



**WESTMINSTER
COLORADO**

**SEPTEMBER 27, 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 Webelos Dragon Patrol**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
 - A. Proclamation re Walk Our Children To School Day – October 6, 1999
 - B. Firefighter Combat Challenge Team Recognition
- 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. Standley Lake Regional Park Phase 1A Improvement Project to RBI for \$1,736,701 for boat ramp, campground, restrooms, fish cleaning station, interpretive/visitor/range station, access roads and trail system
 - B. Big Dry Creek Trail Phase III with Concrete Express for \$309,838
 - C. City Park Recreation Center Air Conditioning System replacements to Southland Industries for \$231,868
 - D. Councillor's Bill No. 55 on second reading re School Speed Limit Flasher Funding of \$50,000 (Hicks-Dixon)
 - E. Councillor's Bill No. 56 on second reading re Restorative Justice Grant appropriating \$75,537 to Police Department Community Services Budget (Dixon-Hicks)
 - F. Councillor's Bill No. 57 on second reading re Growth Management Program Amendment requiring Preliminary Development Plan processing prior to Service Commitment awards (Atchison-Allen)
 - G. Councillor's Bill No. 58 on second reading re Big Dry Creek Trail Underpass at 128th Avenue appropriating \$40,000 for trail development (Merkel-Allen)
- 9. Appointments and Resignations**
 - A. Resolution No. 70 re Appointments to Environmental Advisory Board, Library Board and Planning Commission

10. Public Hearings and Other New Business

- A. TABLED Amendment to Purchase and Sale Agreement with Catellus Development Corporation for Westminster Promenade Project
- B. Intergovernmental Agreement with Jefferson Academy
- C. Resolution No. 71 re Design Guidelines for Traditional Mixed Use Neighborhood Development
- D. Councillor's Bill No. 59 re Growth Management Program Amendments
- E. Competition of Traditional Mixed Use Neighborhood Development
- F. Little Dry Creek Trail Underpass at 76th Avenue & Sheridan Boulevard agreement with Urban Drainage and Flood Control District
- G. Councillor's Bill No. 60 re Appropriation of \$250,000 from Urban Drainage for Little Dry Creek Trail Underpass project at 76th Avenue and Sheridan Boulevard
- H. Councillor's Bill No. 61 re Appropriation of Certificates of Participation 1999 Proceeds to Westminster Mall Improvements and Westminster Boulevard fly over project
- I. Councillor's Bill No. 62 re Appropriation of 1998 Carryover Funds for Clearwell and Other Capital Improvement Projects
- J. Revised City Attorney Employment Contract with Martin McCullough

11 Business and Passage of Ordinances on Second Reading

None

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

- A. Financial Report for August
- B. City Council
- C. Request for Executive Session

13 Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 27, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Webelos Dragon Patrol and Cub Scout Pack 410 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, Dixon, Hicks and Smith. Also present were William Walenczak, Acting City Manager; Martin McCullough, City Attorney; and Michael Allen, Deputy City Clerk. Councillor Atchison was absent.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Merkel to accept the minutes of the meeting of September 13, 1999 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil presented a proclamation to Tom Strong, President of the Westminster Retired School Employees Association, proclaiming October 6, 1999 as "Walk Our Children to School Day".

Mayor Heil and Fire Chief Jim Cloud recognized the members of the 1999 Firefighter Combat Challenge Team, Dave Green, Mike Lynch, Mark Schmidt, Darren Delimont, Gabe Garcia, Rob Martinez, Scott Murdie and Dave Varney, for their performance in the Regional Combat Challenge held on August 21.

CITY COUNCIL COMMENTS:

Councillor Allen congratulated Mayor Heil on her being named Citizen of the Year by the North Metro Denver Realtor Association.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Standley Lake Regional Park Phase 1A Construction – Authorize City Manager to sign a contract with RBI in the amount of \$1,736,701 for the construction of the SLRP Phase 1A improvements; authorize a \$260,505 contingency for a total project budget of \$1,997,206 and charge the expense to the Standley Lake Regional Park Phase 1 Improvements project account in the General Capital Improvement fund; Big Dry Creek Trail Phase III – Authorize the City Manager to sign a contract with Concrete Express Inc. in the amount of \$309,838 for construction of the Big Dry Creek Trail Phase III (Walnut Creek to City Park), and add a 10% contingency of \$30,983, and charge this expense to the Big Dry Creek Trail Account in the General Capital Improvement Fund; City Park Recreation Center Air Conditioning System – Authorize the City Manager to sign a contract with Southland Industries for \$231,868 plus a 15% contingency of \$34,780 for the purchase and installation of the air conditioning units for City Park Recreation Center and charge this expense to the appropriate project account in the General Capital Improvement Fund; Councillor's Bill No. 55 – School Speed Limit Flasher Funding; Councillor's Bill No. 56 – Restorative Justice Grant Appropriation; Councillor's Bill No. 57 – Growth Management Program Amendment; and Councillor's Bill No. 58 – Big Dry Creek Trail Underpass Appropriation. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

RESOLUTION NO. 70 – BOARDS & COMMISSIONS RESIGNATIONS AND APPOINTMENTS:

Mayor Heil stated that the resignations and appointments to the various Boards and Commissions would be considered as separate items.

A motion was made by Dixon and seconded by Hicks to adopt Resolution No. 70 accepting the resignations of Bob Klock from the Planning Commission, BK Loren from the Library Board, and Mark Wellington from the Environmental Advisory Board. The motion carried unanimously.

A motion was made by Dixon and seconded by Hicks to Table action on the appointments to the Environmental Advisory Board, Library Board and Planning Commission. The motion carried unanimously.

JEFFERSON ACADEMY INTERGOVERNMENTAL AGREEMENT:

A motion was made by Merkel and seconded by Allen to approve the Intergovernmental Agreement for the development and use of real property and facilities between the City of Westminster and Jefferson Academy Charter School and authorize the expenditure of \$300,000 from the 1999 Capital Improvement Program to fulfill the City's obligation under the Intergovernmental Agreement. The motion carried with aye votes by Allen, Heil, Merkel and Smith; nay votes by Dixon and Hicks.

RESOLUTION NO. 71 – DESIGN GUIDELINES FOR MIXED USE NEIGHBORHOOD DEVELOPMENT:

A motion was made by Allen and seconded by Hicks to adopt Resolution No. 71 adopting Design Guidelines for Traditional Mixed Use Neighborhood Developments; authorize the consultant to amend the Traditional Mixed Use Neighborhood Guidelines to encourage these types of projects to allow only one waste collection and disposal company for each development. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 59 – GROWTH MANAGEMENT PROGRAM AMENDMENTS:

A motion was made by Allen and seconded by Merkel to pass Councillor's Bill No. 59 on first reading revising Chapter 3 of Title XI of the Westminster Municipal Code adding Service Commitment Category B-4 for Traditional Mixed Use projects. Upon roll call vote, the motion carried unanimously.

COMPETITION FOR TRADITIONAL MIXED USE NEIGHBORHOOD DEVELOPMENT PROJECT:

A motion was made by Allen and seconded by Merkel to authorize a competition for a traditional mixed use development "test" project. The motion carried unanimously.

UDFCD AGREEMENT FOR LITTLE DRY CREEK TRAIL/DRAINAGE IMPROVEMENTS:

A motion was made by Dixon and seconded by Smith to authorize the City Manager to sign an agreement with the Urban Drainage and Flood Control District for the construction of the Little Dry Creek trail/drainage improvements located at 76th Avenue and Sheridan Boulevard. The motion carried unanimously.

COUNCILLOR'S BILL NO. 60 – APPROPRIATION FOR LITTLE DRY CREEK TRAIL UNDERPASS:

A motion was made by Dixon and seconded by Smith to pass Councillor's Bill No. 60 on first reading appropriating \$250,000, the amount of Urban Drainage and Flood Control District's contribution, into the General Capital Improvement Fund of the Little Dry Creek Trail project account. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 2716 – APPROPRIATION OF 1999 CERTIFICATES OF PARTICIPATION PROCEEDS:

A motion was made by Smith and seconded by Allen to adopt Councillor's Bill No. 61 as an emergency ordinance appropriating \$19,591,987 in proceeds from the sale of Certificate of Participation, Series 1999 for the Renovation of Westminster Mall (\$7.5 million), construction and associated costs for the Westminster Boulevard Flyover (\$12.1 million) and costs of issuance. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 62 – 1998 UTILITY FUND CARRYOVER FOR CAPITAL IMPROVEMENTS:

A motion was made by Allen and seconded by Merkel to pass Councillor's Bill No. 62 on first reading appropriating \$14,688,307 of 1998 Utility Fund carryover revenues. Upon roll call vote, the motion carried unanimously.

REVISED CITY ATTORNEY EMPLOYMENT CONTRACT WITH MARTIN McCULLOUGH:

A motion was made by Hicks and seconded by Dixon to approve a revised employment agreement with Martin McCullough serving in the position of City Attorney for calendar years 2000 and 2001, and authorize the Mayor and City Clerk to execute the agreement on behalf of City Council. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for August, 1999.

ADJOURNMENT:

The meeting was adjourned at 7:40 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 27, 1999

Subject: Firefighter Combat Challenge Team Recognition

Prepared by: Steven M. Pacifico, Deputy Chief of Administration

Introduction

Staff requests that the Mayor and City Council recognize the members of the 1999 Firefighter Combat Challenge Team that includes Lieutenant Dave Green, Engineer Mike Lynch, Engineer Mark Schmidt, Firefighter Darren Delimont, Firefighter Gabe Garcia, Firefighter Rob Martinez, Firefighter Scott Murdie and Firefighter Dave Varney for their first place finishes in the Regional Combat Challenge competition that was held in Westminster on August 21, 1999.

Summary

On August 21, 1999 the City of Westminster hosted the Rocky Mountain Regional Combat competition in the parking lot of Sports and Recreation (formerly Jumbo Sports), located at 92nd and Sheridan. The regional competition, that is one of 19 held across the county, had 16 teams with over 100 competitors from 16 states. There are three basic categories in the competition that include: overall fastest team time; overall fastest individual time for both men and women based on age; and overall fastest relay team time. The Westminster Fire Department team began training for the event in June and their hard work resulted in the following first, second and third place finishes.

- Gabe Garcia, Dave Green, Mike Lynch, Scott Murdie and Dave Varney placed first in the team category with a time of 5 minutes and 4.74 seconds.
- Darrin Delimont, Rob Martinez and Mark Schmidt placed first in the relay team category with a time of 1 minute and 42.13 seconds.
- Dave Green placed 1st in the over 40 individual competition and 3rd in the overall individual competition with a time of 1 minute and 40.24 seconds.
- Scott Murdie placed 2nd in the overall individual competition with a time of 1 minute and 40.05 seconds.

All of the aforementioned team members have qualified for the national competition that will be held in Las Vegas on November 3-6. The national competition will be televised on ESPN Sports.

Staff Recommendation

Mayor and City Council recognize the members of the Combat Challenge Team for their performance in the Regional Combat Challenge held on August 21, 1999.

Background

The Westminster Fire Department Combat Challenge Team has competed in this competition for the last eight years. The team has consistently finished in the top three in regional competitions and in the top ten in the national competitions. The team finished 2nd in the 1994 national competition. The competition is a grueling multi-station event that simulates activities that firefighters may be called upon to perform at the scene of a fire. This competition has been called “the toughest two minutes in sports”. As a result of their 1st place finishes, the team was awarded an estimated \$2,500 worth of prizes. The prizes included national standard training manuals, fire related magazine subscriptions, rechargeable stream lights, a cordless extrication saw, a carbon monoxide detector, prepaid tuition for swift water technician classes (SCUBA type training), discount certificates for cardiac monitors, and firefighting gloves.

Respectfully submitted,

William D. Walenczak
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 27, 1999

Subject: Standley Lake Regional Park Phase 1A Construction

Prepared by: Richard Dahl, Park Services Manager
Rod Larsen, Open Space Supervisor

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Randall & Blake, Inc. (RBI) in the amount of \$1,736,701 for the construction of Standley Lake Regional Park Phase 1A improvements. The total project budget for the improvements is \$1,997,206, which includes a 15% construction contingency of \$260,505. This contingency is needed based on the uncertainties of the lake level during the boat ramp construction.

Summary

Standley Lake Regional Park (SLRP) consists of 2,200 acres and is located in the northwest corner of Westminster. This construction project will include the construction of a boat ramp, campground, restroom facilities, fish cleaning station, interpretive/visitor/ranger station, access roads, and trail system.

The SLRP Phase 1A Construction Project was advertised and bid according to the City's purchasing ordinance, and 8 bids were received on September 10, 1999. The bid tabulation, including alternates, is as follows:

1. RBI	\$1,736,701
2. JHL	\$2,036,685
3. New Design	\$2,408,176.80
4. Brown	\$2,422,936
5. Goodland Construction	\$2,551,114
6. Technology Construction	\$2,936,899.43
7. Concrete Express	\$3,093,153.03
8. Wycon Construction	\$3,202,401

The apparent low bid from RBI for \$1,736,701 is considered a good bid compared with the landscape architects estimate of a probable cost of \$2,790,079. RBI has completed several projects for the City of Westminster including Big Dry Creek Revegetation, 104th Avenue Gateway, and the Little Dry Creek Drainage.

Alternative

City Council could reject awarding this bid. However, funding in the amount of \$2.4 million was received from Jefferson County with the intent of doing this project.

Staff Recommendation

Authorize the City Manager to sign a contract with RBI in the amount of \$1,736,701 for the construction of the SLRP Phase 1A improvements. Authorize a \$260,505 contingency for a total project budget of \$1,997,206 and charge the expense to the Standley Lake Regional Park Phase 1 Improvements project account in the General Capital Improvement Fund.

Background Information

The City of Westminster has leased Standley Lake from the Farmers Reservoir and Irrigation Company (FRICO) since 1970 and has managed it as a water based recreation park. Because of budget constraints, lease payments, and operating costs, minimal improvements have been made at the lake during this period. In April 1998, Jefferson County Open Space (JCOS) and FRICO finalized several years of negotiations and reached an agreement in the purchase of the land and recreation rights surrounding Standley Lake. JCOS then deeded all property owned at that time to the City of Westminster for the purpose of upgrading and maintaining Standley Lake as a regional park. JCOS also contributed \$2,463,733 to be used in Phase 1A improvements which include a boat ramp, campground, restroom facilities, fish cleaning station, ranger station/visitor center, access roads and trail system.

In addition to the JCOS \$2,463,733 grant the Parks, Recreation and Libraries Staff also applied for and were awarded a Great Outdoors Colorado Grant (GOCO) in the amount of \$125,000 for the purpose of constructing an interpretive/visitor/ranger station at the Standley Lake Regional Park.

The Phase 1A improvements to SLRP is estimated to attract 110,000 visitors each year. Proposed trail connections will link SLRP to other arterial trails throughout the City of Westminster. The current access to the park off of 88th Avenue will be moved to 100th Avenue and Simms Street, thereby creating a safer, more accessible entrance to the park.

SLRP is located within the highly populated and growing northwest quadrant of the Denver metro area. It serves a wide range of age, special interest, and culturally diverse groups. A master plan was finalized in 1992 by the Standley Lake Task Force and it proposes three phases of improvements needed to complete the SLRP project, of which this is the first phase.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: September 27, 1999
Subject: Big Dry Creek Trail Phase III
Prepared by: Becky Eades, Landscape Architect

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Concrete Express, Inc. in the amount of \$ 309,838.00 for construction of the Big Dry Creek Trail Phase III, and to authorize a 10% project contingency of \$ 30,983. Funds for this expense are available in the appropriate project account in the General Capitol Improvement Fund.

Summary

The Big Dry Creek Trail Phase III project will link segments of the Big Dry Creek Trail that currently exist east and west of Boulder Turnpike (US 36). Phase III will utilize an existing box culvert underneath US 36 to complete the trail connection from Walnut Creek to City Park. (see attached map)

The project was advertised and bid according to the City's purchasing ordinances. Ten contractors attended the mandatory pre-bid meeting and 5 bids were submitted at the bid opening on September 14, 1999. The low bid of \$309,838.00 is considered a fair bid since the Landscape Architect's estimate of probable cost for the project was \$389,991.37. Concrete Express, Inc. is currently under contract with the City for the annual street improvement concrete replacement, and is a qualified contractor for this project. The breakdown of the bids as submitted follows:

Concrete Express, Inc.	\$309,838.00
New Design Construction	\$389,515.94
Goodland Construction, Inc.	\$427,353.40
Asphalt Specialties, Inc.	\$540,651.54
WM Brown Construction Corp.	\$545,445.00

Alternative

City Council could decline to authorize the City Manager to sign the construction contract. However, this would stop the construction of a significant portion of the Big Dry Creek Trail System.

Staff Recommendation

Authorize the City Manager to sign a contract with Concrete Express, Inc. in the amount of \$309,838. for construction of the Big Dry Creek Trail Phase III (Walnut Creek to City Park), and add a 10% contingency of \$30,983, and charge this expense to the Big Dry Creek Trail 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 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.

Phase III of the trail will be a soft trail connecting an existing trail segment near the confluence of Walnut Creek and Big Dry Creek, just west of US 36, to the existing segment that currently stops just south of 104th Avenue and connects to City Park. The trail will utilize an existing box culvert under US 36. This box culvert was installed with the construction of US 36 to allow cattle grazing on both sides of US 36 to cross under the roadway. Additionally, three pedestrian bridges are required to complete this connection. Two of these bridges are required to allow the trail grade to pass below the future Westminster Boulevard extension. Construction is anticipated to take place this winter, with the trail being open by Trails Day 2000, in June of 2000.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachments: Map



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 27, 1999

Subject: City Park Recreation Center Air Conditioning System

Prepared by: Ken Watson, Recreation Facilities Manager
Ken Quenzer, Facilities Manager

Introduction

City Council action is requested to authorize the City Manager to sign a contract with Southland Industries for \$231,868 plus a 15% contingency of \$34,780, for the purchase and installation of the air conditioning system for City Park Recreation Center. Funds are available in the appropriate Parks, Recreation & Libraries Capital Improvement Project account for this expense.

Summary

The present heating, ventilation and air conditioning (HVAC) system at City Park Recreation Center has never included air conditioning for rooms other than the community room. Staff has been working with a mechanical engineering firm (Integrated Mechanical Systems, Inc.) to design a mechanical refrigeration system for the three air handling units AHU 2, 3, and 4. These units supply air to the main lobby, classrooms #1 and #2, pottery room, tiny tots area, lower lobby, weight room, gymnasium, and racquetball courts. The other two units, AHU 1 and 5, supply fresh air and heated air only to the pool area and would not be retrofitted.

For the past 13 years, City Park (other than the community room) has used an evaporative cooler system as an attempt to cool the facility. This system has never been effective and numerous guest complaints have been registered. Staff is also concerned that, although the units are kept clean and well maintained, there is always a chance for harmful bacteria growth.

Alternatives

- Approve the award of bid which will allow equipment to be purchased as soon as possible and moved to roof areas prior to cold weather months.
- Do not approve this project and continue to use swamp coolers at City Park.

Staff Recommendation

Authorize the City manager to sign a contact with Southland Industries for \$231,868 plus a 15% contingency of \$34,780 for the purchase and installation of the air conditioning units for City Park Recreation Center and charge this expense to the appropriate project account in the General Capital Improvement Fund.

Background Information

City Park Recreation Center was built in 1985-86. During the construction phase, engineers incorporated the existing HVAC system into the building, which consisted of five boilers for the heating system and three air handling units with direct water cooling (swamp coolers) and the air conditioning system for the community room. The swamp cooler units are not efficient in cooling the facility whenever the humidity reaches a wet bulb (a device which measures actual relative humidity) temperature of 55%, or approximately 45% humidity.

On these types of days, the cooling effect on the system decreases to the point the units can no longer cool the building. This situation occurs on a regular basis at City Park Recreation Center.

Staff requested proposals from the following three mechanical contracting companies that could complete a project of this size, and also be the general contractor of the project. Staff has reviewed the Southland bid along with job references and finds them to be a reputable company, qualified to do this work.

The bids received from the three firms are as follows:

Southland Industries	\$231,868
US Engineering	\$234,500
American Mechanical Services	\$279,150

Respectfully submitted,

William D. Walenczak
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 27, 1999
Subject: Resolution No. 70 re Resignations and Appointments to Various Boards
Prepared by: Michele Kelley, City Clerk

Introduction

City Council action is requested to accept the resignation of Bob Klock of the Planning Commission, BK Loren from the Library Board and Mark Wellington from the Environmental Advisory Board and make the appointments of new members.

Summary

Bob Klock has recently resigned from the Planning Commission. He is retiring, selling his home and planning on traveling (see attached letter). Bob Klock was appointed to the Planning Commission as an alternate member on November 22, 1993 and appointed as a regular member of February 14, 1994 and has served continuously since that time. In addition, Bob was appointed to the Planning Commission in January of 1972 and served until August of 1977.

BK Loren has recently resigned from the Library Board, since she has not attended any of the meeting since being appointed to the Board on February 16, 1999.

Mark Wellington has recently resigned from the Environmental Advisory Board, due to personal time commitments. Mark was appointed to the Environmental Advisory Board on February 9, 1998 and has served continuously since that time.

Currently there are 7 individuals within the "pool". A copy of the matrix indicating each individual's preference for Boards and Commissions is attached. Also each of these Boards has an alternate member who will move into the position of a regular member and the new appointee will be appointed as an alternate member of the Board.

Staff Recommendation

Adopt Resolution No. 70 accepting the resignations of Bob Klock, BK Loren and Mark Wellington and appointing new members to fill these Board vacancies.

Background Information

A Resolution has been prepared for Council to formally accept the resignation of Bob Klock from the Planning Commission, BK Loren from the Library Board and Mark Wellington from the Environmental Advisory Board. City Council will need to decide who to appoint from the current "pool" of 5 applicants.

Respectfully submitted,

William D. Walenczak, Acting City Manager
Attachments

RESOLUTION

RESOLUTION NO. **70**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, A resignation has been received from Bob Klock of the Planning Commission, BK Loren of the Library Board and Mark Wellington of the Environmental Advisory Board; and

WHEREAS, Currently there is a vacancy on the Environmental Advisory Board; Library Board and Planning Commission; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Bob Klock from the Planning Commission, BK Loren from the Library Board and Mark Wellington from the Environmental Advisory Board.

Passed and adopted this 27th day of September, 1999.

ATTEST:

Mayor

City Clerk

1999 BOARD AND COMMISSION POOL

County	Name	Bldg Codes	BOA	Elect	Enviro Board	Human Svcs	Library	Open Space	P&R	Personnel	Plan Comm	SP&LB	Trans
Adams	Christopher Beal		2							3		1	
Adams	Jerry Cunningham			3	X			1	X	X	2		X
JeffCo	Jeff Karpovich									1	3	2	
Adams	* Martin McCabe	1						3				2	
Adams	Paul Nilles							1					
JeffCo	Leisa Schievelbein			2			2				1		
JeffCo	* Dennis Stark			1		3		2					

* Indicates carryover from 1998 Pool



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 27, 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 and September 13 Council meeting 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.

Staff Recommendation

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

Respectfully submitted,

William D. Walenczak
Acting City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 27, 1999

Subject: Jefferson Academy Intergovernmental Agreement

Prepared by: Greg McSwain, Recreation Programs Manager

Introduction

City Council action is requested to approve the Intergovernmental Agreement (IGA) with Jefferson Academy Charter School to facilitate the development of a new school gym and athletic fields at 9955 Yarrow Street in unincorporated Jefferson County that will be used by the City recreation programs and authorize the expenditure of \$300,000 from the 1999 Capital Improvement Program to fulfill the City's obligation under the Intergovernmental Agreement.

Summary

The recommended IGA details the City's level of involvement with the development of the school site and a \$300,000 contribution for the construction of a gymnasium and athletic fields. The general items and conditions of the IGA are as follows:

- Jefferson Academy will apply to the City for annexation of the school site into the City of Westminster within thirty days of the execution of the IGA.
- The site plan includes adequate space for a future ten foot wide connection to the Big Dry Creek trail system.
- The City of Westminster shall contribute \$250,000 to the project after receipt of a certificate from the project architect stating that the project is 60% complete. The remaining \$50,000 shall be withheld pending final approval of the building construction by the City of Westminster.
- The City of Westminster shall have guaranteed use of the school site a minimum of two evenings per week. In addition, the IGA states that the City shall have priority use of the gymnasium and athletic fields over any non-school functions. The negotiation of a Joint Use Agreement shall commence no later than October 15, 1999.
- Jefferson Academy will make available to the City's Community Development Department the State of Colorado approved plans and specifications of the building for the City's review. The City shall be entitled to inform the Colorado Department of Labor an any life/safety concerns it may have.
- The City of Westminster will be allowed to inspect all phases of the construction (except the electrical and plumbing systems, which are to be done by State of Colorado personnel) in the entire building to ensure compliance with State approved plans and specifications. There will be no fees charged to Jefferson Academy for these inspections.
- The City of Westminster will not be issuing any building permits or a Certificate of Occupancy, as these documents fall under the jurisdiction of the Colorado Department of Labor.

Alternatives

- City Council could reject this proposal and direct City Staff to negotiate further conditions to the agreement.
- City Council could reject this proposal and put the \$300,000 towards building a gymnasium at a City-owned facility.

Staff Recommendation

Approve the Intergovernmental Agreement for the development and use of real property and facilities between the City of Westminster and Jefferson Academy for Jefferson Academy Charter School and authorize the expenditure of \$300,000 from the 1999 Capital Improvement Program to fulfill the City's obligation under the Intergovernmental Agreement.

Background

In the 1999 Capital Improvement Program, there was initial approval of a \$300,000 contribution to Jefferson Academy Charter School for capital costs associated with construction of a gymnasium and athletic fields. These funds were contingent upon the school locating within the City of Westminster and the City having access to the gymnasium and fields during non-school hours. Staff has been working with Jefferson Academy and their representative Mr. Barry Arrington since June on the development of the IGA. After numerous negotiations, Staff believes that the IGA reaches a fair compromise on the issues and concerns regarding the construction and inspection of the school building. The IGA, as it is now written, allows for a greater role of the City in overseeing the project, thus further ensuring the safety of the school and its students, and protecting the City of Westminster's \$300,000 investment.

Respectfully submitted,

William D. Walenczak
Acting City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 27, 1999

Subject: Resolution No. 71 re Design Guidelines for Traditional Mixed Use Neighborhood Developments and Councillor's Bill No. 59 re: Growth Management Program Amendment

Prepared by: Shannon Sweeney, Planner III

Introduction

City Council action is requested to adopt the attached Resolution adopting the Design Guidelines for Traditional Mixed Use Neighborhood Developments and to adopt the attached Councillor's Bill on first reading amending the current Growth Management Program to create a Service Commitment Category B-4 for residential projects within Traditional Mixed Use Neighborhood projects. City Council action is also requested to authorize a competition for a "test" traditional mixed use neighborhood project.

Summary

In the September 15 City Council Staff Report, City Staff presented the draft Design Guidelines for Traditional Mixed Use Neighborhood Developments. Based on City Council and Staff comments, the consultant has finalized the guidelines document (attached), and Staff has prepared the necessary Resolution adopting the guidelines and the Growth Management Program Ordinance adding a Service Commitment category (Category B-4) for this type of development.

If the design guidelines are approved by City Council, Staff requests City Council authorize a competitive process for a "test" traditional mixed use neighborhood project. While it is possible to develop specific minimum design guidelines and competition criteria for traditional mixed use projects, there is some concern that a competition process with specific minimum standards and incentive criteria may be too prescriptive for these types of projects. Because the City has not previously reviewed a traditional mixed use project, there is also concern that major changes to the competition criteria and point system would be necessary following the approval of the first project of this type. For these reasons, Staff is proposing to allow a competition for a "test" project based on the Traditional Mixed Use Neighborhood Design Guidelines.

If a traditional mixed use neighborhood competition for a "test" case were authorized by City Council, Staff would begin the competition process in October and would plan to bring the recommended Service Commitment award for City Council in November. A committee including City Staff members and outside professionals familiar with developments of this type would be established to review the submitted projects and test each against the design guidelines for traditional mixed use neighborhoods.

Because Staff does not anticipate that any residential Service Commitments would be needed in 1999 for the winning project, a Service Commitment Resolution allocating Category B-4 Service Commitments is unnecessary at this time. Staff will bring a recommended allocation for this Service Commitment category for City Council consideration later in the year to prepare for award in the year 2000. Following the competition, Staff will prepare a Resolution awarding Service Commitments to the winning project, but the Service Commitments would not be available to (or needed by) the project until the year 2000.

Staff Recommendation

1. Adopt Resolution No. 71 adopting the Design Guidelines for Traditional Mixed Use Neighborhood Developments. Authorize the consultant to amend the Traditional Mixed Use Neighborhood Guidelines to encourage these types of projects to allow only one waste collection and disposal company for each development.
2. Pass Councillor's Bill No. 59 on first reading revising Chapter 3 of Title XI of the Westminster Municipal Code adding Service Commitment Category B-4 for Traditional Mixed Use projects.
3. Authorize a competition for a traditional mixed use development "test" project.

Alternatives

As City Council is aware, Continuum, a developer with previous experience with these types of projects, is interested in developing a traditional mixed use neighborhood project and has approached the City to develop a traditional mixed use project within Westminster. One alternative to conducting a competition for a "test" project, is to allow only Continuum to submit plans for the "test" project. The City would use the guidelines, if adopted by City Council, to review the Continuum project through the development review process. City Council would ultimately approve or deny the project once the development review process was complete and would award Service Commitments to the project at that time. Following this "test" project, City Council and Staff could discuss whether specific minimum and incentive criteria should be developed for future competitions for this type of development. One potential problem with this option is that other developers of potential traditional mixed use projects would not have the opportunity to compete to develop the "test" project.

A second alternative is to adopt the Traditional Mixed Use Neighborhood Design Guidelines and specific minimum and incentive criteria for a competition for these types of projects. This option would follow the same format as the other four competitions for single-family detached, single-family attached, multi-family, and senior housing with established minimum requirements and an incentive point system. One difficulty with this alternative, because the City has not previously reviewed a project of this type, is that it is probable that changes to the criteria and point system would be necessary prior to another competition and perhaps even before a project could be approved. If this alternative were chosen, Staff would have to develop a point system prior to holding the competition and would then bring the Service Commitment award recommendation for Council consideration.

A third alternative is not to adopt guidelines for Traditional Mixed Use Neighborhood Design Guidelines at this time and do not authorize a competition for a "test" project. This option would preclude development of this type of project until adequate guidelines could be developed in the future.

Background Information

Based on the City's Growth Management Program, City Council awards Service Commitments to new residential projects through a competitive process based on the City's design guidelines for the type of project proposed. Currently the City has adopted design guidelines and competition criteria for new single-family detached, single-family attached (10 dwelling units per acre or less), multi-family (greater than 10 dwelling units per acre), and senior housing. Each set of guidelines specifies minimum requirements that must be met in order to compete and various incentive items the developer chooses, in advance, to provide as part of the project. The developer receives points in the competition by agreeing to offer various incentives.

In the recent past, a developer has expressed interest in developing a “neo-traditional” or “traditional mixed use neighborhood” project in the City, but Westminster had no existing guidelines or competition criteria to guide development of this type.

After receiving City Council direction to pursue these types of developments by developing a set of guidelines, Staff hired a consultant to draft design guidelines for these traditional mixed use neighborhood projects. Staff reviewed a draft of the guidelines with City Council at the September 20 City Council Study Session and subsequently directed the consultant to make the necessary changes the Council and Staff desired. The revised guidelines are attached.

Because only residential projects are subject to the competition process, non-residential projects receive Service Commitments on a first-come, first-served basis from Category C. The traditional mixed use neighborhood developments must be a combination of non-residential and residential uses. Category B-4 Service Commitments would apply only to the residential portion of the project.

At the September 20, 1999 Study Session, City Council raised several concerns regarding the guidelines:

- One concern is the design of alleys. The guidelines state that alleys will generally be privately owned and maintained. However, if alleys are designated public, a minimum width of 20 feet is required.
- Another concern is architectural variety. During the plan review process, multiple models will be encouraged for each development to prevent monotony on the streetscape.
- A third concern relates to the technical specifications of alleys. The design guidelines do not include technical specifications, but these would be developed following adoption of the design guidelines.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. **71**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION
ADOPTING GUIDELINES FOR TRADITIONAL MIXED USE NEIGHBORHOOD
DEVELOPMENTS

WHEREAS, in Chapter 3 of Title XI, the City of Westminster has adopted a Growth Management Program for the period 1990 through 2000; and

WHEREAS, W.M.C. 11-3-4(A) and (B) and 11-3-5 provide that Service Commitments for residential developments within Traditional Mixed Use Neighborhood projects shall be awarded in Category A-4 on a first-come, first-served basis and Category B-4 on a competitive basis; and

WHEREAS, the compliance with such guidelines is required by W.M.C. 11-3-5(E) for Category B Projects; and

WHEREAS, the City Council hereby determines that the attached Design Guidelines for Traditional Mixed Use Neighborhood Developments are in the best interests of the citizens in light of the City's desire of growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community.

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

1. In accordance with Chapter 3 of Title XI of the Westminster Municipal Code, City Council hereby adopts the Design Guidelines for Traditional Mixed Use Neighborhood Developments that shall govern the award of Service Commitments within Category B-4 projects as defined in W.M.C. Section 11-3-5.

2. The Design Guidelines for Traditional Mixed Use Neighborhood Developments shall apply to all future Preliminary Development Plans (PDP's) and amendments and Official Development Plans (ODP's) and amendments for new Traditional Mixed Use Neighborhood Developments.

3. Compliance with the Comprehensive Land Use Plan shall be required for new residential development through the residential competition process.

4. The Comprehensive Land Use Plan shall be used to guide future development in the City.

Passed and adopted this 27th day of September, 1999

ATTEST:

Mayor

City Clerk

ORDINANCE NO.

COUNCILLOR'S BILL NO. **59**

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 11-3-4 (A) and (B) are hereby AMENDED as follows:

11-3-4: CATEGORIES OF AWARD: Service Commitments shall be allocated by the City Council by resolution for the following categories:

(A) Category A: Active residential developments:

1. Category A-1: Active single family detached residential developments
2. Category A-2: Active single family attached residential developments having a density of ten (10) or less dwelling units per acre.
3. Category A-3: Active single family attached residential developments having a density of greater than ten (10) units per acre
4. CATEGORY A-4: ACTIVE RESIDENTIAL DEVELOPMENTS WITHIN TRADITIONAL MIXED USE NEIGHBORHOOD PROJECTS

(B) Category B: New residential developments:

1. Category B-1: New single family detached residential developments
2. Category B-2: New single family attached residential developments having a density of ten (10) or less dwelling units per acre
3. Category B-3: New single family attached residential developments having a density of greater than ten (10) dwelling units per acre.
4. CATEGORY B-4: NEW RESIDENTIAL DEVELOPMENTS WITHIN TRADITIONAL MIXED USE NEIGHBORHOOD PROJECTS

Section 2. Section 11-3-5 (E) and (F) are hereby AMENDED as follows:

(E) Any projects eligible to compete for service commitments in Categories B-1, B-2, B-3, B-4, and new senior housing must at a minimum comply with the City's adopted ~~Baseline Standards and Design GUIDELINES AND~~ regulations. Nothing herein shall be construed as limiting the City's right to require a development to exceed such baseline standards as a condition to development plan approval.

(F) Categories B-1, B-2, B-3, B-4, and new senior housing service commitments shall be awarded on a competitive basis in accordance with criteria adopted periodically through resolution of City Council. City Council shall by resolution determine the weight to give to various standards and criteria based on their impact on the City's utility system and the health, safety and welfare of the community. City Council may establish a minimum number of points to be obtained in the award criteria to be eligible for a Category B service commitment.

Section 3. Section 11-3-9 is hereby AMENDED as follows:

11-3-9: COMPETITIVE RANKINGS: All commitments made by an applicant and as a condition to the award of Category B-1, B-2, B-3, B-4, OR NEW SENIOR HOUSING service commitments shall be reflected on all further Preliminary Development Plans and Official Development Plans. CITY COUNCIL MAY DENY ANY APPLICATION AND MAKE NO AWARD BASED ON A FAILURE TO MEET THE INTENT AND PURPOSE OF THE AWARD CRITERIA. THE SERVICE COMMITMENT AWARD IS CONDITIONAL UPON CITY APPROVAL OF THE PROJECT AND DOES NOT GUARANTEE CITY APPROVAL OF THE PROJECT OR PROPOSED DENSITY. 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 THE SERVICE COMMITMENT AWARD NOR SHALL ANY OTHER BINDING EFFECT BE INTERPRETED OR CONSTRUED TO OCCUR IN THE CITY AS A PART OF THE SERVICE COMMITMENT AWARD. 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 CITY'S WATER SUPPLY FIGURES.

Section 4. 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 5. This ordinance shall take effect upon its passage after second reading.

Section 6. 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 27th day of September, 1999.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 27, 1999

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

Prepared by: Philo Shelton, Park Project Engineer

Introduction

City Council action is requested to authorize the City Manager to sign an Agreement with the Urban Drainage and Flood Control District (UDFCD) to provide an additional \$250,000 in funds for construction of a Little Dry Creek trail/drainage underpass located at 76th Avenue and Sheridan Boulevard. City Council action is also requested to pass on first reading the attached Councillor's Bill regarding a supplemental appropriation of \$250,000, the amount of UDFCD grant award, into the General Capital Improvement Project Fund for construction of the Little Dry Creek Trail Underpass project.

Summary

At City Staff's request, the UDFCD has agreed to participate with a grant of \$250,000 for the construction of the Little Dry Creek trail and drainage improvements. This project will also accomplish removing this section of Little Dry Creek and Sheridan Boulevard from the 100 year flood plain. The Agreement, which has been reviewed by the City Attorney's Office, defines a 25%-75% cost sharing arrangement between the two parties to accomplish \$1.0 million in construction work. Presently, the construction cost for the project is estimated at \$1.1 million to build this project and it is anticipated that value engineering or additional funds will be required by the City to complete this project. Presently, Staff is working with the design consultant to look at value engineering options and bid add alternates to bring the base bid down to \$1.0 million.

Alternative

City Council could elect not to partner with UDFCD and not accept \$250,000 in matching funds for the Little Dry Creek Project.

Staff Recommendation

1. Authorize the City Manager to sign an agreement with the Urban Drainage and Flood Control District for the construction of the Little Dry Creek trail/drainage improvements located at 76th and Sheridan Boulevard.
2. Pass Councillor's Bill No. 60 on first reading appropriating \$250,000, the amount of Urban Drainage and Flood Control District's contribution into the General Capital Improvement Fund of the Little Dry Creek Trail project account.

Background Information

In the early 1980s, the City and the Urban Drainage & Flood Control District (UDFCD) entered into an agreement regarding the design of channel improvements for the entire length of Little Dry Creek within the boundaries of Westminster (from Sheridan Boulevard at the upstream end to Lowell Boulevard at the downstream end). The design that was prepared at that time included a combination of 100-year flood protection improvements and 10-Year flood protection improvements, varying from location to location along the creek in accordance with the character of the surrounding land. For example, areas that were fully developed (e.g., the stretch from Winona Court to the Della Villa apartment complex) received 100-year flood channel improvements while sparsely developed areas (e.g., England Park, located south of 72nd Avenue) received only 10-year flood channel improvements. Throughout the mid to late 1980s, the City and the District amended their original Agreement on several occasions to provide funding for property acquisition and the construction of these channel improvements to several reaches of Little Dry Creek. Other than the construction of this additional culvert under Sheridan Boulevard, the only section of the creek that was not improved in the last decade was that segment located between England Park and Lowell Boulevard which is now nearing completion.

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

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

The following is a summary of project funding available.

ISTEA Grant	\$500,000
UD&FCD funding	\$250,000
City of Westminster funding	<u>\$620,000</u>
TOTAL	\$1,370,000

Due to rising construction costs, the total project cost for the Little Dry Creek Trail Underpass is anticipated to cost \$1.5 million. Since the drainage structures at Sheridan Boulevard are undersized for the 100 year storm event, Urban Drainage and Flood Control District (UDFCD) has committed \$250,000 to the project costs.

Staff had requested from UDFCD an additional \$260,000 of funds to help complete the project; however, the UDFCD board was unable to assist with this request. Portions of the project may have to be deleted or postponed until \$130,000 of additional funding is secured or adjusted with value engineering items. This will not be known until the project is bid, however. The project budget is summarized as follows:

Design	\$130,000
Right of Way	\$30,000
Utilities	\$40,000
Construction Costs	\$1,100,000
Construction Engineering/Testing	\$80,000
Contingency	<u>\$120,000</u>
 TOTAL	 \$1,500,000

The project is planned to go to bid by the end of September and begin construction in the middle of November with completion of the project in June of 2000. The project is planned to be bid with appropriate bid add alternates to have a portion of the project constructed with the present level of project funding.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **60**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby increased by \$250,000 which, when added to the fund balance as of the City Council action on October 11, 1999, will equal \$21,949,111. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of an UDFCD grant for the construction of Little Dry Creek Trail.

Section 2. The \$250,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Intergovernmental 75-0426-019	\$ 845,000	<u>\$250,000</u>	\$345,000
Total Change to Revenues		<u>\$250,000</u>	
<u>EXPENSES</u>			
Little Dry Creek Trail/ISTEA Match Project 75-50-88-555-367	\$477,050	<u>\$250,000</u>	\$727,050
Total Change to Expenditures		<u>\$250,000</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. 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 27th day of September, 1999. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this day of October, 1999.

ATTEST:
City Clerk _____

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 27, 1999

Subject: Councillor's Bill No. 61 re Appropriation of Certificates of Participation 1999 Proceeds

Prepared by: Mary Ann Parrot, Finance Director

Introduction

City Council action is requested to adopt the attached Councillor's Bill as an emergency ordinance appropriating proceeds of \$19,591,987 from the sale of the Certificates of Participation, Series 1999 as follows:

- \$7.5 million for renovations at Westminster Mall, as per City Council approval of the agreement between the City of Westminster and the Westminster Mall Company;
- \$12.1 million for construction of Westminster Boulevard Flyover, crossing U.S. 36 at approximately 98th to 100th Avenues, to alleviate congestion in and around 92nd Avenue and Sheridan Boulevard, thus providing an additional northern access point to the Mall at Harlan Street; and
- Costs of issuance to be provided from COP proceeds.

Summary

On September 15, 1999, proceeds of the sale of Certificates of Participation for the Lease- Purchase Financing for Westminster Mall renovations and the Westminster Boulevard Flyover were received by the City. The sale was approved by Council on August 30, 1999. To avoid delays in the progress of these projects the proceeds need to be appropriated by Council at this time.

Staff Recommendation

Adopt Councillor's Bill No. 61 as an emergency ordinance appropriating \$19,591,987 in proceeds from the sale of Certificate of Participation, Series 1999 for the Renovation of Westminster Mall (\$7.5 million), construction and associated costs for the Westminster Boulevard Flyover (\$12.1 million) and costs of issuance.

Background Information

At the August 30, 1999 Special City Council meeting, Council adopted Ordinance No. 2702 approving the sale of \$19.72 million Certificates of Participation for the Westminster Mall Improvements and the Westminster Boulevard Flyover Construction Project, and directed the Mayor and City Clerk to sign necessary documents on behalf of the City. The proceeds of the sale have been received and must be appropriated for the projects to continue. Passage of the attached ordinance will authorize the expenditure of the proceeds.

Respectfully submitted,

William D. Walenczak
Acting City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **61**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby increased by \$19,591,987 which, when added to the fund balance as of the City Council action on October 11, 1999, will equal \$41,291,098. 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.

Section 2. The \$19,591,987 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Sale of Assets			
75-1466-000	\$ 0	<u>\$19,591,987</u>	\$19,591,987
Total Change to Revenues		<u>\$19,591,987</u>	
<u>EXPENSES</u>			
Westminster Blvd Flyover (COPs)			
75-30-88-555-276	\$0	\$7,496,934	\$7,496,934
Westminster Mall (COPs)			
75-30-88-555-272	\$0	<u>\$12,095,053</u>	\$12,095,053
Total Change to Expenditures		<u>\$19,591,987</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 be in full force and effect upon adoption of this ordinance on September 27, 1999, by an affirmative vote of six of the members of the Council if six or seven members of the Council are presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 5. This ordinance shall be published in full within ten (10) days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 27th day of September, 1999.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date September 27, 1999

Subject: Councillor's Bill No.62 re 1998 Utility Fund Carryover for Capital Improvements

Prepared by: Diane Phillips, Capital Improvement Projects Coordinator
Kelly DiNatale, Water Resources & Treatment Manager

Introduction

City Council action is requested on the attached Councillor's Bill to appropriate 1998 Utility Fund carryover revenue for various capital improvement projects as outlined below.

Summary

Again in 1998, the City experienced revenues higher than were conservatively projected in the City's budget, as well as expenditures being below budget levels. These factors resulted in carryover revenues being available from 1998 to appropriate in 1999 for needed capital improvement projects. This practice has occurred over the past several years, allowing the City to complete numerous capital improvement projects on a "pay as you go" basis. Carryover revenues are available from the Utility Fund, and therefore, need to be formally allocated to certain projects identified in the City's Water and Sewer Master Plans and 5-year CIP budgets, for which the funds were intended. The carryover revenue from the Utility Fund is \$14,688,307.

Staff Recommendation

Pass Councillor's Bill No. 62 on first reading appropriating \$14,688,307 of 1998 Utility Fund carryover revenues.

Alternatives

Direct Staff to identify other options on which these funds may be used; or direct Staff to incorporate funds into the proposed 2000 Utility Fund CIP budget.

Background Information

For at least the past ten years, the City has received one-time additional carryover revenues to allocate to capital improvement projects as a result of conservative revenue budgeting and expenditures being below budget. 1998 was no exception, and in fact, due to the robust economy and strong Westminster water and wastewater sales and tap fee revenues, funds are again available to allocate to many-needed "pay as you go" construction projects that have been identified in the City's Water and Sewer Master Plans and 5-year CIP budgets. As City Council can readily see from the list of projects mentioned, there are numerous high-priority capital improvement projects for which funds are needed. The highest priorities are the various water related projects that would ensure that adequate water supplies can be treated and delivered.

It is proposed that these funds be allocated to the following projects:

- \$8,500,000 to pay for the construction of the replacement clearwell. The engineer's estimate for this project, including final grading, landscaping, easement acquisition and project management is \$9,400,000. If these additional funds are required, they would be included in the 2001 CIP funding request to finish the project.
- \$350,000 to provide the purchase of an emergency generator for the Wandering View treated water pump station. This would provide additional assurance that adequate water supply could be delivered in the event of a Y2K power failure or other power interruptions.
- \$440,000 to pay for the pilot testing and preliminary design of the 104th Avenue Water Treatment Facility and optimization of the Semper Water Treatment Facility. The contract for this design work was approved in June by City Council with the understanding that an appropriation of 1998 carryover funds would be requested to fund the remainder of this project.
- \$2,330,000 to acquire certain property in the City that would later be sold for development in order to change the land use to provide for significantly lower water demand.
- \$1,000,000 for renovating portions of the Semper Water Treatment Facility including the laboratory and control room and predesign of process optimization and treatment capacity expansion.
- \$750,000 for replacement of the North Park Pump Station. At present, the station runs at 90% capacity, which does not allow for the growth projected for the area served by this pump station.
- \$350,000 for water line replacement on 92nd Avenue from Wadsworth Parkway to Pierce Street and bore under the railroad tracks. Replacement should be made due to excessive water breaks on this line.
- \$75,000 for the Countryside Storage Tank Capacity and Optimization Study, which will study the efficiency of the facility operation.
- \$100,000 Supervisory Control and Data Acquisition (SCADA) Phase II Installation. SCADA for the pump and lift stations, which will install radios at all of the pump and lift stations for the purpose of monitoring performance at each station. These pump stations and lift stations are currently telemetered via telephone lines and several critical disruptions of service have been experienced due to cut phone lines.
- \$300,000 for replacement/upsizing the existing Silo Pump Station located at 90th Avenue and Wadsworth Parkway. This is an existing CIP and these funds will allow for completion of this project.
- \$100,000 for Big Dry Creek Wastewater Reclamation Facility Hydraulic Improvements that will remove a critical bottleneck impacting the plant capacity in the facility during peak flows.
- \$50,000 for Utility Projects Landscaping. Revegetating and landscaping improvements are needed at various utility sites due to recent construction, or to enhance the project site and be a "good neighbor".
- \$193,307 to the water capital projects contingency account to provide for unanticipated increased costs in water capital improvement projects.
- \$150,000 to update the Treated Water and Wastewater Master Plans to reflect recent annexations and changes to the Comprehensive Plan.

The remaining funds available under the Utility Fund carryover can be considered as part of the 2000 Budget Capital Improvement process and Staff has previously provided a recommended list for the use of those funds in the Capital Improvement Projects with the 2000 budget.

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **62**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1998 CARRYOVER IN THIS FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the Utility Fund, initially appropriated by Ordinance No. 2654 in the amount of \$34,800,000 is hereby increased by \$14,688,307 which, when added to the fund balance as of the City Council action on October 11, 1999 will equal \$50,063,836. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of 1998 Utility Fund capital improvement project carryover funds.

Section 2. The \$14,688,307 increase in the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover			
20-0090-000	\$ 4,627,089	\$14,488,307	\$19,115,396
Carryover			
21-0090-000	\$5,274,949	<u>\$200,000</u>	\$5,474,949
Total Change to Revenues		<u>\$14,688,307</u>	
EXPENSES			
Semper Water Treatment Clearwell			
20-35-88-555-329	\$0	\$8,500,000	\$8,500,000
Generator – Wandering View			
20-35-88-555-330	\$0	\$350,000	\$350,000
Semper Optimization/Expansion			
20-35-88-555-136	\$172,198	\$1,440,000	\$1,612,198
North I25 Land Purchase			
20-35-88-555-105	\$0	\$2,330,000	\$2,330,000
North Park Pump Station			
20-35-88-555-101	\$0	\$750,000	\$750,000
92 nd Avenue Waterline/Wadsworth			
20-35-88-555-184	\$0	\$350,000	\$350,000
Countryside Pump Station			
20-35-88-555-134	\$0	\$75,000	\$75,000

Lift Station Telemetry 21-35-88-505-269	\$25,249	\$100,000	\$125,249
Utility Site Landscape Improvements 20-35-88-555-385	\$138,091	\$50,000	\$188,091
Silo Pump Station Upgrade 20-35-88-555-173	\$888,700	\$300,000	\$1,188,700
Big Dry Creek Expansion 21-35-88-555-086	\$69,762	\$100,000	\$169,762
Water/Waste Water Master Plan 20-35-88-555-103	\$0	\$150,000	\$150,000
Water Fund Reserve 20-35-88-555-400	\$588,910	<u>\$193,307</u>	\$782,217
Total Change to Expenditures		<u>\$14,688,307</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 27th day of September 1999.

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

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: September 27, 1999
Subject: Revised Employment Contract with Martin McCullough
Prepared by: Bill Walenczak, Acting City Manager

Introduction

City Council consideration is requested pertaining to the attached revised Employment Agreement with City Attorney Martin McCullough.

Summary

At the time City Council appointed Martin McCullough as City Attorney in February, 1986, an employment agreement was formally approved by the Council to reflect the terms and conditions of his employment. Each year, the employment contract is reviewed and revised based on the results of the Council's performance evaluation of the City Attorney. This year's evaluation was completed on September 20. City Council action is requested to extend this contract for the calendar years 2000 and 2001 in substantially the same form as attached. A salary adjustment is being suggested based on salary survey data of other City Attorney positions in the Denver metropolitan area generated by the Department of General Services, as well as the salary survey of public officials published annually by the Colorado Municipal League.

Staff Recommendation

Approve a revised employment agreement with Martin McCullough serving in the position of City Attorney for calendar years 2000 and 2001, and authorize the Mayor and City Clerk to execute the attached agreement on behalf of City Council.

Background Information

Martin McCullough was appointed City Attorney on February 10, 1986, after holding the position of Acting City Attorney since September 1985. Prior to such positions, he was an attorney with the municipal law firm of Calkins, Kramer, Grimshaw and Haring. Marty holds a B.A. from the University of Virginia, an M.S. from Florida State University and graduated magna cum laude from the University of Houston School of Law in 1982. He is admitted to practice law in Texas and Colorado and is a member of the National Institute of Municipal Law Officers and the Colorado and Denver Bar Associations. Marty has served as president of the Attorneys Section of the Colorado Municipal League, is past president of the Metro City Attorney's Association, and is a member and past chairperson of the Local Government Committee of the Colorado Bar Association. Marty is also a past recipient of the Metro City Attorney's Association's "City Attorney of the Year" and "Leadership" awards.

At the time Council appointed Marty McCullough as City Attorney in February 1986, an employment agreement was formally approved by the Council to reflect the terms and conditions of his employment.

The City Attorney's employment agreement has typically followed substantially the same format and covered essentially the same terms and conditions as the City Manager's employment. The existing contract between Marty and the City is scheduled to expire December 31, 2000.

The only changes in the revised agreement compared to the existing agreement are as follows:

- > The City Attorney's total salary will increase 6% to \$105,686.
- > The increased compensation is to be divided between base salary and deferred compensation. The annual salary will become ~~\$96,686~~ \$97,696 plus ~~\$9,000~~ \$8,000 as lump sum deferred compensation.

All other provisions of the contract would remain the same. The proposed agreement would become effective as of January 1, 2000.

City Council was previously provided with a salary survey of other area city attorneys' compensation packages. The average salary of the cities surveyed indicated a median 1999 compensation of \$101,124 and an average of \$105,925, inclusive of deferred compensation. This compares to the 1999 annual salary and deferred compensation for the Westminster City Attorney in the amount of \$99,704.

Respectfully submitted,

William D. Walenczak,
Acting City Manager

Attachment

EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January, 2000, by and between the CITY OF WESTMINSTER, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and MARTIN R. McCULLOUGH, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of MARTIN R. McCULLOUGH, as City Attorney of the City of Westminster as provided by City Charter, Chapter IV, Section 4.13; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE; and (4) provide a just means for terminating EMPLOYEE's services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ; and

WHEREAS, EMPLOYEE previously accepted employment as City Attorney of said CITY.

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

SECTION 1. DUTIES:

A. CITY hereby agrees to continue the employment of EMPLOYEE as City Attorney of CITY to perform the duties and functions specified in Section 4.13 of the City Charter, Chapter 16 of Title I of the City Code and such other legally and ethically permissible and proper duties and functions as the City Council shall from time to time assign.

B. EMPLOYEE shall prepare and submit a proposed budget for the City Attorney's Office following guidelines established by the City Manager. This budget shall be reviewed by the City Manager's Office and submitted to the City Council for final approval as part of the City Manager's recommended City Budget. Requests for changes in the budget during the fiscal year shall also be submitted through the City Manager's Office.

C. EMPLOYEE shall supervise the staff of the City Attorney's Office as may be authorized by the City Council. All employees of the City Attorney's Office shall be employed by the City Attorney in accordance with the provisions of section 1-16-3 of the City Code.

SECTION 2. TERMS:

A. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of CITY. EMPLOYEE will serve as City Attorney for calendar years 2000 and 2001. EMPLOYEE agrees neither to seek, to accept, nor to become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided.

The term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth in Section 3, paragraph C of this Agreement.

D. This Agreement shall be considered for renewal annually, no later than October 31 of each year to address extending the Agreement, salary, and other changes negotiated between the parties. Each renewal of the Agreement shall be for a specified time. If this Agreement is not renewed, or terminated, as set forth in the Agreement, and the Agreement expires, EMPLOYEE shall continue to work under the terms of the last executed Agreement until a new Agreement is executed or EMPLOYEE is terminated after receiving four (4) months' written notice of termination.

SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Attorney, then and in that event, the CITY agrees to give EMPLOYEE four (4) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing four (4) months, provided however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the four (4) months' severance pay provisions herein.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY four (4) months notice in advance in writing.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in paragraphs A and C of this Section 3, and paragraph D in Section 2.

SECTION 4. SALARY:

A. Effective January 1, 2000, the CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of ~~\$96,686~~, \$97,686 payable in installments at the same time as other employees of the CITY are paid, plus a lump sum payment in deferred compensation of ~~\$9,000~~ \$8,000.

B. CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31 of each year. Salary evaluation each year shall be at the discretion of the CITY.

SECTION 5. HOURS OF WORK:

A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the Council. Provided, that such consulting or other non-City connected business does not constitute a conflict of any nature with EMPLOYEE'S work as City Attorney. City Council shall be the sole judge of such conflicts whose determination shall be final.

SECTION 6. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 7. PROFESSIONAL DEVELOPMENT:

CITY agrees to budget and to pay registration, travel and subsistence expenses of EMPLOYEE for professional and official travel to meetings and occasions related to the professional development of EMPLOYEE and to official and other functions as a representative of the City, including, but not limited to, the Colorado Bar Association, NIMLO, the Colorado Municipal League, and continuing legal education courses and seminars related to the practice of municipal law. In addition to reasonably funding educational/training programs for EMPLOYEE's professional staff, sufficient funds shall be budgeted to permit EMPLOYEE to attend at least one national, one statewide, and one local educational/training program each year.

SECTION 8. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 9. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to all other Department Head level employees, including a monthly car allowance in the amount of \$300 per month, except that when such benefits are in conflict with this Agreement, said Agreement shall control.

SECTION 10. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, longevity pay, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

SECTION 11. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This Agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.

C. This Agreement becomes effective on January 1, 2000, and shall be in effect through calendar years 2000 and 2001.

D. If any provision, or any portion hereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. The parties agree that this Agreement is entered into and shall be governed by the laws of the State of Colorado.

F. Nothing in this Agreement shall be construed as creating any multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this Agreement both effective as of the day and year first above written.

Approved by Westminster City Council this 27th day of September, 1999.

ATTEST:

Nancy M. Heil, Mayor

City Clerk

Martin R. McCullough



WESTMINSTER COLORADO

Agenda Memorandum

Date: September 27, 1999

Subject: Financial Report for August 1999

Prepared by: Barb Dolan, Acting Finance Director

Introduction

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

Summary

There are three sections to the attached report:

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

General Fund revenues represent 70% of the total budget estimate while General Fund expenditures and encumbrances represent 62% of the 1999 appropriation.

Utility Fund revenues represent 88% of the total budget estimate. Utility fund expenditures and encumbrances represent 54% of the 1999 appropriation. The City is receiving reimbursements from the Colorado Water Power Authority, which is reflected in the Inter-governmental line item. These funds were appropriated in prior years.

The Sales and Use Tax Fund revenues represent 71% of the total budget estimate, while expenditures and encumbrances in that fund represent 67% of the 1999 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 6% from the same period last year and increased 9% year-to-date.

The Open Space Fund revenues represent 69% of the total budget estimate while expenditures and encumbrances in that fund represent 50% of the 1999 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 73% of the total budget estimate while operating expenditures and encumbrances represent 50% of the 1999 appropriation. This is consistent with the seasonal nature of golf. The Heritage reflects the \$1,500,000 loan from Jefferson County. There are no operating expenses for the Heritage as all expenses being incurred by the Fund are related to the construction of the golf course.

Theoretically, 67% of revenues and expenditures should be realized after eight months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

Staff Recommendation

Accept the report as presented.

Background

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

Respectfully submitted,

William D. Walenczak
Acting City Manager

Attachment

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, September 27, 1999.

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

The minutes of the meeting of September 13, 1999 were approved with no additions or corrections.

Mayor Heil proclaimed October 6 as Walk Our Children To School day, and recognized the City's 1999 Firefighter Combat Challenge Team.

Council accepted the resignations of Bob Klock from the Planning Commission, BK Loren from the Library Board and Mark Wellington from the Environmental Advisory Board and Tabled action on appointments to fill the vacancies.

Council approved the following: Standley Lake Regional Park Construction Contract; Big Dry Creek Trail Phase III Contract; City Park Recreation Center Air Conditioning System; Jefferson Academy Intergovernmental Agreement; Competition for Traditional Mixed Use Neighborhood Development Project; Agreement with Urban Drainage and Flood Control District for Little Dry Creek trail/drainage; and Revised Employment Contract with City Attorney.

The following Councillor's Bill was introduced and adopted as an emergency ordinance:

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION INCREASING THE 1999 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND. Purpose: Appropriate proceeds from sale of Certificates of Participation.

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

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM. Purpose: Create a Service Commitment Category B-4.

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

A BILL FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1998 CARRYOVER IN THIS FUND. Purpose: Appropriate carryover revenue for capital improvement projects.

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

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.

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

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

The following Resolutions were adopted:

Resolution No. 70 – Boards and Commissions resignations.

Resolution No. 71 – Design Guidelines for Mixed Use Neighborhood Development.

At 7:40 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window October 7, 1999.