



**WESTMINSTER  
COLORADO**

**NOVEMBER 8, 1999  
7:00 P.M.**

**AGENDA**

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
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. Councillor's Bill No. 67 on second reading re Municipal Court Presiding Judge Salary for 2000 (Smith-Atchison)
  - B. Councillor's Bill No. 68 on second reading re Adoption of Urban Growth Boundary Map (Allen-Dixon)
  - C. Councillor's Bill No. 69 on second reading re Appropriation of Special Purpose Sales and Use Tax Revenue Bonds (POST Project) (Atchison-Dixon)
  - D. Councillor's Bill No. 70 on second reading re 1999 Budget Supplemental Appropriations (Atchison-Allen)
  - E. Councillor's Bill No. 71 re 2000 Appropriations (Smith-Atchison)
9. Appointments and Resignations
  - None
10. Public Hearings and Other New Business
  - A. TABLED Amendment to Purchase and Sale Agreement with Catellus Development Corporation for Westminster Promenade Project
  - B. Claim Payment from August 4, 1999 Rainstorm
  - C. Resolution No. 88 Endorsing 120<sup>th</sup> Avenue Transportation Improvements Cost Allocation
11. Business and Passage of Ordinances on Second Reading
  - None
12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business
  - A. City Council
  - B. Request for Executive Session
13. Adjournment



**WESTMINSTER**  
**COLORADO**

**NOVEMBER 8, 1999**  
**8:00 P.M.**  
**NEW CITY COUNCIL AGENDA**

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

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

- 1. Swearing In of New Councillors and Mayor**
- 2. Selection of Mayor Pro Tem**
- 3. Swearing in of Mayor Pro Tem**
- 4. Presentations**  
None
- 5. Citizen Communication**
- 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. Swim and Fitness Center Entrance Plaza for \$47,620 to Goodland Construction
  - B. Jefferson County Household Hazardous Waste Storage Authority Withdrawal
  - C. Standley Lake Regional Park Phase 1A Consultant Services for \$60,000 to DHM Design Corporation
  - D. Bids for 2000 Traffic Signal Maintenance to Rocky Mount Signal, Inc for \$84,660
  - E. 1999 Community Development Block Grant Fund for reconstruction of Alcott Street from 84<sup>th</sup> Avenue to Bryant Street to Asphalt Specialties for \$125,000
- 9. Appointments and Resignations**  
None
- 10. Public Hearings and Other New Business**
  - A. Public Hearing re Winters Property Annexation and Zoning 5.8 acres located at the SWC of 111<sup>th</sup> Avenue and Wadsworth Boulevard
  - B. Resolution No. 86 re findings for Annexation of Winters Property
  - C. Councillor's Bill No. 72 re annexation of eastern portion of Winters Property
  - D. Councillor's Bill No. 73 re annexation of western portion of Winters Property
  - E. Councillor's Bill No. 74 re zoning of Winters Property from JeffCo A-1 to PUD
  - F. Councillor's Bill No. 75 amending the Comprehensive Land Use Plan to add Winters property as Single Family Detached Low Density
  - G. Preliminary Development Plan for Winters property
  - H. Resolution No. 87 re Traditional Mixed Use Test Project awarding a pool of 400 Category B-4 Service Commitments beginning in 2000
  - I. Councillor's Bill No. 76 re Ball Corporation Refunding Bonds amending credit facility provider

**11. Old Business and Passage of Ordinances on Second Reading**

None

**12. Citizen Presentations and Miscellaneous Business**

A City Council

B. Request for Executive Session

1. Real Estate Agreement

**13. Adjournment**

**GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS:**

A The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.

B. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.

C. The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.

D. The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

E. When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.

F. City Staff enters A copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;

G. The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);

H. Staff presents any additional clarification necessary and states the Planning Commission recommendation;

I. All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.

J. Final comments/rebuttal received from property owner;

K. Final comments from City Staff and Staff recommendation.

L. Public hearing is closed.

M. If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 8, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Hicks and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Dixon to accept the minutes of the meeting of October 25, 1999 with no additions or corrections. Mayor Pro Tem Merkel requested to abstain as she was not at the meeting. The motion carried with 6 aye votes and Mayor Pro Tem Merkel abstaining.

CITIZEN COMMUNICATION:

Catherine Payne, 5690 West 117<sup>th</sup> Place, Torrey Peaks Homeowners Association representative, addressed Council regarding traffic calming issues within their development.

Dean Vanderberg, 10540 W. 104<sup>th</sup> Place, encouraged Council to ride along with an ambulance or fire equipment to see how the fire equipment operates under these conditions.

CITY COUNCIL COMMENTS:

Councillor Allen thanked Council and the City for the reception held in his honor on November 4<sup>th</sup>; and introduced his sister-in-law who is visiting from Germany.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Councillor's Bill No. 67 – Municipal Court Presiding Judge Salary; Councillor's Bill No. 68 – Adoption of Urban Growth Boundary Map; Councillor's Bill No. 69 – Special Purpose Revenue Bonds Appropriation; Councillor's Bill No. 70 – 1999 Budget Supplemental Appropriations; and Councillor's Bill No. 71 – 2000 Budget Appropriation. The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

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

TABLED AMENDMENT TO PURCHASE & SALE AGREEMENT WITH CATELLUS DEVELOPMENT:

Don Ryan, 4305 Everett Street, asked Council to remove this item from the Table. There was no motion by Council, and the item remains on the table.

CLAIMS ARISING FROM AUGUST 4, 1999 RAINSTORM:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to pay \$66,931 provided in the City's sewer back-up policy and charge the expense to the Public Works and Utilities Field Operations Fund and authorize the City Manager to pay the \$100,000 deductible owed to CIRSA and charge the expense to the Property and Liability Fund. The motion carried unanimously.

RESOLUTION NO. 88 – FUNDING OF 120<sup>TH</sup> AVENUE EXTENSION IMPROVEMENTS:

A motion was made by Allen and seconded by Dixon to adopt Resolution No. 88 which formally expresses the Westminster City Council's position on the proposed distribution funding for the extension of 120<sup>th</sup> Avenue from Quebec Street to US 85. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:35 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 8, 1999 AT 8:00 P.M.

SWEARING IN OF MAYOR AND NEW COUNCILLORS:

City Manager Bill Christopher called the meeting to order and introduced the newly elected Mayor, Nancy Heil and newly elected Councillors Herb Atchison, Butch Hicks and Ed Moss. The City Manager called upon Senior District Judge Phil Roan to administer the Oath of Office to Nancy Heil; Municipal Court Judge John Stipech to administer the Oath of Office to Herb Atchison; Associate Municipal Court Judge Paul Basso to administer the Oath of Office to Butch Hicks; and Denver County Court Judge Kathleen Bowers to administer the Oath of Office to Ed Moss.

SELECTION OF MAYOR PRO TEM:

Mayor Heil convened the Council meeting and stated that the election of Mayor Pro Tem would be by written ballot with no nominations. The first ballot showed a majority vote for Sam Dixon. Mayor Pro Tem Dixon was sworn into office by Municipal Court Judge John Stipech.

CITIZEN COMMUNICATION:

Dean Vanderberg, 10540 W. 104<sup>th</sup> Place, congratulated the newly elected member to Council and stated that the residents of the Countryside Subdivision encourage open space from Rocky Flats to Standley Lake and asked that they be included and informed of any development regarding the Northwest Parkway and Rocky Flats.

CITY COUNCIL COMMENTS:

Mayor Heil and Councillors Atchison, Hicks and Moss introduced their family members and friends attending the meeting. Councillor Merkel congratulated Mayor Heil, Mayor Pro Tem Dixon and the newly elected members to City Council. Mayor Pro Tem Dixon thanked those members of Council that voted for her as Mayor Pro Tem and congratulated Mayor Heil on her win. Councillor Smith also congratulated the Mayor and newly elected members to Council.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Swim and Fitness Entrance Plaza - Authorize the City Manager to sign a contract in the amount of \$47,619.75 with Goodland Construction, Inc., and authorize a 15% project contingency in the amount of \$7,142.96, to complete the entrance to the Swim and Fitness Center. Charge the construction cost of \$47,619.75 to the appropriate Community Development Block Grant account and the contingency amount of \$7,142.96 to the Recreation Center Improvements account in the General Capital Improvement Fund; JeffCo Household Hazardous Waste Storage Authority Withdrawal - Authorize the City Manager to take the actions necessary to terminate the City of Westminster's participation in the Jefferson County Household Hazardous Waste Storage Authority created by a 1993 Intergovernmental Agreement; Standley Lake Regional Park Phase 1A Consultant Services - Authorize the City Manager to sign a contract with DHM Design Corporation in the amount of \$60,000 for construction documentation, inspections, submittal review, RFI and project close out services, and authorize a 10% design contingency of \$6,000, and charge this expense to the Standley Lake Regional Park account in the General Capital Improvement Fund; Bids for 2000 Traffic Signal Maintenance - Authorize City Manager to sign a contract for traffic signal maintenance during 2000 with the low bidder, Rocky Mountain Signal Inc., in the amount of \$84,660 and charge the expense to the appropriate 2000 Department of Community Development Operating Budget account; 1999 CDBG Funds for Alcott Street Improvements - Authorize the City Manager to sign a contract with the low bidder, Asphalt Specialties, Inc., in the amount of \$124,998 and authorize a contingency amount of \$12,500, Charge \$100,000 of this expense to the appropriate Community Development Block Grant Fund Account and \$24,998 to the appropriate Infrastructure Improvements Division General Fund Account.

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

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

PUBLIC HEARING ON WINTERS PROPERTY ANNEXATION AND ZONING:

At 8:30 P.M. the meeting was opened to a public hearing on the Winters Property annexation, zoning and Preliminary Development Plan approval. The property is generally located at the Southwest corner of 111<sup>th</sup> Avenue and Wadsworth Boulevard. Planning Manager Dave Shinneman entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Planning Associate Glen Giddley, representing the property owner, gave a brief presentation to Council. Cynthia Connolly, 7998 W. 111<sup>th</sup> Avenue, addressed Council with questions. Vern Winters, 420 S. Kipling, property owner, was present to address Council. No one spoke in opposition. At 8:44 P.M. the public hearing was closed.

RESOLUTION NO. 86 – WINTERS PROPERTY FINDINGS OF FACT:

A motion was made by Atchison and seconded by Merkel to adopt Resolution No. 86 making certain findings of fact as required by Section 31-12-110 C.R.S. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 72 WINTERS PROPERTY EASTERN PORTION ANNEXATION:

A motion was made by Atchison and seconded by Merkel to pass Councillor’s Bill No. 72 on first reading annexing the eastern portion of the Winters property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 73 WINTERS PROPERTY WESTERN PORTION ANNEXATION:

A motion was made by Atchison and seconded by Merkel to pass Councillor’s Bill No. 73 on first reading annexing the western portion of the Winters property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 74 WINTERS PROPERTY ZONING:

A motion was made by Atchison and seconded by Merkel to pass Councillor’s Bill No. 74 on first reading zoning the Winters property from Jefferson County A-1 to City of Westminster Planned Unit Development. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 75 COMPREHENSIVE LAND USE PLAN AMENDMENT:

A motion was made by Atchison and seconded by Merkel to pass Councillor’s Bill No. 75 on first reading amending the Westminster Comprehensive Land Use Plan to add the Winters property and assign a land use designation of “Single Family Detached, Low Density”. Upon roll call vote, the motion carried unanimously.

WINTERS PROPERTY PRELIMINARY DEVELOPMENT PLAN:

A motion was made by Atchison and seconded by Merkel to approve the Preliminary Development Plan for the Winters property as submitted. The motion carried unanimously.

RESOLUTION NO. 87 – SERVICE COMMITMENTS FOR TRADITIONAL MIXED USE TEST PROJECT:

A motion was made by Hicks and seconded by Smith to adopt Resolution No. 87 awarding 400 residential Service Commitments beginning in the year 2000 to the “test” project submitted by Continuum Partners for the traditional mixed use neighborhood competition. Continuum Partners representative Mark Falcone was present to address questions from Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 76 – BALL CORPORATION REFUNDING BONDS:

A motion was made by Dixon and seconded by Atchison to pass Councillor’s Bill No. 76 on first reading authorizing the execution and delivery of a First Supplemental Indenture of Trust, a First Supplemental Loan Agreement and a Tax Exemption Certificate and Agreement relating to the Variable/Fixed Rate Demand Revenue Refunding Bonds, Series 1993 (Ball Corporation Project) of the City of Westminster, Colorado, and authorizing other related matters pertaining to said bonds. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

The Mayor stated there would be an Executive Session to discuss a park land acquisition.

ADJOURNMENT:

The meeting was adjourned at 8:55 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** November 8, 1999

**Subject:** Procedure at Monday Night's Meeting re Newly Elected City Councillors and Mayor

**Prepared by:** Bill Christopher, City Manager, and Michele Kelley, City Clerk

**Introduction**

The Westminster City Charter calls for the swearing-in of the newly elected City Council members and Mayor at 8:00 P.M. on the Monday following the election. Janice B. Davidson, of the Colorado Court of Appeals, Senior District Judge Phil Roan, Municipal Court Judge John Stipech and Associate Municipal Court Judge Paul Basso will be present at Monday's City Council meeting to administer the Oath of Office to the three newly elected City Council members and Mayor. Subsequent to the Council members and Mayor being sworn-in, the election of the Mayor Pro Tem is to take place.

**Staff Recommendation**

The three newly elected Council members and Mayor are to be sworn-in by Colorado Court of Appeals Judge Janice B. Davidson, Senior District Judge, Phil Roan, Municipal Court Judge John Stipech and Associate Municipal Court Judge Paul Basso. Then, the newly seated Council is to elect the Mayor Pro Tem, who will then be sworn into office.

**Background Information**

Two separate agendas have been prepared for Monday night's Council meeting. The first agenda has been prepared for the "outgoing" City Council to consider certain items while the second agenda is for the "new" City Council. The second agenda starts with the Swearing-In Ceremony of the three newly elected City Councillors and Mayor and the selection of the Mayor Pro Tem.

Colorado Court of Appeals Judge Janice Davidson, Senior District Judge Phil Roan, Municipal Court Judge John Stipech and Associated Municipal Court Judge Paul Basso will be present at Monday night's City Council meeting to swear-in the three newly elected City Council members and Mayor. The swearing-in should take place at 8:00 P.M. in accordance with the City Charter provision.

After the swearing-in of the three City Councillors and Mayor, the next order of business will be for the new City Council to take their seats and elect a Mayor Pro Tem. This is required to be administered by secret ballots without nominations. Colorado Court of Appeals Judge Davidson, Senior District Judge Phil Roan, Municipal Court Judge John Stipech and Associate Municipal Court Judge Paul Basso will also be available to swear-in the newly selected Mayor Pro Tem for a two year term. Then, the Mayor "chairs" the meeting for the "new" City Council using the prepared agenda.

The Mayor normally does not make appointments of Council representatives to various committees or organizations until a regular Council meeting in the near future.

Procedure at Monday Night's Meeting re Newly Elected City Councillors and Mayor  
Page 2

A detailed description of the actions starting at 8:00 P.M. on Monday night for the newly elected City Council members is attached for City Council's information.

Respectfully submitted,

William M. Christopher, City Manager  
Attachment

## PROCEDURES FOR "NEW" CITY COUNCIL MEETING

After the outgoing City Council has adjourned its meeting and the time is 8:00 P.M., the following sequence of events is to take place:

1. The City Manager assumes temporary "Chair" of the meeting for the "new" City Council and calls the meeting to order.
2. The City Manager announces that the three newly elected members of City Council and the newly elected Mayor are to be given the Oath of Office and calls upon Colorado Court of Appeals Judge Janice Davidson, Senior District Judge Phil Roan, Municipal Court Judge John Stipech and Associate Municipal Court Judge Paul Basso to administer the Oath of Office to Mayor Nancy Heil and Councillors Herb Atchison, Butch Hicks and Ed Moss.
3. Upon completion of the swearing-in of the three newly elected members of City Council and Mayor, the City Manager invites the newly sworn-in members of Council to take their seat at the Council table.
4. The Mayor states that the first order of business shall be the election of the Mayor Pro Tem. This is to be accomplished by secret ballot and without nomination. In case of a tie, the City Clerk will disclose the names of the tie contestants and another ballot shall be taken. Until one person has received a majority, successive ballots will be taken.
5. The City Clerk announces the selection of the Mayor Pro Tem who will serve in that capacity for the next two years
6. The Mayor requests that the newly elected Mayor Pro Tem be sworn-in by one of the Judges present.
7. The newly sworn in Mayor Pro Tem will take their seat at the Council table and the Mayor presides over the remaining portion of the Council meeting for the newly seated City Council.



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date** November 8, 1999  
**Subject:** Swim and Fitness Entrance Plaza  
**Prepared by:** Julie Meenan Eck, Landscape Architect

**Introduction**

City Council action is requested to authorize the City Manager to approve a contract in the amount of \$47,619.75 with Goodland Construction, Inc., and authorize a 15% project contingency in the amount of \$7,142.96, for improvements to the entrance to the Swim and Fitness Center. Funding for this project includes Community Development Block Grant funds and the Recreation Center Improvements CIP Account.

**Summary**

The entrance to the Swim and Fitness Center has been in need of improvements for over four years. The 1999 Community Development Block Grant (CDBG) has allowed City Staff to look at some buildable improvements to the entrance this year. City Staff has prepared a design for the entrance to the Swim and Fitness Center that includes removal of dying trees, removal of decaying timber planters, removal and replacement of concrete at entrance, drainage improvements, new planting areas, including shade trees and benches, and two new handicap ramps (see attached plan). The Department of Housing and Urban Development (HUD) has determined that CDBG funds can be used for this project because of improvements to be made for elderly and handicap accessibility to the building (ADA).

The project was advertised and bid according to the City’s purchasing ordinance, and bids were received from two qualified contractors on October 25, 1999. The bid tabulations is as follows:

Goodland Construction, Inc.	\$47,619.75
Arrow-J Landscape & Design, Inc. (AJI)	\$53,853.00

Recent area-wide increases in concrete, the small scope of the project, and the HUD-required 1999 Davis Bacon wages have contributed to a higher price than was originally budgeted. A 15% project contingency is requested since this is a reconstruction project and the potential for extra cost exists, (i.e., the concrete walks could be 12” thick instead of 6” thick). The additional funds from the Recreation Center Improvements Account for the contingency will allow the City to fund the project as follows:

Construction	\$47,619.75
15% Contingency	\$ 7,142.96

The Swim and Fitness Entrance Improvement Budget is as follows:

1999 CDBG funds	\$47,619.75
1999 CIP Recreation Center Improvements	<u>\$ 7,142.96</u>
Total	\$54,762.71

**Alternative**

1. Do not accept the contract for Goodland Construction, Inc. and leave the Swim and Fitness Center Entrance as it currently exists.
2. Do not accept the low bidder and choose AJI to be awarded the project. However, Staff has worked with Goodland Construction, Inc. before and has determined them to be a good contractor.

**Staff Recommendation**

Authorize the City Manager to sign a contract in the amount of \$47,619.75 with Goodland Construction, Inc., and authorize a 15% project contingency in the amount of \$7,142.96, to complete the entrance to the Swim and Fitness Center. Charge the construction cost of \$47,619.75 to the appropriate Community Development Block Grant account and the contingency amount of \$7,142.96 to the Recreation Center Improvements account in the General Capital Improvement Fund.

**Background Information**

The Swim and Fitness Center Entrance Plaza has been in need of improvements for several years. The timber planters in front are outdated and rotting. Some of the large evergreen trees are diseased and look in poor shape throughout most of the year. The concrete is cracking and heaving and over the years, Streets Division personnel have had to grind the concrete down to avoid a tripping hazard. The drainage off the building is puddling at the entrance, which could result in some long-term foundation problems. Staff would suggest some shade trees placed in front for the patrons to be out of the sun in the heat of the summer when they are waiting for their rides. A handicap ramp needs to be installed at the drop-off area for the patrons who are not parking themselves and another existing ramp needs reconstruction. All improvements have been scheduled for several years, but it was in 1999 that funding was finally secured from the Community Development Block Grant to do the desired work.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments: Project Site Plan



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** November 8, 1999

**Subject:** Jefferson County Household Hazardous Waste Storage Authority Withdrawal

**Prepared by:** Rachel Harlow-Schalk, Environmental Compliance Coordinator  
Kathleen Hix, Organizational Support Services Manager

### Introduction

City Council is requested to authorize Staff to terminate the City of Westminster's participation in the Intergovernmental Agreement that established the Jefferson County Household Hazardous Waste Storage Authority.

### Summary

In 1993, the City of Westminster entered into an Intergovernmental Agreement to establish the Jefferson County Household Hazardous Waste Storage Authority. In July 1999, City Council reviewed three alternatives and, based on this review, directed Staff to contact the Management Committee of the Authority to formally propose the implementation of a home household hazardous waste collection service for Westminster residents. If the Authority did not offer this service to City residents by the November date, Staff was directed to initiate the steps necessary to withdraw from the Intergovernmental Agreement.

After reviewing the City's proposal for a home household hazardous waste collection service, the Management Committee of the Authority responded to the City's request in the attached letter dated October 21, 1999, recommending that the City of Westminster take the necessary steps to withdraw from the Intergovernmental Agreement. Proper termination of the City's participation in the Authority requires notification thirty days in advance to the Authority's Management Committee. Pursuant to this requirement, the City must provide this notification on or before November 30, 1999, in order for the City to no longer be involved with the Authority effective January 1, 2000.

If Council acts favorably on the recommended action, Staff will proceed with the negotiation of a contract for a home household chemical pickup services for Westminster residents.

Council previously reviewed alternatives to the hiring of a vendor to perform household pickup services. These included maintaining the City's financial support of the Waste Collection Center and continuing the Household Chemical Roundup either through the Authority or by working directly with contractors who provide this service. However, given the relatively high cost of these options in terms of Staff time and hard dollar expenditures, it is much more cost-effective to implement the door to door pickup program.

### Staff Recommendation

Authorize the City Manager to take the actions necessary to terminate the City of Westminster's participation in the Jefferson County Household Hazardous Waste Storage Authority created by a 1993 Intergovernmental Agreement.

## **Background**

In May 1993, the City of Westminster entered into an Intergovernmental Agreement with Jefferson County and other Jefferson County Cities to establish the Jefferson County Household Hazardous Waste Storage Authority. Participation in the Authority permitted all City residents to use the household hazardous waste disposal options available to dispose of waste. The Authority established the Jefferson County Household Chemical Collection Center and the City of Westminster contributed \$91,456 for its construction. In 1994, the Center was opened, at which point the City contributed an additional \$26,712 to pay for its share of operational costs in order for the Center to accept waste from Westminster residents.

Over the years, the operational budget of the Center has increased significantly. In 1998, the City contributed \$36,272. Staff has continually evaluated the Center's operations and, based on Staff's evaluation of the Center, City Council was presented with three possible options for the City to pursue in an effort to offer the best services to residents. On June 10, 1999, after reviewing these options, City Council directed Staff to contact the Management Committee of the Authority and formally request that a home household hazardous waste collection service be implemented for City residents.

As a follow-up to Council's direction, Staff formally requested that the Management Committee agree to offer the home household hazardous waste collection service to City residents by November 1, 1999. The City informed the Authority that if this service were not offered by November 1, 1999, Staff would take the necessary steps to withdraw from the Authority. The Authority responded in the attached letter dated October 21, 1999, recommending that the City take the necessary steps to withdraw from the Authority. The Management Committee's recommendation is based upon their desire to further analyze the home household hazardous waste service alternative as well as their plan to explore alternatives for operating the Center. These alternatives include the possibility of Jefferson County increasing their involvement in the day to day operations of the Center, or increasing the reliance on a private contractor for operation of the Center.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** November 8, 1999  
**Subject:** Standley Lake Regional Park Phase IA – Consultant Services  
**Prepared by:** Richard Dahl, Park Services Manager

**Introduction**

City Council action is requested to authorize the City Manger to sign a contract with DHM Design Corporation in the amount of \$60,000 for construction documentation, inspections, submittal review, request for information (RFI) and project close out services for the Standley Lake Regional Park Phase IA Construction, and to authorize a 10 percent contingency of \$6,000. Funds for this expense are available in the Standley Lake General Capital Improvement Project Budget in the General Capital Improvement Fund.

**Summary**

In 1994, Jefferson County Board of County Commissioners entered into a partnership with the City of Westminster to master plan Standley Lake Regional Park and, through a selection process lead by the County, hired the landscape architect firm of DHM Design Corporation to Master Plan and develop Phase I construction documents for the project.

In 1996, Jefferson County suspended further plan development by DHM until final negotiations with the Farmers Reservoir and Irrigation Company (FRICO) to purchase the property by the County were completed. The property was officially purchased in May 1998 and Jefferson County Open Space (JCOS) turned ownership of the property, along with a grant of \$2,463,733 to build Phase IA, over to the City of Westminster.

In November 1998 Council authorized the City Manager to approve a contract for revisions to the original 1994 master plan to DHM, Inc. in the amount of \$50,000. These revisions included wetland mitigation, analyzing “borrow areas” for future dam improvements, and engineering issues involving drainage to the Mandalay Irrigation canal and boat ramp location/construction.

On September 27, 1999 Council awarded the contract to build Standley Lake Phase IA to Randall & Blake, Inc. in the amount of \$1,736,701. A final contract with DHM, Inc. is necessary to provide for construction documentation, inspections, submittal review, request for information, and project close out services. A cost breakdown of these services are as follows:

Construction documentation	\$20,100
Inspections	\$22,100
Submittal review	\$ 5,700
Request for information	\$ 8,200
Project close out	<u>\$ 3,900</u>
Total	\$60,000

The construction of the boat ramp, utilities, wetlands, and drainage improvements are, in themselves, complex engineering issues, but additional environmental and water quality restraints imposed by the Intergovernmental Agreement (IGA) between Westminster, Northglenn, Thornton, and FRICO necessitates additional monitoring and inspections to insure compliance. Staff has reviewed DHM’s fee for services and feels it is very competitive with industry averages.



**Alternative**

Reject the Staff recommendation and require the additional services to be bid out competitively. This is not recommended due to the complexity of the construction and the history and background the existing design team has with the IGA requirements concerning the water quality and environmental issues while constructing the Standley Lake Regional Park Phase IA construction documents.

**Staff Recommendation**

Authorize the City Manager to sign a contract with DHM Design Corporation in the amount of \$60,000 for construction documentation, inspections, submittal review, RFI and project close out services, and authorize a 10% design contingency of \$6,000, and charge this expense to the Standley Lake Regional Park account in the General Capital Improvement Fund.

**Background**

When the land purchase was finally completed in July, 1998, many of the parameters surrounding the design criteria developed in 1996 no longer applied or had changed. This led Staff to re-evaluate the existing design and modify drainage and excavation costs which had become extremely expensive. Additional negotiations with the Mandalay Irrigation Company (Thornton) also opened the door to solve some of the drainage problems and retention issues caused by the park development as it relates to water quality.

The DHM Design Team consists of the following firms:

Oz Architecture	Restroom and Fish cleaning station design
Wright Water Engineers	Utilities, Wetlands, Environmental Studies, Boat ramp design
Monroe & Newell Engineers	Building Engineers
DHM Corporation	Site Development, Public meetings, Project administration

In addition, Staff has also contracted with Jefferson County Construction Management Services to oversee the construction of the Standley Lake Regional Park Phase IA to be built by Randall & Blake, Inc.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** November 8, 1999  
**Subject:** Bids for the 2000 Traffic Signal Maintenance  
**Prepared by:** Greg Olson, Transportation Systems Coordinator

**Introduction**

City Council action is requested to award the bid in the amount of \$84,660 for the 2000 Traffic Signal Maintenance Contract to Rocky Mountain Signal, Inc. Funds are available in the 2000 Department of Community Development Budget for traffic signal maintenance.

**Summary**

The City utilizes the services of a private contractor to perform maintenance on the City's traffic signals. The current contract expires on December 31, 1999. Formal bids for the 2000 Traffic Signal Maintenance were opened on October 14th. The low bid by Rocky Mountain Signal, Inc. is twenty percent lower than the next lowest bidder.

Request for bids for the 2000 program were opened on October 14, 1999. Bids were submitted by three contractors in the Denver metro area who currently provide traffic signal maintenance services. The results of the bids are as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Rocky Mountain Signal, Inc.	\$84,660
Sturgeon Electric, Inc.	\$107,031
W.L. Contractors, Inc.	\$116,440

Rocky Mountain Signal, Inc. is highly qualified to perform traffic signal maintenance and has adequate Staff and a proven track record to do the work.

**Staff Recommendation**

Authorize the City Manager to sign a contract for traffic signal maintenance during 2000 with the low bidder, Rocky Mountain Signal, Inc., in the amount of \$84,660 and charge the expense to the appropriate 2000 Department of Community Development Operating Budget Account.

**Background Information**

The City utilizes the services of a traffic signal maintenance contractor to perform maintenance on traffic signals at 72 intersections and on 9 pedestrian crossing signals (total of 81 installations). The current traffic signal maintenance contract, which was awarded to Rocky Mountain Signal, Inc. in November, 1998, expires on December 31, 1999.

The 2000 bid documents utilize a conservative, estimated annual amount of labor and equipment hours for performance of all traffic signal maintenance items. There are two general categories of work activities that provide the basis for the estimated hours of equipment and labor unit prices in the traffic signal maintenance contract: annual preventive (routine) maintenance and additional traffic signal (occasional) maintenance.

**Annual preventive maintenance:** The first section of the contract addresses annual preventive maintenance at each of the traffic signal locations. The estimated hours of equipment and labor do not cover material costs associated with any repairs made as the result of the annual preventive maintenance inspection. These material costs are paid from the balance of the City's traffic signal maintenance account. The components of annual preventive maintenance include the following:

1. Clean signal controller cabinets and components.
2. Check all field wiring for inadequacies (i.e., proper grounding etc.).
3. Check critical controller settings (i.e., amber time) with a stop watch to insure adequate operation.
4. Check for adequate power levels in the communications cable which links the signals in the computerized signal system.
5. Check and calibrate vehicle loop detectors to insure proper operation. (Vehicle loop detectors are wires embedded in the roadway which detect the presence of a vehicle which trigger a change in the traffic signal.)
6. Check signal heads, signal poles and associated hardware for damage and make repairs as necessary.
7. Check and record incoming voltage at all intersections to prevent excessive wear on the signal control equipment.
8. Quarterly inspection at each signal location.
9. "Troubleshoot" and maintain the computerized signal system components to insure proper operation.
10. Maintain emergency vehicle preemption equipment to insure proper operation. (Emergency vehicle preemption equipment consists of an electric component which preempts the traffic signal to allow a green signal indicator for fire equipment.)
11. Based on the activities listed above, provide the City with a prioritized list of items in need of repair.

**Additional Traffic Signal Maintenance Items:** The remaining section of the contract reflects estimated labor and equipment costs for additional traffic signal maintenance items. It should be noted that this section of the contract does not include material costs, with the exception of light bulbs, as it is difficult to estimate the type and amount of materials needed for emergency trouble calls and unscheduled maintenance items. Again, these material costs are paid for from the balance of the City's traffic signal maintenance account. Additional traffic signal maintenance items include emergency trouble calls, unscheduled maintenance items, the annual light bulb replacement program and an estimated cost for loop detector replacements. The contract also assures the City that the contractor will be available to perform emergency or other repairs as required. Therefore, it is necessary that the City have a firm available seven days a week, 24 hours a day to respond to any emergency signal work that may arise.

The bids are based on a conservative, estimated amount of labor and equipment hours so that each bidder would provide unit prices based upon the same assumption. Staff typically estimates on the low side the number of labor and equipment hours that will be necessary so that the contractor will not rely on a higher work load than may not be experienced.

Possible alternatives to awarding the contract to the lowest bidder for traffic signal maintenance are very limited. The City does not have the equipment and the labor force required to perform traffic signal maintenance.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

Date: November 8, 1999

Subject: 1999 Community Development Block Grant Funds-Alcott Street Improvement Project

Prepared by: Ray Porter, Infrastructure Improvements Manager

**Introduction**

City Council action is requested to award the bid for the 1999 Community Development Block Grant Funding (CDBG) Alcott Street Reconstruction Project. Funds have been specifically allocated in the Community Development Block Grant Fund and Infrastructure Improvements Division General Fund.

**Summary**

Formal bids were solicited in accordance with City Charter bidding requirements for the 1999 CDBG Alcott Street Reconstruction Project. City Council approved the use and allocation of these funds after public hearing and acceptance of the 1999 CDBG Budget on June 7, 1999. Asphalt Specialties, Inc. is the low bidder at \$124,998 and meets all of the City bid requirements.

The Project calls for street reconstruction, handicap ramp construction and replacement of deteriorated curbs, gutters, sidewalks, and crosspans on Alcott Street from 84<sup>th</sup> Avenue to Bryant Street.

Alcott Street meets the guidelines for CDBG funding for benefit to a neighborhood on an area-wide basis, and has been evaluated through the computerized Pavement Management System process, with the planned reconstruction program representing corrective pavement structure strategies.

**Staff Recommendation**

Authorize the City Manager to sign a contract with the low bidder, Asphalt Specialties, Inc., in the amount of \$124,998 and authorize a contingency amount of \$12,500. Charge \$100,000 of this expense to the appropriate Community Development Block Grant Fund Account and \$24,998 to the appropriate Infrastructure Improvements Division General Fund Account.

**Background**

Two alternatives for this Project would be:

1. Bid the concrete replacement for the Alcott Street Project as a single project separate from the asphalt work.
  - a. City administrative costs would slightly increase, because two bids would be necessary.
  - b. The contractor's administrative costs would double, resulting in higher prices.
  - c. Overall asphalt & concrete costs would be estimated to increase an additional 5 to 10% due to the small size of the project.

2. Eliminate the CDBGF Alcott Street Reconstruction Project.
  - a. The \$100,000 Community Development Block Grant Funds (CDBGF) earmarked for this project would be re-allocated to a 2000 CDBGF qualified project.
  - b. The \$25,000 in the Infrastructure Improvements Division Budget earmarked primarily for upgrading the crosspans at 84<sup>th</sup> Avenue and Alcott Street and where Alcott Street meets Bryant Street, would still need to be spent to eliminate the severe dip in the crosspan at 84<sup>th</sup> Avenue and Alcott Street. This crosspan causes problems with ambulances and patients being transported to St. Anthony North's Emergency Room.
  - c. The street reconstruction remains a high priority and would be recommended in the 2000 Street Improvement Program.
  - d. This project would require an estimated \$91,000 of City Funds in 2000 versus the \$25,000 now in 1999 when combined with the CDBG dollars.

The Infrastructure Improvements Division had originally earmarked \$25,000 for upgrading the crosspans at 84<sup>th</sup> and Alcott Street, Alcott Street and Bryant Street and constructing missing sidewalks. If the CDBG portion of the bid would have been below the \$100,000 available, as estimated, this \$25,000 would still have been spent for these upgrades.

Under Community Development Block Grant guidelines, the Alcott Street Improvements include only reconstruction of the existing right-of-way portions between 84<sup>th</sup> Avenue and Bryant Street. CDBG funds do not allow any upgrades to the pavement or sidewalks except for the construction of handicap ramps to meet the Americans with Disabilities Act (A.D.A.) regulations. The crosspans at 84<sup>th</sup> Avenue and Alcott Street; where Alcott Street meets Bryant Street and some missing sidewalk connections require upgrading and therefore \$100,000 is the CDBG funded portion of this project and \$24,998 of City funds will be utilized to complete the project with minor upgrades.

The unit prices for this bid reflect a 34% average increase over the 1999 Asphalt Rehabilitation Concrete Replacement program prices. The Infrastructure Improvements Division Staff estimated a 20% increase. The increase can be attributed to federal requirements and the small quantity of work in the Community Development Block Grant bid. Projects regulated by the federal government require contractors to pay employees specific wages, and federal forms that must be utilized increase the contractor's administrative requirements.

Requests for proposals were sent to seven contractors and the following are the bid results of the three contractors bidding:

<u>CONTRACTOR</u>	<u>TOTAL BID</u>
1. Asphalt Specialties, Inc	\$124,998
2. Western Mobile Denver Paving	139,999
3. Brannan Sand & Gravel Co.	146,973
4. City Staff Estimate	101,195

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** November 8, 1999

**Subject:** Winters Property Annexation, Zoning, Preliminary Development Plan and Comprehensive Land Use Plan Amendment

**Prepared by:** David Falconieri, Planner III

#### **Introduction**

City Council is requested to take action on the application by Vern Winters for annexation, zoning and Preliminary Development Plan (PDP) approval. City Council action is also requested to amend the Comprehensive Land Use Plan in order to designate the Winters property as Single Family Detached – Low Density.

#### **Summary**

Applicant/Property Owner: Vern Winters

Location: Southwest corner of 111th Avenue and Wadsworth Boulevard (see attached vicinity map)

Size of Site: 5.8 acres

Description of Proposed Use: Eight (8) single family detached custom residential lots.

#### Major Issues:

1. 111th Avenue is a private street which is owned by the adjacent property owners. The applicant owns the south half only. The final cross section of the street will be reviewed with the Official Development Plan (ODP) submittal.
2. In order to meet the minimum contiguity requirements established by the State Statutes, this annexation must be accomplished by means of two sequential annexations.

#### **Planning Commission Recommendation**

The Planning Commission heard this case at their scheduled meeting on October 26, 1999. Two neighbors objected to the proposal on the grounds that the density was too high and that a 50-foot setback would be more desirable from 111th Avenue. The Planning Commission voted unanimously to recommend approval of the annexation and zoning to PUD. Planning Commission members also voted to recommend that the PDP be approved with the condition that the required front setback for Lots 1 through 7 be increased to 50-feet, with Lot 8 remaining at a 35-foot setback. The Planning Commission also voted to recommend that the Comprehensive Land Use Plan be amended to add the Winters property and to assign the “Single Family Detached – Low Density” designation.

#### **Alternative**

Defeat Resolution No. 86 and take no further action.

### **Staff Recommendation**

1. Hold a public hearing.
2. Approve Resolution No. 86 making certain findings of fact as required by Section 31-12-110 C.R.S.
3. Pass Councilor’s Bill No. 72 on first reading annexing the eastern portion of the Winters Property to the City of Westminster.
4. Pass Councilor’s Bill No. 73 on first reading annexing the western portion of the Winters Property to the City of Westminster.
5. Pass Councilor’s Bill No. 74 on first reading zoning the Winters property from Jefferson County A-1 to Westminster Planned Unit Development.
6. Pass Councilor’s Bill No. 75 amending the Westminster Comprehensive Land Use Plan to add the Winters property and assign a land use designation of “Single Family Detached, Low Density”.
7. Approve the Preliminary Development Plan for the Winters property as submitted.

### **Background Information**

#### Discussion of Major Issues

1. Because of the private ownership of 111th Avenue, the applicant can only dedicate the portion that he owns. The final alignment and configuration of the street will be determined at the time of the ODP submittal.
2. State Statutes permit sequential annexations when contiguity for a property cannot be met in a single action. One-sixth contiguity is required for each annexation action.

#### Architectural/Building Materials

The PDP would permit eight (8) single family custom homes. The plan requires that all homes meet or exceed the requirements of the Single Family Design Guidelines as adopted by the City Council.

#### Public Land Dedication, Parks/Trails

A public Land Dedication will be required as cash-in-lieu. No trails are impacted by this development.

#### Access and Circulation

Access to all of the proposed lots will be from 111th Avenue. This street is currently privately owned by adjacent property owners. The applicant will dedicate his portion to the City, which will be sufficient right-of-way for access purposes. The applicant will be required to construct an adequate local street to access the proposed lots prior to construction of the houses if the applicant can obtain title to the remainder of the right-of-way from adjacent property owners, that land may also be used for construction of the street.

Signage: There will be no signs associated with this development.

Service Commitment Category: Eight service commitments will be required to be allocated out of Category A (Infill Development).



Referral Agency Responses: No comments were received from referral agencies.

Public Comments: The owner of this property held a neighborhood meeting regarding this property in 1998 and adjacent residents expressed a strong desire to see the land develop as single family residential. A neighborhood meeting will be held when the ODP is submitted.

Surrounding Land Use and Comprehensive Land Use Plan Designations: South: Unincorporated Jefferson County A-1; West: Green Knolls/Single family residential; East: US 36 right-of-way; North: Unincorporated Jefferson County A-1

Respectfully submitted,

William Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO **86**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS INCORPORATED TERRITORY IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

WHEREAS, City Council has previously adopted Resolution No. 65 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

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

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

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

1. The City Council finds:

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

2. The City Council further finds:

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

3. The City Council further finds:

a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;

b. That the annexation will not result in the attachment of area from a school district;

c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;

d. That the City of Westminster has in place a plan for the area proposed to be annexed; and

e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

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

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

PASSED AND ADOPTED this 8th day of November, 1999

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Winters Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **72**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 65 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in the NW ¼ of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado and being more particularly described as follows:

Commencing at the N ¼ corner of said Section 11;

Thence along the east line of the NW ¼ of said Section 11, S 00°12'24" W a distance of 291.25 feet;

Thence S 89°23'53" W a distance of 30.00 feet to a point of the westerly right of way line of Old Wadsworth Boulevard, said point being the point of beginning;

Thence along said right of way, S 00°12'24" W a distance of 290.75 feet;

Thence along a line parallel to the north line of the NW ¼ of said Section 11, S 89°23'53" W a distance of 467.37 feet;

Thence N 00°12'24" E a distance of 290.75 feet;

Thence along a line parallel to the north line of the NW ¼ of said Section 11, N 89°23'53" E a distance of 467.37 feet to the point of beginning;

Containing 135,874 square feet or 3.12 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of November, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of November, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Winters Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **73**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

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

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

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

WHEREAS, City Council has heretofore adopted Resolution No. 65 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

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

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in the NW ¼ of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado and being more particularly described as follows:

Commencing at the N ¼ corner of said Section 11;

Thence along the east line of the NW ¼ of said Section 11, S 00°12'24" W a distance of 291.25 feet;

Thence S 89°23'53" W a distance of 30.00 feet to a point on the westerly right of way line of Old Wadsworth Boulevard;

Thence continuing along a line parallel with the north line of the NW ¼ of said Section 11, S 89°23'53" W a distance of 467.37 feet to the point of beginning;

Thence S 00°12'24" W a distance of 290.75 feet;

Thence along a line parallel to the north line of the NW ¼ of said Section 11, S 89°23'53" W a distance of 400.00 feet;

Thence N 00°12'24" E a distance of 290.75 feet;

Thence along a line parallel to the north line of the NW ¼ of said Section 11, N 89°23'53" E a distance of 400.00 feet to the point of beginning;  
Containing 116,288 square feet or 2.67 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of November, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of November, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Winters Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **74**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County A-1 to City of Westminster PUD zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

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

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

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

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-1 to City of Westminster PUD. A parcel of land located in Section 11, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land located in the NW ¼ of Section 11, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado and being more particularly described as follows:

Commencing at the N ¼ corner of said Section 11;  
Thence along the east line of the NW ¼ of said Section 11, S 00°12'24" W a distance of 291.25 feet;

Thence S 89°23'53" W a distance of 30.00 feet to a point on the westerly right of way line of Old Wadsworth Boulevard, said point being the point of beginning;

Thence along said right of way line, S 00°12'24" W a distance of 290.75 feet;

Thence along a line parallel to the north line of the NW ¼ of said Section 11, S 89°23'53" W a distance of 867.37 feet;

Thence N 00°12'24" E a distance of 290.75 feet;

Thence along a line parallel to the north line of the NW ¼ of said Section 11, N 89°23'53" E a distance of 867.37 feet to the point of beginning;

Containing 252,162 square feet or 5,788 acres, more or less.



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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of November, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of November, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Winters Annexation and Zoning

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **75**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described in "Section 1" below; and

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

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to add the Winters annexation property, legally described in below. The Winters property shall be designated "Single Family Detached, Low Density".

Commencing at the N ¼ corner of said Section 11;  
Thence along the east line of the NW ¼ of said Section 11, S 00°12'24" W a distance of 291.25 feet;  
Thence S 89°23'53" W a distance of 30.00 feet to a point on the westerly right of way line of Old Wadsworth Boulevard, said point being the point of beginning;  
Thence along said right of way line, S 00°12'24" W a distance of 290.75 feet;  
Thence along a line parallel to the north line of the NW ¼ of said Section 11, S 89°23'53" W a distance of 867.37 feet;  
Thence N 00°12'24" E a distance of 290.75 feet;  
Thence along a line parallel to the north line of the NW ¼ of said Section 11, N 89°23'53" E a distance of 867.37 feet to the point of beginning;  
Containing 252,162 square feet or 5,788 acres, more or less.

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 8th day of November, 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 22nd day of November, 1999.

ATTEST:

---

Mayor

---

City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** November 8, 1999  
**Subject:** Claims Arising From August 4, 1999 Rainstorm  
**Prepared by:** Pierrette Ray, Risk Manager

**Introduction**

City Council action is requested to authorize payment to the Colorado Intergovernmental Risk Sharing Agency (CIRSA) for claims arising out of the rainstorm that occurred on August 4, 1999. Funds are available in both the Public Works and Utilities Field Operations Fund and the Property and Liability Fund.

**Summary**

The heavy rains experienced on August 4, 1999 infiltrated the City's sanitary sewer system, causing sewer back up into several citizens' homes. The City received twenty-one (21) claims for damages that are eligible for payment under the terms of the City's voluntary Sewer Back-up Policy. These claims will come to \$66,931 and are not covered by insurance.

The rains also caused the Shaw Heights Tributary to overflow, flooding two businesses and the basement of the Los Arcos restaurant, north of 80<sup>th</sup> Avenue, near Sheridan Boulevard. Several City facilities experienced leakage from the rains, including City Hall and the Swim and Fitness Center. Damage to City facilities and the Westminster businesses involved will come to \$265,691, of which the City will be responsible for \$100,000 deductible. The total for all claims will be \$332,622.

**Staff Recommendation**

Authorize the City Manager to pay \$66,931 provided in the City's sewer back-up policy and charge the expense to the Public Works and Utilities Field Operations Fund and authorize the City Manager to pay the \$100,000 deductible owed to CIRSA and charge the expense to the Property and Liability Fund.

**Background**

As City Council will recall, the City experienced a heavy rainfall on August 4, 1999 that dropped three inches of rain in less than two hours. The flooding concentrated in the southern and eastern part of the City and involved sewer back-ups into citizen homes and several businesses that flooded due to the overflow of the Shaw Heights Tributary. CIRSA was notified by Risk Management and an adjuster came out the next day and initiated the claim process.

The claims fell into the following two categories

1. Claims covered by the City's voluntary Sewer Back-up Policy. The City of Westminster is covered under the provisions of the Colorado Governmental Immunity Act (GIA). Under the terms of the GIA, cities are not responsible for sewer back-ups. However, in 1997 City Council adopted by resolution a voluntary sewer back-up policy that was intended to provide some assistance to homeowners who experienced a sewer back up.

As a result of the August 4, 1999 storm water infiltration into the sanitary sewer system, the City received twenty-one (21) claims for damages and clean-up costs. The policy will pay for the cost of having a professional cleaning service come into a home and remove soiled belongings, unclog drains, clean up the sewage, and disinfect the area. The policy also provides for up to \$2,500 in property damage in addition to clean-up costs. The costs of the clean-up and property damage from these twenty-one (21) claims are expected to be \$66,931. These expenses break out as \$52,500 for property damages and \$14,431 for clean-up. Since this is a voluntary policy on the part of the City, there is no insurance coverage for these claims. Funds to cover these claims will be paid out of the Public Works and Utilities Field Operations Fund.

2. Claims covered by the City's Insurance Program. The storm water was concentrated in the southern and eastern part of the City and caused the Shaw Heights Tributary to overflow into two businesses located by the Los Arcos restaurant and the basement of the Los Arcos restaurant itself. Two citizens had businesses that experienced damage to tools and equipment and one citizen had her car flooded. The Los Arcos experienced flooding into the basement of the restaurant. The Shaw Heights Tributary is under the jurisdiction of the City for maintenance and repair. The resulting damages to these properties will be covered by the City's liability coverage and are as follows: Kevin Anderson, \$49,500, Todd Matteson, \$152,500, Los Arcos restaurant, \$33,290, and Francis Ferris, \$3,900. The total is \$265,691.

The City itself also experienced some property damage that included water leaks at City Hall and water damage to racquetball courts one and two at the Swim and Fitness Center. Total City property damages are expected to be \$26,500.

The total cost of the citizen and City claims comes to \$265,691. The City would normally have a deductible of \$100,000 for the property claim and \$150,000 for the liability claim. Under the terms of our policy with CIRSA, when the City experiences both a City property claim and a liability claim resulting from the same incident, a single deductible is applied. The City will pay the lower property deductible of \$100,000 towards the total \$265,691 in claim costs.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** November 8, 1999

**Subject:** Resolution No. 88 re Proposed Funding of 120<sup>th</sup> Avenue Extension Improvements

**Prepared by:** Bill Christopher, City Manager

#### **Introduction**

The Adams County Commissioners have requested each City in Adams County that has an involvement in the extension of 120<sup>th</sup> Avenue from Quebec Street to US 85 to respond to the proposed distribution of cost sharing on this important arterial street improvement project.

#### **Summary**

Westminster City Council has been on record for a number of years expressing support and a willingness to financially participate in the extension of 120<sup>th</sup> Avenue to eventually “open up” access to Denver International Airport. The Adams County Commissioners have proposed a distribution of costs to be funded by the various involved municipalities, Adams County and federal funds (TEA-21). (See attached letter). The City of Westminster’s cost is proposed to be one-third of 10 percent of the 20 percent local match with the Cities of Northglenn and Thornton joining Westminster to complete the 10 percent funding component.

Staff has prepared the attached resolution which would formally support the proposed distribution of costs to the various participating governmental entities.

#### **Staff Recommendation**

Adopt Resolution No. \_\_\_\_\_ which formally expresses the Westminster City Council’s position on the proposed distribution funding for the extension of 120<sup>th</sup> Avenue from Quebec Street to US 85.

#### **Background**

For the past several years, there have been attempts at moving ahead with funding to extend arterial street improvements on 120<sup>th</sup> Avenue from Quebec Street to US 85. In conjunction with the next round of Transportation Improvement Project (TIP) proposals being reviewed by the Denver Regional Council of Governments, the Board of Adams County Commissioners has again proposed the extension of 120<sup>th</sup> Avenue to Quebec Street to US 85. Recently, the Commissioners sent a letter (see attachment) that spelled out a proposed funding formula of the 20 percent local match required for this project. The total funding that is addressed over a three-year timeline including federal funding totals \$13,252,000.

The attached letter delineates the suggested percentage share which Adams County, Commerce City, Brighton, Northglenn, Thornton and Westminster would bear in conjunction with the targeted \$10,601,000 in federal funds. In the case of Westminster, Northglenn and Thornton, which do not directly abut the proposed arterial street improvements and would have less direct benefit, it is suggested by Adams County that these 3 cities bear 10 percent of the 20 percent local match or 3.33 percent each. This would amount to \$88,367 for the City of Westminster over the three year period with \$25,000 due in the year 2001; \$41,667 for 2002 and \$21,700 in the year 2003.

City Staff has reviewed this proposal with City Council at a recent Study Session at which time Council directed Staff to prepare the requested Resolution using the recommended distribution of costs. The Board of Adams County Commissioners has requested a formal response from each of the Cities which may potentially participate in the project. City Staff has prepared the attached resolution which sets forth a formal position of support of the Board of Adams County Commissioners' suggested cost sharing formula. Staff has worded the resolution in such a way that Westminster's participation would be conditioned upon the other listed governmental entities approving some formula that will produce the necessary local match funds. It is suggested that Westminster would not commit and spend its one-third of the 10 percent of the 20 percent local match solely on its own without appropriate financial participation from all other listed governmental entities.

An alternative to this recommended action would be to decline to participate at all or participate at a different percentage amount. The suggested action is viewed to be a starting point and may well not be the final formula which is deemed to be acceptable by the group of municipalities. Since the Board of Commissioners proposed the formula as contained in their September 13, 1999 letter, it is Staff's suggestion that this is a good "starting point" for the Westminster City Council to formally express support at this time.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 88

INTRODUCED BY COUNCILLORS

SERIES OF 1999

WESTMINSTER CITY COUNCIL POSITION ON PROPOSED FUNDING ON THE EXTENSION OF 120<sup>TH</sup> AVENUE IMPROVEMENTS FROM QUEBEC STREET TO U.S. 85

WHEREAS, the need to ultimately extend 120<sup>th</sup> Avenue to the Denver International Airport was identified many years ago in conjunction with the siting of the new international airport; and

WHEREAS, there are limited surface transportation options for the motoring public in the north metropolitan area to access the Denver International Airport; and

WHEREAS, the Adams County Board of County Commissioners has recently proposed a funding formula for the improvements from Quebec Street to U.S. 85; and

WHEREAS, this proposal is in conjunction with the latest round of Transportation Improvement Project (TIP) proposals being reviewed by the MPO and multi-jurisdictional financial support for such regional projects earns additional points in the project priority ranking to garner Federal funds; and

WHEREAS, 20 percent local funding is required to compliment the \$10,601,000 in federal funds that are being pursued for the 120<sup>th</sup> Avenue improvements and the City of Westminster's proposed cost share would be one-third of 10 percent of the 20 percent local match or \$88,367 over a three year period; and

WHEREAS, the Westminster City Council has been supportive of the 120<sup>th</sup> Avenue project since the time the Denver International Airport site was established to provide a critical ground transportation access from the north side of the airport.

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

1. Support for the purposed funding formula for the 120<sup>th</sup> Avenue improvements from Quebec Street to U.S. 85 as outlined by the Board of Adams County Commissioners.
2. The City is willing to commit funds in an Intergovernmental Agreement as proposed by Adams County to be provided by the City of Westminster over the three year period, beginning 2001 through 2003, for a total of \$88,367 if all other named governmental entities commit to their respective shares.

Passed and adopted this 8th day of November, 1999.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





## WESTMINSTER COLORADO

### Agenda Memorandum

**Date:** November 8, 1999

**Subject:** Resolution No. 87 re: Traditional Mixed Use “Test” Project

**Prepared by:** Shannon Sweeney, Planner III

### Introduction

City Council action is requested to adopt the attached Resolution awarding a pool of four hundred (400) Category B-4 Service Commitments beginning in the year 2000 to the “test” project submitted for the traditional mixed use neighborhood competition.

### Summary

At the September 27, 1999 City Council meeting, Council adopted design guidelines for Traditional Mixed Use Neighborhoods and authorized a competition for the City’s first “test” project of this type. City Staff received only one submittal for the competition. The project, Bradburn Village, submitted by Continuum Partners LLC, is proposed for a 112-acre site south of 120<sup>th</sup> Avenue, east of the Sheridan Crossing Planned Unit Development (please see attached map).

The developer’s submittal requests a total of 695 residential units (approximately 500 Service Commitments) on the site to be constructed over a three-year period (2000-2002). This equates to a gross residential density 6.2 dwelling units per acre (du/a) for the site. The net residential density (after deducting approximately 20% for right-of-way area) is equal to 7.8 du/a. These densities do not account for land developed as retail or office.

While the guidelines specify that higher residential densities are necessary in traditional mixed use neighborhoods to “. . . support retail and transit and add vitality to the pedestrian oriented mixed use center,” Staff is recommending a slight reduction in the Service Commitment award to the project. While this reduction still exceeds the current allowable density in the City’s Comprehensive Land Use Plan for the site, it would reduce the net density proposed from 7.8 to approximately 5.8 du/acre. Staff has discussed this with Continuum Partners, and they have agreed that a pool of 400 residential Service Commitments is adequate for the project at this time. If through the review of the Preliminary and Official Development Plans the City Staff agrees a greater density can be supported, Staff will bring an amended or Supplemental Service Commitment Resolution forward to City Council for consideration at the appropriate time.

The City’s Comprehensive Land Use Plan designates only half of this site for medium density single-family detached residential use (3.5 du/a), and the other half as Business Park. The current designation would only permit a total of approximately 155 single-family detached units on the site. A Comprehensive Land Use Plan amendment would be necessary to permit this proposed density, and the exact quantities and types of residential units would be reviewed during the ODP review process and would be detailed for City Council once the ODP is ready for approval. The attached Resolution awards a total number of Service Commitments to the project (not to the specific unit types) on a year-by-year basis using the developer’s current assumptions for the project. This would allow some flexibility for the developer and City Staff in the development review process to propose minor changes to the types of residential units.

Adopting the attached Resolution would allow Continuum Partners to proceed to the City’s development review process. Because this project has not begun the review process, it is inevitable that changes to the plan will be necessary. One significant change the developer is considering is purchasing the additional eight (8) acres of property just south of 120<sup>th</sup> Avenue along the northeast edge of the existing property. This would add proposed non-residential square footage and residential units for the project. If the developer proposes any adjustments of this type, Staff will bring an amended or supplemental Service Commitment Resolution for City Council consideration once the Comprehensive Land Use Plan amendment, and Preliminary and Official Development Plans for the project are ready for City Council approval.

### **Staff Recommendation**

Adopt Resolution No. 87 awarding 400 residential Service Commitments beginning in the year 2000 to the “test” project submitted by Continuum Partners for the traditional mixed use neighborhood competition.

### **Alternatives**

One alternative is to award Continuum Partners the total number of residential Service Commitments (483) originally requested. Staff has the following concerns with this alternative:

- The present submittal raises a number of unanswered questions regarding street and alley widths, open space, parks, land dedication, density, etc. From what has been submitted to date, the proposed density seems excessive.
- This alternative would be a seventeen percent (17%) increase in Service commitments and would cause a greater impact on the City’s Service Commitment supply.
- This option far exceeds the allowable density as shown on the Comprehensive Land Use Plan (CLUP). Approximately half of the site is shown as Business Park on the City’s Comprehensive Land Use Plan while the other half is shown as Single-Family Detached-Medium Density with a maximum density of 3.5 du/a. The residential portion of the site would only allow approximately 155 single-family detached units while the developers original proposal would allow 695 residential units.

Another alternative is not to allow the project to exceed the maximum residential density currently permitted by the City’s Comprehensive Land Use Plan. The current designation would permit approximately 155 dwelling units after right-of-way acreage is subtracted. While this option would follow the City’s Plan for development and population estimates based on that designation, as Council is aware, higher residential densities are necessary in traditional mixed use neighborhood projects to provide the pedestrian-oriented environment essential in this type of project. If this alternative were chosen, it is probable that the developer would determine the project is no longer viable as a mixed use project and would decide not to pursue the development.

### **Background**

Earlier this year, Continuum Partners approached the City with a proposal for a traditional mixed use neighborhood concept for a 112-acre site south of 120<sup>th</sup> Avenue, east of the Sheridan Crossing Planned Unit Development. The developer presented concepts to the City Council, and Council directed City Staff to develop design guidelines specifically for this type of project. In addition, Council agreed to conduct a competition for a “test” project of this type since no traditional mixed use project had been previously pursued in the City.

City Staff hired the Van Meeter Williams Pollack design group to draft the City’s design guidelines for these types of projects. City Council adopted these design guidelines at the September 27, 1999 meeting and authorized a competition for the “test” project. Only the project proposed by Continuum Partners was submitted for the competition. Staff invited three outside professionals familiar with these types of projects to review the project against the City’s adopted guidelines. Design-related comments received at that meeting will be discussed further with the developer once the development review process begins.

The project as submitted proposes a mixture of office, retail, restaurant, public, and residential uses. Although the project has not begun the City’s development review process, and changes to the site plan are probable, a total of approximately 105,000 office square footage (SF), 125,000 retail SF, 15,000 restaurant SF, and 63,000 public space SF (including parks and open space areas) is currently proposed. The developer is currently negotiating with the land owner of the adjacent eight-acre parcel, but because the property is not yet under contract, the City is not able to include the uses and square footage included in that eight-acre parcel. If the developer is able to negotiate the purchase of the additional property, this area may be included in the development review submittal, and Staff will plan to identify the effects of this for City Council when the plans are near approval.

The Comprehensive Land Use Plan designation for this site is a mixture of Business Park and single-family detached residential. Approximately half of the site (the northern portion) is designated Business Park, and the southern portion is shown as medium-density single-family detached with a maximum net density of 3.5 du/a. As currently designated in the Plan, this site would allow approximately 155 single-family detached units. If the attached Service Commitment Resolution is adopted by City Council, the developer must also process a Comprehensive Land Use Plan amendment for City Council consideration. It would also be necessary for the developer to process both Preliminary and Official Development Plans.

The City’s other residential competitions are structured by housing type and density, and because the allowable densities are clearly established within the City’s Comprehensive Land Use Plan (CLUP), it is not difficult to pre-determine the maximum number of Service Commitments a project will require. However, with traditional mixed use neighborhood projects, the proposed developments include a mixture of many residential unit types without an established density in the CLUP, so it is more difficult prior to the development review process to definitively determine the number of Service Commitments needed per housing type. For this reason, the attached Resolution awards a total number of Service Commitments to the project (not to the specific unit types) based on the developer’s current assumptions for the project.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **87**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

CATEGORY B-4 (TRADITIONAL MIXED USE NEIGHBORHOODS) COMPETITION AND SERVICE COMMITMENT AWARDS

WHEREAS, the City of Westminster has adopted by Ordinance No. 2717 a Growth Management Program for the period 1990 through 2000; and

WHEREAS, within Ordinance No. 2717 there is a provision that Service Commitments for residential projects shall be awarded in Category B-4 (Traditional Mixed Use Neighborhood Developments) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new residential development is limited, and the City of Westminster has previously adopted Resolution No. 71, Series of 1999, specifying the various guidelines for traditional mixed use neighborhood projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, one application was received for the traditional mixed use neighborhood competition with a total of 400 Service Commitments requested over the next three years for the total build-out of the residential units proposed; and

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

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

- 1. Category B-4 Service Commitment awards are hereby made to the specific project listed below as follows:

<u>Project</u>	<b># SERVICE COMMITMENTS PER YEAR</b>			
	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>Total</u>
Bradburn Village (Continuum)	196	162	42	<b>400</b>

- 2. These Service Commitment awards to the project listed above are conditional and subject to the following:

- a) For the project listed above, the applicant must complete and submit proposed development plans to the City for the required development review processes.

- b) The Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of the project or proposed density.

- c) The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-4 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-4 award.

d) The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. Pending City Council approval of this Resolution, City Staff will begin thorough review of the development plans of this project once the developer formally submits the plans for the City's development review process. Because extensive site planning details and engineering studies are not required for the competition process, significant changes to the plans submitted for the competition are probable once the City's development review process begins for any project.

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

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

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

h) The Category B-4 Service Commitment awards shall be valid for a period of two years from the date of award specified on this Resolution (November 8, 1999) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is issued for the project during that two-year period. Future year awards are effective as of January 1 of the specified year.

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

j) All design requirements as specified within the Design Guidelines for Traditional Mixed Use Neighborhood Developments shall be included as part of the proposed development.

3. The Category B-4 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over in to the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 8<sup>th</sup> day of November, 1999

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**WESTMINSTER**  
**COLORADO**

## Agenda Memorandum

**Date:** November 8, 1999  
**Subject:** Councillor's Bill No.76 re Ball Corporation Refunding Bonds  
**Prepared by:** Leslie Annand, Assistant City Attorney

### Introduction

City Council action is requested to pass on first reading the attached Councillor's Bill authorizing the execution and delivery of a First Supplemental Indenture of Trust, a First Supplemental Loan Agreement and a Tax Exemption Certificate and Agreement (the "Amending Documents") relating to the Variable/Fixed Rate Demand Revenue Refunding Bonds, Series 1993 (Ball Corporation Project) of the City of Westminster, Colorado, and authorizing other related matters pertaining to said bonds.

### Summary

The Ball Corporation is seeking to amend documents related to the Ball Corporation Project to allow a change in the credit facility provider, to cause the bonds to be subject to mandatory tender upon deliver of an Alternate Credit Facility, and to delete the requirement of mandatory redemption if there is no letter of credit provider. Pursuant to W.M.C. § 1-17-1(B), the City requires such bonds to be rated "AA" or higher. The change in credit facility provider will result in a change in the rating of the bonds by Standard & Poors from "AA/A1+" to "AA-/A1+." Both the City's issuer's counsel, Sherman & Howard, and the City's financial advisor, Hanifen Imhoff, have advised that there is minimal additional risk to the City as a result of the lower rating.

### Staff Recommendation

Pass Councillor's Bill No. 76 on first reading authorizing the execution and delivery of a First Supplemental Indenture of Trust, a First Supplemental Loan Agreement and a Tax Exemption Certificate and Agreement relating to the Variable/Fixed Rate Demand Revenue Refunding Bonds, Series 1993 (Ball Corporation Project) of the City of Westminster, Colorado, and authorizing other related matters pertaining to said bonds.

### Background Information

On October 28, 1993, the City of Westminster issued \$8,000,000 Variable/Fixed Rate Demand Revenue Refunding Bonds, Series 1993 (Ball Corporation Project). The Ball Corporation has requested that certain changes be made to the documentation relating to the Bonds so as to permit the delivery to Bank One, National Association, as successor to PNC Bank, Ohio, National Association, as trustee of an Alternate Credit Facility with a lower rating than the then existing Letter of Credit, to cause the bonds to be subject to mandatory tender upon the delivery of an Alternate Credit Facility, and to delete the requirement of mandatory redemption if there is no letter of credit provider. Such changes in the terms of the Bonds are considered a reissuance under the Internal Revenue Code of 1986, as amended. Execution of the Amending Documents is necessary in connection with such reissuance.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **76**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

---

A BILL

FOR AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE OF TRUST, A FIRST SUPPLEMENTAL LOAN AGREEMENT AND A TAX EXEMPTION CERTIFICATE AND AGREEMENT RELATING TO THE VARIABLE/FIXED RATE DEMAND REVENUE REFUNDING BONDS, SERIES 1993 (BALL CORPORATION PROJECT) OF THE CITY OF WESTMINSTER, COLORADO; AND AUTHORIZING OTHER RELATED MATTERS PERTAINING TO SAID BONDS

WHEREAS, on October 28, 1993, the City of Westminster, Colorado, (the "City") issued \$8,000,000 Variable/Fixed Rate Demand Revenue Refunding Bonds, Series 1993 (Ball Corporation Project) (the "Bonds"); and

WHEREAS, Ball Corporation (the "Company") has requested that certain changes be made to the documentation relating to the Bonds so as to permit the delivery to Bank One, National Association, as successor to PNC Bank, Ohio, National Association, as trustee (the "Trustee") of an Alternate Credit Facility (as defined in the Indenture) with a lower rating than the then existing Letter of Credit, to cause the Bonds to be subject to mandatory tender upon the delivery of an Alternate Credit Facility, and to make certain other changes in connection therewith; and

WHEREAS, such changes in the terms of the Bonds are considered a reissuance under the Internal Revenue Code of 1986, as amended; and

WHEREAS, the City would like to authorize the execution of a First Supplemental Indenture of Trust (the "First Supplemental Indenture") between the City and the Trustee, a First Supplemental Loan Agreement (the "First Supplemental Loan Agreement") between the Company and the City, and a Tax Exemption Certificate and Agreement (the "Tax Agreement") among the City, the Company and the Trustee, in connection with such reissuance; and

WHEREAS, the First Supplemental Indenture, the First Supplemental Loan Agreement and the Tax Agreement, each in substantially final form, have been presented to and are before this meeting; and

WHEREAS, it is necessary and proper for the interests of the City to authorize the execution and delivery of the First Supplemental Indenture, the First Supplemental Loan Agreement and the Tax Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO, AS FOLLOWS:

*Section 1.* The form, terms and provisions of the First Supplemental Indenture, the First Supplemental Loan Agreement and the Tax Agreement, each in substantially the form submitted to this meeting, are hereby approved, and the Mayor of the City is hereby authorized and directed to execute and deliver and the City Clerk is hereby authorized to attest, if necessary, and deliver, the First Supplemental Indenture, the First Supplemental Loan Agreement and the Tax Agreement with such changes therein as shall be approved by such officers, the execution of such documents by such officers to constitute conclusive evidence of such approval.

*Section 2.* The Mayor and City Clerk are hereby empowered and directed to execute, acknowledge and deliver all documents and other instruments which may be required under the terms of

the First Supplemental Indenture, the First Supplemental Loan Agreement, the Tax Agreement and this Ordinance, including, but not limited to, a Form 8038 with respect to the Bonds.

*Section 3.* The City hereby elects under Section 103(b)(6)(H) of the Internal Revenue Code of 1954, as amended (the "1954 Code") to apply the provisions of Section 103(b)(6)(D) of the 1954 Code, relating to the \$10,000,000 limitation, to the Bonds.

*Section 4.* None of the bonds will be the general obligation of the City nor shall any of the Bonds, including interest thereon, constitute the debt or indebtedness of the City within the meaning of the Constitution or statutes of the State or of the Charter of the City nor shall anything contained in this Ordinance or in the Bonds, the First Supplemental Loan Agreement or the First Supplemental Indenture, or the Tax Agreement, or any other instrument give rise to a pecuniary liability or a charge upon the general credit or taxing power of the City, nor shall the breach of any agreement contained in this Ordinance, or in the Bonds, the First Supplemental Loan Agreement or the First Supplemental Indenture or the Tax Agreement, or any other instrument impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power, the City having no power to pay out of its general funds.

*Section 5.* The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provision shall be for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

*Section 6.* All orders, resolutions and parts thereof in conflict herewith are hereby superseded to the extent of such conflict.

*Section 7.* This ordinance shall take effect upon its passage after second reading.

*Section 8.* 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 8th day of November, 1999.

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, November 8, 1999 at 8:00 P.M.

The newly elected Mayor, Nancy Heil and Councillors Herb Atchison, Butch Hicks and Ed Moss were sworn into office. Sam Dixon was elected at Mayor Pro Tem and sworn into office.

Present at roll call were Mayor Heil and Councillors Atchison, Dixon, Hicks, Merkel, Moss and Smith. Absent none.

At 8:30 P.M. a public hearing was held on the Winters property annexation, zoning and PDP.

Council approved the following: Swim and Fitness Entrance Plaza Improvements; Withdrawal from Jefferson County Household Hazardous Waste Storage Authority; Consultant Services contract for Standley Lake Regional Park Phase IA; Bids for 2000 Traffic Signal Maintenance; 1999 CDBG Funds for Alcott Street Improvements; and the Winters property Preliminary Development Plan.

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

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Annex eastern portion of Winters property.

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Annex western portion of Winters property.

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6<sup>TH</sup> P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Zone Winters property to Planned Unit Development.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: Add Winters property and assign land use designation of Single Family Detached, Low Density.

A BILL FOR AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE OF TRUST, A FIRST SUPPLEMENTAL LOAN AGREEMENT AND A TAX EXEMPTION CERTIFICATE AND AGREEMENT RELATING TO THE VARIABLE/FIXED RATE DEMAND REVENUE REFUNDING BONDS, SERIES 1993 (BALL CORPORATION PROJECT) OF THE CITY OF WESTMINSTER, COLORADO; AND AUTHORIZING OTHER RELATED MATTERS PERTAINING TO SAID BONDS. Purpose: Authorize changes to Bond documentation.

The following Resolutions were adopted:

Resolution No. 86 – Winters Property Findings of Fact.

Resolution No. 87 – Service Commitments for Traditional Mixed Use Test Project.

At 8:55 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window November 18, 1999.

## Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, November 8, 1999 at 7:00 P.M.

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Hicks and Smith. Absent none.

The minutes of the meeting of October 25, 1999 were approved with no additions or corrections.

Council approved the claim payments arising from the August 4, 1999 rainstorm.

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

A BILL FOR AN ORDINANCE AMENDING THE SALARY OF THE MUNICIPAL JUDGE.

A BILL FOR AN ORDINANCE ADOPTING AN URBAN GROWTH BOUNDARY AS AN AMENDMENT TO THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF WESTMINSTER TO CONFORM WITH THE DRCOG INTERIM 2020 URBAN GROWTH BOUNDARY.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE OPEN SPACE AND GENERAL CAPITAL IMPROVEMENT FUNDS.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGETS OF THE GENERAL FUND, THE GENERAL CAPITAL IMPROVEMENT FUND AND THE HERITAGE AND LEGACY RIDGE GOLF COURSE FUNDS.

A BILL FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 2000 AND OTHER PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW.

The following Resolution was adopted:

Resolution No. 88 – Funding of 120<sup>th</sup> Avenue Extension Improvements.

At 7:35 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window November 18, 1999.