



WESTMINSTER  
COLORADO

December 17, 2001  
7:00 P.M.  
AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
  - A. Lobbyist Services Contract Award for 2002
  - B. Construction Contract and Construction Services for Quail Creek/Bull Canal Relocation
  - C. Swim and Fitness Center Weight Room Expansion Architect Selection
  - D. Westminster Center Development Change Order to Environmental Studies
  - E. Councillor's Bill No. 73 re Amendments to Personnel Policies and Rules (Dixon-McNally)
9. Appointments and Resignations
  - A. Appointment of Rocky Flats Coalition of Local Governments Representatives for 2002
10. Public Hearings and Other New Business
  - A. Public Hearing re Third Amended Wallace Village Preliminary Development Plan
  - B. Third Amended Wallace Village Preliminary Development Plan
  - C. Councillor's Bill No. 74 Amendment to Business Assistance Agreement Church Ranch Bus Ctr
  - D. Resolution No. 75 re Business Assistance Package with Avaya, Inc.
  - E. 136<sup>th</sup> Avenue Interchange Construction Intergovernmental Agreement (IGA)
  - F. Councillor's Bill No. 75 re Supplemental Appropriation for 136<sup>th</sup> Avenue Interchange Project
  - G. Councillor's Bill No. 76 re Supplemental Appropriations of Grant Awards into the Open Space Fund
  - H. Councillor's Bill No. 77 re Coors Field Sales Tax Refund
  - I. Councillor's Bill No. 78 re 2002 Carryover Capital Supplemental Appropriation
11. Old Business and Passage of Ordinances on Second Reading  
None
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
13. Adjournment

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

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, DECEMBER 17, 2001 AT 7:00 P.M.

ROLL CALL:

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

CONSIDERATION OF MINUTES:

Councillor Hicks moved, seconded by Councillor Dixon to accept the minutes of the meeting of December 10, 2001, with no corrections or additions. The motion carried unanimously.

CITIZEN COMMUNICATION:

Roberta Makely, 5699 W 71<sup>st</sup> Circle, and Janie Beard, addressed Council on the traffic on 72<sup>nd</sup> Avenue between Sheridan and Pierce.

REPORT OF CITY OFFICIALS:

Brent McFall, City Manager stated this is the last Council meeting of the year, his completion of just over six months with the City, and he thanked Council for their support. He stated this is Mayor Heil's last meeting with the City and there are many employees present to thank her for her 18 years on Council and her contributions to the community.

CITY COUNCIL COMMENTS:

Each of the Councilmembers thanked Mayor Heil for her years of service and contributions to the City.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Lobbyist Services Contract Award for 2002 with Tomlinson & Associates and Hall & Evans for \$30,000; Construction Contract and Services for Quail Creek/Bull Canal Relocation with Tarco, Inc., and Felsburg, Holt and Ullevig for \$1,829,000; Swim and Fitness Center Weight Room Expansion Architect Selection with BBB Architects for \$49,786; Change Order to Environmental Studies for proposed Westminster Center with Parsons Transportation Group for \$8,436; and Councillors Bill No. 73 re Amendments to Personnel Policies and Rules.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. Mayor Pro-Tem Moss asked that item 8B, Construction Contract and Services for Quail Creek/Bull Canal Relocation be removed and Councillor Hicks asked that item 8A, Lobbyist Contract Award for 2002 be removed from the consent agenda.

Mayor Pro-Tem Moss moved, seconded by Atchison to adopt the remaining Consent Agenda items, Swim and Fitness Center Weight Room Expansion; Change Order to Environmental Studies for proposed Westminster Center with Parsons Transportation Group for \$8,436; and Councillors Bill No. 73 re Amendments to Personnel Policies and Rules as presented. The motion carried unanimously.

CONSTRUCTION CONTRACT AND SERVICES FOR QUAIL CREEK/BULL CANAL RELOCATION

Mayor Pro-Tem Moss moved, seconded by Hicks to TABLE this item. The motion carried unanimously.

LOBBYIST SERVICES CONTRACT AWARD FOR 2002

Councillor Kauffman moved, seconded by Atchison to authorize the City Manager to execute a contract with Danny L. Tomlinson of Tomlinson & Associates and Robert M. Ferm of Hall & Evans, LLC to provide lobbying services for calendar year 2002 for \$30,000 and charge the expense associated for the services to the appropriate 2002 General Fund Central Charges account. The motion carried, with dissenting votes from Dixon and Hicks.

APPOINTMENTS TO RFCLOG

Councillor Atchison moved, seconded by McNally to appoint Councillor Samantha Dixon as the City's representative to the Rocky Flats Coalition of Local Governments (RFCLOG) Board of Directors, Herb Atchison as the 1st alternate, and Ron Hellbusch, the Director of Public Works and Utilities as the 2nd alternate. The motion carried unanimously.

PUBLIC HEARING RE 3<sup>RD</sup> AMENDED WALLACE VILLAGE PRELIMINARY DEVELOPMENT PLAN

At 7:45 P.M. the public hearing was opened on the 3<sup>RD</sup> Amended Wallace Village Preliminary Development Plan. Dave Shinneman, Planning Director, entered a copy of the Agenda Memorandum, Planning Commission recommendation and other related items as exhibits. Steve Gettleman, managing member, and Terri Bowersock, owner of Terri's Consign & Design Furnishings addressed Council. The public hearing was declared closed at 7:58 p.m.

3<sup>RD</sup> AMENDED WALLACE VILLAGE PRELIMINARY DEVELOPMENT PLAN

Councillor Kauffman moved, seconded by Hicks to approve the 3<sup>rd</sup> Amended Wallace Village Preliminary Development Plan within the Wallace Village Planned Unit Development. This recommendation is based upon the findings set forth in Section 11-5-14 of the Westminster Municipal Code.

Councillor Hicks moved, seconded by McNally to amend the main motion with the condition that this approval be in effect only as long as Terri's Consign & Design Furnishings is the franchisee at this location. The amendment carried unanimously. Upon vote of the main motion as amended, it carried unanimously as amended.

COUNCILLOR'S BILL NO. 74 AMENDMENT OF ASSISTANCE AGREEMENT FOR CHURCH RANCH BUSINESS CENTER PHASE III

Councillor Dixon moved, seconded by McNally to pass Councillor's Bill No. 74 on first reading authorizing the City Manager to execute the amendment to paragraphs 1, 2, and 3 of the Church Ranch Business Center Phase III, Business Assistance Agreement. Charlie McKay addressed Council. Mayor Pro-Tem Moss requested to abstain from voting on this issue. Upon roll call vote, the motion carried unanimously, with Mayor Pro-Tem Moss abstaining.

RESOLUTION NO. 75 RE BUSINESS ASSISTANCE PACKAGE WITH AVAYA, INC.

Councillor Atchison moved, seconded by Hicks to adopt Resolution No. 75 authorizing the transfer of \$100,000 from the General Fund contingency account into the Economic Development Business Assistance operating account; and authorizing Staff to make the final payment to Avaya, Inc., (formerly Lucent Technology) pursuant to the April 1999 business assistance package. Upon roll call vote, the motion carried unanimously.

136<sup>TH</sup> AVENUE INTERCHANGE CONSTRUCTION INTERGOVERNMENTAL AGREEMENT

Councillor Hicks moved, seconded by McNally to authorize the Mayor to execute an intergovernmental agreement with the City of Thornton for the construction of the 136<sup>th</sup> Avenue and I-25 interchange. The motion carried unanimously.

COUNCILLOR'S BILL NO. 75 RE SUPPLEMENTAL APPROPRIATION FOR 136<sup>TH</sup> AVE INTERCHANGE

Councillor Hicks moved, seconded by Atchison to pass Councillor's Bill No. 75 as an emergency ordinance authorizing a supplemental appropriation of \$2,600,000 for the 136<sup>th</sup> Avenue Interchange project in the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 76 SUPP. APPROPRIATION GRANT AWARDS INTO OPEN SPACE FUND

Councillor Dixon moved, seconded by Atchison to pass Councillor's Bill No. 76 on first reading authorizing supplemental appropriations of \$665,800 in the Open Space Fund. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 77 RE COORS FIELD SALES TAX REFUND

Councillor Hicks moved, seconded by Moss to pass Councillor's Bill No. 77 on first reading authorizing the supplemental appropriation of the COORS Field sales tax rebate in the amount of \$457,448 to the General Capital Improvement fund reducing the previously authorized sales tax fund by like amount and reappropriating the funds resulting from said reductions to the General Fund as follows: Capital Equipment Vehicle replacement for \$453,448; refurbishment of the Fire equipment for \$3,000; and the Emergency Response lockboxes for \$1,000. Upon roll call vote, the motion carried with a dissenting vote from Atchison.

COUNCILLOR'S BILL NO. 78 RE ALLOCATION OF CARRYOVER REVENUES

Mayor Pro-Tem Moss moved, seconded by Atchison to pass Councillor's Bill No. 78 on first reading allocating the 2000 Carryover Revenues. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION:

Dell Sterling, 6131 W 115<sup>th</sup> Pl, addressed Council on his concerns about one of the City's Code Enforcement officers.

ADJOURNMENT:

The meeting was adjourned at 8:30 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** Lobbyist Services Contract Award for 2002

**Prepared By:** Emily Moon, Management Assistant

**Summary Statement**

- The City has utilized the services of a contract lobbying firm (Tomlinson & Associates) for the last three years.
- Staff sent out an RFP to three firms to solicit proposals for lobbying services during 2002.
- City Council action is requested to authorize the City Manager to sign a contract with Tomlinson & Associates to provide lobbying services for the 2002 calendar year.

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

**Source of Funds:** 2002 General Fund Central Charges

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Danny L. Tomlinson of Tomlinson & Associates and Robert M. Ferm of Hall & Evans, L.L.C. to provide lobbying services for calendar year 2002 for \$30,000 and charge the expense associated for the services to the appropriate 2002 General Fund Central Charges account; funds are included in the 2002 budget for this expense.

**Policy Issue(s)**

Does the City Council wish to continue utilizing Danny Tomlinson and Robert Ferm to provide lobbying services for the City in 2002?

**Alternative(s)**

- 1) Choose not to hire Danny Tomlinson and Robert Ferm and obtain professional lobbying services from one of the other firms responding to the Request for Proposals. Staff does not recommend this option due to the favorable cost for services and expertise Danny Tomlinson and Robert Ferm offer. Additionally, the City benefits from the rapport and working relationships Danny Tomlinson and Robert Ferm have established with Staff and State Legislators during their previous three years of lobbying on the City's behalf.
- 2) Choose not to hire a firm to provide lobbying services for the City of Westminster. Staff does not recommend this alternative because this would eliminate valuable City exposure at the State Capitol and with key State staff.
- 3) Choose to contract for professional lobbyist services on a case-by-case or topic-by-topic basis. Staff does not recommend this alternative because it is costly. Additionally, this option allows for minimal lead-time in tracking issues and does not lend the same exposure to State officials that a professional lobbyist representing the City on a year-round basis provides.

**Background Information**

The City Council authorized funds in the 2002 Budget for contracting with a professional lobbyist to advocate the City's position on state and federal issues. The 2002 State Legislative Session commences January 9, 2002.

In the fall of 2001, a Request for Proposals (RFP) was prepared, responses were solicited to the RFP from three firms and the firm was identified to best represent the City. The firms solicited for proposals and their bids are as follows:

- Braden & Associates, did not submit a proposal (Jerry Braden)
- Solutions and Beyond Management, L.L.C., \$60,000 (Ron Smith & Bill Artist)
- Tomlinson & Associates/ Hall & Evans, L.L.C., \$30,000 (Danny Tomlinson & Robert Ferm)

The lobbying team of Danny Tomlinson and Robert Ferm is being recommended based on professional lobbying experience and reputation. The team's combined experience is greater than 40 years. Additionally, Mr. Tomlinson's and Ferm's representation during the 1999, 2000 and 2001 Legislative Sessions and work throughout the years on various issues involving the State government has been valuable to and effective for the City. The \$30,000 fee Mr. Tomlinson and Mr. Ferm proposed for services in 2002 is consistent with the fee the City has paid the team for the past three years. The proposed contract includes the same scope of work as the current contract, including representing the City on issues of concern at the state and federal level.

Although the primary focus of the lobbyist will be at the state level, the contract allows for federal lobbying services, if needed. Should travel to Washington, DC, be necessary to lobby on the City's behalf, the City will reimburse Mr. Tomlinson and Mr. Ferm to commensurate the travel, lodging and meal expenses associated with the trip in addition to their set annual fee of \$30,000.

**SUBJECT:** Lobbyist Services Contract Award for 2002

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Staff recommends authorizing the City Manager to sign a contract for lobbying services with Danny Tomlinson and Robert Ferm as this team most effectively meets the City's advocacy needs.

Respectfully submitted,

J. Brent McFall  
City Manager





**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
December 17, 2001

**SUBJECT:** Construction Contract and Construction Services for Quail Creek/Bull Canal Relocation

**Prepared By:** Dan Blankenship, Senior Projects Coordinator

#### Summary Statement

- On May 14, 2001, Council authorized the City Manager to execute a professional services agreement for the preparation of plans and specifications for the relocation of Quail Creek and the Bull Canal in advance of the 136<sup>th</sup> Avenue interchange construction.
- On November 27, 2001, 17 bids were received and opened for the construction of the relocation project. The low bidder is Tarco, Inc. with a bid of \$1,545,574.70.
- The proposed relocation of Quail Creek is the most cost effective means to convey the runoff flows from Huron Street to Big Dry Creek. The relocation also removes approximately three-quarters of the Mowery property south of 136<sup>th</sup> Avenue and east of Huron from the flood plain, which then opens the property for development.
- The proposed relocation of Quail Creek provides an open outlet for stormwater that has historically backed up into the Quail Crossing park and should alleviate the flooding nuisance that has occurred in the park and in the channel along the north side of 134<sup>th</sup> Avenue between the park and Huron Street.
- The relocation of the Bull Canal is consistent with the draft I-25 land use plan and will reduce the area that the canal occupies between Huron street and 136<sup>th</sup> Avenue.
- The relocation of the Bull Canal will require an exchange of land between the City and the Farmers Reservoir and Irrigation Company (FRICO) and an exchange between the Mowery's and FRICO. An intergovernmental agreement between the City and FRICO addressing the canal relocation and the property exchange is currently being drafted and will be presented to Council for approval in early 2002.
- The 136<sup>th</sup> Avenue interchange intergovernmental agreement requires Thornton to contribute \$315,000 to the relocation project upon completion of the project.

**Expenditure Required:** \$1,829,000 (\$315,000 of which will be subsequently reimbursed by Thornton).

**Source of Funds:** 136<sup>th</sup> Avenue Interchange GCIP account (early appropriation of bond proceeds).

#### Recommended City Council Action

Award the Quail Creek/Bull Canal Relocation project to Tarco, Inc., authorize the City Manager to execute an agreement with Felsburg Holt and Ullevig for engineering design support during construction and construction management services for the project, and authorize the expenditures up to \$1,829,000 for the construction of the project including the services to be provided by Felsburg Holt & Ullevig and a construction contingency of \$166,232.

**Policy Issue(s)**

Should the relocation of Quail Creek and Bull Canal proceed at this time?

**Alternative(s)**

1. Delay the relocation project. This is not recommended because the bids are extremely favorable. Furthermore, the relocation of the Bull Canal needs to occur in the winter months while there is no demand for irrigation water and any delay could create an adverse impact on the interchange project.
2. Do not proceed with the project. This is not recommended because the relocation of Quail Creek and the Bull Canal is required for the construction of the 136<sup>th</sup> Avenue interchange.

**Background Information**

On May 14, 2001, Council authorized the City Manager to execute a professional services agreement for the preparation of plans and specifications for the relocation of Quail Creek and the Bull Canal in advance of the 136<sup>th</sup> Avenue interchange construction. The relocation was originally part of the interchange project. However, during the environmental assessment process and preliminary design, it became evident that it would be in the best interests of the project to separate the creek and canal relocation and complete them prior to the start of construction of the interchange.

The proposed relocation of Quail Creek is the most cost effective means to convey the runoff flows from Huron Street to Big Dry. The relocation also removes approximately three-quarters of the Mowery property south of 136<sup>th</sup> Avenue from the flood plain, which then opens the property for development. The relocation of Quail Creek will also provide a release for water that has historically backed up into the channel and pond north of 134<sup>th</sup> Avenue and west of Huron Street. The relocation of the Bull Canal is consistent with the draft I-25 land use plan and will reduce the land area that the canal occupies between Huron and 136<sup>th</sup> Avenue.

The relocation of the Bull Canal requires an exchange of land between the City and FRICO and the Mowery's and FRICO. When completed, the relocated Bull Canal will occupy less land than the existing canal and the new canal will not inhibit the development of either the City's property or the Mowery's property. The relocation project is scheduled to be constructed in the first half of 2002 with the relocation of the Bull Canal being completed in early spring prior to the need to convey irrigation water. An intergovernmental agreement with FRICO for the relocation is currently being developed and is scheduled to be presented to Council in early 2002. The agreement will address the exchange of land as well as how the canal is incorporated into the proposed development of the area.

On November 27, 2001, 17 bids were received and opened for the project. Tarco, Inc. is the confirmed low bidder with a total bid of \$1,545,574.70. The second low bid was submitted by Dynamic Development in the amount of \$1,583,968.68 and the engineer's estimate was \$2,645,108.10. A complete summary of the bids is attached.

Proposals for construction management and observation services were solicited and proposals were received from three consulting firms. Two firms were interviewed and the project designer, Felsburg Holt and Ullevig (FHU) is being recommended to provide these services. In addition to the construction management services, FHU submitted a proposal to provide engineering design support for construction and wetlands mitigation monitoring as required by the Corps of Engineers. The project includes two acres of wetland mitigation. The total fee for the construction management, engineering support and wetlands monitoring is \$117,192.94. A summary of the construction management proposals is attached.

The total expenditure requested for the project is \$1,829,000, which includes the construction, construction management, engineering support, wetlands monitoring and a ten percent (10%) contingency for any unforeseen conditions. Upon completion of the project, Thornton will pay \$315,000 to the City for the relocation as agreed upon in the 136<sup>th</sup> Avenue interchange construction intergovernmental agreement. Also, the excess excavated material from the relocation project will be stockpiled at the northwest quadrant of 136<sup>th</sup> and I-25. The material generated will almost completely meet the fill material needs for the construction of the west half of the interchange and will result in a savings to Westminster for the interchange project. The following is a summary of the requested expenditures.

Construction Contract	\$1,545,575
Construction Management	\$ 77,384
Engineering Services	\$ 39,809
Contingency	\$ 166,232
Total	\$1,829,000

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** Swim and Fitness Center Weight Room Expansion Architect Selection

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

**Summary Statement**

- City Council has approved \$500,000 in the Capital Improvement Program for the expansion of the weight room and cardiovascular area at the Swim and Fitness Center in 2002.
- In October 2001, the Department of Parks, Recreation and Libraries solicited proposals for design and construction administration for this project from five local, qualified architecture firms.
- Two competitive, qualified proposals were received. BBB Architects and Slaterpaul submitted proposals for \$45,260 and \$45,000 respectively.
- BBB Architects is being recommended for their familiarity with the facility and the successful completion of Westview Recreation Center and previous additions to the Swim and Fitness Center.
- Construction on the weight room improvements is scheduled tentatively to begin midyear, 2002 and will be expected to be completed by the end of the year.
- New equipment will be furnished in the expanded weight room area as a part of this project.
- The Swim and Fitness Center will remain open for business during construction.

**Expenditure Required:** \$49,786

**Source of Funds:** Parks, Recreation and Libraries 2002 Capital Improvement Program

**Recommended City Council Action**

Authorize the City Manager to sign a contract with BBB Architects in the amount of \$45,260 and authorize a 10 percent contingency fund of \$4,526, for a total of \$49,786 for the design and construction administration of the Swim and Fitness Center Weight Room Expansion Project. Funds for this contract are available in the general capital improvement fund.

**Policy Issue(s)**

Does City Council wish to waive the low bidder requirement (+\$260 difference in price) and proceed with Staff's recommendation to hire BBB Architects?

Does city Council wish to move forward with the Swim and Fitness Center Weight Room Expansion Project?

**Alternative(s)**

1. Council could choose to select the low bidder, Slaterpaul Architects, and proceed with the project.
2. Council could choose to suspend or delay the Swim and Fitness Center Expansion Project by rejecting both proposals for architectural services, and sending out a new RFP on the project.

**Background Information**

During the 2002 Capital Improvement Program budget cycle, staff identified the need to increase the service level of the Swim and Fitness center by expanding the existing weight and cardiovascular room. This will improve the facility by adding floor space to the center, increasing the quantity of fitness equipment, increasing open floor space, and improving lighting and aesthetics. This should also result in an increase in attendance at the facility.

Based on recent facility enhancements and equipment costs, staff developed a budget amount of \$500,000 for this improvement. The Parks, Recreation and Libraries Department received the following bids for architectural services.

Slaterpaul Architects	\$45,000
BBB Architects	\$45,260
Brendle PRV	\$ no bid
Humphries Poli Architects	\$ no bid
Sink Combs Dethlefs	\$ no bid

The price difference between the two architects that submitted proposals is minimal. BBB Architects has successfully demonstrated their competence through their services for the expansion project at the Swim and Fitness Center in 1993 and Westview Recreation Center in 2000. Staff feels that BBB Architects' familiarity with the facility design and infrastructure as well as the Staff at the Swim and Fitness Center will become a valuable asset to the design and construction process.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** Change Order to Environmental Studies for Proposed Westminster Center Development

**Prepared By:** David R. Downing, City Engineer

**Summary Statement**

- On February 12, 2001, the City Council authorized the execution of a contract with Parsons Transportation Group, Inc. in the amount of \$27,237 for their preparation of an investigation of certain, potential environmental impacts of the proposed Westminster Center development on the west side of Sheridan Boulevard to the south of 98<sup>th</sup> Avenue.
- After reviewing the draft copy of Parsons' investigation, City Staff determined that it would be highly desirable to also have the consultant perform a historical/archeological overview of the site and provide an additional rendering of the visual assessment. The cost of this additional work is \$5,936.
- In the event that City Staff and/or the City Council may wish to have Parsons perform any final tasks associated with this investigation, it is recommended that a modest project contingency of \$2,500 also be authorized at this time.

**Expenditure Required:** \$8,436

**Source of Funds:** Community Development Professional Services Budget account

**Recommended City Council Action**

Authorize the City Manager to execute a change order in the amount of \$5,936 to the existing contract with Parsons Transportation Group, Inc. for the preparation of a study of certain potential environmental impacts of the proposed Westminster Center development and authorize a project contingency of \$2,500.

**Policy Issue(s)**

Should the City continue to investigate the potential impact of this proposed, private development upon certain environmental concerns?

**Alternative(s)**

1. Disregard the historical/archeological overview of the project site and/or the additional rendering of the visual assessment. Due to the relatively small cost of this work and the possible expectation of the neighborhood that environmental issues associated with this project will be fully examined, this alternative is not recommended.
2. Attempt to convince the developer to pay for this additional expense. Again, this alternative is not recommended due to the possible public perception that a study commissioned by the developer would be biased.

**Background Information**

Sullivan-Hayes Realty Partners Inc. has submitted plans to the City for a proposed retail development that would be located on the west side of Sheridan Boulevard within the vacant land to the south of 98<sup>th</sup> Avenue. Early feedback from residents of nearby subdivisions indicates that there is much concern from the public over transportation and environmental impacts that might be caused by the proposed development. The City's development guidelines require developers of proposed projects to retain the services of professional traffic consultants to thoroughly investigate the possible impacts of their developments upon the existing transportation infrastructure, and the results of those studies are used to determine needed system improvements. However, the City's development guidelines do not necessarily require the developers to perform studies of certain environmental issues such as the disruption of wildlife, visual impacts, air quality and noise. Furthermore, a study commissioned by a developer might be viewed as biased by the public. For these reasons, the City Council previously authorized the execution of a \$27,237 contract with Parsons Transportation Group, Inc. for their preparation of such an investigation of the proposed Westminster Center development.

The original scope of work proposed by Parsons did not include a historical or archeological overview of the project area. Upon further consideration, City Staff determined that it would be advisable to have the consultant perform the necessary research to ascertain the historical or archeological significance of the site. Also, the original scope of work defined that three renderings would be prepared to aid in the assessment of the visual impact of the proposed development. Staff later concluded that one additional rendering that would depict the future view to the west from the intersection of Sheridan Boulevard and City Center Drive would be most helpful. The total cost of the change order to provide these additional items is \$5936, which is 22% of the original contract amount. City Council action is required to authorize a change order of this size.

Funds are available in the Community Development Budget to cover both the change order cost and proposed contingency for this project.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
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**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** City Representative for Rocky Flats Coalition of Local Governments

**Prepared By:** J. Brent McFall, City Manager

**Summary Statement**

- Due to the announced retirement of current Rocky Flats Coordinator Mary Harlow on January 2, 2002, and the re-election of City Councillor Samantha Dixon, the City needs to appoint its three designated representatives to serve on the Rocky Flats Coalition of Local Governments Board of Directors (RFCLOG).
- The appointments would be effective beginning January 3, 2002, rather than the required February 1, 2002 deadline due to the announced retirement of Mary Harlow. This appointment will expire on January 31, 2003.
- City Councillor Samantha Dixon is being recommended to continue on the RFCLOG Board of Directors as the City's representative due to her past experience and knowledge and desired continued involvement in the cleanup and closure oversight activities of the Rocky Flats Environmental Technology Site (RFETS). In 2001, Councillor Dixon was selected to chair the 2002 RFCLOG Board of Directors, which is done on a rotating basis.
- The Board of Directors of RFCLOG will consist of seven members, each with one equal vote. A Director and two alternates are to be designated by each local government per the terms of the Intergovernmental Agreement that was signed in February 1999. Alternates may serve in lieu of Directors in the event of absence, resignation or removal of directors.
- Councillors Samantha Dixon and Herb Atchison and the City's Rocky Flats Coordinator have been serving as the elected and staff representatives for the City of Westminster. Council will need to provide a formal letter to the Coalition designating elected and staff representative for the City.

**Expenditure Required:** None required

**Source of Funds:** None required

**Recommended City Council Action:**

Appoint City Councillor Samantha Dixon as the City's representative to the Rocky Flats Coalition of Local Governments (RFCLOG) Board of Directors, the Director of Public Works and Utilities as the 1<sup>st</sup> Alternate, and Herb Atchison as the 2<sup>nd</sup> Alternate.



**Policy Issue(s)**

Should City Council formally appoint a City Councillor and two alternates to the Board of Directors of RFCLOG per the terms of the IGA signed in 1999?

**Alternative(s)**

City Council can appoint other City Councillors or Staff members to serve as the City's Director and its two alternates on the RFCLOG Board of Directors through a more formal selection process.

**Background Information**

The Rocky Flats Coalition of Local Governments (RFCLOG) is made up of elected officials and Staff representing the seven local governments that are contiguous to the Rocky Flats Environmental Technology Site (RFETS). The seven local governments are Westminster, Arvada, Boulder, Boulder County, Broomfield, Jefferson County, and Superior.

The purpose of RFCLOG is to provide an effective mechanism for local governments in the vicinity of RFETS and their citizens to work together on issues of mutual concern relative to the safe, prompt and effective cleanup and closure of Rocky Flats; its future use and long term protection; and to serve as a focal point for local government communication and advocacy with state and federal agencies regarding RFETS issues.

Local government staff representatives will meet and work with RFCLOG Staff to prepare agendas, develop work plans, prepare recommendations for the Board's approval as well as keep the elected official current on RFETS activities and concerns. Council will be kept apprised by the City's designees of RFCLOG's activities and of any recommendation requiring a formal position from the City.

The Intergovernmental Agreement forming RFCLOG sets forth that the agreement will be reviewed every fifth calendar year (the effective date of the agreement is February 18, 1999). As part of this review the parties agreed to consider whether to continue the coalitions existence. In addition an annual report is prepared at the end of each year of operation in order to evaluate the effectiveness of RFCLOG.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** Public Hearing and Action on the Third Amended Wallace Village Preliminary Development Plan

**Prepared By:** Patrick Caldwell, Planner II

**Summary Statement**

- City Council is requested to hold a public hearing and recommend approval regarding the application by S/S Land Holdings 3, LLC to add the following as a permitted use to the Preliminary Development Plan (PDP) of the Third Amended Wallace Village PDP:

“Resale and consignment sale of furniture and home furnishings. All items are to be merchandised in a traditional furniture showroom setting. At least 40% of sales to be new merchandise.”

- Terri’s Consign & Design Furnishings, a furniture retailer, is interested in leasing space at the Standley Lake Marketplace (at the northeast corner of Wadsworth Parkway and Church Ranch Blvd.) within the Wallace Village PDP and this amendment will accommodate this use. (See attached vicinity map)

**Expenditure Required:** None

**Source of Funds:** None

**Recommended City Council Actions**

1. Hold a public hearing.
2. Approve the Third Amended Wallace Village Preliminary Development Plan within the Wallace Village Planned Unit Development. This recommendation is based upon the findings set forth in Section 11-5-14 of the Westminster Municipal Code.

**Planning Commission Recommendation**

The Planning Commission held a public hearing on December 11, 2001, and by a vote of four to three (4-3), recommended that the City Council approve the Third Amended Wallace Village Preliminary Development Plan within the Wallace Village Planned Unit Development.

The Planning Commission found that the PDP amendment is in conformance with Section 11-5-14 of the City Code regarding standards for amendments to the Preliminary Development Plan.

The reason given for the dissenting votes were as follows:

Commissioner Smithwick

- 1) Concern over the ability to enforce a specific percentage of new furniture sales.
- 2) Permitting some used furniture sales could lead to less desirable uses for this center.

Commissioner Lockridge

- 1) Concurred with the above concerns and voiced concern about encumbering Staff to regulate the percentage requirement.

Commissioner English

- 1) Concurred with above concerns.
- 2) Concern with allowing the use in general. Would rather the use be specific to “Terri’s Consign & Design Furnishings” only.
- 3) Does not want this to lead to other “thrift” or used merchandise stores in the center.

**Policy Issue**

Whether the City should approve the Third Amended Wallace Village Preliminary Development Plan within the Wallace Village Planned Unit Development.

**Alternative**

Recommend denial of the Third Amended Wallace Village Preliminary Development Plan within the Wallace Village Planned Unit Development. This recommendation is based upon the findings set forth in Section 11-5-14 of the Westminster Municipal Code.

**Background Information**

Location/Surrounding Land Uses/Comprehensive Land Use Plan Designations

The Wallace Village PDP is located at the northeast corner of Church Ranch Boulevard and Wadsworth Parkway. The Standley Lake Marketplace (Safeway) is a part of this PDP.

South - across Church Ranch Boulevard is a shopping center known as the Colonnades; zoned PUD, with retail uses; Comprehensive Land Use Plan (CLUP) designation is District Center.

North - adjacent, are the Warwick Station and Walnut Creek apartment complexes; zoned PUD, with apartments; CLUP designation is Multi-Family.

East - adjacent, is the Cleo Wallace Center; zoned PUD, with institutional uses; CLUP designation is Public/Quasi-Public.

West - across Wadsworth Parkway is the Crown Point PDP, undeveloped except for a bank at the corner; zoned PUD, with commercial uses allowed; CLUP designation is District Center.

Site Plan Information

The Second Amended Wallace Village PDP was approved in 1998. That amendment substantially revised and upgraded earlier Official Development Plans (ODP) for the site. The main retail center and the separate buildings and pad sites (Standley Lake Marketplace) have been constructed since then. Safeway and other in-line retail stores anchor the site. A 52,000 square foot Scandinavian Design furniture store has been approved for construction to complete the north end of the main building. Separate buildings located at the edge of the site include a La-Z-Boy furniture store, a Mecca furniture store, a bank, a 7-11 gas/convenience store, and two fast food restaurants. Parking for over 1,000 vehicles is available. The PDP amendment does not affect any site plan elements.

The applicant, S/S Land Holdings 3, LLC, has proposed to amend the Second Amended Wallace Village PDP by adding “Resale and consignment sale of furniture and home furnishings. All items are to be merchandised in a traditional furniture showroom setting. At least 40% of sales are to be new merchandise” as an allowed use in the PDP. The current zoning of this property, Planned Unit Development (PUD), allows a variety of commercial and limited office uses. Specific related uses listed in the PDP include “furniture sales, service, rental,” and “furniture sales with limited warehousing” and “home furnishings.”

The PDP lists prohibited uses. Two prohibited uses related to the proposed new use are stated as “used merchandise/thrift store” and “pawn shop.” These prohibited uses will remain in the PDP.

Concerns with the proposed use dominating this PDP have been addressed by restricting this use to only one location within the PDP. The proposed new use would be limited to the building on Lot 8A Part of Parcel 7. This restriction is stated on the PDP.

The amendment to the PDP clarifies and quantifies the “used” nature of the product being sold. An antique store with a mixture of “reproduction antiques” and genuine antiques as well as a furniture store such as Terri’s Consign & Design Furnishings that sells a mixture of new and gently used furnishings are possible with the amended PDP.

No new construction is anticipated. Remodeling of existing tenant spaces will accommodate the amended use.

Traffic and Transportation

The PDP Amendment does not affect traffic and transportation at the site.

Service Commitment Category

Additional Service Commitments are not needed for this land use change. Sufficient quantities have been issued for the existing buildings.

Referral Agency Responses

No referral agencies expressed concerns with the proposed land use change.

Public Comments

No comments from the public were received.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** Councillor's Bill No. 74 re Amendment of the Business Assistance Agreement for Church Ranch Business Center Phase III

**Prepared By:** Becky Johnson, Economic Development Program Coordinator

**Summary Statement**

City Council is requested to approve amending the business assistance agreement for Church Ranch Business Center, Phase III. Three of the four buildings have been completed since the original business assistance package. Since the adoption of the business assistance agreement ordinance on December 14, 1998, market conditions have significantly changed. As a result Church Ranch Business Center III is requesting Council's approval of an amendment that would limit the agreement to the construction of three buildings rather than four buildings.

**Expenditure Required:** None

**Source of Funds:** N/A

**Recommended City Council Action**

Pass Councillor's Bill No. 74 on first reading authorizing the City Manager to execute the amendment to paragraphs 1, 2, and 3 of the Church Ranch Business Center Phase III, Business Assistance Agreement.

**Policy Issue(s)**

Whether to amend the current assistance package in order to limit the business assistance for Church Ranch Corporate Center of assistance to three instead of the four buildings in Church Ranch Business Center III, and relieving the developer from the obligation to construct the fourth building as a condition.

**Alternative(s)**

An alternative is to not approve the minor amendment proposed. Such action would put the project into non-conformance with the existing Business Assistance Package effective December 31, 2001. In such event, Church Ranch Business Center III, LLC would have to pay the City the total amount of fees and taxes waived by the City, as well as reimburse the City any other funds provided pursuant to this agreement. This action would violate the intent of providing assistance to this development for building and landscaping improvements, which have been implemented in the first three buildings.

**Background Information**

On December 14, 1998 City Council adopted the attached Business Assistance Agreement for Church Ranch Business Center, Phase III. As Mr. McKay's attached letter explains, at the time the business assistance agreement was approved, it was expected that all four buildings would be completed and leased by December 31, 2001. Since the approval of the agreement, market conditions have changed considerably, leaving the US 36 Corridor with high commercial office space vacancy rates. As a result, Church Ranch is requesting a minor amendment to the business assistance agreement. It also limits the City's assistance obligations to the three buildings that have already been constructed.

The intent of Church Ranch Business Center is to eventually complete the fourth building as market conditions improve. The primary purpose of the approved business assistance package was to aid in the construction of a two-story building element and installation of additional landscaping. Both of these conditions have been met in the construction of the first three buildings. The proposed modification will reduce the total amount of assistance provided in the original assistance package, as it is based upon the three buildings constructed by December 31, 2001 and will not include the fourth building.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

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

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2001, between the CITY OF WESTMINSTER (the "City"), and CHURCH RANCH BUSINESS CENTER III, LLC, A LIMITED LIABILITY COMPANY (CRBC);

WHEREAS, the City wishes to amend the Business Assistance Agreement, Councillor Bill 72, Ordinance No. 2647. This amendment will replace the phrase "four buildings" to read "three of four buildings" in the first three paragraphs. Paragraphs 1, 2, and 3 of the Business Assistance Agreement between the City of Westminster and Church Ranch Business Center III, LLC is amended to read as follows:

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

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

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

CHURCH RANCH LAND COMPANY, LLC

CITY OF WESTMINSTER

By \_\_\_\_\_  
Church Ranch Business Center  
III, LLC

\_\_\_\_\_  
J. Brent McFall  
City Manager

ATTEST:

ATTEST:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Michele Kelley  
City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **74**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE ASSISTANCE AGREEMENT WITH CHURCH RANCH BUSINESS CENTER III, LLC.

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

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

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

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

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

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 17th day of December, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 7<sup>th</sup> day of January, 2002.

ATTEST:

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Mayor

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City Clerk





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** Resolution No. 75 re Business Assistance Package with Avaya, Inc.

**Prepared By:** Susan Grafton, Economic Development Manager  
Barbara Gadecki, Assistant to the City Manager

**Summary Statement**

- City Council action is requested to adopt the attached Resolution authorizing a transfer from the General Fund contingency account into the Economic Development Division business assistance General Fund operating account.
- Funds for this transfer are available in the General Fund contingency account; the balance in the contingency fund prior to these transfers is \$1,108,538.
- City Council action is requested to authorize Staff to make the final payment on the April 1999 business assistance package with Avaya, Inc (formerly Lucent Technology) that was authorized by City Council in April of 1999.

**Expenditure Required:** \$100,000

**Source of Funds:** General Fund contingency account

**Recommended City Council Action**

Adopt Resolution No. 75 which authorizes the transfer of \$100,000 from the General Fund contingency account into the Economic Development business assistance operating account; and authorizes Staff to make the final payment to Avaya, Inc. (formerly Lucent Technology) pursuant to the April 1999 business assistance package.

**Policy Issue(s)**

Should the City Council appropriate General Fund contingency money to cover the identified business assistance expense explained within this agenda memorandum?

**Alternative(s)**

City Council could choose not to move any contingency funds to offset this expense. Staff does not recommend this option as contingency funds were planned to be utilized to cover this expense, the terms of the business assistance package have been met by Avaya, and the City is required per the agreement to make this payment.

**Background Information**

In April 1999, City Council approved an assistance package to Lucent Technologies (now Avaya, Inc) to provide for the construction of the new 480,000 square foot research and development building located at 1200 W 120<sup>th</sup> Avenue. As part of the assistance package, the City committed to providing Lucent (now Avaya) \$100,000 once the final Certificate of Occupancy (CO) was issued to assist in defraying the cost of moving. The final Certificate of Occupancy was issued October 5, 2001. Pursuant to paragraph 1 of the attached assistance agreement, payment of the balance is appropriate at this time.

On December 11, 2000, Council made a second amendment to the agreement for additional incentive in the amount of \$100,000 for landscaping added at the City's request along Pecos Street, Huron Street and 116<sup>th</sup> Avenue in excess of normal City requirements (the first amendment extended the construction completion date required from August 1, 2001 to December 31, 2001). This payment was made in 2000.

The total of \$100,000 remaining to be paid pursuant to the business assistance package is being recommended for funding from the 2001 General Fund contingency account. Making this final payment was anticipated by Staff to be paid from the contingency account as the actual issuance date for the Certificate of Occupancy was uncertain. As such, Staff is recommending that funds be transferred from the General Fund contingency account (which currently has a balance of \$1,108,538) into the Economic Division operating budget to meet this financial obligation. Additionally, with this agenda memo, Staff is requesting authorization to process this payment to Avaya pursuant to the amended agreement.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **75**

INTRODUCED BY COUNCILLORS:

SERIES OF 2001

WHEREAS, City Council approved an assistance package to Lucent Technologies (now Avaya, Inc) to provide for the construction of the new 480,000 square foot research and development building located at 1200 W 120<sup>th</sup> Avenue; and

WHEREAS, as part of the assistance package, the City committed to providing Lucent (now Avaya) \$100,000 once the final Certificate of Occupancy (CO) was issued; and

WHEREAS, the final Certificate of Occupancy was issued October 5, 2001; and

WHEREAS, Avaya has requested the funds as outlined in paragraph 1 of the attached assistance agreement; and

WHEREAS, General Fund contingency account funds were anticipated to cover the business assistance package expense; and

WHEREAS, the General Fund Contingency balance is \$1,108,538.

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

1. Authorizes the transfer of \$100,000 from the General Fund Contingency to the appropriate Operating Budget account in the Community Development Department as follows:

10030340.68000.0000	Economic Development business assistance account	\$100,000
	GENERAL FUND TOTAL	\$100,000

2. Authorizes staff to make the final payment of \$100,000 to Avaya, Inc., (formerly Lucent Technology) pursuant to the April 1999 business assistance package.

Passed and adopted this 17<sup>th</sup> day of December, 2001.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** 136<sup>th</sup> Avenue Interchange Construction Intergovernmental Agreement (IGA)

**Prepared By:** Dan Blankenship, Senior Projects Coordinator

**Summary Statement**

- Over the past several years, the City has taken several formal steps towards the construction of a new interchange at 136<sup>th</sup> Avenue and I-25. Those steps have included the following:
  - The completion of engineering and financial feasibility studies
  - The execution of intergovernmental agreements for the environmental assessment and design, the preparation of a planning study for the I-25 corridor and the relocation of the existing United Power electric substation
  - The formation of a General Improvement District to assist with the financing of the interchange and associated improvements
- As the environmental assessment and design portions of the interchange project are approaching their final stages, the proposed IGA is necessary to “memorialize” both Westminster’s and Thornton’s commitment to construct the interchange.
- The proposed IGA addresses right-of-way acquisition, project management/construction services, invoicing, change orders, realignment of Quail Creek and the Bull Canal, maintenance, funding and dispute resolution.
- The proposed IGA has been reviewed and approved by the City Attorney’s offices of Westminster and Thornton.

**Expenditure Required:** No expenditure authorization requested

**Source of Funds:** None

**Recommended City Council Action**

Authorize the Mayor to execute an intergovernmental agreement with the City of Thornton for the construction of the 136<sup>th</sup> Avenue and I-25 interchange.

### **Policy Issue(s)**

Should the City continue with the effort to construct a new interchange at 136<sup>th</sup> Avenue and I-25 and memorialize that commitment in an intergovernmental agreement with the City of Thornton?

### **Alternative(s)**

Do not authorize execution of the intergovernmental agreement. This is not recommended because it would send a message to the City of Thornton that Westminster is not committed to the construction of the interchange and could result in Thornton pulling away from this project.

### **Background Information**

In 1998, the Cities of Westminster, Broomfield and Thornton collaborated on the investigation and selection of the location for the next new interchange on I-25 north of 120<sup>th</sup> Avenue. After careful consideration, the three City Councils unanimously selected 136<sup>th</sup> Avenue as the site of this new interchange. Since that time, there have been several steps taken towards the construction of the interchange, which include:

- In October 1999, Council approved an intergovernmental agreement with the City of Thornton for the environmental assessment and design of the interchange.
- In August 2000 a financial feasibility study was completed and Council approved the formation of a General Improvement District.
- In the November 2000 general election, the voters approved a no-tax-increase sales tax bond issue to finance the proposed 136<sup>th</sup> Avenue interchange.
- In May 2001, Council authorized design services for the relocation of Quail Creek and Bull Canal, separating them from the interchange design so the relocations could occur in advance of the interchange construction.
- In June 2001, Council approved an intergovernmental agreement for the relocation of the United Power electric substation, which is currently located in the southwest quadrant of the proposed interchange.
- Also in June 2001, Council approved a sales tax bond reimbursement resolution allowing the City to be reimbursed for project expenses that are incurred prior to the issuance of bonds.

As the environmental assessment and design enter their final stages, the next step in the process will be the actual construction of the improvements. A construction intergovernmental agreement has been negotiated by the staff from both Cities and is ready for approval by each respective Council. The key elements of the IGA are as follows:

- Right-of-way acquisition. The IGA obligates both Cities to provide evidence that the property interests necessary for construction have been acquired by October 2002.
- Project management/construction services. The IGA stipulates that the Cities will jointly select a project management firm to assist with administering and overseeing the construction.
- Invoicing. The IGA stipulates that the contract documents will require the contractor to invoice each City for the work within their respective jurisdiction and for one-half of the interchange costs.

- Change orders and dispute resolution. The IGA stipulates that the representatives from each City shall meet on a weekly basis to review change orders and make recommendations to their respective authority. If the Cities are unable to reach agreement on any issue, a mutually acceptable third party decision maker will be retained to make an interim decision that will allow the project to proceed.
- Realignment of Quail Creek and the Bull Canal. The IGA obligates Westminster to construct the realignments as a separate project and obligates Thornton to contribute \$315,000 to the realignment upon completion of the realignment project.
- Maintenance. The IGA obligates each City to maintain the bridge over I-25, roadways and streetlights along 136<sup>th</sup> Avenue, between and including the interchange ramp intersections in good repair and that the parties shall share the cost of such maintenance equally. The IGA also addresses snow removal and signal maintenance. A separate intergovernmental agreement between Westminster, Thornton and CDOT is currently being prepared and will be presented to the Council for consideration at a future date.
- Funding. The IGA requires that each City provide evidence that it has appropriated sufficient funds to pay its portion of the construction cost prior to awarding the construction contract.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**  
**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** Councillor's Bill No. 75 re Supplemental Appropriation for 136<sup>th</sup> Avenue Interchange Project

**Prepared By:** Dan Blankenship, Senior Project Coordinator

**Summary Statement**

City Council action is requested to adopt the attached Councillor's Bill as an emergency ordinance, appropriating funds for beginning the construction on components of the I-25 Interchange at 136<sup>th</sup> Avenue. These funds will be repaid to the City when bonds are issued in late 2002 to early 2003.

- On October 11, 1999, Council approved an Intergovernmental Agreement with the City of Thornton for the environmental assessment and design for the proposed 136<sup>th</sup> Avenue and I-25 interchange.
- On August 14, 2000, Council approved the formation of a General Improvement District as a means to finance a portion of the 136<sup>th</sup> Avenue interchange and associated improvement costs. At the time the district was formed, a financial feasibility study was performed to evaluate the district's ability to generate the revenues necessary to pay the bonding debt for the proposed interchange.
- In November of 2000, Westminster voters passed a ballot measure authorizing the City to issue bonds to construct the 136<sup>th</sup> Avenue interchange.
- On May 14, 2001, Council authorized the City Manager to execute a professional services agreement for the preparation of plans and specifications for the relocation of Quail Creek and the Bull Canal in advance of the 136<sup>th</sup> Avenue interchange construction.
- On June 25, 2001, Council adopted a sales tax bond reimbursement resolution so that the City could be reimbursed for expenses incurred prior to the issuance of bonds on the 136<sup>th</sup> Avenue interchange project.
- The 2000 and 2001 General Capital Improvement Budgets included \$530,000 for expenses associated with the interchange project. Those funds have been expended and in order to continue with the project, additional funds need to be appropriated prior to the issuance of bonds. These funds will be repaid to the City when bonds are issued in November 2002 – January 2003.
- The financial feasibility study was recently updated and the results indicate that the two properties located within the General Improvement District should generate approximately \$49 million (current dollars) in revenues from GID property taxes, general property taxes, sales tax, use tax and revenue sharing from Thornton during the 20-year period beginning in 2002. The estimated total debt, including principal and interest, for the interchange construction is approximately \$21 million.

**Expenditure Required:** \$2,600,000

**Source of Funds:** Partial early appropriation of bond proceeds.

**Recommended City Council Action**

Adopt Councillor's Bill No. 75 as an emergency ordinance authorizing a supplemental appropriation of \$2,600,000 for the 136<sup>th</sup> Avenue Interchange project in the General Capital Improvement Fund.

## **Policy Issue**

Should additional funds be appropriated in advance of the issuance of bonds for the 136<sup>th</sup> Avenue interchange project to allow the project to proceed?

## **Alternatives**

1. Defer the remaining tasks on the 136<sup>th</sup> Avenue interchange project until bonds are issued. This alternative is not recommended because it would require the City to issue bonds up to a year prior to the start of construction, which would then increase the financing and overall costs of the project. In addition, funds and cash flow are available in the General Capital Improvement Fund and will not be spent until year end or later, due to advanced funding of several projects.
2. Cease all efforts on the 136<sup>th</sup> Avenue interchange project. This alternative is not recommended because the long-term prospects for the City with regard to sales tax, property tax and other revenues are very favorable.

## **Background Information**

Over the past several years, the City has taken several formal steps towards the construction of a new interchange at 136<sup>th</sup> Avenue and I-25. Those steps have included the following:

- The joint completion of an engineering feasibility study with the Cities of Thornton and Broomfield, which was subsequently approved by the Colorado Transportation Commission,
- The execution of Intergovernmental Agreements for the environmental assessment and design of the interchange, the preparation of a planning study along the I-25 corridor and the relocation of the United Power substation, which is currently located just south of 136<sup>th</sup> Avenue on the west side of I-25,
- The formation of a General Improvement District to provide a means to finance the proposed interchange and associated improvements and the establishment of a reimbursement resolution that allows the City to be reimbursed from the bond proceeds for the project costs expended prior to the issuance of bonds.

Additionally, in the November 2000 general election, a no-tax-increase sales tax bond, ballot issue was approved by the voters to fund the 136<sup>th</sup> Avenue interchange project and the 112<sup>th</sup> Avenue widening project.

To date, \$530,000 has been budgeted in the General Capital Improvement Program for the 136<sup>th</sup> Avenue Interchange project and funds have been expended from that account for the following:

- engineering feasibility study
- financial feasibility study
- environmental assessment
- preliminary design and final design of the interchange and associated improvements
- preparation of separate plans and specifications for the Quail Creek/Bull Canal relocation
- architectural design of the proposed 136<sup>th</sup> Avenue bridge over I-25 and
- acquisition of the United Power substation site

In order to continue with the project, it is estimated that an additional \$2,600,000 will be needed prior to the issuance of bonds, which is anticipated to occur sometime between November 2002 and January 2003. A summary of the project costs prior to bond issuance is attached. Excess cash is available in the General Capital Improvement Fund and will not be used until next year or later for budgeted projects.



Upon issuance of bonds for the interchange, the requested funds will be reimbursed in accordance with the reimbursement resolution. The requested funds will be used for the following:

- Quail Creek/Bull Canal relocation, bids for this project have been opened and the award of a construction contract and associated construction services contracts are recommended for approval subject to the approval of the requested supplemental appropriation
- Right-of-way acquisition
- Land lease to stockpile dirt for the interchange construction
- Relocation of the existing United Power electric substation. In accordance with the United Power substation relocation intergovernmental agreement, the City is obligated to make payments to United Power and Thornton in 2002
- Completion of the environmental assessment and engineering design

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **75**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN EMERGENCY ORDINANCE INCREASING THE 2001 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2839 in the amount of \$14,802,638 is hereby increased by \$2,600,000 which, when added to the fund balance as of the City Council action on December 17, 2001 will equal \$41,955,533. 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 the appropriation of bond proceeds for the 136<sup>th</sup> Ave Interchange project.

Section 2. The \$2,600,000 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>			
Bond Proceeds 7500.46020.0058	\$0	<u>\$2,600,000</u>	\$2,600,000
Total Change to Revenues		<u>\$2,600,000</u>	
<b>EXPENSES</b>			
N I-25 Interchange at 136 <sup>th</sup> Ave 80175030058.80400.8888	\$530,000	<u>\$2,600,000</u>	\$3,130,000
Total Change to Expenditures		<u>\$2,600,000</u>	

Section 5. – 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 6 – Emergency. Due to the immediate need by the City for the proceeds of the Bonds in order to continue with the 136<sup>th</sup> Avenue Interchange project, an emergency exists which requires the immediate passage of this Ordinance as an emergency measure, and this Ordinance is immediately necessary for the preservation of the public peace, health, safety or financial well being of the city.

PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 17<sup>th</sup> day of December, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** Councillor's Bill No. 76 re Supplemental Appropriations of Grant Awards into the Open Space Fund.

**Prepared By:** Lynn Wodell, Open Space Acquisition Agent

**Summary Statement:**

Council action is requested on the attached Councillor's Bill to approve a supplemental appropriation of grant and other funds totaling \$665,800 into the Open Space Fund. This request includes the following funds received by the City:

- \$300,000 Grant received from Adams County Open Space Program for the acquisition of 31.5 acres of open space along the Big Dry Creek Open Space and Trail Corridor.
- \$199,800 Grant received from Jefferson County Open Space Program for the acquisition of 20.9 acres of open space along the Walnut Creek Open Space and Trail Corridor.
- \$160,000 Grant received from the Great Outdoors Colorado (GOCO) Trust Fund for the acquisition of 39.42 acres of open space along the Walnut Creek Open Space and Trail Corridor.
- \$6,000 received from Broomfield Associates for the sale of a small portion of the Caulkins Ditch through The Village of Harmony Park subdivision.

**Expenditure Required:** \$665,800

**Source of Funds:** Grant funds from Adams County Open Space, Jefferson County Open Space, Great Outdoors Colorado Trust Fund and the sale of assets.

**Recommended City Council Action**

Pass Councillor's Bill No. 76 on first reading authorizing supplemental appropriations of \$665,800 in the Open Space Fund.

**Policy Issue(s)**

Does City Council wish to accept the funds outlined in the Councillor's Bill and authorize their use toward approved open space acquisitions?

**Alternative(s)**

City Council could choose not to authorize the supplemental appropriations of \$665,800 into the Open Space Fund at this time. However, these are all grant awards from applications previously authorized by Council and these funds are necessary to complete future acquisitions. Council has also previously authorized the sale of that portion of Caulkins Ditch. Staff does not recommend the alternative.

**Background Information**

City Council had previously authorized Staff to apply for the three grants from Adams County Open Space Program, Jefferson County Open Space Program and Great Outdoors Colorado Trust Fund for Big Dry Creek Open Space and Trail Corridor and Walnut Creek Open Space and Trail Corridor to assist with these open space acquisitions. Staff is very pleased to report that the three grant applications were successful. These grants have been paid to the City and have been placed in a holding account until the monies are appropriated for their intended use.

- \$300,000 Grant received from Adams County Open Space Program for the acquisition of 31.5 acres of open space along the Big Dry Creek Open Space and Trail Corridor purchased by the City on November 21, 2001.
- \$199,800 Grant received from Jefferson County Open Space Program for the acquisition of 20.9 acres of open space along the Walnut Creek Open Space and Trail Corridor on the west side of Wadsworth Parkway purchased from Cooper Investments in 1996.
- \$160,000 Grant received from the Great Outdoors Colorado Trust Fund for the acquisition of 39.42 acres of open space along the Walnut Creek Open Space and Trail Corridor on both sides of Wadsworth Parkway. This grant was initially awarded in 1994 but was only recently received when details of the covenants required by GOCO could be worked out.
- \$6,000 received from Broomfield Associates for the sale of a small portion of the Caulkins Ditch through The Village of Harmony Park subdivision.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **76**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGETS OF THE OPEN SPACE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2839 in the amount of \$4,827,625 is hereby increased by \$665,800 which, when added to the fund balance as of the City Council action on December 17, 2001 will equal \$7,588,425. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of grants from Jefferson County Open Space, Adams County Open Space, Great Outdoors Colorado and the sale of assets.

Section 2. The \$665,800 increase in the Open Space 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>			
Intergovernmental - District			
5400.40510.0000	\$200,000	\$659,800	\$859,800
Misc – Sale of Assets 5400.43040.0000	0	<u>6,000</u>	6,000
Total Change to Revenues		<u>\$665,800</u>	
<b>EXPENSES</b>			
Land Purchases 54010900.76600.0000	\$2,656,264	<u>\$665,800</u>	\$3,322,064
Total Change to Expenditures		<u>\$665,800</u>	

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 17<sup>th</sup> day of December, 2001. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 7th day of January, 2002.

ATTEST:

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Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** Councilors Bill No. 77 re COORS Field Sales Tax Refund

**Prepared By:** Steve Smithers, Assistant City Manager

**Summary Statement**

- > The City has received a refund from the Denver Metropolitan Baseball District in the amount of \$457,447.84.
- > This refund came about as a result of the COORS Field debt being paid off earlier than anticipated.
- > The funds were distributed back to local governments in the District in August of this year. The funds come with no strings attached; they can be used for any purposes deemed appropriate by the local government receiving the funds.
- > Staff has evaluated a number of alternative uses for these funds.
- > The recommendation is to allocate these funds to an account that will allow the City to establish a capital depreciation fund (otherwise known as a sinking fund) for the future replacement of capital equipment and vehicles. In addition, per City Council direction, \$3,000 has been allocated to the refurbishment of fire equipment, and \$1,000 to the senior lock box program.

**Expenditure Required:**        \$ 457,447.84

**Source of Funds:**            COORS Field rebate

**Recommended City Council Action:**

Pass Councilor's Bill No. 77 on first reading authorizing the supplemental appropriation of the COORS Field sales tax rebate to fund: future major equipment/vehicle replacements, the refurbishment of fire equipment, and the senior lock box program.

**Policy Issue(s)**

Should the City utilize the COORS Field sales tax rebate to fund: future major equipment/vehicle replacements, the refurbishment of fire equipment, and the senior lock box program?

**Alternative(s)**

The City could allocate a portion or all of the funds to the Metro Mayors' Housing fund. As is discussed below, Staff and Council have examined the Metro Mayors' housing proposal. In Staff's opinion this proposal does not warrant funding at this time.

The City could allocate a portion or all of the funds to the general fund reserve. Staff does not recommend this option as the City's 2002 General Fund reserve is projected to be in excess of \$7.5 Million, or over 11% of General Fund Operating Expenses. The 11% reserve is higher than the 7-10% range that City has established as the appropriate reserve level for the General Fund.

**Background Information**

On Aug. 16, 1990 voters from the six-county Denver area approved a 0.1 percent sales tax to fund a baseball-only stadium. The ballpark's total cost was \$215 million, with \$168 million of this amount publicly financed. The stadium was refinanced several years ago allowing the bonds to be paid off early. In August of this year, the refund of the sales tax left in the Metropolitan Baseball Stadium District's coffers was distributed back to the local governments where it was collected. The City has received a check in the amount of \$457,447.84.

The refund was not required to be spent for any specific purpose. As with other sales tax funds collected by the City, the funds can be allocated to any purpose that City Council so designates.

Staff is recommending that \$453,447 of the COORS refund dollars be allocated to a capital improvement project thus freeing up sales tax dollars that can be utilized to fund a capital depreciation fund to replace vehicles and major equipment. A capital depreciation fund is a mechanism that would allow for the pre-funding of necessary major capital replacement. In essence it operates as a bank account that can be drawn from to pay for major capital replacement. This account would be funded up front by cash contributions from the COORS Stadium refund and 2000 and 2001 carryover funds. Ongoing funding would be derived through charges assessed to all departments based on the future cost of replacing their current fleet of vehicles and major equipment. When the vehicle comes up for replacement, funds would be drawn from this centralized capital account to pay for the costs of these replacements (funds from this source would not be used for purchase of new equipment). The major advantage of this approach is that it creates a funding source to allow the City to replace vehicles and major equipment on a more consistent basis. The current practice of cash funding replacements as the budget allows has resulted in uneven funding from year to year, and some delays in replacement during leaner times. Capital depreciation funds have been used effectively by numerous cities and other governmental entities across the country.

If Council approves moving forward with setting aside these funds for capital replacement, Staff will develop a detailed program that will be brought back to City Council at a later date. In addition, Staff is bringing forward for separate action the set aside of approximately \$1,000,000 from the 2000 General and Utility fund carryovers for this purpose.

City Council requested that \$3,000 be set aside for the refurbishment of the antique fire apparatus that is utilized by the Fire Department for parades and other public events. In addition, \$1,000 was requested to be set aside to provide funding for the senior lock box program that aids the Fire Department in gaining access to senior's homes in emergency situations.



**SUBJECT:** Councilors Bill No. 77 re COORS Field Sales Tax Refund - Page 3

**Metro Mayors' Caucus Proposal**

The Metro Mayors' Caucus began putting a regional program together on Housing in response to the COORS funding availability. A copy of their proposed program and a question and answer sheet were distributed to City Council with the September 26<sup>th</sup> packet. As noted in that Staff Report, 5 of the thirty-one cities in the Caucus had contributed a total of \$550,000 to this proposed housing program. In addition, Staff has concerns that this is an unproven new regional housing program that may have limited benefits for Westminster residents. The City is involved in a number of new initiatives in regard to affordable housing including the Federal HOME program and an affordable housing project RFP that will be issued yet this year. Staff believes these local efforts will produce more tangible benefits for Westminster residents than the proposed program from the Metro Mayors' Caucus.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **77**

SERIES OF 2001

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2001 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2001 appropriation for the General Fund initially appropriated by Ordinance No. 2839 in the amount of \$67,845,371 is hereby increased by \$457,448 which, when added to the fund balance as of the City Council action on December 17, 2001 will equal \$71,229,242. 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 an increase in the transfer from the Sales and Use Tax fund.

Section 2. The \$457,448 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
<b>REVENUES</b>			
Transfer from Sales Tax Fund			
1000.45000.0530	\$45,022,000	<u>\$457,448</u>	\$45,479,448
Total Change to Revenues		<u>\$457,448</u>	
<b>EXPENSES</b>			
Other Expenses-Misc			
10010900.79400.0000	\$533,033	\$453,448	\$986,481
Contractual Services			
10025260.67800.0000	11,100	<u>4,000</u>	15,100
Total change to expenses		<u>\$457,448</u>	

Section 3. The 2001 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2839 will equal \$42,086,768 as of the City Council action on December 17, 2001. 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 action does not change the appropriations in the General Capital Improvement Fund; however, the budget changes are shown here for reference purposes.

Section 4. The budget changes in the General Capital Improvement Fund shall be allocated to City Revenue accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Other District Misc Revenue			
7500.40510.0000	\$0	\$457,448	\$457,448
Transfer from Sales Tax Fund			
7500.45000.0530	\$3,167,000	<u>\$(457,448)</u>	\$2,709,552
Total Change to Revenue		<u>\$0</u>	

Section 5. The 2001 appropriation for the Sales and Use Tax Fund initially appropriated by Ordinance No. 2839 will equal \$53,799,000 as of the City Council action on December 17, 2001. The actual amount in the Sales and Use Tax 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 action does not change the appropriations in the Sales and Use Tax Fund; however, the budget changes are shown here for reference purposes.

Section 6. The budget changes in the Sales and Use Tax Fund shall be allocated to City Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>EXPENSES</b>			
Transfer to GCIF			
53010900.79800.0750	\$3,167,000	\$(457,448)	\$2,709,552
Transfer to General Fund			
53010900.79800.0100	45,022,000	<u>457,448</u>	45,479,448
Total Change to Expenses		<u>\$0</u>	

Section 7. – 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 8. This ordinance shall take effect upon its passage after the second reading.

Section 9. 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 17<sup>th</sup> day of December, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 7<sup>th</sup> day of January, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

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



**Agenda Memorandum**

City Council Meeting  
December 17, 2001

**SUBJECT:** REVISED Councillor's Bill No. 77 re: COORS Field Sales Tax Refund

**Prepared By:** Steve Smithers, Assistant City Manager

**Summary Statement**

- > The City has received a refund from the Denver Metropolitan Baseball District in the amount of \$457,447.84.
- > This refund came about as a result of the COORS Field debt being paid off earlier than anticipated.
- > The funds were distributed back to local governments in the District in August of this year. The funds come with no strings attached; they can be used for any purposes deemed appropriate by the local government receiving the funds.
- > Staff has evaluated a number of alternative uses for these funds.
- > The recommendation is to allocate these funds to an account that will allow the City to establish a capital depreciation fund (otherwise known as a sinking fund) for the future replacement of capital equipment and vehicles. In addition, per City Council direction, \$3,000 has been allocated to the refurbishment of fire equipment, and \$1,000 to the senior lock box program.

**Expenditure Required:**            \$ 457,447.84

**Source of Funds:**                COORS Field rebate

**Recommended City Council Action:**

*Pass Councillor's Bill No. 77 on first reading appropriating the Coors Field Rebate in the amount of \$457,448 to the General Capital Improvement Fund, reducing the previously authorized Sales Tax Fund Transfer by a like amount, and re-appropriating the funds resulting from said reduction to the General Fund as follows: capital equipment/vehicle replacements-\$453,448; refurbishment of fire equipment-\$3,000; and purchase of emergency response lock boxes for seniors-\$1,000.*

**Policy Issue(s)**

Should the City utilize the COORS Field sales tax rebate to fund: future major equipment/vehicle replacements, the refurbishment of fire equipment, and the senior lock box program?

### **Alternative(s)**

The City could allocate a portion or all of the funds to the Metro Mayors' Housing fund. As is discussed below, Staff and Council have examined the Metro Mayors' housing proposal. In Staff's opinion this proposal does not warrant funding at this time.

The City could allocate a portion or all of the funds to the general fund reserve. Staff does not recommend this option as the City's 2002 General Fund reserve is projected to be in excess of \$7.5 Million, or over 11% of General Fund Operating Expenses. The 11% reserve is higher than the 7-10% range that City has established as the appropriate reserve level for the General Fund.

### **Background Information**

On Aug. 16, 1990 voters from the six-county Denver area approved a 0.1 percent sales tax to fund a baseball-only stadium. The ballpark's total cost was \$215 million, with \$168 million of this amount publicly financed. The stadium was refinanced several years ago allowing the bonds to be paid off early. In August of this year, the refund of the sales tax left in the Metropolitan Baseball Stadium District's coffers was distributed back to the local governments where it was collected. The City has received a check in the amount of \$457,447.84.

The refund was not required to be spent for any specific purpose. As with other sales tax funds collected by the City, the funds can be allocated to any purpose that City Council so designates.

Staff is recommending that \$453,447 of the COORS refund dollars be allocated to a capital improvement project thus freeing up sales tax dollars that can be utilized to fund a capital depreciation fund to replace vehicles and major equipment. A capital depreciation fund is a mechanism that would allow for the pre-funding of necessary major capital replacement. In essence it operates as a bank account that can be drawn from to pay for major capital replacement. ~~This account would be funded up front by cash contributions from the COORS Stadium refund and 2000 and 2001 carryover funds.~~ Ongoing funding would be derived through charges assessed to all departments based on the future cost of replacing their current fleet of vehicles and major equipment. When the vehicle comes up for replacement, funds would be drawn from this centralized capital account to pay for the costs of these replacements (funds from this source would not be used for purchase of new equipment). The major advantage of this approach is that it creates a funding source to allow the City to replace vehicles and major equipment on a more consistent basis. The current practice of cash funding replacements as the budget allows has resulted in uneven funding from year to year, and some delays in replacement during leaner times. Capital depreciation funds have been used effectively by numerous cities and other governmental entities across the country.

If Council approves moving forward with setting aside these funds for capital replacement, Staff will develop a detailed program that will be brought back to City Council at a later date. In addition, Staff is bringing forward for separate action the set aside of approximately \$1,000,000 from the 2000 General and Utility fund carryovers for this purpose.

City Council requested that \$3,000 be set aside for the refurbishment of the antique fire apparatus that is utilized by the Fire Department for parades and other public events. In addition, \$1,000 was requested to be set aside to provide funding for the senior lock box program that aids the Fire Department in gaining access to senior's homes in emergency situations.

**Metro Mayors' Caucus Proposal**

The Metro Mayors' Caucus began putting a regional program together on Housing in response to the COORS funding availability. A copy of their proposed program and a question and answer sheet were distributed to City Council with the September 26<sup>th</sup> packet. As noted in that Staff Report, 5 of the thirty-one cities in the Caucus had contributed a total of \$550,000 to this proposed housing program. In addition, Staff has concerns that this is an unproven new regional housing program that may have limited benefits for Westminster residents. The City is involved in a number of new initiatives in regard to affordable housing including the Federal HOME program and an affordable housing project RFP that will be issued yet this year. Staff believes these local efforts will produce more tangible benefits for Westminster residents than the proposed program from the Metro Mayors' Caucus.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



## WESTMINSTER

### Agenda Memorandum

City Council Meeting  
December 17, 2001

**SUBJECT:** Councillor's Bill No. 78 re Allocation of 2000 Carryover Revenues

**Prepared By:** Steve Smithers, Assistant City Manager

### Summary Statement

- 2000 Carryover revenues from all funds total approximately \$14 million dollars. The breakdown of these revenues by fund is included in the background section of this report.
- These carryover revenues are derived from higher than anticipated revenue collections and lower than anticipated expenditures in various City funds. Examples of the sources of the higher revenue collections include: tap fees from the continued residential and commercial growth the City has been experiencing, building use tax collections, and interest earnings in excess of what was anticipated.
- The City has historically allocated these funds to be spent on various general and utility capital improvements (as well as specific purposes where the funds are from a dedicated source of revenues). This follows the City's policy of spending one-time revenues on one-time expenses.
- In light of the weak economic environment, Staff is recommending that all of the 2000 carryover funds in the Sales and Use Tax fund (\$503,132) be carried forward to 2002 as unallocated fund balance to provide additional protection against further weakening in the economy. Also, carryover of \$84,474 in the Fleet Fund and \$106,192 in the Debt Service Fund are not being appropriated and will carry over into future years. These funds cannot be expended until they are appropriated by City Council. In addition, \$134,904 will be added to the General Reserve Fund from 2000 Carryover.

**Expenditure Required:** \$13,361,554

**Source of Funds:** 2000 Carryover Funds

### Recommended City Council Action:

Pass Councillor's Bill No. 78 on first reading allocating the 2000 Carryover Revenues as detailed in the background section of this agenda memo.

### **Policy Issue**

- Should the 2000 Carryover funds be appropriated for the various items set forth in this Ordinance?

### **Alternatives**

- City Council could direct Staff to allocate a greater portion of the carryover to reserve funds. Staff does not recommend this option as the City's 2002 General Fund reserve is projected to be in excess of \$7.5 Million, or over 11% of annual General Fund Operating expenses. The 11% reserve is higher than the 7-10% range that City has established as the appropriate reserve level for the General Fund. The Utility Fund reserve is projected to be in excess of \$4.6 million dollars, which is 12.6% of annual Utility Fund expenses.
- City Council could alter the list of projects that Staff is recommending to be funded. Staff believes the list of projects set forth in the background section of this Staff Report addresses the most critical needs that currently exist in the City. Staff spent a significant amount of time evaluating existing and future needs. In particular, Staff attempted to address key projects where significant funding pressure exists in 2002 and 2003.

### **Background Information**

Each year the City Manager's Office and the Finance Department review the status of year-end revenue collections and expenditures for the previous year to determine what carryover funds, if any, are available for appropriation in the current year. The carryover revenues from the various funds above the projected amounts in the 2000 Budget are as follows:

- General Fund - \$3,267,975
- Fleet Fund - \$84,474
- Utility Fund - \$7,196,777
- Debt Service Fund - \$248,477
- Sales and Use Tax Fund - \$503,132
- General Capital Improvement Fund - \$1,961,186
- Open Space Fund - \$631,330
- Reserve Fund - \$134,904
- Total Funds Available – \$14,055,352

It is recommended that that the projects listed below be funded.

### **General Capital Improvement Fund**

- \$200,000 to be allocated to enhancing the City's Neighborhood Traffic Mitigation Program. These funds will be added to the current balance of funds in this capital project, for a total of \$500,000 available for additional traffic mitigation devices to be installed in neighborhoods in 2002.
- \$120,000 for the development of the multi-year strategic financial model. Staff has previously discussed, and Council has provided direction to Staff to proceed with the development of a multi-year financial model that will allow the City to plan for operational and capital needs through build out and beyond. Staff is currently negotiating with Paul Tischler and Associates to contract for the development of this model.



- \$300,000 to be allocated to the developer participations account to meet future street construction needs including intersection improvements at 104<sup>th</sup> and Sheridan and Huron Street widening north of 129<sup>th</sup> avenue.
- \$85,700 to be allocated to future dam and drainage improvements at McKay Lake. These improvements will be necessary for the McKay Lake dam to meet the requirements of the state engineer. This amount has decreased from the previous amount shown to City Council based on the direction provided to fund certain phased spending plan operating expenses.
- \$600,000 for funding the relocation of Fire Station number 2. Total cost for this project is \$2,760,000, with \$2,160,000 funded to date. This final allocation of funding will allow construction of this project to begin in the fall of 2002.
- \$1,000,000 for funding the new Library at 74<sup>th</sup> and Irving. The current CIP calls for this project to be debt financed in 2003 at \$3,500,000. This funding, which includes \$142,285 from the Debt Service Fund carryover, will help offset the need to debt finance this project and assure that this project is in a better position to move forward in 2003.
- \$750,000 for funding South Westminster redevelopment projects. Due to a tighter General Capital Improvement budget there was no funding added to this project account for 2002. The City has identified two projects that are moving forward currently and several more that may be worthwhile to pursue in the foreseeable future. These projects will require participation by the City; therefore, Staff believes this additional funding is a very high priority.
- \$450,000 for the Public Safety Center. It was anticipated by Staff that the tap fee (\$200,000) would need to be funded by carryover funds. This fee will have to be paid when the certificate of occupancy is issued for the building, which is projected to be late fall of 2002. In addition, the project budget was predicated on interest earnings on the COP proceeds for this project. Staff is currently projecting, due to the severe decrease in interest rates over the past few months, that interest earning will fall short of projections by \$250,000. These funds are needed to complete the project.
- \$216,178 allocated to the community enhancement fund. The Accommodations Tax generated higher than anticipated revenues in 2000 and these funds, by City policy, are designated to be spent under the City's Community Enhancement Program.
- \$66,929 allocated to Park Major Maintenance. These funds are from higher than anticipated Parks Cash in Lieu payments from developers and are required to be spent on Parks. Allocating the funds to Park Major Maintenance will allow the City to address needed maintenance items in existing parks.
- \$150,000 for miscellaneous studies related to the future development of the Promenade and Mandalay Gardens. These funds are necessary to bring in outside consulting assistance to do analysis and develop plans for the undeveloped portions of the Promenade and the Mandalay Gardens area and are recommended to be appropriated into the General Capital Improvement Fund as a capital project.
- \$93,477 for the City Facility parking lot maintenance program. These funds are needed to provide contractual cracksealing, patching, resurfacing, reconstruction, and sealcoating of city-owned parking lots.
- \$30,714 from excess cash-in-lieu revenue for undergrounding is required to be allocated back to the undergrounding project.

**General Fund**

- \$533,033 allocated to the proposed capital depreciation fund. This is a new funding mechanism that is proposed to assist the City in establishing a better method of funding vehicles and major capital equipment. This will be added to the earlier funding for capital equipment reserves as previously discussed with City Council. Ongoing funding would be derived through charges assessed to all departments based on the future cost of replacing their current fleet of vehicles and major equipment. Funding is also proposed from the Utility Fund carryover.
  
- After discussion with City Council at their December 3, 2001, Study Session, Council directed staff to pull the following items from the 2002 Phased Spending Plan and fund them via the 2000 carryover so as not to delay the implementation or purchase of the items noted below. These items are recommended to be funded in each department/division's appropriate operating account and total \$164,300:
  - \$5,000 for background checks for City volunteers working with youth (General Services – Organizational Support Services Division)
  - \$2,800 for a new portable radio for Environmental Compliance (General Services – Organizational Support Services Division)
  - \$22,000 for a Life Pak 12 Heart Monitor (Fire Department)
  - \$15,000 for replacement of half of the carpet at the Senior Center (PR&L – Recreation Programs Division)
  - \$10,000 for truck mounted sweeper for trail cleaning (PR&L – Park Services Division)
  - \$65,000 for replacement of 1993 Jacobsen HR-15 Gangmower (PR&L – Park Services Division)
  - \$6,000 for replacement of library computer server (PR&L – Libraries Division)
  - \$10,000 for replacement of Fargo Color ID Card printers at Swim & Fitness, Senior and West View Recreation Centers (PR&L – Recreation Facilities Division)
  - \$4,500 for replacement of divider curtain at City park Recreation Center (PR&L – Recreation Facilities Division)
  - \$24,000 for replacement of Toro Groundmaster 72" mower (PR&L – Park Services Division)

**Utility Capital Improvements**

\$5,000,000 to be allocated to the Big Dry Creek Wastewater Treatment Plant (BDCWTP) expansion. The five-year capital improvement plan adopted by City Council in October includes funding in the amount of \$16,250,000 for the expansion of BDCWTP to meet the growing demand for wastewater treatment in the City. It is anticipated that this project will require debt financing. Allocating these funds will allow the City to partially cash fund this project, decreasing the size of the debt issue. Staff believes this is a good financial move, particularly in light of the other debt pressures on the utility fund.

\$400,000 to fund additional security, safety, and operating enhancements at Semper Water Treatment Plant. This will allow upgrades at Semper to be addressed in a timelier manner than are currently shown in the five-year capital plan.

\$1,300,000 set aside to address the concern of the Auditors that funds be set aside for any potential final judgment against the City in the Semper Clearwell Litigation. As Council is aware there was a lower court decision against the City in this case that preliminarily awarded funds to Centric Jones on their counter claim against the City. This case is on appeal and Staff remains confident that the courts will rule in our favor. However, setting these funds aside does not harm the City, and if the appeal is successful, they can be allocated to other Utility Fund projects.

\$496,777 allocated to the proposed capital depreciation fund. This item is discussed above. This funding will bring the total proposed funding for the startup of this new program to approximately \$1,500,000, which will put the City in a position to follow a more consistent replacement schedule of vehicles and major equipment in future years.

### **Open Space**

\$631,330 is being carried over from Open Space sales tax. Additionally, \$611,115 of carryover from the General Capital Improvement Fund including interest earnings on the two Open Space bond issues, Jefferson County Attributable Share and Adams County Attributable share is being transferred to the Open Space Fund. The City does not usually specifically allocate Attributable Share dollars to open space; however, these are excess funds that were not budgeted for other purposes and Staff believes that allocating these one-time funds to open space purchases is warranted. From time to time, the City has utilized open space land for park, right of way, and other purposes. These funds will serve to begin to pay the open space fund back for these parcels, and allow other open space acquisitions to be made with the newly allocated funds.

### **Miscellaneous Other Funds**

\$134,904 allocated to the General Reserve Fund from unanticipated interest earnings in the Reserve Fund.

In addition, there was a carryover of \$503,132 in the Sales and Use Tax fund that Staff is recommending stay in the fund as additional protection against any worsening of the economy and a subsequent reduction in retail sales. Staff believes this a prudent step to take given the City's reliance on sales tax as the primary revenue source for the General Fund.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **78**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL, GENERAL RESERVE, DEBT SERVICE, GENERAL CAPITAL IMPROVEMENTS, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby increased by \$3,267,975 which, when added to the fund balance as of the City Council action on December 17, 2001 will equal \$72,592,156. 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 carryover funds from 2000.

Section 2. The \$3,267,975 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
<b>REVENUES</b>			
Carryover 1000.40020.0000	\$837,008	<u>\$3,267,975</u>	\$4,104,983
Total Change to Revenues		<u>\$3,267,975</u>	
<b>EXPENSES</b>			
Transfer to General Capital Improvement Fund			
10010900.79800.0750	\$837,008	\$2,570,642	\$3,407,650
Other Expenditures – Misc			
10010900.79400.0000	0	533,033	533,033
Other contractual services			
10012110.67800.0561	12,700	5,000	17,700
Supplies 10012110.70200.0552	5,300	2,800	8,100
Other Equipment-EMS			
10025260.76000.0546	22,000	22,000	44,000
Other Equipment-Senior Center			
10050760.76000.0530	15,000	15,000	30,000
Other Equipment			
10050550.76000.0000	99,000	10,000	109,000
Other Equipment			
10050550.76000.0000	109,000	65,000	174,000
Computer Hardware/Software			
10050620.75400.0000	9,000	6,000	15,000
Computer Hardware/Software			
10050050.75400.0000	10,000	10,000	20,000
Other Equipment			
10050720.76000.0860	7,200	4,500	11,700
Other Equipment			
10050550.76000.0000	174,000	<u>24,000</u>	198,000
Total change to expenses		<u>\$3,267,975</u>	

Section 3. The 2002 appropriation for the General Reserve Fund initially appropriated by Ordinance No. 2913 in the amount of \$7,534,430 is hereby increased by \$134,904 which, when added to the fund balance as of the City Council action on December 17, 2001 will equal \$7,669,334. The actual amount in the General Reserve 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 carryover funds from 2000.

Section 4. The \$134,904 increase in the General Reserve 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>			
Carryover 1100.40020.0000	\$7,246,930	<u>\$134,904</u>	\$7,381,834
Total Change to Revenues		<u>\$134,904</u>	
<b>EXPENSES</b>			
Contingency 11010900.79900.0000	\$7,534,430	<u>\$134,904</u>	\$7,669,334
Total Change to Expenditures		<u>\$134,904</u>	

Section 5. The 2002 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2913 in the amount of \$10,305,000 is hereby increased by \$4,674,113 which, when added to the fund balance as of the City Council action on December 17, 2001 will equal \$14,979,113. 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 the appropriation of carryover funds from 2000.

Section 6. The \$4,674,113 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>			
Carryover 7500.40020.0000	\$600,000	\$1,961,186	\$2,561,186
Transfer from Debt Service Fund 7500.45000.0800	0	142,285	142,285
Transfer from General Fund 7500.45000.0100	837,008	<u>2,570,642</u>	3,407,650
Total Change to Revenues		<u>\$4,674,113</u>	
<b>EXPENSES</b>			
Transfer to Open Space 75010900.79800.0540	\$0	\$611,115	\$611,115
Neighborhood Traffic Mitigation 80175030064.80400.8888	896,828	200,000	1,096,828
Fiscal Model 80175005200.80400.8888	0	120,000	120,000
New Development Participation 80175030011.80400.8888	3,678,435	300,000	3,978,435
McKay Lake Dam Improvements 80175030161.80400.8888	350,000	85,700	435,700
Fire Station 2 Relocation 80175025014.80400.8888	2,136,869	600,000	2,736,869
South Westy Library 801750500171.80400.8888	441,280	1,000,000	1,441,280
South Westminster Redevelopment 80175030024.80400.8888	500,000	750,000	1,250,000
Public Safety Center 80175020086.80400.8888	1,641,081	450,000	2,091,081

Description	Current Budget	Increase	Final Budget
Underground Utility Line 80175030187.80400.8888	83,684	30,714	114,398
City Facility Parking Lot 80175030015.80400.8888	100,000	93,477	193,477
Community Enhancement 80175050132.80400.8888	5,551,746	216,178	5,767,924
Park Major Maintenance 80175050123.80400.8888	1,571,397	66,929	1,638,326
Promenade/Mandalay Gardens 80175030201.80400.8888	0	<u>150,000</u>	150,000
Total Change to Expenditures		<u>\$4,674,113</u>	

Section 7. The 2002 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2913 in the amount of \$4,761,666 is hereby increased by \$1,242,445 which, when added to the fund balance as of the City Council action on December 17, 2001 will equal \$6,004,111. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of carryover funds from 2000.

Section 8. The \$1,242,445 increase in the Open Space 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>			
Carryover 5400.40020.0000	\$92,000	\$631,330	\$723,330
Transfer from GCIF 5400.45000.0750	0	<u>611,115</u>	611,115
Total Change to Revenues		<u>\$1,242,445</u>	
<b>EXPENSES</b>			
Land Purchases 54010900.76600.0000	\$656,070	<u>\$1,242,445</u>	\$1,898,515
Total Change to Expenditures		<u>\$1,242,445</u>	

Section 9. The 2002 appropriation for the Debt Service Fund initially appropriated by Ordinance No. 2913 in the amount of \$9,518,572 is hereby increased by \$142,285 which, when added to the fund balance as of the City Council action on December 17, 2001 will equal \$9,660,857. The actual amount in the Debt Service 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 carryover funds from 2000.

Section 10. The \$142,285 increase in the Debt Service 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>			
Carryover 8000.40020.0000	\$638,615	<u>\$142,285</u>	\$780,900
Total Change to Revenues		<u>\$142,285</u>	
<b>EXPENSES</b>			
Transfer to General Capital Improvement Fund 80010900.79800.0750	\$0	<u>\$142,285</u>	\$142,285
Total Change to Expenditures		<u>\$142,285</u>	

Section 11. The 2002 appropriation for the Utility Fund initially appropriated by Ordinance No. 2913 in the amount of \$38,085,609 is hereby increased by \$7,196,777 which, when added to the fund balance as of the City Council action on December 17, 2001 will equal \$45,282,386. The actual amount in the Utility 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 carryover funds from 2000.

Section 12. The \$7,196,777 increase in the Utility 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>			
Carryover – Water 2000.40020.0000	\$0	\$2,196,777	\$2,196,777
Carryover – Wastewater 2100.40200.0000	1,816,000	<u>5,000,000</u>	6,816,000
Total Change to Revenues		<u>\$7,196,777</u>	
<b>EXPENSES</b>			
Big Dry Creek Wastewater Treatment Plant 80121035044.80400.8888	\$1,546,423	\$5,000,000	\$6,546,423
Semper Water Treatment Plant 80120035079.80400.8888	16,081,424	400,000	16,481,424
Semper Expansion 80120035109.80400.8888	4,267,069	1,300,000	5,567,069
Capital Depreciation 80120035202.80400.8888	0	<u>496,777</u>	496,777
Total Change to Expenditures		<u>\$7,196,777</u>	

Section 13. – 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 14. This ordinance shall take effect upon its passage after the second reading.

Section 15. 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 17<sup>th</sup> day of December, 2001.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 7<sup>th</sup> day of January, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

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

## Summary of Proceedings

Summary of Proceedings of the regular City Council meeting held Monday, December 17, 2001, 7:00 P.M.

Mayor Heil, Mayor Pro Tem Moss, Councillors Atchison, Dixon, Hicks, Kauffman, and McNally were present at roll call.

Council approved the following: Lobbyist Services Contract Award for 2002 with Tomlinson & Associates and Hall & Evans for \$30,000; Swim and Fitness Center Weight Room Expansion Architect Selection with BBB Architects for \$49,786; Change Order to Environmental Studies for proposed Westminster Center with Parsons Transportation Group for \$8,436; 3<sup>rd</sup> Amended Wallace Village PDP with conditions; 136<sup>th</sup> Avenue Interchange Intergovernmental Agreement with City of Thornton.

The following public hearing was held: At 7:45 P.M. the public hearing was opened on the 3<sup>RD</sup> Amended Wallace Village Preliminary Development Plan.

Council TABLED the Construction Contract and Construction Services for Quail Creek/Bull Canal Relocation.

Council appointed Councillor Samantha Dixon as the City's representative to the Rocky Flats Coalition of Local Governments (RFCLOG) Board of Directors, Herb Atchison as the 1st alternate, and Ron Hellbusch, the Director of Public Works and Utilities as the 2nd alternate.

The following Councillor's Bills were passed on 1<sup>st</sup> reading:

A BILL FOR AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE ASSISTANCE AGREEMENT WITH CHURCH RANCH BUSINESS CENTER III, LLC purpose: amendment to allow assistance for three buildings instead of four

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGETS OF THE OPEN SPACE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THESE FUNDS purpose: appropriating funds from Open Space Grants into appropriate fund

A BILL FOR AN ORDINANCE INCREASING THE 2001 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THE FUND purpose: appropriating COORS Field sales tax rebate for major equipment/vehicle replacements, refurbishment of fire equipment, and senior lock box programs

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL, GENERAL RESERVE, DEBT SERVICE, GENERAL CAPITAL IMPROVEMENTS, UTILITY AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS purpose: allocating 2000 carryover revenues

The following emergency ordinance was adopted:

A BILL FOR AN EMERGENCY ORDINANCE INCREASING THE 2001 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2001 ESTIMATED REVENUES IN THESE FUNDS purpose: appropriation for 136<sup>th</sup> Avenue Interchange project to continue

The following Councillor's Bill was adopted on 2<sup>nd</sup> reading:

A BILL FOR AN ORDINANCE AMENDING TITLE 1, CHAPTERS 13, 16 AND 24 PERTAINING TO PERSONNEL POLICIES



The following Resolution was adopted:

Resolution No. 75 re Business Assistance Package with Avaya, Inc.

At 8:30 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window December 27, 2001