



WESTMINSTER
COLORADO

November 26, 2001
7:00 P.M.
AGENDA

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

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

1. Pledge of Allegiance Boy Scout Troop #176
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Employee Recognition for 20, 25 and 30 years of Service
5. Citizen Communication (5 minutes or less)
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. Financial Report for October 2001
 - B. Replacement Computer Lease Purchase Program for 2002
 - C. Used Semi-Truck Purchase for Public Works & Utilities
 - D. Rebuild of Hydra Hammer Compactor
 - E. 2002 Water Quality Work Group Laboratory Services Contract
 - F. Councillor's Bill No. 72 Revisions to Office of Emergency Management (Dixon-Atchison)
9. Appointments and Resignations
 - A. Appointment to Volunteer Fire Pension Board
10. Public Hearings and Other New Business
 - A. IGA for Amherst GID, Sheridan Crossing GID, Promenade Parking GID, 136th Avenue GID
 - B. Agreement related to Northgate Center Redevelopment Project
 - C. Resolution No. 67 re Wadsworth Estates Service Commitment Award Extension
 - D. Resolution No. 68 W&WW Revenue Bonds NW Water Treat. Plant/Standley Lake Dam Renovation
 - E. Change Date of First Council Meeting in January
11. Old Business and Passage of Ordinances on Second Reading
 - A. None
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, NOVEMBER 26, 2001 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Boy Scout Troop #176 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Mayor Heil, Mayor Pro Tem Moss, Councillors Atchison, Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk were also present. Absent none.

CONSIDERATION OF MINUTES:

Councillor Hicks moved, seconded by Councillor Dixon to accept the minutes of the meeting of November 12, 2001, 7:00 p.m. with no corrections or additions. The motion carried unanimously.

Councillor Hicks moved, seconded by Councillor Dixon to accept the minutes of the meeting of November 12, 2001, 8:00 p.m. with no corrections or additions. The motion carried unanimously.

PRESENTATIONS:

Mayor Heil and Dan Montgomery, Police Chief, presented an Employee Service Award for 30 years of service to Matt Raia. Mayor Heil and Jim Cloud, Fire Chief presented awards and checks for 25 years of service to Mark Spellman and recognized Richard Barker who was not present.

CITY COUNCIL COMMENTS:

Mayor Pro-Tem Moss commented that the Westminster Plaza sales tax revenue is up 11% for the year over 2000 figures, and the holiday lighting ceremony is scheduled for 6:00 p.m. on Sunday.

Councillor Dixon stated that she will not be present for the pledge of allegiance when the Boy Scouts are presenting the colors because she is protesting the Boy Scouts of America policy of discrimination.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Financial Report for October, 2001; Replacement Computer Lease Purchase Program for 2002 for \$335,000; Purchase of Used Semi-Truck for Public Works and Utilities up to the amount of \$30,000; Rebuild of the City's Hydra Hammer Compactor with AHR Equipment Services for \$26,180; 2002 Water Quality Work Group Laboratory Services Contract with Commercial Testing & Engineering Company for \$110,896; and CB No. 72 Revisions to the Office of Emergency Management.

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.

Councillor Atchison moved, seconded by Kauffman to adopt the Consent Agenda items as presented. The motion carried unanimously.

APPOINTMENT TO THE VOLUNTEER FIRE PENSION BOARD

Councillor Dixon moved, seconded by Atchison to appoint Gary Buschy to the Volunteer Firefighter Pension Board with his term to expire December 31, 2002. The motion carried unanimously.

INTERGOVERNMENTAL AGREEMENTS FOR GID'S

Councillor Hicks moved, seconded by Councillor Atchison to adopt the Intergovernmental Agreements authorizing the Mayor and the City Clerk to sign on behalf of the City Council, acknowledging certain mutual responsibilities and considerations with Amherst GID, Sheridan Crossing GID, Promenade Parking GID, and 136th Avenue GID. The motion carried unanimously.

AGREEMENT RELATED TO NORTHGATE CENTER REDEVELOPMENT PROJECT

Mayor Pro-Tem Moss moved, seconded by Councillor Atchison to approve the Pre-Development Agreement with Southwestern Investment Group, Inc., for the proposed redevelopment project of Northgate Center located at the southeast corner of 72nd Avenue and Federal Blvd. The motion carried with dissenting votes from Dixon and Hicks.

RESOLUTION NO. 67 RE WADSWORTH ESTATES SERVICE COMMITMENT AWARD EXTENSION

Councillor Kauffman moved, seconded by Dixon to adopt Resolution No. 67 extending the existing Category B-1 Service Commitments awarded to the Wadsworth Estates single-family detached project based on a finding that the Wadsworth Estates project meets the Westminster Municipal Code Section 11-3-2(A) 2 criteria of the City's Growth Management Program. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 68 W&WW REVENUE BONDS NW WATER PLANT/STANDLEY LAKE DAM

Councillor Dixon moved, seconded by Atchison to adopt Resolution No. 68 approving the reimbursement for the Northwest Water Treatment Plant and the Standley Lake Dam Renovation, thus acknowledging the intent to issue debt for the two projects, and approving the City's intent to reimburse itself from financing proceeds for the costs of construction underwritten by the City's Enterprise Fund prior to the sale of the debt. Upon roll call vote, the motion carried unanimously.

CHANGE DATE FOR FIRST CITY COUNCIL MEETING IN JANUARY

Councillor McNally moved, seconded by Hicks to change the first City Council meeting of January from January 14 to January 7. The motion carried unanimously.

CITIZEN PRESENTATIONS

Dave Corey, 9280 Upham Way, addressed Council on the cruising problems on 92nd Avenue on weekend evenings.

ADJOURNMENT:

The meeting was adjourned at 7:32 P.M.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: Presentation of Employee Service Awards

Prepared by: Michele Kelley, City Clerk

Summary Statement

- The Mayor is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20th, 25th and 30th anniversary of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, the presentation of City service pins and certificates of appreciation for those employees celebrating 20 years or more of service has been scheduled for Monday night's Council meeting. .
- In addition, the two employees celebrating 25 years of service will be presented with a check for \$2500.
- On November 28th, the City Manager will host an employee awards luncheon at which time 7 fifteen year employee, 8 ten year employees and 4 five year employees will receive their certificate and service pin, while recognition will also be given to those who are celebrating their 20th 25th and 30th anniversary. This is the fourth of four luncheons for 2001 to recognize and honor City employees for their service to the public.
- The aggregate City service represented among this group of employees is 305 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Expenditure Required: \$0

Source of Funds: N/A

Recommended City Council Action

Mayor presents service pins and certificates of appreciation to employees celebrating 20 , 25 and 30 years of service with the City, and providing special recognition to our 25-year employees with the presentation of a \$2,500 check.

Policy Issue(s)

There are no policy issues associated with these presentations

Alternative(s)

Background Information:

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

Rod Larsen Parks, Recreation & Libraries Park Supervisor

In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 check to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their career with the City.

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

Richard Barker Fire Department Fire Lieutenant
William Specllman Fire Department Fire Lieutenant

The following 30 year employee will be presented with a certificate and service pin:

Matt Raia Police Department Police Captain

Respectfully submitted,

J. Brent McFall
City Manager

Janet Harrison: began her career with the City in the City Clerk's office, moving to Parks and Recreation as Senior Secretary, then to Community Development as Administrative Secretary and is currently working in General Services as Administrative Secretary. She was the first recipient of the City of Westminster Humanitarian Award. Janet also began the tradition of preparing lunch for all the City employees who assemble and disassemble the Christmas displays at City Hall each year as a thank you for all their hard work.

Mary Martinez, has worked for the same Division for all her 25 years with the City. She has survived six different Chief Building Officials. Her acts of kindness both within the City and throughout the community are numerous and well known. She brings baked goods to Community Development most Tuesday to keep her co-workers happy. She is also very active in her church. She was recently awarded the internal customer service champion among City employees. In 2001 she became an International Conference of Building Officials certified Permit Technician.

Dave Stovall instructed a very successful Women's Self-Defense Program, the Police Department's officer self-defense program, and was also a member of the Physical Fitness Committee. In 1988, Dave was awarded the Outstanding Adams County Detective of the Year presented by the Adams County Victim Advocate Coalition. In July 1988, Dave received the Detective of the Year award presented by the Jefferson County District Attorney's Office. Dave was also presented the Investigator of the Year award in 1990 by the Jefferson County District Attorney's Office. In 1996, Dave received the Adams County Peace Officer of the Year Award.

Lynne Torgerson began her career in Community Development working while in high school. She helped implement the City's first computerized word processing system. In 1988 she helped train all employees on the new office automation system. Lynne helped manage contracts on such major capital projects as the City Hall, the Legacy Ridge Golf Course and the Westminster Promenade. She received special recognitions for her work on the 1995 National ICMA Conference held in Denver. Lynne was named the external Customer Service Champion, recognized for Excellence-In-Action and received numerous Extra Mile awards.



WESTMINSTER
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Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: Financial Report for October 2001

Prepared By: Mary Ann Parrot, Finance Director

Summary Statement

Staff has revised the monthly financial statement, based on information from the financial management system recently implemented, the historical revenue data kept by the City Manager's Office, and several comments made regarding the "information value" of the reports. Staff is still working with the conversion of the data to the new Financial Management System; therefore, some anomalies still exist with the comparative data contained in this report. These anomalies will be worked out in future reports.

The October Shopping Center Report is also attached to this monthly financial report.

Key features of the monthly financial report for October are as follows:

- At the end of October, 10 of 12 months or 83.3% of the year has passed. Pro-rated revenues will reflect actual historical experience and in many cases are greater than or less than the 83.3%; expenditures are pro-rated at 83.3% reflecting even flows, except where noted due to debt service payments, which are due December 1.
- All funds, except for the Heritage Golf Course, currently stand at more than 100% of their respective revenues when using pro-rated revenues for this time of year.
- Heritage has made significant progress over the last month; its revenues stand at 91.5% of pro-rated revenues, assuming revenues flow in evenly over the year.
- All funds currently stand at less than 100% of their respective expenditures when using pro-rated expenditures for this time of year.
- The net position of all funds (titled revenues over (under) expenditures) is positive.

Expenditure Required: None required

Source of Funds: None required

Recommended City Council Action:

Accept the Financial Report for October as presented

Policy Issue(s)

A monthly review of the City's financial position is the standard City Council practice.

Alternative(s)

Conduct a quarterly review. This is not recommended, as the City's revenues and diversification are complex and large and warrant a monthly review by the City Council.

Background Information

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%. V The term "prorated", when used with revenues and expenditures, in this report, refers to the expected revenues collected or expenditures incurred by a certain date in time based on historical trends.

General Fund

This fund reflects the results of the City's operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions such as City Manager, City Attorney, Finance, General Services and Information Technology.

At the end of October, the General Fund is in a positive position regarding both revenues and expenditures:

- Over pro-rated budget in revenues by \$3,145,554 (105.28% of pro-rated budget). Most of this difference is due to the accounting recognition of master lease payments for equipment (\$1,003,943), revenues from Hyland Hills for Ice Centre COP payments (\$615,540) and increases in revenues across the other categories.
- Under pro-rated budget in expenditures by \$5.4 million (90.9% of pro-rated budget)

Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

This fund reflects the operating results of the City's water, wastewater and stormwater systems. It is important to note that net operating revenues are used to fund capital expenses. At the end of October, the Enterprise is in a positive position.

- Over pro-rated budgeted revenues by a combined \$6.4 million:
 - Water revenues over pro-rated budget \$4.8 million (117.6% of pro-rated budget).
 - Wastewater revenues over pro-rated budget by \$1.4 million (114.8% of budget).
 - Storm Drainage over pro-rated budget by \$243,518.
- Under pro-rated budget in expenditures by a combined \$7.7 million:
 - Water under pro-rated budget by \$5.4 million (70.2% of pro-rated budget).
 - Wastewater under pro-rated budget by \$2.1 million (69.5% of pro-rated budget).
 - Storm Drainage under pro-rated budget by \$30,067 (27.8% of pro-rated budget).

Sales and Use Tax Funds (Sales Tax Fund and Open Space Fund)

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Funds are pledged to meet debt service on the POST bonds and to buy open space and make park improvements on a pay-as-you-go basis. At the end of October, these funds were also in a positive position.

- Sales Tax Fund - Over pro-rated budget in revenues by \$1.8 million (104.1% of pro-rated budget).
- Sales Tax Fund - Exactly even with pro-rated expenditures of \$44.8 million, per the transfers of funds on a month-by-month basis into the three funds as described.
- A note is due here regarding the Over (Under) Budget, because it is not intuitive – the pro-rated budget expectation is for a negative \$323 thousand net income, yet year to date, the figures show a positive \$1.5 million actual net income. The spread is therefore \$1.8 million.
- Open Space Tax Fund – Over pro-rated budget in revenues by \$428,479 (106.99% of pro-rated budget).
- Open Space Tax Fund – Under pro-rated budget in expenditures by \$1.2 million (76.2% of pro-rated budget).

Golf Course Funds (Legacy and Heritage- the Golf Course Enterprise)

These funds reflect the operations of the City's two municipal golf courses. The courses have experienced improvement in revenues since the September report due primarily to significantly increased rounds of golf. Staff predicts a positive year-end for Legacy, but City Council will need to consider how to handle a potential deficit at Heritage, which is anticipated to not be as large as originally estimated.

- Legacy - Over pro-rated budget in revenues by \$2,419 (100.2% of pro-rated budget)
- Legacy - Under pro-rated budget in expenses by \$477,592 (70.8% of pro-rated budget). This variance has widened over September due to the expenses being understated by the debt service due Dec 1. These expenses will not be incurred until December 1 and have the effect of widening the variance of actual revenues to pro-rated budgeted revenues.
- Heritage -Under pro-rated budget in revenues by \$122,707 (91.5% of pro-rated budget). Heritage's revenues have increased compared to September due to increased business at the course, thus making up much of the revenues not realized in prior months.
- Heritage – Under pro-rated budget in expenditures by \$230,123 (84% of pro-rated budget). The debt service for the Heritage will also be made December 1; this is the reason that the expenditure variance is greater this month than in September.

Staff will attend the November 12 City Council meeting to answer questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment(s)



Agenda Memorandum
City Council Meeting
November 26, 2001

Deleted: ¶

SUBJECT: Replacement computer lease purchase program for 2002

Prepared By: Jakki Erosky, Information Systems Manager
Robert Byerhof, Financial Analyst

Summary Statement:

City Council is being asked to approve the lease purchase of \$335,000 of personal computers (PCs) for the continuance of the replacement PC program that was approved by Council at their February 12, 2001, meeting. Approval of the 2002 lease purchase will:

- Purchase 175 PCs that will support new or upgraded software.
- Continue the on going long-term replacement program.
- Provide essential tools to conduct the daily business of the City.
- Provide standardization across the City that reduces maintenance costs.

Authorization is requested at this time to comply with Colorado State Law regarding the waiting period required from time of City Council action to the date purchases can be made. Delivery will not occur until 2002.

Expenditure Required: \$335,000

Source of Funds: The purchase price of \$350,000 for the lease payments is included in the 2002 budget. The interest rate will be determined by the master lease approved by Council on February 12, 2001

Recommended City Council Action

Authorize the City Manager to enter into a lease/purchase agreement in the amount of \$335,000 to fund the purchase of personal computers for the replacement and acquisition program in 2002.

Policy Issue(s)

Should the City continue the replacement and acquisition schedule of PCs approved by City Council on February 26, 2001?

Alternative

1. Cash finance the PC purchases. This option is not recommended. The replacement program using a lease purchase was implemented to smooth out the annual cost of replacing PCs. Prior to implementing the program, the exact budget for PC replacement was not known. As an example, if the program had not been implemented in 2001 there would have been 122 PCs that would not have been replaced under the previous cash funding method. All of the machines had reached their useful life and could not accommodate some of the software used in the City. By moving to a master lease concept, the replacements and new items can be scheduled and budgeted with certainty.
2. Discontinue the replacement computer program. This option is not recommended. Previous to implementing the replacement program the amount of money available for replacement of PCs fluctuated greatly and many of the machines could not accommodate some of the software used in the City. This led to unproductive duplication of work and effort. The replacement program has eliminated this problem to a large extent. Under the current schedule all PCs will be on a regular replacement cycle by 2004.

Background Information

In 1985, the City of Westminster had approximately 15 personal computers installed in several departments, representing a total asset value of \$48,000. Because of the limited number of PCs in use during the mid-late 1980s, planning for and securing adequate budget for replacing these computers as they became obsolete was not difficult. During the 1990's, the City continued to place added emphasis on the use of PC's and purchased many PCs as Staff recognized the value that PCs offered in terms of internal communications, employee productivity and as tools to provide enhanced and efficient services for citizens and businesses. Currently, the City uses 785 personal computers throughout all departments, representing an investment of approximately \$1.8 million.

A survey by Information Technology (IT) Staff indicated there was a backlog of 122 PCs that were obsolete but were not scheduled for replacement in 2001. Staff members from the City Manager's office, Information Technology and Finance analyzed various options to determine the best method to solve the obsolescence challenge. Given the significant number and value of computers in use by the City, lease purchase financing proved to be the most cost effective method to implement an on-going replacement and acquisition program. The expected results of the program were:

- 1) The City has stabilized the annual cost associated with PC hardware replacement.
- 2) The City has avoided technology obsolescence by establishing a regular replacement schedule and planned annual lease expense.
- 3) PCs have been standardized throughout the City, thus promoting efficiencies in maintenance.

The replacement program was implemented in 2001 using a master lease. The PCs purchased are on either a three- or four-year replacement cycle. Personal computers become obsolete for City use after three to four years, depending on user applications; when they no longer have adequate processing speed, memory capacity or disk space to support new or upgraded software. Minimum PC capacity and processing speed requirements increase as software vendors add more features and functionality to their products. PCs are essential tools that are used daily to conduct the business of the City. It is important that the technology be updated on a regular schedule in order to provide users with adequate performance, functionality and configuration to be compatible with new software applications.

SUBJECT:

Replacement computer lease purchase program for 2002

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The lease expense for replacement PCs will increase each year until all City computers are included under the lease. PC lease expense for replacement PCs will stabilize in 2004. After 2004, lease expense would increase only when additional new PCs are added to the lease, or interest rates rise in future years.

In 2001, 200 PCs were purchased under the replacement program, which included desk and laptop computers, monitors, peripheral equipment, and software. In 2002, 175 PCs are scheduled to be purchased, along with associated hardware (monitors and drives), for a total estimated cost of \$335,000. The 2002 General Fund and Utility Fund budgets include funds for the lease payments of computers, associated hardware and related software for both the 2001 and 2002 purchases.

Colorado State Law requires a thirty-day waiting period once the City Council passes a lease purchase authorization. Therefore, the request to authorize the lease purchase is being requested now so the thirty-day waiting period can begin. The PCs will not be ordered or received until 2002.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: Purchase of Used Semi-truck for Public Works and Utilities Department

Prepared By: Richard Clark, Utility Operations Manager
Carl F. Pickett, Purchasing Specialist

Summary Statement

- In April and again in September 2001, the City's Purchasing Specialist sent out formal bid proposals for a used semi-truck.
- Bids received in April and September were not timely for the used vehicle market, since vehicles were sold before Staff could come to Council for approval.
- Staff is seeking pre-approval from City Council to purchase a used semi-truck.

Expenditure Required: **\$ 30,000**

Source of Funds: 2001 Utility Fund, Public Works and Utilities Department budget

Recommended City Council Action

Approve the purchase of a used semi-truck in the amount not to exceed \$30,000.

Policy Issue(s)

Should City Council approve the proposed amount not to exceed \$30,000 to purchase, on the spot, a used semi-truck, based upon the recommendation of the City Manager and a finding that a negotiated contract for this purchase best serves the public's interest.

Alternative(s)

- Direct Staff to continue to issue formal bids for the used semi until a timely bid and vehicle is available.
- Direct Staff not to purchase the used semi-truck at this time.

Background Information

The City uses semi trucks to haul the biosolids trailers to Strasburg and back. Two are currently in full time service. The purchase of the used semi is to provide a backup unit in the advent of scheduled maintenance on one of the primary units or in case of a breakdown of a primary unit. The cost savings of a used truck is typically \$60,000 to \$65,000 over the new unit. It will be used minimally and as such, does not need to be a new unit.

It takes a minimum of three weeks to issue a bid for the City and request Council action. For the volatile used truck trade, the City has been unable to ask for bids, and get Council action before the units bid had been sold to other concerns.

It is also the belief of Staff that the bids received have been on units the vendor believes will provide them with the greatest return and have not offered vehicles to the City that may be obtained in a live, negotiated contract setting.

If approved, the Fleet Manager and the Utilities Operations Manager will locate a suitable vehicle within the approved amount, and issue a purchase order on the spot. City Council approved \$30,000 in the 2001 budget for this expense.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: Rebuild of City's Hydra Hammer Compactor

Prepared By: Richard Clark, Utilities Operations Manager
Carl F. Pickett, Purchasing Specialist

Summary Statement

- City Council action is requested to waive City Charter bidding requirements.
- Seeking approval to rebuild instead of replace hydra hammer soil compactor.
- Only one quote was received from AHR Equipment Services to rebuild the unit.
- Replacement of hydra hammer was previously approved by City Council.

Expenditure Required: **\$ 26,180**

Source of Funds: Public Works and Utilities Department, Utilities Operating budget.

Recommended City Council Action

Award the quote for the rebuild of the hydra hammer to AHR Equipment Services in the amount of \$26,180.

Policy Issue(s)

Whether to approve the sole source proposed amount of \$26,180 to rebuild the hydra hammer trench compactor, based upon the recommendation of the City Manager and a finding that a negotiated contract for this purchase best serves the public's interest.

Alternative(s)

- Not rebuild the hydra hammer and instruct Staff to investigate and utilize alternative methods of soil compaction.
- Sub-contract out the compaction services to an outside contractor.
- Purchase a new unit, as originally budgeted for.

Background Information

As part of the 2001 budget, City Council approved the purchase of a rebuilt replacement hydra hammer. This vehicle is used for the compaction of fill in pipe repair, utility maintenance trenches. The unit has reached a point that it is no longer economically reasonable to maintain it in service in its current condition. Information regarding this vehicle replacement is as follows:

UNIT #	<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>HOURS</u>	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
9711	1992	Broderson	MH 42 F	1029	\$19,266.92

Because there are only two manufacturers in the country for this type of equipment, quotes instead of formal bids were solicited for replacement. Both manufacturers submitted quotes. Those quotes are as follows:

Vendor	Quote
MAC Equipment Co. (Arrow)	\$81,371
Power Motive (Broderson)	\$89,495

The amount previously approved in the 2001 budget for this piece of equipment is \$85,000. Based on the level of usage (1050 hours over nine years) the City Manager's Office asked that options to a new vehicle purchase be investigated. Fleet Maintenance Division asked for quotes to rebuild of the mast portion of the unit; the component that is in the poorest mechanical condition.

The only quote that Fleet Staff was able to obtain for rebuilding the mast and hammer portion of this unit was from AHR Equipment Services for \$26,180. Fleet Staff has investigated this option and is hopeful that this will produce a unit that can be maintained by City Staff for three or four additional years. This recommendation is an attempt at cost savings in the short term. The cost of the rebuild, \$26,180 is within the amount previously approved by City Council for replacing this unit.

The present condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations, however, rebuilding the unit by a qualified contractor is a viable alternative.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
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Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: 2002 Water Quality Work Group Laboratory Services Contract

Prepared By: David R. Carter, Laboratory Services Coordinator
Sharon Bernia, Water Quality Specialist

Summary Statement

- On October 24, 2001, the City's Laboratory Services Coordinator sent out requests for proposals for outsourced laboratory contract services for the year 2002.
- Four out of the six laboratories that were sent requests for proposals returned formal bids on time to the City's Purchasing Specialist.
- The low bid received on time was from Commercial Testing & Engineering Company.
- This is the third time that requests for proposals have been utilized for the laboratory services contract.

Expenditure Required: **\$ 110,896.00**

Source of Funds: 2002 Utility Fund, Public Works and Utilities Department operating budget.
(The funds will be split between the Wastewater treatment, Reclaimed Water treatment, and Drinking Water treatment operating budgets)

Recommended City Council Action

Award the bid for laboratory services to the low qualified bidder, Commercial Testing & Engineering Company in the amount of \$110,896.

Policy Issue(s)

Should the City utilize private laboratories on an outsourced basis to perform wastewater treatment plant and water treatment plant water quality testing and analysis?

Alternative(s)

Direct Staff to reject the low bid and award the contract to one of the other bidders.

Direct Staff to reject the bid and hire additional FTE’s at the Big Dry Creek Wastewater Treatment Facility and the Semper Water Treatment Facility laboratories in order to resume in-house testing. This alternative would require hiring at least three additional qualified laboratory analysts and purchasing the necessary equipment and supplies to perform the work in-house. This would cost at least \$200,000 to implement and would require continued funding each year for the laboratory staff. The services bid were those laboratory services that at this time can be more efficiently performed by private laboratories.

Background Information

Laboratory analysis of a variety of treatment-related, distribution, stream and industrial samples is necessary on a weekly basis to comply with permitting requirements and to aid in control of the treatment processes at the various City operated treatment facilities.

Laboratory services at the Big Dry Creek Wastewater Treatment Facility have been outsourced since the second half of 1994. Requests for Proposals (RFP) for laboratory services have been utilized since 1995, with the subsequent contracts being renewable for two additional years after the original award. 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.

Analytical work from the Semper Water Treatment Facility and the City’s Reclaimed Water Treatment Facility have been included in the bid proposals for this contract in order to gain the most benefit from cost breaks due to the amount of work for the private laboratory.

Requests for proposals were mailed to six laboratories and five returned bids. One of the five laboratories that turned in a bid was late in delivering their bid, so they were not considered in the final recommendation. 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 follow-up conversations to further determine the capability of the individual laboratories to provide these services. The four bids submitted on time were as follows:

Commercial Testing & Engineering Company	\$ 110,896
Evergreen Analytical Laboratory	\$ 135,480
Severn Trent Laboratories, Inc.	\$ 138,799
Acculabs, Inc.	\$ 223,520 (plus cost for sample pickup)

Of these bids, only two (Commercial Testing & Engineering Company and Severn Trent Laboratories, Inc.) included a cost for each analysis required in the proposal. The other two bidders had several analyses that they did not include prices for in the proposal. Commercial Testing & Engineering Company is recommended as the successful bidder on the basis of their ability to meet all City requirements and because they were the low bidder for this proposal.

SUBJECT: 2002 Water Quality Work Group Laboratory Services Contract

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Water Quality personnel called for several references, and Commercial Testing and Engineering Company had very high ratings for service and quality results. All of the references were from cities similar to Westminster, and all of them had been using Commercial Testing and Engineering Company at least eight years or more.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: Appointment to the Volunteer Fire Pension Board

Prepared By: Mary Ann Parrot, Finance Director
Bob Eichen, Treasury Manager

Summary Statement

The responsibilities of the Volunteer Firefighter's Board are winding down. To facilitate a smooth transfer of administrative duties from the Board to the Finance Department it is recommended that Gary Buschy be reappointed to the Board for an additional two-year term.

Staff anticipates no major issues will need to be addressed over the next year to two years; this appointment is intended to provide continuity and Board membership in case an unforeseen administrative decision is required by the Board. If Board action is required on a disability retirement or a funeral benefit, the Board will need to be convened to make this type of decision. Staff and the Board have discussed this type of "caretaking" function and are in agreement that they would need to meet only when an unforeseen administrative decision would be needed.

This recommendation is made to:

- Maintain continuity on the Board. The board has lost all experienced active volunteer members. To lose Mr. Buschy's knowledge would further deplete the Board's experience.
- Present the perspective of the volunteer firefighters. Since the volunteer firefighter program has been dissolved and the last volunteer has taken a delayed retirement, there is no longer representation from active volunteers on the board. By re-appointing Mr. Buschy, there will still be two retired volunteers on the board. Mr. Buschy's previous term was for two years and he is familiar with all issues the Board will address.
- Save the City Council and Staff extra time which would be required in accepting, reviewing and selecting from among new applications for this position.

Recommended City Council Action

City Council action is requested to appoint Gary Buschy to the Volunteer Firefighter Pension Board with his term to expire December 31, 2003.

Policy Issue

Should Gary Buschy be reappointed to the Volunteer Firefighter Pension Board?

Alternative

Alternatives include:

- Soliciting applications from other interested citizens
- Appointing a citizen from the existing pool or from other Westminster citizens

Because the work of the Board has become one of minimum maintenance and no policy or monetary decisions must be proposed, Staff does not believe it is necessary to go through the work effort necessary to carry out either of these options.

Background Information

On August 13, 2001, City Council passed Resolution number 52 which dissolved the Volunteer Firefighter Program, set the final monthly retirement benefit at \$700 per month and authorized the affiliation of the retirement plan with the Fire and Police Pension Association (FPPA). All of these actions have been completed. Over the next two years there will be details for the Volunteer Fire Board to consider while the ongoing administrative maintenance of the plan becomes the responsibility of the Finance Department.

The Volunteer Fire Pension Board (VFPB) was created in accordance with Colorado Revised Statutes. City Council appoints two members to the seven-member Board. Mr. Gary Buschy was appointed to a two-year term for 2000 through 2001 to bring the City into compliance with the composition required by statute.

When fully constituted the member Board of Trustees consists of:

- The Mayor
- Three active firefighters elected by the volunteer firefighters
- Two at large members appointed by City Council
- The Finance Director

Since the last volunteer filed for delayed retirement in October of 2000 and the volunteer firefighter program was dissolved on August 13, 2001, there are no volunteer members to fill the volunteer firefighter board positions. Based on an opinion from the City Attorney's office, the Board can continue with the four remaining Board positions. To have representation on the Board from the volunteer sector, City Council has in the past appointed retired volunteer firefighters to the two positions appointed by Council.

As of November 2001, the Volunteer Firefighter Pension Plan is affiliated with FPPA. FPPA now has responsibility for the benefit payments and all investment and custodial duties. The Board will be maintained until all official Board duties are completed and the Board can dissolve. This will occur approximately the end of 2003. At the last meeting, the board discussed the upcoming board appointment. It is the recommendation of the Board and Staff that Gary Buschy should be reappointed to an additional two-year term to maintain continuity and to continue to have the volunteer firefighters represented on the Board.

Respectfully submitted,

J. Brent McFall
City Manager

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WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: Intergovernmental Agreement for Amherst GID, Sheridan Crossing GID, Promenade Parking GID and 136th Avenue GID

Prepared By: Marty McCullough, City Attorney
Mary Ann Parrot, Finance Director

Summary Statement

The City has formed several General Improvement Districts over the past 25 years, since 1986, with the formation of the first district. During the approval of the general improvement districts budgets for 2002, Staff mentioned it would return to the City Council with a request to approve Intergovernmental Agreements (IGA's) between the City and the four respective districts.

As with all initiatives, standard procedures for the documentation and administration of these districts have evolved over time. During a review of background documentation, Staff reviewed the formative documents for these districts.

- Depending on the purpose of the district, these documents varied. In some cases, the district was to maintain selected improvements. In some cases, the district was to issue bonds necessary to complete infrastructure, as well as being required to maintain these infrastructure improvements.
- In addition, the ability of the City to charge an administrative fee to cover the City's expenses of contract bidding and supervision, maintenance, budget development and audit, was clear in some cases, but not as clear in others. Lastly, the transfer of funds from the GID ledgers to the City ledgers, to offset expenses incurred, is sometimes referred to, but not always.
- In order to standardize administrative and other procedures, the Board is requested to approve the Intergovernmental Agreement (IGA) between the City and the following general improvement districts:
 - Amherst GID (formed in 1998)
 - Sheridan Crossing GID (formed in 1996)
 - Promenade Parking GID (formed in 2000)
 - 136th Avenue GID (formed in 2000)

Expenditure Required: Varies for each district 2002

Source of Funds: As provided in Year 2002 budgets, approved by the District in a prior meeting on October 22, 2001.

Recommended City Council Action

Adopt the Intergovernmental Agreements authorizing the Mayor and the City Clerk to sign on behalf of the City Council, acknowledging certain mutual responsibilities and considerations with Amherst GID, Sheridan Crossing GID, Promenade Parking GID and 136th Avenue GID..

SUBJECT: Intergovernmental Agreement for Amherst GID, Sheridan Crossing GID, Promenade Parking GID and 136th Avenue GID – Page 2

Policy Issue

Does the City desire to enter into an intergovernmental agreement with the Amherst GID, Sheridan Crossing GID, Promenade Parking GID and 136th Avenue GID, acknowledging certain mutual responsibilities and considerations?

Alternative

Do not approve the Intergovernmental Agreements. This is not recommended, as it means the responsibilities between the City and the districts are not uniformly and clearly delineated in all cases. These districts were formed over a 25-year period from 1996-2000. The substantive documents for the formation of the District vary, and are as follows:

- Petition for formation, filed by the electors of the District with the City of Westminster,
- Ordinance of Formation approved by City Council,
- Developer Agreement in two cases,
- Note Payable between GID and Developer in one case, dated Oct 11, 1988.

There exist three legal entities involved: the City, the GID's and the Developer. Agreements exist between the City and the Developer, the Developer and the GID's, but not between the City and the GID's. Approval of the IGA between the City and the GID's will fill this need and "close the loop."

Background Information

The general improvement district was organized by City Council for various purposes. The principal purpose of the District is to operate and maintain improvements such as drainage, storm and sanitary sewers, fencing and other public improvements within each district (residential or commercial). Pursuant to the creation ordinance, the Westminster City Council is the Board of Directors of each district.

In some cases, the additional purpose of the district is to incur debt in order to construct the public improvements at the time the district is established. Property taxes are then increased to cover the debt service.

All mill levys are certified with the respective county governments and collected and remitted by the counties to the City. The mill levys are then deposited to the GID budget accounts, which are used to pay for other contracted services or transferred as budgeted to the City's general ledger (to cover administrative costs).

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: Agreement Related to Northgate Center Redevelopment Project

Prepared By: Tony Chacon, South Westminster Revitalization Projects Coordinator

Summary Statement

Southwestern Investment Group, Inc., the selected developer for the Northgate Center (Pomponio property) Redevelopment Area, met with City Staff to prepare a pre-development agreement for City Council consideration and approval. The agreement as presented outlines the general development parameters and applicable considerations relative to proceeding with the project. Significant elements of the agreement as it pertains to the City of Westminster and the Westminster Economic Development Authority (WEDA) are as follows:

- The developer agrees to pursue acquisition of the property for at least 45 days following approval of this agreement prior to requesting WEDA consideration of condemnation. Should the developer not succeed in negotiating an acquisition within the 45 day period, the developer may then request WEDA give consideration to a resolution of “intent to condemn” the required property.
- The developer agrees to proceed with and pay for the preparation of a concept development plan in accordance with standard City development plan review submittal requirements. Should the City Council or WEDA decide to terminate the project prior to completing the concept plan, or WEDA chooses not to proceed with condemnation as necessary, the developer may request reimbursement for such expenses incurred, but not to exceed \$50,000. Funds to cover this potential expense are available from the South Westminster projects account in the 2001 CIP budget, which has a balance of about \$400,000.
- The developer shall present the concept plan to the City Council and WEDA prior to proceeding with preparation of final Preliminary Development Plan (PDP) and Official Development Plan (ODP). Should condemnation become necessary relative to proceeding with the project, the developer shall not proceed with final plan preparation until such time as a resolution of “intent to condemn” is approved by WEDA.
- The developer agrees to work with City Staff to incorporate affordable housing into the project;
- The City agrees to consider reductions and/or waivers of development related fees and taxes, not including water and sewer tap fees; and,
- The City agrees to provide water taps to service the project as needed.

Upon approval of this agreement, the developer intends to immediately proceed with the preparation of the concept development plan in accordance with standard City submittal requirements.

Expenditure Required: The agreement requires the City guarantee up to \$50,000 related to the preparation of a concept development plan.

Source of Funds: 2001CIP Fund – South Westminster Projects account

Recommended City Council Action

Approve the Pre-Development Agreement with Southwestern Investment Group, Inc. as presented.

Prepared By: Tony Chacon, South Westminster Revitalization Projects Coordinator

Policy Issue(s)

Upon approval of City Council, the agreement would set forth conditions whereby, upon request of the developer, the City would be required to reimburse the developer for certain costs associated with the preparation of a concept development plan. Per the agreement, WEDA also agrees to consider condemnation of the required property in the event negotiations to purchase the property do not succeed. As such, is the City Council sufficiently comfortable with proceeding with the project and approving the agreement as presented?

Alternative(s)

1. Council could choose to not approve the agreement and refrain from pursuing redevelopment of the Site at this time. Staff recommends that this alternative not be pursued as momentum and the prospective developer may be lost.
2. Council could choose to offer amendments to the agreement and direct Staff to renegotiate as applicable. Staff feels that such a request could slow-down the process and could lead to lost opportunity given changing market conditions.

Background Information

In May 2001, the Westminster Economic Development Authority (WEDA) Board authorized Staff to release a “request for proposals” (RFP) for three redevelopment areas within south Westminster, one of those areas being the Northgate shopping center (Pomponio property). WEDA received two commercial and two residential proposals for redevelopment of this area. Upon review and analysis of the proposals, Staff recommended and Council concurred that the proposal submitted by Southwestern Investment Group, Inc. be selected for further consideration. Accordingly, the WEDA Board authorized Staff to proceed with the preparation of a pre-development agreement for formal WEDA and City Council consideration.

The redevelopment area is located on the southeast corner of Federal Boulevard and 72nd Avenue and includes about 35 acres of land. Existing commercial space on the property is proposed to be demolished and removed. The developer would then construct 90,000 square feet of new commercial space anchored by a new Albertson’s/Grocery Warehouse store. The project would include a convenience gas pad and three additional freestanding retail pads. The balance of the site would include 87 single-family residences, 33 townhouses, 19 live/work units and a 2-3 acre park. Townhouses would range in size from about 1,100 square feet to 1,800 square feet and would sell at a price in the range of \$130,000 to \$180,000. Single-family homes would range in size from 1,200 square feet to almost 1,900 square feet in size and would sell in the range of \$150,000 to about \$200,000.

Given the sensitivity and interest related to development of the site, selected residents, property owners, and businesses within south Westminster were invited to attend a public meeting on October 25, 2001 where City Staff briefed participants on the status of the project. At that meeting Staff advised the group that preparation of formal development plans would begin following approval of the pre-development agreement. The potentially affected businesses within the Northgate Center are anxious to move into the planning phase so as to better understand their ultimate situations and make plans accordingly.

Respectfully submitted,

J. Brent McFall, City Manager
Attachment(s)

A TRI-PARTY PRE-DEVELOPMENT AGREEMENT
Between
The City of Westminster
The Westminster Economic Development Authority, and
Southwestern Investment Group, Inc.
Related to the

NORTHGATE CENTER REDEVELOPMENT PROJECT

This Agreement is made and entered into this _____ day of _____, 2001, by and between the CITY OF WESTMINSTER (City), the WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (WEDA), and SOUTHWESTERN INVESTMENT GROUP, LLC. (Developer.)

WHEREAS, the City indicated its desire to redevelop 35 acres on the southeast corner of 72nd Avenue and Federal Boulevard (Exhibit A), known as the "Northgate Center" (the Site), and authorized WEDA to solicit redevelopment proposals relative to the Site; and,

WHEREAS, WEDA issued a request for proposals (RFP) related to the redevelopment of the Site; and,

WHEREAS, the Developer submitted a proposal to redevelop the Site in accordance with the procedures outlined in the RFP; and,

WHEREAS, the proposal submitted by the Developer was selected by WEDA for further consideration; and,

WHEREAS, the Developer is required to prepare redevelopment plans in accordance with standard development review procedures established by the Westminster City Council; and,

WHEREAS, WEDA and Developer wish to set forth the terms upon which Developer shall proceed in preparing required plan submittals and financial considerations;

NOW, THEREFORE, in consideration of the above premises, covenants, promises, and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy of which, is hereby acknowledged, the parties hereby agree as follows:

A. Preparation for Site Acquisition.

1. The Developer shall make good faith efforts to negotiate acquisition of the Site for a period of not less than 45 days following approval of this agreement. The Developer agrees to provide documentation related to this activity including at least two certified mailings to the owner(s) of the Site. The Developer shall keep WEDA informed regularly on its acquisition efforts.
2. The Developer agrees to give consideration to the following options relative to negotiating an agreement with the property owners relative to acquiring the property:
 - a. Giving the existing property owners naming rights relative to a street, the park, and/or the subdivision;
 - b. Relocating off-site or incorporating into the project the property owners' liquor store; and/or,
 - c. Negotiating acquisition terms that include a means of providing an income stream to the owners for the rest of their lives, for example, by leasing rather than owning some or all of the land required for the commercial development or conveying income-producing property back to the owners after development.
3. WEDA agrees to continue performing its due diligence relative to preparing for eminent domain proceedings in the event negotiations to acquire the property fail.

B. Concept Plan and Related Financial Considerations

1. The Developer shall prepare and submit to the City a concept development plan (Concept Plan) detailing the proposed development, in accordance with standard City concept plan review submittal requirements. Should the City or WEDA give notice to terminate the project during preparation of the Concept Plan, the Developer may seek reimbursement for actual costs incurred after the effective date of this agreement and up to such notification to terminate relative to the following activities:
 - Planning and design services;
 - Civil and traffic engineering;
 - Public outreach and notifications.Such reimbursement shall not exceed \$50,000.
2. The Concept Plan shall estimate costs associated with required installation of off-site public improvements determined to be necessary to construct the project, including but not limited to water, sewer, and roadway improvements along 72nd Avenue and Federal Boulevard.
3. As part of the Concept Plan submittal, the Developer shall estimate any costs for which it seeks public subsidy such as land acquisition, demolition and environmental remediation, relocation of existing tenants, and off-site public improvements. At that time, in an interactive process between the Developer, the City and WEDA, a proposal for cost and risk allocation will be developed for consideration by the City Council and WEDA Board of Commissioners that allows those bodies to make a commitment to condemnation, if necessary, with reasonable knowledge of the potential costs to be assumed by the public. The Developer should note that the City and WEDA will not commit to any level of participation in costs for environmental remediation unless environmental site assessments and recommended testing are first completed.
4. Upon receipt of the Concept Plan, WEDA shall evaluate whether it wishes to proceed with the project. If WEDA wishes to proceed, the City and WEDA will pursue the following actions prior to the Developer proceeding with final activities related to preparing a Preliminary Development Plan (PDP), Official Development Plan (ODP), Comprehensive Land Use Plan (CLUP) Amendment, and Development and Disposition Agreement (DDA).
 - a. The City shall provide comment relative to the Concept Plan to be given consideration for incorporation into preparation of the final plans.
 - b. If the Developer has not been successful in securing control or ownership of the Site, WEDA shall, upon request of the developer, consider adoption of a resolution of “intent to condemn” relative to acquisition of the Site, if necessary.
 - c. WEDA and/or the City shall consider an agreement relative to reimbursement for further costs associated with finalizing the development plan given conditions as noted below.
5. Upon Council and WEDA authorization to proceed with the preparation of a final Preliminary and Official Development Plan (PDP and ODP), the Developer agrees to continue to pay for related planning and design services through to final plan approval.
6. Should the developer not succeed in securing control or ownership of the Site through negotiation with the property owner, and WEDA refuses to initiate condemnation proceedings for the Site or abandons the condemnation effort after it has been initiated, the City and WEDA shall reimburse to the Developer, upon request, its reasonable costs incurred during the planning process.
7. In the event the project is terminated as a result of actions or inaction by the Developer, including but not limited to the loss of the commercial anchor prospect, WEDA shall not be required to reimburse the Developer for costs incurred.

C. Principles to be Observed By the Developer After Council and WEDA Response to the Concept Plan.

1. If WEDA decides to proceed with completing development plans and agreements, as noted in Section B (4), relative to the project, the Developer agrees to proceed with the preparation of documents necessary to fulfill the plan review submittal requirements of the City of Westminster.
2. The Developer agrees to abide by the City’s timeline for processing development applications as set forth in the Community Development Department Plan Submittal Document Guidelines—1998 Edition. The City agrees to work with WEDA and the Developer to accelerate the process whenever applicable and reasonable.

3. The City agrees that the adopted Traditional Neighborhood Development Guidelines shall apply to the residential portion of the project whenever applicable, and the Developer agrees to adhere to the guidelines to the greatest extent possible.
4. The Developer agrees to provide affordable housing units at a level and sales price to be determined in conjunction with preparation of the PDP and ODP. The Developer further agrees to pursue assistance from qualified non-profits relative to providing homebuyer counseling and down-payment assistance to prospective lower-income homebuyers.

D. Resources Potentially Available to Assist Developer

1. The City will make the City's Brownfield Contamination Clean-up loan fund available to WEDA and the Developer for the purposes of mitigating environmental contamination as applicable and necessary, pursuant to U.S. Environmental Protection Agency regulations.
2. The City will explore the use of development-related fees and use tax relative to offsetting costs associated with land acquisition and associated public improvements. Such fees and use tax may include, but not be limited to, the following:
 - a. Planning and engineering processing fees;
 - b. Building permit fees related to demolition and construction activity;
 - c. Use tax as it relates to the cost of construction, including tenant finish and initial business fixtures;
 - d. Park development fee; and,
 - e. Other fees as identified and deemed appropriate during the planning process.
3. The City may establish "tap credits" resulting from negotiations with the Northgate Water and Sanitation District and convey such credits to WEDA, which may be used for this project.
4. The City may consider deferment of tap fee payment as deemed necessary relative to financing the project.

E. Water and Sewer Service.

1. The City shall initiate a dialog with the Denver Water Department relative to providing water service to the area.
2. In the event the project is to be served by the City of Westminster relative to water and sewer service, the City agrees to waive the requirement for the project to participate in the City's Growth Management Residential Competition to receive a tap allocation, and shall reserve the taps necessary to complete project if all other obligations of the Developer pursuant to this agreement and future agreements with the City and WEDA are met.

F. Relocation of Businesses.

1. WEDA shall be responsible for notifying and relocating businesses affected by the project.
2. The Developer agrees to make a "good faith" offer to existing businesses to locate within the proposed shopping center.
3. The Developer agrees to work to the best extent possible to keep existing businesses operating for the longest extent possible, without adversely affecting the construction of the project.
4. The Developer agrees to keep Grocery Warehouse operational until such time as the new grocery store is ready to open.
5. The Developer agrees to assist WEDA in identifying potential space in other locations within which to relocate businesses.

G. Contribution for Local Education

1. The Developer agrees to consider contributing \$0.50 (50 cents) per square foot of residential living area to Adams County School District 50 projects.

H. Development and Disposition Agreement

1. The goal of the planning and land acquisition efforts is for the City, WEDA and the Developer to negotiate and enter into a final Development and Disposition Agreement (DDA) when the Official Development Plan is approved and land acquisition is ready to proceed. The DDA shall outline the continuing obligations of the parties relative to financing, construction and other project requirements and shall be executed before any party is required to close on the Site acquisition. The Developer and WEDA may mutually agree to finalize and approve such agreement at any time prior to formal approval of the ODP by the City.
2. The Developer shall proceed with the development within 30 days of closing on the purchase of the property.

CITY OF WESTMINSTER

SOUTHWESTERN INVESTMENT GROUP,
LLC.

J. Brent McFall, City Manager

Mark Campbell, Principal

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

J. Brent McFall, Executive Director

ATTEST:

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: Resolution No. 67 re Wadsworth Estates Service Commitment Award Extension

Prepared By: John Quinn, Planner II

Summary Statement

- Attached is a request from D.R. Horton, Inc. the current builders of the Wadsworth Estates development west of Wadsworth Boulevard at 94th Avenue, seeking a time extension of the original Service Commitment (SC) award approved by City Council on March 29, 1999. The initial 30 Service Commitments expire December 31, 2001. As of October 31, 2001, only five of the 30 Service Commitments have been used. The extension would allow the remaining 25 unused Service Commitments to be extended until December 31, 2002. The original and revised Service Commitment awards for Wadsworth Estates are as follows:

	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>Total</u>
Original Award	30	30	24		84
Revised Award			5	79	84

- The City's Growth Management Program allows City Council to consider (based on specific criteria) these requests and grant extensions if desired. The criteria are as follows:
 1. The need for the extension is the result of some unusual and unforeseeable circumstances reasonably beyond the control of the developer;
 2. The extension is needed to avoid undue or inequitable hardship that would otherwise result if the extension were not granted; and
 3. There is no reason to believe that the developer will not be able to proceed with the development of the project within the extended time period.
- The builder, D.R. Horton, Inc., acquired the project in May 2001 and has taken the following actions to move the project forward:
 1. The builder made a number of revisions to the house plans to address the new International Residential Codes (IRC) that the City will implement in March 2002.
 2. Two (2) house plans are approved and five (5) building permits have been issued.
 3. Nine house plans have been submitted to the Building Division for approval. Due to the large volume of plans currently under review, these plans will likely not be approved prior to the end of 2001. Therefore, the builder will be unable to obtain the remaining 25 permits prior to the end of the year.

Expenditure Required: \$ -0-

Source of Funds: None required

Recommended City Council Action

Adopt Resolution No. 67 extending the existing Category B-1 Service Commitments awarded to the Wadsworth Estates single-family detached project based on a finding that the Wadsworth Estates project meets the Westminster Municipal Code Section 11-3-2(A) 2 criteria of the City's Growth Management Program.

SUBJECT: Resolution No. 67 re Wadsworth Estates Service Commitment Award Extension Page 2

Policy Issue(s)

Whether the City should approve an extension for 25 of the first 30 Service Commitments for the Wadsworth Estates project, which will expire December 31, 2001

Alternative(s)

Do not adopt the attached resolution extending Service Commitments to the Wadsworth Estates Project. This would result in the applicant not being able to complete the project as anticipated and require the developer to compete in a future Category B-1 competition for the remaining 25 Service Commitments needed to complete the project.

Background Information

As part of the residential competition process within the City's Growth Management Program, Service Commitments are awarded to specific projects as a result of the competitive process. Service Commitments are awarded based on a phased schedule of availability. In the past there have been instances where developers anticipate a certain schedule, request Service Commitments based on that tentative schedule, but are ultimately unable to meet the expiration deadline. For this reason, the Growth Management Program allows City Council the ability to review extension requests for projects that have been proceeding through the development review process but at a slower rate than originally anticipated. This provision is to help ensure that Service Commitments awarded to projects (that do not proceed through the City's development review process) would return the commitments to the water supply for future award to another project within a reasonable amount of time. The Wadsworth Estates project has been an active and ongoing project, but at a slower pace than originally projected.

Mr. Don Cooke, the original developer of Wadsworth Estates, submitted a proposal through the 1999 Category B-1 competition to develop the Wadsworth Estates project, and was awarded 84 Service Commitments. Due to delays in the development review process caused by neighborhood opposition to street connections and school crossing issues at 96th Avenue and Wadsworth Boulevard, the final approval of the proposed development did not occur until September 25, 2000. Construction engineering documents had to be prepared and approved prior to site work and utilities being installed late in the year of 2000.

Mr. Cooke then began negotiations with the D.R. Horton, Inc. to purchase the property. The purchase of the property by D.R. Horton, Inc. occurred in May 2001. During the time the homes were being designed for this project, the developer was informed that a new International Building Code was to be implemented in the City early in 2002. To eliminate the necessity of having to re-apply for the approval of building plans shortly after the first of the year (2002), the architects and builder decided to revise the house plans to meet the impending new codes. The rush by builders to move projects forward early in 2002 has resulted in a back log of plans to be reviewed in the Building Division. Based on the number of house plans submitted for review, the Building Division anticipates that most of the master house plans submitted for Wadsworth Estates will be approved early in 2002.

Current Service Commitment resolutions now provide for a three-year time period for their use before the commitments expire. If these criteria had been in use at the time the Service Commitments were approved for Wadsworth Estates, in 1999, the applicant would have an additional year (until December 31, 2002) to utilize the 25 commitments in question.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **67**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

CATEGORY B-1 (NEW SINGLE-FAMILY DETACHED RESIDENTIAL)
SERVICE COMMITMENT AWARD EXTENSION FOR THE WADSWORTH ESTATES PROJECT

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

WHEREAS, within Ordinance No. 2651 there is a provision that Service Commitments for residential projects shall be awarded in Category B-1 (new single-family detached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new single-family detached development is limited, and the City of Westminster has previously adopted Resolution No. 76, Series of 1997, specifying the various standards for new single-family detached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster City Council has previously awarded 84 Category B-1 Service Commitments for the Wadsworth Estates residential project for the site west of Wadsworth Boulevard at 94th Avenue per Resolution No. 17, Series 1999; and

WHEREAS, Resolution No. 17, Series 1999 establishes that the Service Commitment award to the Wadsworth Estates residential project shall expire on December 31, 2001; and

WHEREAS, the developer of the Wadsworth Estates residential project has provided a written request for an extension of 25 of the Category B-1 Service Commitments awarded to the Wadsworth Estates residential project by the Westminster City Council on March 29, 1999; and

WHEREAS, Westminster Municipal Code Section 11-3-2 (A) 2 establishes criteria for City Council to consider when reviewing requests for Service Commitment Award extensions for new residential projects that previously received Service Commitment Awards as a result of the City's new residential competition process; and

WHEREAS, the Service Commitment award extension for the Wadsworth Estates residential project is the result of an unusual and unforeseeable circumstance reasonable beyond the control of the developer, is needed to avoid undue hardship that would otherwise result if the extension were not granted, and there is not reason to believe that the developer will not be able to proceed with the development of the project within the extended time period; and

WHEREAS, the developer for the Wadsworth Estates residential project has proceeded to the City's development review process and received approval of the Official Development Plan; and

WHEREAS, a total of 84 single-family detached units does not exceed the density requirements within the City's Comprehensive Land Use Plan; and

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

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

1. A Category B-1 Service Commitment award is hereby extended to the Wadsworth Estates project proposed for the site west of Wadsworth Boulevard at 94th Avenue listed below as follows:

# Service Commitments Per Year				
Project	2001	2002		Total
Wadsworth Estates	5	79		84

2. The Service Commitment award to the project listed above is conditional and subject to the following:
 - a) For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
 - b) Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project or proposed density.
 - c) The City of Westminster shall not be required to approve any Preliminary Development Plan, Official Development Plan, or rezoning action necessary for development of property involved in this Category B-1 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-1 award.
 - d) The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. The City Staff during the competition process does not review the sketch plans submitted by applicants. Significant changes to the sketch plan are probable once the City's development review process begins for any project.
 - e) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
 - f) The Service Commitment award for the project listed above, if approved by the City, may only be used within the project specified above.
 - g) This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
 - h) The Category B-1 Service Commitment award shall be valid for a period of three years from the date of award specified on this Resolution (November 26, 2001) provided the applicant proceeds with the development review process and the project is approved by the City. The Service Commitment award for any project shall expire unless at least one building permit is issued for the project during that three-year period. Future year awards are effective as of January 1 of the specified year.
 - i) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.

- j) All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
3. The Category B-1 Service Commitment award shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications. If fewer Service Commitments are needed in any given year, the unused amount in that year will be carried over in to the following year provided the Service Commitments have not expired as specified above.

Passed and adopted this 26th day of November 2001.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting

November 26, 2001

SUBJECT: Resolution No. 68 re Water & Wastewater Enterprise Revenue Bonds Reimbursement for the Northwest Water Treatment Plant and Standley Lake Dam Renovation

Prepared By: Bob Eichen, Treasury Manager

Summary Statement:

City Council action is requested to adopt the attached Resolution, in acknowledgement and approval of the City's intent to issue approximately \$20.8 million in Water and Wastewater Utility Enterprise Bonds for the completion of the new Northwest Water Treatment Plant and the Renovation of Standley Lake Dam. The resolution is also acknowledgement and approval of the City's intent to use financing proceeds to reimburse itself for construction costs between now and when the bonds are issued in 2002. By adopting the attached reimbursement resolution, the following benefits will accrue to the City.

- Construction can continue on the Northwest Water Treatment Plant without interruption.
- The two projects can be combined into one bond issue, saving costs of issuance of approximately \$120,000.
- Tax compliance laws will be met.

Expenditure Required: None is required for the reimbursement resolution

Recommended City Council Action

Adopt Resolution No. 68 approving the Reimbursement Resolution for the Northwest Water Treatment Plant and the Standley Lake Dam Renovation, thus acknowledging the intent to issue debt for the two projects, and approving the City's intent to reimburse itself from financing proceeds for the costs of construction underwritten by the City's Enterprise Fund prior to the sale of the debt.

Policy Issue

Should the City Council pass the reimbursement resolution to reimburse itself from costs incurred prior to the debt proceeds being received?

Alternative

Do not pass the reimbursement resolution. This action is not recommended. The resolution is required by Federal law in order for a municipality to pre-pay construction costs and subsequently reimburse itself from financing proceeds, once the debt is issued. Without the reimbursement resolution, the City would not be able to recover all of the costs paid prior to the bonds being issued.

Background Information

The upcoming issuance of \$20 million in variable rate Utility Revenue Bonds was discussed at the City Council Study Session held on October 1, 2001. The bonds will be used for the completion of the new water treatment plant and the renovation of Standley Lake Dam. Both of these projects have been previously approved by City Council.

The new water treatment plant will soon be ready for the second phase of financing. Total cost of the project is \$22 million. The first component of the financing was \$15 million in bond proceeds issued through the Colorado Water Resources and Power Development Authority (CWRPDA), received on April 18, 2000. This type of funding was used due to the low interest rates that can be obtained by gaining access to the State of Colorado's AAA rating. There is a limit of \$15 million per project when this type of funding is used for water treatment purposes. Therefore, Staff proposed and Council approved as part of the 2001 Utility Capital Improvement Budget that the last \$7 million be funded through a Utility revenue bond issue. The second part of the issue, or \$13 million, will be for the Standley Lake Dam renovation. As outlined in the Staff Report dated August 22, 2001, this project is ready to move forward.

Reimbursement resolutions have been used by the City Council in the past to address timing issues. One was passed earlier this year for costs that will incur before issuance on the 112th Avenue and the I25/136th Interchange sales tax issues. By combining the two projects and issuing debt once instead of twice, the City will save approximately \$120,000 cost of issuance. Staff determined the Utility has enough cash on hand to temporarily fund the costs during the three-month period.

Current law mandates the following Provisions must be included by a municipality to properly pass a Reimbursement Resolution:

- An announcement and acknowledgement of the municipality's expectation to issue bonds.
- An announcement and acknowledgement that the municipality will reimburse itself from bond proceeds for construction costs pre-funded through other means, in this case by the City through the Utility's Capital Improvement Fund.

If the reimbursement resolution is passed, construction on the water treatment plant will be uninterrupted and allow for the project to proceed smoothly. The adoption of the resolution does not impede or complicate the issuance of the Utility Bonds next March. In fact, it facilitates the issuance of the bonds as it allows Staff to continue to move forward with the planned financing without the concern of trying to exactly time the financing with the construction.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

A RESOLUTION

RESOLUTION NO. **68**

INTRODUCED BY COUNCILLORS

SERIES OF 2001

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF WESTMINSTER WATER AND WASTEWATER UTILITY ENTERPRISE TO ISSUE TAX-EXEMPT OBLIGATIONS IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$20,800,000 TO FINANCE CERTAIN UTILITY IMPROVEMENTS; AND AUTHORIZING THE OFFICERS, EMPLOYEES AND AGENTS OF THE CITY AND THE ENTERPRISE TO PROCEED AND CONTINUE WITH STEPS PRELIMINARY TO THE ISSUANCE OF SUCH OBLIGATIONS.

WHEREAS, the City of Westminster (the "City"), is a municipal corporation duly organized and existing as a home-rule municipality under Article XX of the State Constitution (the "Constitution") and laws of the State of Colorado; and

WHEREAS, the City's Water and Wastewater Utility Enterprise ("Enterprise") is an "enterprise" within the meaning of Colorado Constitution Article X, Section 20 ("TABOR"); and

WHEREAS, the City has previously authorized the Enterprise to issue its own revenue bonds and to enter into contracts relating to the Water and Wastewater facilities of the City; and

WHEREAS, the Enterprise intends and proposes to issue tax-exempt obligations (the "Obligations") in an approximate aggregate principal amount of \$20,800,000, in one or more series, to finance the Northwest Water Treatment Plant and Standley Lake Dam Renovation, together with the costs of funding any reserve funds for the Obligations, the costs of securing the Obligations and costs incidental to the authorization, issuance and sale of the Obligations (collectively, the "Project").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WESTMINSTER, COLORADO, WATER AND WASTEWATER UTILITY ENTERPRISE:

1. All action (not inconsistent with the provisions of this resolution) heretofore taken by the City Council and the Enterprise and the officers, employees and agents of the City and the Enterprise, directed toward the Project and the issuance and sale of the Obligations therefor, is hereby ratified, approved and confirmed.

2. The Enterprise intends to issue the Obligations in the approximate aggregate principal amount of \$20,800,000 to pay the costs of the Project, including the reimbursement to the Enterprise's Utility Fund Cash Account of certain costs, including construction costs, incurred by the Enterprise prior to the issuance of the Obligations, upon terms acceptable to the Enterprise, as set forth in a bond ordinance or resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

3. The officers, employees and agents of the City and the Enterprise shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by this resolution.

4. The cost of financing the Project will be paid out of the proceeds of the Obligations or other available moneys of the Enterprise.

5. The officers and employees of the City and the Enterprise are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

6. If any section, paragraph, clause or provision of this resolution or the question shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or the question.

7. All acts, orders and resolutions, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

8. This resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this 26th day of November, 2001

Mayor

(SEAL)

Attest:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
November 26, 2001

SUBJECT: Change Date for First Council Meeting in January

Prepared by: Michele Kelley, City Clerk

Summary Statement:

- City Council action is requested to change the date of the first regular City Council meeting in January from January 14th to January 7th.
- City Council has previously discussed in Study Session changing the first Council meeting in January to January 7th in order to swear in Mayor Pro Tem Moss as the new Mayor because of the resignation of Mayor Heil effective December 31.

Expenditure Required: \$0

Source of Funds: N/A

Recommended City Council Action:

Change the first City Council meeting of January from January 14th to January 7th.

Policy Issue(s):

Should Council change the date of the first City Council in January in order to swear in the newly appointed Mayor Moss.

Alternative(s):

Do not change the January Council meeting to January 7th and wait until January 14th to swear in newly appointed Mayor Moss.

Background Information:

Since there will be a vacancy in the position of Mayor effective January 1st, it is practical to change the first Council Meeting in January to January 7th to swear in Mayor Moss at that time.

Respectfully submitted,

J. Brent McFall
City Manager

Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, November 26, 2001 at 7:00 P.M.

Employees with 25 and 30 years of service were recognized.

Council approved the following: Financial Report for October, 2001; Replacement Computer Lease Purchase Program for 2002 for \$335,000; Purchase of Used Semi-Truck for Public Works and Utilities up to the amount of \$30,000; Rebuild of the City's Hydra Hammer Compactor with AHR Equipment Services for \$26,180; 2002 Water Quality Work Group Laboratory Services Contract with Commercial Testing & Engineering Company for \$110,896; Intergovernmental Agreements acknowledging certain mutual responsibilities and considerations with Amherst GID, Sheridan Crossing GID, Promenade Parking GID, and 136th Avenue GID; approved the Pre-Development Agreement for Northgate Center Redevelopment Project with Southwestern Investment Group; changed the first City Council meeting of January, 2002 from January 14 to January 7.

Council appointed Gary Buschy to the Volunteer Firefighter Board with term of office to expire December 31, 2003.

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

A BILL FOR AN ORDINANCE AMENDING TITLE I, CHAPTER 13 PERTAINING TO EMERGENCY MANAGEMENT

The following Resolutions were adopted:

Resolution No. 67 re Wadsworth Estates Service Commitment Award Extension
Resolution No. 68 re W&WW Revenue Bonds Reimbursement for Northwest Water Treatment Plant and Standley Lake Dam Renovation

At 7:32 P.M. the meeting was adjourned.

By order of the Westminster City Council
Michele Kelley, CMC, City Clerk
Published in the Westminster Window December 6, 2001