

November 23, 1998

7:00 PM

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

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

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**  
None
- 5. Citizen Communication (5 minutes or Less in Length)**
- 6. Report of City Officials**
  - A. City Manager's Report
- 7. City Council Comments**

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

- 8. Consent Agenda**
  - A. Modular Furniture Purchase for General Services due to Staffing Changes
  - B. Purchase of Microsoft Office Software to complete the conversion from current Data General system
  - C. Purchase of 204 Locker Replacements for City Park Recreation Center from American Locker Security Systems
  - D. Contract Revisions for Standley Lake Phase I, Landscape Architect Services for additional Recreation Area design services
  - E. CB No. 27 on second reading re Definitions for Hotels/Motels (Atchison-Allen)
  - F. CB No. 69 on second reading re Village at Park Centre Business Assistance Package (Merkel-Allen)
  - G. CB No. 70 on second reading re Kohl's Department Store Business Assistance Agreement (Dixion-Smith)
- 9. Appointments and Resignations**
  - A. Volunteer Fire Pension Board Appointments
- 10. Public Hearings and Other New Business**
  - A. Councillor's Bill No. 72 re Church Ranch Business Center Assistance Package at the southwest corner of 103rd Avenue and Church Ranch Boulevard
  - B. Resolution No. 70 re Exclusion from Southwest Adams County Fire Protection District for the DePalma Property
  - C. Banking Services Contract with U.S. Bank for three years with options to renew
  - D. Councillor's Bill No. 73 re City Personnel Policies and Rules amendments for appeal rights to part-time employees pursuant to City Charter change
  - E. Engineering Design Contract with MK Centennial for Little Dry Creek Trail at 76th Avenue and Sheridan Boulevard
  - F. Resolution No. 71 re Reimbursement Request to Jefferson County Open Space for Waverly Acres Park Renovation and City Park Phase III Improvements
  - G. Resolution No. 72 re Joint Venture Grant Application to Jefferson County Open Space for the Northwest Area Recreation Center
  - H. Resolution No. 73 re Trails Grant Application to GOCO and Colorado State Parks for construction of the Walnut Creek Trail
  - I. Payment to Denver Water Department for Raw Water Deliveries for the 1998 portion of the Denver System Development Charge
  - J. Big Dry Creek Water Reclamation Facility Laboratory Services Contract with Core Laboratories Inc
- 11. Old Business and Passage of Ordinances on Second Reading**  
None
- 12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business**
  - A. Financial Report for October, 1998
  - B. City Council

- C. Request for Executive Session
  - 1. Business Assistance Package
- 13. Adjournment

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, NOVEMBER 23, 1998 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Dixon.

CONSIDERATION OF MINUTES:

A motion was made by Allen and seconded by Merkel to accept the minutes of the meeting of November 9 and the special meeting of November 16, 1998 with no additions or corrections. The motion carried unanimously.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher reported that a Study Session will be held November 30 and the Legislative Dinner will be held on December 7.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Modular Furniture Purchase for General Services - Award a contract for the purchase of Haworth modular furniture components to Facilitek Office Furniture Systems in the amount of \$29,951 and charge \$8,000 to the Public Works and Utilities Department Water and Wastewater and General Fund budgets and the remaining \$21,951 to the General Services budget in the General Fund on a finding that the negotiated contract with Facilitek Office Furniture Systems as recommended by the City Manager will best serve the public interest; Purchase of Microsoft Office Software - Authorize the expenditure of \$52,705 to purchase 57 copies of Microsoft Office software and 272 Microsoft Office upgrades, charging the expense to the appropriate Finance Department, Data Processing Division account; Locker Replacements at City Park Recreation Center - Authorize the purchase of 204 lockers from American Locker Security Systems Inc. in the amount of \$45,103 plus a contingency of \$4,510, based on a finding that the negotiated purchase as recommended by the City Manager will best serve the public interest, and charge the expense to the appropriate account in the 1998 Parks, Recreation and Libraries Capital Improvement Fund; Standley Lake Phase I Landscape Architect Services - Authorize the City Manager to approve a contract for revisions to the design and construction documents of the Standley Lake Recreation Area Phase I Improvements with DHM, Inc. in the amount of \$55,000, authorize a 10% project contingency of \$5,500, and charge this expense to the appropriate account in the 1998 General Capital Improvement Project Fund; Councillor's Bill No. 27 re Definitions for Hotels/Motels; Councillor's Bill No. 69 re Village at Park Centre Business Assistance Package; and Councillor's Bill No. 70 re Kohl's Department Store Business Assistance Agreement.

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

A motion was made by Atchison and seconded by Allen to adopt the consent agenda items as presented. The motion carried unanimously.

APPOINTMENTS AND RESIGNATIONS:

A motion was made by Merkel and seconded by Allen to appoint Gary Doane and Gary Buschy to the Volunteer Firefighters Pension Board of Directors. The motion carried unanimously.

COUNCILLOR'S BILL NO. 72 - CHURCH RANCH BUSINESS ASSISTANCE PACKAGE:

A motion was made by Atchison and seconded by Smith to pass Councillor's Bill No. 72 on first reading authorizing the execution and implementation of the Business Assistance Agreement in the amount of \$115,000 for Church Ranch Business Center III, LLC, to construct an office/office showroom at Church Ranch Corporate Center. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 70 - EXCLUSION FROM SOUTHWEST ADCO FIRE DISTRICT:

A motion was made by Scott and seconded by Atchison to adopt Resolution No. 70 approving the exclusion of the DePalma property from the Southwest Adams County Fire Protection District. Upon roll call vote, the motion carried unanimously.

BANKING SERVICES CONTRACT:

A motion was made by Allen and seconded by Scott to authorize the City Manager to execute a banking services contract with U.S. Bank National Association, in accordance with their proposal. The motion carried unanimously.

COUNCILLOR'S BILL NO. 73 - CITY PERSONNEL POLICIES AND RULES:

A motion was made by Smith and seconded by Atchison to pass Councillor's Bill No. 73 on first reading amending Westminster Municipal Code Section 1-24-6 to allow classified, benefitted part-time employees to have Personnel Board appeal rights pursuant to the City Charter amendment approved by voters November 3, 1998. Upon roll call vote, the motion carried unanimously.

DESIGN CONTRACT FOR LITTLE DRY CREEK TRAIL:

A motion was made by Scott and seconded by Allen to authorize the City Manager to sign a contract with MK Centennial in the amount of \$99,950 for the design of the Little Dry Creek Trail because it is in the best interests of the City, and a 10% contingency of \$10,000, and charge this expense to the appropriate project account in the General Capital Improvement Fund. The motion carried unanimously.

RESOLUTION NO. 71 - WAVERLY ACRES PARK/CITY PARK REIMBURSEMENT REQUEST:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 71 requesting \$65,000 and \$100,000 reimbursement from Jefferson County Open Space for Waverly Acres Park renovations and City Park Phase III improvements, respectively. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 72 - GRANT APPLICATION FOR NORTHWEST RECREATION CENTER:

A motion was made by Smith and seconded by Atchison to adopt Resolution No. 72 authorizing the submittal of a Joint Venture development grant application to Jefferson County Open Space for the financial assistance with the construction of the Northwest Area Recreation Center. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 73 - TRAILS GRANT APPLICATION FOR WALNUT CREEK TRAIL:

A motion was made by Smith and seconded by Atchison to adopt Resolution No. 73 authorizing the submittal of a trails grant application to GOCO and Colorado State Parks for the construction of the Walnut Creek Trail thru the Westmoor Golf Course. Upon roll call vote, the motion carried unanimously.

PAYMENT TO DENVER WATER DEPARTMENT FOR RAW WATER DELIVERIES:

A motion was made by Allen and seconded by Atchison to authorize a payment in the amount of \$300,000 to the Denver Water Department for the 1998 portion of the Denver System Development charge for a second 500 acre feet of Moffat water as provided for in a 1993 agreement with the Denver Water Department and charge the expense to the appropriate account in the Utilities Capital Improvements Budget. Senior Water Resources Engineer Mike Happe was present to address Council. The motion carried unanimously.

LABORATORY SERVICES CONTRACT FOR BIG DRY CREEK WATER FACILITY:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to execute a contract with Core Laboratories, Inc., for one year in the amount of \$62,690 with the option of extending the contract for two additional one-year periods, based on a finding that this action will best serve the public interest, and charge these expenditures to the 1999 Public Works and Utilities Department Budget. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

Council reviewed the Financial Report for October, 1998.

Mayor Heil commented on the Butterfly Pavillion's Focus on Diversity programs which have focused on the Hmong and American Indians in previous presentations and invited everyone to attend the January Diversity Program.

The Mayor stated there would be an Executive Session to discuss a real estate acquisition matter on trail development.

ADJOURNMENT:

The meeting was adjourned at 7:20 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 23, 1998

**Subject:** Modular Furniture Purchase for General Services Office Areas

**Prepared by:** Kathleen Hix, Employee Development Coordinator

### **Introduction**

City Council action is requested to authorize the purchase of Haworth modular office furniture and wall systems in the amount of \$29,951 from Facilitek Office Furniture Systems, a local Haworth furniture dealer. Funds are available from two different sources: \$8000 is available from the Department of Public Works and Utilities General and Utility Funds, and \$21,951 is available from General Services General Fund for the purchase.

### **Summary**

In 1988, the City established a standard of quality of furniture that it has maintained over the years to ensure a consistent, professional image throughout the building with long lasting office furniture products. The past ten years have proven that the office furniture selected for the building has met the desired objectives of wear and durability.

Competitive bids were not obtained due to the single source local supplier for Haworth furniture being Facilitek Office Furniture Systems. Over the last ten years, the City has developed an excellent working relationship with Facilitek and the firm has all City Hall furniture on a computerized system. This allows the City to test various workstation configurations to determine which configurations will allow the most efficient use of space.

Included in the 1999 budget approved by City Council, was the restructuring of the General Services Department. Environmental Compliance, currently a section of the Public Works and Utilities Department, will become a section in the General Services Department and will relocate to City Hall. The City Messenger which was part of the City Manager's Office is now located in the City Clerk's Office which is also part of the General Services Department. With the transfer of these positions, there are not enough workstations for the new employees.

City Staff and Facilitek have been working over the past several months to develop a floor plan to accommodate the current employee staffing level and the future growth. The floor plan that will be used reconfigures two existing workstations and adds three new workstations in the City Clerk's Office work area.

An alternative to the recommended actions would be leaving the Environmental Compliance staff at the Municipal Service Center and accommodating the City's messengers office needs by sharing a workstation with an existing part-time employee. A second alternative to the proposed action would be to seek competitive quotes for the desired furniture and wall systems.

### **Staff Recommendation**

Award a contract for the purchase of Haworth modular furniture components to Facilitek Office Furniture Systems in the amount of \$29,951 and charge \$8,000 to the Public Works and Utilities Department Water and Wastewater and General Fund budgets and the remaining \$21,951 to the General Services budget in the General Fund on a finding that the negotiated contract with Facilitek Office Furniture Systems as recommended by the City Manager will best serve the public interest.

## **Background Information**

With the creation of the Information Technology Department in 1999, the City Administration took the opportunity to re-examine other City Departments and determine if programs or functions should be moved. Through the budget process it was recommended that the Environmental Compliance staff be moved from the Public Works and Utilities Department to the General Services Department. General Services' main function is to provide support services to other City departments and employees. Since the function of the Environmental Compliance staff is to assure the City's buildings and activities are in compliance with federal and state environmental regulations, it was determined that this program move was consistent with the Department's overall focus.

Environmental Compliance staff is currently located at the Municipal Service Center. New workstations need to be provided for these employees in the General Services Department at City Hall. An additional workstation will be needed to accommodate the City Messenger (currently filled by two part time employees) moving from the City Manager's Office to the General Services Department as well.

City staff have assessed various floor plan alternatives with the help of the design staff at Facilitex to determine the most efficient use of space within the Department. After the floor plan was decided on, an inventory of existing workstations was made to determine what new Haworth products would need to be purchased. The anticipated costs are \$29,951 for Haworth products such as the panels, chairs, worksurfaces, overhead storage, file drawers, shelves, and installation during normal business hours. Funds are available for the design, purchase and installation of the workstations through savings available in budget line items in the Public Works and Utilities and General Services Departments in the Utility and General Funds.

It is anticipated that the furniture components will be installed in late December. The installation will be completed with minimal disruption to the staff and service to the public.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

**Date:** November 23, 1998

**Subject:** Purchase of Microsoft Office Software

**Prepared by:** David Puntteney, Data Processing Manager

**Introduction**

City Council action is requested to authorize the expenditure of \$52,705 to purchase Microsoft Office software through GE Capital. Funds are available in the Finance Department, Data Processing Division budget for this purchase.

**Summary**

In 1996, the City began a multi-year conversion effort to convert 400 users from the current Data General CEO office automation system to a new system based on personal computers, servers, and Microsoft Office software. Information Technology Staff plans to complete this project by December 31, 1998. One component required for the new system is the Microsoft Office software. The City needs to purchase the remaining 57 additional copies of Microsoft Office as well as 272 Microsoft Office upgrades to complete the conversion effort.

The City participates with the State of Colorado in the Microsoft Select program, which enables the City to purchase Microsoft software at a significant discount. The program is administered through GE Capital. The City's standard price on Microsoft Office is \$433. Under the Microsoft Select program, the City buys the same software for \$248.57. Upgrades from older versions of Microsoft Office would cost \$231 under standard pricing. Pricing through the Microsoft Select program is \$141.68.

Total savings through the Microsoft Select program is significant as shown below:

<b>PRODUCT</b>	<b>STANDARD GOVERNMENT PRICING</b>	<b>SELECT AGREEMENT PRICING</b>	<b>SAVINGS</b>
Microsoft Office	\$24,681	\$14,168	\$10,513
Microsoft Office Upgrade	\$62,832	\$38,537	\$24,296
Total	\$87,513	\$52,705	\$34,809

Several alternatives to purchasing the upgrades and new Microsoft office software are possible, but not recommended. They are as follows:

1. Continue to use the existing Data General Office Automation system.

**PROS:**

- \*Eliminates the cost and time required to complete the training for office automation users.
- \*Eliminates, for the short-term, the need to spend \$52,705 to purchase new software and upgrades.

**CONS:**

- \*The conversion to the new office automation system is 85% complete. Benefits available from the new system would be significantly reduced if the we continue to use the old system.



\*The Data General CEO system is not longer being updated by Data General. No further enhancements will be available in the future.

\*The Data General system is not year 2000 compliant. The system will need to be replaced before the year 2000.

\*The Data General is currently running at maximum capacity. No additional users can be added to the system without making further investments in hardware technology that will need to be replaced before the year 2000.

\*The Data General lacks many of the features needed or desired by most of the current office automation users, including spreadsheets, full featured internet mail, windows based interface, presentation development tools, full featured document formatting, electronic forms, and more.

\*Hardware maintenance expense continues to increase on the Data General, since the technology is older.

\*The Data General system does not provide for continued productivity when the main computer is down, since word processing and scheduling functions can only be used when connected to the central computer.

2. Continue with the office automation system upgrade, but use another office software package (Word Perfect suite and Groupwise).

**PROS:**

None

**CONS:**

\*Many employees have already been trained or have experience using the Microsoft office software. Lost productivity and increased expense would be experienced while these 400 employees were retrained on a different office software package.

\*During the last two years, the City has purchased many individual licenses for Microsoft office. The money invested in this software would be wasted if the City were to select another office software product. New software purchases would be required for all office automation users.

\*Information Technology staff has been trained on providing technical support for the Microsoft software needed for the new office automation system environment. Technical training would be required to support Word Perfect and Groupwise.

\*Cost for software would increase by \$17,056.

3. Purchase only the 57 additional new copies of Microsoft Office, but do not upgrade the 272 older versions of Microsoft Office software.

**PROS:**

\*The City could continue with the implementation of the office automation system, while reducing the cost by \$38,537.

**CONS:**

\*Technical support for multiple versions of the software would be very difficult for Information Technology Staff.

\*Users with older versions of the software would be lacking critical features and capabilities.

\*Incompatibility resulting from differences in features between the old and new revision, and inability to use long file names in the older version, would create significant challenges for users attempting to share documents, spreadsheets, presentation materials, etc.

### **Staff Recommendation**

Authorize the expenditure of \$52,705 to purchase 57 copies of Microsoft Office software and 272 Microsoft Office upgrades, charging the expense to the appropriate Finance Department, Data Processing Division account.

### **Background Information**

In 1988, the City installed a Data General computer and CEO software to provide internal e-mail, scheduling and word processing capabilities for 80 users. Since then, an additional 320 users have been added to the Data General computer. Although the system has served the City well during the last 10 years, technology has changed significantly, and office software (word processing, spreadsheets, e-mail, calendars, etc) has advanced with new robust capabilities and windows interface. In 1995, the Data Processing Division recognized the need to begin a multiyear conversion to a new office automation system. The project, started in 1996, is scheduled to be completed in December, 1998. Staff selected Microsoft Office, which includes Word, Excel, Powerpoint, and Outlook as the best office package for the City. As we near completion of the project, the City needs to purchase 272 Microsoft Office software upgrades and 57 Microsoft Office packages. The total cost for the software and upgrades is \$52,705. This software will be purchased under the State of Colorado's Microsoft Select agreement, entitling the City to significant discounts over standard prices available to the City.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

**Date:** November 23, 1998  
**Subject:** Locker Replacements at City Park Recreation Center  
**Prepared by:** Deb Larsen, Recreation Supervisor III

### **Introduction**

City Council action is requested to waive formal bid procedures and authorize the negotiated purchase of lockers from American Locker Security System, Inc. for installation at the City Park Recreation Center, in the amount of \$45,103, with a 10% contingency of \$4,510, totaling \$49,613. Funds are available in the 1998 Parks, Recreation and Libraries Capital Improvement account for this purchase.

### **Summary**

In March 1996, City Council approved the purchase of 68 new lockers for the City Park Recreation Center. This was the first phase of a three phase plan for replacing all of the original lockers installed in 1986. At that time, American Locker Security Systems, Inc. was selected as the vendor. In 1997, the second phase of the project was completed with another 186 of the lockers replaced. Funds were requested and approved in the 1998 Capital Improvement Project Budget for the final phase of this project. A comparison of the cost of these lockers in 1997 vs the proposed purchase in 1998 is an increase of \$17 per locker.

In order to have all lockers consistent in operation, appearance, color, and maintenance, it is essential to use the same manufacturer; thus, the request to waive the formal bid procedure for this purchase. American Locker Security System was also the vendor selected for the new lockers during the renovations at the Swim and Fitness Center. Their product has proven to be attractive, durable, and relatively maintenance-free at both of the recreation facilities.

The purchase of the lockers at City Park, if approved, will replace/upgrade 204 of the existing locker "openings" at the facility and would cost \$45,103 with a 10% contingency of \$4,510 for a total of \$49,613. Of these 204 openings, one-half would be installed in the ladies' locker room and one-half would be installed in the men's locker room.

### Alternatives

- > Choose to not waive formal bid procedures and have Staff investigate other locker vendors. This is not recommended as all other lockers currently in the facility are from American Locker Security System.
- > Choose not to authorize the negotiated purchase of these lockers and delay this capital project to 1999.

### **Staff Recommendation**

Authorize the purchase of 204 lockers from American Locker Security Systems, Inc. in the amount of \$45,103 plus a contingency of \$4,510, based on a finding that the negotiated purchase as recommended by the City Manager will best serve the public interest, and charge the expense to the appropriate account in the 1998 Parks, Recreation and Libraries Capital Improvement Fund.

### **Background Information**

Lockers requested to be replaced are the original lockers installed in the facility when it opened in November 1986. Lockers have received heavy usage during the past 11 years. Last year alone, over 370,000 guests visited the lower level of the facility and the vast majority of these visitors used locker services. Staff estimates that 90% of the original lockers required repairs last year. These repairs ranged from fixing jammed locker mechanisms to replacing entire doors. Lockers from American Locker Security Systems have been used at the Swim and Fitness Center since their reopening in February 1994 and at City Park Recreation Center since 1996.

Since that time, no doors or hinges have had to be replaced and jammed mechanisms have not been a maintenance problem. Staff estimates that maintenance time spent on old existing lockers is eight times greater than the time being spent on the American Security Locker System lockers. In order to keep the City Park Recreation Center facility attractive, well-maintained, and functional, it is important this type of infrastructure reinvestment occur.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

**Date:** November 23, 1998

**Subject:** Standley Lake Phase I, Landscape Architect Services

**Prepared by:** Richard Dahl, Park Services Manager

### **Introduction**

City Council action is requested to authorize the City Manager to approve a contract for revisions to the design and construction documents of the Standley Lake Recreation Area Phase I improvements with DHM, Inc. in the amount of \$55,000 along with a 10% contingency of \$5,500. Funds for this expense are available in the 1998 General Capital Improvement Fund, Standley Lake Phase I account.

### **Summary**

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

In May, Jefferson County Open Space (JCOS) completed the acquisition of land and water recreation rights from the Farmers Reservoir and Irrigation Company (FRICO) and conveyed all the property to the City of Westminster. Responsibility to complete the Phase I construction process was turned over to the City at that time.

On October 12, City Council appropriated \$2,463,733 from JCOS to fund the Phase I development of the Standley Lake Recreation Area. A portion of these CIP funds are being requested for additional Standley Lake Recreation Area design fees.

Park Services Design and Development Staff and DHM, Inc. have reviewed the original Phase I construction documents (funded by JCOS) and identified cost savings of \$400,000 in the parking lot excavation, boat ramp location, and entry road access point. These modifications do not significantly alter the Master Plan but take into account several factors which changed since Phase I plans were developed in 1996, such as the following:

- 1) The Army Corp of Engineers Wetland Mitigation (404 permit) now requires mitigation for any disturbance exceeding 1/3 of an acre. In 1996 the minimum disturbance was 1 acre.
- 2) The proposed Standley Lake Dam enlargement requires specific locations within the Park to be designated as fill dirt "borrow" areas, which restricts permanent improvements.
- 3) Modifications in drainage and runoff around the lake have changed due to the cooperation of the Mandalay Irrigation Company who will accept park drainage in their structures.
- 4) The boat ramp will be realigned to reduce wetlands impact and minimize "wet construction" techniques which are exceedingly expensive.
- 5) The entrance road will be relocated from its proposed location at 100th Avenue and Simms Street to 750 feet further east on 100th Avenue. This avoids intersection restrictions at Simms Street and 100th Avenue and reduces excavation/road length costs.

### Alternatives

1) Require Staff to re-bid the Phase I construction drawings to ensure the lowest bid is received for this work. Staff does not recommend this alternative as it would slow down the construction of the project and cost more due to the previous work DHM has performed the past four years working with staff from JCOS, Division of Wildlife, Colorado Bird Observatory and the City. City Staff has spent considerable time negotiating with DHM to ensure their design costs, as well as those of their subconsultants, are the lowest possible cost.

2) Require Staff to build Phase I improvements as detailed in the existing construction drawings. Although possible, this alternative would not be in the best interest of the project as wetland permits and mitigation would require an extensive permitting process that could be denied by the Army Corps of Engineers. This alternative would also require a larger expenditure for excavation and eliminate some of the planned improvements which directly affect the users of the facility.

### **Staff Recommendation**

Authorize the City Manager to approve a contract for revisions to the design and construction documents of the Standley Lake Recreation Area Phase I Improvements with DHM, Inc. in the amount of \$55,000, authorize a 10% project contingency of \$5,500, and charge this expense to the appropriate account in the 1998 General Capital Improvement Project Fund.

### **Background Information**

When DHM, JCOS, and the City of Westminster were drafting Phase I construction documents for Standley Lake in July of 1996, it was decided to stop final completion because land purchase negotiations with FRICO were not proceeding as planned. JCOS wanted to maximize their negotiation leverage and believed that completed construction documents would send the wrong message to FRICO regarding JCOS commitment to the project.

When the land purchase was finally completed in July, 1998, many of the parameters surrounding the design criteria two years earlier no longer applied or had changed. This led Staff to re-evaluate the existing design and modify drainage and excavation costs which were a high cost factor. Additional negotiations with Mandalay Irrigation Company also opened the door to solve some of the drainage and retention issues caused by the park development.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

**Date:** November 23, 1998  
**Subject:** Council Appointments to the Volunteer Fire Pension Board  
**Prepared by:** Mary Ann Parrot, Finance Director

### **Introduction**

City Council action is requested to appoint two retired Firefighters to the Volunteer Fire Pension Board.

### **Summary**

In 1995, Section 31-30-1104 of the Colorado Revised Statutes was revised, changing the composition of Volunteer Firefighter Pension Board of Directors (the "Board"). This revision increased the total number of Board members from six to seven and increased the number of Board members appointed by Council from one to two.

Alternative recommendations would include:

1. Decline to make appointments to the Board. Since the Board composition is defined by State Statute, this would result in the Board being out of compliance. This is not recommended.
2. Appoint members to the Board who are not retired volunteer firefighters. This is also not a viable alternative because all three active volunteers already are serving on the Board. Staff also believes that retired volunteer firefighters have the greatest interest in the activities of the Board, and would be qualified to sit on the Board.

### **Staff Recommendations**

Appoint two retired volunteer firefighters (chosen from the attached resume's) to the Volunteer Firefighters Pension Board of Directors.

### **Background Information**

Currently, the Volunteer Firefighter Pension Fund Bylaws call for a six-member Board of Directors, consisting of:

- > Mayor
- > Finance Director
- > One Council-appointed member
- > Three active plan members

In December of 1995, Harry Gorham was appointed to the Board for a two-year term (which expired in January 1998).

Prior to Mr. Gorham's appointment, the Mayor Pro-Tem was traditionally Council's appointment.

Council Appointments to the Volunteer Fire Pension Board

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The controlling legislation governing Volunteer Firefighter Pension Boards is Section 31-30-1104 of the Colorado Revised Statutes, which was revised in 1995. This statute revised the board composition to seven members, two of whom are to be appointed by the governing body of the municipality:

- > Mayor
- > Two Council-appointed members
- > Three active Fire Department members
- > Municipal Finance Officer (Finance Director)

In order to conform with the statute, Staff is requesting Council to make two appointments to the Board; one to fill the expired position and one to bring the Board into compliance with the Statute. In addition, because of the number of retired members who have requested consideration, the Board respectfully requests Council to consider appointing retired firefighters. Staff supports this request. Attached is the list of members requesting consideration. All three individuals have served on the board as active firefighters and are well qualified to continue. Because they are now retired, their selection as Council appointees is appropriate. Their names are Harry R. Gorham, Gary Doane, and Gary L. Buschy.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

Attachment



**Date:** November 23, 1998

**Subject:** Councillor's Bill No. re Church Ranch Business Center Assistance Package

**Prepared by:** Susan Grafton, Economic Development Manager  
Becky Johnson, Economic Development Specialist

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading approving a business assistance package totaling \$115,000 for the Church Ranch Business Center III, LLC to build approximately 207,000 square feet of new office/R&D space at the southwest corner of 103rd Avenue and Church Ranch Boulevard. The attached map shows the location of this project.

### **Summary**

The Church Ranch Business Center III, LLC, a partnership between Charlie McKay, Gregg Bradbury, and the Etkin/Johnson Group, plans to construct four buildings, totaling approximately 207,000 square feet of office showroom space. As proposed this assistance package will provide \$115,000 of permit fee and construction use tax waivers for this project. Approximately \$277,775 in building fees, building use tax, and property tax are estimated from this project during the first five years of operation.

There are three alternatives in consideration of a business assistance package to Church Ranch Business Center III. The alternatives are as follows:

- 1) Provide no assistance to the developer for the construction of this project. The result may be that the developer would not proceed ahead with the construction of the project and may sell, or simply not develop the property.
- 2) Provide only a portion of the recommended assistance to the developer for the construction of this project. The result may be that the developer would not be able to fund the landscaping or building enhancements to the project as requested by City staff in the Official Development Plan (ODP). Failure to incorporate the enhancements would result in needed modifications to the ODP. ODP modification would further delay the project.
- 3) Approve the recommended assistance package that has been agreed to by the developer. As agreed, the developer will provide additional landscaping and building enhancements, which will result in a high quality office/showroom project and much needed office space for the City.

### **Staff Recommendation**

Pass Councillor's Bill No. on first reading authorizing the execution and implementation of the Business Assistance Agreement in the amount of \$115,000 for Church Ranch Business Center III, LLC, to construct office/office showroom at Church Ranch Corporate Center.

### **Background Information**

Staff has been working with Church Ranch Business Center III, LLC since late 1997 for the development of the approximately 207,000 square foot project known as Church Ranch Business Center Phase III. This will be office

showroom type space which is currently in high demand. Negotiations are underway for several key tenants that will enhance the City's economic base.

The business assistance package includes \$65,000 to defray the increased cost that the developer will realize resulting from the construction of a two-story element on Building 4. Staff has also requested additional landscaping at Building 2 to enhance the entry from Church Ranch Boulevard to this site; \$50,000 is being provided to offset this cost. The entire assistance package for Church Ranch Business Center Phase III is \$115,000.

It is expected that Church Ranch Business Center Phase III will generate approximately \$277,000 in City revenue from permit fees, construction use tax and property tax over a 5 year period. This is based on over \$12 million in construction cost for all four buildings. Also, additional revenue is anticipated from building use tax and permit fees from ongoing tenant finish work as new tenants lease space at the Business Center. There will be use tax collection from personal property and other purchases made by the tenants. However, it is difficult to estimate the value of those taxes and fees.

**Recommended Assistance**

Based on the five year projection of direct City tax and fee revenue, Staff recommends the following assistance package:

<u>Assistance</u>	<u>Approximate Value</u>
<u>Permit Fee Waiver</u>  50% of the building related permit fees will be waived at the time of permit issuance (excludes water and sewer tap fees) up to a maximum of \$30,000. (Estimated Fees \$61,290 X 50% = \$30,645)	\$30,000
<u>Building Use Tax Waiver</u>  50% of the Use Tax on construction materials for this project will be waived up to a maximum of \$85,000. (Estimated Use Tax \$168,294 X 50% = \$84,147)	\$85,000
<b><u>TOTAL ASSISTANCE PACKAGE</u></b>	<b>\$115,000</b>

**Conclusion**

This project will provide the City with much needed speculative office space which will aid in attracting a variety of primary jobs which will create wealth for the City, and in turn results in increased sales and use tax.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

Attachments

ASSISTANCE AGREEMENT  
FOR THE CONSTRUCTION OF CHURCH RANCH BUSINESS CENTER, PHASE III  
WITHIN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1998, between the CITY OF WESTMINSTER (the "City"), and CHURCH RANCH BUSINESS CENTER III, LLC, A LIMITED LIABILITY COMPANY (CRBC);

WHEREAS, the City wishes to provide certain assistance to Church Ranch Business Center III, LLC, to aid in the construction of a two story element on Building 4, and additional landscaping adjacent to Building 2, at Church Ranch Business Center III,

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City,

In consideration of the mutual promises set forth below, the City and Church Ranch Business Center III, LLC, agree as follows:

1. The City shall waive 50% of the building and related permit fees up to a maximum of \$30,000, not including tap fees, required under W.M.C. Section 11-9-3(E), which will result from the construction of four buildings, totaling approximately 207,000 square feet to be completed no later than December 31, 2001.

2. The City shall waive the payment of 50% of the building Use Taxes on the construction materials up to a maximum of \$85,000, which are used in the construction of the four buildings as shown on the Church Ranch Business Center III Official Development Plan, totaling approximately 207,000 square feet to be completed no later than December 31, 2001, required under W.M.C. sections 4-2-9 and 4-2-3.

3. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Church Ranch Business Center III has not completed construction of all four of the buildings, as shown on the Church Ranch Business Center III Official Development Plan, by December 31, 2001. In such event Church Ranch Business Center III, LLC, shall pay to the City the total amount of fees and taxes which were due and payable by Church Ranch Business Center III, LLC, to the City but were waived by the City, as well as reimburse the City for any other funds provided to Church Ranch Business Center III, LLC, pursuant to this Agreement.

4. This instrument shall constitute the entire agreement between the City and Church Ranch Land Company, LLC, and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

5. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

6. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Construction Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

7. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in good faith, the services of a mutually acceptable, qualified, and experienced mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this Agreement shall be in the District Court for Jefferson County, Colorado.

CHURCH RANCH LAND COMPANY, LLC

CITY OF WESTMINSTER

By \_\_\_\_\_

\_\_\_\_\_

Church Ranch Business Center  
III, LLC

Bill Christopher  
City Manager

ATTEST:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

Title

Michele Kelley  
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

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A BILL  
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT  
WITH CHURCH RANCH BUSINESS CENTER III, LLC.

WHEREAS, the successful attraction of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating incentives for high quality development to locate in the City; and

WHEREAS, Church Ranch Business Center III, LLC, plans to construct four buildings, totaling approximately 207,500 square feet in the City of Westminster in Church Ranch Corporate Center; and

WHEREAS, a proposed Assistance Agreement between the City and Church Ranch Business Center III, LLC, is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988, the members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Church Ranch Business Center III, LLC in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of November, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 23, 1998  
**Subject:** Resolution No. re Exclusion From Southwest Adams County Fire Protection District  
**Prepared by:** Tami Berry, Paralegal

**Introduction**

City Council action is requested to adopt the attached Resolution approving the exclusion of the DePalma property from the Southwest Adams County Fire Protection District.

**Summary**

Exclusion of the recently annexed DePalma property from the Southwest Adams County Fire Protection District is necessary to avoid the overlapping of fire protection services and double taxation of the property.

**Staff Recommendation**

Adopt Resolution No. approving the exclusion of the DePalma property from the Southwest Adams County Fire Protection District.

**Background Information**

Mr. Michael DePalma, owner of the subject property, submitted a Petition for Exclusion of his property to the Southwest Adams County Fire Protection District, pursuant to C.R.S. section 32-1-501. The Board of Directors for the Southwest Adams County Fire Protection District adopted the attached Certified Findings and Order granting the Petition for Exclusion on November 19, 1998.

In order for the City Attorney's Office to proceed with the filing of the exclusion documents, the exclusion statutes require that City Council adopt the attached Resolution indicating the City's agreement to provide the fire protection services provided by the Southwest Adams County Fire Protection District to the area described in the Petition immediately after the effective date of the exclusion order.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

Attachment: Resolution

RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY COUNCILLORS

SERIES OF 1998

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EXCLUSION OF TERRITORY FROM THE SOUTHWEST ADAMS COUNTY  
FIRE PROTECTION DISTRICT

WHEREAS, it is in the public interest and a policy of the City of Westminster to eliminate the overlapping of services provided by local governments and the double taxation which may occur because of annexation when all or part of the territory lies within the boundaries of both the City of Westminster and a special district; and

WHEREAS, Colorado statutes provide an orderly procedure to eliminate such overlapping of services and double taxation, which procedure is found in section 32-1-501, et seq., C.R.S., as amended; and

WHEREAS, the City Council of the City of Westminster has been informed by City Staff and now finds that such a situation exists in the area described on Exhibit "A" attached hereto and incorporated herein by reference and that there is an overlapping of fire protection services by the City of Westminster and the Southwest Adams County Fire Protection District and double taxation resulting from the territory described in Exhibit "A" being within the boundaries of both the City and the District; and

WHEREAS, the City Council, based upon information provided by its Staff, has found that the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the Southwest Adams County Fire Protection District in the territory described in Exhibit "A" attached hereto, based upon the Westminster Fire Department's service capability, which includes operations out of six (6) existing fire stations which are strategically located throughout the City; an extensive fleet of sophisticated firefighting and emergency medical vehicles including a aerial fire truck, one attack unit, six fire engines, two reserve fire engines, and three ambulances operated by a staff of eighty-six (86) highly skilled and trained full-time firefighters and four (4) volunteer firefighters including paramedics and emergency medical technicians; and

WHEREAS, evidence gathered in previous proceedings for exclusion from other Districts, and applicable to this proceeding also, establishes that fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

WHEREAS, following City Council's adoption of this Resolution, the Board of the Southwest Adams County Fire Protection District will meet to consider the Petition for Exclusion, and adopt a Certified Findings and Order granting the Petition; and

WHEREAS, the City Council of the City of Westminster is willing to agree by this Resolution to provide the service provided by the Southwest Adams County Fire Protection District to the area described in Exhibit "A" immediately upon the effective date of the exclusion order;

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

1. That the City proceed at once to exclude the territory described in Exhibit "A" from the Southwest Adams County Fire Protection District by filing a copy of this Resolution, the District's Resolution and a proposed form of exclusion Order in the District Court of Adams County, pursuant to the provisions of section 32-1-501, et seq., C.R.S., as amended.



2. That the City Council of the City of Westminster agrees, by this Resolution, to provide the service provided by the Southwest Adams County Fire Protection District to the area described in Exhibit "A" immediately upon the effective date of the exclusion order.

3. That the quality of service to be provided by the City of Westminster will not be inferior to the service provided by the Southwest Adams County Fire Protection District in the territory described in Exhibit "A" and the fire insurance costs for the improvements within the excluded area will not be adversely affected by such exclusion.

4. That the City Attorney is instructed to carry out all notification and filing requirements as contained in applicable state statutes.

PASSED AND ADOPTED this 23rd day of November, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 23, 1998  
**Subject:** Banking Services Contract  
**Prepared by:** Mary Ann Parrot, Finance Director

### **Introduction**

City Council action is requested to approve a three year contract (with option for two 1-year renewals) for general banking services between the City and U.S. Bank.

### **Summary**

In August 1998, a Request for Proposal (RFP) was sent to five full-service banks doing business in the Denver metropolitan area. Four banks submitted proposals while the fifth bank declined to respond. The proposals were reviewed by the Finance Director and the Treasury Manager, and the bank deemed to be the best candidate for providing the services needed at the lowest price is U.S. Bank. Fees for banking services except credit card fees will be paid by maintaining compensating balances on deposit with the bank. Credit card fees will be paid from funds budgeted in the General Fund.

Alternative recommendations include:

1. Award the banking services contract to one of the other proposing banks. None of the other banks offered greater value in terms of cost and services than U.S. Bank.
2. Re-open the bid process by sending RFPs to other banks. Staff did extensive research prior to selecting the original group of banks, and identified those full-service banks in the Denver metro area qualified to serve the City. If the search process were to be re-opened, out-of-state banks would be included. Staff believes quality of service may be better given when the bank has a local presence. This alternative is not recommended.
3. Award the contract to Norwest to avoid costs of transition. Staff is not recommending this option, as the savings garnered by remaining with Norwest are less than the additional fees charged over the life of the contract.

### **Staff Recommendation**

Authorize the City Manager to execute a banking services contract with U.S. Bank National Association, in accordance with their proposal.

### **Background Information**

The City's general banking services have been provided by Norwest bank for the past 6 1/2 years. It has been the City's policy to request proposals for general banking services every 5 years. The contract currently in place was originally due to expire on June 30, 1997; however, due to staffing shortages and management transition within the City's Finance Department, it was decided that the City's interests would be best served by delaying the RFP process.

Extensions of the contract were executed on July 1, 1997 and again on October 1, 1998. If the contract is awarded to U.S. Bank (or some bank other than Norwest), transition will occur during the 2nd quarter of 1999 and the new contract will take effect on July 1, 1999.

A Request for Proposal was sent on July 23, 1998 to Bank One, First Bank, Key Bank, Norwest Bank, and U.S. Bank, with a due date of August 28. These are the banks in the metropolitan area which provide full service, including institutional cash management with controlled disbursements. On August 10, a mandatory pre-bid meeting was held. All banks responded, with the exception of First Bank, who declined to bid.

Four of the five banks responded by the due date of August 28, 1998. Upon receipt of the proposals, Finance Department staff began a thorough review and analysis of the proposals, including: tours of the banks' facilities (including cash vault, check processing centers, and lockbox operations); comprehensive comparisons of qualitative and quantitative (cost) information included in the proposals; systematic followup questions of bank personnel; a final interview with each bank; and reference checks.

The cost for each of the proposals is as follows:

<u>Bank</u>	<u>Annual Cost</u>
U.S. Bank	\$30,388
Key Bank	\$45,616
Norwest	\$48,991
Bank One	\$66,235

Attached is a copy of U.S. Bank's fee quote.

Based on the staff's evaluation of the costs, quality of services, and reference checks, U.S. Bank is the recommended service provider for the new contract. U.S. Bank should provide quality services as the low bidder. The bank has had a presence in the State of Colorado for over 100 years. Staff tenure is also stable. All necessary banking systems are in place, and the bank owns and controls all important facets of their network of service resources. Nothing is outsourced; most services are provided in state. The City has an established working relationship with U.S. Bank's Trust Department, which serves as trustee and paying agent on several of the City's bond issues. U.S. Bank is the full service banking provider to several other local government units in Colorado. Staff does not know whether U.S. Bank will undergo a merger within the next 5 years; however, the City's current bank has announced a merger with Wells Fargo, and staff anticipates a 3 year transition period. Overall, U.S. Bank seems to provide the best fit for the City's banking services contract at the least cost.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

Attachments

**Date:** November 23, 1998

**Subject:** Councillor's Bill No. re City Personnel Policies and Rules

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

### **Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading which amends the appeal process section of the City Code related to the Personnel Management System in accordance with the voters' approval of Question # 2 on November 3rd.

### **Summary**

The proposed Councillor's Bill which City Council is being asked to approve on first reading will implement a change in the personnel management provisions contained in Westminster Municipal Code, Title 1, Chapter 24, Section 6, related to employees' appeal of disciplinary decisions to the Personnel Board. This change modifies the Westminster Municipal Code to reflect the City Charter change to Section 6.1 (j) approved by the voters on November 3, 1998. This change extends appeal process rights to regular part-time benefitted classified employees who are authorized to work 20 hours or more per week.

### **Recommendation**

Pass Councillor's Bill No. on first reading amending Westminster Municipal Code Section 1-24-6 to allow classified, benefitted part-time employees to have Personnel Board appeal rights.

### **Background Information**

On November 3, 1998 Westminster citizens voted to amend the City Charter to extend appeal rights to the City's Personnel Board to regular part-time benefitted classified employees. This change reflects the importance the City places on regular part-time employees and their contribution to the effective operation of City services. The City employs many benefitted part-time employees in front line service as well as in technical positions. Staff has found that many regular part-time classified employees are committed to long term employment with the City and that they make significant contributions to the organization. Providing these employees appeal rights recognizes their status as ongoing contributors similar to our full time regular employees.

The extension of appeal rights applies only to part-time classified employees in authorized positions that are benefitted. The City Code provides that only those employees who are authorized to work at least 20 hours per week receive benefits. Thus, the extension of Personnel Board appeal rights would be limited to those authorized positions which meet this criteria. There are currently 120 employees serving in classified, benefitted part-time positions in the City organization.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. \_\_\_\_\_

SERIES OF 1998

INTRODUCED BY COUNCILLORS  
\_\_\_\_\_

A BILL  
FOR AN ORDINANCE AMENDING PERSONNEL MANAGEMENT PROGRAM

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title 1, Chapter 24 of the Westminster Municipal Code is hereby amended as follows:

**1-24-6: GRIEVANCES AND APPEALS: (2248)**

(C) Appeal: Only suspensions, demotions, or dismissals for disciplinary reasons can be appealed to the Personnel Board and only after all administrative remedies through the grievance procedure have been exhausted. Only regular full time employees, AND REGULAR PART-TIME BENEFITTED EMPLOYEES in authorized positions in the classified service are eligible to appeal. ~~Part time employees shall, upon request, be provided a post disciplinary hearing. The form of the hearing shall be established by the City Manager.~~ Unclassified employees have no appeal rights beyond the grievance process to the City Manager.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23th day of November, 1998.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of December, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 23, 1998  
**Subject:** Design Contract for Little Dry Creek Trail  
**Prepared By:** Philo Shelton, Park Project Engineer

### **Introduction**

City Council action is requested to authorize the City Manager to approve an engineering contract with MK Centennial in the amount of \$99,950 for the design of the Little Dry Creek Trail at 76th Avenue and Sheridan Boulevard (see attached map), plus a 10% contingency in the amount of \$10,000. Funds for this expense are available in the Little Dry Creek Trail account in the General Capital Improvement Fund.

### **Summary**

In April, City Council authorized the City Manager to sign a contract with the Colorado Department of Transportation (CDOT) to begin the process of hiring a consultant for design, engineering and right-of-way (ROW) acquisition/easement expenses for the Little Dry Creek Trail project. City Council further approved a supplemental appropriation of \$155,000 from an Inter-modal Surface Transportation Efficiency Act (ISTEA) grant and authorized a project budget of \$194,000 for these expenses. Since that time, Staff has been working directly with CDOT and Urban Drainage and Flood Control District (UD&FCD) Staffs to coordinate the project according to the State of Colorado and federal government contract requirements. This process of hiring a consultant is a requirement according to the CDOT contract, yet it is uniquely different from the City of Westminster procedures.

Nine CDOT prequalified consultants were initially invited to submit proposals for design and engineering services for the Little Dry Creek Trail project and four proposals were received. Based on Federal government requirements on the selection procedures for the ISTEA grant, the proposals were submitted without a fee schedule. Proposals were then evaluated by CDOT, UD&FCD, and Westminster Staffs based the following selection criteria:

- 1) The firm's capabilities
- 2) Past performance on similar projects
- 3) Work location
- 4) Disadvantaged Business Enterprise (DBE) Participation
- 5) Emerging Small Business (ESB) Usage
- 6) Proposed work plan

MK Centennial, Wilson & Company, and Kirkham Michael were invited for an interview based on their proposals meeting the selection criteria. The interview team including Ron Reddy from CDOT, Region 6; Dave Lloyd from UD&FCD; and Philo Shelton, Park Project Engineer interviewed the three engineering consultants on October 30.

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

Staff then met with MK Centennial to negotiate a final scope of services and fee for the Little Dry Creek Trail project. MK Centennial and Westminster Staff prepared independent cost estimates based upon the scope of services for the project. MK Centennial's cost estimate of \$99,950 was compatible with Staff's cost estimate of \$104,000 for design services.

As an alternative to the Staff recommendation, City Council could reject the proposed contract with MK Centennial and select another engineering firm. However, similar CDOT procedures must be followed in hiring a consultant and delays of hiring a different consultant could result in losing the \$500,000 ISTEAs grant caused by a delay in the project schedule.

**Staff Recommendation**

Authorize the City Manager to sign a contract with MK Centennial in the amount of \$99,950 for the design of the Little Dry Creek Trail because it is in the best interests of the City, and a 10% contingency of \$10,000, and charge this expense to the appropriate project account in the General Capital Improvement Fund.

**Background Information**

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

In December 1995, Staff applied for a \$500,000 ISTEAs trails grant administered by Denver Regional Council of Governments (DRCOG) and sponsored by the Federal Highway Administration. The City was awarded the grant in the amount of \$500,000 in September 1996 for the construction of the Little Dry Creek Trail Underpass located at 76th Avenue and Sheridan Boulevard. The design and right-of-way portion of the project is anticipated to cost \$194,000. The construction funding of the ISTEAs grant will be available in fiscal year 1999. Construction is anticipated to begin in September 1999 with completion of the project in the spring of 2000.

The ISTEAs grant funding is administered through CDOT. The contract with CDOT allows the City to receive the ISTEAs funding for design and right-of-way acquisition, and guarantees that the City will provide the matching funds. The grant requires 20% matching funds of \$39,000 and ISTEAs grant will fund 80% at \$155,000 for a total design and right of way project cost of \$194,000. The remaining portion of grant funding will be contracted with CDOT during the construction phase.

The total project cost for the Little Dry Creek Trail Underpass is anticipated to cost \$1 million. Since the drainage structure at Sheridan Boulevard is undersized for the 100 year storm event, Urban Drainage and Flood Control District (UD&FCD) will participate in half of the project cost to the City. The Urban Drainage funding of \$250,000 will be available in 1999. The following is a summary of project funding.

ISTEAs Grant	\$500,000
UD&FCD funding	\$250,000
City of Westminster	\$250,000
TOTAL	\$1,000,000

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

Attachment - Project map





**Date:** November 23, 1998

**Subject:** Resolution No. Waverly Acres Park Renovation and City Park Phase III Joint Venture Grant Reimbursement

**Prepared By:** Becky Eades, Landscape Architect  
Philo Shelton, Park Project Engineer

### **Introduction**

City Council action is requested to adopt the attached Resolution requesting a reimbursement of \$65,000 for Waverly Acres Park Renovation and \$100,000 for City Park Phase III from the Jefferson County Open Space Joint Venture Grant program.

### **Summary**

The Waverly Acres park site is located within the Waverly Acres public land dedication, along the western border of the residential development. On January 15, 1997, Staff applied for a \$65,000 Joint Venture Grant sponsored by Jefferson County Open Space to help with the renovation and additions to the park. The City was awarded the grant for \$65,000 on February 6, 1997. Construction of the actual park renovation project was completed by the Department of Park's, Recreation, and Libraries, Design and Development Construction Staff in August of this year. The renovation includes a new pedestrian bridge, a new play structure, a tot lot, picnic shelter and tables and trail connections.

City Park Phase III is a softball complex that was divided into two phases of construction because of the unusual amount of earthwork and grading required to complete the project. This resulted in the need to allow for settlement of the ground over the 45 acre site before constructing the final phase. Tarco Construction, Inc. was the low bid contractor and they have completed the first phase of the project. Since funding was limited in 1997 for this first phase of construction, two of the bid alternatives were not selected. In December 1997, Staff applied for a Joint Venture grant sponsored by Jefferson County Open Space to construct the final two bid alternates. The City was awarded a grant in the amount of \$100,000 on January 22, 1998 for the construction of the final two bid alternates which included a 182 space parking lot and topsoil for the softball fields. The total cost of these alternates is \$214,487.

In March of 1998, City Council authorized a supplemental appropriations of \$65,000 and \$100,000 for Waverly Acres Park and City Park Phase III respectively into the respective General Capital Improvement Project Program funds. The renovation improvements for the Waverly Acres Park and the parking lot and topsoil change orders for City Park Phase III are now complete.

### **Staff Recommendation**

Adopt Resolution No. requesting \$65,000 and \$100,000 reimbursement from Jefferson County Open Space for Waverly Acres Park renovations and City Park Phase III improvements, respectively.

### **Background Information**

#### Waverly Acres Park

The project site is located at approximately 103rd Avenue and Eaton Street. The site for the playground renovation is

within the Public Land Dedication of approximately 13 acres. The renovation covers approximately 0.5 acres, and includes the replacement of a wooden playground structure that was built by the developer approximately 15 years ago.

The master planning process for the park renovation included two neighborhood meetings and a mail-in survey, allowing residents to rank desired park improvements. Of the 205 surveys mailed to neighborhood residents, 94 were returned for a 46% return rate. The Conceptual Master Plan was met with a favorable response at a neighborhood meeting held on September 17, 1997.

Project expenditures are as follows:

Pedestrian Bridge, Design, and Install	\$ 65,233
Playground Equipment & Amenities	\$ 52,335
Miscellaneous Supplies	\$ 9,967
Landscaping	\$ 3,800
<b>TOTAL</b>	<b>\$131,335</b>

City Park Phase III - Softball Complex

In 1994, the Jefferson County Board of County Commissioners agreed to enter into a partnership with the City of Westminster to master plan Standley Lake Regional Park and design City Park ballfield complex. The County allocated \$500,000 in 1995 to hire a landscape architect firm for both projects. DHM, Inc was selected as the most qualified firm for these projects and the County began negotiating a contract for their services. The total cost of the contract approved by the County Commissioners with DHM was \$687,500: \$280,000 for the City Park ballfields and \$407,500 for Standley Lake Regional Park.

Tarco was awarded the low bid for construction of the first phase of this project. This work included earthwork, grading, utilities, imported topsoil for the ball fields, an entrance and bridge from 104th Ave., two parking lots and a perimeter road connected with the recreation center.

The Joint Venture grant sports field request was for construction of the two bid alternatives not selected for City Park Phase III Softball Complex base contract due to budget restraints. The base contract for City Park Phase I was \$2,018,116. The two alternates that were not selected as part of the base contract have a cost of \$214,488 for paving of the west parking lot and for topsoil on the ballfields. Since the general contractor, Tarco, was still be on site these two alternates were completed as part of the first phase of construction. The total construction costs of the project, including the base contract and the two bid alternates is \$2,232,604. Staff recommended a 4.5% match from JCOS totalling \$100,000 for this project.

Westminster has greatly benefited from the JCOS Joint Venture development grant program. From 1992-1997, Westminster has received nearly \$1.7 million from Joint Venture grants for City Park Phase II Soccer Fields, Westminster Sports Center renovation, Westbrook Park, Countryside Little League Fields, Waverly Park, and Trailside Park renovation. Although most of the grant applications were 50:50 matching grants, Westminster has matched funds in excess of \$5.5 million with the \$1.7 million over the past five years for the development of the Joint Venture projects. In addition, Westminster has also benefited from JCOS for trail development along Big Dry Creek as part of the Trails 2000 program, and Jefferson County's financial contribution of more than \$550,000 for design and engineering costs for Standley Lake Regional Park and City Park Ballfields.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

Attachments - Map and Resolution

RESOLUTION

RESOLUTION NO.

SERIES OF 1998

INTRODUCED BY COUNCILLORS

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REIMBURSEMENT OF JOINT VENTURE GRANT AND ATTRIBUTABLE SHARE FUNDS WITH JEFFERSON COUNTY OPEN SPACE FOR WAVERLY ACRES PARK RENOVATION AND CITY PARK PHASE III.

WHEREAS, the City of Westminster and Jefferson County Open Space are desirous of providing quality park, open space, trail and recreation opportunities for their citizens; and

WHEREAS, Jefferson County Open Space awarded the City of Westminster a Joint Venture grant for \$65,000 in 1997 to allow for construction of the Renovations to the Waverly Acres Park; and

WHEREAS, Jefferson County Open Space awarded the City of Westminster a Joint Venture grant for \$100,000 in 1998 to allow for construction of City Park Phase III; and

WHEREAS, the City of Westminster has appropriated cash funds of \$65,000 and \$100,000 for Waverly Acres Park and City Park Phase III respectively from the Westminster Capital Improvement Project fund; and

NOW, THEREFORE, the Westminster City Council hereby resolves that the City Manager submit a reimbursement request for:

1997 Joint Venture matching grant in the total amount of \$65,000 for Waverly Acres Park Renovations.

1998 Joint Venture matching grant in the total amount of \$100,000 for City Park Phase III.

Passed and adopted this 23th day of November, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 23, 1998

**Subject:** Resolutions re Jefferson County Open Space and Great Outdoors Colorado Trails Grants

**Prepared by:** Philo Shelton, Park Project Engineer

### **Introduction**

City Council action is requested to adopt the attached resolutions to authorize the submittal of one joint venture grant to Jefferson County Open Space (JCOS) for the City's new Northwest Area Recreation Center and one trails grant application to Great Outdoors Colorado (GOCO) and Colorado State Parks for the Walnut Creek Trail through the Heritage Golf Course.

### **Summary**

JCOS provides the opportunity to park and recreation agencies in Jefferson County to submit joint venture grant applications each year for the development of parks, recreation facilities, open space, and trails. JCOS requires formal action (adopted resolution) by City Council before joint venture development grant applications will be considered. Staff is requesting City Council to adopt the attached Resolution supporting a joint venture grant application.

The grant application request is for additional funding to be used toward the construction of the Northwest Area Recreation Center. The project budget for the Northwest Area Recreation Center is \$4.7 million for this proposed 34,000 square foot building which equates to \$138 per square foot. The funding request of \$200,000 will increase the available cost per square foot to \$144 per square foot. These extra funds will provide better and more maintainable building materials for the recreation center. For example, City Park Companion Facility costs \$169 per square foot. Staff is recommending a 4.1% match from JCOS totalling \$200,000 for this project.

Great Outdoors Colorado and Colorado State Parks currently have funds available for their annual trails grant cycle. The grant application is for the construction of Walnut Creek Trail through the Westmoor Golf Course. This trail is one of the requirements outlined in the Westfield Development Agreement. Future phases of the Walnut Creek Trail will provide connections to the Colorado Hills Open Space, Standley Lake, and the Big Dry Creek Trail. The construction costs of the current portion of the project are anticipated to be \$350,000 and Staff is recommending a 26% match from GOCO totalling \$90,000 for this project.

Alternatives to the recommended action are as follows:

1. For the JCOS Joint Venture Grant, City Council could choose another Westminster CIP located in Jefferson County such as the City Park Festival Plaza or Skateboard Park. However, both of these projects will only begin the design stages in 1999 and will not have complete construction funding available until the year 2000. JCOS prefers to fund projects ready for construction.
2. For the GOCO Grant, City Council could choose to have Staff apply for another grant on Big Dry Creek Trail. However, GOCO recently awarded Westminster a \$50,000 trails grant for the segment of the Big Dry Creek Trail from the Butterfly Pavilion to the confluence of Walnut Creek. Staff is in the process of completing this project and believes that completing this grant first would be desirable before applying for more funding on the Big Dry Creek Trail.

### **Staff Recommendation**

1. Adopt Resolution No. \_\_\_\_\_ authorizing the submittal of a Joint Venture development grant application to Jefferson County Open Space for the financial assistance with the construction of the Northwest Area Recreation Center.
2. Adopt Resolution No. \_\_\_\_\_ authorizing the submittal of a trails grant application to GOCO and Colorado State Parks for the construction of the Walnut Creek Trail thru the Westmoor Golf Course.

### **Background Information**

Westminster has greatly benefited from the JCOS Joint Venture development grant program. From 1992-1998, Westminster has received nearly \$1.8 million from Joint Venture grants for City Park Phase II Soccer Fields, Westminster Sports Center renovation, Westbrook Park, Countryside Little League Fields, Waverly Park, Trailside Park renovation, and City Park Phase III. Although most of the grant applications were 50/50 matching grants, Westminster has matched funds in excess of \$7.7 million with the \$1.8 million over the past five years for the development of the Joint Venture projects. In addition, Westminster has also benefited from JCOS for trail development along Big Dry Creek as part of the Trails 2000 program, and Jefferson County's financial contribution of more than \$550,000 for design and engineering costs for Standley Lake Regional Park and City Park Ballfields. JCOS has been supportive of Westminster projects over the years and Staff believes the 1999 proposed project is a good project to be considered by the JCOS Advisory Committee.

In addition, Westminster has benefited from the GOCO and Colorado State Parks trails grants. Over the past four years, Westminster has been successful in receiving a trails grant for every year. These projects include Big Dry Creek Trail from Sheridan to 128th for \$45,000, Big Dry Creek trail from 128th to Huron and Amherst School for \$40,000, Big Dry Creek trail from the confluence of Big Dry Creek and Walnut Creek north-east under the Boulder Turnpike to 104th Avenue for \$50,000, and Little Dry Creek Trail from Federal to Zuni Street for \$50,000.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

Attachments: Resolutions, Map

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

JOINT VENTURE DEVELOPMENT GRANT REQUEST WITH JEFFERSON COUNTY OPEN SPACE

WHEREAS, Jefferson County Open Space has established a Joint Venture grant application process to assist with development of parks, recreation, open space, and trails to park and recreation agencies in Jefferson County; and

WHEREAS, the City of Westminster is desirous of constructing and completing the Northwest Area Recreation Center; and

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a Joint Venture development grant application to Jefferson County Open Space, requesting a Joint Venture grant of a combined 4/96 split in the amount of \$200,000 toward the cost of constructing the Northwest Area Recreation Center.

Passed and adopted this 23th day of November, 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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



RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 1998

\_\_\_\_\_

A TRAILS GRANT REQUEST WITH  
COLORADO STATE PARKS AND THE STATE BOARD  
OF THE GREAT OUTDOORS COLORADO TRUST FUND

WHEREAS, Colorado State Parks and the State Board of the Great Outdoors Colorado Trust Fund has established a Trails grant application process to assist with development of trails to cities, counties, recreation agencies, and nonprofit organizations in Colorado; and

WHEREAS, the City of Westminster supports the construction of the Walnut Creek Trail Project thru the Westmoor Golf Course; and

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a trails grant application to Great Outdoors Colorado and Colorado State Parks, requesting funding of a combined 26/74 split in the amount of \$90,000 toward the cost of construction of the Walnut Creek Trail thru the Westmoor Golf Course

Passed and adopted this 23th day of November 1998.

ATTEST:

\_\_\_\_\_  
Mayor

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

**Date:** November 23, 1998

**Subject:** Payments to Denver Water Department for Raw Water Deliveries

**Prepared by:** Mike Happe, Senior Water Resources Engineer

### **Introduction**

City Council action is requested to authorize a payment in the amount of \$300,000 to the Denver Water Department for the 1998 portion of the Denver System Development charge for a second 500 acre feet of Moffat water as provided for in a 1993 agreement with the Denver Water Department. Funds are available for this expense in the Utilities Capital Improvements Project Budget.

### **Summary**

As part of a 1993 agreement with the Denver Water Department, Westminster has the right to purchase 500 acre feet of water from Denver's Moffat Tunnel system. In order to exercise this option, Westminster must take delivery of the entire 3,500 acre feet of water it obtained in a previous 1984 agreement with Denver within a twelve month period starting in July. Westminster has not previously used this water to any great extent, but now wishes to do so in order to enable the City to exercise this option. Funds were set aside in 1993 for this purpose, and Council is now being asked to authorize use of these funds to enable the City to take the entire 3,500 acre feet of water this year.

As an alternative, City Council could decide to not take the entire amount of the 3,500 acre feet of water during this year and avoid having to pay the additional delivery charges. The consequences of this action would be to delay the time that Westminster could exercise its option to purchase an additional 500 acre feet of permanent future water supply until a later date. This would put the City at risk that Denver may increase its system development charge and Westminster would have to pay a higher amount for the additional water in the future.

### **Staff Recommendation**

Authorize a payment in the amount of \$300,000 to the Denver Water Department for the 1998 portion of the Denver System Development charge for a second 500 acre feet of Moffat water as provided for in a 1993 agreement with the Denver Water Department and charge the expense to the appropriate account in the Utilities Capital Improvements Budget.

### **Background Information**

As part of the September 21, 1993 Agreement with the Denver Water Department, Westminster obtained the right to 1,000 acre feet of raw water from Denver's Moffat Tunnel system. This is in addition to the 3,500 acre feet of Moffat water Westminster obtained in the 1984 Agreement with Denver in the settlement of a law suit filed by Westminster regarding the Moffat Tunnel taxing district. 500 acre feet of the 1,000 acre feet of Moffat water from the 1993 Agreement was paid for in the transaction in 1993 that included an exchange of Kershaw and Manhart Ditches water rights from Denver to Westminster, the use of Jim Baker Reservoir to irrigate Willis Case Golf Course and a payment made to Denver. With the completion of the Kershaw and Manhart change of use water right decree this year, Westminster is now able to call for this first 500 acre feet of additional Moffat water.

Westminster has yet to pay the Denver System Development Charge (SDC) for the second 500 acre feet of Moffat water as provided for in the 1993 Agreement. The agreement with Denver specifies that before Westminster can obtain this second 500 acre feet, Westminster must use the entire 3,500 acre feet of Moffat water that was obtained by Westminster in the 1984 Agreement with Denver in one year. To date, Westminster has used only small portions of this 3,500 acre feet due to the above average water supply conditions over the past few years. Therefore Westminster has been unable to exercise our right to pay the SDC for the second 500 acre feet.

The 1984 Agreement requires Westminster to pay an annual delivery charge for any of the 3,500 acre feet that we take, however, Westminster must pay one half of the annual delivery charge for any of the 3,500 acre feet not taken. In order to secure the second 500 acre feet of Moffat water in the 1993 agreement, it has been concluded that Westminster needs to be taking the full 3,500 acre feet of Denver Moffat water during the period from July of 1998 through June of 1999. This will enable Westminster to exercise its option for the second 500 acre feet of Moffat water under the 1993 agreement.

The Water Resources operations budget includes funds to pay for the half annual delivery charge for the 3,500 acre feet of water (enough to cover the Denver Moffat water charge assuming we do not take delivery of this water). \$300,000 of additional funds are necessary to pay for the other half of the annual delivery charge for the 3,500 acre feet that we now will be taking over the next year. Funds were appropriated and are available for this in 1993 to the Capital Improvement Account for the Jim Baker Reservoir/Denver Water Exchange, pursuant to the 1993 contract with Denver.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

**Date:** November 23, 1998  
**Subject:** 1999 Laboratory Services Contract for Big Dry Creek Water Reclamation Facility  
**Prepared by:** Alex Iacovetta, Utilities Operations Manager  
David Cross, Wastewater Operations Coordinator

### **Introduction**

City Council action is requested to award the bid for laboratory services for the Big Dry Creek Water Reclamation Facility (BDCWRF) to Core Laboratories, Inc. with the option of extending the contract for two one-year periods if the pricing and workload requirements remain similar. Funds are available for these expenditures in the Utilities 1999 BDCWRF Budget.

### **Summary**

Requests for proposals were mailed to 6 laboratories, of which 5 returned bids. Detailed in the RFP were the City's requirements for technically skilled laboratory services, quality workmanship, turnaround time, and the need to meet State and Federal laboratory regulations. The bids received were evaluated based on their compliance with bid specifications, the ability of the laboratories to provide quality service and cost of all services. City Staff has conducted followup conversations to further determine the capability of the individual laboratories to provide services. The bids submitted were as follows:

Commercial Testing and Engineering, Inc.	\$52,732
Acculabs	\$62,184
Core Laboratories, Inc.	\$62,690
Analytica, Inc.	\$82,554
Evergreen Laboratories, Inc.	\$89,471

Core Laboratories, Inc. is recommended as the successful bidder on the basis of their ability to meet all City requirements. The low bidder, Commercial Testing and Engineering, Inc., did not meet bid specifications on several key items including meeting the specified testing method for fecal coliforms and indicating that a key analysis would be subcontracted to another laboratory. Upon followup by Staff, CTE indicated that the fecal coliforms would be subcontracted to a lab that was unacceptable to City of Westminster staff.

Core Laboratories is being recommended over Acculabs due to the small difference in their bids, approximately \$500. A value to the City of continuing to work with Core Laboratories, the current contractor, will be realized from such aspects as proven high-quality performance, familiarity with Core staff, and their familiarity with analysis of our samples. This value is sufficient to warrant Core Laboratory's selection over Acculabs. Core Laboratories will also make test results available electronically via modem access to their data management system, which will speed transfer of information and may allow for automated downloading directly to the City's database, an option unavailable from any other bidder.

The alternatives to awarding the contract to Core Laboratories include awarding to one of the other bidders resulting in a less qualified and/or more expensive provider. The second alternative is to restaff the BDCWRF laboratory to resume in-house testing. This would require hiring at least two additional qualified laboratory analysts, and purchasing the necessary equipment and supplies to perform the majority of the work in-house. This option would cost approximately \$120,000 and would still require that metals and organics testing be sent out to a private laboratory due to the high cost of the equipment needed to test for these parameters..

### **Staff Recommendation**

Authorize the City Manager to execute a contract with Core Laboratories, Inc., for one year in the amount of \$62,690 with the option of extending the contract for two additional one-year periods, based on a finding that this action will best serve the public interest, and charge these expenditures to the 1999 Public Works and Utilities Department Budget.

### **Background Information**

Laboratory analysis of a variety of treatment-related, stream and industrial samples is necessary on a weekly basis to comply with permitting requirements and to aid in control of the treatment process.

Prior to 1995, laboratory services at BDCWRF were performed in-house. After a trial period in the second half of 1994, proposals were taken and a contract approved for services in 1995. For 1996, a contract with Core Laboratories, renewable for 2 additional years, was awarded. This contract was subsequently renewed for 1997 and 1998. The option for a renewable contract for laboratory services is valuable because it allows the City to maintain working relationships and benefit from accumulated knowledge and experience while still controlling costs through annual contract renewals.

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

**Date:** November 23, 1998  
**Subject:** Financial Report for October 1998  
**Prepared by:** Mary Ann Parrot, Finance Director

### **Introduction**

City Council is requested to review the attached financial statements which reflect 1998 transactions through October, 1998.

### **Summary**

There are three sections to the attached report:

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

General Fund revenues represent 86% of the total budget estimate while General Fund expenditures and encumbrances represent 80% of the 1998 appropriation. It should be noted that the TCI and Public Service franchise fees were not received until November and the revenues are not reflected in the October statements.

Utility Fund revenues represent 96% of the total budget estimate. Utility Fund expenditures and encumbrances represent 69% of the 1998 appropriation.

The Sales and Use Tax Fund revenues represent 91% of the total budget estimate, while expenditures and encumbrances in that fund represent 84% of the 1998 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 14% from the same period last year and increased 16% year-to-date.

The Open Space Fund revenues represent 104% of the total budget estimate while expenditures and encumbrances in that fund represent 77% of the 1998 appropriation.

The Legacy Ridge Golf Course Fund operating revenues represent 93% of the total budget estimate while operating expenditures and encumbrances represent 63% of the 1998 appropriation. There are no operating expenses for the Heritage as all expenses being incurred by the Fund are related to the construction of the golf course. Last year's figures reflect the issuance of the \$4.8M refunding bonds.

Theoretically, 83% of revenues and expenditures should be realized after nine months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.

### **Staff Recommendation**

Accept the report as presented.

**Background Information**

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

Respectfully submitted,

Matthew J. Lutkus  
Acting City Manager

Attachments