



**WESTMINSTER**  
**COLORADO**

**DECEMBER 13, 1999**  
**7:00 P.M.**  
**AGENDA**

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

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

- 1. Pledge of Allegiance Boy Scout Troop #324**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings**
- 4. Presentations**
  - A. Citizen's Commendation for Brett Mouser
- 5. Citizen Communication**
  - A. Betty Adams Elementary School Student Council
- 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. 92<sup>nd</sup> Avenue Waterline Construction Bid Award with Levi Contractors for \$376,872
  - B. ICG Telcom Inc Agreement re Fiber Optics
  - C. Councillor's Bill No. 77 on second reading re Voting by Board and Commission Members unless there is a financial conflict of interest (Hicks-Dixon)
- 9. Appointments and Resignations**

None
- 10. Public Hearings and Other New Business**
  - A. TABLED – Catellus Development Corporation Amended Purchase and Sale Agreement for Westminster Promenade Project
  - B. Resolution No. 95 re allocating Service Commitments for 2000 to the various categories of the Growth Management Program and authorize Category B-1 Competition
  - C. Councillor's Bill No. 78 re Service Commitments for new residential projects in South Westminster
  - D. Westminster Boulevard Extension – Relocation Policy and expenditure of \$150,000 for eligible relocation expenses
  - E. Resolution No. 96 re 128<sup>th</sup> Avenue & Zuni Street Right-of-Way annexation petition
  - F. Councillor's Bill No. 79 re Traffic Signal Funding of \$220,000
  - G. Intergovernmental Agreement re Jefferson County Youth Alcohol Intervention Program
  - H. Public Safety Facility Land Acquisition for 3.8 acres south and west of the City Hall property for \$521,430
  - I. Federal Heights Wholesale Water Contract Amendment for \$2.02 per thousand gallons of water
  - J. Resolution No. 97 re Year End Contingency Transfers into various operating budgets
  - K. Councillor's Bill 80 re Supplemental Appropriation for Libraries

**10. Public Hearings and Other New Business**

- L. Resolution No. 98 re Jefferson County Open Space Joint Venture Grant Application for West View Recreation Center
- M. Resolution No. 99 re Joint Venture Development Grant Application to Jefferson County Open Space re Children's Sensory Park Phase II
- N. Purchase of Playground equipment from Little Tykes for \$60,000 for Children's Sensory Park
- O. Resolution No. 100 re Revisions to Council Rules and Procedures pertaining to appointments to Boards and Commissions
- P. Absence of Mayor for two months

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

None

**12. Citizen Presentations and Miscellaneous Business**

- A. Citizens Communication – Dale Krajewski
- B. City Council
- C. Request for Executive Session

**13. Adjournment**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, DECEMBER 13, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Members of Boy Scout Troop #324 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

A motion was made by Atchison and seconded by Merkel to accept the minutes of the meeting of November 22, 1999 with no additions or corrections. The motion carried unanimously.

CITIZEN COMMUNICATION:

Betty Adams Elementary School Student Council representatives addressed Council requesting a high fence to be located along U.S. 36 at Madison Hill Subdivision, and requesting the dedication of the open space at 100<sup>th</sup> Avenue and Sheridan Boulevard in memory of Corey Henk, a student of Betty Adams Elementary School who was recently killed as he ran across US 36.

The following citizens addressed City Council regarding the proposal to close the Kings Mill Library: Jeff Siefried, 9049 Garland Street; Cornelia Juleff, 9356 Flower Street; Danny Buchanan, 9054 W. 93<sup>rd</sup> Avenue; Jerri Foppe, 9088 Hoyt Street; Cindy Smetak, 9051 Hoyt Street; Lois Vancil, 10434 Independence Circle; Leslie Buchanan, 9054 W. 93<sup>rd</sup> Avenue and Cindy Comosa, 7720 W. 87<sup>th</sup> Drive. Sandy Martin, Head Start Coordinator for Jefferson County also addressed Council about this issue.

CITY COUNCIL COMMENTS:

Councillor Hicks reported on the DARE graduations he attended, Councillor Merkel complemented Parks, Recreation and Libraries employees on the decorations and plays held at the libraries, Councillor Moss encouraged citizens to attend their area COG meetings, and Mayor Pro Tem Dixon commented on the Tree Lighting ceremony.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: 92<sup>nd</sup> Avenue Waterline Construction contract – Authorize the City Manager to execute a contract with Levi Contractors in the amount of \$376,872.25 and a project contingency of \$57,000 for the construction of the 92<sup>nd</sup> Avenue waterline and charge the expense for this construction to the appropriate Utility Fund Capital Improvement Project account; Approval of ICG Telecomm Group Agreement – Authorize the City Manager to sign an agreement with ICG Telecom Group, Inc. for a City fiber optic cable system in exchange for the use of City owned conduit as described in the Agenda Memorandum; and Councillor's Bill No. 77 re Voting by Board and Commission Members. The Mayor Pro Tem 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.

CATELLUS DEVELOPMENT AMENDMENT TO PURCHASE AND SALE AGREEMENT

A motion was made by Atchison and seconded by Hicks to remove this item from the Table. The motion carried unanimously.

A motion was made by Atchison and seconded by Smith to authorize the City Manager to execute the necessary documents to acquire 5.17 acres of the Ryan property including an amendment to the Purchase and Sale Agreement with the Catellus Development Corporation that contains provisions described in the Agenda Memorandum and subject to approval by the City Attorney. The motion carried unanimously.

COUNCILLOR'S BILL NO. 81 – APPROPRIATION FROM CATELLUS DEVELOPMENT:

A motion was made by Atchison and seconded by Smith to pass Councillor's Bill No. 81 on first reading appropriating \$2.5 million received by the City from Catellus for the sale of the Northwest Business Park into the General Capital Improvements Fund. Upon roll call vote, the motion carried unanimously.

PURCHASE OF RYAN PROPERTY FOR PUBLIC PARKING LOT AT WESTMINSTER PROMENADE:

A motion was made by Atchison and seconded by Smith to authorize the expenditure of the funds necessary to purchase the approximately 5.17 acres, estimated to be \$1,587,109; and authorize an agreement between the Ryan family and the City for \$500,000 at 8% interest. A friendly amendment was made by Moss that the amount of \$500,000 be deferred payment at 8% interest. The amendment was agreed to by the maker and second of the motion. The motion carried unanimously.

RESOLUTION NO. 95 – SERVICE COMMITMENT ALLOCATIONS FOR YEAR 2000:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 95 allocating Service Commitments for the year 2000 to the various categories of the Growth Management Program and authorize a Category B-1 competition to be held in the year 2000 for one new single-family detached project. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 78 – SERVICE COMMITMENTS FOR SOUTH WESTMINSTER PROJECTS:

A motion was made by Hicks and seconded by Atchison to pass Councillor's Bill No. 78 on first reading revising Chapter 3 of Title XI of the Westminster Municipal Code regarding Service Commitments for new residential projects in South Westminster. Upon roll call vote, the motion carried unanimously.

WESTMINSTER BOULEVARD EXTENSION RELOCATION POLICY:

A motion was made by Hicks and seconded by Merkel to authorize the Relocation Policy for the Westminster Boulevard Extension project and authorize the expenditure of up to \$150,000 for eligible relocation expenses, which shall be charged to the appropriate capital project account in the General Capital Improvement Fund.

A motion was made by Atchison and seconded by Merkel to Table action on the Westminster Boulevard Extension Relocation Policy until the December 20, 1999 Council meeting. The motion carried unanimously.

RESOLUTION NO. 96 – 128<sup>TH</sup> AVENUE AND ZUNI STREET ROW ANNEXATION PETITION:

A motion was made by Smith and seconded by Atchison to adopt Resolution No. 96 accepting the annexation petition submitted by Adams County and make the findings required by State Statute on the sufficiency of the petition; and set the date of January 24, 2000, for the annexation hearing. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 79 – TRAFFIC SIGNAL FUNDING:

A motion was made by Merkel and seconded by Atchison to pass Councillor's Bill No. 79 on first reading authorizing the transfer of \$220,000 from the General Fund Contingency account to the New Traffic Signal project in the General Capital Improvement Fund for the installation of additional traffic signals and a study for a traffic surveillance system. Upon roll call vote, the motion carried unanimously.

INTERGOVERNMENTAL AGREEMENT FOR YOUTH ALCOHOL INTERVENTION PROGRAM:

A motion was made by Atchison and seconded by Hicks to authorize the City Manager to enter into an Intergovernmental Agreement with other Jefferson and Gilpin County entities for the purpose of establishing the First Judicial Youth Alcohol Intervention Program. Presiding Municipal Court Judge Stipech was present to address Council. The motion carried unanimously.

PUBLIC SAFETY FACILITY LAND ACQUISITION:

A motion was made by Merkel and seconded by Atchison to authorize the City Manager to sign all the necessary documents required for the purchase of the property for the Public Safety Facility in the amount of \$521,430 and charge the expense to the appropriate project account in the General Capital Improvement fund. The motion carried unanimously.

FEDERAL HEIGHTS WHOLESALE WATER CONTRACT AMENDMENT:

A motion was made by Hicks and seconded by Merkel to approve the amendment to the contract with the City of Federal Heights, confirming the rate for January 1, 2000 through December 31, 2000 at \$2.02 per thousand gallons, and authorize the City Manager to sign the amendment on behalf of the City. The motion carried unanimously.

RESOLUTION NO. 97 – YEAR-END CONTINGENCY TRANSFERS:

A motion was made by Atchison and seconded by Hicks to adopt Resolution No. 97 authorizing the transfer from the General (\$226,000) and Utility (\$67,000) Funds contingency accounts into the various operating budgets as described in the Agenda Memorandum. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 80 – SUPPLEMENTAL APPROPRIATION LIBRARY SERVICES:

A motion was made by Smith and seconded by Merkel to pass Councillor's Bill No. 80 on first reading approving the supplemental appropriation of \$2,199.60 of grant funds to the appropriate Library Services Division account and approving the supplemental appropriation of \$1,277.50 received from School District 50 to cover the cost of providing cataloging services to School District 50. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 98 – JEFFCO OPEN SPACE JOINT VENTURE GRANT APPLICATION:

A motion was made by Hicks and seconded by Atchison to adopt Resolution No. 98 authorizing the submittal of a Joint Venture development grant application to Jefferson County Open Space for the financial assistance with the construction of the West View Recreation Center. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 99 – JEFFCO OPEN SPACE JOINT VENTURE GRANT APPLICATION:

A motion was made by Merkel and seconded by Atchison to adopt Resolution No. 99 authorizing the submittal of a Joint Venture development grant application to Jefferson County Open Space for the financial assistance with the construction of the Children's Sensory Park Phase II. Upon roll call vote, the motion carried unanimously.

PLAYGROUND EQUIPMENT PURCHASE FOR CHILDREN’S SENSORY PARK:

A motion was made by Merkel and seconded by Atchison to authorize the purchase of Phase I playground equipment from Little Tykes Inc. in the amount of \$60,000, and charge this amount to the appropriate account in the 1999 Capital Improvement fund. The motion carried unanimously.

RESOLUTION NO. 100 – REVISIONS TO COUNCIL RULES AND PROCEDURES:

A motion was made by Smith and seconded by Merkel to adopt Resolution No.100 revising the Council Rules and Procedures pertaining to Board and Commission members moving to another Board or Commission. Upon roll call vote, the motion carried unanimously.

ABSENCE OF MAYOR:

A motion was made by Moss and seconded by Merkel to authorize the absence of Mayor Heil for an indefinite period beginning December 13, 1999. The motion carried unanimously.

CITIZEN COMMUNICATION:

Cornellia Juleff, 9356 Flower Street, addressed Council regarding the Kings Mill Library.

ADJOURNMENT:

The meeting was adjourned at 9:20 P.M.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Citizen's Commendation to Brett Mouser

**Prepared By:** Investigator Jacki Tallman and Dan Montgomery, Chief of Police

**Introduction**

City Council is being asked to recognize Mr. Brett Mouser for his selfless actions in assisting the Police Department by apprehending a fleeing suspect on October 24, 1999.

**Summary**

On October 24, 1999, Brett Mouser was a customer at the 7-11 store at 7200 Lowell Blvd. Mr. Mouser observed a Westminster Police Officer contact several occupants of a vehicle in the parking lot. During the contact, a male exited the vehicle and began running from the Police Officer. The officer, who remained with the vehicle and held the occupants at gunpoint, was waiting for additional officers to arrive on scene. Seeing that the officer was unable to chase the male suspect, Brett Mouser assisted the officer by chasing and apprehending the fleeing suspect. Mr. Mouser detained the suspect until officers arrived on scene and took him into custody.

**Staff Recommendation**

Formally recognize Brett Mouser for his assistance in apprehending a suspect for the police on October 24, 1999.

**Background Information**

On October 24, 1999 at approximately 2:10 a.m., Westminster Police Officers were checking the area along 72nd Avenue for a possible suspect vehicle in an assault case. An officer located a vehicle fitting the description in the parking lot at the 7-11 Store at 7200 Lowell Blvd. The officer approached the vehicle and began to talk to the four occupants of the car. During the contact, the officer had a male passenger exit the vehicle. The moment the male exited the car, he moved past the officer and began running toward the rear of the 7-11 Store. The officer was alone at the time and was forced to remain with the vehicle and detain the three other occupants at gunpoint until other officers arrived on scene. Brett Mouser was at the 7-11 store when the officer contacted the vehicle and its occupants. Mr. Mouser witnessed the male exit the car and run from the officer. Understanding the predicament that the officer was in, Mr. Mouser assisted the officer and chased the male suspect. Brett caught up with the fleeing male suspect and detained him until other officers arrived on scene to assist him. It was determined that the vehicle at the 7-11 had been stolen from Lakewood earlier in the week, and had been used to commit several gas thefts.

Staff would like to take this opportunity to recognize and commend Mr. Mouser for his heroic actions during this incident. He placed himself in danger while assisting Westminster Police Officers in apprehending a suspect, and his actions are considered exemplary.

It is certain that without Mr. Mouser's assistance, the police would have been unsuccessful in apprehending the fleeing suspect.

Respectfully submitted,

William M. Christopher  
City Manager





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Citizen Communication – Betty Adams Elementary School Student Council

**Prepared by:** Michele Kelley, City Clerk

**Introduction**

The City Clerk's office has received a request for the Student Council members from Betty Adams Elementary School to address City Council.

**Summary**

Marsha Nicoll, Student Council Sponsor for the students at Betty Adams Elementary School has requested time on Monday night's agenda for some of the Student Council members to address City Council to request a high fence to be located along US 36 at Madison Hill Subdivision.

The 9 year old boy who was recently killed, while attempting to cross US 36 was a student at Betty Adams Elementary School.

**Staff Recommendation**

Listen to the presentation by the Betty Adams Elementary School Student Council

**Background Information**

The Student Council Sponsor has indicated that this presentation will be 5 minutes or less in length.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** 92<sup>nd</sup> Avenue Waterline Construction Award

**Prepared by:** Diane M. Phillips, Public Works and Utilities Capital Improvement Projects Coordinator

**Introduction**

City Council action is requested to authorize the City Manager to sign a contract with Levi Contractors in the amount of \$376,872.25 for the construction of the 92<sup>nd</sup> Avenue waterline and authorize \$57,000 for project contingency. Funds for the construction and contingency are available in the appropriate Utility Fund Capital Improvement Project Account.

**Summary**

The 16-inch 92<sup>nd</sup> Avenue waterline will be installed from Lowell Boulevard east to Federal Boulevard for a length of 2,450 feet. The installation of this line will increase the capacity of water available for supply under the City of Westminster/Federal Heights water contract at their meter located at 92<sup>nd</sup> Avenue and Federal Boulevard. The installation of this line will also provide increased fire flow supply and more stable water pressure during peak use times in the area of Westminster and Shaw Heights served by this line.

The following four bids were received on October 28:

Levi Contractors	\$376,872.25
Wycon Construction	\$469,270.00
Tarco, Inc.	\$498,169.00
Tierdael Construction	\$499,426.00

Levi Contractors submitted the low bid for the construction of the waterline at \$376,872.25. The engineers estimate for construction cost with no contingency was \$390,222 which was prepared by Integra Engineering which is the firm that designed the waterline project.

**Alternative**

An alternative to replacing the waterline at this time is to reject all of the bids and re-bid the project at a later date. Future construction prices would very likely to increase and this would delay additional water supply being available to the Federal Heights meter and on into their City's water distribution system.

**Staff Recommendation**

Authorize the City Manager to execute a contract with Levi Contractors in the amount of \$376,872.25 and a project contingency of \$57,000 for the construction of the 92<sup>nd</sup> Avenue waterline and charge the expense for this construction to the appropriate Utility Fund Capital Improvement Project account.

**Background Information**

As development continues in the area served by the existing 12-inch waterline in 92<sup>nd</sup> Avenue, additional supply is needed for fire flow and consumption. This project will stabilize pressure fluctuations during peak use times.

In addition, Federal Heights has been inquiring about the availability of additional supply in the area served by Westminster's water system at 92<sup>nd</sup> Avenue and Federal Boulevard. The 1997 Treated Water Master Plan identified the need for future supply in this area and the installation of this line has been planned. The area was modeled using the City's computer model of the treated water pipe and plant system to confirm the size of line needed to meet build out consumption and fire flow needs and to provide Federal Heights with increased supply. The current maximum day supply to Federal Heights at the 92<sup>nd</sup> Avenue and Federal Boulevard meter is 650 gallons per minute (gpm) and the additional supply that will become available with the installation of this line is approximately 1,000 gpm.

Construction activities will not begin until after the first of the year so that no disruption to traffic on 92<sup>nd</sup> Avenue will occur during the holiday season. After the completion of construction the street will be repaved in conjunction with Adams County. Construction is expected to be completed in May, 2000

City Staff has conducted reference checks on Levi Contractors. Information was obtained from a long list of previous clients, all of which provided favorable references. Levi Contractors is a local contractor and is fully capable of performing all of the work associated with this project.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Map



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Approval of ICG Telecom Group, Inc. Agreement

**Prepared by:** Gary Casner, Sr. Telecommunications Administrator  
David Puntteney, Information Technology Director

**Introduction**

City Council action is requested to approve an agreement between the City and IGG Telecom Group, Inc.. This agreement will provide ICG the right to use City conduit for ICG owned fiber, and in return ICG will purchase, install, and maintain 25 miles of fiber dedicated for City of Westminster use.

**Summary**

At the August 23, 1999 City Council meeting, City Council authorized the expenditure of \$428,730 for the installation of 16 miles of fiber optic cable within the conduit installed as part of the City's Reclaimed Water Project. Beginning in 2000, the City is intending to use this new fiber to provide high-speed, reliable voice and data communications for ten remote City facilities, including City Park Recreation and Fitness Centers, College Hill Library, Legacy and Heritage Golf Courses, Fire Stations 4 and 6, Big Dry Creek Reclamation Center, Westminster Conference Center and the Ice Centre.

After installation by ICG of the fiber and the hardware needed to light (activate) the fiber, the City will realize an additional saving of over \$33,000 per year by eliminating the current US West lease lines. In addition, new services, such as video conferencing between facilities, will also be feasible.

During the last two months, Information Technology staff met with ICG, a local provider of telephone and data services, on several occasions and reached a mutually beneficial agreement that would provide ICG with space in the City's conduit for ICG owned fiber optic cable, in exchange for ICG purchasing, installing, and maintaining 12 pair of fiber optic cable throughout 25 miles of conduit to be dedicated for exclusive City use. While the City had only planned to install 16 miles of fiber without a redundant loop, ICG intends to install additional conduit and fiber to provide a fiber "loop" and have an alternate path for routing transmissions in the event of fiber damage along one path.

In addition, ICG has tentatively agreed to provide the City with additional no-cost fiber or high-speed services that will enable the City to connect facilities in south Westminster, including the Swim and Fitness Center, Court, Library, Fire Station 1 and Senior Center to the City-owned network. With City Council approval, this agreement will save the City over \$300,000 in fiber cable purchase and installation costs, and provide ICG the opportunity to offer City businesses high-speed fiber optic services as an alternative to USWest services. A portion of these savings will be used to install any necessary conduit in south Westminster to connect facilities, and to purchase hardware needed to activate the new fiber network.

**Alternatives**

Proceed with the currently approved fiber optic system project. There are no advantages to this alternative; the disadvantages are the loss of over \$300,000 in savings and the loss of high-speed fiber optic service for City businesses.

Forgo the installation of the fiber backbone and continue to lease voice and data communication circuits from U.S. West. The only advantage is that no funds would be needed for the fiber installation. Disadvantages include:

- The continued annual expense of \$33,180 to lease voice and data lines.
- The performance of the current data communication circuits are inadequate for current and future applications.
- The loss of a high-speed fiber system for City Businesses.

### **Staff Recommendation**

Authorize the City Manager to sign an agreement with ICG Telecom Group, Inc. for a City fiber optic cable system in exchange for the use of City owned conduit as described in the Agenda Memorandum.

### **Background Information**

In August 1999, City Council approved funds in the Capital Project Budget for the construction of a fiber optic cable data and telecommunication system. This system was to be built in conjunction with the reclaimed water system. In order to maintain maximum flexibility, a quadlock conduit system was installed. The quadlock conduit allows four separate cables to be installed.

City Staff contacted telecommunications providers to see if an agreement to lease space in the conduit could be made. Companies contacted included U.S. West, AT&T, TCI, Level 3, ICG and Qwest. None of these companies indicated an interest in an agreement.

In October of 1999, the City was contacted by ICG. The construction manager was interested in getting “fast track” approval for the installation of a fiber optic line between 112<sup>th</sup> and 120<sup>th</sup> Avenue on Sheridan Boulevard. During these discussions, City Staff pointed out that ICG’s fiber line and the City’s fiber line were installed along the same route on 112<sup>th</sup> Avenue. This led to further discussions about the City conduit system and the fact that the conduit is located in close proximity to major existing and future business parks. ICG investigated the potential customers and by using space in the City conduit, was able to develop a business plant that was attractive to ICG.

ICG and City Staff have negotiated an agreement, which includes the following major points:

- The City will have the permanent no-cost use of 24 fiber (12 pair) throughout the ICG system in the City that will be used to connect 10 City facilities.
- ICG will purchase and install fiber optic cable in City conduit to all City facilities along the route.
- ICG will maintain and repair the fiber optic cable.
- ICG will provide the City with no-cost high-speed services to the Municipal Court, Fire Station #1, Senior Center, Swim and Fitness Center, and Library in south Westminster.
- ICG will not be charged by the City any fiber optic cable fee.

Advantages for the City include:

- Savings of over \$300,000 in fiber purchase and installation costs.
- A 25-mile redundant looped system vs. a 16-mile point to point system.
- Free maintenance of the system.
- Free extension of the system as ICG adds to the system.
- Free access to south Westminster.
- Addition of six City facilities to the City’s system.
- Availability of a fiber optic system for City businesses along the route.

Disadvantages:

Since the City still has unused fiber optic conduit capacity, there does not seem to be a disadvantage to the City to authorize this cooperative agreement.

This agreement with ICG represents a true “Win Win” public/private partnership in which ICG, the City, and Westminster business will all benefit.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Amendment to the Purchase and Sale Agreement with Catellus Development Corporation

**Prepared by:** John Carpenter, Director of Community Development

**Introduction**

As of Thursday, December 9<sup>th</sup>, City Staff and the Catellus Development Corporation Staff have worked out an agreement on the acquisition of the Ryan parcel which will allow this item to be considered by Council at the December 13<sup>th</sup> meeting. While the agreement in its final form will not be available by the December 13<sup>th</sup> meeting, Council will be asked to approve the conceptual framework of the agreement and authorize the City Manager, to approve the final document, subject to review of the City Attorney.

Time constraints did not allow for Staff to provide a review of the deal points in this agenda memorandum. Rather, a revised agenda memo will be delivered to Council on Friday with this information. Because of the pending holidays and the commitments the City has to make improvements to the Ryan parcel, it is highly desirable to have Council take action on this agreement at the December 13<sup>th</sup> meeting.

**Summary**

Attached for background is the agenda memo that was prepared for the August 23, 1999 meeting. As Council is aware, this item has been tabled since that time. The Ryan family has also agreed to key provisions of this agreement, which will enable the land acquisition to move forward.

The challenge to this agreement has been the coordination between the City, Catellus and the Ryan family. While we have all had generally the same goal, it has been difficult to get consensus on some details. In addition, Greg Streech of Catellus has been extremely busy including paying attention to some medical issues of his very young sons. At this point, we have had the opportunity to finally get everyone together, but it only happened today (Thursday). Staff will need one more day to get the details to City Council.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999  
**Subject:** Service Commitment Allocations and Growth Management Program Amendment  
**Prepared by:** Shannon Sweeney, Planner III

**Introduction**

City Council action is requested to adopt the attached Resolution allocating Service Commitments to various categories for the year 2000 and pass the attached Councillor’s Bill on first reading amending the City’s Growth Management Program to designate Service Commitments for South Westminster residential projects. The attached Resolution includes 30 Category B-1 (New Single-Family Detached) Service Commitments to be awarded on a competitive basis to one new single-family detached project in 2000.

**Summary**

In the November 10, 1999 City Council Staff Report, City Staff outlined some recommendations regarding the City’s Growth Management Program. Based on City Council direction, Staff has prepared the necessary Growth Management Program Resolution and Ordinance for City Council consideration. The recommendations, as detailed in the November 10 Staff Report, include the following:

- Allocate Service Commitments (SC's) in the year 2000 to the following categories as shown in Figure 1 below:

**Figure 1**

<u>Category</u>	<u>Category Description</u>	<u># SC's</u>	<u># Units</u>
A and L	Active and Legacy Ridge Residential	1180	1622
E	Senior Housing	54	154
B-1	New Single-Family Detached	30	30
B-2	New Single-Family Attached	0	0
B-3	New Multi-Family	0	0
B-4	New Trad. Mixed Use (residential portion)	0	0
C	Non-Residential	720	N/A
D	Outside City Contracts	82	N/A
F	Public and Contingency	<u>58</u>	<u>N/A</u>
SUBTOTAL (TREATED WATER CATEGORIES)		2124	1806
R	Reclaimed Water Projects	<u>2279</u>	<u>N/A</u>
<b>TOTAL SERVICE COMMITMENT ALLOCATION</b>		<b>4403</b>	1806

- Authorize a competition in 2000 for one new single-family detached (Category B-1) project (30 new units in 2000). If authorized by Council, Staff would conduct this competition early in 2000 and anticipates the Service Commitment award recommendation (to the specific project) would be ready for Council consideration in March 2000.



- Amend the Growth Management Program to allow new residential projects proposed for South Westminster (south of 80<sup>th</sup> Avenue and east of Sheridan Boulevard) located on sites no larger than 10 acres to receive Service Commitments on a first-come, first-served basis as “active” projects. Fifty (50) Service Commitments for South Westminster projects are included in the year 2000 Category A allocation in Figure 1 above. This amendment is in response to Council’s desire to encourage affordable residential infill development and would allow these projects to proceed to the City’s development review process without first competing for Service Commitments.

### **Staff Recommendation**

1. Adopt Resolution No. 95 allocating Service Commitments for the year 2000 to the various categories of the Growth Management Program and authorize a Category B-1 competition to be held in the year 2000 for one new single-family detached project.
2. Pass Councillor’s Bill No. 78 on first reading revising Chapter 3 of Title XI of the Westminster Municipal Code regarding Service Commitments for new residential projects in South Westminster.

### **Alternatives**

Because of the large number of new residential units anticipated in 2000 and the resulting impacts to the City service capacities (such as water treatment capacities), one alternative for City Council consideration is not to authorize any new residential competitions in the year 2000. Direct Staff to prepare a revised Resolution allocating Service Commitments to the various categories for the year 2000 as detailed in Figure I above, but do not allocate 30 Service Commitments to Category B-1. One disadvantage of this option is developers and property owners with residentially designated land would be unable to enter a competition next year to develop their properties. This has been frustrating for developers and property owners in the past when no competitions were authorized in any given year.

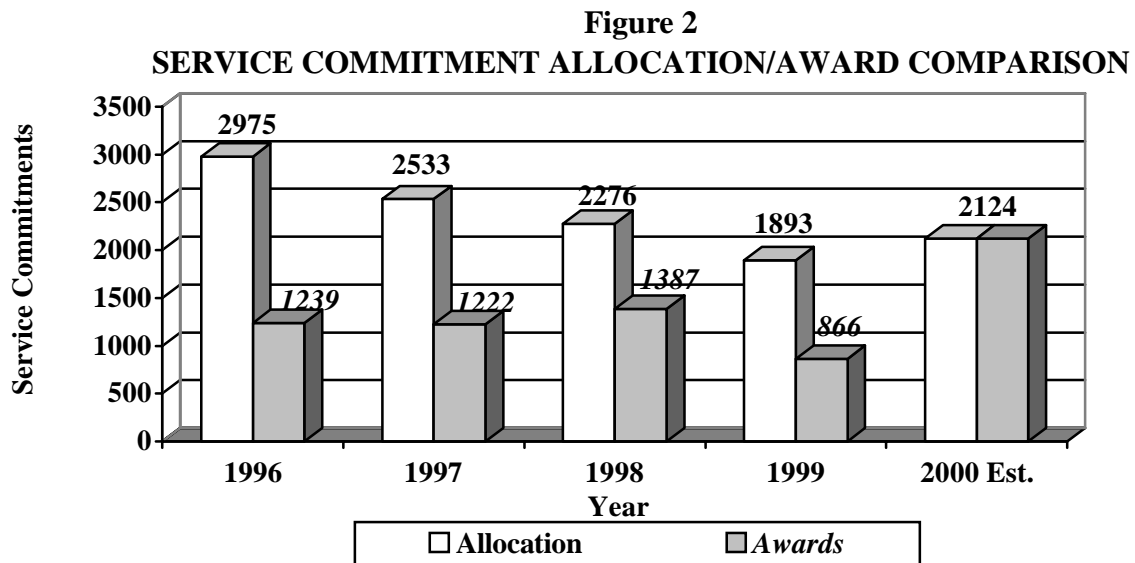
A second alternative is to allow competitions for all of the new residential categories (traditional mixed use excluded), but allocate a small number of Service Commitments to each category for only one new project in Categories B-1, B-2, B-3, and E (Senior Housing). If this option were chosen, Staff would recommend 30 Service Commitments for Category B-1, 21 for B-2, 15 for B-3, and 10.5 for E. These Service Commitment numbers equate to 30 new units for each category. This would add a total of 46.5 Service Commitments needed in the year 2000 for a total of 4,449.5. The City recently completed a competition for a “test” project within Category B-4 (Traditional Mixed Use Neighborhood), and because this test project is only beginning the City’s development review process, a competition for this category is not recommended. If this alternative were chosen, City Staff would need to bring a supplemental Service Commitment Resolution for City Council consideration at an upcoming meeting.

### **Background Information**

Each year, in preparation for recommending Service Commitment allocations to City Council, Staff lists the number of Service Commitments needed for each of the projects currently in the City’s review process and those expected to begin the process in the near future. The total allocation recommended each year is based on this total demand estimate and is typically considered a “worst case” scenario for Service Commitment awards in the upcoming year. It is important to distinguish between Service Commitment “allocations” and “awards.” An “allocation” is the annual “pool” of Service Commitments City Council sets aside for the upcoming year, and the project-specific “awards” will be deducted from this allocation during the upcoming year. Service Commitments are not removed from the water supply figures until the Service Commitments are awarded when building permits are issued.

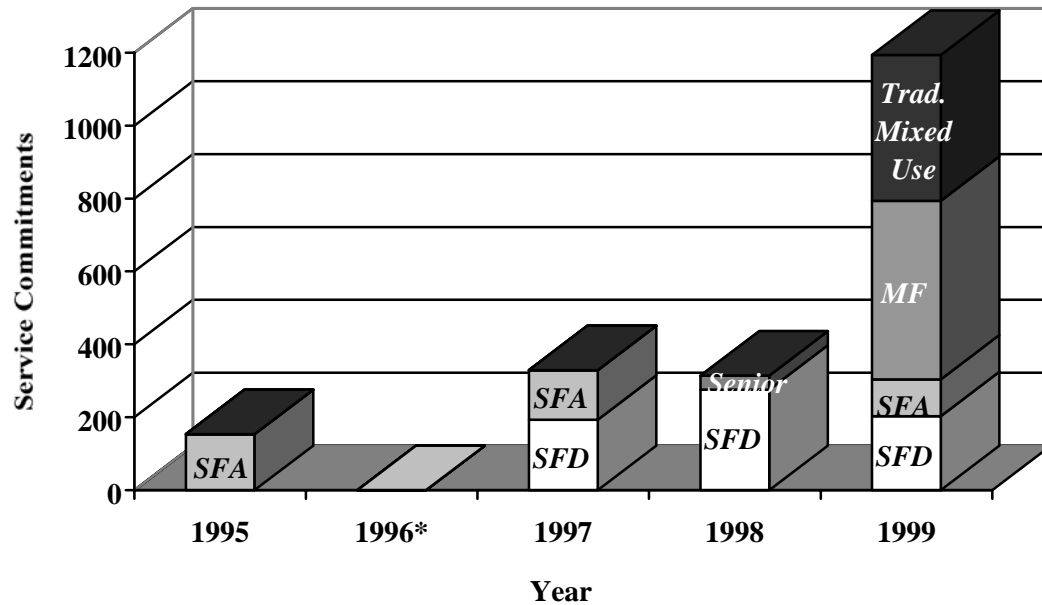
While potentially all of the Service Commitments allocated could be awarded in that year, inevitably some developers do not proceed with their projects as quickly as they originally anticipate, and a large Service Commitment balance remains at the end of each year. Please note that, although historically the allocations have been much higher than the actual awards in any given year, Service Commitments not awarded by the end of the year are returned to the water supply figures for future development needs. Because it is possible that Service Commitment awards could equal the allocations, Staff recommends allocating Service Commitments based on the demand to ensure adequate Service Commitments are available at any given time. Otherwise, if all Service Commitments were depleted from a particular category, Service Commitments could not be issued to a development until City Council passes a supplemental Resolution. This would cause delays for developments ready to proceed to construction.

Figure 2 below illustrates the historical number of Service Commitments allocated by City Council for the last three years and the actual Service Commitment awards to projects during each of those years. In addition, the projected 1999 year-end award, the proposed allocation for the year 2000, and year 2000 estimated awards are shown. The Service Commitment award figure for each year demonstrates the development activity level of that year. Development activity year-to-date in 1999 is far below anticipated levels. Many projects originally expected to begin construction in 1999 will not begin until the year 2000, so although the Service Commitment totals for 1999 are low, Staff anticipates that the number needed in 2000 will be significantly higher as a result.



Three separate new residential competitions were held early in 1999 for Categories B-1 (New Single-Family Detached), B-2 (New Single-Family Attached), and B-3 (New Multi-Family). Two Category B-1, one Category B-2, and two Category B-3 projects received Service Commitments as a result of the competitive process. Originally Council anticipated awarding Service Commitments to only one new multi-family project through the competition in 1999, but both of the projects submitted were awarded Service Commitments. As a result, a high number of new units (1,327) and Service Commitments (794) were awarded through the competition process in 1999 (please see Figure 3 below). Of this total, 980 units are multi-family units. In addition, the City recently completed the first competitive process for a Traditional Mixed Use Neighborhood project, and a total of 400 residential Service Commitments have been set aside for that project. Including these 400 additional Service Commitments, the total awarded in 1999 to new residential projects is 1,194.

**Figure 3  
 RESIDENTIAL COMPETITION HISTORY**



\*In 1996, a moratorium on all new residential development was in effect until adoption of the City's Comprehensive Land Use Plan and, as a result, no new residential competitions were held.

Due to the large number of residential units expected to be constructed (1,806) next year, and the subsequent impact of all of these units on the City's service capacities such as wastewater treatment, Staff is recommending only one new residential competition next year. Staff is not recommending competitions be held in any of the other new residential categories. For this reason, no allocations are shown for Categories B-2, B-3, and B-4. For a detailed listing of the estimated demands in 2000, please refer to Table II attached to the November 10, 1999 Staff Report to City Council.

Figure 1 in the Summary Section of this agenda memorandum lists 30 Service Commitments for Category B-1 (New Single-Family Detached) development in 2000. These Service Commitments would be awarded through the City's competition process early next year. In reviewing average demand for single-family detached projects, the allocation of 30 service commitments (30 units) for Category B-1 should be sufficient to serve the first-year development of a single-family detached project comparable to the most recent filings of the Lexington and Legacy Ridge subdivisions.

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 a single-family detached competition, property owners with multi-family or single-family attached designations could compete to develop their properties if single-family detached 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 single-family attached or multi-family.

A high number of Service Commitments (4,403) is needed for the year 2000; however, more than half of this total is for Category R (Reclaimed Water Projects). This was expected, since 2000 will be the first year most reclaimed water projects will be able to utilize the system. A total of 2,279 Service Commitments are needed in this category next year, but please note that approximately one-third of these are conversions from the City's potable water system to reclaimed water which helps reduce demand on the City's treated water supply.

These conversions have been accounted for in the water supply numbers developed by Water Resources Staff who estimate that 954 Category R Service Commitments are available at this time for additional needs beyond the projections shown for the years 2000 (2,279) Service Commitments and 2001 (203 Service Commitments).

As indicated by the City's Water Resources Division, 9,993 Service Commitments are currently available in the treated water supply. The total estimated Service Commitments needed from the potable water supply in the year 2000 is 2,124, which would leave a balance of 7,869 available for development needs in future years. This figure would assume that no additional water is acquired in the interim. The City is continually pursuing new sources of water. However, currently none of the new sources can be relied on as an additional source of supply at this point in time. On the demand side, the City will continue to explore opportunities to serve new development with reclaimed water for irrigation purposes that will help reduce the demand for potable water service commitments.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **95**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

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ALLOCATING SERVICE COMMITMENTS FOR THE YEAR 2000 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 for the period 1990-2000; 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, 2000 through December 31, 2000, the City can make available 1,180 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, 720 SC's to Category C, 82 SC's to Category D, 54 SC's to Category E, 58 SC's to Category F, and 2,279 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 single-family attached (B-2), new multi-family (B-3), traditional mixed use neighborhood developments (B-4), and new senior housing projects at this time.

Passed and adopted this 13th day of December, 1999.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

ORDINANCE NO.

COUNCILLOR'S BILL NO. **78**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

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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. Section 11-3-2 (D) is hereby AMENDED as follows:

(D) BUILD-OUT DEVELOPMENT: A proposed residential development which does not meet the active residential definition but does meet all of the following:

1. There is an existing, City-approved Official Development Plan and Plat for the site; and
2. The proposed land use and density comply with the Comprehensive Land Use Plan; and
3. The project is located on land within a planned unit development which is at least 50% developed; and existing public improvements (water lines, sewer lines, streets, etc) are adjacent to the site; and
4. The undeveloped site for the proposed development does not exceed ten (10) acres.
5. The project will meet or exceed all of the City's minimum design standards and guidelines; and
6. The project will offer incentive items detailed within the City's competition guidelines and will, at a minimum meet the lowest score of the project(s) awarded service commitments for the most recent residential competition for that project type. The project may offer different incentive items than those chosen by the comparable project, but the total of incentive points offered must meet or exceed the score of that project.

An official development plan amendment (bringing the project into compliance WITH CITY DESIGN GUIDELINES) and plat must be submitted for review and are subject to City Manager approval. If the project is unable to meet all of the minimum and incentive design requirements and all other ODP requirements, the project will be subject to Planning Commission review and approval or denial.

Section 2. Section 11-3-2 (I) of the Westminster Municipal Code is hereby ADDED as follows:

(I) SOUTH WESTMINSTER RESIDENTIAL PROJECT:

1. A RESIDENTIAL PROJECT LOCATED SOUTH OF 80<sup>TH</sup> AVENUE AND EAST OF SHERIDAN BOULEVARD IN THE CITY OF WESTMINSTER,
2. WHICH IS NO LARGER THAN TEN (10) ACRES, AND
3. WHICH MEETS ALL APPLICABLE DESIGN CRITERIA FOR SUCH PROJECTS.

IF A PROJECT IS ABLE TO MEET ALL THE CRITERIA ABOVE FOR SOUTH WESTMINSTER RESIDENTIAL PROJECTS, AN ODP AND PLAT MUST BE SUBMITTED FOR REVIEW AND ARE SUBJECT TO CITY MANAGER APPROVAL. IF CITY STAFF AND THE DEVELOPER ARE UNABLE TO RESOLVE ALL ISSUES PRIOR TO FINALIZING THE ODP, THE PROJECT SHALL BE SUBJECT TO PLANNING COMMISSION APPROVAL OR DENIAL.

Section 3. Section 11-3-5 (B) of the Westminster Municipal Code is hereby AMENDED as follows:

(B) Service Commitments for BUILD-OUT, infill, SOUTH WESTMINSTER RESIDENTIAL, and active custom residential developmentS shall be included as part of the Category A allocation.

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 13th day of December, 1999.

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

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Westminster Boulevard Extension Relocation Policy

**Prepared by:** Stephen C. Baumann, Assistant City Engineer

**Introduction**

City Council action is requested to adopt the attached Relocation Policy and authorize funds for relocation benefits to assist business and persons displaced by the Westminster Boulevard Extension project. Funds for the estimated expenditures are available in the appropriate project account in the General Capital Improvement Fund.

**Summary**

The Westminster Boulevard Extension connects two of the City's major activity centers – the Westminster Center and the Westminster Promenade. Acquisition of right-of-way for the project was recently authorized by City Council with the goal to begin construction in the summer of year 2000. Eight ownerships are affected by the project and there is potential for displacing up to three businesses and four residential tenants.

While not required by law, a relocation policy and program has been developed by City Staff as a consideration for those displaced by the project. In general, the program will offset select relocation expenses including moving expenses and the cost of temporary storage, printing and advertising costs necessary for re-establishing a business in a new location, and certain rental income from residential tenants that is lost due to the project. The Policy is attached.

The Policy is designed to set limits on the expenditures while still addressing any unique needs and circumstances. An estimated budget of \$150,000 is being recommended for the relocation program.

**Staff Recommendation**

Authorize the attached Relocation Policy for the Westminster Boulevard Extension project and authorize the expenditure of up to \$150,000 for eligible relocation expenses, which shall be charged to the appropriate capital project account in the General Capital Improvement Fund.

**Background**

The Westminster Boulevard Extension will link 104<sup>th</sup> Avenue/Westminster Boulevard to Harlan Street at approximately 95<sup>th</sup> Avenue. As the attached vicinity map shows, the project will require acquisition of approximately 22 acres of right-of-way from eight ownerships. Several businesses and residences will be directly displaced by the project, including those on Parcel 1800 (as shown on the map) and Parcel 4432. Because some of the properties have remainder parcels where the remainder value will be reduced as a result of the project, the City may elect to acquire those parcels also. Several residential rentals would also be affected in that circumstance. Under the most conservative approach, three businesses and up to four residential tenants may be displaced.

The payment of relocation benefits to persons or businesses displaced by public projects is not required by Colorado Law or the City's own ordinances. That benefit is discretionary. In general, a relocation program seeks to assist persons displaced by projects which are being implemented to benefit the public as a whole. The approach is to cover or reimburse expenses such as moving and temporary storage costs, expenses incurred to re-establish a business at a new address such as reprinting business cards, and rental income replacement due to preemption of a lease.

Using the Relocation Policy developed for the Westminster Urban Renewal Authority, Staff has developed a project-specific relocation program for the Westminster Boulevard Extension. In summary, it provides the following relocation benefits:

1. Relocation assistance and advisory services using the City's acquisition agent.
2. The eligible cost of professional services, moving expenses, temporary storage and changes to stationery and advertising material for a displaced business up to a limit of \$30,000.
3. The eligible cost of moving, transportation and temporary storage for residential owners displaced by the project up to a limit of \$25,000.
4. A one-time stipend of \$1000 to each residential tenant displaced by the project and replacement of up to three months rental income to the landlord when a tenant is required to move out ahead of time.

The relocation program includes an appeals process and the provision for mediation when disputes cannot be resolved through negotiation. The Policy is attached to this Memorandum. An estimated total expenditure for the several relocations is approximately \$150,000. Funds for this program are available in the Westminster Boulevard Extension project budget for which Certificates of Participation were issued in August of this year.

As discussed above, a Relocation Program for the project is discretionary and not required by law. City Council could choose not to make relocation benefits available to displacees or could adjust any of the payments specified in this Policy to free up funds for other project needs. City Staff believes that the provision of relocation benefits meets the real needs of businesses and residents who are displaced by the project in a fair manner. It can also be expected to ease the task of negotiating settlement of right-of-way acquisitions with property owners by isolating the tenant's need from the property owner's settlement demands. The negotiations are kept as a two-party process instead of a three-party process involving a tenant. Staff is therefore recommending approval of the Relocation Policy and authorization of \$150,000 in funding to cover those expenses.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments – Project Map  
Relocation Policy

**CITY OF WESTMINSTER**  
**WESTMINSTER BOULEVARD EXTENSION**  
**RELOCATION POLICY**

**1. PURPOSE.**

The City of Westminster (the "City") adopts this Policy which describes the requirements governing the provision of relocation payments and other relocation assistance to persons displaced as a result of acquisition of property required as part of the Westminster Boulevard Extension Project.

**2. SCOPE.**

**B. Nature of Payments.** Relocation payments are administrative in nature and are not required by law. Therefore, it is the intention of the City that the determinations of the City regarding eligibility for and the amount of relocation payments made pursuant to this Policy shall be wholly a matter of discretion of the City. No federal or state funds are being utilized by the City to make relocation payments.

**C. No Contract.** Nothing in this Policy shall be construed as an entitlement or a contractual or promissory obligation to make relocation payments. All payments made pursuant to this Policy are at the discretion of the City.

**3. DEFINITIONS.**

The following definitions shall be used by the City in interpreting the payments and benefits available under this Policy.

**Action by the City.** Any lawful activity undertaken by the City, its agents or assigns, or one operating under the aegis of the City.

**Business.** A non-profit organization or any lawful activity that is conducted primarily for the purchase, sale, lease or rental of personal or real property; or for the manufacture, processing or marketing of products, commodities, or any other personal property; or is conducted primarily for the sale of services to the public. This definition shall not include: (1) outdoor advertising displays which are intended to be acquired as part of the real property purchased by the City; and (2) owners and operators of public utilities such as cable, electrical, gas and telephone lines and related service facilities.

**Displaced Business.** Any business that moves its personal property from real property which is acquired as a result of the action of the City within the Project Area, if such business is occupying such real property on the date of the City's Notice of Intent and Offer to Acquire such property and otherwise is eligible for relocation expense benefits and complies with this Policy.

**Displaced Resident.** Any resident who moves his or her personal property from a dwelling which is acquired as a result of the City's Project within the Project Area, if such resident is occupying such dwelling on the date of the City's Notice of Intent and Offer to Acquire the dwelling.

**Dwelling.** The place of permanent or customary and usual residence of a person including a single family house or a single family unit in a multifamily structure.

**Notice of Intent and Offer to Acquire Real Property.** The initial written offer by the City to the real property owner to purchase real property within the Project Area.

**Notice to Relocate.** The written notice from the City to a resident or business that it must move from its current location in the Project Area. Relocation shall not be required upon less than thirty days notice and shall not be required until the City either owns or has legal possession pursuant to contract or court order of the real property from which the resident or business must move. A Notice to Relocate and relocation activities may occur at any time prior to the City taking title to or possession of real property. Relocation benefits may be contingent on vacating the property by a particular deadline specified by the City, regardless of whether the City owns or has legal possession of the property.

**Owner.** Any person who owns fee simple title or a life estate in real property to be acquired within the Project Area or who holds any other interest which in the judgment of the City warrants consideration as ownership.

**Person.** A displaced business or displaced resident.

**Personal Property.** Tangible property which is classified by the City as personalty under Colorado law, is located on real property to be acquired by the City, and is not purchased by the City in the acquisition of such real property.

**Project Area.** The land within the legal descriptions of all parcels intended for fee simple or easement acquisitions by the City for the construction of the Westminster Boulevard Extension and Harlan Street Flyover Project.

**Real Property.** Property which is classified by the City as realty under Colorado law, for example, fixtures which cannot be moved at a reasonable cost. Relocation expenses shall not be reimbursed for fixtures and other items of real property which have been purchased by the City in connection with its acquisition of the realty from which a displaced resident or business is moving.

**Resident.** A person or family whose principal residence, whether owned or rented, is located within the Project Area. All persons within a single residence shall be considered a single resident for purposes of this Policy and shall be eligible for only one set of payments.

#### **4. RELOCATION ASSISTANCE ADVISORY SERVICES.**

**A. General.** The City will provide a relocation assistance advisory program which offers the services described below. The purpose of the advisory services program is to minimize inconvenience to persons who must be relocated and to provide an information program to advise these persons of relocation activities and benefits on a continuing basis.

**B. Services to be Provided.** The City, through its staff, will provide the following services.

1. Assistance with identifying real estate brokers and others who may help locate replacement site alternatives.
2. Assistance in identifying services for moving, packing, storage and insurance.
3. Assistance with the City's relocation expense procedures and submittals for relocation expenses.

#### **5. GENERAL RELOCATION ASSISTANCE REQUIREMENTS.**

**A. No Duplication of Payments.** No person shall receive any compensation for relocation which, in the opinion of the City, would substantially duplicate the compensation which was received or which an owner or displaced resident or business is eligible to receive under the state law of eminent domain or under any other law or regulation. Under no circumstances will there be a duplication of payments for acquisition and for relocation.

**B. Least Cost Approach.** The amount of payment for an eligible relocation expense shall not exceed the least costly method, as determined by the City, of accomplishing the objective of the payment without causing undue hardship to the displaced resident or business.

**C. Determination of Eligibility.** The City has designated the Director of Community Development as the person who shall have primary responsibility for establishing eligibility for and the amount of relocation payments claimed in accordance with this Policy. Appeals from the Director's decisions shall be determined in accordance with Section 11 hereof.

**D. Documentation.** If requested, any claim for a relocation payment shall be supported by such documentation as may reasonably be required by the City to establish accurately expenses incurred, such as bills, statements, certified prices, appraisals, or other evidence of such expenses.

**E. Set Off for Claims.** The City may withhold any part or all of a relocation payment to a person to satisfy an obligation of the person to the City.

**F. Burden of Proof.** Claimants shall have the burden of proof to establish eligibility for and amount of any relocation payment claimed hereunder.

**G. Time for Moving.** All claimants must complete any relocation from their current sites by the date specified in the settlement agreement with the City or, if no settlement is achieved, within thirty days of receiving written notification from the City to relocate or within such additional time as the City may determine and specify in writing. **Relocation benefits pursuant to this Policy may be forfeited if a person fails to vacate the premises, including removal of all unwanted items, by the deadline specified by the City.**

**H. Ineligible Persons.**

**1. Owner's Obligation to Notify New Tenants.** No owner within the Project Area shall lease premises to a tenant after the owner's receipt of the City's Notice of Intent and Offer to Acquire the property, without giving prior written notice to such tenant that the property is being acquired by the City and that such tenant shall not be eligible for relocation benefits from the City. A copy of the owner's notice to the tenant shall be delivered to the City.

**2. Categories of Ineligibility.** The following residents and businesses shall not be eligible for relocation assistance:

a. One which does not occupy real property in the project on the date of the City's Notice of Intent and Offer to Acquire the property.

b. Any resident or business which moves before receiving a notice to relocate from the City, if such property is for any reason not required for the Project.

c. A subtenant of a tenant, unless such subtenant demonstrates, with documentation satisfactory to the City, that it is a separate legal entity from the tenant and otherwise satisfies the eligibility requirements of this Policy.

d. Any resident or business which the City determines had prior plans to relocate for reasons independent of the project for which the City is acquiring the property.

e. Expenses of relocating outdoor advertising displays and public utilities are not eligible for relocation payments hereunder.

f. Multiple lease agreements for different leasehold areas shall not be considered multiple tenancies if the City determines, in its sole discretion, that the areas are operated as a single residence or business.

g. Any displaced business which is operating in violation of applicable law or person who is living in an uninhabitable shelter shall not be eligible for relocation expenses pursuant to this Policy. This shall include, but not be limited to businesses operating without required licenses or in violation of applicable land use laws and regulations.

h. Any person who is not asked to relocate by the City.

## **6. ELIGIBLE EXPENSES - BUSINESSES.**

Settlement of business relocation expenses shall include the following eligible expenses.

**A. Professional Services, Insurance and Transportation.** Displaced business shall receive a lump sum of \$3,000 to cover miscellaneous relocation-related expenses, such as:

1. Professional services, including, but not limited to, architects, brokers, planners, engineers, and consultants hired for such activities as finding a new location, negotiating a new lease or purchase of the new location, and planning the move of the personal property.

2. Liability or casualty insurance in connection with the move and any temporary storage.

3. Transportation expenses in connection with relocation such as visiting potential relocation sites, attending meetings and driving vehicles to the final relocation site.

**B. Moving.** Packing, crating, moving, unpacking, and uncrating personal property, based on moving industry customary and standard moving costs as established by the City.

**C. Temporary Storage.** Storage of personal property as the City determines to be necessary, based on customary and standard rates as established by the City. The period of storage shall not exceed six (6) months. The storage space shall not exceed 50% of the area from which the person is relocating.

**D. Reinstallations.** Disconnecting, dismantling, removing, reassembling, and installing relocated and any substitute machinery, equipment and other personal property, based on customary and standard costs as established by the City. This includes connection to utilities available at the new site and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property. A person shall be eligible for payment of these expenses only if he or she provides a list of property that is to be disconnected and reinstalled at the replacement location to the City by the date set for submission of the list by the City. The City will not reimburse utility tap fees at the new location.

**E. Licenses, Printing and Advertising.** Businesses may receive the sum of \$1,000.00 for businesses occupying up to 4,000 square feet, \$2,000.00 for businesses occupying from 4,001 to 12,000 square feet, and \$4,000.00 for businesses occupying space in excess of 12,000 square feet to cover any expenses incurred in the following categories:

1. Any license, permit or certification required by the displaced business at the replacement location.

Advertising, relettering signs and printing materials such as stationary and business cards made obsolete as a result of the move.

**F. Substitute Personal Property.** Displaced residents shall not receive a payment for substitute personal property. If a displaced business chooses to promptly replace personal property which is used as part of the business and is not moved, with a comparable substitute item at the replacement site, the displaced business is entitled to payment of the lesser of:

1. The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade in of the replaced item, if any; or
2. The estimated cost of moving the replaced item, based on the lowest acceptable bid or estimate by the City for eligible moving and related expenses, but with no allowance for storage.
3. Limitation. The cost of replacing or moving personal property which must be upgraded to comply with health or building codes or other applicable regulations or which has no or minimal value, as determined by the City, shall not be paid pursuant to this Policy

**G. Real Property Fixtures.** A displaced tenant business shall not be compensated for loss of real property fixtures installed on the premises to be vacated unless the business provides evidence satisfactory to the City that the business installed the fixtures and that the business, not the owner of the premises, owns the fixtures. If such evidence is provided, the value of the fixtures will be established by the City's appraiser, subject to reduction for depreciation calculated by the appraiser. The value reimbursed to the business shall be only for the business's remaining lease term in the premises.

**H. Notification to the City and Inspection.** To be eligible for payment under this section, a person shall permit the City to make reasonable and timely inspections of the personal property at the displacement and replacement sites.

**I. Cessation of Business, Unspecified Relocation Site and Moving Out of the Area.** If a displaced business decides to cease doing business or delays a decision on a relocation site, the City will assume that the business is moving 25 miles and pay moving costs pursuant to this Policy based on such assumption. If a person chooses to relocate to a site that requires a move in excess of 25 miles, the City will pay moving costs pursuant to this Policy based on the assumption that the person is moving 25 miles away.

## **7. ELIGIBLE EXPENSES – RESIDENTIAL OWNER-OCCUPIED PROPERTY**

Settlement of relocation expenses for an owner-occupied home shall include the following eligible expenses.

**A. Transportation.** The cost of moving the Displaced Resident's personal property for a distance up to 25 miles based on moving industry customary and standard rates, as established by the City.

**B. Moving.** Packing, crating, moving, unpacking, and uncrating personal property, based on moving industry customary and standard rates, as established by the City.

**C. Temporary Storage.** Storage of personal property as the City determines to be necessary, based on customary and standard rates, as established by the City. The period of storage shall not exceed six (6) months. The storage space shall not exceed 50% of the floor space of the Dwelling from which the Displaced Resident is moving.

**D. Reinstallations.** The cost of disconnecting, dismantling, removing, reassembling, and reinstalling household appliances and utility service, but not including utility tap fees.

**E. Insurance.** The cost of insurance for the replacement value of personal property in connection with the move or necessary storage.

**F. Notification of the City and Inspection.** To be eligible for payment under this section, the Displaced Resident shall:

1. Permit the City to make reasonable and timely inspections of the personal property at the displacement and replacement sites.

2. Remove all personal property, including items no longer wanted by the resident, from the displacement site.

**8. ELIGIBLE EXPENSES – RESIDENTIAL TENANT-OCCUPIED PROPERTY**

Displaced residential tenants shall not be reimbursed for actual expenses, but shall receive a payment of \$1,000 in relocation benefits providing that the tenant moves from the premises by the deadline specified by the City. The payment shall not be made if the City inspects the premises and finds that the tenant has not removed all personal property, both inside and outside of the structure, that belongs to the tenant.

**9. RELOCATION SETTLEMENTS.**

**A. Total Settlement.** It is the intent of the City to arrive at lump-sum settlements with all displaced persons covering the eligible expenses contained herein. Claimants will receive one-half of the payment amount following approval of the person's settlement agreement by the City. The remaining one-half will be paid no later than thirty days following proof the claimant has vacated the property. If a settlement is not reached, payments shall be made as outlined in section 11, Appeals, below.

**B. Security Deposits.** If a tenant has paid a security deposit to a landlord or property manager for a lease on property to which the City is taking title or possession, the City shall request the holder of the security deposit to refund the deposit to the tenant or to turn over the deposit to City for refund to the tenant. The City shall not be responsible for payment of a security deposit to a tenant unless the deposit is turned over to the City by the landlord.

**C. Rent Payment and Abatement.** Upon settlement, a residential or business tenant shall assign its lease to the City, which will assume all payments due under the lease from the date the tenant vacates the premises until the City takes possession of or title to the property and such payments are no longer due to the landowner or its agent. If the City has possession of or title to the property, a tenant may elect to have its rent abated from the date of execution of a settlement agreement with the City until the tenant's agreed-upon date of vacating the premises. If the tenant fails to move out by the agreed-upon date, the tenant shall resume paying rent to the City. Any unpaid or abated rent owed by the tenant to the City shall be deducted by the City from the final settlement payment to the tenant.

**D. Final Date for Settlement of Benefits.** All requests for relocation benefits shall be paid by the first anniversary date of the City's written relocation notice to the requesting person. If final resolution of the request for benefits has not been made by that date, the City's determination of eligibility and amount of benefits shall be final.

**E. Benefit Cap.** The aggregate sum of the benefits paid pursuant to this Policy shall not exceed:

1. **Residential Tenant** - \$1,000
2. **Residential Owner** - \$25,000
3. **Business** - \$30,000

In the event that a person does business on the property where the person resides, then relocation benefits for moving both business and residential personal property may be aggregated and the cap for a business relocation shall apply.

**10. INELIGIBLE MOVING AND RELATED EXPENSES.**

A displaced person is not entitled to payment for:



- A. Cost of moving any structure or other real property improvement in which the displaced person reserved ownership. Nothing herein will obligate the City to allow a displaced person to reserve ownership in any fixture or item of real property.
- B. Interest on a loan to cover moving or storage expenses.
- C. Loss of good will.
- D. Loss of profits.
- E. Loss of trained employees.
- F. Configuration or physical changes at the replacement location of residence or business.
- G. Any additional expense of a person which was incurred because of operating or living in a new location.
- H. Personal injury.
- I. Any legal fee or other cost for preparing a claim for a relocation payment or for representing claimant before the City or any other body or court.
- J. Taxes.
- K. Any expense or payment for which the person receives reimbursement or compensation from another source or pursuant to any other law, rule or regulation.
- L. Any expenses not specifically listed as eligible for payment in this Policy.

## 11. **APPEALS.**

**A. Dispute Resolution.** It is the intent of the City to provide an efficient, mutually fair process for settlement of eligible relocation expenses. In order to achieve this result, the City prefers that impasses be resolved through mediation and will arrange for a mediation process at any time at the request of a displaced person. Mediation shall be a prerequisite to filing an appeal under this Section unless the City waives mediation.

**B. Selection of Mediator.** If the City determines that a settlement of eligible relocation expenses with a displaced person cannot be reached due to an impasse, the City shall schedule a session with a mediator within thirty days of a written notice to the person that an impasse exists, or within such time period as the City and the person may mutually agree. The mediator shall be selected by mutual consent of the City and the person. The costs of mediation will be shared between the City and the displaced person. If the person refuses to participate in the selection of a mediator or unreasonably withholds consent in the selection of a mediator, the City shall make a final determination of benefits, which shall be payable upon the person's completion of the move from the project area. The person shall have no right of appeal or judicial review of such determination.

**C. Unsuccessful Mediation.** If the mediation fails to result in a settlement agreement between the City and the displaced person, the City shall make a final determination of benefits, and shall pay one-half of such determination immediately. The final payment shall be made at the conclusion of the appeal period or upon conclusion of the appeal if one is filed.

**D. Scope and Timing of Appeal.** If mediation is unsuccessful, the City shall request the mediator to provide a dated notice that the dispute could not be resolved to both the City and the displaced person. The person shall have fourteen days from the date of that notice to file an appeal with the City. The appeal shall be limited to a determination regarding eligibility for or the amount of

payments set forth in this Policy and pursuant to any further resolutions or actions of the City establishing rates for eligible expenses.

**E. Initiation of Appeal.** An appeal is instituted by a written request for review by the claimant, which may include any documentation deemed relevant by the claimant. If a hearing is requested in the request for review, it shall be scheduled within thirty days before a hearing officer designated by the City. If no hearing is desired, the officer shall decide the appeal based on the documentation provided with the request for review. In either case, the officer's decision shall be subject to review and revision by the City. All supporting documentation shall be filed with the City at least seven days prior to the hearing. Information submitted thereafter need not be considered by the City.

**F. Right to Representation.** A claimant may be represented by legal counsel in connection with the appeal, but solely at its own expense.

**G. Review of Files by Claimant.** The City will permit a claimant to inspect and copy all files and records pertinent to such appeal pursuant to the Open Records Act, including the limitations contained therein, and at the expense of the claimant.

**H. Scope of Review.** In deciding the appeal, the hearing officer shall consider:

1. All applicable rules and regulations;
2. All pertinent justification and written materials submitted by the claimant;
3. All material upon which the City staff based the determination being appealed and any other available information that is needed to assure a fair and full review of the appeal.

**I. Determination and Notification After Written Appeal.** The hearing officer shall make a written determination within thirty days of the hearing, or if no hearing is requested, within thirty days of the receipt the request for review, and shall furnish the claimant with a copy. The written determination will include, but need not be limited to:

1. The factual and legal basis upon which the decision was based, including any pertinent explanation;
2. If any payment or other relief to the claimant is granted, a statement of how this will be provided.

**J. Determinations Final.** Determinations on appeals made by the hearing officer and the City shall be final and not subject to further review or appeal.

## **12. GENERAL PROVISIONS.**

**A. Time.** Any deadline or time period in this Policy may be modified in a written agreement signed by the City and a displaced person.

**B. Payments.** In its sole discretion, the City may agree to a payment schedule in variance from this Policy upon a showing of necessity by the displaced person.



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

**Date:** December 13, 1999

**Subject:** Resolution No. 96 re 128<sup>th</sup> Avenue and Zuni Street R.O.W. Annexation Petition

**Prepared By:** Daniel E. Osborn, Planning Technician

### Introduction:

City Council action is requested on the attached resolution concerning a finding of compliance with statutory requirements for the petition requesting annexation of the 128<sup>th</sup> & Zuni Street R.O.W. and establishing a hearing date. The proposed annexation consists of .51 acres (22,451.2 square feet) of land ~30 feet deep and 760 feet long ~ located along the south half of the existing 128<sup>th</sup> avenue and immediately east of Zuni Street.

### Summary:

The City has received a petition from Adams County requesting annexation of .51 acres of right-of-way from unincorporated Adams County into the City of Westminster. The annexation of said ROW. by the City of Westminster will eliminate any confusion regarding emergency services and will permit the City of Westminster to control access to 128<sup>th</sup> Avenue.

### Staff Recommendation:

Adopt Resolution No. 96 accepting the annexation petition submitted by Adams County and make the findings required by State Statute on the sufficiency of the petition; and set the date of January 24, 2000, for the annexation hearing.

### Background:

Upon receiving a petition for annexation, the City Council is required by State Statute to make a finding of whether or not said petition is in compliance with Section 31-12-107 (1) Colorado Revised Statutes (C.R.S.). In order for the petition to be found in compliance, Council must find that the petition contains the following information:

1. An allegation that the annexation is desirable and necessary.
2. An allegation that the requirements of Section 31-12-104 and 31-12-105 C.R.S. have been met. (These sections are to be reviewed by the Council at the formal public hearing.)
3. Signatures and mailing addresses of at least 50 percent of the landowners of the land to be annexed. (In this case 100 percent of the land is owned by Adams County, Colorado.)
4. The legal description of the land to be annexed.
5. The date of each signature.
6. An Attached map showing the boundaries of the area to be annexed.

Planning Staff has reviewed the petition and has determined that it complies with the above requirements.

If City Council finds that the petition is in substantial compliance with these requirements, a resolution must be approved that establishes a hearing date at which time the Council will review the merits of the proposed annexation.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **96**

INTRODUCED BY COUNCILLORS

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SERIES OF 1999

WHEREAS, there has been filed with the City Clerk of the City of Westminster, petitions, copies of which are attached hereto and incorporated by reference, for the annexation of certain territory therein –described to the City;

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

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

1. City Council finds the said petitions and annexation maps to be in substantial compliance with all state statutory requirements, including C.R.S. Section 31-12-107 (1).
2. City Council hereby establishes January 24, 2000, 7:00 PM at the Westminster City Council Chambers, 4800 West 92<sup>nd</sup> Avenue, for the annexation hearing required by C.R.S. Section 31-12-108 (1).
3. City Council hereby orders the City Clerk to give notice of the annexation hearing in accordance with C.R.S. Section 31-12-108 (2).

Passed and adopted this 13<sup>th</sup> day of December, 1999.

ATTEST:

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Mayor Pro Tem

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Date:** December 13, 1999  
**Subject:** Councillor’s Bill No. 79 re Traffic Signal Funding  
**Prepared by:** Michael Normandin, Transportation Engineer

**Introduction**

City Council action is requested to pass the attached Councillor’s Bill on first reading which transfers \$220,000 to the New Traffic Signal project in the General Capital Improvement Fund from the General Fund Contingency to fund the installation of new traffic signals and a study for a traffic surveillance system.

**Summary**

In late November, City Council made a decision to supplement the New Traffic Signal project in the General Capital Improvement Fund with funds previously earmarked for the Jefferson Academy Gym. An additional \$200,000 was to be utilized for the installation of more traffic signals in the year 2000 and \$20,000 was to pay for a study to evaluate the concept of installing a traffic surveillance system. The additional \$220,000 from the Jefferson Academy Gym was to be used to supplement the \$200,000 budgeted for traffic signals in the 2000 budget. Since that time, it was determined that the Jefferson Academy Gym funds need to be used only for park and recreational type improvements. In order to accommodate the additional traffic signal installations, Staff proposes to utilize funds from the General Fund Contingency account.

**Staff Recommendation**

Pass Councillor’s Bill No. 79 on first reading which authorizes the transfer of \$220,000 from the General Fund Contingency account to the New Traffic Signal project in the General Capital Improvement Fund for the installation of additional traffic signals and a study for a traffic surveillance system.

**Background**

Historically, the City Council has budgeted sufficient funds to pay for the installation of approximately two new traffic signals per year. The approximate cost of a new signal installation is \$90,000. Therefore, the \$200,000 that Council budgeted during the 2000 budget preparation process would fund the construction of two new signals plus a few modifications to existing signals. With the additional funding, it is anticipated that four to five traffic signals can be installed. The locations are summarized as follows:

Priority	Location	Estimated Cost
1	Church Ranch Boulevard @ 103 <sup>rd</sup> Avenue	\$90,000
2	Federal Boulevard @ 108 <sup>th</sup> Avenue/Bruchez Parkway	\$90,000
3	Sheridan Boulevard @ West 77 <sup>th</sup> Avenue	\$90,000
4	104 <sup>th</sup> Avenue @ Wolff Street	\$90,000
5	104 <sup>th</sup> Avenue @ Bryant Street	\$90,000

Traffic Signal Funding

Page 2

The Traffic Signal Priority Evaluation prepared for year 2000 indicates that traffic signal needs have dramatically increased. In an effort to respond to this unexpected need, City Council has expressed a desire to accommodate the installation of additional traffic signals. City Council has also indicated that they wish to pursue a study which would evaluate the concept of installing video cameras at strategic locations within the City. The video cameras would be used to monitor traffic flow at various locations within the City and assist Staff in making adjustments to traffic signal timing on an “as needed” basis. A consultant would be retained to conduct this study and identify all related costs.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **79**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 1999 AND BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Capital Improvement Project Fund, initially appropriated by Ordinance No. 2654 in the amount of \$14,106,374 is hereby increased by \$220,000 which, when added to the fund balance as of the City Council action on December 20, 1999, will equal \$43,891,173. The actual amount in the General Capital Improvement Project Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a transfer from the General Fund Contingency Account to fund the expense of additional traffic signals and a traffic surveillance camera study.

Section 2. The \$220,000 increase in the General Capital Improvement Project Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
Transfer from General Fund 75-9999-360	\$3,210,232	\$220,000	\$3,430,232
<u>EXPENSES</u>			
Traffic Signal System Improvement 75-30-88-555-274	\$54,263	\$220,000	\$274,263

Section 3. The General Fund budget will not change as a result of this ordinance but is included here for clarification purposes only.

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>EXPENSES</u>			
Contingency 10-10-99-999-000	\$1,169,312	\$(220,000)	\$949,312
Transfer to GCIF 10-10-95-90-975	\$3,210,232	\$220,000	\$3,430,232

Section 4 - Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance.



The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 6. 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 13th day of December, 1999.

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

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Intergovernmental Agreement re Youth Alcohol Intervention Program

**Prepared by:** John A. Stipech, Presiding Judge  
Matt Lutkus, Deputy City Manager for Administration

**Introduction**

City Council is requested to consider participation in an Intergovernmental Agreement with Jefferson and Gilpin Counties, Jefferson County municipalities, and the R-1 School District related to the establishment of the First Judicial District Youth Alcohol Intervention Program.

**Summary**

The proposed Youth Alcohol Intervention Program for the First Judicial District was developed by police, court, prosecution and school personnel in Jefferson County using the Adams County North Metro Division Program as a model. The purpose of the program is to refer first time juvenile offenders in alcohol-related cases into training and education programs in lieu of the court system. This type of early intervention has been shown to reduce the probability of these juveniles being involved in more serious offenses in the future.

The entities that have participated in the drafting of this document are the cities of Arvada, Edgewater, Golden, Westminster and Wheat Ridge, the town of Morrison, Jefferson and Gilpin Counties and Jefferson County R1 School District. The Intergovernmental Agreement (IGA) will create a new entity to oversee one or more youth intervention provider(s). The provider(s) will be responsible for delivering education, intervention, and training to juveniles in the program. The IGA also establishes a governing board and addresses funding for administration of the program.

**Staff Recommendation**

Authorize the City Manager to enter into an Intergovernmental Agreement with other Jefferson and Gilpin County entities for the purpose of establishing the First Judicial Youth Alcohol Intervention Program.

**Background**

The City of Westminster has had experience with youth diversion programs through its involvement in the development and implementation of the North Metro Youth Diversion Program in Adams County. Since this program was implemented in 1997, the Police Department has referred more than 254 juveniles for training, education, and counseling services. The intent of the program is to provide intensive services for these first time offenders in the hope that these efforts will reduce the probability that the youth will become involved in more serious infractions down the road. In the Adams County Program, juveniles who have been apprehended for first time violations related to alcohol and marijuana use are referred into this system. The juvenile offenders are given the option of completing the required program and having the charges against them dismissed or face a conviction which would involve court fines and the reporting of their conviction to the Motor Vehicle Department which will suspend their driver's license for 90 days.

In Jefferson County, the City is a participant in the Jefferson County Assessment Center which provides an opportunity to divert Jefferson County resident youngsters arrested in Jefferson County from the overcrowded detention center. The goal is to provide a secure setting where referrals to follow-up services such as counseling may occur. Trained staff at the Center assess the needs of the arrested child, work out a contract with the child and parents for treatment planning and then make referrals to the appropriate community agencies.

The proposed Intergovernmental Agreement would augment the services provided by the Assessment Center by the establishment of a program that will provide an alternative to court for youth who are first-time offenders of alcohol-related infractions or juveniles referred by schools, social services, or their families. The juvenile participants would be able to receive education, intervention, and training designed to avert repeat violations. The proposed Jefferson County program would be limited to alcohol related violations.

The proposed IGA, which is attached for Council's review and consideration, provides for the creation of the program and for the authority to contract with providers who will perform the necessary education, intervention, and training activities. The agreement also establishes the governing board, the means for funding the program, and addresses a number of other areas typical of intergovernmental agreements.

It is currently anticipated that each entity's financial contributions will be very minimal if anything. The cost of the services provided in the program and a share of the administrative costs will be charged to the youth participants.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment: Proposed Intergovernmental Agreement



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Public Safety Facility Land Acquisition

**Prepared by:** Janice Kraft, Technical Services Administrator  
Dan Montgomery, Chief of Police

**Introduction**

City Council action is requested to authorize the City Manager to purchase approximately 3.8 acres of land located south and west of the City Hall property, north of the water tanks, and fronting on Yates Street (see attached map). The cost for this land purchase is \$521,430. Capital Improvement Project funds are available in the Public Safety Facility Project account in the General Capital Improvement Fund to purchase this property.

**Summary**

In April 1999 City Council approved the site for a new Public Safety facility to be on the City Hall campus. Subsequent to this action, Staff worked with Humphries Poli Architects and Roth + Sheppard Architects on a master plan for the City Hall site with options for placement of the new building. Staff presented two options to City Council at an Executive Session on October 4, 1999. One option involved locating the building on currently owned property at City Hall and the other option proposed purchase of a vacant parcel of land south of City Hall, north of the water tanks and fronting on Yates Street.

Council determined at the aforementioned meeting that it would be in the City's best interest to consider the long-term future needs involving the City Hall site and authorized staff to negotiate with the land owner for the purchase of this 3.8 acre parcel.

Staff has reached agreement with the property owner for purchase of this land for \$521,430. An appraisal of the property was completed in March 1999 for the landowner's estate purposes and this amount reflects that original appraised value plus 5% for an increase in value of the property since March 1999. Staff has reviewed the appraisal completed by Dennis Ingwersen from Justin H. Haynes and concluded the appraisal was a fair and true valuation of the land.

The landowner desires to complete this transaction and receive one lump sum payment by December 31, 1999.

**Alternatives**

1. Do not acquire the property. The new Public Safety Facility could be located on existing City Hall property, however, this alternative would severely limit the future growth and potential uses for the City Hall site.
2. Attempt to acquire a smaller portion of the property. This alternative would allow for some expanded future uses for the remaining property at the City Hall site, but the landowner wants the larger sale and Staff believes it is doubtful that they would agree to such terms.

3. Delay purchase until some future date. With this alternative it is likely that the property would be lost to some other form of development and it is certain that the price for the land would be higher. The owner is motivated to make the sale now and the funding is available now – neither of these conditions may be the same in the future.

### **Staff Recommendation**

Authorize the City Manager to sign all the necessary documents required for the purchase of the property in the amount of \$521,430 and charge the expense to the appropriate project account in the General Capital Improvement fund.

### **Background**

Staff has made presentations to City Council concerning the planning for the new Public Safety facility. The most recent was October 4, 1999 at Executive Session at which time City Council directed Staff to pursue negotiations with the landowner for purchase of the property south of City Hall and north of the water tanks. Council concluded that acquiring this additional vacant 3.8 acres would allow for more options for placement of the Public Safety facility and future uses at the City Hall site.

Staff learned that the landowner had completed an appraisal on the property in March 1999 for family estate purposes. The company that did the appraisal for the family, Justin H. Haynes, is a firm the City uses frequently for its appraisal services.

The City was provided a copy of the appraisal during a meeting between Staff, the landowner, their accountant, and Dennis Ingwersen from Justin H. Haynes. The appraised value in that report effective March 9, 1999 was \$496,600. It was the opinion of the appraiser, Mr. Ingwersen, that the value had increased 5% and that an updated figure would be \$521,430. At that same meeting, the landowner agreed with the appraised value and indicated they would be willing to sell the property to the City for that amount. Staff stated they needed a period of time to review the appraisal and the landowner also requested time to determine how they would like to complete the transaction.

Subsequent to this meeting, the landowner's accountant contacted Staff and stated the family would like to complete the sale and receive the payment in one lump sum by December 31, 1999. Staff's opinion upon review of the report is that the appraisal is a reflection of the true valuation of the property. The firm doing the appraisal is well known to the City as a fair and reputable organization.

Funds currently exist in the Public Safety facility Capital Improvement Project account, though these funds had been earmarked originally for building design. It is Staff's plan to pay for the land purchase from current CIP funds. Carryover funds in the amount of approximately \$520,000 would be recommended to be used to replenish the CIP account in order to complete the building design in 2000. Staff's objective is to pay cash for complete building design in order to have adequate detail prior to determining the amount of COP financing that would be needed to complete the construction and site work needed for this building.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Federal Heights Wholesale Water Contract Amendment

**Prepared by:** Mary Ann W. Parrot, Finance Director

**Introduction**

City Council Action is requested to approve the “2000 Amendment to the “Amended and Restated Distributor’s Contract” with the City of Federal Heights. The Amendment sets the rate charged by Westminster to Federal Heights for treated water on a wholesale basis at \$2.02 per thousand gallons (PTG) for calendar year 2000.

**Summary**

Each year, the City Council must establish a rate for treated water sold to the City of Federal Heights on a wholesale contract basis. According to the 1968 contract, the rate was a function of the audited costs incurred by Westminster in the operation of its water system. The calculation was time consuming and cumbersome. Since 1997, the rate has been determined using some actual cost components and some estimated, while the cities attempt to negotiate a new and simpler contract. The calculated rate for the year 2000 under this modified calculation is \$2.02. A more thorough analysis was performed this year, with the majority of costs reflecting actual figures. Thus, the \$2.02 represents a relatively accurate rate calculation. It is Staff’s intent to pursue negotiations for a new contract when the water rate model has been refined and upgraded.

**Staff Recommendation**

Approve the amendment to the contract with the City of Federal Heights, confirming the rate for January 1, 2000 through December 31, 2000 at \$2.02 per thousand gallons, and authorize the City Manager to sign the amendment on behalf of the City.

**Background**

Since 1997, City Staff and Federal Heights representatives have been discussing several areas of mutual interest regarding how wholesale water rate charges could be calculated for treated water sold to the City of Federal Heights. Both Staffs agree that the current contract, signed in 1968 and amended in 1985 and again in 1992, is cumbersome and burdensome to administer. In addition, because of the formulae in the contract, Federal Heights has experienced significant fluctuations in rates from year to year. This is problematic to them in setting their City water rates (see attached chart). They are interested in pursuing alternatives which would “smooth out” the fluctuations. Lastly, if a simplified formula could be agreed upon, Staff time would be saved, both in annual recalculations as well as follow-up administration.

In the interim, the rate has been calculated using a somewhat modified cost calculation and negotiated on a year-by-year basis. The calculation uses some actual and some estimated cost components. The method has been somewhat refined this year, with the calculated rate of \$2.02 representing almost entirely actual cost figures. Last year’s rate was \$2.11. The reduction is due to the increased water consumption in 1998, which is used in the rate computation for 2000. Increased water consumption results in decreased water rates, as costs are spread across more gallons of water.

Federal Heights will continue to read, bill, and collect all of their accounts as well as perform water distribution maintenance/repairs at their own expense. It is Staff's intent to move to a contract in Perpetuity when the water rate model is complete.

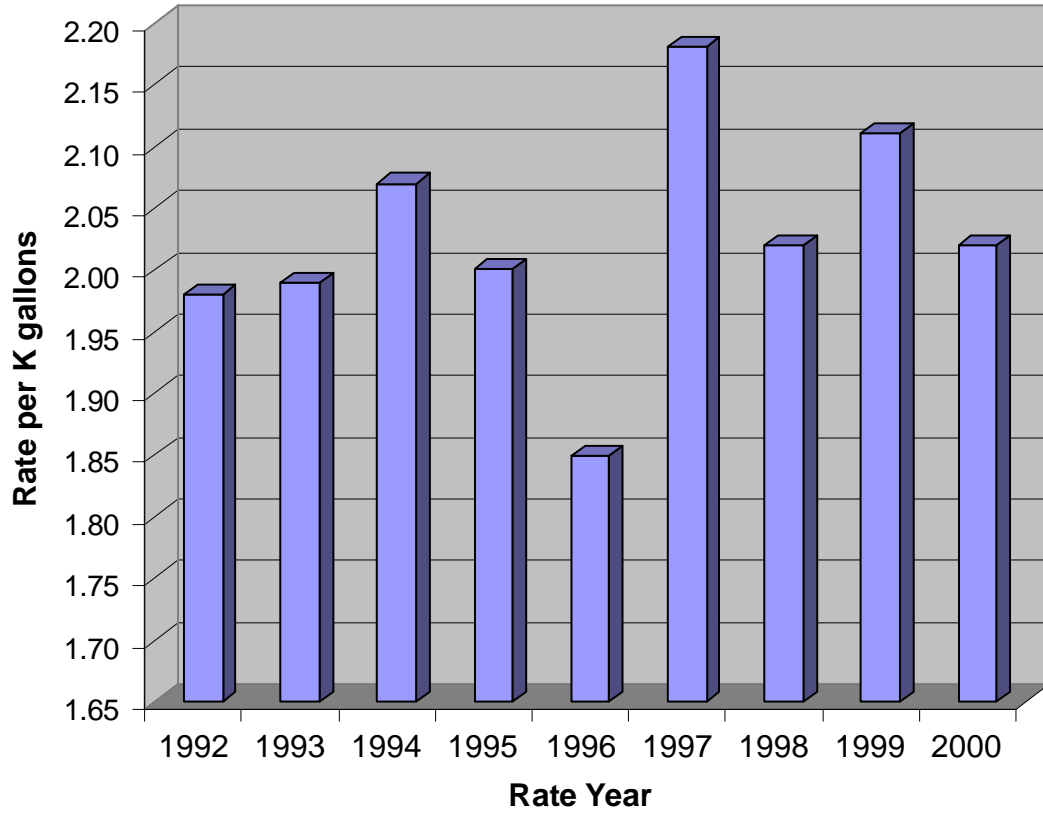
In summary, Staff believes the \$2.02 PTG rate recommended for January-December 2000 is fair and relies on the current methodology.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments

### Historic Federal Heights Wholesale Rate





## 2000 AMENDMENT

### TO "AMENDED AND RESTATED DISTRIBUTOR'S CONTRACT"

This 2000 Amendment (the "Agreement") to Amended and Restated Distributor's Contract between the CITY OF WESTMINSTER, COLORADO ("Westminster") and the CITY OF FEDERAL HEIGHTS, COLORADO ("Federal Heights") is dated December \_\_\_\_\_, 1999

#### RECITALS

- A. Westminster and Federal Heights entered into a contract entitled "Distributor's contract" dated February 12, 1968, which provided for the sale of treated water by Westminster to Federal Heights. That contract was amended by the parties by a document entitled "Distributor's Contract Amendment", dated November 1, 1982.
- B. In 1985, Westminster and Federal Heights executed an "Amended and Restated Distributor's Contract," which contract amended, restated and superseded the 1968 Contract. The 1985 Contract was amended on December 26, 1989, by a document entitled "1989 Amendment to Amended and Restated Distributor's contract."
- C. In 1992, the Contract was again amended by a document entitled "1992 Amendment to Amended and Restated Distributor's Contract." The Amended and Restated Distributor's Contract as amended in 1989 and 1992 is the operative contract under which Westminster has been selling treated water to Federal Heights (the "Contract").
- D. In October 1996, Westminster and Federal Heights began discussions for a revised contract because of difficulties in establishing a rate from year to year. Westminster and Federal Heights reached agreement for the rate to be charged from February 3, 1997 to December 31, 1997; from January 1, 1998 to June 30, 1998, later extended to December 31, 1998; and from January 1, 1999 to December 31, 1999.
- E. Westminster and Federal Heights have agreed that further discussions are necessary to achieve a revised contract addressing all the issues between the parties, especially a restructuring of the method of calculating the rate to be charged Federal Heights. The parties agree to continue such negotiations in good faith, and in a timely manner.
- F. Until the parties agree on more extensive changes to the contract, the parties have reached an interim agreement on a rate for the year 2000. The parties therefore agree as follows:

#### INTERIM AGREEMENT FOR CALENDAR YEAR 2000

1. For the period beginning January 1, 2000, and continuing until December 31, 2000, the rate shall be \$2.02 PTG.
2. The parties agree to continue good faith discussions for the rate for the period beginning January 1, 2001.
3. The parties agree to continue good faith discussions on the method of calculating the rate and related issues, for possible amendment or restatement of the Contract.
4. This Agreement supersedes and replaces the method of rate calculation of the base rate contained in the Contract, as amended, for calendar year 2000 only.

5. Federal Heights hereby waives the requirement of notice from Westminster for the year 2000 rate to become effective on January 1, 2000.
6. All other provisions of the Contract shall remain in full force and effect.
7. This Interim Agreement for rates for calendar year 2000 only shall be valid until December 31, 2000.

CITY OF WESTMINSTER

CITY OF FEDERAL HEIGHTS

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**Sam A. Dixon**  
Mayor Pro Tem

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**Mayor**

Attest:

Attest:

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**Michele Kelley**  
City Clerk

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**City Clerk**

Approved as to form:

Approved as to form:

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**City Attorney**

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**City Attorney**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**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 which authorizes various transfers from the General Fund contingency account into a variety of General Fund operating accounts and from the Utility Fund contingency account into the Utility Fund Central Charges 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 and Utility Fund contingency accounts.

**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 operating budget such as the ones included in this agenda memorandum.

**Staff Recommendation**

Adopt Resolution No. 97 authorizing the transfer from the General (\$226,000) and Utility (\$67,000) Funds contingency accounts into the various operating budgets as described below.

**Background Information**

This agenda memorandum and attached resolution is a routine action addressing the need for some additional funds resulting from unanticipated expenses that could not be absorbed within the operating budget.

During the budget development each year, the City Council appropriates money in several operating funds designated as contingency money. In 1999, 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.

Year-End Contingency Transfers

Page 2

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

\$32,000	Needed in the City Manager's Office due to postage costs for direct mailing of <i>City Edition</i> ; it previously was delivered door-to-door via the Yankee Peddler who stopped providing service to the City midyear.
\$35,000	Needed in the Administration Division of Community Development for unanticipated South Westminster professional expenses associated with the Aspen Care Nursing Home, 72 <sup>nd</sup> Avenue and Federal Boulevard development plans, South Westminster Focus Group/Survey, and miscellaneous appraisal services.
\$40,000	Needed in the Building Division of Community Development for higher than anticipated number of building plan review expenses. The City contracts out plan reviews for major projects and during this year, the number of building plan reviews exceeded the budget (such major projects include Lucent Technology, Church Ranch office buildings, Home Depot, 24-Hour Fitness, Promenade retail, Standley Lake and Colonnade buildings, and the North View Recreation Center).
\$21,000	Needed in the Engineering Division in Community Development to cover the purchase of nine generators to provide electricity to main intersections should the power fail during the Y2K transition. The intersections identified for which the City is responsible are as follows: Sheridan Boulevard at 80 <sup>th</sup> , 88 <sup>th</sup> , 92 <sup>nd</sup> , and 104 <sup>th</sup> Avenues; Sheridan Boulevard at the south and north US 36 ramps; and 104 <sup>th</sup> Avenue at Westminster Boulevard and at the east and west US 36 ramps. [Note, CDOT does not plan to provide emergency power for signals at those intersections that they maintain).
\$12,000	Needed in the Economic Development Division in Community Development to cover higher than anticipated participation due to extra large turnouts at the Showcase and Business Appreciation events.
\$50,000	Needed in the Patrol Division of the Police Department for higher overtime expenses than anticipated, particularly associated with aid at the Columbine High School tragedy and in anticipation of the additional December 30 <sup>th</sup> -January 1 <sup>st</sup> patrol activities associated with Y2K emergency preparedness.
\$36,000	Needed in the Street Division in the Public Works and Utilities Department to cover higher than expected energy bills and repairs.
\$226,000	TOTAL

Currently, the General Fund contingency account has \$1,169,312 available to fund these unanticipated expenses.

Only one request exists in the Utility Fund to cover expenses associated with the August 4<sup>th</sup> rainstorm; it follows:

Year-End Contingency Transfers

Page 3

\$67,000      Needed for the Utilities Division in the Public Works and Utilities Department to cover claims resulting from the August 4<sup>th</sup> rainstorm that caused sewer backups to several residences in Westminster. On November 8<sup>th</sup>, City Council authorized the City Manager to pay residents falling within the City's sewer backup policy adopted in 1997 to provide some assistance to homeowners who experienced a sewer backup.

\$67,000      TOTAL

Currently, the Utility Fund has \$1,338,679 available to fund this unanticipated expense.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **97**

INTRODUCED BY COUNCILLORS:

SERIES OF 1999

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

WHEREAS, the General Fund Contingency balance is \$1,169,312 and the Utility Fund Contingency balance is \$1,338,679.

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

\$226,000 be transferred from the General Fund Contingency to the appropriate Operating Budget and \$67,000 be transferred from the Utility Fund Contingency to the appropriate Utilities Division accounts as follows:

10-05-05-281-387	CMO Postage Account	32,000
10-20-50-103-000	Patrol Services (Police) Columbine and Y2K Overtime expenses	50,000
10-30-05-143-000	Administration Division (Comm Dev) Meeting expenses associated with South Westminster	2,000
10-30-05-209-000	Administration Division (Comm Dev) South Westminster redevelopment expenses	30,000
10-30-05-405-000	Administration Division (Comm Dev) Computer replacement used for South Westminster projects	3,000
10-30-37-209-000	Building Division (Comm Dev) Plan Review expenses	40,000
10-30-38-267-002	Engineering Division (Comm Dev) Emergency generators for traffic intersections	21,000
10-30-34-299-000	Economic Development (Comm Dev) Higher than anticipated turnout at the Showcase and Business Appreciation events	12,000
10-35-45-286-000	Street Division (PW&U) Street light expenses	36,000
GENERAL FUND TOTAL		\$226,000
21-35-50-279-000	Utilities Division (PW&U) Storm sewer back up claims	67,000
<i>UTILITY FUND TOTAL</i>		<i>\$67,000</i>

Passed and adopted this 13<sup>th</sup> day of December, 1999.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999  
**Subject:** Councillor’s Bill No. 80 Supplemental Appropriation Library Services Division  
**Prepared by:** Kathy Sullivan, Library Services Division

**Introduction**

City Council action is requested to pass the attached Councillor's Bill on first reading appropriating \$3,477.10 into the appropriate Library Services Division operating accounts. These funds were received for library services from U.S. West and Adams County School District 50.

**Summary**

A supplemental appropriation in the amount of \$2,199.60 is requested to be appropriated into the library’s Computer Hardware/Software account for funds which were received from U.S. West under the Telecommunications Act of 1996. The purpose of this federally funded program, commonly known as the “E-Rate” program, is to provide discounted telecommunications services for schools and libraries, so that those agencies can increase access to electronic information for their patrons. The Library Services Division has used the funds to purchase the following items, which have already been received:

Imaging software for library computers	\$1,350.00
4 new barcode scanners	\$ 985.69
<b>Total</b>	<b>\$ 2,335.69</b>

(The additional \$136.09 needed to complete this project is available in the library’s computer hardware/software account.)

A supplemental appropriation is also requested in the amount of \$1,277.50 for the Library’s Temporary Salaries Account for funds received from Adams County School District 50 for cataloging services performed by Westminster Public Library Staff. Staff is working on an amendment to the District 50 IGA to formalize this arrangement. These funds will be used to reimburse the Library’s temporary salaries budget for staff hours spent on District 50 cataloging services.

**Staff Recommendation**

Pass Councillor’s Bill No. 80 on first reading approving the supplemental appropriation of \$2,199.60 of grant funds to the appropriate Library Services Division account and approving the supplemental appropriation of \$1,277.50 received from School District 50 to cover the cost of providing cataloging services to School District 50.

**Background Information**

E-rate Discount Funds: During 1998, Library Staff applied for discounts on telephone and telecommunications expenses incurred during that year by the Library Services Division. The library received a 47% discount on its expenses of \$4,680. These funds were received in the summer of 1999. Library Staff request that the funds be appropriated into the Library’s account to pay for the items listed. The imaging software allows Library Staff to install or upgrade library software on many computers simultaneously, saving both staff time and patron inconvenience.

The software purchased will be the same as that used by the City's Information Technology Department for similar work. The bar code readers will be used by library Technical Services staff to do their work more efficiently and ergonomically. Library staff have also applied, and received approval for, discounts on 1999 expenses. The Library will receive these funds some time during the year 2000.

District 50 Funds: In Spring of 1999, Library Staff were approached by staff from Adams County School District 50 about the possibility of providing cataloging services to the District. Adams County School District 50 employs no professional catalogers, and had previously received these services through an arrangement with Jefferson County Schools, which ended last Spring. Westminster and Adams County District 50 library staff met several times during the spring and summer of 1999 to discuss specifications for the project. Library staff also drafted an Intergovernmental Agreement and is expecting a response from Adams County District 50 in the near future. During the summer and fall of 1999, the City invoiced Adams County District 50 for \$952.50 and received payment in full. The City will receive one additional payment of \$325.00 from the District for this service by the end of December, 1999. These funds will be used to reimburse the library's account for wages paid to the librarian who works extra hours each week to catalog materials for the District .

Respectfully submitted,

William M. Christopher  
City Manager

Attachment



BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **80**

SERIES OF 1999

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE GENERAL FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Fund initially appropriated by Ordinance No. 2654 in the amount of \$53,471,414 is hereby increased by \$3,476 which, when added to the fund balance as of the City Council action on December 20, 1999 will equal \$58,954,801. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of funds received from U.S. West under its "E-Rate" program, which shall be used to purchase computer software and electronic bar-coding equipment for the City's Library Services Division. This increase is also due to the appropriation of funds received from Adams County School District 50 for cataloging services performed by Westminster Public Library staff, which shall be used to replenish the Library Services' temporary salaries budget.

Section 2. The \$ 3,476 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Final Budget</u>
<b>REVENUES</b>			
Intergovernmental Rebates			
10-0427-090	\$0	\$1,277	\$1,277
Miscellaneous Revenue			
10-1072-000	\$163,025	<u>\$2,199</u>	\$165,224
Total Change to Revenues		<u>\$3,476</u>	
<b>EXPENSES</b>			
Computer Software/Hardware			
10-50-62-405-000	\$10,000	\$2,199	\$12,199
Temporary Salaries			
10-50-62-104-000	\$67,000	<u>\$1,277</u>	\$68,277
Total Change to Expenditures		<u>\$3,476</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> day of December 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 20<sup>th</sup> day of December, 1999.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Resolution No. 98 re Jefferson County Open Space Joint Venture Grant Application

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

**Introduction**

City Council action is requested to adopt the attached resolution to authorize the submittal of a joint venture grant to Jefferson County Open Space (JCOS) for the City's new West View Recreation Center.

**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 West View Recreation Center. The project budget for the West View Recreation Center is \$5.06 million for this 34,000 square foot building that equates to \$148.82 per square foot. The funding request of \$125,000 will increase the available cost per square foot to \$152.50 per square foot. These extra funds will be used to provided a complete landscaping plan, trail connections to Walnut Creek Trail and 108<sup>th</sup> Ave., and a playground attached to the child care room. For example, City Park Companion Facility costs \$169 per square foot. Staff is recommending a 2.5% match from JCOS totaling \$125,000 for this project.

Last year, Staff requested \$200,000 from JCOS for West View's 2,000 square foot community room. JCOS awarded the City of Westminster \$150,000 for the project but asked that it be applied to the landscaping budget which in turned freed up monies to be applied towards the community room. JCOS historically has not funded "bricks and mortar projects," so that was the impetuous to fund the landscaping instead of the community room portion of the project. This years grant request will also, be for site improvements to the recreation center.

Alternatives to the recommended action are as follows:

1. For the JCOS Joint Venture Grant, City Council could choose another Westminster CIP located in Jefferson County such as the City Park Festival Plaza or Skateboard Park. However, both of these projects will only begin the design stages in 1999 and will not have complete construction funding available until the year 2001. JCOS prefers to fund projects ready for construction.

**Staff Recommendation**

Adopt Resolution No. 98 authorizing the submittal of a Joint Venture development grant application to Jefferson County Open Space for the financial assistance with the construction of the West View Recreation Center.

**Background Information**

Westminster has greatly benefited from the JCOS Joint Venture development grant program. From 1992-1999, Westminster has received nearly \$1.95 million from Joint Venture grants for City Park Phase II Soccer Fields, Westminster Sports Center renovation, Westbrook Park, Countryside Little League Fields, Waverly Park, Trailside Park renovation, and City Park Phase III. Although most of the grant applications were 50/50 matching grants, Westminster has matched funds in excess of \$12.4 million with the \$5.6 million over the past five years for the development of the Joint Venture projects. In addition, Westminster has also benefited from JCOS for trail development along Big Dry Creek as part of the Trails 2000 program, and Jefferson County's financial contribution of more than \$550,000 for design and engineering costs for Standley Lake Regional Park and City Park Ballfields. JCOS has been supportive of Westminster projects over the years and Staff believes the 2000 proposed project is a good project to be considered by the JCOS Advisory Committee.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments: Resolution, Map

RESOLUTION

RESOLUTION NO. **98**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

\_\_\_\_\_

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 West View Recreation Center; and

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a Joint Venture development grant application to Jefferson County Open Space, requesting a Joint Venture grant of a combined 2.5/97.5 split in the amount of \$125,000 toward the cost of constructing the West View Recreation Center.

Passed and adopted this 13th day of December, 1999.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Children's Sensory Park Master Plan

**Prepared By:** Kathy Piper, Landscape Architect

**Introduction**

City Council action is requested to authorize the purchase of special playground equipment in the amount of \$60,000 for Phase I of Sensory Park. City Council action is also requested to adopt the attached resolution to authorize the submittal of a joint venture grant to Jefferson County Open Space (JCOS) for the Children's Sensory Park Phase II. Funds for this purchase are available in the appropriate project account in the General Capital Improvement Fund.

**Summary**

A variety of funding sources including a \$35,000 grant from Local Government Park and Outdoor Recreation Grant sponsored by GOCO; a Children's Hospital donation of \$35,000; and a commitment from the Church Ranch Corporate Center to provide potable and non-potable water to the site and a picnic shelter; along with the City's contribution of \$25,000, will enable the City of Westminster to provide a unique park for children with special needs.

Since January 1999, Staff has been working with Children's Hospital staff to design a park near their facility (see location map) that is fully accessible to all types of special needs children, along with the general public. Due to the American's with Disabilities Act (ADA) regarding play events and Children's Hospital Staff recommendations, the play structure is more costly and will require a ramp system with safety surfacing greater than normally required on standard playgrounds provided in Westminster. Therefore, a second phase was developed for this project to provide additional play events needed to insure a successful playground. Children's Hospital is working to secure additional funding and City Staff is proposing to apply for a Joint Venture grant from Jefferson County to help complete this second phase.

The park site will include a 20' x 20' shelter and both potable and non-potable water donated by Charles McKay, benches, picnic tables to accommodate wheelchairs and walkers, a play structure that is wheelchair/walker accessible throughout, safety matting that provides access to ground play events, a swing that incorporates two special needs swings, a drinking fountain, water play area, and a portion of sidewalk that incorporates waves and bumps to help with a variety of motor skills. A small garden will allow for smell and tactile experiences. Everything within the park enables the Children's Hospital staff to provide instruction to both the special needs child and their families (see attached copy of the playground plan).

**Alternative**

1. For the JCOS Joint Venture Grant, City Council could choose another park project located in Jefferson County, such as the City Park Festival Plaza or Skateboard Park. However, both of these projects will only begin the design stages in 1999 and will not have complete construction funding available until the year 2001. JCOS prefers to fund projects ready for construction.
2. City Council could deny the purchase of the Little Tykes playground equipment, which would in effect cancel the project.

**Staff Recommendation**

1. Adopt Resolution No. 99 authorizing the submittal of a Joint Venture development grant application to Jefferson County Open Space for the financial assistance with the construction of the Children’s Sensory Park Phase II.
2. Authorize the purchase of Phase I playground equipment from Little Tykes Inc. in the amount of \$60,000, and charge this amount to the appropriate account in the 1999 Capital Improvement fund.

**Background Information**

The City was approached in 1998 to provide a playground that could benefit both the general public and Children’s Hospital Northwest Satellite facility. In 1999, Staff applied and received a GOCO Grant along with donations from Children’s Hospital and Charles McKay. A breakdown of funding sources is as follows:

Children’s Hospital donation	\$35,000
Great Outdoors Colorado (GOCO) Grant	\$35,000
City of Westminster	<u>\$25,000</u>
TOTAL	\$95,000

Since that time, Staff has been working with the Children’s Hospital Northwest Facility therapist Staff to design a playground with amenities that would enhance their therapeutic instruction and enable families to have a place to visit with their special needs children. Children’s Hospital therapists were given a wide selection of play equipment manufacturers. Children’s Hospital then determined the needs of the various specialists and chose manufacturers that provided the greatest range of equipment. Two of these companies were Landscape Structures and Little Tykes. The City of Westminster has worked with both these companies and found their products to be of the highest quality. Both Landscape Structures and Little Tykes were then asked to provide a plan using the equipment that Children’s Hospital selected. Upon review of Children’s Hospital staff and their parent group, Little Tykes was selected for the main play structure. Landscape Structures will be used for the swing set and the safety surfacing. Park Structures was selected for their ability to provide a piece of water play equipment that could be accessed by all ages of children. The project budget breaks down as follows:

Play Structure	\$60,000
Benches	\$ 2,000
Drinking Fountain	\$ 1,500
Swings	\$ 3,000
Water play	\$ 4,000
Concrete	\$20,000
Plant material	<u>\$ 4,500</u>
<b>Total Budget</b>	<b>\$95,000</b>

As the design developed, Charles McKay was consulted and has offered to donate both a potable and non-potable water source for the play area. In addition, Mr. McKay will also be providing a 20’ x 20’ shelter. Match Logic has also offered to provide an easement down to the Walnut Creek Trail for easier access to the site by children in wheel chairs and walkers. With all these commitments now in place, certain preliminary construction has already taken place. The City is now ready to complete the project.

This will be accomplished with the Design Development Construction Crew. Construction must be completed by May 2000 because of the conditions on the Great Outdoors Colorado Grant. Phase Two of the construction will allow for the purchase of special play events to be attached the to ramp structure for a better overall structure.

Respectfully,

William Christopher  
City Manager

Attachments: Resolution, Maps



RESOLUTION

RESOLUTION NO. **99**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

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 Children's Sensory Park Phase II; and

NOW, THEREFORE, the Westminster City Council hereby resolves that City of Westminster Staff submit a Joint Venture development grant application to Jefferson County Open Space, requesting a Joint Venture grant of a combined 73/27 split in the amount of \$35,000 toward the cost of constructing the Children's Sensory Park Phase II.

Passed and adopted this 13th day of December, 1999.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999  
**Subject:** Resolution No. 100 re Revisions to Council Rules and Procedures  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested to adopt the attached Resolution, which amends the Council Rules and Procedures pertaining to appointments to the Boards and Commissions.

**Summary**

At the November 22<sup>nd</sup> Post Council meeting, City Council discussed changing the procedure for Board and Commission members currently serving on a Board or Commission, but interested in moving to another Board or Commission.

The new procedure will allow a current Board or Commission member to fill out an application and be interviewed for vacancies, which might occur during the year 2000. The Board or Commission member will not be required to resign from their current Board, unless they are appointed to another Board or Commission. Applications are required to be submitted to the City Clerk's office by the stated deadline for the next cycle of the Boards and Commissions "Pool" to be considered.

**Staff Recommendation**

Adopt Resolution No. 100 revising the Council Rules and Procedures pertaining to Board and Commission members moving to another Board or Commission.

**Background Information**

Allowing currently serving Board and Commission members the opportunity to move to another Board, will allow the current Board and Commission members the chance to volunteer their services within a different area.

Respectfully submitted,

William M. Christopher  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **100**

INTRODUCED BY COUNCILLORS

SERIES OF 1999

A RESOLUTION AMENDING THE COUNCIL RULES AND PROCEDURES PERTAINING TO BOARD AND COMMISSION MEMBERS

WHEREAS, Chapter VII of the City Charter provides for the procedure and miscellaneous powers and duties of the City Council; and

WHEREAS, The City Council is entrusted with conducting the business of the City in a manner which will be most advantageous to the citizens and voters thereof.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster, hereby adopts the following revision to the Council Rules and Regulations Governing the Conduct of all its meetings.

**PART VII - MISCELLANEOUS**

**25. PROCEDURES TO FILL VACANCIES ON CITY ADVISORY BOARDS AND COMMISSIONS:**

1. City Council shall from time to time schedule interviews of all interested Westminster citizens who are eligible and interested in serving on the various City Advisory Boards and Commissions. Interested citizens are to complete a standard application form provided by the City with the citizen indicating his/her top three preference(s) of boards and commissions he/she wishes to be considered for appointment.

2. City Council shall set a deadline for receiving said applications with said deadline to be published in the appropriate newspapers. An interview schedule will be established with the Council conducting individual interviews. The interview schedule will be formulated to provide for an efficient approach to achieving the desired interviews.

3. Said applications will be placed on file with the City Clerk and will be considered for a period of one year. These applications will provide a "pool" of applicants for City Council's consideration whenever a vacancy takes place on the Advisory Boards and Commissions.

4. All applicants will be contacted at the end of each cycle to determine if they are interested in having their name considered for vacancies, which might occur during the next cycle period.

5. The City Council shall utilize a rotation plan involving appointed Board and Commission members to assure a variety of perspectives and allow as many interested citizens to participate in serving on City advisory Boards and Commissions.

6. BOARD AND COMMISSION MEMBERS CURRENTLY SERVING ON A BOARD OR COMMISSION, MAY SUBMIT AN APPLICATION TO THE CITY CLERK'S OFFICE TO MOVE TO ANOTHER BOARD OR COMMISSION. BOARD AND COMMISSION MEMBERS MAY NOT SERVE ON MORE THAN ONE BOARD AT ONE TIME.

PASSED AND ADOPTED THIS 13TH day of DECEMBER, 1999.

ATTEST:

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

\_\_\_\_\_  
Mayor Pro Tem



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999  
**Subject:** Absence of Mayor  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

City Council action is requested regarding the absence of Mayor Heil for a two month period.

**Summary**

Mayor Heil is requesting a two month absence from Council meetings and other activities, due to medical reasons.

Pursuant to Section 5.2 Vacancies in Elective Office Any elective City office shall be declared vacant by the Council upon occurrence of any of the following events before the expiration of the term of such office:

(f) "In the case of any members of the Council, if such officer shall miss four (4) consecutive regular meetings of the Council or twenty-five percent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of such absence."

**Staff Recommendation**

Authorize the absence of Mayor Nancy Heil for a two month period beginning December 13, 1999.

**Background**

In accordance with the provisions of the City Charter, the Mayor Pro Tem, Sam Dixon, will step into the position of Mayor during the estimated two-month leave that Mayor Heil will be taking.

Respectfully submitted,

William M. Christopher  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

**Date:** December 13, 1999  
**Subject:** Citizen Communication – Dale Krajewski  
**Prepared by:** Michele Kelley, City Clerk

**Introduction**

The City Clerk's office has received a request from Mr. Dale Krajewski to address City Council.

**Summary**

Dale Krajewski, who resides at 7780 West 87<sup>th</sup> Drive #A, has requested time on Monday night's agenda to address City Council with concerns he has with the Swim and Fitness Center.

**Staff Recommendation**

Listen to the presentation by Mr. Krajewski and determine any appropriate follow up action.

**Background Information**

Mr. Krajewski has indicated that his presentation will take longer than 5 minutes, and accordingly, this item has been placed at the end of the meeting.

Respectfully submitted,

William M. Christopher  
City Manager



### WESTMINSTER COLORADO

#### **Agenda Memorandum**

**Date:** December 13, 1999

**Subject:** Amendment to Purchase and Sale Agreement with Catellus Development Corp.

**Prepared by:** John Carpenter, Director of Community Development

#### **Introduction**

City Council is requested to take action on a proposed amendment to the existing Purchase and Sale Agreement between the City of Westminster and the Catellus Development Corporation (Catellus) for the Northwest Business Park which was sold by the City to Catellus. The site is located south of 112<sup>th</sup> Avenue and between Westminster Boulevard and US36. The Amendment adds a provision for the City to purchase 5.17 acres of land directly north of the Westminster Promenade project to use for a public parking lot (see attached map). It also provides for Catellus to purchase the remaining approximate 5 acres of Ryan property.

#### **Summary**

Dave & Buster's Restaurant has signed a lease to occupy a new facility due east of the AMC Theatre at the Westminster Promenade project and this facility is under construction. A condition of Dave & Buster's committing to the Promenade is that 500 additional parking spaces be added north of the Promenade and west of Westminster Boulevard beyond the 300 spaces already planned for construction by the City. The 5.17-acre site needed for the 500 parking space lot is on land currently owned by the Ryan family, but under contract for purchase by the Catellus Development Corporation. Catellus intends to purchase the entire 11.32-acre Ryan property and sell the southern portion to the City. The cost to the City for the 5.17-acre site is \$1,587,109. Funds for the purchase of this property by the City are available from the \$2.5 million initial payment made by Catellus to the City as a part of Catellus' purchase of the Northwest Business Park. In addition, the remainder of this initial payment to the City is planned to be used to construct the needed parking per agreement between the City and Entertainment Properties Trust on behalf of Dave & Buster's.

#### **Staff Recommendation**

1. Authorize the City Manager to execute the necessary documents to acquire 5.17 acres of the Ryan property including an amendment to the Purchase and Sale Agreement with the Catellus Development Corporation that contains provisions described in this memorandum and subject to approval by the City Attorney.
2. Pass Councillor's Bill No. 81 on first reading appropriating \$2.5 million received by the City from Catellus for the sale of the Northwest Business Park into the General Capital Improvements Fund.
3. Authorize the expenditure of the funds necessary to purchase the approximately 5.17 acres, estimated to be \$1,587,109. Authorize an agreement between the Ryan family and the City for the Ryan family to loan the City \$500,000.

## **Background**

City Council will recall the variety of difficulties involved with getting Promenade West constructed as planned. EPT is the third owner of the property, and they have been able to fulfill the City's vision of what Promenade West should be including high quality architectural design and the right mix of tenants. Dave and Buster's was the lynch pin to success and the parking lot in the Ryan Property was the incentive needed. In addition, by having Catellus acquire the Ryan parcel, it provides for a more cohesive development of this area in coordination with EPT. On April 26, 1999, City Council approved a Purchase and Sale Agreement with Catellus to sell approximately 65 acres of land in the Northwest Business Park. The closing on this sale occurred in September.

Subsequent to April 26, 1999, Entertainment Properties Trust (EPT), owner of the remaining undeveloped property at the Westminster Promenade West project, negotiated a lease with Dave & Buster's to build a 40,000 square foot building on the property. In order to attract this key tenant, Dave and Buster's required the construction of 500 spaces beyond those that exist today and the 300 public parking spaces to be built by the City.

EPT has requested that the City as a business incentive for Dave and Buster's acquire a site and build the parking as an inducement to attract Dave & Buster's. The lot would be a public lot available to all Promenade patrons. The City previously agreed to this as a Business Assistance for Dave & Buster's which will produce approximately \$250,000 annually to the City in Sales Tax revenue as well as act as a catalyst for the development of the remainder of the Promenade West. The desired result has occurred with other businesses such as Rock Bottom Brewery, Johnny Carinos, and Rubios now having signed leases and are under construction. All of Promenade West is expected to produce over \$2.0 million annually to the City in Sales Tax revenues.

Since Catellus owns the Northwest Business Park land, the City Staff has encouraged them to acquire the entire Ryan property and then sell the southern portion to the City for the 500-space parking lot. Catellus has agreed to do this subject to making some modifications to the payment terms to the City for the Northwest Business Park land.

The only land available for the 500-space lot is located due north of the planned 300 space City parking lot and is owned by the Ryan family. Catellus intends to acquire the 11.32-acre Ryan parcel, which extends north to the Northwest Business Park. City Staff has negotiated a contract to acquire the southern 5.17 acres from Catellus which would retain the north half. EPT has approached Catellus about purchasing that portion of the Ryan property not purchased by the City.

Catellus acquired the Northwest Business Park from the City for a total of \$16.5 million. Catellus paid \$2.5 million to the City at closing and the remaining \$14 million is to be paid in 5 installment payments over a 6-year (72 month) period.

Because Catellus is purchasing additional land from the Ryan's beyond the 65 acres in the Northwest Business Park, Catellus is concerned about the additional risk associated with acquiring even more land in one area. The additional Ryan land would "compete" with the Northwest Business Park for a fixed amount of development in the 104<sup>th</sup> Avenue/US36 area, thus potentially extending the amount of time it will take to build out the Northwest Business Park site. A delay in the absorption or development of the business park would have adverse financial consequences on Catellus. As a result, Catellus has proposed the following two modifications to the contract:

- 1) Catellus' current payment schedule for the Northwest Business Park calls for the payment of the \$14,000,000 over a 72-month period. The proposed amended agreement proposes extending the payment period to 84 months (7 years). This is proposed as a form of compensation to Catellus for their expenses and carrying costs for purchasing the Ryan property.
- 2) In the agenda memo on this subject submitted to Council on August 23, 1999, the City agreed to pay \$6.75 per square foot for the parking lot site plus an additional \$.25 per square foot compensation for the balance of the site. At 5.17 acres for the City site out of an 11.32-acre total site, this amounts to \$1,587,109. Catellus has proposed that the City front end an additional \$500,000 of their share of the Ryan acquisition cost within 11 months of closing to compensate them for the risks associated with retaining the remainder of the Ryan property for development. The Ryan family has agreed to defer \$500,000 of the total acquisition cost until January 2001 at an interest rate of 8%. Catellus would repay the \$500,000 to the City in one of two ways:

Alternative A

If Catellus is able to resell the remainder of the Ryan property within an 11-month period, Catellus would repay the \$500,000 to the City at that time. Currently, EPT has an offer into Catellus to purchase the remainder of the Ryan parcel.

Alternative B

If Catellus does not resell the remainder of the Ryan property within an 11-month period, Catellus would repay the \$500,000 to the City as part of their scheduled payments over the 84-month period.

Under both alternatives A and B, the City still receives total payments of \$16.5 million to the City for the Northwest Business Park.

Catellus has agreed to the basic terms for the Amended Purchase and Sale Agreement described herein. The Ryan family has agreed to the acquisition as described. City Council approval of these actions in the recommendation section would allow for the critical parking lot construction project to move ahead quickly since it will be needed by late spring when Promenade West pads 1 & 2 will be completely constructed.

Respectfully submitted,

William M. Christopher  
City Manager

Attachments



BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. \_\_\_\_\_

SERIES OF 1999

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

A BILL

FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1999 appropriation for the General Fund initially appropriated by Ordinance No. 2654 in the amount of \$53,471,414 is hereby increased by \$2,500,000 which, when added to the fund balance as of the City Council action on December 20, 1999 will equal \$61,451,325. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of proceeds from the sale of the Northwest Business Park by the City to Catellus Development Corporation.

Section 2. The \$2,500,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Sale of Assets 10-1066-000	\$0	<u>\$2,500,000</u>	\$2,500,000
Total Change to Revenues		<u>\$2,500,000</u>	
EXPENSES			
Transfers to the General Capital Improvement Fund 10-10-95-990-975	\$3,210,232	<u>\$2,500,000</u>	\$5,710,232
Total Change to Expenditures		<u>\$2,500,000</u>	

Section 3. The 1999 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2654 in the amount of \$14,159,000 is hereby increased by \$2,500,000 which, when added to the fund balance as of the City Council action on December 20, 1999 will equal \$43,671,173. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to a transfer of funds from the General Fund to finance a land purchase from the Catellus Corporation and construction of a public parking lot adjacent to the Westminster Promenade.

Section 4. The \$2,500,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Transfers from the General Fund 75-9999-360	\$3,113,982	<u>\$2,500,000</u>	\$5,613,982
Total Change to Revenues		<u>\$2,500,000</u>	
<b>EXPENSES</b>			
Ryan Parking Lot – Land Purchases 75-30-88-501-317	\$0	\$1,587,109	\$1,587,109
Ryan Parking Lot - Unauthorized 75-30-88-555-317	\$148,590	<u>\$912,891</u>	\$1,061,481
Total Change to Expenditures		<u>\$2,500,000</u>	

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

Section 6. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED and PASSED ON FIRST READING THIS 13<sup>th</sup> day of December 1999.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED THIS 20<sup>th</sup> day of December, 1999.

ATTEST:

\_\_\_\_\_  
Mayor Pro Tem

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

## Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, December 13, 1999.

Present at roll call were Mayor Pro Tem Dixon and Councillors Atchison, Hicks, Merkel, Moss and Smith. Absent was Mayor Heil.

The minutes of the meeting of November 22, 1999 were approved with no additions or corrections.

Mayor Pro Tem Dixon presented the Citizen Commendation to Brett Mouser in recognition of his actions in assisting the Police Department.

Council approved the following: 92<sup>nd</sup> Avenue Waterline Construction Award; ICG Telecom Group Agreement; Amendment to the Purchase and Sale Agreement with Catellus Development Corporation and purchase of Ryan Property; Intergovernmental Agreement for Youth Alcohol Intervention Program; Public Safety Facility Land Acquisition; Federal Heights Wholesale Water Contract Amendment; Playground Equipment purchase for Children's Sensory Park; and authorized the absence of Mayor Heil for an indefinite period.

Council Tabled action on the Westminster Boulevard Extension Relocation Policy.

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

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S GROWTH MANAGEMENT PROGRAM. Purpose: Designate Service Commitments for South Westminster residential projects.

A BILL FOR AN ORDINANCE INCREASING THE 1999 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 1999 ESTIMATED REVENUES IN THE FUND. Purpose: Funding for new traffic signals.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGET IN THE GENERAL FUND. Purpose: Library Services fund appropriations.

A BILL FOR AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 1999 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS. Purpose: Appropriate proceeds of the Northwest Business Park sale from Catellus.

The following Councillor's Bill was passed and adopted on second reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING VOTING BY BOARD AND COMMISSION MEMBERS.

The following Resolutions were adopted:

Resolution No. 95 – Year 2000 Service Commitment allocations.

Resolution No. 96 – 128<sup>th</sup> Avenue and Zuni Street ROW Annexation Petition.

Resolution No. 97 – Year-End Contingency Transfers.

Resolution No. 98 – JCOS Joint Venture Grant Application for West View Recreation Center.

Resolution No. 99 – JCOS Joint Venture Grant Application for Children's Sensory Park.

Resolution No. 100 – Revisions to Council Rules and Procedures.

At 9:20 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window December 16, 1999.