Activity Bond Allocation for year 1999 to City & County of Denver.

At 9:10 P.M. the meeting was adjourned.

By order of the Westminster City Council
Michele Kelley, CMC, City Clerk

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