



WESTMINSTER
COLORADO

DECEMBER 11, 2000
7:00 P.M.

Please turn OFF Cell phones and pagers during meetings

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 Cub Scout Pack #372 Den 10
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
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. Lowell Boulevard Street Project to Asphalt Specialties for \$759,100 and Drexel Barrell for \$44,010
 - B. Contracted Security Services for Municipal Court to Wackenhut for \$79,430 for 2001
 - C. One Ton Cab & Chassis with 2 Yard Dump Body Bid to Medved Chevrolet for \$26,594
 - D. Semper Water Treatment Plant Piping Connections Project Bid to BT Construction for \$389,900
 - E. Councillor's Bill No. 107 re ViewPoint Technology Center Business Assistance (Hicks- Atchison)
 - F. Councillor's Bill No. 108 re SW Sheridan, LLC Business Assistance Package (Kauffman-Hicks)
 - G. Councillor's Bill No. 109 re FEMA TCMP Assistance Grant (Atchison-Dixon)
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 110 re AVAYA Business Assistance Agreement Assignment and Amendment
 - B. Councillor's Bill No. 111 re Fun Services Business Assistance Agreement Amendment
 - C. Councillor's Bill No. 112 re Voyant Business Assistance Agreement
 - D. Councillor's Bill No. 113 Revising Title XI, Chapter 3 Changing Dates of Growth Management Program
 - E. Resolution No. 93 Amending Purpose and Intent of Design Guidelines re Incentive Point Substitutions
 - F. Resolution No. 94 Revising Single-Family Attached Residential Design Guidelines
 - G. Resolution No. 95 Allocating 2001 Service Commitments to Growth Management Program Categories
 - H. Resolution No. 96 re Jefferson County Open Space Joint Venture Grants
 - I. Intergovernmental Agreement and Grant from Urban Drainage and Flood Control District
 - J. Resolution No. 97 re Year End Contingency Transfers
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Request for Executive Session
 1. Analysis of Economic Development Prospect
 2. Semper Litigation
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 11, 2000 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Cub Scout Pack #372, Den 10, led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Dixon to accept the minutes of the meeting of November 27, 2000 with no additions or corrections. The motion carried unanimously.

CITIZEN COMMUNICATION:

Frosty Wooldridge, 1458 Ford Place, Louisville, presented handouts to Council regarding the population of the United States and urged Council to pass a resolution limiting immigration to 175,000 per year.

REPORT OF CITY OFFICIALS:

City Manager Bill Christopher reminded Council of the legislative dinner to be held Thursday and that the second Council meeting for December would be held on December 18 due to the Christmas holiday.

CITY COUNCIL COMMENTS:

Councillor Moss thanked Staff for the invitation to the Christmas party.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Construction Contract and Construction Services for Lowell Boulevard Project - Authorize the City Manager to execute contracts with Asphalt Specialties Co. for the construction of the Lowell Boulevard Street Project in the amount of \$759,100; with Drexel Barrell for construction engineering in an amount of \$44,010; and authorize the expenditure of up to \$923,575 from the appropriate capital project account; Contracted Security Services for Municipal Court - Waive City Charter bidding requirements, authorize the City Manager to sign a contract with Wackenhut Corporation for Municipal Court security services at a cost of \$79,430 based on a finding that the negotiated contract as recommended by the City Manager will best serve the public interest, and charge this expense to the 2001 Municipal Court Budget in the General Fund; One Ton Cab and Chassis with Dump Body for Street Division - Award the bid to low bidder, Medved Chevrolet, for a one ton cab and chassis with dump body in the amount of \$26,594, and charge the expense to the appropriate 2000 General Fund Public Works and Utilities budget account; Semper Water Treatment Plant Piping Connections Project - Award the contract to the low bidder, BT Construction, Inc. in the amount of \$389,900 for construction of the improvements as specified in the contract documents and \$39,000 as a contingency budget; authorize the City Manager to execute a contract between the City and BT Construction, Inc.; and charge the appropriate account in the 2000 Utility Fund Capital Improvement Project budget; Councillor's Bill No. 107 re ViewPoint Technology Center Business Assistance Package; Councillor's Bill No. 108 re SW Sheridan, LLC Business Assistance Package; and Councillor's Bill No. 109 re FEMA TCMP Assistance Grant Appropriation.

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

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

COUNCILLOR'S BILL NO. 110 – ASSIGNMENT/AMEND LUCENT ASSISTANCE AGREEMENT:

A motion was made by Merkel and seconded by Hicks to pass Councillor's Bill No. 110 on first reading authorizing the City Manager to execute a Second Amendment to the Lucent Technology Agreement transferring the rights and obligations under the existing Assistance Agreement from Lucent to Avaya, Inc., and amending the Agreement to provide an additional incentive in the amount of \$100,000 for landscaping to be added at the City's request along Pecos Street, Huron Street, and 116th Avenue in excess of normal City requirements. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 111 – AMENDMENT TO FUN SERVICES ASSISTANCE AGREEMENT:

A motion was made by Kauffman and seconded by Dixon to pass Councillor's Bill No. 111 on first reading authorizing the City Manager to execute an amendment to the Fun Services assistance agreement to extend the date of the agreement from December 31, 2000 to December 31, 2001. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 112 – VOYANT TECHNOLOGIES BUSINESS ASSISTANCE AGREEMENT:

A motion was made by Hicks and seconded by Dixon to pass Councillor's Bill No. 112 on first reading authorizing the execution and implementation of a Business Assistance Agreement with Voyant Technologies Inc. in the amount of \$50,500. Ms. Sanchez, Voyant Technologies Inc. representative, was present to address Council. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 113 – CHANGING DATES OF GROWTH MANAGEMENT PROGRAM:

A motion was made by Merkel and seconded by Hicks to pass Councillor's Bill No. 113 on first reading revising Title XI, Chapter 3 of the Westminster Municipal Code changing the effective dates of the City's Growth Management Program to December 11, 2000 through December 31, 2010. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 93 – PURPOSE AND INTENT SECTIONS OF RESIDENTIAL DESIGN GUIDELINES:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 93 amending the Purpose and Intent sections of the Single-Family Detached Residential, Multi-Family Residential, and Senior Housing Design Guidelines regarding incentive point substitutions for new residential projects. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 94 – REVISE SINGLE FAMILY ATTACHED RESIDENTIAL DESIGN GUIDELINES:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 94 revising the City of Westminster Single-Family Attached Residential Design Guidelines. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 95 – 2001 SERVICE COMMITMENT ALLOCATIONS:

A motion was made by Merkel and seconded by Hicks to adopt Resolution No. 95 allocating Service Commitments for the year 2001 to the various categories of the Growth Management Program and authorize competitions to be held in the year 2001 for one new single-family detached project, one or two new single-family attached project(s), and one new senior housing project. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 96 – JEFFERSON COUNTY OPEN SPACE JOINT VENTURE GRANTS:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 96 authorizing the submittal of a Joint Venture development grant application to Jefferson County Open Space for the financial assistance with the construction of the Countryside Pool Renovation and The Gathering Place. Upon roll call vote, the motion carried unanimously.

IGA AND GRANT FROM URBAN DRAINAGE AND FLOOD CONTROL DISTRICT:

A motion was made by Dixon and seconded by Moss to authorize the City Manager to execute an agreement with, and to accept a grant of \$200,000 from the Urban Drainage and Flood Control District as partial reimbursement of the costs to preserve the property acquisition of Big Dry Creek and Walnut Creek floodplain areas. The motion carried unanimously.

RESOLUTION NO. 97 – YEAR-END CONTINGENCY TRANSFERS:

A motion was made by Moss and seconded by Hicks to adopt Resolution No. 97 authorizing the transfer of \$379,978 from the General Fund Contingency account into the various operating budgets for year end budget transfers. Upon roll call vote, the motion carried unanimously.

MISCELLANEOUS BUSINESS:

Mayor Heil stated there would be an Executive Session on an analysis of an Economic Development Prospect and an update on the Semper Litigation.

Councillor Hicks and Mayor Pro Tem Dixon commented on the National League of Cities meeting and how worthwhile the conference was.

ADJOURNMENT:

The meeting was adjourned at 7:50 P.M.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

Date: December 11, 2000
Subject: Construction Contract and Construction Services for Lowell Boulevard Project
Prepared by: Dan Blankenship, Senior Project Coordinator

Introduction

City Council action is requested to award a contract for construction of the Lowell Boulevard Street Project to the low bidder, Asphalt Specialties Co.; authorize the City Manager to execute an agreement with Drexel Barrell for construction engineering services and to authorize expenditures up to \$923,575 for the construction and construction engineering services. Weather permitting, work is expected to start in January of 2001 and be completed in the spring of 2001. Funding is available in the appropriate Capital Improvement account for this project.

Summary

The Lowell Boulevard Street Project begins at 68th Avenue and ends the Burlington Northern Santa Fe railroad tracks, approximately 2000-feet north of 68th Avenue. The project includes construction of curb, gutter and sidewalks on both sides of the roadway, drainage improvements and reconstruction of the pavement. When complete, the new roadway will be striped for one lane in each direction with a dual single center left turn lane. The award of the contract will allow work to begin in January 2001, with completion in the spring of 2001, weather permitting.

Competitive proposals for the project were received from five general contractors and ranged from \$759,100 to \$1,188,273. The lowest bidder was Asphalt Specialties Co. from Henderson, Colorado. Staff is recommending the award of the contract for the Lowell Boulevard Street Project be made to Asphalt Specialties at their bid of \$759,100.

Authorization of funds totaling \$923,575 is being requested (see table below). In addition to the Asphalt Specialties contract, \$44,010 is requested for construction engineering and administration services from Drexel Barrell, the project's engineering designer. A 15% contingency of \$120,465 is recommended for these two contracts.

Construction contract	\$759,100
Construction management	44,010
Construction contingency	120,465

TOTAL	\$923,575

Policy Issues

Council has the discretion to award the contract for the Lowell Boulevard Street Project to other than the lowest bidder. Normally, this option is exercised when there is doubt that the low bidder is qualified or does not have the resources to accomplish the contract requirements. However, that circumstance does not exist in this situation. In staff's opinion, Asphalt Specialties Co. has appropriate experience and resources to complete the project.

Staff Recommendation

Authorize the City Manager to execute contracts with Asphalt Specialties Co. for the construction of the Lowell Boulevard Street Project in the amount of \$759,100; with Drexel Barrell for construction engineering in an amount of \$44,010; and authorize the expenditure of up to \$923,575 from the appropriate capital project account.

Background Information

In 1994, Adams County initiated the Lowell Boulevard Roadway and Water Line Improvement Project and allocated funds in the amount of \$460,000. Because the majority of the project lies within the City, the County's funds were deposited with the City and the City has administered the project. The east side of the street south of Little Dry Creek is located in the County and the remainder of the project is located within the City.

In 1995, Council authorized an agreement with Drexel Barrell for the design of the project. The project was divided into two phases with the waterline project being completed in 1996.

The roadway phase begins at 68th Avenue and ends the Burlington Northern Santa Fe railroad tracks, approximately 2000-feet north of 68th Avenue. The project includes construction of curb, gutter and sidewalks on both sides of the roadway, drainage improvements and reconstruction of the pavement. When complete, the new roadway will be striped for one lane in each direction with a dual center left turn lane. Design of the roadway phase was completed in the spring of 2000 and in April 2000, Council passed a resolution authorizing the acquisition of the property interests necessary to construct the roadway project. Following Council's authorization, an appraiser and acquisition agent were hired and the acquisition process was initiated. In anticipation of the successful completion of the acquisition process, the roadway project was advertised for bid on August 31, 2000.

On September 21, 2000, five bids were opened and the low bidder was Asphalt Specialties Co. with a bid of \$759,100. The bid results are as follows:

<u>Bidder</u>	<u>Bids</u>
Asphalt Specialties	\$ 759,100
Concrete Works	\$ 796,672
New Design	\$ 821,478
Brannan Sand and Gravel	\$ 919,271
Asphalt Paving	\$1,188,273

Bids were required to remain open for 90 days to allow staff to complete the acquisition process. At this time, all but two of the right of way parcels are in possession of the City. The legal owner of one of the parcels was quite difficult to locate and the other remaining parcel is part of an estate with which staff has been negotiating possession with the estate's attorney. Both remaining owners have indicated that they are willing to agree to possession of the required right-of-way by the City. Work within these parcels can proceed once legal possession is granted while work on the remainder of the project can proceed upon execution of a contract. The construction contract provides for a 75-calendar day completion time, weather permitting. It is anticipated that the project will be completed in the spring of 2001.

Drexel Barrell, the project's engineering designer, has prepared a proposal for construction engineering and contract administration. Drexel Barrell priced their services, which includes materials testing for the 75-calendar day project at \$44,010.

This is approximately 6% of the construction cost. Drexel Barrell's construction management group also provided construction services on the waterline phase of the Lowell Boulevard Project. Based on their knowledge of the project and reasonable fee, staff recommends that Drexel Barrell be hired to provide construction-engineering services.

A contingency of \$120,465 (15%) for the two contracts is also recommended to account for any unforeseen conditions. Staff has reviewed the Lowell Boulevard account in the Capital Budget and there are adequate funding remaining to cover the recommended expenses.

Alternatives

1. Approve staff's recommendation to authorize the City Manager to execute contracts with Asphalt Specialties for the construction of the Lowell Boulevard Street Project and Drexel Barrell for the construction engineering services and approve the expenditures necessary to complete the project.
2. Award the contract to one of the other contractors who submitted a bid.
3. Direct staff to request other proposals for construction engineering services.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: December 11, 2000

Subject: Contracted Security Services for Municipal Court

Prepared by: Matt Lutkus, Deputy City Manager for Administration
Julia Hume, Court Administrator

Introduction

City Council action is requested to authorize the City Manager to sign a negotiated agreement with Wackenhut Corporation for Municipal Court security services. Funds have been included in the 2001 Municipal Court General Fund Budget for these services.

Summary

The Municipal Court currently uses the services of Wackenhut Corporation to screen the public entering the Court building for weapons and to provide a variety of other security-related services. City Council previously concluded that this type of service is more appropriately obtained through a negotiated agreement. Staff is therefore recommending that the current contract be renewed and that Staff utilize a negotiated agreement with the Wackenhut Corporation to continue court security services.

The City has used the negotiated bid approach particularly when using consultants and in those areas where there are a limited number of contractors who are able to provide the quality of services required. Such a process is allowed for under the City Charter and the Municipal Code.

Alternative

Proceed with the development of a new request for proposal (RFP) and a competitive bid process for the purpose of selecting a firm to provide the services. This approach is not recommended because of the nature of security services work where there is a wide range of qualifications and capabilities of the firms currently in the market. Based on Staff's previous experience, Wackenhut is the only firm in the are that has the requisite qualifications to perform the level of services needed at the Municipal Court.

Policy Issue

Should City Council continue the prior practice of approving a negotiated bid approach for security services for the Municipal Court or direct Staff to pursue a competitive process?

Recommendation

Waive City Charter bidding requirements, authorize the City Manager to sign a contract with Wackenhut Corporation for Municipal Court security services at a cost of \$79,430 based on a finding that the negotiated contract as recommended by the City Manager will best serve the public interest, and charge this expense to the 2001 Municipal Court Budget in the General Fund.

Background Information

As part of the 2001 Budget, Council authorized funds for Court security services utilizing the services of a private security firm. The firm is required to provide 80 security guard hours weekly for screening all visitors to the building and assisting Court Officers working in the Court with prisoner supervision and courtroom security. Wackenhut Corporation currently provides these services.

Although the Court security guards do not have the same scope of day to day duties as Court Officers, the level of responsibility required for these individuals is substantially greater than that normally associated with security personnel. The selection criteria for the contracted agency has included training in the handling of firearms for the guards and the firm's prior experience working in a court or similar setting.

The current contract and the contract that Staff would continue to recommend, is a one-year contract that is renewable for up to three years. Wackenhut Corporation is presently completing its third year as the Court's security services firm. The agreement requires that the City provide a 30 day notice if services are not to be continued.

The initial security services contract for the Municipal Court was a one year non-renewable contract awarded in 1992 to Wackenhut Corporation. The City's experience with Wackenhut was very favorable. Security officers were trained in firearms handling, each of the officers showed a high degree of professionalism and dependability, the officers demonstrated strong public relations skills, their relationship with the Court Staff was very positive, and the turnover rate among employees was relative low. Although the City's experience with Wackenhut was positive, the firm's bid for 1993 was not the lowest bid and, therefore, their services were not continued. From 1993 to 1997, the City contracted with two other firms and, despite ongoing efforts on the part of Court Staff, it was very difficult to maintain an acceptable service level. Ongoing communication with these contractors failed to result in the correction of performance issues. Based on experience during that time, Staff believes that the competitive bid approach to selecting a security service firm has proven to be unsatisfactory.

The Custom Protection Division of the Wackenhut Corporation specializes in court security. The firm currently provides court facility security at Adams, Arapahoe, Boulder, Douglas, and Larimer County courthouses, as well as Englewood, Lakewood, Thornton, and Wheat Ridge municipal courts. Wackenhut Custom Protection Officer does a full field background investigation, and complete testing and screening of applicants and provides an extensive training program for its employees. The employee turnover rate is 17% compared to the commercial security industry norm of 300% to 500% annually. Given the advantages of utilizing Wackenhut Corporation's services, Staff's recommendation is to execute a negotiated contract with the Wackenhut Corporation. The cost for this service will be \$79,430 which is within the amount budgeted for 2001.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: December 11, 2000

Subject: One Ton Cab and Chassis with Dump Body for Street Division

Prepared by: Carl F. Pickett, Purchasing Specialist

Introduction

City Council action is requested to award a bid in the amount of \$26,594 for a new one ton cab and chassis work truck with dump body for Street Operations Division. Funds are available for this purchase in the 2000 General Fund, Public Works and Utilities Department budget, as a result of the 1999 budget incentive carryover.

Summary

In November 2000, the City's Purchasing Specialist sent out formal bid proposals for a one ton cab and chassis with a two-yard dump body. This truck would be an addition to the City's fleet and would enable the Street Operations Division to deploy two cracksealing crews at the same time. The lowest bid, received from Medved Chevrolet, is determined to be the best value for the City.

Alternatives

An alternative to the proposed purchase would be to not approve the purchase of the one ton cab and chassis with dump body at this time.

Staff believes the recommended approach will provide the City with the most value for the dollars available for this purchase.

Policy Issue

Whether to approve the addition of a vehicle to the City fleet to facilitate a second cracksealing crew.

Staff Recommendation

Award the bid to low bidder, Medved Chevrolet, for a one ton cab and chassis with dump body in the amount of \$26,594, and charge the expense to the appropriate 2000 General Fund Public Works and Utilities budget account.

Background Information

A high priority of the Street Division at this time is the purchase of an additional work truck. The purchase of this truck was considered for the 2001 Budget, but was not included in Staff's recommendation to Council because of budget limitations. The Public Works and Utilities Department is currently able to use its carryover incentive budget funds from 1999 for this purchase. City Staff believes that the purchase is well justified and is therefore recommending Council's approval at this time.

The present Street Operations Division fleet does not provide sufficient equipment to accomplish two cracksealing crews operating simultaneously. The truck requested is needed to haul cones, traffic control devices, tow an air compressor as well as to perform all other street operation activities such as hauling cold mix for pothole patching, and pulling the oil distributor for the in-house street rehabilitation programs. In the past, the Street Operations Division has been able to borrow this equipment from other divisions. As each division's vehicle needs have increased, borrowing equipment is no longer an option.

Bids were solicited from four vendors as follows:

Medved Chevrolet	\$26,594
Stevenson Chevrolet	\$28,175
Burt Chevrolet	No Bid
Century Chevrolet	No Bid

Street Operations and Fleet personnel have reviewed the specifications of each bid and have determined that the bid from Medved Chevrolet meets or exceeds all the City's specifications for this bid. The cost of the truck, \$26,594 is within the amount that Street Division has in its incentive funds.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

Date: December 11, 2000
Subject: Semper Water Treatment Plant Piping Connections Project
Prepared by: Richard A. Clark, Utilities Operations Manager

Introduction

City Council action is requested to award the bid for the Semper Water Treatment Plant Piping Connections Project to BT Construction, Inc.; authorize the City Manager to execute a contract between the City and BT Construction, Inc.; and authorize a budget of \$389,900 for construction of the improvements as specified in the contract documents and \$39,000 as a contingency budget. Funds are available for these expenditures in the 2000 Utility Fund Capital Improvement budget.

Summary

The City’s existing Semper Water Treatment Plant is located on Pierce Street north of 88th Avenue. The plant’s current piping connection to the City distribution system is through a single 36-inch connection to the City’s water distribution system in Pierce Street. Additional connections between the plant and the distribution system are needed to add reliability to the system and to increase the maximum flow capacity from the plant into the system. The addition of a connection at the High Service Pump Station will provide a second connection to the distribution system and allow portions of an existing 36-inch Prestressed Concrete Cylinder Pipe (PCCP) line at the Semper Water Treatment Plant to be removed and inspected for deterioration.

The Semper Water Treatment Plant Piping Connections Project was advertised in the *Daily Journal* (a contractors publication) on November 1, 6 and 13, 2000. Eighteen sets of documents were issued to potential bidders and vendors. A mandatory pre-bid meeting was conducted on November 20, 2000, with eight firms being represented. Five bids were received and read at the public bid opening on November 27, 2000, in the City Council Chambers with the following results:

<u>Bidder</u>	<u>Bid Amount</u>
BT Construction	\$389,900.00
CDM Constructors	\$452,600.00
Wycon Construction	\$487,940.00
T. Lowell Construction	\$498,000.00
Tierdael Construction	\$674,228.00
Project Estimate	\$401,829.40

BT Construction, Inc. has been determined to be the successful contractor on the basis of their bid proposal as the lowest responsible bidder. BT Construction has performed similar type work in the past for the City and has a solid track record of accomplishing the required scope of work within the funding allocated.

Policy Issues

Should the City of Westminster proceed with these improvements to the water distribution system and award the bid to BT Construction at this time or delay the work.

Staff Recommendation

Award the contract to the low bidder, BT Construction, Inc. in the amount of \$389,900 for construction of the improvements as specified in the contract documents and \$39,000 as a contingency budget; authorize the City Manager to execute a contract between the City and BT Construction, Inc.; and charge the appropriate account in the 2000 Utility Fund Capital Improvement Project budget.

Background

Adding the three water treatment plant piping connections to the distribution system increases the City's available methods for serving the customers from the original Semper pumping station and the new High Service Pump Station. It will also allow the staff and outside experts to inspect the older existing pipe. The additional connections will also provide starting points for future main extensions from the vicinity of the Semper Water Treatment Plant without requiring any interruptions of service to the City's customers.

Alternatives

The alternative to completing the Semper Water Treatment Plant Piping Connections Project as recommended would be to separate the project into three separate projects and bid each individually. However, the work is all in a fairly small geographic area and would require exceptional cooperation and timing between three sets of forces, yet not likely result in any cost savings.

Another alternative would be to not make any of the piping changes and operate the system as in past years. This leaves the City vulnerable to a single pipe failure and does not allow for any increase in plant capacity or reliability into the City-wide distribution system.

Respectfully submitted,

William M. Christopher
City Manager



WESTMINSTER COLORADO

Agenda Memorandum

Date: December 11, 2000

Subject: Councillor's Bill No. 110 re Assignment and Second Amendment to Lucent Technology Assistance Agreement

Prepared by: Susan Grafton, Economic Development Manager
Bill Christopher, City Manager

Introduction

In April 1999, City Council approved a Business Assistance Package, which was subsequently amended in October 1999, with Lucent Technologies for their new 480,000 square foot building. This building is under construction at the southwest corner of 120th Avenue and Huron Street. Lucent now wishes to assign the Agreement to Avaya, Inc. and to amend the Agreement to provide an additional incentive in the amount of \$100,000 for landscaping along Pecos Street, Huron Street and 116th Avenue in excess of normal City requirements.

Summary

The attached amendments to the Lucent Technologies Business Assistance Agreement provide for the assignment of the Agreement to Avaya Incorporated, and also provide for an additional \$100,000 to defray unanticipated landscaping costs.

Policy Issue

Whether to approve the assignment of the current Assistance Agreement with Lucent Technologies and whether to provide an additional \$100,000 to Avaya, Inc. to help defray the cost of landscaping not ordinarily required by City regulations.

Staff Recommendation

Pass Councillor's Bill No 110 on first reading, authorizing the City Manager to execute a Second Amendment to the Lucent Technology Agreement transferring the rights and obligations under the existing Assistance Agreement from Lucent to Avaya, Inc., and amending the Agreement to provide an additional incentive in the amount of \$100,000 for landscaping to be added at the City's request along Pecos Street, Huron Street, and 116th Avenue in excess of normal City requirements.

Background

City Council previously approved a Business Assistance Agreement with Lucent Technologies in May, 1999 pertaining to their new 480,000 square foot building to be built adjacent to the existing facility located at 120th Avenue between Pecos and Huron Streets. The new building is estimated to cost \$136 million with the total project including furnishings, fixtures and equipment valued at \$158.8 million.

In October 2000, Lucent Technologies created a new legally separate entity called Avaya, Inc. Avaya took over the Westminster facility at 120th Avenue and Huron Street including the 480,000 square foot building for which the previous assistance agreement was provided. The nature of the project, employment projections, and all components of the project remain unchanged from the original Agreement. At this time, it is necessary to transfer the Agreement from Lucent Technologies to Avaya. This will allow for the incentives provided for in the prior Agreement to go to Avaya, as the new owner

of the Westminster facility.

During the planning of the expansion of this facility, Lucent was asked to install additional landscaping along Huron Street, Pecos Street and 116th Avenue in excess of normal City requirements. This was not a requirement that could be connected to the expansion of the facility at the north end of the site abutting 120th Avenue. However, it was Staff's opinion, that landscaping along Huron Street, Pecos Street and 116th Avenue would "soften" the edges of the massive employee parking areas and generally help enhance this area. Lucent Technologies agreed to install the additional landscaping if the City would help fund a portion of the cost. City Staff agreed to provide 75% of the actual cost of landscaping the additional area up to maximum of \$100,000. According to documents recently received from Avaya, over \$200,000 was spent on landscaping improvements to the areas along Huron Street, Pecos Street and 116th Avenue.

Because the landscaping issue came up after the original business assistance agreement was approved, there is currently no provision for financial assistance for landscaping. Staff is now requesting that City Council approve an amendment to the business assistance agreement providing for \$100,000 to be paid to Avaya to reimburse them for the additional landscaping that currently provides a significant enhancement to 116th Avenue, Huron Street and Pecos Street.

A contingency transfer will be necessary to fund the \$100,000 cost for landscaping. Because the landscaping issue came up after City Council approval of the 2000 Budget, no funds were budgeted for this expenditure. If City Council concurs with Staff's recommendation, these funds will be transferred as part of the year-end General Fund Contingency transfer to the Economic Development business assistance account. Consideration of the "2000 Year-End Contingency Transfer" is scheduled later on the Council Meeting Agenda.

Alternatives

1. Do not approve the assignment or the amendments to the business assistance agreement. Failure to assign the Agreement to Avaya will result in the benefits going to Lucent Technologies which no longer owns the facility. Failure to reimburse the landscaping costs could cause the City to lose leverage in the business community and reduce Staff's future ability to encourage enhancements.
2. Approve the assignment of the Agreement to Avaya, but deny provisions of the additional \$100,000 for landscaping. This alternative would take care of the "housekeeping" issue and clarify where the assistance should be provided. However, this alternative could cause the City to lose leverage in the business community when trying to encourage enhancements.
3. Provide more than \$100,000 for landscaping improvements. Lucent Technologies did spend \$4.5 million for plants, sod, irrigation and other landscaping items throughout the site. The landscaping along Huron Street, Pecos Street and 116th Avenue is a significant enhancement that went well beyond what would normally be required. However, the total assistance package for this facility, including the proposed landscaping amendment, is \$1,100,000. It is Staff's opinion that this is ample assistance to this project.

Conclusion

The cost of the Lucent Technologies/Avaya expansion is estimated to total \$158 million, easily the most costly building project in the City's history. Staff estimates that this project has already generated close to \$1.4 million in permit fees and taxes, and will generate close to \$2.8 million in additional new revenues over the next 3 to 4 years, for a total of \$4.2 million in direct taxes and revenue. The total assistance being recommended is modest in comparison to the revenues to be derived from this major taxpayer and employer.

Respectfully submitted,

William M. Christopher, City Manager
Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **110**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL FOR AN ORDINANCE AUTHORIZING THE TRANSFER OF THE ASSISTANCE AGREEMENT WITH LUCENT TECHNOLOGIES TO AVAYA, INC., AND AMENDING THE AGREEMENT TO PROVIDE ADDITIONAL ASSISTANCE:

WHEREAS, the successful attraction and retention 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 assistance for high quality development to locate in the City; and

WHEREAS, the City has previously agreed to provide monetary assistance to Lucent Technologies in connection with a \$136 million expansion of the Westminster facility that includes 480,000 square feet of office space and the remodeling of the existing facilities at a cost of \$23 million (the "Project"); and

WHEREAS, the Project is projected to generate \$4.3 million in new fees and taxes in the next five (5) years of operation; and

WHEREAS, on September 25, 2000, Lucent Technologies advised the City that Lucent had recently transferred its Westminster facility and its operations to Avaya, Inc., a wholly-owned subsidiary of Lucent; and

WHEREAS, a proposed Amendment to Assistance Agreement between the City, Lucent, and Avaya is attached hereto as Exhibit "A" and incorporated herein by this reference (the "Amendment").

WHEREAS, the proposed Amendment transfers the existing Assistance Agreement with Lucent Technologies to Avaya, Inc., and amends the Agreement to provide an additional \$100,000 in assistance for additional landscaping requested by the City beyond normal City requirements; and

WHEREAS, City Council finds that the execution of the proposed Amendment furthers the public interest and the City's economic stability;

NOW, THEREFORE, be it ordained by the Westminster City Council:

Section 1. The City Manager of the City of Westminster is hereby authorized to executed the Second Amended Assistance Agreement with Lucent Technologies and Avaya, Inc. 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. 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 11th day of December, 2000. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of December 2000.

ATTEST:

Mayor

City Clerk

SECOND AMENDMENT TO BUSINESS ASSISTANCE AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 200___, between the **CITY OF WESTMINSTER** (the "City"), **LUCENT TECHNOLOGIES, INC.** ("Lucent"), and **AVAYA, INC.** ("Avaya").

WHEREAS, the City and Lucent are parties to a certain Business Assistance Agreement, as amended and restated on October 7, 1999, (the "Lucent Agreement"), attached hereto as Exhibit "A" and incorporated herein by this reference;

WHEREAS, the parties now wish to amend the Lucent Agreement and transfer the rights and obligations contained in said Agreement from Lucent to Avaya through the execution of this Second Amendment to Business Assistance Agreement;

WHEREAS, the attached letter from Lucent Technologies provides for the assignment of this Agreement to Avaya, Incorporated; and

WHEREAS, City Council finds the execution of this Second Amendment will serve to provide benefit and advance the public interest and welfare of the City and its citizens by further securing the retention and benefits of this major economic development center within the City.

In consideration of the mutual promises set forth below, the City, Lucent, and Avaya, Inc., agree as follows:

1. That certain Business Assistance Agreement dated October 7, 1999, and attached hereto as Exhibit "A," is hereby amended as follows (the "Agreement"):

1.1 Said Agreement and all of the rights, responsibilities, and conditions thereunder are hereby assigned and transferred to Avaya.

1.2 Avaya hereby accepts the assignment and transfer of said Agreement and all of the obligations, responsibilities, and conditions thereunder.

1.3 It is the intent of the City and Lucent to effect a novation of said Agreement by the substitution of Avaya, Inc. for Lucent Technologies throughout said Agreement.

2. Paragraph 1 of said Agreement, as novated, is hereby amended to read as follows:

The City shall pay \$100,000 to Avaya, Inc. within thirty (30) days of the issuance of the Certificate of Occupancy ("CO") to assist in defraying the cost of moving. The City shall also pay Avaya, Inc. \$100,000 to help defray the cost of landscaping along Huron Street, Pecos Street, and 116th Avenue within sixty (60) days following Avaya's completion of said improvements in compliance with the Official Development Plan and approved landscaping plan for the Project.

3. Except as modified by this Second Amendment to Business Assistance Agreement, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

CITY OF WESTMINSTER

ATTEST:

By _____
William Christopher
City Manager

Michele Kelley, City Clerk

LUCENT TECHNOLOGIES, INC.

ATTEST:

By _____
Title _____

Name/Title _____

AVAYA, INC.

ATTEST:

By _____
William Vornehm
Construction Management Director

Name/Title: _____



WESTMINSTER
COLORADO

Agenda Memorandum

Date: December 11, 2000

Subject: Councillor's Bill No. 111 re Amendment to Assistance Agreement for Fun Services

Prepared by: Becky Johnson, Economic Development Program Coordinator

Introduction

City Council action is requested to pass the attached Councillor's Bill on first reading amending the Business Assistance Package dated February 14, 2000 with the Fun Services, so as to extend the expiration date of the Assistance Agreement date from December 31, 2000 to December 31, 2001.

Summary

Since the time the City Council approved the assistance agreement with Fun Services, the pre-construction of this project was significantly delayed. As a result of these delays, construction is due to commence the first quarter of 2001, with an anticipated completion date of late summer 2001. The existing Business Assistance Agreement requires the issuance of a Certificate of Occupancy by December 31, 2000.

Policy Issue

The policy for City Council's consideration is whether or not to extend the expiration date of the Business Assistance Agreement date from December 31, 2000 to December 31, 2001.

Staff Recommendation

Pass Councillor's Bill No. 111 on first reading authorizing the City Manager to execute an amendment to the assistance agreement to extend the date of the agreement from December 31, 2000 to December 31, 2001.

Background Information

The Fun Services Business Assistance Agreement, in the amount of \$28,700, was approved by City Council on February 14, 2000. It will expire on December 31, 2000 if not amended to change the date of project completion. Pre-construction delays have detained Fun Services from beginning construction on their new facility, at 12345 Huron, until November 2000. They are anticipating completion of this facility by June 2001. The December 31, 2001 termination date is proposed to allow time for potential construction delays. Fun Services has requested an amendment to the Business Assistance Package to allow them to complete their new facility. No additional changes to the current assistance package have been requested. All other provisions of the February 2000 agreement will remain as is and do not need to be changed.

Alternatives

There were two alternative considered in presenting the amendment to the business assistance package to Fun Services. The alternatives were as follows:

Allow the Current Business Assistance Package to Expire: One alternative to the offering the amendment to the business assistance package is to do nothing. The result is that the current Business Assistance Agreement would expire on December 31, 2000; and, the company would no longer qualify for assistance from the City.

Negotiate a New Assistance Package: Another alternative is to negotiate a new assistance package between the City and Fun Services. Since the terms of the assistance agreement have not been changed, this would only add to further pre-construction delays to the company.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

AMENDMENT TO THE ASSISTANCE AGREEMENT
FOR FUN SERVICES, INC.
IN THE CITY OF WESTMINSTER

THIS AMENDMENT is made and entered into this _____ day of _____, 2000, between the CITY OF WESTMINSTER (the "City"), and FUN SERVICES, INC.

WHEREAS, the City wishes to amend the Business Assistance Agreement, dated February 14, 2000, to extend the expiration date to December 31, 2001. Paragraph 5 of the Business Assistance Agreement between the City of Westminster and Fun Service, Inc. is amended to read as follows:

This Assistance Agreement shall terminate and before void and of not force or effect upon the City if Fun Services has not completed construction or moved into its new facility by December 31, 2001.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

FUN SERVICES, INC.

CITY OF WESTMINSTER

By _____
Bill Wilson
President

William M. Christopher
City Manager

ATTEST:

ATTEST:

Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **111**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE ASSISTANCE AGREEMENT WITH FUN SERVICES

WHEREAS, the City wishes to amend the Business Assistance Agreement, dated February 14, 2000, to extend the expiration date to December 31, 2001.

WHEREAS, the proposed Amendment to the Assistance Agreement between the City and Fun Services, Inc. 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 CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Amendment to the Assistance Agreement with Fun Services, Inc. in substantially the same form as attached as Exhibit "A".

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 11th day of December 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of December 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: December 11, 2000

Subject: Councillor's Bill No. 112 re Voyant Technologies, Inc. Business Assistance Package

Prepared by: Becky Johnson, Economic Development Program Coordinator

Introduction

City Council action is requested on the attached Councillor's Bill to approve a business assistance package in the amount of \$50,500 for Voyant Technologies, Inc.

Summary

Voyant Technologies, Inc. is expanding its operations. They have out-grown their current leased space in the Global Crossing building, in Park Centre located at the northeast corner of Pecos Street and 121st Avenue. Voyant plans to lease 84,000 square feet of new space at Prime Center in NorthRidge at Park Centre, located at 121st Avenue and Pecos. A total of over \$244,850 of revenue directly to the City, from Voyant is anticipated in the first five years of operation. The recommended assistance package totals \$50,500. The purpose of providing this assistance is to aid an existing Westminster business in its expansion efforts while keeping it in the City. In addition, staff has also worked with Adams County Economic Development to have additional assistance provided to the project from the Adams County Board of Commissioners.

Policy Issue

The policy issue for City Council's consideration is whether or not to approve a business assistance package to aid an existing Westminster business in its expansion efforts, while keeping it in the City.

Staff Recommendation

Pass Councillor's Bill No. 112 on first reading authorizing the execution and implementation of a Business Assistance Agreement with Voyant Technologies, Inc. in the amount of \$50,500.

Background Information

City Staff has been meeting with representatives from Voyant Technologies, Inc. since December 1999. The company has outgrown its current lease space in Park Centre Business Park. Voyant seriously considered properties in Louisville. However, it was the company's desire to remain in the same area, in order to retain their current work force. According to Bill Ernstrom, President and CEO "People are the main focus of our company. We give a great deal of emphasis to maintaining a positive corporate culture and quality work environment." The purpose of providing this assistance is to aid an existing Westminster business in its expansion efforts while keeping it in the City.

In June 1999, Voyant Technologies was formed through a stock purchase from Global Crossing. Global Crossing sold off ConferTech Systems, (which was the hardware producer, for ConferTech International) to Voyant. Voyant Technologies, Inc. now provides scalable conferencing technology (hardware and software) to enable web conferencing, e-learning, voice responsive websites, and reservation-less on demand audio conferencing. Voyant Technologies provides products to companies including IBM, Bell Atlantic, AT&T, CMI, Boeing and Intel.

The average wage of this company is \$60,000 per year for approximately 225 employees, resulting in an annual payroll of \$13.5 million. Within three full years of operation, Voyant representatives have projected employment to grow to 300 employees with an annual payroll of \$19 million.

Proposed Assistance

Based on a 5-year projection of direct and indirect City tax and fee revenue, Staff recommends the following assistance package:

	<u>Estimated Rebate</u>
<u>Permit-Fee Rebate</u> 30% of all building-related fees (excluding water & sewer tap fees) will be rebated ($\$18,455 \times 30\% = \$5,537$), not to exceed \$5,500	\$5,500
<u>Building Use Tax Rebate</u> 30% of the Use Tax on construction materials for this project will be rebated ($\$45,000 \times 30\% = \$13,500$), not to exceed \$13,500	\$13,500
<u>Use Tax Rebate on Furniture and Fixtures</u> For purchases of items for the Westminster facility made during the three months prior to the issuance of the Certificate of Occupancy and for the first three years of operation, the City will rebated 30% of the General Use Tax remitted to the City of Westminster by Voyant on it use tax return (Estimated \$500,000 new equipment $\times 3\%$ Use Tax $\times 30\% = \$4,500$ at move-in plus \$1 million new equipment $\times 3\%$ Use Tax $\times 30\%$ rebate = \$9,000 per year times 3 years equals \$31,500), not to exceed \$31,500	\$31,500
<u>Total Proposed Assistance Package</u>	\$50,500

Alternative

Do Nothing: One alternative to offering the above business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City's value of "retaining quality businesses" is not supported. A positive relationship is desirable with existing business. In addition, the City would not be strategically positioned for consideration for future Voyant expansions.

Provide Less: Another alternative is to provide less assistance than what is recommended. Again, it may not drive the company away, but the assistance being recommended is already considered modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. As noted above, Staff has recommended an assistance package that is 20% of the total 5-year projected revenue. There is room for additional funding. However, it is staff's opinion that additional assistance is not needed.

The assistance being proposed is only 20% of the total direct general use tax and fee revenue projected from the project in the first 5 years of operation. The City will be made whole on this investment at the time of the Certificate of Occupancy is issued.

Respectfully submitted,

William M. Christopher, City Manager
Attachments

**ASSISTANCE AGREEMENT FOR
VOYANT TECHNOLOGIES, INC. IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2000, between the CITY OF WESTMINSTER (the "City"), and VOYANT TECHNOLOGIES, INC..

WHEREAS, the City wishes to provide certain assistance to Voyant Technologies, Inc. to aid an existing Westminster business in its expansion efforts, while keeping it in the City; and

WHEREAS, Voyant plans to lease 84,000 square feet at Prime Center in NorthRidge, for its business expansion, thus providing additional primary job creation within the City; and

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 Voyant Technologies, Inc. agree as follows:

1. Building Permit Fee Rebates. The City shall rebate 30% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, to Voyant Technologies, Inc. which will result in construction of 84,000 square feet in Prime Center at NorthRidge, expected to be completed by December 31, 2001. The permit fee rebate shall not exceed \$5,500.

2. Use Tax Rebate- Construction. The City shall rebate 30% of the Building Use Tax on the construction materials, which are to be used in construction of 84,000 square feet of space at Prime Center in NorthRidge, required under W.M.C. sections 4-2-9 and 4-2-3, to Voyant Technologies, Inc. The rebate shall not exceed \$13,500.

3. Use Tax Rebate- Furniture and Fixtures. For purchases of items for the Westminster facility made during 3 months prior to the issuance of the Certificate of Occupancy and the for the first three years of operation for Voyant Technologies, Inc., the City shall rebate 30% of the General Use Tax remitted to the City of Westminster on its use tax return. The total rebate pursuant to this paragraph shall not exceed \$31,500 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from the new Voyant Technologies, Inc. facility and attributable to the imposition against Voyant's facility, of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax). Quarterly installments equal to 30% of the Use Tax collected and received by the City from Voyant Technologies, Inc. shall be made within 20 days following the close of each calendar quarter. The first rebate installment shall occur at the close of the quarter in which the Certificate of Occupancy is issued for the new office facility in Westminster. The rebate shall stop at the end of the first three years of operation or at the point the rebate totals \$31,500, which ever comes first.

4. Entire Agreement. This instrument shall constitute the entire agreement between the City and Voyant Technologies, Inc. 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. Annual Appropriation. 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. Governing Law: Venue. 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 a good faith the services of a mutually acceptable, qualified, and experience 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 Adams County, Colorado.

VOYANT TECHNOLOGIES, INC.

CITY OF WESTMINSTER

William P. Enstrom, President & CEO

William Christopher
City Manager

ATTEST:

ATTEST:

Title Michele Kelley
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **112**

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH VOYANT TECHNOLOGIES, INC. FOR THE LEASING OF OFFICE SPACE AT PRIME CENTER IN NORTHRIDGE

WHEREAS, the successful attraction and retention 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 assistance for high quality development to locate in the City; and

WHEREAS, Voyant Technologies, Inc. plans to lease 84,000 square feet of office space at Prime Center in NorthRidge, in the City of Westminster; and

WHEREAS, a proposed Assistance Agreement between the City and Voyant Technologies, Inc. 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 CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Voyant Technologies, Inc. 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 11th day of December 2000.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of December 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: December 11, 2000

Subject: Growth Management Program Amendment, Revised Residential Design Guidelines, and Service Commitment Allocations

Prepared by: Shannon Sweeney, Planning Coordinator

Introduction

City Council action is requested to approve a series of Growth Management Program revisions. These revisions include:

- Adopting the attached Councillor's Bill on first reading amending the City's Growth Management Program to update the effective period for the Growth Management Program;
- Adopting the attached Resolution amending the Purpose and Intent sections of the various residential design guidelines;
- Adopting the attached Resolution amending the Single-Family Attached Residential Design Guidelines;
- And adopting the attached Resolution allocating Service Commitments (SC's) to various Growth Management categories for the year 2001. (This Resolution includes 76 Service Commitments to be awarded on a competitive basis in 2001 for one new single-family detached project, one or two new single-family attached project(s), and one new senior housing project).

Summary

In the November 9, 2000 City Council Staff Report, City Staff outlined several recommendations regarding the City's Growth Management Program. Based on City Council direction, Staff has prepared the necessary Growth Management Program Councillor's Bill and Resolutions for City Council consideration. The recommendations, as detailed in the November 9 Staff Report, include the following:

- Amend Title XI, Chapter 3 of the Westminster Municipal Code to change the effective dates of the City's Growth Management Program from the last ten-year period (ending December 31, 2000) to the next ten-year period ending December 31, 2010.
- Revise the Purpose and Intent sections of the Single-Family Detached Residential, Multi-Family Residential, and Senior Housing Design Guidelines to allow City Staff to consider incentive point substitution requests once a new residential project begins the City's development review process.
- Revise and update the Single-Family Attached Residential Design Guidelines to more closely match the format, wording, and point system of the other sets of City residential design guidelines; match the more recently revised City parking and landscaping requirements; establish setbacks specifically for duplex projects; and increase choice for competition applicants by offering additional incentive items.

- Allocate Service Commitments (SC's) in the year 2001 to the following categories as shown in Table I below:

Table I. Recommended Service Commitment Allocations for 2001

<u>Category</u>	<u>Category Description</u>	<u># SC's</u>	<u># Dwelling Units</u>
A and L	Active and Legacy Ridge Residential	1219	1678
E	Senior Housing	44	128
B-1	New Single-Family Detached	30	30
B-2	New Single-Family Attached	35	50
B-3	New Multi-Family	0	0
B-4	New Trad. Mixed Use (residential portion)	0	0
C	Non-Residential	1046	N/A
D	Outside City Contracts	59	N/A
F	Public and Contingency	<u>176</u>	<u>N/A</u>
SUBTOTAL (TREATED WATER CATEGORIES)		2609	1886
R	Reclaimed Water Projects	<u>371</u>	<u>N/A</u>
TOTAL SERVICE COMMITMENT ALLOCATION		2980	1886

- Authorize competitions in 2001 for one new single-family detached project (30 new units in 2001), one or two new single-family attached (50 new units in 2001), and one new senior housing project (30 new units in 2001). If authorized by Council, Staff would conduct these competitions early in 2001 and anticipates the Service Commitment award recommendation (to the specific projects) would be ready for Council consideration in March 2001.

Policy Issue(s)

One policy issue for the proposed Growth Management changes is the annual Service Commitment allocations for the various Growth Management categories and the new residential competitions to be held in the upcoming year. City Council determines on an annual basis how many residential competitions Council wishes Staff to conduct in the upcoming year. Council also determines how many SC's to make available for new residential competitions in the upcoming year. As City Council is aware, new residential growth in the City is managed through the Growth Management Program. This Program requires new residential projects to compete for a limited number of SC's in order to proceed to the City's development review process. As a reminder, this is not required for new, non-residential development that receive SC's on a first-come, first-served basis from the annual allocation approved by City Council. Also, Service Commitments are set aside separately for South Westminster and residential infill projects, and both are exempt from the residential competition process.

A second policy issue, as discussed at the November 13, 2000 City Council post-meeting, involves "affordable" housing in the City. As requested by City Council, Community Development Department Staff plan to bring affordable housing information to a City Council Study Session early in 2001.

Staff Recommendation

1. Pass Councillor's Bill No. 113 on first reading revising Title XI, Chapter 3 of the Westminster Municipal Code changing the effective dates of the City's Growth Management Program to December 11, 2000 through December 31, 2010.
2. Adopt Resolution No. 93 amending the Purpose and Intent sections of the Single-Family Detached Residential, Multi-Family Residential, and Senior Housing Design Guidelines regarding incentive point substitutions for new residential projects.
3. Adopt Resolution No. 94 revising the City of Westminster Single-Family Attached Residential Design Guidelines.
4. Adopt Resolution No. 95 allocating Service Commitments for the year 2001 to the various categories of the Growth Management Program and authorize competitions to be held in the year 2001 for one new single-family detached project, one or two new single-family attached project(s), and one new senior housing project.

Background Information

The City's Growth Management Program was established in 1978 to aid the City in balancing growth with the City's service capacities including existing and future water supply and treatment capacities. On an annual basis, City Council allocates Service Commitments (SC's) to the various residential and non-residential categories established within the Program. The current SC supply, future possible resources, infrastructure capacities, and estimated demand are all evaluated prior to determining allocations for the upcoming year.

Each year, in preparation for recommending Service Commitment allocations to City Council, Staff lists the number of Service Commitments needed for active residential projects, each of the projects currently in the City's review process, and those expected to begin the process in the near future. For a detailed listing of the estimated demands in 2001, please refer to Table II attached to the November 9, 2000 Staff Report to City Council.

Please note that development activity year-to-date in 2000 is below anticipated levels. Some residential and non-residential projects originally expected to begin construction in 2000 will not begin until next year. For this reason, Staff estimates that at least 1,000 SC's will be returned to the treated water supply numbers for use in future years. According to figures supplied by the City's Water Resources Staff, in the Department of Public Works and Utilities, there are 10,040 SC's currently available in the treated water supply. Assuming 1,000 Service Commitments will be returned to the treated water supply numbers at the end of this year, this will bring the SC supply available for new development beginning in 2001, to approximately 11,000 SC's.

The number of new residential subdivisions is managed through the competition process. Category "A" is the SC category designated for "Active" residential projects, Category "B" is the designation for all new residential projects. As required through the Growth Management Program, Category "A" SC's are awarded on a first-come, first-served basis while all new residential projects must compete for available SC's through competitions. Service Commitments are calculated for Single-Family Detached (SFD) projects at one (1) SC per unit, 0.7/unit for Single-Family Attached (SFA), 0.5/unit for Multi-Family (MF), and 0.35/unit for senior housing.

In 2000, one new residential competition was held for single-family detached projects only. A total of two projects were awarded SC's through that process: Harmony Park (309 units) and The Ranch Reserve II (61 units). Because it was originally anticipated that only one new SFD project would receive SC's, yet two quality projects were ultimately chosen, the lower-scoring project (The Ranch Reserve II) is not able to receive SC's until 2001 (not 2000). In 1999, the City held competitions for SFD, SFA, MF, and a "test project" for Traditional Mixed Use Neighborhoods. A few months prior to this, the City also conducted a senior housing competition and awarded SC's to one new senior housing project.

As detailed in the November 9, 2000 City Council Staff Report, Staff is not recommending competitions in 2001 for new Multi-Family or Traditional Mixed Use Neighborhood projects. Staff estimates that a large number of new multi-family units (more than 750) will be built in 2001. This includes 346 units in active multi-family projects, 176 units in Bradburn Village, and 234 units in Legacy Ridge. This total already exceeds the estimated unit projections for any of the active single-family detached, single-family attached, and senior housing development next year. Additionally, because multi-family projects (particularly apartments) tend to be completed very quickly, and the developers typically receive all building permits for all buildings at once, multi-family development is typically more immediate and significant than other types of residential development. Larger, single-family detached developments, for instance, tend to buildout over a period of years. No competition for Traditional Mixed Use Neighborhoods is recommended since the City's first "test" project in this category, Bradburn Village (awarded SC's in 1999) has not yet been completed nor have any other projects been proposed.

Existing Comprehensive Land Use Plan language allows property owners of higher density residential areas to develop their properties at lower densities without requiring a Comprehensive Land Use Plan amendment. By authorizing single-family detached and single-family attached competitions, owners of property with multi-family designations could compete to develop their properties if single-family detached or attached products are proposed for the undeveloped land. This would allow owners and developers to proceed to the competition process next year if they did not wish to wait for a future competition for new multi-family development.

Alternatives

1. *Deny the attached Councillor's Bill revising Title XI, Chapter 3 of the Westminster Municipal Code changing the effective dates of the City's Growth Management Program to December 11, 2000 through December 31, 2010.* If this alternative were chosen, the Growth Management Program of the Westminster Municipal Code would expire as of January 1, 2001, and the City could no longer enforce the requirements of this chapter (Chapter 3) of Title XI of the Code.
2. *Deny the attached Resolution amending the Purpose and Intent sections of the Single-Family Detached Residential, Multi-Family Residential, and Senior Housing Design Guidelines regarding incentive point substitutions for new residential projects.* If an applicant were unable to provide one or more incentive items they agreed to in the competition, the applicant may decide to withdraw the development application or may choose to enter a future competition with revised incentives.
3. *Deny the attached Resolution revising the City of Westminster Single-Family Attached Residential Design Guidelines.* If this option were chosen, the existing Single-Family Attached (SFA) Residential Design Guidelines and current point system would remain in effect. While Staff believes the revised guidelines include numerous improvements that would be helpful during the next SFA competition, the existing guidelines can still be used for the competitive process.

4. *Deny the attached Resolution allocating Service Commitments for the year 2001 to the various categories of the Growth Management Program and do not authorize any new residential competitions to be held in the year 2001.* Because the current Service Commitment allocations approved by City Council last year at this time will expire on December 31, 2000, if Council were to choose not to allocate Service Commitments next year, no Service Commitments would be available for any new development in 2001.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

ORDINANCE NO. 2849

COUNCILLOR'S BILL NO. 113

SERIES OF 2000

INTRODUCED BY COUNCILLORS

A BILL

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title XI, Chapter 3 of the Westminster Municipal Code is hereby AMENDED as follows:

GROWTH MANAGEMENT PROGRAM FOR THE PERIOD
~~JULY 1, 1990~~ DECEMBER 11, 2000 THROUGH DECEMBER 31, ~~2000~~ 2010

Section 2. Section 11-3-1 (F) of the Westminster Municipal Code is hereby AMENDED as follows:

(F) The demand of a given proposed land use on the City's utility system compared to other land uses.

The City Council further finds that, although the City has implemented water conservation techniques and programs within the City, has entered into a water reuse program and has taken other steps to maximize the efficient use of the resources available to the City, because of the elements set forth in subparagraphs (A) through (F) above, it is essential to the preservation of the health, safety and welfare of the citizens of Westminster that the City maintain and modify, from time to time, a growth management program which balances growth and the ability of the City to effectively and safely absorb and serve such growth. The City Council further finds that in order for the City and for developers, landowners and individual residents of the City to plan effectively, the City can and should adopt a growth management program commencing ~~July 1, 1990~~, DECEMBER 11, 2000, and continuing through December 31, ~~2000~~ 2010.

Section 3. Section 11-3-3 (A) of the Westminster Municipal Code is hereby AMENDED as follows:

(A) From ~~January 1, 1990~~ DECEMBER 11, 2000, through December 31, ~~2000~~ 2010, no building permits requiring new utility services shall be issued except in conjunction with a Service Commitment, adequate to serve the structure to be permitted, duly issued pursuant to the provisions of this Chapter.

Section 4. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 6. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 11th day of December, 2000. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of December, 2000.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. 93

INTRODUCED BY COUNCILLORS

SERIES OF 2000

**REVISED "PURPOSE AND INTENT" SECTIONS OF THE CITY OF WESTMINSTER
SINGLE-FAMILY DETACHED RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, AND
SENIOR HOUSING DESIGN GUIDELINES**

WHEREAS, in Chapter 3 of Title XI, the City of Westminster has adopted a Growth Management Program through 2010; and

WHEREAS, W.M.C. 11-3-5(F) provides that Service Commitments for new single-family detached projects (Category B-1), new multi-family projects (Category B-3), and new senior housing projects (Category E) shall be awarded on a competitive basis; and

WHEREAS, the compliance with such guidelines is required by W.M.C. 11-3-5(E) for new single-family detached, multi-family, and senior housing projects; and

WHEREAS, the City Council hereby determines that the Single-Family Detached Residential, Multi-Family Residential, and Senior Housing Design Guidelines are in the best interests of the citizens in light of the City's desire of managed growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community; and

WHEREAS, the City Council hereby determines that an amendment to the "Purpose and Intent" sections of the Single-Family Detached Residential, Multi-Family Residential, and Senior Housing Design Guidelines is necessary to allow the City Staff to consider requests for incentive point substitutions during the City's development review process for new residential projects.

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

1. In accordance with Chapter 3 of Title XI of the Westminster Municipal Code, City Council hereby adopts as revised the attached "Purpose and Intent" sections of the Single-Family Detached Residential, Multi-Family Residential, and Senior Housing Design Guidelines.

2. All other, existing pages of the Single-Family Detached Residential, Multi-Family Residential, and Senior Housing Design Guidelines remain in effect and shall govern the award of Service Commitments within Category B-1, B-3, and E projects as defined in W.M.C. Section 11-3-5 for new single-family detached, multi-family, and senior housing developments.

3. The Single-Family Detached Residential, Multi-Family Residential, and Senior Housing Design Guidelines shall continue to apply to all future Preliminary Development Plans (PDP's) and amendments and Official Development Plans (ODP's) and amendments for new single-family detached, multi-family, and senior housing developments.

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

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

Passed and adopted this 11th day of December, 2000.

ATTEST:

Mayor

City Clerk

SINGLE-FAMILY DETACHED
RESIDENTIAL DESIGN REGULATIONS
City of Westminster, Colorado

PURPOSE AND INTENT OF SINGLE-FAMILY DETACHED DESIGN GUIDELINES

The following Design Guidelines have been prepared to provide minimum criteria for single-family detached developments. These minimum standards are intended to establish a quality appearance, compatibility of character, variety of design, and enhanced community values. These standards may be modified in the case of quality single-family developments containing new or innovative planning concepts or housing types (for criteria, see Section I, #9c of this document). All new and infill single-family detached subdivisions shall be in conformance with the Westminster Comprehensive Plan.

In addition to the minimum criteria, there are optional criteria (incentive criteria) set forth herein which further enhance sound residential planning, architectural quality, and landscape design. These optional criteria are incentives for developers to provide amenities and aesthetic quality beyond the minimum design criteria. A further purpose of the optional criteria is to provide a basis for allocating limited service commitments among the developers in the City under the Growth Management Program - Category B Service Commitment Awards.

The City of Westminster Growth Management Program establishes various service Commitment categories for all types of new development, and each year, City Council allocates service commitments to the different categories. Category B-1 is the category designation for all new single-family detached residential projects. Any service commitments allocated to Category B-1 must be awarded through a competitive system based on criteria adopted periodically through City Council resolution. These Design Guidelines are the basis for the competitions held periodically for new single-family detached projects.

All minimum requirements in the Design Guidelines must be met in order to be eligible to compete for service commitments, and no points are given in the competition for these items. Competition applicants receive points through the competition by agreeing, in advance, to provide certain incentive items listed in the design guidelines. The applicant determines which incentive items will be offered as part of a proposed project, and the total of these items is the score designated to that project through the competition. The Growth Management Program does not permit City Staff to process development plans, plats, construction drawings, etc. unless City Council has awarded service Commitments to the project through the competition process.

Once a project is awarded Service Commitments and begins the development review process, the City Staff may consider incentive item substitutions if requested by the applicant. City Staff does not have the authority to waive any incentive items agreed to through the competition process. A written request detailing the substitution(s) must be submitted with plans during the development review process for the project, and there is no guarantee a request will receive City Staff support. Total revised incentive points must meet or exceed the project point total received in the competition process.

The Design Regulations are divided into three categories: Subdivision Planning and Site Design, Architectural Design, and Landscaping Design. The Subdivision Planning and Site Design section addresses overall site planning considerations, vehicular and pedestrian circulation, lot sizes, setbacks, public and private open space, and fencing. The Architectural Design section addresses general design principles, exterior design, and exterior building materials and colors. The Landscaping Design section addresses general landscape design principles, landscape treatment of development edges and entrances, internal neighborhood landscaping, and plant materials, and irrigation.

MULTI-FAMILY
RESIDENTIAL DESIGN GUIDELINES
City of Westminster, Colorado

PURPOSE AND INTENT OF MULTI-FAMILY DESIGN GUIDELINES

The following Design Guidelines have been prepared to provide minimum criteria for new multi-family residential developments in the City of Westminster. These minimum standards are intended to establish quality appearance, compatibility of character, variety of design, and enhanced community values. In addition to minimum criteria, optional (incentive) criteria are also listed which further enhance sound residential planning, architectural quality, and landscape design.

The minimum and optional criteria are the basis for awarding service commitments to developers in accordance with the City of Westminster Growth Management Program. The Program establishes various service commitment categories for all types of new development, and each year City Council allocates service commitments to the different categories. Category B-3 is the designation for new multi-family residential projects. City Council allocates a specific number of service commitments for new multi-family projects that must be awarded through a competitive system based on criteria adopted periodically through City Council resolution. These Design Guidelines are the basis for the competitions to be held periodically for multi-family residential projects. In addition, these guidelines apply to all new multi-family development that does not meet the active residential definition within the City's Growth Management Program and build-out development projects (as defined in the Growth Management Program).

All minimum requirements in these Design Guidelines must be met in order to be eligible to compete for service commitments, and no points are given in the competition for these items. Competition applicants receive points by agreeing, in advance, to provide certain incentive items listed in the design guidelines. The applicant determines which incentive items will be offered as part of a proposed project, and the total of these items is the score designated to that project. The Growth Management Program does not permit City Staff to review and process development plans, plats, construction drawings, etc. unless City Council has awarded service commitments to the project through the competition process.

Once a project is awarded Service Commitments and begins the development review process, the City Staff may consider incentive item substitutions if requested by the applicant. City Staff does not have the authority to waive any incentive items agreed to through the competition process. A written request detailing the substitution(s) must be submitted with plans during the development review process for the project, and there is no guarantee a request will receive City Staff support. Total revised incentive points must meet or exceed the project point total received in the competition process.

Projects eligible to compete in any new multi-family residential competition are new projects (not those currently under construction) that have a net residential density greater than 10 dwelling units per acre. The other types of residential competitions include new single-family detached, new single-family attached (10 or less dwelling units per acre), and new senior housing. In order to compete, all projects must also comply with the requirements of the City of Westminster Comprehensive Land Use Plan. This Plan designates 18 dwelling units per acre as the maximum residential density allowable. Due to specific site constraints and requirements within these guidelines, it is possible that 18 du/a may not be obtainable with certain projects.

The Design Guidelines are divided into three categories: Site Design, Architectural Design, and Landscaping Design. The Site Design section addresses overall site planning considerations, vehicular and pedestrian circulation, setbacks, public and private open space, and other site amenities. The Architectural Design section addresses general design principles, exterior design, and exterior building materials and colors. The Landscaping Design section addresses general landscape design principles, landscape treatment of development edges and entrances, project landscaping, plant materials, and irrigation.

SENIOR HOUSING DESIGN GUIDELINES City of Westminster, Colorado

PURPOSE AND INTENT OF SENIOR HOUSING DESIGN GUIDELINES

The following Design Guidelines have been prepared to provide minimum criteria for new senior housing developments in the City of Westminster. These minimum standards are intended to establish quality appearance, compatibility of character, variety of design, and enhanced community values. In addition to minimum criteria, optional (incentive) criteria are also listed which further enhance sound residential planning, architectural quality, and landscape design.

The minimum and optional criteria are the basis for awarding service commitments to developers in accordance with the City of Westminster Growth Management Program. The Program establishes various service commitment categories for all types of new development, and each year City Council allocates service commitments to the different categories. Category E is the designation for all existing and new senior housing projects. Within this category, City Council allocates a specific number of service commitments for new senior housing projects which must be awarded through a competitive system based on criteria adopted periodically through City Council resolution. These Design Guidelines are the basis for the competitions to be held periodically for new senior housing projects.

All minimum requirements in these Design Guidelines must be met in order to be eligible to compete for service commitments, and no points are given in the competition for these items. Competition applicants receive points by agreeing, in advance, to provide certain incentive items listed in the design guidelines. The applicant determines which incentive items will be offered as part of a proposed project, and the total of these items is the score designated to that project. Senior housing for low-income seniors will be reviewed on a case-by-case basis. The Growth Management Program does not permit City Staff to review and process development plans, plats, construction drawings, etc. unless City Council has awarded service commitments to the project through the competition process.

Once a project is awarded Service Commitments and begins the development review process, the City Staff may consider incentive item substitutions if requested by the applicant. City Staff does not have the authority to waive any incentive items agreed to through the competition process. A written request detailing the substitution(s) must be submitted with plans during the development review process for the project, and there is no guarantee a request will receive City Staff support. Total revised incentive points must meet or exceed the project point total received in the competition process.

The 1997 Senior Housing Market Study for the City of Westminster and the Westminster Municipal Code identify four types of senior housing facilities: Independent Living, Congregate Care, Assisted Living, and Skilled Nursing Facilities. Each of these types of development must be specifically designed for, and targeted to, seniors in order to be eligible to enter any competition for Category E Service Commitments. Proposed single-family detached housing developments targeting the senior housing or “empty-nester” markets must compete in the single-family detached competition and are not eligible in this category.

The Design Guidelines are divided into three categories: Site Design, Architectural Design, and Landscaping Design. The Site Design section addresses overall site planning considerations, vehicular and pedestrian circulation, setbacks, public and private open space, and other site amenities. The Architectural Design section addresses general design principles, exterior design, and exterior building materials and colors. The Landscaping Design section addresses general landscape design principles, landscape treatment of development edges and entrances, project landscaping, plant materials, and irrigation.

RESOLUTION

RESOLUTION NO. **94**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

REVISED SINGLE-FAMILY ATTACHED RESIDENTIAL DESIGN GUIDELINES

WHEREAS, in Chapter 3 of Title XI, the City of Westminster has adopted a Growth Management Program through 2010; and

WHEREAS, W.M.C. 11-3-5(F) provides that Service Commitments for new single-family attached residential projects shall be awarded on a competitive basis from Category B-2; and

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

WHEREAS, the City Council hereby determines that the attached Single-Family Attached Residential Design Guidelines are in the best interests of the citizens in light of the City's desire of managed growth and the limited land available for future growth, and are necessary for the health, safety and welfare of the community.

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

1. In accordance with Chapter 3 of Title XI of the Westminster Municipal Code, City Council hereby adopts as revised the attached Single-Family Attached Residential Design Guidelines for new single-family attached residential developments that shall govern the award of Service Commitments within Category B-2 projects as defined in W.M.C. Section 11-3-5.

2. The Single-Family Attached Residential Design Guidelines shall apply to all future Preliminary Development Plans (PDP's) and amendments and Official Development Plans (ODP's) and amendments for new single-family attached developments.

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

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

Passed and adopted this 11th day of December, 2000.

ATTEST:

Mayor

City Clerk

RESIDENTIAL DESIGN GUIDELINES City of Westminster, Colorado

PURPOSE AND INTENT OF SINGLE-FAMILY ATTACHED DESIGN GUIDELINES

The following Design Guidelines have been prepared to provide minimum criteria for new single-family attached residential developments in the City of Westminster. These minimum standards are intended to establish quality appearance, compatibility of character, variety of design, and enhanced community values. In addition to minimum criteria, optional (incentive) criteria are also listed which further enhance sound residential planning, architectural quality, and landscape design.

The minimum and optional criteria are the basis for awarding service commitments to developers in accordance with the City of Westminster Growth Management Program. The Program establishes various service commitment categories for all types of new development, and each year City Council allocates service commitments to the different categories. Category B-2 is the designation for new single-family attached residential projects. City Council allocates a specific number of service commitments for new single-family attached projects that must be awarded through a competitive system based on criteria adopted periodically through City Council resolution. These Design Guidelines are the basis for the competitions to be held periodically for single-family attached residential projects including townhomes, duplexes, and condominium projects with 10 or fewer dwelling units per acre (du/a). In addition, these guidelines apply to all new single-family attached development that does not meet the active residential definition within the City's Growth Management Program and build-out development projects (as defined in the Growth Management Program) that are not in the City's development review process as of October 31, 2000.

All minimum requirements in these Design Guidelines must be met in order to be eligible to compete for service commitments, and no points are given in the competition for these items. Competition applicants receive points by agreeing, in advance, to provide certain incentive items listed in the design guidelines. The applicant determines which incentive items will be offered as part of a proposed project, and the total of these items is the score designated to that project. The Growth Management Program does not permit City Staff to review and process official development plans, plats, construction drawings, etc. unless City Council has awarded service commitments to the project through the competition process.

Once a project is awarded Service Commitments and begins the development review process, the City Staff may consider incentive item substitutions if requested by the applicant. City Staff does not have the authority to waive any incentive items agreed to through the competition process. A written request detailing the substitution(s) must be submitted with plans during the development review process for the project, and there is no guarantee a request will receive City Staff support. Total revised incentive points must meet or exceed the project point total received in the competition process.

Projects eligible to compete in any new single-family attached residential competition are new projects (not those currently under construction) that have a net residential density 10 or fewer dwelling units per acre. The other types of residential competitions include new single-family detached, new multi-family (greater than 10 dwelling units per acre), new senior housing, and traditional mixed use neighborhood developments. In order to compete, all projects must also comply with the requirements of the City of Westminster Comprehensive Land Use Plan. This Plan designates 10 dwelling units per acre as the maximum single-family attached residential density allowable. Due to specific site constraints and requirements within these guidelines, it is possible that 10 du/a will not be obtainable with certain projects.

The Design Guidelines are divided into three categories: Site Design, Architectural Design, and Landscaping Design. The Site Design section addresses overall site planning considerations, vehicular and pedestrian circulation, setbacks, public and private open space, and other site amenities.

The Architectural Design section addresses general design principles, exterior design, and exterior building materials and colors. The Landscaping Design section addresses general landscape design principles, landscape treatment of development edges and entrances, project landscaping, plant materials, and irrigation.

I. SITE DESIGN

A. Purpose: Sound planning and site design are necessary to ensure the City of Westminster's quality of life. The following minimum and incentive items will help to minimize land use and circulation conflicts and maintain a sense of variety, aesthetic quality, function, and openness.

1. Land Use Compatibility, Proximity to Other Land Uses, and Buffering

Compatibility is achieved when adjacent land uses differing in function, scale, and intensity are mutually supporting and do not create adverse effects upon one another. In areas where different uses abut, including various residential uses and densities, a variety of measures may be employed for mitigation including: the use of adequate setbacks, landscaping, barriers or transition zones, and building heights.

Minimums:

- a) Primary building setbacks shall be a minimum of 1.5 times the building height as defined by the Uniform Building Code (UBC) or 40 feet from the common property line (whichever is greater) when adjacent to a non-residential, public, or single-family detached residential use.
- b) Primary building setbacks shall be a minimum of 1.5 times the building height as defined by the UBC or 35 feet from the common property line (whichever is greater) when adjacent to a single-family attached, senior housing, or multi-family residential use.
- c) Within the required setback areas, a permanent 35-foot landscaped area shall be provided along each property line adjacent to another residential district. No drives or off-street parking are permitted in this area.
- d) Earth berming (3'-6" min. height) with a maximum slope of 4:1 with evergreen and deciduous trees and shrubs shall be required in the setback areas between differing land uses including other types of residential use.
- e) No intensive recreation area(s), such as swimming pools, playgrounds, hard-surface courts, etc., shall be permitted within 100 feet of any adjacent single-family detached or attached residential land use designation.

2. Conformance with the Westminster Comprehensive Land Use Plan

Minimum:

The proposed project shall conform with the Westminster Comprehensive Land Use Plan. This includes the appropriate land use designation for single-family attached projects. The net proposed density of the project shall not exceed 10 du/a as specified in the Comprehensive Land Use Plan and 10 du/a is not guaranteed. *(To estimate the net residential density for a project, deduct 20% from the total acreage after public land dedication requirement is subtracted. This percentage figure is based upon the requirements for collector and arterial street rights-of-way, unless already provided, that tends to be 15 to 30 percent or more of a development).*

3. View Preservation

The City has an abundance of panoramic views from public streets and facilities that should be preserved and enhanced. Site planning must consider the relationship of building to natural grades. Buildings should be sited to preserve views from arterial streets. Landscaping and building placement should be used to frame and enhance view corridors. This can be accomplished by increasing setbacks, reducing heights of buildings near the street(s), lowering the grade of the site, building a recreation facility near the street, etc.

Minimum:

View corridors as identified in the Westminster Comprehensive Land Use Plan shall be preserved as indicated in the Plan. The intent is to preserve the views that can be seen from public streets.

4. Drainageways

In most cases, drainageways should be left in as natural a state as possible without channelization or engineered structures unless required to prevent erosion or other special circumstances, or as required by other agencies. On a case-by-case basis, the City may require landscaping, and irrigation in these areas. In addition, the City will likely require a concrete path (eight-foot min. width) be constructed along significant drainageways adjacent to or within the site.

Minimum:

Significant drainageways shall be incorporated in site development as aesthetic amenities, open space/trail corridors, and wildlife areas.

5. Access, Circulation, and Parking

The City's circulation system is a hierarchy network of arterial, collector, and local streets which provide access to residential developments, but which minimize higher traffic volumes from residential developments. (See City Street Cross-Sections for right-of-way requirements). For collector streets, developers may be required to provide a 100-foot right-of-way to provide a park-like boulevard setting with ample landscape area and detached sidewalks, avoid a "tunnel" effect with fencing, create a "trail" rather than a "sidewalk" atmosphere; and enhance the aesthetics of the main street into the subdivision. One example of this design in the City is Legacy Ridge Parkway in the Legacy Ridge subdivision.

To as great an extent as possible, alignments of collector streets, local streets, and private drives in sloping areas shall conform to the natural contours of the land. This increases developable ground by reducing the amount of cut and fill, as well as construction costs.

City Council has adopted a "traffic-calming" policy designed to objectively prioritize and evaluate neighborhood traffic problems and resolve existing and potential problems. New projects shall be designed to mitigate potential problems (speeding, "cut-through" traffic, etc.).

a) Access

Minimum:

Access point(s) to the site from the adjacent street(s) shall provide safe, convenient access for both pedestrians and vehicles.

b) Right-of-Way

Minimum:

All streets shall be designed according to the City's specifications for street rights-of-way.

Incentive:

Additional arterial or collector street right-of-way (beyond amt. req.) will be provided for berming and additional landscape area (this may be proposed for one side of the street or split equally on each side): 100 points per additional three feet added to right-of-way section along the entire street frontage (500 max. points)

c) Pedestrian / Bicycle Paths

Minimums:

- (1) Pedestrian and bicycle trails shall be built within each single-family attached development and shall connect to the City's regional trail system. These trails occur in conjunction with streets and within the development's open space network (along public or private open space and drainageways). Please see Westminster Municipal Code 11-6-5 (C) 10.
- (2) All internal site sidewalks shall be a minimum width of five feet unless adjacent to parking spaces (min. 7-foot width).
- (3) Concrete walks (8-foot min. width) setback a minimum of 12 feet from the ultimate back of curb shall be constructed along arterial streets within or abutting the project.
- (4) Concrete walks (5-foot min. width on one side and 8-foot min. width on the other side) shall be constructed along collector streets within or abutting the project.
- (5) Concrete sidewalks (7-foot min. width) shall be constructed adjacent to parking spaces (includes carport spaces but not necessarily garages) that are adjacent to residential buildings.

Incentives:

- (6) All internal site paths will be a minimum width of six feet: 150 points
- (7) Five-foot wide sidewalks (min.) detached 6' from the curb will be provided and street trees (deciduous, shade trees with 40-foot max. spacing) will be planted in this area along a min. of 75% of the local street lengths on both sides of the streets: 350 points

d) Parking

Minimums:

- (1) All regular parking spaces shall be a minimum 9' x 19'. No compact parking spaces are permitted.
- (2) All handicapped parking spaces shall be a minimum 8' x 19' with an adjacent 5' x 19' access aisle.
- (3) Handicapped parking spaces shall be provided at the rate required in the Westminster Municipal Code.
- (4) Concrete curb (6" vertical) and gutters shall be required abutting all drive and parking areas. Drive aisles shall be a minimum width of 24 feet between non-angled parking spaces.
- (5) At least one-third of the required parking shall be within garages.
- (6) 1.5 parking spaces shall be provided for every one bedroom or efficiency unit.
- (7) Two parking spaces shall be provided for every two bedroom or larger unit.
- (8) Guest parking shall be provided at one space per three units.

Incentive:

- (9) Choose only one from below (if applicable):
 - (a) At least 50%, but less than 75% of the required parking (other than guest parking) shall be within attached garages: 350 points
 - (b) At least 75%, but less than 100% of the required parking (other than guest parking) will be within attached garages: 500 points
 - (c) 100% of the required parking (other than guest parking) will be within attached garages: 750 points

e) Bus Benches and Shelters

Close proximity to public transit access is an important amenity for single-family attached residential. Bus benches and shelters may be required for all existing and proposed bus stops adjacent to and within the site boundaries of all proposed residential developments. City Staff will review this on a case-by-case basis. Any required benches and shelters shall be installed in the right-of-way by the developer/owner and maintained by the project owner in accordance with City design specifications. No advertising is permitted on any of these structures.

6. Site Orientation

Minimum:

Buildings shall be oriented on the site to create visual interest and variety. Whenever possible, buildings shall be set at angles from one another in order to avoid the “barracks” type appearance. This is particularly important along public streets.

7. Site Amenities

a) Entrance Features

The entrance to single-family attached developments should be designed to provide maximum safety for visibility and turning movements. Street medians/landscape islands are encouraged at entranceways. If installed, maintenance of the median/island shall be the responsibility of the developer/homeowner’s group.

Minimum:

One monument sign shall be provided and constructed of permanent materials (masonry etched or metal letters/logo) with a solid masonry (brick or stone) base located in a landscaped median or on either side of the entrance drive. The size of the sign shall not exceed the City of Westminster Municipal Code requirements (Title XI, Chapter 11).

b) Lighting

Minimums:

- (1) Site lighting shall be provided throughout the project and shall include lighting on buildings, garages, carports, drive aisles, parking lots, pathways, stairs, ramps, and landscaping to ensure visibility and safety for residents within the project.
- (2) Adequate street lighting shall be provided in all residential projects, and lighting along all public streets shall be in conformance with Public Service Company standards and installed at developer expense.
- (3) Ground-level site lighting shall be added along all pathways, stairs, and ramps to increase visibility at night.

Incentive:

Decorative lighting with ornamental bases, armatures, fixtures, etc. relating to the architectural theme of the development will be installed along collector and/or local streets with a maximum 50-foot distance between fixtures: 75 points

c) Recreation

The City requires private recreation facilities for single-family attached residential developments for their residents in proportion to the number of residential units served. Such recreational facilities shall be included on private open space. Facilities are to be owned and maintained by a homeowner's association or similar organization.

Minimums:

1. A clubhouse/meeting facility (1,000 S.F. min.) shall be provided for all projects with more than 150 units.
2. A pool (20' x 40' min.) and restroom facilities shall be provided for all projects with more than 100 units. For projects with more than 300 units, two pools and restrooms shall be required or one larger (25-yard minimum length) pool and restroom. All pools shall have a minimum deck width of 12 feet around the perimeter of each pool.
3. An open play area (1% minimum of site area) shall be provided for each project. This area shall not be placed within the detention pond. For projects of 50 acres or more, this area may be divided between two or more open play areas.

Incentives:

4. Project with less than 100 units will provide a pool (20' x 40' min.) and restroom facilities: 500 points
5. Project with less than 100 units will provide a clubhouse/meeting facility: 400 points
6. Hard-surface courts such as tennis courts (including fencing, striping, net, lighting, etc.) and/or basketball courts (including equipment, striping, lighting, etc.) will be provided: 150 points per court (300 points maximum)
7. Volleyball courts will be provided: 50 points per court (100 points maximum)
8. Play equipment area with swings, slide, climbing equipment, etc. (0.5% minimum of site area) will be provided. (This cannot be located in any detention area). Play equipment must encompass at least 625 S.F. (25' x 25') for each of these areas: 150 points for each area provided (300 max. points)

8. Public Land Dedication / Private Open Spaces

Public Land Dedication shall be made to the City in conjunction with all residential developments and is based on residential density of the proposed project. (See Westminster Municipal Code Section 13-4-3(E), attached to this document, for amount of land due). Acceptance of public lands shall be subject to review by the City. If the City determines a land dedication would not serve the public interest, the City will require payment in lieu of dedication. Developers are encouraged to dedicate public open space beyond the minimum acreage required in order to enhance the overall appearance of the community by providing open, green areas.

In addition to the minimum public land dedication required of residential development, private parks, open space, and recreational facilities are encouraged in all residential projects. Private open space does not include right-of-way or other public areas. Private open space areas can provide focal points for the residents and desirable green space to accommodate local recreation needs and pedestrian circulation for the residents and the general public. Private open space can also be enjoyed by all City residents if such open space abuts or is visually related to the public right-of-way or public open space.

Minimums:

- a) Private open space shall be formally landscaped unless abutting a natural greenbelt area (these areas will be reviewed by the City on a case-by-case basis, and formal landscaping and irrigation may be required). Maintenance of private open space areas shall be the responsibility of the project owner.

- b) Environmentally-sensitive areas (such as wetlands) shall be maintained as private open space.

Incentive:

- c) Public Land Dedication will exceed the minimum requirement for:

- (1) Non-floodplain land: 50 points per each percentage point over minimum required (500 max. points)
- (2) Floodplain land: 10 points per each percentage point over minimum required (100 max. points)

(If this incentive is chosen, keep in mind the City has discretion whether land designated for dedication is acceptable and, during the development review process, may require an alternate location on the site or cash-in-lieu for the amount agreed to with this incentive).

9. Setbacks

The way in which buildings are placed on the site in relation to the property lines, neighboring developments, and one another, contributes to the overall atmosphere and efficiency of the development. In an effort to ensure efficient pedestrian and vehicle circulation as well as provide ample open areas within a single-family attached development, below are minimum setbacks required. Primary buildings refer to all residential buildings and clubhouses. Accessory structures include carports, detached garages, maintenance buildings, etc.

Minimums:

- a) Primary building setbacks from:

- (1) Major highway (U.S. 36, I-25, and major arterial streets): 100' from proposed right-of-way line
- (2) Minor arterial streets: 50 feet from the proposed right-of-way line
- (3) Collector streets: 1.5 times the building height as defined by the UBC or 30 feet from the proposed right-of-way, whichever is greater
- (4) Local streets: 1.5 times the building height as defined by the UBC or 25 feet from the proposed right-of-way, whichever is greater
- (5) Private streets: 20 feet from the back of curb (except duplexes – setback requirements below)
- (6) Interior property lines when adjacent to a non-residential, public, or single-family detached residential use: 1.5 times the building height as defined by the UBC or 40 feet from the common property line, whichever is greater
- (7) Interior property lines when adjacent to a single-family attached, senior housing, or multi-family residential use: 1.5 times the building height as defined by the UBC or 35 feet from the common property line, whichever is greater
- (8) Interior property lines when adjacent to public open space: 20 feet
- (9) Interior parking lots: 15 feet from all sides of primary buildings with minimum 7-foot wide attached sidewalk (to accommodate two-foot overhang for vehicles and five-foot clearance for sidewalks) when walks are adjacent to parking spaces.

- b) Distance between primary buildings (except duplexes – see setback requirements below):

- (1) 30 feet minimum between parallel buildings
- (2) Where the corner of a building is adjacent to a non-parallel building, the minimum setback distance between the corner and the adjacent building is 20 feet

- c) Duplex setbacks from property lines:
 - (1) Front: 25 feet (15 feet for side-load garage)
 - (2) Side for one-story residences: 7.5 feet
 - (3) Side for two-story residences: 10 feet
 - (4) Rear: 25 feet
- d) Distance between primary buildings and accessory buildings:
 - (1) Minimum distance between primary buildings and carports or garages: 15 feet
 - (2) Minimum distance between primary buildings and all other accessory structures: 25 feet
 - (3) Minimum distance between accessory structures: 20 feet
- e) Parking lot setbacks:
 - (1) From adjacent single-family detached and attached residential property lines: 35 feet
 - (2) From other interior property lines: 15 feet
 - (3) From all public streets: 25 feet from proposed right-of-way (include tall berms and landscaping in setback area)
- f) Accessory structure setbacks:
 - (1) From interior property lines: 15 feet
 - (2) From adjacent single-family detached or attached residential: 35 feet
 - (3) From U.S. 36, I-25, and major arterial streets: 50 feet (include tall berms and landscaping)
 - (4) From all minor arterial and collector streets: 35 feet (include tall berms and landscaping)
 - (5) From all local streets: 25 feet (include berms and landscaping)

Incentive:

- g) Along public streets, primary building setbacks will be increased above the minimum requirement (choose only one from below if applicable):
 - (1) Five (5) feet or greater, but less than ten (10) feet: 250 points
 - (2) Ten (10) feet or greater, but less than 15 feet: 300 points
 - (3) Fifteen (15) feet or greater, but less than 20 feet: 350 points
 - (4) Twenty (20) feet or greater: 400 points

10. Fencing and Walls

All fencing and walls within single-family attached residential development shall be a uniform design for each type of fence or wall provided. (See Westminster Municipal Code regarding privacy fencing and fencing abutting public or private open space). Although perimeter fencing and/or walls are not always required, it is recognized that fencing and/or walls are often proposed around the perimeter of single-family attached residential projects. Landscape materials and earth berming are the preferred methods of providing a buffer, but well-designed fences and walls are acceptable (and many times required) in certain circumstances. (See City Arterial Streets and Highways Buffering Standards for options and requirements). The City encourages and may require the use of vinyl fencing throughout the development.

Minimums:

- a) When used or required, perimeter fencing and/or walls shall be constructed in accordance with City standards and shall include brick or stone columns (two-foot minimum width) spaced a maximum of 65 feet apart. In some cases, such as adjacent to parks or in special streetscape situations, the fence may be modified to include low profile, split rail, or wrought iron fencing. Chain link and barbed wire fencing is not permitted.
- b) All horizontal supporting structures of all solid wood fencing shall be constructed toward the interior of the project or lot to reduce visibility of the support structures from streets and other public areas.

- c) Landscaping and berming shall be used to provide screening and buffering in place of fencing or walls (where not required) or in addition to fencing or walls (where fencing or walls are proposed or required).
- d) Open fencing (such as split rail or wrought iron) shall be used in conjunction with landscaping in place of typical six-foot high fencing in areas where solid fencing is not required.
- e) Off-sets (min. 5-foot depth and 10-foot length) for landscaping (trees and shrubs required) in perimeter fencing and/or walls shall be provided every 200 feet or less.

Incentive:

- f) A solid masonry (brick or stone) wall will be provided in place of perimeter fencing: 250 points

11. Trash Enclosures

If trash enclosures are proposed, every effort should be made to locate the trash enclosures internally on the site to avoid visibility of these enclosures from adjacent streets and residential developments.

Minimums:

- a) All trash containers shall be contained within permanent, opaque, masonry trash enclosures that match the building materials and colors of the residential buildings and shall have opaque gates.
- b) All trash enclosures shall be a minimum height of six (6) feet and maximum height of eight (8) feet. The height of all contents within an enclosure shall not exceed the height of the enclosure wall. Enclosures must be roofed if contents are visible from adjacent streets or residential land uses.
- c) Any trash enclosure visible from adjacent streets or residential developments shall be screened with landscaping.

12. Mechanical Equipment

Locations of all exterior mechanical and utility equipment such as compressors, air conditioners, antennas, heating and ventilating equipment, satellite dishes, utility boxes etc. must be shown on the Official Development Plan for the project. All equipment should be clustered whenever possible.

Minimums:

- a) No mechanical equipment shall be placed on sloped roofs.
- b) Ground-level mechanical and utility equipment and lines shall be screened with year-round landscaping, or walls that match the materials and color of the buildings.
- c) All electric and communication utility lines and services and all street lighting circuits shall be installed or relocated underground both within and adjacent to the subdivision or development.

13. Mitigation of Environmental Effects

Minimum:

Developer/owner-installed screening and/or buffering will be required for all proposed residential developments along U.S. 36, I-25, and all arterial streets. Consult the City's Arterial Streets and Highway Buffering Standards.

14. Neighborhood Notification

The City of Westminster places high priority and importance on contact with adjacent property owners and existing neighborhoods that could be effected by a new development proposal. Project developers/owners are required to contact the surrounding neighborhoods regarding their proposed developments and are responsible for all public notifications, researching and providing property ownership information, and if applicable, organizing and conducting neighborhood meeting(s). (See Neighborhood Contact Requirements handout for more information). The extent of the neighborhood notification must be discussed with and approved by City Staff.

II. ARCHITECTURAL DESIGN

A. Purpose: The architectural design of single-family attached projects should create visual variety and, at the same time, promote an integrated character for the project.

B. Character: Buildings should provide interest through the use of varying forms, architectural detail, and positioning on the site while still maintaining continuity as one project.

1. Exterior Design Elements

a) Building Design

Minimums:

- (1) Architectural detailing, horizontal off-sets, architectural window details and other features shall be provided on all sides of the building to avoid blank walls. All sides of all buildings shall be designed with quality materials (360 degree architecture).
- (2) Vertical and horizontal elements shall be used in contrast to one another. Contrast and interest are effected by offering exterior selections that emphasize a dominant building material but include complementary materials and colors.
- (3) Buildings shall incorporate visually heavier and more massive elements at their bases, and lighter elements above these components.
- (4) For projects with multiple buildings, variety shall be used in site orientation and among buildings to avoid a "barracks" appearance.
- (5) Buildings shall include no more than eight units.
- (6) Two or more distinct building models shall be required for projects with three to six buildings.
- (7) For projects with more than six buildings, a minimum of three distinct building models shall be required.
- (8) Fireplace "box-outs" shall extend vertically from ground level to meet the roofline and avoid a "tacked-on" look.

Incentives:

- (9) Buildings will have a variety in horizontal off-sets (staggering or change in plane surface) of at least four feet on both the front and rear of the buildings: 50 points

- (10) A covered and lighted structure will be provided over external mailbox units for the project or internal mailbox units will be provided. If an external structure is provided, the materials, colors, and style will match the primary buildings: 150 points
- (11) Buildings will include no more than six (6) adjacent units: 200 points

b) Building Height

Minimum:

Building heights shall not exceed two stories.

c) Building Entrance

Minimum:

A covered entry area shall be designed at the main entry area of each unit.

d) Windows

Incentive:

Bay or box windows will be provided on at least 50% of the units: 75 points

e) Roof Design

Minimums:

- (1) A roof pitch of 5 in 12 or greater shall be provided on all buildings.
- (2) Quality roof materials shall be used on all buildings (includes tile, concrete tile, slate, architectural metal, dimensional composition or fiberglass shingles (which provide shadow effect). Three-tab asphalt and cedar shake materials are not allowed.
- (3) Building roofs will be broken into smaller planes or roof elements. A minimum of two roof breaks (roofs that turn a corner or change elevation) will be provided on all buildings. Large expanses of roof surfaces or long, uninterrupted ridge and eave lines shall be avoided. Dormers, roof breaks, cupolas or other roof features shall be employed as mitigation measures.

Incentive:

- (4) Tile (terra cotta, concrete, or slate) roofs will be used on all buildings: 300 points

2. Patios / Balconies

Minimum:

When included in the design, balconies shall be opaque and architecturally integrated with walls on at least two sides. No cantilevered balconies are permitted.

Incentive:

Private patios and balconies, if provided, must be at least 80 S.F in area with five-foot minimum depth

a) Choose only one from below (if applicable):

- (1) At least 50%, but less than 75% of all units will have a private patio and/or balcony area: 100 points
- (2) At least 75%, but less than 100% of all units will have a private patio and/or balcony area: 125 points

(3) 100% of all units will have a private patio and/or balcony area: 150 points

3. Site Considerations Related to Architecture

When multiple buildings are proposed, developers are encouraged to vary the building in order to provide a variety of views, provide opportunities for landscaping and open areas, and provide interest in the relationship of the buildings to one another. Although the buildings can be varied in their orientation, street scenes may be unified and articulated through the use of style, similar forms, roof systems, details, and architectural materials.

Minimums:

- a) Garages, carports, attached parking structures, and other accessory buildings shall all relate to the building architecture and demonstrate similar compatible forms, scale, materials, colors, and detail.
- b) Garages and carports shall not exceed six (6) side-by-side parking spaces unless parking spaces are designed back-to-back allowing a maximum of 12 parking spaces per carport or garage structure.

4. Exterior Building Materials and Colors

Building materials for single-family attached developments should be of a high quality as approved by the City. Suggested exterior wall materials include natural wood, stucco, brick, and stone. In general, due to the imposing nature of many multi-dwelling unit buildings, the exterior materials should reflect subdued colors and muted tones. In general roof material colors should be darker and warm, earth-toned hues that accent and complement other building colors.

Minimum:

Thirty percent (30%) or more of all non-window/door surfaces on all sides of all primary and accessory buildings shall be finished with masonry (brick or stone).

Incentive:

Choose only one from below (if applicable):

- a) At least 50%, but less than 75% of all non-window/door surfaces on all sides of all primary buildings will be finished with masonry (brick or stone): 250 points
- b) At least 75%, but less than 100% of all non-window/door surfaces on all sides of all primary buildings will be finished with masonry (brick or stone): 500 points
- c) 100% of all non-window/door surfaces on all sides of all primary buildings will be finished with 100% masonry (brick or stone): 750 points

III.LANDSCAPING DESIGN

A. Purpose: Landscaped areas within single-family attached developments are crucial to help counteract the potential dominance of the hardscape elements such as driveways, parking areas, buildings, concrete pathways, etc.

B. Character: Landscaping can add to the overall visual appearance and function of the development by providing shade, complementing both passive and active recreation areas, providing visual interest and relief both apart from and next to the buildings, and presenting an aesthetically pleasing streetscape. (See the City's Landscape Regulations for further information).

1. Private Landscaping

- a) Common Areas

Minimums:

- (1) A minimum of 40% of the overall site area (excluding right-of-way landscape area) shall be landscaped. This includes detention pond areas and parking lot landscaping but excludes all hardscape areas.
- (2) A minimum of 75% of the landscaping shall be covered by living plant materials such as groundcover, shrubs, and grass within three (3) years following installation and thereafter.
- (3) Within the required landscape area, one tree (2 1/2" min. caliper deciduous and six-foot min. evergreen height) and three shrubs (5 gallon min.) per 550 square feet of landscaped area shall be required.
- (4) At least 20% of the required trees shall be a min. of 3-inch caliper deciduous and 8-foot min. evergreen height.
- (5) All landscaping shall be installed, irrigated, and maintained by the project developer and/or owner.
- (6) A wide variety of plant materials shall be used in landscaped areas to add interest.

Incentives:

- (7) Private landscaped area will be increased above the minimum 40% requirement (choose only one from below if applicable):
 - (a) Greater than 40% to 45%: 50 points
 - (b) 45% to 50%: 125 points
 - (c) 50% or more: 250 points
- (8) Choose only one from below (if applicable):
 - (a) A minimum of one tree and three shrubs per 500 square feet of landscaped area will be provided in the private landscaped areas: 50 points
 - (b) A minimum of one tree and three shrubs per 450 square feet of landscaped area will be provided in the private landscaped areas: 100 points
 - (c) A minimum of one tree and three shrubs per 400 square feet of landscaped area will be provided in the private landscaped areas: 150 points
- (9) Choose only one from below (if applicable):
 - (a) At least 50%, but less than 75% of all trees will be a minimum of 3-inch caliper for deciduous trees and 8-foot min. height for all evergreen trees in the private landscaped area: 50 points
 - (b) At least 75%, but less than 100% of all trees will be a minimum of 3-inch caliper for deciduous trees and 8-foot min. height for all evergreen trees in the private landscaped area: 75 points
 - (c) 100% of all trees will be a minimum of 3-inch caliper for deciduous trees and 8-foot min. height for all evergreen trees in the private landscaped area: 100 points

b) Detention Pond Area

Minimum:

The developer/owner shall be responsible for landscaping around the detention pond areas and other common areas at a rate of one tree and three shrubs per 550 square feet of landscaped area. Plant materials should be concentrated around the perimeter of the detention pond and distributed elsewhere throughout the site. The property owner shall be responsible for the maintenance of these areas.

Incentive:

Detention area will be designed as a permanent water feature (e.g. water retention area with fountain): 100 points

c) Landscaped Islands / Medians

Landscaped islands and/or peripheral landscaping are encouraged along drive entries. Additionally, medians and landscaped islands are encouraged on local and collector streets.

Minimum:

If provided, installation and maintenance of all medians/islands shall be the responsibility of the developer/property owner.

Incentives:

(1) A minimum of one tree and three shrubs per 500 square feet of landscaped area will be provided in the project entry area: 50 points

(2) Street medians/landscape islands (10-foot min. width, 50-foot min. length) will be provided at entranceways: 75 points

d) Parking Lots (when applicable)

Minimums:

(1) Parking lots shall not be located within the required landscape setback.

(2) Parking lots of 50 or more spaces shall be required to be landscaped with internal landscaped parking lot islands.

(3) Landscaped islands in parking lots shall be no smaller than two standard parking spaces and shall alternate periodically with larger islands for variety and interest.

(4) Landscaped islands shall occur approximately every 30 spaces within parking lots.

(5) A minimum of two (2) shade trees and 12 shrubs shall be required per island. If the island is larger than 400 square feet, the landscape shall include one (1) additional shade tree and six (6) additional shrubs for every additional 200 square feet or fraction thereof.

(6) Continuous landscape strips (min. nine-foot width) separating every three rows of parking shall be required for parking lots with 300 or more parking spaces.

(7) Landscaped berms shall be required to screen parking (including covered parking structures) from adjacent developments and streets.

2. Right-of-Way Landscaping

Developers are responsible for the installation of landscaping in the right-of-way areas of all streets within and abutting their developments, and the developer/owner or homeowners group is responsible for maintenance and irrigation of the right-of-way landscaping along streets within and abutting single-family attached projects. See City street cross-sections for typical landscaping area location for the applicable street classification(s).

Although fencing between the right-of-way and residential projects is often proposed to provide buffering and security, the use of landscape materials and earth berming either in lieu of, or in conjunction with, fencing is highly preferred and shall be required in many instances.

Minimums:

a) The maximum slope of berms shall not exceed 4:1.

- b) Within the required right-of-way landscaped area, one tree (2 1/2" min. caliper deciduous and six-foot min. evergreen height) and three shrubs (5 gallon min.) per 550 square feet of landscaped area shall be required.
- c) At least 20% of deciduous trees shall be 3-inch caliper and 8-foot min. evergreen tree height.
- d) Automatic sprinkler systems shall be required within all right-of-way landscaped areas.

Incentive:

- e) Choose only one from below (if applicable):
 - (1) A minimum of one tree and three shrubs per 500 square feet of landscaped area will be provided in the right-of-way areas: 100 points
 - (2) A minimum of one tree and three shrubs per 450 square feet of landscaped area will be provided in the right-of-way areas: 150 points
 - (3) A minimum of one tree and three shrubs per 400 square feet of landscaped area will be provided in the right-of-way areas: 200 points

3. Plant Materials for All Landscaped Areas

Minimum:

The selection of trees and shrubs shall be a mix of evergreen and deciduous types.

RESOLUTION

RESOLUTION NO. **95**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

ALLOCATING SERVICE COMMITMENTS FOR THE YEAR 2001 PURSUANT TO THE CITY'S GROWTH MANAGEMENT PROGRAM AS SET FORTH IN CHAPTER 3, TITLE XI OF THE WESTMINSTER MUNICIPAL CODE

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

WHEREAS, The City's Growth Management Program as set forth in Chapter 3, Title XI of the Westminster City Code calls for the periodic determination of the availability of Service Commitments and allocation of such Service Commitments among various categories of potential users; and

WHEREAS, the City Council of the City of Westminster has, with the aid of detailed factual reports and expert opinions from its Staff and consultants, examined the raw water supply, the sewage treatment capacity, the water treatment capacity, and other factors affecting the availability of Service Commitments; and

WHEREAS, the City Council of the City of Westminster has previously determined, in connection with its adoption of Chapter 3 of Title XI of the Westminster Municipal Code, that the City's ability to award Service Commitments is restricted; and

WHEREAS, the demand of different land uses on the City's ability to provide utilities and other services vary due to density and intensity of the particular use; and

WHEREAS, City Council has previously determined that the Comprehensive Land Use Plan adopted in 1997 shall assist the City in making future decisions concerning the desired mix of land uses at build-out of the City; and

WHEREAS, it is the intent of City Council to recognize the many factors influencing demand for new water and sewer service, while remaining cognizant of the large capital investments in land and public improvements made by developers with projects that are already started, and recognizing the efficiencies inherent in encouraging the completion of existing development projects which can use existing public capital facilities before approving new ones.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that in accordance with Sections 11-3-4, and 11-3-5 of the Official Code of the City of Westminster, the City Council hereby determines that:

1. Based on all of the information available to the City Council on this date, for the period beginning January 1, 2001 through December 31, 2001, the City can make available 1,219 Service Commitments ("SC's") to Categories A (A-1, A-2, A-3, and A-4) and L (L-1, L-2, and L-3), 30 SC's to Category B-1, 35 SC's to Category B-2, 1,046 SC's to Category C, 59 SC's to Category D, 44 SC's to Category E, 176 SC's to Category F, and 371 SC's to Category R without adverse effect on existing water users and without in any way endangering the health, safety, and welfare of the citizens of Westminster and of other persons dependent upon the operation of a safe and efficient public water and sanitation system by the City.

2. This Resolution supersedes and replaces all previous allocation Resolutions by City Council.

3. No Service Commitments will be allocated for new multi-family (Category B-3) and traditional mixed use neighborhood developments (Category B-4) at this time.

Passed and adopted this 11th day of December, 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Date: December 11, 2000

Subject: Resolutions No. 96 re Jefferson County Open Space Joint Venture Grants

Prepared by: Julie M. Meenan Eck, Landscape Architect II

Introduction

City Council action is requested to adopt the attached resolution to authorize the submittal of two joint venture grants to Jefferson County Open Space (JCOS) for Countryside Pool Renovations and The Gathering Place.

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 Countryside Pool Renovations. The project budget for Countryside renovations is \$50,000. The funding request of \$50,000 will allow for handicap deck improvements to the pool in addition to the entrance renovations that is included in the 2001 Capital Improvement Projects. These extra funds will be used to provide a complete replacement of the wood retaining walls and aging concrete deck. Staff is recommending a 50% match from JCOS totaling \$100,000 for this project. The second grant application request is for additional funding to be used toward the construction of The Gathering Place. The project budget for The Gathering Place Construction is \$925,000. The funding request of \$125,000 will allow for upgrades of the lighting system and mechanical upgrades for the water feature design. These extra funds will be used to provided complete electrical service for all future events and shows, and a mechanical pump system that is endorsed by maintenance staff. Staff is recommending a 12% match from JCOS totaling \$1,050,000 for this project.

Policy Issues(s)

Shall City Staff pursue matching grants for these projects from Jefferson County Open Space Joint Venture Grant program?

Staff Recommendation

Adopt Resolution No. 96 authorizing the submittal of a Joint Venture development grant application to Jefferson County Open Space for the financial assistance with the construction of the Countryside Pool Renovation and The Gathering Place.

Background Information

Westminster has greatly benefited from the JCOS Joint Venture development grant program. From 1992-2000, Westminster has received nearly \$2.3 million from Joint Venture grants for Sensory Park, 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 \$12.4 million. 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 \$1,550,000 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 2001 proposed project is a good project to be considered by the JCOS Advisory Committee.

Alternative(s)

For the JCOS Joint Venture Grant, City Council could choose another Westminster CIP located in Jefferson County such as Arrowhead/Ryan School Park. However, this project will only begin the design stages in 2001 and will not have complete construction funding available until the year 2003. JCOS prefers to fund projects ready for construction.

Respectfully submitted,

William Christopher
City Manager

Attachments: Resolution, Maps (2)

RESOLUTION

RESOLUTION NO. **96**

INTRODUCED BY COUNCILLORS

SERIES OF 2000

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 Countryside Pool Renovation and The Gathering Place; 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 1. a combined 50/50 split in the amount of \$50,000 toward the cost of constructing the Countryside Pool renovations and 2. a combined 86/14 split in the amount of \$125,000 toward the cost of electrical and mechanical upgrades at The Gathering Place.

Passed and adopted this 11th day of December 2000.

ATTEST:

Mayor

City Clerk



WESTMINSTER COLORADO

Agenda Memorandum

Date: December 11, 2000

Subject: Intergovernmental Agreement and Grant from Urban Drainage and Flood Control District

Prepared by: Lynn Wodell, Open Space Acquisition Agent
Dave Downing, City Engineer

Introduction

City Council action is requested to authorize the City Manager to execute an intergovernmental agreement with, and to accept a grant of \$200,000 from the Urban Drainage and Flood Control District.

Summary

The grant from the Urban Drainage and Flood Control District (District) is intended to partially reimburse the City for the recent purchase of property located just west of US 36 at the confluence of Big Dry Creek and Walnut Creek, and just south of the Church Ranch Boulevard interchange (see attached map). Prior to releasing the grant funds, the District requires that the City enter into an intergovernmental agreement (IGA) that assures the District that the land will remain open and provide regional detention at this location.

In 1989, the City and District entered into an “Agreement Regarding the Intent to Assure the Flood Routing and Capabilities of Burlington-Northern Railroad Crossings of Big Dry Creek and Walnut Creek and US 36 Crossing of Big Dry Creek.” Under this agreement, the City and District agreed to work together to preserve the storm drainage detention capabilities of the area west of the box culvert under US 36. The City acquired approximately 59 acres just west of US 36 earlier this year, including approximately 16 acres of floodplain where Big Dry Creek and Walnut Creek converge, for open space, trail and storm drainage purposes, utilizing Open Space funds. As the acquisition of the property proceeded, Staff approached the District about participating in the purchase.

The cost to the City for the 16 acres was approximately \$975,000. Though Staff actively pursued a 50/50 match in funding, the District has indicated that their acquisition funding is very limited, and has offered to reimburse \$200,000 for this purchase from their 2000 Preservation Fund Budget if the IGA and grant can be completed yet this year. If approved by City Council, the \$200,000 grant will go to partially reimburse the Open Space Fund, and the funds will be used for additional open space preservation.

Policy Issues

Should the City enter into an Intergovernmental Agreement with the Urban Drainage and Flood Control, and accept a reimbursement of \$200,000 toward the acquisition of Big Dry Creek and Walnut Creek floodplain areas?

Staff Recommendation

Authorize the City Manager to execute an agreement with, and to accept a grant of \$200,000 from the Urban Drainage and Flood Control District as partial reimbursement of the costs to preserve this property.

Background Information

As proposed in the 1989 agreement between the City and District, acquisition of this property assures that the stormwater detention provided just west of US 36 will remain in place. The regional detention at the confluence of Walnut and Big Dry Creeks results in a narrower floodplain and reduced flows for Big Dry Creek downstream of US 36 through Westminster, significantly reducing the costs of bridges and other necessary storm drainage improvements.

This property at the confluence of Big Dry and Walnut Creeks also preserves beautiful natural open space visible from US 36, preserves a key wildlife habitat, provides an important link in two trail and open space corridors, and reinforces the natural history of the area. The acquisition protects the watersheds, and avoids the need for expensive storm drainage improvements at this and downstream locations. The partnership with the District, and combining open space, drainage, and trail interests into a single acquisition match the multiple use and matching funds criteria for the use of Open Space funds.

This particular acquisition was reviewed and strongly supported by the Open Space Advisory Board. The Urban Drainage and Flood Control District's Board has considered and approved this grant, pending the execution of an Intergovernmental Agreement.

Alternative

1. Do not enter into the proposed IGA with Urban Drainage, and do not accept the \$200,000 contribution from Urban Drainage.

Staff does not recommend the alternative in light of the terms of the previous agreement with the District for the City and the District to jointly cooperate and take actions to preserve the storm drainage capabilities in this location, and the value that additional Open Space funding will provide to the community.

Respectfully submitted,

William M. Christopher
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

Date: December 11, 2000
Subject: Resolution No. 97 re Year-End Contingency Transfers
Prepared by: Barbara Gadecki, Assistant to the City Manager

Introduction

City Council action is requested to adopt the attached Resolution authorizing various transfers from the General Fund contingency account into a variety of General Fund operating accounts. No contingency transfers are being requested into any other of the City's funds. These actions are part of the year-end housekeeping functions to address certain unanticipated expenses in various budget accounts. Funds for these transfers are available in the General Fund contingency account.

Summary

The year-end contingency transfer is a routine action to address the need for some additional funds in a variety of accounts as a result of unanticipated expenses that could not be absorbed within the operating budget. Each year, contingency funds are budgeted for unanticipated expenses that cannot be absorbed within the adopted operating budget such as the ones included in this agenda memorandum.

Staff Recommendation

Adopt Resolution No. 97 authorizing the transfer of \$379,978 from the General Fund contingency account into the various operating budgets.

Background Information

During the budget development each year, the City Council appropriates money in several operating funds designated as contingency money. In 2000, contingency money was budgeted in the General and Utility Funds. Contingency is money set aside in the budget as a reserve for unanticipated expenditures. Over the course of a year, special projects, studies, weather impacts (dry summers, heavy snows, etc.) and other activities that cannot be anticipated occur, negatively impacting a department's budget. In these special occasions, City Council may authorize the use of contingency funds to cover such expenses.

At year-end, departments review their respective budgets to identify where they may absorb any unanticipated expenses, if applicable; it may be that a project came in under budget or that a purchase may be delayed until the next year.

However, if, after reviewing all accounts within a department, the department finds that it cannot absorb additional costs for such unanticipated projects, the department forwards a request to the City Manager's Office to review and make recommendations to the City Council for the transfer of contingency funds to cover such expenses.

The transfers requested from the General Fund contingency are outlined below:

\$20,000	Needed in the City Council's budget due the unanticipated recruitment for a new City Manager. These funds are for the recruitment services provided by The Mercer Group (approved by City Council on November 20).
\$53,000	Needed in the Building Operations and Maintenance Division of General Services for two unanticipated emergency roofing projects at City park Recreation Center and the Municipal Service Center that occurred during 2000. Additionally, several maintenance projects were extended beyond their original scope to address not only current needs but also to take advantage of cost savings resulting from completing full projects at once versus spreading them out over several years. These projects included re-carpeting of City Hall, improvements to the audio and voting light systems in the City Council Chambers, and security system improvements in City Hall.
\$48,400	Needed in the Administration Division of Community Development for unanticipated redevelopment efforts in South Westminster. These include design services for the Turnpike Drive access plan, the WEDA tax increment study, Career Enrichment Park plan amendments, various property appraisals, and miscellaneous feasibility studies associated with potential redevelopment projects.
\$9,290	Needed in the Planning Division of Community Development for the school land dedication study which was unanticipated in 2000.
\$100,000	Needed in the Economic Division of Community Development for the proposed amendment to the Avaya business assistance package included in tonight's agenda (12/11/00) for additional landscaping at their new facility on 120 th Avenue.
\$50,488	Needed in the Street Division of Public Works & Utilities for expenses associated with street light energy costs and replacement of damaged street lights account. This account has experienced increasing expenses from Public Service Company as the costs associated with automobile/street light collisions are passed on to the City for replacement. Staff is working to recover the replacement costs from these automobile accidents, but the turn around time on these items are slow and may not cover the full costs of said damage.
\$8,800	Needed in the Street Division of Public Works & Utilities for expenses associated with the Spring and Fall Cleanup Program. This program continues to increase in popularity; the Fall Cleanup pickup increased by 13% in pick ups and 30% in cubic yards of debris, resulting in a 37% increase in landfill charges. The 2000 budget for this program was \$57,200.
\$75,000	Needed in the Park Services Division of Parks, Recreation & Libraries for higher than expected water use during the hot, dry summer months. Per the national weather service, the Denver Metro area recorded 61 days of temperatures in excess of 90 degrees, but only received approximately 25% of the normal rainfall between April and September. Staff did make efforts to reduce irrigation to control costs.
\$15,000	Needed in the Park Services Division of Parks, Recreation & Libraries for greater gas and electricity demands than anticipated due to the high summer heat; greater amounts of electricity were utilized for cooling the greenhouse and pumping of the irrigation system.
\$379,978	TOTAL

Currently, the General Fund contingency account has \$979,693 available to fund these unanticipated expenses (which takes into account City Council action taken November 27, 2000), leaving a balance of \$599,715 to be carried over to 2001 as an unappropriated revenue.

It should be noted that the \$379,978 represents .57% of the adopted General Fund expenditures. It is Staff's thought that this percentage is well within the "tolerance level" given the plethora of City services and "outside influences" that can impact the City Budget.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **97**

INTRODUCED BY COUNCILLORS:

SERIES OF 2000

WHEREAS, City Council supports year end transfers from the General Fund Contingency account to balance various expenditure accounts due to unanticipated or additional costs, and

WHEREAS, the General Fund Contingency balance is \$975,693.

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

\$379,978 be transferred from the General Fund Contingency to the appropriate Operating Budget accounts as follows:

10-01-01-131-000	City Council Recruitment Account	\$20,000
10-12-39-267-703	Building Operations & Maintenance Building maintenance expenses	53,000
10-30-05-209-000	Administration Division (Comm Dev) Redevelopment expenses associated with South Westminster	48,400
10-30-36-209-000	Planning Division (Comm Dev) School land dedication study	9,290
10-30-34-297-000	Economic Development (Comm Dev) Avaya Business Assistance Package Amendment	100,000
10-35-45-286-000	Street Division (PW&U) Street light/replacement account	50,488
10-35-45-285-000	Street Division (PW&U) Spring/Fall Cleanup program	8,800
10-50-55-283-000	Park Services (PR&L) Water account	75,000
10-50-55-284-000	Park Services (PR&L) Gas & electricity account	15,000
	GENERAL FUND TOTAL	\$379,978

Passed and adopted this 11th day of December, 2000.

ATTEST:

Mayor

City Clerk