



## CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
  - A. Employee Length of Service Awards
  - B. Proclamation re Double Black Imaging
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
  - A. Ambulance Purchases
  - B. 2006 Traffic Signal Maintenance Contract
  - C. Financial Audit Firm Contract for Fiscal Years 2005-2009
  - D. Farmers' High Line Canal Trail Project Construction Award
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Public Hearing re Ninth Amended PDP re Northpoint Center (Westminster Promenade)
  - B. Ninth Amended PDP for the Northpoint Center (Westminster Promenade)
  - C. Public Hearing re Country Club Highlands Rezoning, PDP and Service Commitments
  - D. Councillor's Bill No. 68 re Country Club Highlands Rezoning
  - E. Country Club Highlands PDP within the Country Club Highlands PUD
  - F. Resolution No. 49 re Additional Service Commitments re Country Club Highlands Development
  - G. Councillor's Bill No. 69 re 2005 Edward Byrne Memorial Justice Assistance Grant Program
  - H. Councillor's Bill No. 70 re 2005 3<sup>rd</sup> Quarter Budget Supplemental Appropriation
  - I. Master Lease Program re Fire Truck approved December 10, 2004
11. Old Business and Passage of Ordinances on Second Reading
  - A. TABLED Second Reading CB No. 46 re Cellular Tower Leases for Countryside Recreation Center and the Hydropillar
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
13. Adjournment

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

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 14, 2005 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Price, to approve the minutes of the special meetings of November 7, 2005. The motion passed unanimously.

CITY MANAGER COMMENTS

Mr. McFall congratulated and welcomed new City Councillors. City Council had participated in a productive retreat on November 12. Mr. McFall proudly presented to Council and the community the Environmental Stewardship Award bestowed upon the City at ceremonies following recent international competition in Spain. The City also was honored with award of silver recognition in the overall competition for the World's Most Livable City.

CITY COUNCIL COMMENTS

Councillor Price congratulated the Mayor, for whom the oath of office was administered at the Butterfly Pavilion on November 9 by Judge John Stipech. Councillor Price had not attended, as she was in Washington, DC representing the City at a Department of Energy meeting related to long-term stewardship at Rocky Flats. Additionally, she had attended the Veterans' Day ceremonies and luncheon at City Park Recreation Center where replicas of the bronze statues to be erected in the Veterans' Memorial Garden Tribute were unveiled, which had been very moving. Mayor McNally agreed, noting that the challenge was to raise the necessary funds to finance the tribute.

Mayor McNally reported on her experiences at the international competition in Spain and the team's pride in representing Westminster.

EMPLOYEE SERVICE AWARDS

Mayor Pro-Tem Kauffman presented certificates and pins for 20 years of service to: David Puntteney, Carol Workman, Valerie Rottach and Robert Maxeiner.

Mayor McNally presented certificates, pins, and monetary stipends for 25 years of service to: Dave Downing, Richard Infranca, Neil Rosenberger and Jo Meissner.

PROCLAMATION

Councillor Dittman read a proclamation extending Council's congratulations to Joe and Amy Lloyd, whose business, Double Black Imaging, had recently been recognized recently by the Denver Business Journal as the second fastest growing company in Colorado. The business had achieved 2,233% growth since 2002 and annual sales increases from \$150,000 in 2002 to \$3.5 million in 2004. Tara McCall and David Payne accepted the proclamation on behalf of the Lloyds.

CITIZEN COMMUNICATION

Joe Armstrong, 4765 West 106<sup>th</sup> Place, updated Council on recent competitions and accomplishments of the Rocky Mountain Figure Skating Club and the approaching U.S. Junior Figure Skating Championship competition that would be held in Westminster.

Sam Dixon, 11745 Decatur, congratulated the City for receiving the Environmental Stewardship Award and silver recognition in the Most Livable City in the World competition held in Spain.

Tim O’Byrne, President of the Westminster Westin Hotel, was pleased to report the tremendous success of the 9 Cares Colorado Shares activity held at the Westin on November 12. Additionally, hotel staff looked forward to hosting many of visitors traveling to Westminster to watch the U.S. Junior Figure Skating Championship competition.

Jane Fancher, 7260 Lamar Court, objected to the City’s proposed financial assistance to the Northpoint Center at the Westminster Promenade.

CONSENT AGENDA

The following items were submitted for Council’s consideration on the consent agenda: authority to purchase two Road Rescue ambulances from EDM Equipment in an amount not to exceed \$151,200; authority for the City Manager to execute a \$184,010 contract with Integrated Electric, Inc. for traffic signal maintenance during calendar year 2006; authority for the City Manager to execute a contract with Swanhorst & Company, LLC for professional independent auditing and accounting services for the City’s annual financial audit for the fiscal year 2005 with an automatic extension for four renewal terms of one year each, subject to annual appropriation; and authority for the City Manager to execute a \$203,651 contract and \$20,365 contingency with Keene Concrete Construction for construction of the Farmers’ High Line Canal Trail along 92<sup>nd</sup> Avenue from Wadsworth Parkway to Pierce Street.

Mayor McNally asked if any member of Council wished to remove an item from the consent agenda for discussion purposes or separate vote. There were no requests.

It was moved by Councillor Major and seconded by Councillor Price to approve the consent agenda as presented. The motion passed unanimously.

HEARING RE NINTH AMENDED PDP FOR NORTHPOINT CENTER (WESTMINSTER PROMENADE)

At 7:40 p.m. the Mayor opened a public hearing to consider the Ninth Amended Preliminary Development Plan (PDP) for the Northpoint Center (Westminster Promenade) at the northeast corner of Westminster Boulevard and 104<sup>th</sup> Avenue. If approved, the amendment would allow residential and health spa uses on two “Office/Commercial” parcels located between the Westin Hotel and the Ice Arena. Dave Shinneman, Planning Manager, entered the agenda memorandum and associated documents into the record and advised that public notice of this hearing had been published in the local newspaper, posted on the property, and mailed to property owners within 300 feet of the parcels under consideration.

Eduardo Illanes, 1820 Balsam in Boulder and the architect representing the applicant, addressed Council, displayed architect’s renderings of the proposed development, and answered Council’s questions. No others wished to testify. In conclusion, Mr. Shinneman reported that the Planning Commission had considered the application on October 25, 2005, and unanimously recommended approval. The Mayor closed the hearing at 7:55 p.m.

NINTH AMENDED PDP FOR NORTHPOINT CENTER (WESTMINSTER PROMENADE) APPROVED

Based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code had been satisfied, Councillor Dittman moved, seconded by Councillor Major, to approve the Ninth Amended Preliminary Development Plan for the Northpoint Center (Westminster Promenade). The motion carried by a 6:1 margin with Councillor Kaiser voting no.

HEARING RE COUNTRY CLUB HIGHLANDS REZONE, PDP, AND ADDED SERVICE COMMITMENTS

Mayor McNally opened a public hearing at 7:58 p.m. for the purpose of considering the rezone of County Club Highlands property from Light Industrial (M-1) to Planned Unit Development (PUD), the approval of the Preliminary Development Plan for the Country Club Highlands Planned Unit Development, and the award of 16 additional Service Commitments for the proposed development. The development was located north of 120<sup>th</sup> Avenue and west of Zuni Street and contained approximately 44 acres. The developer, John Laing Homes, proposed 118 single-family detached lots on approximately 40 acres, an increase over the original applicant, DR Horton, of 16 units, justifying consideration of awarding 16 additional Service Commitments.. A 4-acre commercial site would be set aside for future development. Dave Shinneman entered the agenda memorandum and associated documentation into the record and stated that notice of this public hearing had been published, posted on the property, and mailed to all property owners within 300 feet of the proposed development.

Mike Byrne, 2391 Ranch Reserve Ridge, testified on behalf of the property owner. Tyson Taylor of John Laing Homes testified on behalf of the developer. There was no testimony in opposition. Mr. Shinneman stated in conclusion that the Planning Commission had, following its October 25 review of the proposal, recommended approval of the applicant's requests. Mayor McNally closed the hearing at 8:09 p.m.

COUNCILLOR'S BILL NO. 68 RE COUNTRY CLUB HIGHLANDS REZONE

It was moved by Councillor Price and seconded by Councillor Dittman to pass Councillor's Bill No. 68 on first reading rezoning the Country Club Highlands property from Light Industrial (M-1) to Planned Unit Development (PUD). This recommendation was based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met. On roll call vote, the motion passed unanimously.

APPROVAL OF COUNTRY CLUB HIGHLANDS PRELIMINARY DEVELOPMENT PLAN (PDP)

Councillor Price moved to approve the Country Club Highlands Preliminary Development Plan (PDP) within the Country Club Highlands Planned Unit Development (PUD). The recommendation was based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met. The motion was seconded by Councillor Dittman and passed unanimously.

RESOLUTION NO. 49 RE COUNTRY CLUB HIGHLANDS ADDITIONAL SERVICE COMMITMENTS

Upon a motion by Councillor Price, seconded by Councillor Major, Council voted unanimously on roll call vote to adopt Resolution No. 49 awarding 16 additional Service Commitments to the proposed Country Club Highlands development.

COUNCILLOR'S BILL NO. 69 RE EDWARD BYRNE MEMORIAL ASSISTANCE GRANT APPROPRIATION

Councillor Dittman moved to pass Councillor's Bill No. 69 on first reading appropriating \$30,527 from the Edward Byrne Memorial Assistance Grant Program (JAG) to the Police Department's Investigations and Technical Services Division budget. Councillor Price seconded the motion and it carried with all Council members voting affirmatively at roll call.

COUNCILLOR'S BILL NO. 70 RE 3<sup>RD</sup> QUARTER BUDGET SUPPLEMENTAL APPROPRIATION

Mayor Pro Tem Kauffman moved to pass Councillor's Bill No. 70 on first reading providing for supplementary appropriations to the 2005 budget of the General, General Capital Outlay Replacement, Open Space and General Capital Improvement Funds. With the second of Councillor Dittman, the motion passed unanimously on roll call vote.

MASTER LEASE PROGRAM RE FIRE TRUCK APPROVED DECEMBER 10, 2004

It was moved by Mayor Pro Tem Kauffman and seconded by Councillor Price to approve the addition of \$396,932 to the City's master lease program for the fire truck that Council had approved on December 10, 2004. The motion passed unanimously.

ADJOURNMENT:

There was no further business to come before City Council, and the meeting adjourned at 8:13 p.m.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 14, 2005



**SUBJECT:** Presentation of Employee Length of Service Awards

**Prepared by:** Debbie Mitchell, Human Resources Manager

**Recommended City Council Action**

Present service pins and certificates of appreciation to employees celebrating 20 and 25 years of service with the City and provide special recognition to the four 25-year employees with the presentation of \$2,500 bonuses.

**Summary Statement**

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20<sup>th</sup> and 25<sup>th</sup> anniversaries of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25<sup>th</sup> year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There are four employees celebrating 25 years of service and they will receive a check for \$2,500, less income tax withholding following their 25<sup>th</sup> anniversary date.
- The presentations will be made as follows:
  - Mayor Pro Tem Tim Kauffman will present the 20-year certificates.
  - Mayor McNally will present the 25-year certificates.

**Expenditure Required:** \$ 10,000

**Source of Funds:** 2005 General Fund -  
Community Development \$2,500  
Parks, Recreation and Libraries \$2,500  
Fire Department \$2,500  
Police Department \$2,500

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

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

Robert Maxeiner	Police Department	Sr. Police Officer
David Puntenny	Information Technology	Information Technology Director
Valerie Rottach	Police Department	Code Enforcement Officer
Carol Workman	Police Department	Sr. Management Analyst

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

Dave Downing	Community Development	City Engineer
Richard Infranca	Police Department	Sr. Police Officer
Jo Meissner	Parks, Recreation & Libraries	Library Associate II
Neil Rosenberger	Fire Department	Fire Captain

On November 16th, the City Manager will host an employee awards luncheon at which time five employees will receive their 15-year service pin, two employees will receive their 10-year service pin, and 12 employees will receive their 5-year service pin, while recognition will also be given to those who are celebrating their 20<sup>th</sup> and 25<sup>th</sup> anniversaries. This is the fourth luncheon for 2005 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 310 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens. Biographies of each individual being recognized are attached.

Respectfully submitted,

J. Brent McFall  
City Manager  
Attachment



## 20-Year Employees

### **David Puntteney (PUT KNEE)**

In September of 1985 David was hired as the Data Processing Manager, which consisted of six staff members housed on the upper floor of the old Police building. In 1999 he was promoted to Information Technology Director when the Department was established. David prides himself in building a team of highly talented and dedicated technical staff with excellent customer service skills. This has helped the City advance the effective use of technology over the last 20 years. The Department has been recognized several years in a row as one of the nation's top 10 cities in technology planning and utilization to enhance services and improve organization efficiency. David also serves on the City's Pension Board and special projects committees. David has two daughters, Mariah and Jamie, and is happily married to his wife Diane who has lots of patience. He is involved with his family and volunteering throughout the community, and makes time for his favorite hobby: the trombone. He is the lead trombone with three bands, including big band/jazz.

### **Robert Maxeiner (MAX I NER)**

Bob Maxeiner started with the City in December of 1985 as a Police Officer, and in December of 1988 he moved to Senior Police Officer. Bob has been recognized as a Customer Service Champion, and is very active in the community. He has participated in such events as DARE, the Centurion Bowl Benefit Football Game for Points for People and Family Tree, Inc., and has worked as an advisor for the Police Department Explorer Program. He has also participated in the KYGO Christmas Crusade for Children, the March of Dimes MUDD Volleyball Tournament and National Night Out. Bob is also involved with the Police Department's K-9 Unit and is instrumental in its success.

### **Valerie Rottach (ROW TASH)**

Valerie Rottach began her career with the City of Westminster in October of 1985 as a Code Enforcement Officer. Code Enforcement, which is now under the Police Department Organization, was located during the early years in the Community Development Department at City Hall. Valerie has seen many changes over the years and has remained dedicated to her career. Valerie is active in the state-wide organization ACEO (Association for Code Enforcement Officials) and regularly attends City Community Oriented Governance (COG) meetings. As a result, Valerie is an icon in the community and works tirelessly at preserving the quality of life here in our City. Valerie has an adult son, Jaret, who spent several years in the military stationed in Japan and now works as a civilian fire fighter contracted by the government for overseas assignments. She has one grandson, Ren, who resides in Japan. Valerie is married and lives here in Westminster. She is a world traveler, and has visited such places as Egypt, Japan, Mexico, Europe and Costa Rica.

### **Carol Workman (WORK MAN)**

Carol started with the City in November of 1985. She started her career with the City of Westminster in high school, working for Parks, Recreation, and Libraries for three years. In September of 1988 she accepted a position as a Communications Specialist with the Police Department, was promoted to Communications Supervisor in 1992 and in 2004 she was promoted to Senior Management Analyst. Her accomplishments include helping to bring a new Records Management System, Computer Aided Dispatch System and Mobile Application System to the Police Department. Carol takes pride in her work and is a true champion of customer service.

## 25-Year Employees

### **Dave Downing (DOWN ING)**

Dave is currently the Engineering Division Manager of Community Development. He was hired in October 1980 as a Civil Engineer and was promoted to Senior Civil Engineer in October of 1982, then promoted to City Engineer in September of 1992. He was one of the founding members of Community Oriented Governance (COG) and the Employee Recognition Action Team (ERAT) and is proud to serve as the unofficial "Morale Officer" for the Department of Community Development. He is also an accomplished singer/songwriter/playwright with such hits as "Alan Miller Time in Colorado" and "Rick Mark- The Man With No Last Name." Dave currently serves as the City's technical representative on

several regional transportation matters such as the Environmental Impact Studies for US 36 and the Northwest Corridor. Dave has been married to Jenny for 23 years, and has one daughter, Skye. He enjoys traveling to dog shows and is a good golfer. Dave treasures the wonderful relationships that he has forged with co-workers, citizens, customers and other acquaintances over the past 25 years!

**Richard Infranca (IN FRANK AH)**

Richard started with the City in January of 1979 and worked for the Police Department until March of 1988. In October of 1989 he came back to the City of Westminster as a Senior Police Officer. Richard is very active in the Department and is currently a Patrol Officer, Field Training Instructor and a Crisis Intervention Team Instructor. Past assignments and accomplishments include: firearms instructor; SWAT team member as an operator and hostage negotiator; narcotics detective; burglary detective; bicycle officer; coordinator for the Police Explorer Program; School Resource Officer; D.A.R.E. officer in the elementary, middle schools, and high schools; State Training Director and Administrator for the Colorado D.A.R.E. Program; staff member of the International D.A.R.E. Training Team; and a staff member of the International D.A.R.E. Training Team during which time Richard trained members of the Royal Canadian mounted Police in Alberta, Canada and the Royal Thai police in Bangkok, Thailand.

**Jo Meissner (MIZE NER)**

Jo started with the City in September of 1980 as a Library Clerk and has been a Library Associate since her promotion in 1985. Jo remembers being the “only” staff member at Kings Mill and remembers the bomb threat at the Library. She remembers the days before computers when they used the card catalog system and issued paper library cards. During her 17 years at Kings Mill, Jo has seen and done a lot. She volunteered to work as a substitute bookmobile driver to cover vacations and illnesses and attended a full week of training at RTD to learn to drive the bookmobile and get her CDL. Jo remembers two mud jackings at Kings Mill and when she worked at the Westminster Public Library at 76<sup>th</sup> Avenue for a few months after the roof collapsed, helping Tech Services process all the new materials. Jo has also been instrumental in training new clerks and pages. She enjoys trail rides with her horse, Duke, and scrap booking, card making, gardening, playing cards and of course, reading great books from the library. Jo has three grandchildren and is very close to her family and friends. She shows the SPIRIT of Westminster employees each day that she works. She always has a smile and is wonderful at what she does.

**Neil Rosenberger (ROSE N BURGER)**

Fire Captain Neil Rosenberger celebrates 25 years of service with the City. Neil was hired on July 21, 1980 as a part-time Firefighter Trainee II, was promoted to Firefighter II in January of 1982 and Firefighter I March of 1982. He quickly moved to Fire Paramedic in 1988 and was promoted to Fire Lieutenant in 1991, and then to his most recent promotion as Fire Captain in 2005. During this time he has consistently been involved in numerous activities and teams outside of his regular duties including: coordination of the Opticom traffic system with the City Traffic Engineer; updates to the Knox Box Security System used by businesses for Fire Department access; coordination and membership in the Fire Department Honor Guard; coordination of the Fire Station Five open house for the past nine years; involvement with the Mayflower Critical Incident Stress Debriefing and Crisis Team as well as serving as a dispatcher for the team; and is a member of the Adams/Jeffco Hazardous Materials Team. Neil also contributes his on-duty and off-duty time by serving on several committees, including acting as Treasurer for the Westminster Firefighters Burn Fund, and as Co-Chairman of the Public Safety Recognition Foundation. Neil spends his off-duty time with his wife Joy and sons Caleb and Nathan. They enjoy outdoor sports including skiing, snowboards and bicycling. Neil is also a member of the Centennial State Pipe & Drum Team and participated in the championship competition this past August in Scotland.



**WESTMINSTER**  
**COLORADO**

## Agenda Item 6 B

### Agenda Memorandum

City Council Meeting  
November 14, 2005



**SUBJECT:** Proclamation Recognizing Double Black Imaging

**Prepared By:** Susan Grafton, Economic Development Manager

### Recommended City Council Action

Present a proclamation acknowledging Amy and Joe Lloyd of Double Black Imaging for recently being recognized as the Number Two Small Company in Colorado and for the company's impressive growth.

### Summary Statement:

- In an effort to promote business growth in Westminster and support retention of City businesses, Council is requested to recognize Double Black Imaging.
- Councillor Dittman will present the proclamation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Does City Council want to formally acknowledge Double Black Imaging?

**Alternative**

City Council could choose not to present Double Black Imaging with the attached proclamation.

**Background Information**

Double Black Imaging is a business started in Westminster by Joe and Amy Lloyd in 2002. It was recently recognized by The Denver Business Journal for having grown 2233% since 2002 and ranking as the Second Fastest Growing Company in Colorado. Double Black Imaging is a basic employer providing 8 jobs and has a world-wide presence in the medical device industry.

The company provides high-quality computer imaging systems, software and servicing primarily for the medical industry. Double Black Imaging services local clients such as Exemplar and Children's Hospital. The company is also the North American distributor for the South Korean company WIDE LCD Systems.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS**, Double Black Imaging (DBI), Inc is a thriving and growing business established in 2002 in the City of Westminster, providing high-resolution computer monitors to hospitals, radiology clinics and health care vendors throughout North America; and

**WHEREAS**, DBI has recently been recognized by the Denver Business Journal as Colorado's second fastest-growing small company, in the Business Journal's 2005 annual recognition program; and

**WHEREAS**, DBI has achieved a growth of 2,233 percent since 2002, with annual sales of \$ 3.5 million in 2004, up from \$150,000 in 2002; and

**WHEREAS**, DBI supplies computer monitoring equipment world-wide and has branch operations in Dallas, Atlanta and Los Angeles; and

**WHEREAS**, DBI and owners Amy and Joe Lloyd have deep business and family roots in Westminster and forecasts continued growth in business and employment opportunities for Westminster.

**NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby acknowledge**

**DOUBLE BLACK IMAGING, INC.**

for its success and significant economic and business contribution to the City of Westminster and Colorado; and furthermore, extend the sincere congratulations of the City of Westminster and the Westminster community to Double Black Imaging for the recognition by the Denver Business Journal.

Signed this 14<sup>th</sup> day of November 14, 2005.

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Nancy McNally, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 14, 2005



**SUBJECT:** Ambulance Purchases

**Prepared By:** Bill Work, Deputy Fire Chief  
Randy Peterson, Emergency Medical Coordinator

**Recommended City Council Action**

Authorize the purchase of two Road Rescue ambulances with EDM Equipment in an amount not to exceed \$151,200.

**Summary Statement**

- City Council allocated \$102,000 in the 2005 General Capital Outlay Replacement Fund (GCORF) and \$107,100 in the 2006 GCORF budget for the purchase of two replacement ambulances. The new ambulances will be used to replace two existing units consistent with the replacement schedule as defined by Fleet Maintenance and the Fire Department.
- Production time for the Road Rescue ambulances is approximately eight months. This will necessitate approval to carry over funds from the 2005 GCORF budget to the 2006 GCORF budget. Purchasing both ambulances at the same time results in a \$4,000 cost savings.
- EDM was the low bidder. Four companies submitted bids. One did not comply with the specs.
- The City purchased two Road Rescue ambulances from EDM Equipment in 2004 and now has six Road Rescue ambulances in the fleet. Having similar makes and models in the City's ambulance fleet benefits the fleet maintenance program.
- EDM is offering a \$40,000 trade-in allowance for each of the trade-in ambulances. This is a considerably higher offer than all other vendors.
- Staff has specified the Stryker Power Cot hydraulic pram with the purchase of each Road Rescue ambulance. This pram is recommended in an effort to minimize injuries and Worker's Compensation liability sustained by firefighters/paramedics from lifting patients on prams.
- Total expense for two ambulances and recommended equipment, less trade in allowance, is \$151,200 resulting in a savings of \$57,900 from the original approved budgets.
- The Ford Motor Company is expected to give the vendor a rebate on the two Ford chassis these ambulances will be built on. That amount will be passed on by EDM to the City. That amount is expected to be approximately \$5,000 to \$8,000, and is subject to the timing of the contract.
- Delivery of the two ambulances is expected to be late in the second quarter of 2006.

**Expenditure Required:** \$151,200

**Source of Funds:** \$75,600 from 2005 GCORF  
\$75,600 from 2006 GCORF

**Policy Issues**

- 1) Does City Council want to proceed with the purchase of two new ambulances using money identified in the GCORF accounts in both 2005 and 2006 resulting in a need to carryover the 2005 funds?
- 2) Does the City Council want to allocate GCORF funds, identified for this purchase, in a different ratio than an even split between the two years?
- 3) Does City Council want to purchase two new ambulances to replace aging ambulances and stay with the Fleet and Fire Department recommended vehicle replacement schedule?

**Alternatives**

- 1) City Council could direct staff to initiate a new bid process for the purchase of these two ambulances. This is not recommended as it would delay purchasing and potentially jeopardize the trade-in value and the multiple vehicle discounts offered in the low bid. The recommendation to purchase these two ambulances from EDM Equipment is based upon a savings of \$34,808 compared to the next qualified lowest bidder. The current low bid is \$57,900 below the approved budgeted amount for these purchases. The savings realized by the low bid will increase by \$5,000 to \$8,000 depending on the Ford Motor Company rebate to EDM that will be passed on to the City.
- 2) City Council could direct staff to purchase one ambulance in 2005 and a second ambulance in 2006. This alternative would increase the cost of each ambulance by \$2,000.
- 3) City Council could direct staff to delay the purchase of either/both ambulances. Staff believes it is important to get this apparatus on board due to rising costs and in order to maintain the best customer service in terms of emergency transport. The 1999 Ford F450 Road Rescue and the 2000 Ford F450 Road Rescue ambulances that are the proposed trade-ins each have exceeded 100,000 miles of service.

**Background Information**

Ambulances are heavily utilized in a frequent and strenuous manner that impacts on their life expectancy. This year alone, in just the first nine months, all four of the front-line ambulances have responded to between 1,000 and 1,300 calls each. These four ambulances have made 3,544 transports to area hospitals in 2005 to date and have affected many lives. The projected life expectancy of an ambulance is five years, with three years of front-line service and two years as a reserve unit. One of these new ambulances would replace a 1999 Ford F450 Road Rescue ambulance and the second would replace a 2000 Ford F450 ambulance. Both of these ambulances have over 100,000 miles on them and are currently in reserve status. EDM has agreed to accept both of these as a trade-in at a value of \$40,000 each. The closest bid for the trade-in value from other vendors on each ambulance was \$20,837, by Rocky Mountain Emergency Vehicle.

Listed below are the comparative bid prices to purchase two ambulances with the same equipment specifications and with the allowances for the two trade-ins:

EDM	\$151,200
Wheeled Coach	\$186,008
Rocky Mountain Emergency Vehicle	\$213,326

Both of these ambulances have been specified to come equipped with the ‘Stryker Power Cot’ prams. This latest technology allows the pram to be power assisted when it comes to raising, lowering and placing the pram in and out of the ambulance. This design can even allow a single firefighter to raise and lower the pram from various loading and traveling positions. Lifting patients is one of the leading causes of firefighter injuries. In 2004, the City had three firefighter injuries related to lifting patients. One of these injuries alone cost over \$80,000 to settle. With increasing obesity rates among Americans, coupled with the vulnerability of personnel to suffer back injuries due to lifting and lowering patients, emergency personnel will benefit from this technology by lowering their risk of injury and patients will benefit from an increased level of safety.

There is additional associated equipment and costs that will be necessary to place these ambulances in-service. This equipment includes radio related equipment, striping and lettering, and medical supplies for both ambulances. These costs will be covered out of the appropriate Fire Department operating accounts.

Respectfully submitted,

J. Brent McFall  
City Manager





## Agenda Item 8 B

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 14, 2005



**SUBJECT:** 2006 Traffic Signal Maintenance Contract

**Prepared By:** Greg Olson, Transportation Systems Coordinator

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Integrated Electric, Inc. in the amount of \$184,010 for traffic signal maintenance for calendar year 2006.

**Summary Statement**

- The City utilizes the services of a private contractor to perform maintenance of the City's traffic signals. The current contract expires on December 31, 2005.
- A total of three bids were received on November 1, 2005 for the contract for signal maintenance in 2006. City Council action is requested to award the 2006 traffic signal maintenance contract to the lowest bidder, Integrated Electric, Inc.
- The contract amount is within the amount budgeted in the 2006 operating budget of the Department of Community Development for traffic signal maintenance activities.

**Expenditure Required:** \$184,010

**Source of Funds:** 2006 General Fund -  
Department of Community Development Operating Budget

**Policy Issue**

Should the City continue the practice of outsourcing traffic signal maintenance to a private contractor?

**Alternative**

One alternative is to not enlist the full-time services of a private contractor. This alternative would require the City to hire a minimum of one full-time employee and invest in the equipment necessary to perform basic traffic signal maintenance. The part time services of a contractor would still be required to perform assistance for major emergencies and repairs and share with the after-hours maintenance responsibility. At this point in time, City Staff does not recommend performing the traffic signal maintenance “in-house.”

**Background Information**

The City utilizes the services of a traffic signal maintenance contractor to perform maintenance on traffic signals at 84 intersections and on eight pedestrian crossing signals (total of 92 installations). The 2005 traffic signal maintenance contract, which was awarded to Integrated Electric, Inc. in November 2004, expires December 31, 2005.

City Staff requested and received formal bids from three qualified contractors for the 2006 traffic signal maintenance. The results of the November 1<sup>st</sup> bid opening are as follows:

<b>Contractor</b>	<b>Bid Amount</b>
Integrated Electric, Inc.	\$184,010
W. L. Contractors, Inc.	\$189,757
Sturgeon Electric, Inc.	\$199,524

The low bidder, Integrated Electric, Inc., is the City’s current traffic signal maintenance contractor. City Staff believes that in 2006, Integrated Electric Inc. will continue to provide the high level of service that the City expects for traffic signal maintenance activities.

The 2006 bid documents utilize a conservative, estimated annual amount of labor, equipment hours, and materials for performance of all traffic signal maintenance functions. 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 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 stopwatch 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 and 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 (Opticom) 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, equipment, and materials costs for additional traffic signal maintenance items. Additional traffic signal maintenance items include emergency trouble calls, unscheduled maintenance items 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. It is necessary that the City have a contractor available seven days a week, 24 hours a day to respond to any emergency signal work that may arise.

The bid documents were based on a conservative, estimated amount of labor, equipment, and materials so that each bidder could 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 workload than may be experienced.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 14, 2005



**SUBJECT:** Financial Audit Firm Contract for Fiscal Years 2005-2009

**Prepared By:** Cherie Sanchez, Accounting Manager

**Recommended City Council Action**

Authorize the City Manager to sign a contract for professional independent auditing and accounting services for the City's annual financial audit for the fiscal year 2005 with an automatic extension for four renewal terms of one year each (the audit years 2006, 2007, 2008, and 2009), subject to annual appropriation, with Swanhorst & Company, LLC (Swanhorst).

**Summary Statement**

- The City's auditing services contract expired at the conclusion of the 2004 financial audit. On September 19, 2005 a request for proposal (RFP) was sent to nine auditing firms. The RFP requested a bid for an independent audit of the City's financial statements as well as for financial statement preparation and HUD reporting relating to the Westminster Commons portion of the Westminster Housing Authority.
- Three firms attended the mandatory pre-bid conference. Two firms submitted bids, one of which was disqualified for a late submittal. The valid bid was from Swanhorst. Staff consisting of the Finance Director, Accounting Manager, Sales Tax Manager, Accountants, Internal Auditor and Benefits Specialist reviewed Swanhorst's proposal and found that it met the requirements outlined in the RFP. The results of reference checks were exceptional and a one-on-one interview with the firm's partner and audit manager solidified a favorable evaluation of the firm.
- The overall cost proposal increased only 6% from the last contract agreement that was signed in 2000 with the City's former auditor. Swanhorst is a small, local company that is well connected in the governmental accounting arena. Funds were budgeted in Accounting's 2005 and 2006 operating budgets during the biennial budget process for the audit contract. Funding of additional fiscal year audits is contingent upon annual appropriation.

**Expenditure Required:** \$302,900 – 5 year cost

**Source of Funds:** General Fund – Finance Department Operating Budget

### **Policy Issue**

Should the City engage in a contract for independent auditing services with Swanhorst & Company, LLC?

### **Alternative**

Council could decide not to contract with Swanhorst for independent auditing services and require Staff to undergo the bid process again. This is not recommended as Swanhorst's proposal and bid were satisfactory in meeting the City's specifications for independent auditing services as outlined in the request for proposal. Reopening the bidding process would be inefficient for Staff in terms of planning and preparing for the audit as well as for the audit firm in performing auditing services within a mutually beneficial timeframe.

### **Background Information**

Per the City's charter, a financial audit of the City's basic financial statements must be performed in conformity with Generally Accepted Accounting Principles at least annually. The audit must be conducted by certified public accountants experienced in municipal accounting that have been selected by City Council. Historically, Council has engaged in five-year contracts with audit firms, subject to annual review and appropriation. A five year contract is preferred over a shorter term contract to allow for continuity in the audit, and is endorsed by the Government Finance Officers Association as the appropriate duration of a contract when obtaining the services of independent auditors.

On September 19, 2005, Staff solicited a request for proposal to nine financial auditing service firms. These businesses, which were listed in the Colorado Government Finance Officers Association 2005 Membership Directory, were thought to be the best pool to target given their connection in the governmental accounting arena. Additionally, access to the RFP was made available on the City's website.

The RFP process was administered in accordance with the US General Accounting Office guidelines. Firms were asked to submit a technical as well as a price proposal. The technical portion of the proposal was to outline the firm's qualifications, competence and capacity to undertake an independent audit for the City in conformity with the requirements of the RFP. The cost proposal was to include a total all-inclusive maximum price, staff rates and hours, as well as costs for optional and additional professional services.

A mandatory pre-proposal conference was held on September 29, 2005 to provide a forum for all interested parties to ask questions pertaining to the RFP. Three firms attended the mandatory meeting; another firm missed the meeting and was told by Staff that they could not bid. Two of the firms attending the mandatory meeting submitted proposals. One firm was disqualified due to a late submittal.

The valid bid was from Swanhorst & Company, LLC. Swanhorst's proposal met the requirements stated in the RFP. Staff conducted phone interviews with five entities that Swanhorst listed in its proposal as references. Feedback from references was overwhelmingly positive, and consistently included comments about the excellent caliber of Swanhorst's staff, the efficiency of its audit process, and the collaborative manner in which matters were resolved. A one-on-one interview with Swanhorst provided a favorable impression of Swanhorst's technical abilities relative to the City's auditing needs and its style relative to Staff's philosophy on coordination and communication throughout the audit.

Staff had anticipated bids to reflect a significant increase in audit fees compared to those that were contracted for in 2000, and was pleased to find that Swanhorst’s price proposal was only 6% higher overall. A summary of Swanhorst’s cost proposal follows:

Year	City of Westminster	Westminster Commons	Total Price
2005	\$ 54,000	\$ 5,200	\$ 59,200
2006	54,000	5,200	59,200
2007	56,000	5,500	61,500
2008	56,000	5,500	61,500
2009	56,000	5,500	61,500
	<u>\$ 276,000</u>	<u>\$ 26,900</u>	<u>\$ 302,900</u>

Swanhorst & Company, LLC is a local firm well known in the governmental accounting arena for its extensive experience auditing local government entities. Approximately 90% of the firm’s revenues are generated from auditing services, of which, governmental entities comprise approximately 85%. Some of the firm’s more similar audits over the past five years have included Adams County, City of Boulder, City of Lakewood and the Lakewood Housing Authority, City of Loveland, and the City of Golden.

The individual staff members that will be assigned to the City’s audit have between three and twenty years of audit experience with government entities. The firm partner and managers will perform the final review of the audit workpapers on site, lending to an efficient audit. Additionally, the firm has an information technology consultant who will be reviewing the financial computer systems of the City.

Swanhorst has experience with the City’s more complicated reporting items such as special districts, the Single Audit, housing and building authorities, and complex debt structures and well as new Governmental Accounting Standards Board reporting requirements.

Staff recommends Council authorize the City manager to sign a contract with independent audit firm Swanhorst & Company, LLC for financial auditing services. Swanhorst’s satisfactory technical bid, economical cost bid, exceptional references, and assuring interview, supports Staff’s recommendation.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Contract

## APPENDIX I

### AGREEMENT

TO FURNISH PROFESSIONAL INDEPENDENT AUDITING AND ACCOUNTING SERVICES  
TO THE  
CITY OF WESTMINSTER  
FOR THE PERFORMANCE OF THE ANNUAL FINANCIAL AUDIT AND OTHER SPECIAL  
CONSIDERATIONS

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2005, between the **CITY OF WESTMINSTER**, hereinafter called the "City", and Swanhorst & Company, LLC, hereinafter called the "Auditor," is as follows:

WHEREAS, the City desires to engage the Auditor to render professional independent auditing and accounting Services described in this Agreement and the Auditor is qualified and willing to perform such Services; and

WHEREAS, sufficient authority exists in Charter and statute and sufficient funds have been budgeted for these purposes and are available and other necessary approvals have been obtained; and

WHEREAS, the City desires the Auditor to perform a financial audit for the fiscal year ending December 31, 2005, with an automatic extension for four renewal terms of one year each (the audit years 2006, 2007, 2008, and 2009), subject to annual appropriation in the City's sole discretion; and

WHEREAS, the City desires the Auditor to express an opinion on the fair presentation of the City's basic financial statements, provide in-relation-to opinions on the combining statements, supplemental information, and schedule of expenditures of federal awards, as well as perform certain procedures involving required supplementary information for the fiscal years audited; and

WHEREAS, Auditor's technical proposal dated \_\_\_\_\_, and the Auditor's dollar cost proposal dated \_\_\_\_\_, are an integral part of this Agreement and are attached as Appendix B and fully incorporated herein.

WHEREAS, this Agreement is expressly contingent upon the approval of the City of Westminster's City Council of all the terms set forth herein. In the event this Agreement is not approved in its entirety by City Council, neither Party shall be bound to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual understandings and agreements set forth, the City and the Auditor agree as follows:

#### I. AUDITOR'S SERVICES AND RESPONSIBILITIES

The Auditor will provide the professional and technical Services as described in Appendix A, attached hereto and incorporated herein by this reference.

#### II. ADDITIONAL SERVICES

When authorized by the City, the Auditor agrees to furnish additional professional Services subject to mutual agreement as to additional compensation for additional Services. Such additional compensation for additional services shall be no greater than at the Auditor's standard billing rates, as contained in Appendix B, attached hereto and incorporated herein by this reference.

### III. AUDITOR'S FEE

As compensation for the basic Services described in this Agreement, the Auditor shall be paid a lump sum fee as outlined in Appendix B, inclusive attached hereto and incorporated herein by this reference, which shall constitute full and complete payment for said Services and all expenditures which may be made and expenses incurred, except as otherwise expressly provided in this Agreement.

### IV. COMMENCEMENT & COMPLETION OF SERVICES

The Auditor understands and agrees that time is an essential requirement of this Agreement. The Services shall be completed as soon as good practice and due diligence will permit. In any event, the audit report will be presented to City Council no later than the second City Council meeting in June, exclusive of delays beyond the control of the Auditor. This contract will be for the financial audit for the fiscal year ending December 31, 2005, with the option to audit the City's financial statements for each of the four subsequent fiscal years, subject to annual appropriation.

### V. TERMINATION

A. This Agreement may be terminated by either party upon fifteen (15) days prior written notice to the other party in the event of a substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party.

B. This Agreement may be terminated by the City for its convenience upon fifteen (15) days prior written notice to the Auditor.

C. In the event of termination as provided in this Article, the City shall pay the Auditor in full for Services performed from the date of notice of termination plus any Services the City deems necessary during the notice period. Said compensation shall be paid upon the Auditor's delivering or otherwise making available to the City all data, reports, summaries and such other information and materials as may have been accumulated by the Auditor in performing the Services included in this Agreement, whether completed or in progress.

### VI. INSURANCE

During the course of the Services, the Auditor shall maintain Workers' Compensation Insurance in accordance with the Workers' Compensation laws of the State of Colorado, Professional Liability Insurance in the minimum amount of \$500,000, but in any event sufficient to cover Auditor's liability under paragraph X.D.1. below, Automobile Liability of \$150,000 per person/\$600,000 per occurrence, and Comprehensive General Liability of \$150,000 per person/\$600,000 per occurrence. The City will be an additional insured under the Auditor's Automobile and Comprehensive General Liability coverages. The Auditor shall provide certificates of insurance to the City indicating compliance with this paragraph.

### VII. EQUAL EMPLOYMENT OPPORTUNITY

In connection with the execution of this Agreement, the Auditor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, or disability. Such actions shall include, but not be limited to the following: employment; upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.



## VIII. PROHIBITED INTEREST

A. The Auditor agrees that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its Services hereunder. The Auditor further agrees that in the performance of the Agreement, no person having any such interests shall be employed.

B. No official or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

## IX. GENERAL PROVISIONS

A. Independent Contractor. In the performance of the Services, the Auditor shall act as an independent contractor and not as agent of the City except to the extent the Auditor is specifically authorized to act as agent of the City.

B. Books and Records. The Auditor's books and records with respect to the Services and reimbursable costs shall be kept in accordance with recognized accounting principles and practices, consistently applied, and will be made available for the City's inspection at all reasonable times at the places where the same may be kept. The Auditor shall not be required to retain such books and records for more than three (3) years after completion of the Services.

C. Ownership of Audit Work Papers. All work papers and the like relating to the Services shall be the joint property of the City and Auditor.

D. Responsibility; Liability.

1. Professional Liability. The Auditor shall exercise in its performance of the Services the standard of care normally exercised by nationally recognized Certified Public Accounting Firms engaged in performing comparable Services.

2. Indemnification. The Auditor shall be liable to the City for any loss, damages or costs incurred by the City for the replacement or correction of any part of the Services which is deficient or defective as a result of any failure of the Auditor to comply with this standard. The Auditor shall indemnify and hold harmless the City and its agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the performance of the Services, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Services themselves) including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of the Auditor, any subcontractor of the Auditor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph D.2.

In any and all claims against the City or any of its agents or employees by any employee of the Auditor, any subcontractor of the Auditor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph D.2 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Auditor or any subcontractor under the workers' compensation acts, disability benefit acts or other employee benefit acts.

In the event it becomes necessary for the City to bring an action to enforce any provision of this Agreement or to recover any damages the City may incur as a result of the breach of this Agreement, including, but not limited to defective work, and the City prevails in such litigation, the Auditor shall pay the City its reasonable attorney fees as determined by the Court.

E. Communications. All communications relating to the day-to-day activities for the Services shall be exchanged between the respective representatives of the City and the Auditor who will be designated by the parties promptly upon commencement of the Services.

All other notices and communications in writing required or permitted hereunder shall be delivered personally to the respective representatives of the City and the Auditor set forth below or shall be mailed by registered mail, postage prepaid, return receipt requested to the parties at their addresses shown herein. Notices hereunder shall be effective three (3) days after mailing.

F. Assignment. The Auditor shall not assign this Agreement in whole or in part, including the Auditor's right to receive compensation hereunder, without the prior written consent of the City; provided, however, that such consent shall not be unreasonably withheld with respect to assignments to the Auditor's affiliated or subsidiary companies, and provided, further, that any such assignment shall not relieve the Auditor of any of its obligations under this Agreement. This restriction on assignment includes, without limitation, assignment of the Auditor's right to payment to its surety or lender.

G. Applicable Laws. This Agreement, and all questions concerning the execution, validity or invalidity, capacity of the parties, and the performance of this Agreement, shall be interpreted in all respects in accordance with the Charter and Code of the City of Westminster and the laws of the State of Colorado.

H. Remedies. Auditor agrees that the economic loss rule as set forth in *Town of Alma v. Azco Construction, Inc.*, 10 P.3d 1256 (Colo. 2000) shall not serve as a limitation on the City's right to pursue tort remedies in addition to other remedies it may have against Auditor. Such rights and remedies shall survive the Services or any termination of this Agreement.

I. Entire Agreement. This Agreement shall constitute the entire agreement between the parties hereto and shall supersede all prior contracts, proposals, representations, negotiations and letters of intent, whether written or oral, pertaining to the Services.

J. Renewal; Termination. Subject to paragraph V., Termination, this Agreement shall be automatically extended for four renewal terms of one year each (the audit year 2005, 2006, 2007, 2008, and 2009).

INSURANCE CERTIFICATES REQUIRED BY THIS AGREEMENT SHALL BE SENT TO THE FINANCE DEPARTMENT, ATTENTION: CHERIE SANCHEZ, ACCOUNTING MANAGER.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the date first appearing above.

**(NAME OF COMPANY)**

CITY OF WESTMINSTER

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

J. Brent McFall  
City Manager

Address:

Address:

\_\_\_\_\_  
\_\_\_\_\_

4800 West 92nd Avenue  
Westminster, Colorado 80031

ATTEST:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

City Clerk

APPROVED AS TO LEGAL FORM

By: \_\_\_\_\_

City Attorney

## APPENDIX A

### NATURE OF SERVICES REQUIRED

#### A. General

The City is soliciting the services of qualified firms of certified public accountants to audit its financial statements for the fiscal year ending December 31, 2005, with the option to audit the City's financial statements for each of the four subsequent fiscal years. These audits are to be performed in accordance with the provisions contained in the Request for Proposal (RFP).

#### B. Scope of Work to be Performed

The City desires the Auditor to express an opinion on the fair presentation of its basic financial statements (BFS) in conformity with generally accepted accounting principles (GAAP).

The Auditor is not required to audit the combining financial statements or supplemental information. However, the Auditor is to provide an "in-relation-to opinion" on the combining and supplemental information based on the auditing procedures applied during the audit of the BFS.

The Auditor is not required to audit the required supplementary information (RSI). However, The Auditor shall be responsible for performing certain limited procedures involving RSI required by the Governmental Accounting Standards Board (GASB) as mandated by generally accepted auditing standards (GAAS).

The Auditor is not required to audit the schedule of expenditures of federal awards. However, the Auditor is to perform special testing and provide an "in-relation-to opinion" on that schedule based on the auditing procedures applied during the audit of the BFS. The Auditor is also required to complete the IRS SF-SAC form.

The Auditor is not required to audit the introductory or statistical sections of the report.

The Auditor shall also be responsible for financial statement compilation and for performing an audit of Westminster Commons, the low income housing complex of the Westminster Housing Authority (Authority). The Authority is included as a component unit in the City's financial statements. In addition, the City has seven other component units, all of which are blended with the City. Details of the component units can be found in Section III.B of the RFP.

#### C. Auditing Standards to be Followed

To meet the requirements of this RFP, the audit shall be performed in accordance with GAAS as set forth by the American Institute of Certified Public Accountants, GAGAS as set forth by the Government Accountability Office's (GAO) Government Auditing Standards, the provisions of the Single Audit Act of 1984, the provisions of U.S. Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and any standards issued during the term of the contract.

The audit of the Authority will comply with the HUD IG handbook 2000.4. "Consolidated Audit Guide for Audits of HUD Programs."

#### D. Reports to be Issued

1. Following the completion of the audit of the fiscal year's financial statements, the Auditor shall issue:
  - a. An independent auditor's report on the fair presentation of the basic financial statements in conformity with GAAP.
  - b. An independent auditor's report on internal control over financial reporting and on compliance and other matters based on an audit of the basic financial statements performed in accordance with government auditing standards.
  - c. An independent auditors' report on compliance with requirements applicable to major federal award programs and on internal control over compliance in accordance with OMB Circular A-133.
  - d. A schedule of findings and questioned costs relating to Federal Awards in accordance with section 510(a) of OMB Circular A-133.
  
2. As a part of the audit of the Authority, the Auditor shall issue:
  - a. A compilation of the financial records of the Authority.
  - b. A report in accordance with the requirements of the U.S. Department of Housing and Urban Development.

In the required reports on internal controls, the Auditor shall communicate any reportable conditions found during the audit. A reportable condition shall be defined as a significant deficiency in the design or operation of the internal control structure, which could adversely affect the organization's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements.

Non-reportable conditions discovered by the Auditors shall be reported in a separate letter to management, which shall be referred to in the reports on internal controls.

The reports on compliance shall include all instances of noncompliance.

3. Irregularities and illegal acts. Auditors shall make an immediate, written report of all irregularities and illegal acts or indications of illegal acts of which they become aware to the City Council, City Manager and Finance Director.
  
4. Reporting to the Finance Director. Auditors shall discuss with the Finance Director each of the following:
  - a. The Auditor's responsibility under GAAS.
  - b. Management judgments and accounting estimates.
  - c. Significant audit adjustments.
  - d. Other information in documents containing audited financial statements.
  - e. Disagreements with management.
  - f. Management consultation with other accountants.
  - g. Potential major issues.
  - h. Difficulties encountered in performing the audit.

## E. Special Considerations

1. The City will send its Comprehensive Annual Financial Report (CAFR) to the Government Finance Officers Association of the United States and Canada for review in its Certificate of Achievement for Excellence in Financial Reporting program. It is anticipated that the Auditor will not be required to provide special assistance to the City to meet the requirements of the program; however, the Auditor will be expected to review the CAFR with this in mind.
2. The City currently anticipates it will prepare one or more official statements in connection with the sale of debt securities which will contain the BFS and the Auditor's report thereon. The Auditor shall be required, if requested, to issue a letter regarding: "certification of coverage for issuing bonds", "consent and citation of expertise" and any necessary "comfort letters." The firm should complete Appendix H and state the cost to provide such services.
3. The City has determined that the U.S. Department of Housing and Urban Development (HUD) will function as the cognizant agency in accordance with the provisions of the Single Audit Act of 1984 and U.S. Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.  
  
The audit of the Authority will comply with the HUD IG Handbook 2000.4, "Consolidated Audit Guide for Audits of HUD Programs."
4. The schedule of federal financial assistance and related Auditor's report, as well as the reports on the internal control structure and compliance are to be issued as part of the CAFR.
5. The Auditor shall give the Finance Director written notice of any professional relationships involving the City or any of its component units which are entered into during the period of this agreement, within 30 days of the establishment of such relationships.
6. The City will require the auditor's assistance in implementing any new Governmental Accounting Board standards and reporting requirements to ensure that the City is in compliance.
7. Specific tax advice may be requested by the City during the year.
8. City staff would like to consult with the audit team quarterly to discuss issues such as the recording of debt issuance, recording of complicated leasing arrangements, implementation of governmental accounting standards reporting requirements, etc. City staff feels this would be beneficial to both parties and would provide an opportunity to alert the auditor as to items that may affect the audit.
9. City staff would like to attend relevant training courses offered by the audit firm to keep up with CPA licensing requirements.
10. City staff would like the Auditor's assistance in developing information to be presented to the Credit Rating and Insurance Agencies both regionally and nationally.

F. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the Auditor's expense, for a minimum of three years, unless the firm is notified in writing by the City of the need to extend the retention period. The Auditor will be required to make working papers available, upon request, to the Finance Director or the Finance Director's designees.

In addition, the Auditor shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.

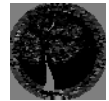


## Agenda Item 8 D

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 14, 2005



**SUBJECT:** Farmers' High Line Canal Trail Project Construction Award

**Prepared By:** Brad Chronowski, Landscape Architect II

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Keene Concrete Construction in the amount of \$203,651 for the construction of the Farmers' High Line Canal Trail along 92<sup>nd</sup> Avenue, from Wadsworth Parkway to Pierce Street, and authorize a 10 percent contingency fund in the amount of \$20,365.

**Summary Statement**

- On May 23, 2005, Council appropriated \$230,400, accepting the Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21) funds to assist in the Farmers' High Line Canal Trail construction project.
- Staff has received Award Concurrence from the Colorado Department of Transportation (CDOT) for Keene Concrete Construction in accordance with the state's bidding and award requirements.
- The City received seven qualified bids from pre-qualified construction firms.
- Construction of this trail will complete an important missing link between Wadsworth Parkway and Pierce Street along the Farmers' High Line Canal Trail.
- The scheduled improvements will be completed by early spring.

**Expenditure Required:** \$224,016 (Grant Funds)

**Source of Funds:** General Capital Improvement Fund –  
Farmers' High Line Trail Extension Project



**Policy Issue**

Should the City continue with construction of the Farmers' High Line Canal Trail construction project?

**Alternative**

City Council could choose not to continue with the construction phase of this federal aid trail project. Staff does not recommend this as the City would then be in default of its contract with CDOT, thereby increasing the City's financial liability in committed design costs from \$24,500 to \$122,500. Due to the funding obligation calendar set forth by the Denver Regional Council of Governments (DRCOG), no other logical alternatives exist that would favor the City.

**Background Information**

The initial TEA-21 grant was accepted by DRCOG in 1999 and included two pedestrian bridges and trail extensions. This original project scope involved the Burlington Northern Santa Fe Railroad (BNSF) and the Farmers' High Line Canal. The City's liability would have been \$409,000. Since then, Staff initiated several alternatives to further reduce the City's financial obligation and accomplish the same goal of connecting a major gap in the Farmers' High Line Canal Trail in the vicinity between 92<sup>nd</sup> Avenue and Pierce Street and 91<sup>st</sup> Avenue and Wadsworth Parkway. The approved alternative of upgrading the existing detached sidewalk that parallels 92<sup>nd</sup> Avenue on the north side to regional trail guidelines has been accepted by DRCOG and CDOT. The required easement has been purchased and the project has been cleared by CDOT to proceed.

The City has complied with all regulations and guidelines set forth by CDOT and the Denver Regional Council of Governments related to this project. CDOT has concurred with Staff's recommendation of contracting with Keene Concrete Construction for this project.

The bids received are as follows:

Keene Concrete Construction	\$203,650.21
Goodland Construction	\$222,873.20
Noraa Concrete Construction	\$247,248.40
Concrete Works of Colorado	\$261,815.78
Citywide Enterprises	\$316,389.45
KECI Colorado	\$312,663.00
New Design Construction	\$350,203.10

The bid proposal from Keene Concrete Construction is a good bid that meets the City's and CDOT's specifications and requirements. Staff is confident that they can complete this project in a very satisfactory manner.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

# Vicinity Map

STE M356-013

Farmers Highline Canal Trail

PCN 12478



No Scale



## Agenda Item 10 A&B

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
November 14, 2005



**SUBJECT:** Public Hearing and Action on the Ninth Amended Preliminary Development Plan for the Northpoint Center (Westminster Promenade)

**Prepared By:** Max Ruppeck, Senior Projects Manager

### Recommended City Council Action

1. Hold a public hearing.
2. Approve the Ninth Amended Preliminary Development Plan for the Northpoint Center (Westminster Promenade). This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

### Summary Statement

- The Northpoint Center is comprised of the Westminster Promenade, located at the northeast corner of Westminster Boulevard and 104<sup>th</sup> Avenue.
- The purpose of the Ninth Amendment to the Northpoint Preliminary Development Plan (PDP) is to allow residential and health spa uses on two "Office/Commercial" parcels at the Promenade.
- These two parcels, Lot 2A and 2B are 5.15 acres and 1.05 acres, respectively, and are located between the Westin Hotel and the Ice Arena.
- Lot 2A will be limited to 155 dwelling units (30 du's/acre). Lot 2B will be limited to 63 du's (60 du's/acre), retail, office and health spa uses. The final uses and densities and the public and school land dedication or cash-in-lieu will be determined on the Official Development Plan.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

At its regular meeting held on October 25, 2005, the Planning Commission voted unanimously (7-0) recommended approval of the Ninth Amended Preliminary Development Plan for the Northpoint Center. No one in the audience spoke in favor or in opposition to the amendment.

### **Policy Issue**

Should the City approve the Ninth Amendment to the Preliminary Development Plan for the Northpoint Center to add residential and health spa uses?

### **Alternatives**

- 1) Deny the Ninth Amended Preliminary Development Plan for the Northpoint Center based upon the failure to meet one or more of the criteria contained in Section 11-5-14 of the Westminster Municipal Code.
- 2) Approve the amended Preliminary Development Plan subject to conditions deemed appropriate by the City Council.

### **Background Information**

#### Nature of Request

The developer, Tim O'Byrne, owner of the Westin Hotel, wishes to build condominium residential units on parcels 2A and 2B. Parcel 2B, owned by Mr. O'Byrne, has an approved Official Development Plan (ODP) on it for a 6-story, 100-foot high office building. Parcel 2B, owned by the City of Westminster, is approved for a two level parking garage to service the office building. The proposed Preliminary Development Plan amendment would allow a similarly scaled residential building and health spa on Lot 2B, and parking and condominium units to be built as a later phase on Lot 2A. City Council approved a purchase and sale agreement with Mr. O'Byrne for the acquisition of Lot 2A on November 7, 2005. The maximum proposed building height for the Parcel 2B residential/commercial building on Lot 2B is 7 floors or 115 feet; however, the developer has made it clear that his intention is to not exceed the height of the originally proposed office building (100 feet). The maximum proposed building height for the residential buildings on Lot 2A is 5 floors or 65 feet. The height of buildings on Lot 2A will not exceed a "view plane" established from the Sheridan Green homes to the height of the building on Lot 2B. This view plane is illustrated in the applicants PowerPoint presentation.

#### Location

The site is located 10650 Westminster Boulevard. (Please see attached vicinity map).

#### Public Notification

Westminster Municipal Code 11-5-13 requires the following three public notification procedures:

- **Published Notice:** Notice of public hearings scheduled before City Council shall be published and posted at least four days prior to City Council public hearings. Notice was published in the Westminster Window on November 3, 2005.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Two signs were posted on the property on October 26, 2005.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner's associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on November 4, 2005.

Applicant/Property Owner

Lot 2B  
Tim O'Byrne  
WPDC, LLC  
10600 Westminster Blvd.  
Westminster, Colorado 80020  
Lot 2A  
City of Westminster  
4800 W. 92<sup>nd</sup> Avenue  
Westminster, Colorado 80031

Surrounding Land Use and Comprehensive Land Use Plan Designation

<b>Development Name</b>	<b>Zoning</b>	<b>CLUP Designation</b>	<b>Use</b>
Promenade Drive, 80-ft Greenbelt Sheridan Green (North)	PUD	R-3.5 Residential	Single Family Residential
Westminster Promenade (East, South and West)	PUD	District Center	Ice Arena (West) Hotel (East) Lake (South)

Site Plan Information

The following site information indicates the PDP's compliance with the City's land development criteria and guidelines, and the criteria continued in Section 11-5-14 of the Westminster Municipal Code (attached).

- Traffic and Transportation: Vehicular access to the site is provided by Promenade Drive North that forms a loop with Promenade Drive South off of Westminster Blvd. Pedestrian access is mainly from the already developed Promenade, and from a greenbelt walkway north of Promenade Drive. A pedestrian linkage to the Sheridan Green Subdivision to the north occurs at Lamar Street.
- Site Design: Will be provided with the ODP.
- Landscape Design: Will be provided with the ODP.
- Public Land Dedication/School Land Dedication: Will be provided with the ODP as cash-in-lieu.
- Parks/Trails/Open Space: A 90-ft. wide greenbelt with an 8-ft. concrete trail exists north of Promenade Drive. The Westminster Promenade and lake exists south of the site.
- Architecture/Building Materials/Signage/Lighting: Will be provided with the ODP.

Service Commitment Category

On March 28, 2005, City Council awarded 32 Service Commitments from Category B-4, New Traditional Mixed Use Neighborhood Development. This would allow 64 multiple family units to be constructed on Lot 2B (see attached Resolution). Service Commitments for Lot 2A would be subject to a future competition in Category B-4.

Referral Agency Responses

Copies of the proposed PDP amendment were sent to the following agencies: Xcel Energy, Comcast, Qwest, and Jefferson County R-1 School District. Staff has received no responses from these agencies.

Neighborhood Meeting(s) and Public Comments

A neighborhood meeting was held on September 21, 2005, at the Westin Hotel. Property owners within 300 feet of the southern limits of the Sheridan Green subdivision were notified of the meeting. Five citizens attended the meeting and were generally supportive of the additions of condominium residential and health spa uses. Concern was expressed over the traffic impacts on Promenade Drive. The developer, Tim O'Byrne stated that traffic for the residential and health spa uses would be less than the office uses originally approved for the site and, furthermore, traffic would be spread out evenly throughout the day rather than "peak hour" traffic for employment uses. A traffic impact study will be required at the ODP phase of the project and staff will address the need for any roadway improvements at that time.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Vicinity Map
- Resolution 15 – Category B-4 Competition and Service Commitment Awards
- Criteria and Standards for Land Use Applications

## Criteria and Standards for Land Use Applications

### *Comprehensive Land Use Plan Amendments*

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

### *Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)*

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.
9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.

10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
  11. The applicant is not in default or does not have any outstanding obligations to the City.
- (B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

***Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)***

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

- (A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:
1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
  2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

***City Initiated Rezoning***

- (B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:
1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
  2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
  3. The surrounding development is or may be adversely impacted by the current zoning.
  4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

***Official Development Plan (ODP) Application***

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

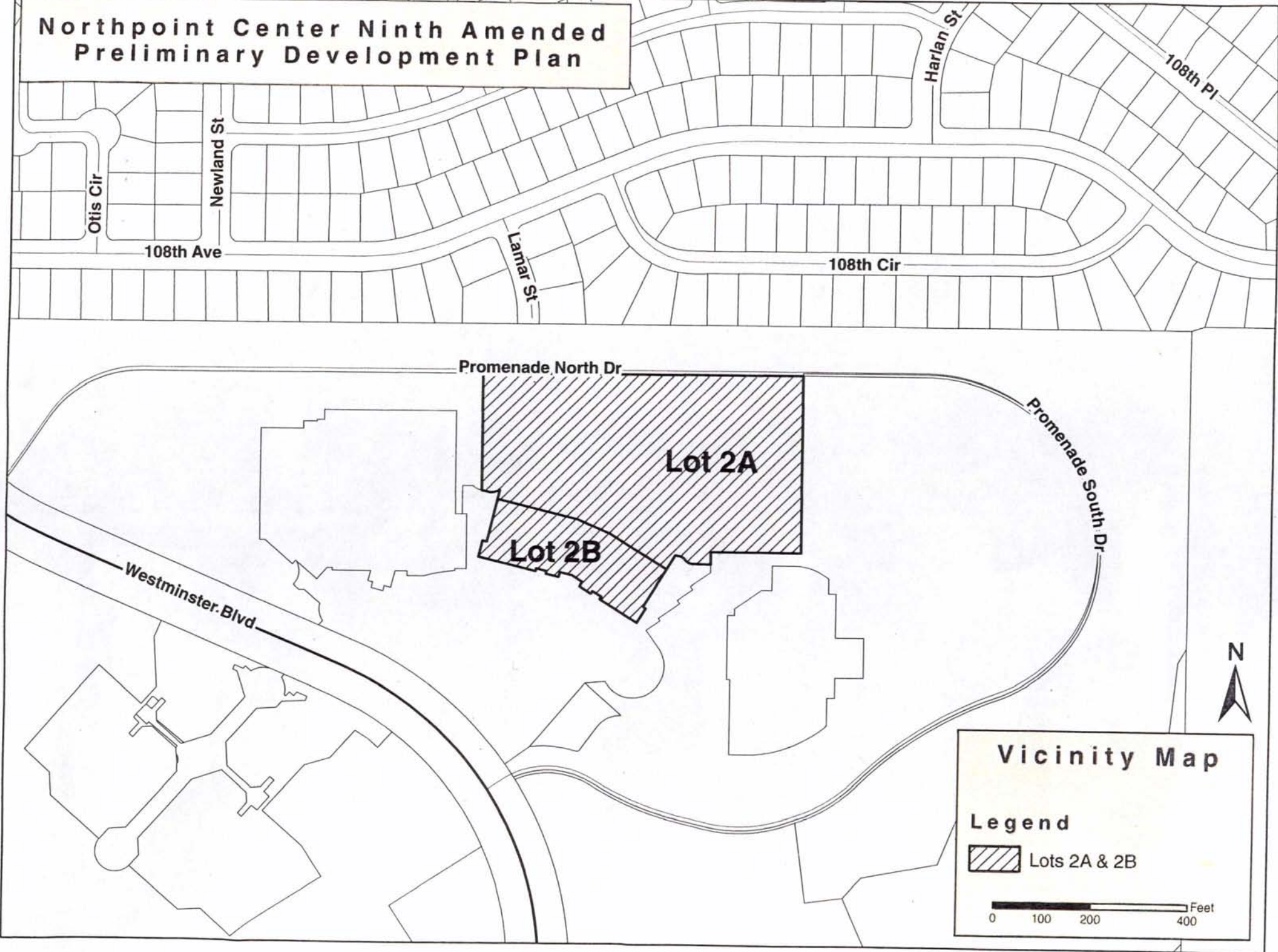
- (A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:
1. The plan is in conformance with all City Codes, ordinances, and policies.
  2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
  3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
  4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.



5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.


(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.

# Northpoint Center Ninth Amended Preliminary Development Plan



## Vicinity Map

### Legend

 Lots 2A & 2B

0 100 200 400 Feet



RESOLUTION

RESOLUTION NO. 15

INTRODUCED BY COUNCILLORS

SERIES OF 2005

**PRICE - DIXION**

**CATEGORY B-4 (NEW TRADITIONAL MIXED-USE NEIGHBORHOOD DEVELOPMENT)  
COMPETITION AND SERVICE COMMITMENT AWARDS**

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

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

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded in Category B-4 (new traditional mixed-use neighborhood development) 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 traditional mixed-use neighborhood development is limited, and the City of Westminster has previously adopted Resolution No. 71, Series of 1999, specifying the various standards for new traditional mixed-use neighborhood development 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, the City of Westminster has previously allocated 25 Service Commitments for the year 2005 for use in servicing one new traditional mixed-use neighborhood project based on the criteria set forth in Section 11-3-1 of the Westminster Municipal Code; and

WHEREAS, two applications were received for the traditional mixed-use neighborhood development competition with a total of 268 Service Commitments requested over the next three years for the total build-out of the 535 total residential units proposed; and

WHEREAS, a design jury evaluated the two proposals and highly recommended award to the Village on the Promenade project proposed by the Fullerton Company for the vacant site in the Promenade between the Westin Hotel and the Ice Centre.

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 projects listed below as follows:

<u>Project</u>	<u>Location</u>	<u>2005/Total</u>
Village on the Promenade	E. of Westm. Bl. between Westin Hotel and Ice Centre	32

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

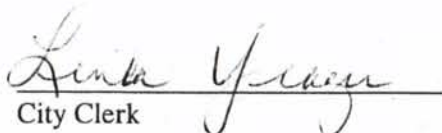
- a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
- b. Service Commitment awards for the projects listed above, if approved by the City, may only be used within the projects specified above.
- c. These Service 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.

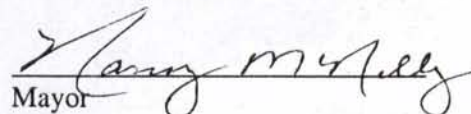


- d. Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
  - e. The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, 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.
  - f. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
  - g. 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. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
  - h. Awards shown for the year 2005 are effective as of the date of this Resolution (March 28, 2005). Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year(s) provided the Service Commitments have not expired.
  - i. In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
    - 1) The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2008, or the entire Service Commitment award for the project shall expire.
    - 2) The project must be issued at least one building permit within one year of Official Development Plan approval, or the entire Service Commitment award for the project shall expire.
    - 3) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any consecutive 12-month period.
  - j. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
  - k. This award resolution shall supersede all previous Service Commitment award resolutions for the specified project locations.
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.

Passed and adopted this 28th day of March, 2005.

ATTEST:

  
City Clerk

  
Mayor



## Agenda Item 10 C-F

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
November 14, 2005



**SUBJECT:** Public Hearing and Action on the Country Club Highlands Rezoning, Preliminary Development Plan, and Resolution No. 49 re Additional Service Commitments

**Prepared By:** Michele McLoughlin, Planner II

### Recommended City Council Action

1. Hold a public hearing
2. Pass Councillor's Bill No. 68 on first reading rezoning the Country Club Highlands property from Light Industrial (M-1) to Planned Unit Development (PUD). This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.
3. Approve the Country Club Highlands Preliminary Development Plan (PDP) within the Country Club Highlands Planned Unit Development (PUD). This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.
4. Adopt Resolution No. 49 awarding 16 additional Service Commitments to the proposed Country Club Highlands development.

### Summary Statement

- The proposed Country Club Highlands development is located north of 120th Avenue and west of Zuni Street and contains approximately 44 acres.
- The developer, John Laing Homes, is proposing 118 single-family detached lots on approximately 40 acres of the site. A 4-acre commercial site will be set aside for future development. DR Horton was the original applicant for the 2004 Category B award and requested 102 Service Commitments. John Laing Homes is requesting to build 118 units; therefore, an additional 16 Service Commitments would be required.
- A street connection to the Country Club Village retail development to the west is proposed. An 8-foot masonry brick wall will buffer the residential property from the commercial property to the west.
- The overall site will have 100% common landscaping, irrigation, maintenance, and public access (via a trail system throughout the site). A small recreation center with a clubhouse, pool, tennis court, and an amphitheatre is also proposed.
- The Official Development Plan (ODP) was approved by the Planning Commission on October 25, 2005 conditional upon approval of the rezoning; PDP and the Service Commitment Resolution. This agenda memorandum contains a summary of the information contained in the ODP.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

At the October 25, 2005 Planning Commission meeting, the Commissioners voted unanimously (7-0) to recommend that City Council approve the rezoning of the Country Club Highlands property from M-1 (Industrial District) to PUD, the Country Club Highlands Preliminary Development Plan and a resolution for 16 additional Service Commitments for this development. The Planning Commission also voted unanimously (7-0) to approve the Country Club Highlands Official Development Plan conditional upon the approval of the rezoning, Preliminary Development Plan, and additional Service Commitments.

### **Policy Issues**

- Should the City approve the rezoning of the Country Club Highlands property from M-1 to PUD?
- Should the City approve the Country Club Highlands Preliminary Development Plan within the Country Club Highlands Planned Unit Development?
- Should the City approve an additional 16 Service Commitments for this development?

### **Alternatives**

1. The City Council could deny the rezoning of the Country Club Highlands property from M-1 to PUD. Recommending denial would not bring the zoning into conformance with the approved Comprehensive Land Use Plan (CLUP) designation.
2. The City Council could deny the Country Club Highlands PDP within the Country Club Highlands Planned Unit Development. Denial would allow the M-1 zoning to remain on the property. The property could not be developed as "light industrial," as this use would not be in conformance with the CLUP.

### **Background Information**

#### Nature of Request

The applicant, John Laing Homes, is requesting approval of a rezoning, Preliminary Development Plan, and an Official Development Plan. The rezoning would change the property from M-1 to PUD. The PDP would propose the uses for the property of 6.5 acres of residential R-5, 33.6 acres of residential R-3.5, and 4.7 acres of commercial/retail. The ODP addresses the approximately 40 acres of residential development.

#### Location

The site is located at the northwest corner of 120<sup>th</sup> Avenue and Zuni Street and contains approximately 44.8 acres. (Please see attached vicinity map).

#### Public Notification

Westminster Municipal Code 11-5-13 requires the following three public notification procedures:

- **Published Notice:** Notice of public hearings scheduled before City Council shall be published and posted at least four days prior to City Council public hearings. Notice was published in the Westminster Window on November 3, 2005.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. One sign was posted on the property on October 26, 2005.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner's associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on October 28, 2005.

Applicant

John Laing Homes  
7979 E. Tufts Avenue, Ste. 1150  
Denver, Colorado 80237  
Contact: Tyson Taylor

Property Owner

Fairway Office Park  
5031 South Ulster Street, Suite 420  
Denver, Colorado 80237  
Contact: Doug Barnes

Surrounding Land Use and Comprehensive Land Use Plan Designation

<b>Development Name</b>	<b>Zoning</b>	<b>CLUP Designation</b>	<b>Use</b>
City Owned Open Space (North)	M-1	Open Space	Open Space
Country Club Village (Parkland); West	PUD	Retail/Commercial	Retail/Commercial
Arabian Horse Registry; East	PUD	Business Park	Business Park, vacant
The Ranch Subdivision, South	PUD	R 3.5	Single-Family Detached Residential

Site Plan Information

Although the ODP has been conditionally approved by the Planning Commission, staff has provided the following site plan information giving a few examples of how the proposals comply with the City's land development regulations and guidelines; and the criteria contained in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code (attached).

- **Traffic and Transportation:** The site will be accessed from streets that intersect Zuni Street, as well as an access drive connection to the west into the Country Club Village retail development. Zuni Street will be extended from 120<sup>th</sup> Avenue north with the final phase of this project to intersect Federal Parkway. There will be pedestrian circulation throughout the site with trails meandering along the rear lot lines and around the detention area, as well as along all major streets.
- **Site Design:** The site is laid out with the 4-acre commercial parcel located at the highest point at the southeast corner so that it will have spectacular views to the west and northwest. The site slopes significantly to the northwest and the lots will be graded so that many will be "walk-out" homes and all homes will have nice views. Further, all of the homes will have main floor master bedrooms.
- **Landscape Design:** The site will have 100% common landscaping, irrigation and maintenance performed by the homeowners association. Landscaping will be generous around the lots, as well as throughout the common areas, detention area, and recreation center site. All landscaped areas will be irrigated with the City's reclaimed system.
- **Public Land Dedication/School Land Dedication:** Public Land Dedication is proposed to be cash-in-lieu for a total of \$437,142 and cash-in-lieu of school land dedication fees will be paid upon final plat approval at \$876 per unit for a total of \$103,368.
- **Parks/Trails/Open Space:** No public parks are proposed. A private recreation center will include a clubhouse, pool, tennis court, and amphitheatre. Public trails are proposed throughout the site, as well as around the perimeter adjacent to the streets.

- **Architecture/Building Materials:** Five different models are being proposed with several different elevations of each model. All models include a first floor master bedroom and generous “courtyard” areas. Because of the grades on the site, many units will include walk-out basements. Building materials will be high quality to include stone, brick, and stucco, with wrought iron railings and tile roofs.
- **Signage:** Entry monuments will be located on either side of the main entrance into the site from 121<sup>st</sup> Avenue at Zuni Street, in the median and at the northwest corner of the site at Federal Parkway and Zuni Street. The side monuments will consist of stone veneer bases with stucco columns and aluminum picket fences. The median monument will be a low profile stucco wall framed by stone columns. All medians/signage will be maintained by the HOA.
- **Lighting:** Street lighting will conform to Xcel Energy standards. Low profile bollard lights will be placed throughout the development along the paths and within the private recreation area.

#### Service Commitment Category

City Council awarded a total of 102 Service Commitments to this project as a result of the 2004 Category B-1 Competition. The original applicant was DR Horton. The project has since been taken over by John Laing Homes and they are requesting an additional 16 Service Commitments for this residential project to build a total of 118 single-family detached homes.

#### Referral Agency Responses

A copy of the proposed plans was sent to the following agencies: Comcast; Adams Country School District 12; City and County of Broomfield; Colorado Department of Transportation; Qwest; Regional Transportation District; and Xcel Energy. Staff received a response from the Colorado Department of Transportation (CDOT) and their concerns regarding the phasing of the 120<sup>th</sup> Avenue improvements has been addressed on the ODP.

#### Neighborhood Meeting and Public Comments

A neighborhood meeting was held on May 2, 2005. Only one Westminster citizen from the Ranch subdivision was in attendance and was interested in the type of development being proposed, with no noted concerns. No additional public comments have been received.

Respectfully submitted,

J. Brent McFall  
City Manager

#### Attachments

- Rezoning Ordinance
- Resolution for Service Commitments
- Vicinity Map
- Zoning Map
- Criteria and Standards for Land Use Applications



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **68**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

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**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 32, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, 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 City of Westminster M-1 to City of Westminster Planned Unit Development (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 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from City of Westminster M-1 to City of Westminster Planned Unit Development (PUD). A parcel of land located in Section 32, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

A parcel of land located in the east ½, southeast ¼, Section 32, Township 1 South, Range 68 West of the 6<sup>th</sup> P.M., except that part conveyed to County of Adams by deed recorded in Book 233 at Page 36, more particularly described as follows:

Beginning at a point which is the southeast corner of Section 32, Township 1 South, Range 68 West;  
Thence North 89 degrees 54 minutes West a distance of 2643.3 feet;  
Thence North a distance of 40 feet;  
Thence South 89 degrees 43 minutes East a distance of 1306.7 feet;  
Thence North a distance of 20 feet;  
Thence South 80 degrees 43 minutes east a distance of 1336.6 feet;  
Thence South a distance of 50 feet, more or less, to the point of beginning, County of Adams, State of Colorado.

Also described as follows:

That part of the east 1/2 southeast 1/4 of Section 32, Township 1 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, described as:

Beginning at the southeast corner of said East 1/2 southeast 1/4;

Thence North 00 degrees 20 minutes 00 seconds east on an assumed bearing along the East line of said East 1/2 southeast 1/4 a distance of 50 feet to the true point of beginning;

Thence continuing North 00 degrees 20 minutes 00 seconds east along said East line a distance of 2574.30 feet to the northeast corner of said East 1/2 Southeast 1/4;

Thence North 89 degrees 10 minutes 55 seconds West along the North line of said East 1/2 Southeast 1/4 a distance of 1324.14 feet to the northwest corner of said East 1/2 Southeast 1/4;

Thence South 00 degrees 18 minutes 35 seconds West along the West line of said East 1/2 Southeast 1/4 a distance of 2580.51 feet to a point on the North line of a parcel of land described in Book 233 at Page 36, Adams County Records;

Thence along said North line a distance of 1323.04 feet to the true point of beginning, County of Adams, State of Colorado.

Except those portions conveyed in deeds recorded August 31, 2001 at Reception No. C0851506 and November 29, 2001 at Reception No. C0892789, County of Adams, State of Colorado, containing 44.80 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 14<sup>th</sup> day of November, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of November, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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

Country Club Highlands Zoning

RESOLUTION

RESOLUTION NO. 49

INTRODUCED BY COUNCILLORS

SERIES OF 2005

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**SUPPLEMENTAL CATEGORY B-1 SERVICE COMMITMENT AWARD FOR THE  
COUNTRY CLUB HIGHLANDS PROJECT**

WHEREAS, the City of Westminster has adopted by Ordinance a Growth Management Program for the period December 11, 2000 through December 31, 2010; and

WHEREAS, within Ordinance No. 2849 there is a provision that Service Commitments for residential projects shall be awarded in Category B-1 (new single-family detached) 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 single-family detached development is limited, and the City of Westminster has previously adopted Resolution No. 54, Series of 2003, specifying the various standards for new single-family detached 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, the City of Westminster City Council has previously awarded 102 Category B-1 Service Commitments for the Country Club Highlands residential project at the northwest corner of 120<sup>th</sup> Avenue and Zuni Street per Resolution No. 23, Series 2004; and

WHEREAS, the developer for the Country Club Highlands residential project has proceeded to the City's development review process and received City Council approval of the Country Club Highlands Development Plan on November 14, 2005; and

WHEREAS, the developer for the Country Club Highlands development incorporated additional single-family detached units within the Country Club Highlands development plans submitted to the City for the development review process; and

WHEREAS, the developer for the Country Club Highlands residential project requests 16 additional Category B-1 Service Commitments within the project for a total of 118 Service Commitments; and

WHEREAS, a total of 118 single-family detached units does not exceed the density requirements within the City's Comprehensive Land Use Plan; and

WHEREAS, City Council finds that it would be in the best interests of the City and its residents, and in furtherance of the City's Growth Management Program, to make a supplemental award of Service Commitments for the proposed project; 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.

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

1. An addition of 16 Category B-1 Service Commitments is hereby awarded for a total of 118 Service Commitments to the Country Club Highlands project proposed for the northwest corner of 120<sup>th</sup> Avenue and Zuni Street listed below as follows:

<u>Project</u>	<b># SERVICE COMMITMENTS PER YEAR</b>			
	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>Total</u>
Country Club Highlands	20	55	43	<b>118</b>

2. The Service Commitment award to the project listed above is conditional and subject to the following:
  - a. The applicant must complete and submit proposed development plans to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
  - b. The Service Commitment award for the project listed above, if approved by the City, may only be used within the project specified above.
  - c. This Service Commitment award 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.
  - d. This Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
  - e. The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of property involved in this Category B-1 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-1 award.
  - f. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
  - g. 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. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
  - h. Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year(s) provided the Service Commitments have not expired.

- i. In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
  - 1) The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2007, or the entire Service Commitment award for the project shall expire.
  - 2) The project must be issued at least one building permit within one year of Official Development Plan approval, or the entire Service Commitment award for the project shall expire.
  - 3) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any consecutive 12-month period.
- j. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
- k. This award resolution shall supersede all previous Service Commitment award resolutions for the specified project location.

3. The Category B-1 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.

PASSED AND ADOPTED this 14<sup>th</sup> day of November, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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

## Criteria and Standards for Land Use Applications

### *Comprehensive Land Use Plan Amendments*

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

### *Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)*

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (P.U.D.) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The P.U.D. exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The P.U.D. is compatible and harmonious with existing public and private development in the surrounding area.
5. The P.U.D. provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The P.U.D. has no significant adverse impacts upon existing or future land uses or upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.
9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

### ***Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)***

#### **11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)**

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

### ***City Initiated Rezoning***

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

### ***Official Development Plan (ODP) Application***

#### **11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)**

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

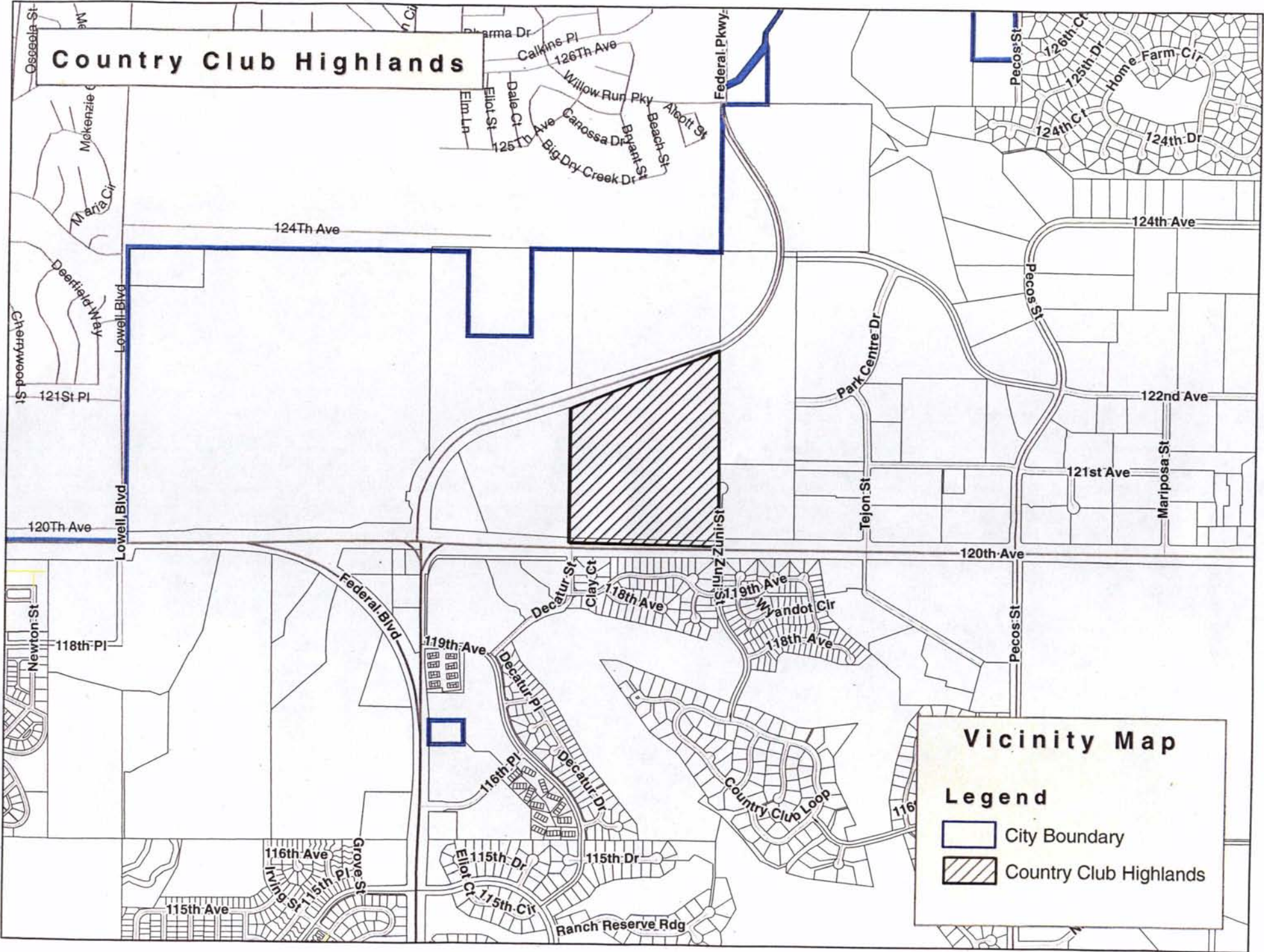
1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.

11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.



# Country Club Highlands



## Vicinity Map

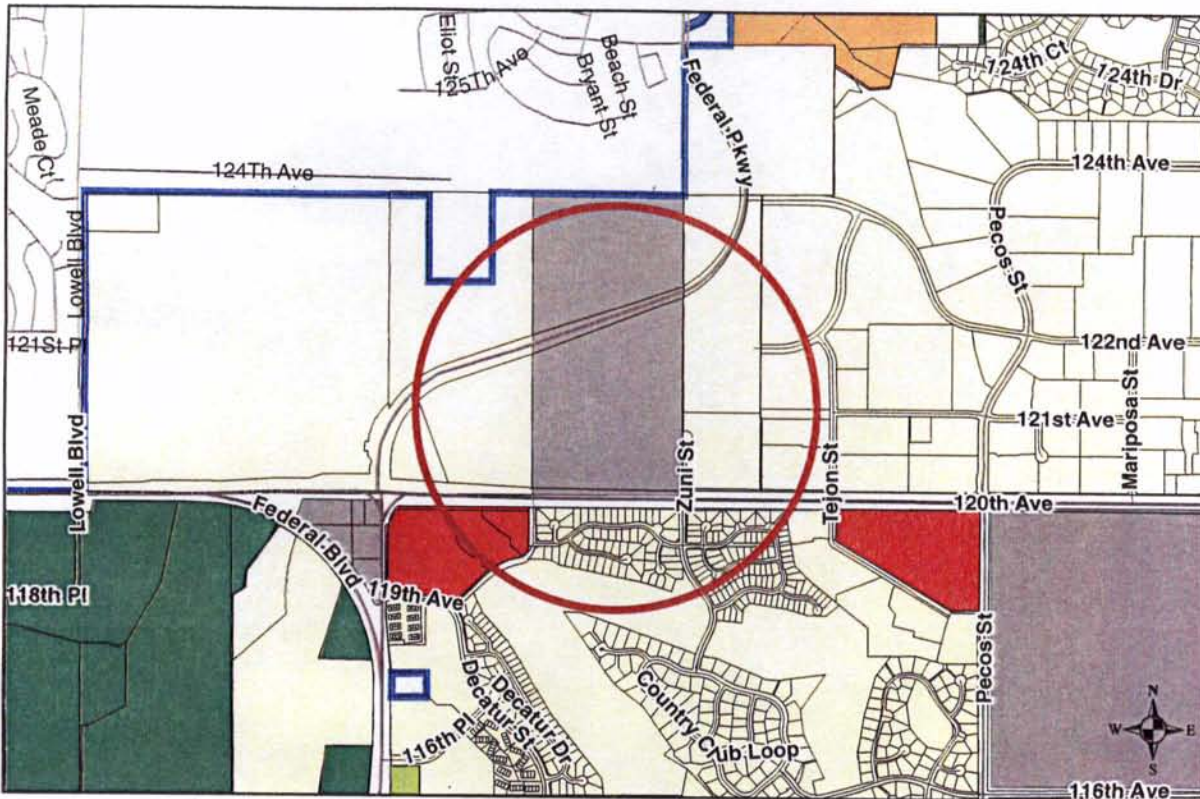
### Legend

-  City Boundary
-  Country Club Highlands



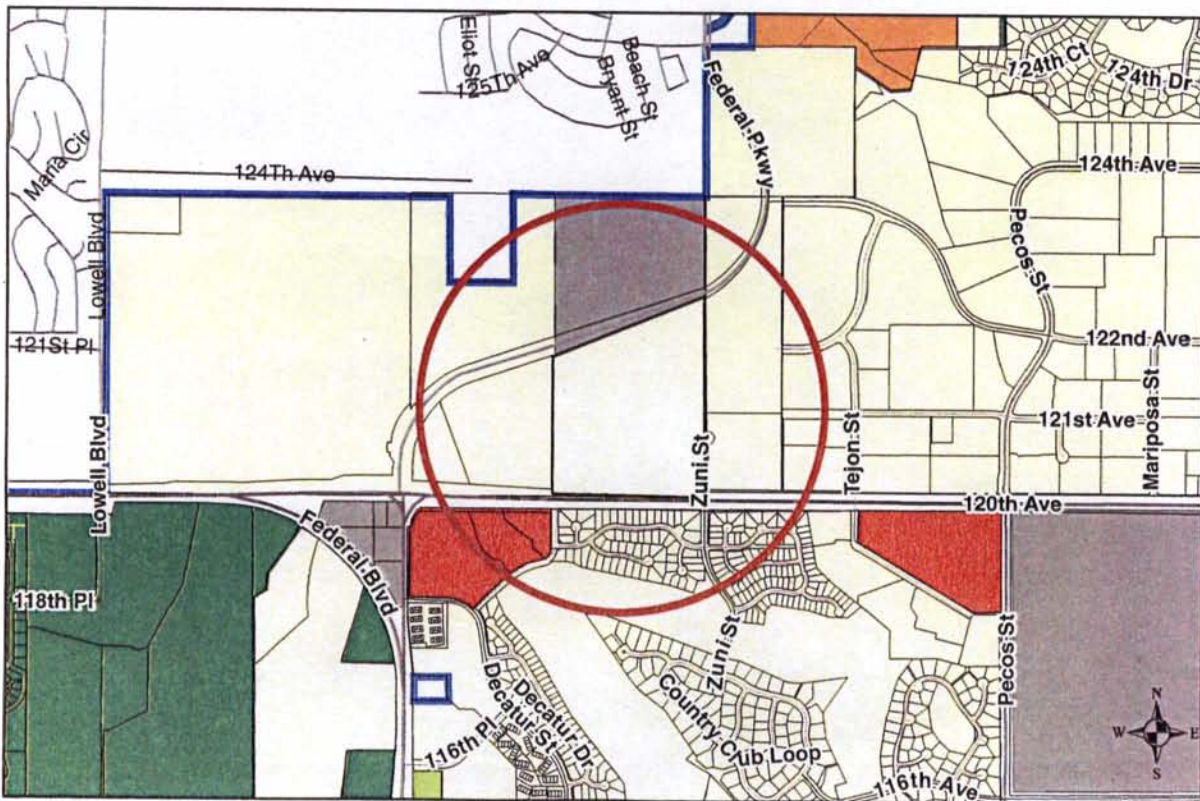
# Country Club Highlands Rezoning

Current Zoning Designation



Description of Change:  
Property is zoned Industrial. Proposed designation is PUD.

Proposed Zoning Designation



Legend	
Zoning	
	B-1
	C-1
	M-1
	O-1
	PUD
	R-3
	R-1
	R-2
	R-4
	R-5
	R-A
	R-E
	T-1
	City Boundary

0 375 750 1,500 Feet

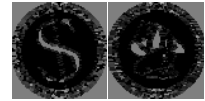


## Agenda Item 10 G

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
November 14, 2005



**SUBJECT:** Councillor's Bill No. 69 re 2005 Edward Byrne Memorial Assistance Grant Program

**Prepared By:** Dan Montgomery, Chief of Police  
Carol Workman, Senior Management Analyst

### Recommended City Council Action

Pass Councillor's Bill No. 69 on first reading appropriating \$30,527 from the Edward Byrne Memorial Assistance Grant Program (JAG) to the Police Department's Investigations and Technical Services Division budget.

### Summary Statement

In June 2005, the Police Department applied for a Federal Bureau of Justice Assistance Grant known as the Edward Byrne Memorial Assistance Grant. This grant provides funding for the purchase of law enforcement related programs, equipment, software and services. The funding of \$30,527 will be used to provide funding to the North Metro Drug Task Force to target street level drug violators and investigate major drug distribution groups, purchase a projector for the Communications Center to view large scale maps for efficient field unit responses, purchase equipment for the Animal Management Unit to use for enforcement purposes in our parks and on our trails, purchase a drug safe for the property and evidence warehouse and miscellaneous other equipment.

**Expenditure Required:** \$30,527/No Match Required

**Source of Funds:** Office of Justice Programs Bureau of Justice Assistance

## **Policy Issue**

Whether or not to use grant funds for police programs and equipment expenditures.

## **Alternative**

City Council could choose not to pass the proposed Councillor's Bill, which would result in the Police Department losing \$30,527 in grant funds. Staff does not recommend this alternative since the Department of Justice has agreed to provide the Police Department with federal assistance for equipment needs with no match from the City of Westminster.

## **Background Information**

The Police Department submitted a grant application for a Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) for \$30,527. The purpose of this grant is to support local government in activities to prevent and control crime based on local needs and conditions. On August 12, 2005 the Bureau of Justice Assistance (BJA) informed the Police Department that the grant application was approved. Under the special requirements of the grant, the Police Department is not allowed to request payment until City Council has formally approved the grant funding at a public City Council meeting.

The Police Department would like to identify the following items to be purchased with the grant funds:

- Provide funding to the North Metro Drug Task Force (\$10,382).
- Purchase equipment for the Police Department Communications Section to view large scale maps for response efforts (\$1,400).
- Purchase four police bicycles for the Animal Management Unit for field enforcement in the City's Parks and on the trails system (\$6,000).
- Expand the drug safe for the Property and Evidence Section (\$3,000).
- Miscellaneous other equipment (\$9,745).

North Metro Drug Task Force Funding: The City of Westminster currently has an Intergovernmental Mutual Aid Agreement (IGA), joining the City with seven other agencies to operate what is called the North Metro Drug Task Force (NMDTF). The mission of the NMDTF is to target street level drug violators and investigate major drug distribution groups as they are identified through street level investigations. The City of Westminster Police Department has been part of the IGA since 1991 and currently has four detectives assigned to the NMDTF.

The department will be using monies from this grant to supplement the NMDTF with the necessary funding for them to carry out their efforts in drug interdiction and enforcement. This grant would help the task force with necessary monies that were lost as a result of former Edward Byrne Memorial funds being reduced by 30%. Currently the department contributes \$22,145 from the Police Department Operating budget to this agency. An additional \$10,382 from the JAG grant will be contributed to the NMDTF.

Communications Section: Currently the center staffs up to seven consoles. The center uses printed Denver area map books (located at each console) to locate addresses for field units when they may need to assist other metropolitan departments. The books are difficult to use when time is of the essence and are also limited to the information provided. The solution would allow for a large scale map to be projected on a screen on a wall in the Communications Center for all to view. This software has the capability to search for locations through drop down menus. Geographical radius can be entered and utilized for perimeter set up and deployment locations. The cost of the projector is \$1,400.

Animal Management Bicycles: Funding from this grant will also allow the department to expand enforcement efforts in the City Parks and on the trails. Currently Animal Management Officers (AMO) are in vans and/or trucks and are unable to access the trails to enforce the municipal code violations that regularly take place in our open space areas. The program outlined would provide AMO with bicycles to access the City parks, open space, and on the City's extensive trail system to facilitate patrols for vicious animals, wildlife, animals off leash and other violations. Westminster residents are proud of their outdoor recreational opportunities and the purchase of these four bicycles, which cost a total of \$6,000, will allow the Police Department to keep these areas as quality, usable spaces.

Drug Safe: The Property and Evidence section was moved into a larger facility but due to the lack of a streamlined process and outdated ideas concerning storage of drugs, guns and other property, the warehouse was not being utilized and organized in a manner deemed efficient by the department. The goal of the division/section is to expand the drug safe so that drugs are locked and stored appropriately; build a new gun storage unit so that guns are stored separately and exclusively from other property; free up space in the existing storage units so that space is optimized and the order in which property is placed, balanced out, and stored is in an organized and effective manner. The cost to upgrade this area is \$10,200 of which \$3,000 will come from the JAG Grant. The remaining monies are being funded from the department's Asset and Forfeiture account.

The department is in the process of examining the need for additional computers, including basic software for the Records Section and the Patrol Report Writing Area. Staffing levels and workload have increased substantially but the number of computers that is required for the personnel may not be adequate. Staff will be reviewing these needs and will make a determination on where the final \$9,745 should be allocated

The Edward Byrne Memorial Assistance Grant funds will be used to purchase all of these pieces of police services, software and equipment. No cash match from the City of Westminster will be required for this grant.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 69

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$30,527 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$91,765,743. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This is an appropriation of a Federal Bureau of Justice Assistance Grant.

Section 2. The \$30,527 increase in the General Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Federal Grants	1000.40610.0000	\$4,471	<u>\$30,527</u>	\$34,998

Total Change to Revenues

\$30,527

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Equip-Inv Svcs	10020300.76000.0344	\$52,505	<u>\$30,527</u>	\$83,032

Total Change to Expenses

\$30,527

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of November, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of November, 2005.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
November 14, 2005



**SUBJECT:** Councillor's Bill No. 70 re 2005 3rd Quarter Budget Supplemental Appropriation

**Prepared By:** Karen Creager, Accountant

**Recommended City Council Action**

- Pass Councillor's Bill No. 70 on first reading providing for supplementary appropriations to the 2005 budget of the General, General Capital Outlay Replacement, Open Space and General Capital Improvement Funds.
- Approve the addition of \$396,932 to the City's master lease program for the fire truck that Council approved on December 10, 2004.

**Summary Statement**

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2005 3rd quarter supplemental appropriation.
- General Fund amendments:
  - \$2,200 Fiber rebate
  - \$12,375 Community sponsorships
  - \$50 K-9 program donation
  - \$16,202 Police Department overtime reimbursements
  - \$4,370 Police Department "Click-It or Ticket" grant
  - \$1,270 Police Department internet crimes grant
  - \$4,343 Youth scholarship funds
- General Capital Outlay Replacement Fund (GCORF) amendments:
  - \$396,932 Fire Truck lease proceeds
- Open Space Fund amendments:
  - \$28,887 Construction easement
- General Capital Improvement Fund amendments:
  - \$5,100 Great Outdoors Colorado grant

**Expenditure Required:** \$471,729

**Source of Funds:** The funding sources for these supplemental appropriations include lease proceeds, community events, donation, reimbursements, grants, an easement payment, contributions and a recycling rebate.



**Policy Issue**

Does City Council support amending the appropriations for the 2005 budget of the General, GCORF, Open Space and General Capital Improvement Funds?

**Alternative**

The alternative would be to not amend the 2005 budget appropriations for the General, GCORF, Open Space and General Capital Improvement Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred these expenses and covered them in their current budget in anticipation of receipt of the funds.

**Background Information**

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

Building Operations and Maintenance received a rebate of \$2,200 for the recycling program at City facilities. The funds will be used to continue providing confidential record shredding for various City departments. (General Fund)

Community Development received contributions in the amount of \$12,375 from various businesses to offset the expenses of the annual Business Appreciation Event. (General Fund)

Recently, the Police Department (PD) received a \$50 citizen donation for the K-9 program. (General Fund)

The PD also received a grant of \$4,370 from the State of Colorado. This grant was for overtime expended during the "Click It or Ticket" campaign from May 23, 2005 through June 13, 2005. During this campaign, overtime was expended for officers to enforce seat belt laws. (General Fund)

Additionally, the PD received \$16,202 from the City of Thornton on behalf of the North Metro Drug Task Force for High Intensity Drug Trafficking Area (HIDTA) investigations overtime reimbursements. These reimbursements were for overtime incurred by members of the Police Department while working on Federal HIDTA cases. (General Fund)

Lastly, the PD received \$1,270 from the City of Colorado Springs, administrator of a grant through the Colorado Internet Crimes Against Children Task Force. This Task Force is intended to target sexual predators of children who operate via the Internet. The grant provides funds to participating police departments for expenses such as undercover phone lines used while investigating crimes against children where the internet was involved. (General Fund)

The Westminster Youth Scholarship Fund will benefit from the net proceeds of \$4,343 received in 2005 from community events such as 4th of July, the Holy COW Trail Stampede, art shows, etc. held in Westminster. Funds from the youth scholarship program are used to award scholarships for City-sponsored recreation programs to youth who could not otherwise afford to participate. (General Fund)

On December 10, 2004, City Council approved the purchase of a Pierce Dash 61' Skyboom custom fire engine. The engine was ordered in 2004 with the anticipated delivery in the 4<sup>th</sup> qtr of 2005. In Staff's agenda memo to obtain approval for the purchase, it was not explicit that the balance of the cost of the fire engine, \$396,932, would be added to the City's master lease program. Approval of this supplemental will also serve as Council's authorization to add the fire truck to the master lease program. In order to properly reflect the receipt of the lease proceeds and the subsequent use of the proceeds on the City's books, the lease proceeds are now being appropriated. (GCORF Fund)



Community Development received \$28,887 for a construction easement over open space property. These funds will be used toward the purchase of future open space properties. (Open Space Fund)

On July 11, 2005 Parks, Recreation and Libraries received Council authorization to accept a grant from Great Outdoors Colorado for Big Dry Creek Trail restoration and revitalization. These funds were to be used to hire the Mile High Youth Corps for one week. The agenda did not include an ordinance to appropriate the grant; therefore, the appropriation is being included with this quarterly supplemental appropriation ordinance. (General Capital Improvement Fund)

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **70**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL, GENERAL  
CAPITAL OUTLAY REPLACEMENT, OPEN SPACE AND GENERAL CAPITAL  
IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION  
FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$40,810 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$91,806,553. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of various donations, sponsorships and reimbursements, grants, community events and a rebate.

Section 2. The \$40,810 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Gen Misc	1000.43060.0000	\$204,322	\$2,200	\$206,522
Federal Grants	1000.40610.0000	4,471	17,472	21,943
State Grants	1000.40620.0000	20,000	4,370	24,370
Youth Scholarship	1000.41030.0528	0	4,343	4,343
Contributions	1000.43100.0000	24,750	<u>12,425</u>	37,175
Total Change to Revenues			<u>\$40,810</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Solid Waste Coll	10012390.67300.0702	\$20,080	\$2,200	\$22,280
Special Promotion	10030340.67600.0000	24,900	12,375	37,275
Special Promotion	10050760.67600.0528	1,322	4,343	5,665
Prof Services	10020300.65100.0344	22,000	1,270	23,270
Overtime	10020500.60400.0349	502,500	4,370	506,870
Supplies	10020500.70200.0347	50,598	50	50,648
Overtime	10020300.60400.0344	192,471	<u>16,202</u>	208,673
Total Change to Expenses			<u>\$40,810</u>	

Section 3. The 2005 appropriation for the General Capital Outlay Replacement Fund initially appropriated by Ordinance No. 3162 in the amount of \$2,917,759 is hereby increased by \$396,932 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$3,314,691. The actual amount in the General Capital Outlay Replacement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of lease proceeds for a fire truck.

Section 4. The \$396,932 increase in the General Capital Outlay Replacement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Sources	4500.46000.0000	\$0	<u>\$396,932</u>	\$396,932
Total Changes to Revenue			<u>\$396,932</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Uses	45010900.78800.0000	\$0	<u>\$396,932</u>	\$396,932
Total Change to Expenses			<u>\$396,932</u>	

Section 5. The 2005 appropriation for the Open Space Fund initially appropriated by Ordinance No. 3162 in the amount of \$4,414,869 is hereby increased by \$28,887 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$6,594,399. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of a construction easement.

Section 6. The \$28,887 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Miscellaneous	5400.43060.0000	\$0	<u>\$28,887</u>	\$28,887
Total Changes to Revenue			<u>\$28,887</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$772,142	<u>\$28,887</u>	\$801,029
Total Change to Expenses			<u>\$28,887</u>	

Section 7. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$5,100 which, when added to the fund balance as of the City Council action on November 14, 2005 will equal \$32,361,618. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of a Great Outdoors Colorado grant.

Section 8. The \$5,100 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Miscellaneous	7501.40620.0026	\$0	<u>\$5,100</u>	\$5,100
Total Changes to Revenue			<u>\$5,100</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Trail Development	80175050135.80400.8888	\$525,065	<u>\$5,100</u>	\$530,165
Total Change to Expenses			<u>\$5,100</u>	

Section 9. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 10. This ordinance shall take effect upon its passage after the second reading.

Section 11. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of November, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of November, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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

## Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, November 14, 2005. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the November 7, 2005 special meetings were approved.

Council recognized employees with 20, 25, and 30 years of service and presented a proclamation acknowledging Double Black Imaging for recently being recognized as the Number Two Small Company in Colorado and for the company's impressive growth.

Council approved the following: ambulance purchases; 2006 traffic signal maintenance contract; financial audit firm contract for fiscal years 2005-2009; Farmers' High Line Canal Trail Project construction award; Ninth Amended PDP for the Northpoint Center (Westminster Promenade); Country Club Highlands PDP within the Country Club Highlands PUD; and master lease program re fire truck approved December 10, 2004.

Council adopted Resolution No. 49 re additional service commitments re Country Club Highlands development.

Council conducted the following public hearings: hearing re Ninth Amended PDP re Northpoint Center (Westminster Promenade) and hearing re Country Club Highlands rezoning, PDP and service commitments.

The following Councillors' Bills were passed on first reading:

**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 32, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.** Purpose: rezoning the Country Club Highlands property from Light Industrial (M-1) to Planned Unit Development (PUD).

**A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.** Purpose: appropriating \$30,527 Edward Byrne Memorial Assistance Grant to the Police Department.

**A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL, GENERAL CAPITAL OUTLAY REPLACEMENT, OPEN SPACE AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.** Purpose: 3<sup>rd</sup> qtr. Budget supplemental appropriation.

At 8:13 p.m., the meeting was adjourned.

By order of the Westminster City Council  
Linda Yeager, MMC, City Clerk

Published in the Westminster Window on November 24, 2005