



Agenda Memorandum

Agenda Item – {{section.number}}.C.

City Council Meeting
May 12, 2025



Strategic Priority 2: Community Empowerment and Engagement

Enhance the sense of community and connection in Westminster through engaging methods of communication and dialogue that improve accessibility, increase understanding, and encourage participation in civic and City life.



Strategic Priority 3: Community Health and Safety

Invest in innovative and collaborative approaches to provide a continuum of services that preserve, promote, and protect the health, safety, and environment of Westminster.



Strategic Priority 5: Resilient Infrastructure

Maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success.

Subject: Authorize the City Manager to Execute a Contract Amendment to Establish the Guaranteed Maximum Price with FCI Constructors, Inc. for the Replacement Municipal Courthouse Project

Prepared By: Dana Kester, Facilities Project Administrator
Seth Plas, Assistant City Engineer
John Burke, City Engineer

Recommended City Council Action:

1. Authorize the City Manager to execute Amendment 2 to the Construction Manager/General Contractor contract with FCI Constructors, Inc. for the Replacement Municipal Courthouse project in the amount of \$29,300,489, plus the total Preconstruction Services amount of \$1,836,654, for a total of \$31,137,143 plus a City-held contingency of \$3,105,814, increasing the total authorized expenditure with this firm not to exceed the amount of \$34,242,957.
2. Authorize additional project contingency in the amount of \$235,497 for a future contract amendment with FCI Constructors, Inc. to incorporate funding from the Parks, Recreation and Libraries Department for the Pickleball Parking Lot Improvement project, for a total authorized expenditure of \$34,478,454.

Summary Statement:

- City Council directed the replacement of the Municipal Courthouse (Court) due to significant

deficiencies in safety, security, and Americans with Disabilities Act (ADA) accessibility.

- The proposed second contract amendment represents the Guaranteed Maximum Price (GMP), which was negotiated between FCI Constructors, Inc. (FCI) and the City. Authorization for the GMP amendment with FCI will allow construction to proceed.
- The Parks, Recreation and Libraries (PRL) and Public Works and Utilities (PWU) Departments collaborated to include the Pickleball Parking Lot Improvement project in the overall Court project as a separately funded Additive/Alternate (Add/Alt), or alternative allowance in the GMP only used if formally approved, enabling cohesive site design and cost efficiency.
- The Executive Design Committee (EDC), which includes the Chief of Police, Presiding Judge, Court Administrator, Project Manager, Owner's Representative, Architect, and Contractor, collaborated closely throughout the design process, incorporating Staff input across departments and using FCI's cost estimates at key milestones to guide scope decisions and maintain budget alignment.
- Sustainability is prioritized through an all-electric courthouse designed to meet Leadership in Energy and Environmental Design (LEED) Silver certification and achieve Net Zero readiness, with infrastructure for future solar panel installation. Solar panel installation would enable immediate Net Zero status and LEED Gold certification.
- Extensive community engagement, including a Community Advisory Team (CAT) and public open houses, shaped the final design, particularly the Court façade and park improvements, with strong support for the Community Reach Center (CRC) to remain on-site.
- The CRC will build a new behavioral health facility on the Court site, where it has served Historic Westminster and surrounding communities for 20 years, ensuring continuity of essential services.
- Construction is anticipated to begin in summer 2025 and has an estimated courthouse completion date of December 2026 and an estimated project completion date of summer 2027.
- There are funds budgeted and available to construct the scope of work in the GMP.

Fiscal Impact:

\$ 79,000 Original Contract (Pre-Construction Services)
\$ 1,757,654 Amendment #1 (Early Procurement authorized 12/16/2024)
\$29,300,489 Amendment #2 (GMP)
\$31,137,143 Total FCI Contract Amount
\$ 3,165,546 City Held Contingency, including PR&L Add/Alt
\$34,478,454 Total expenditures (not to exceed)

Source of Funds:

General Capital Improvement Fund: Municipal Court Certificates of Participation (COP) and Municipal Court project accounts

Park, Recreation and Libraries: Pickleball Parking Lot Improvements - Parks, Open Space and Trails (POST) accounts

Policy Issue(s):

- Should City Council authorize the City Manager to execute an amendment with FCI for the GMP for the Court project?
- Should City Council authorize additional project contingency for a future contract amendment with FCI to incorporate funding from PRL for the Pickleball Parking Lot Improvement project?

Alternative(s):

1. City Council could decline to authorize the contract amendment with FCI, direct Staff to initiate a new procurement process, and solicit competitive bids. This alternative is not recommended because FCI was selected through a competitive procurement process and determined to be highly qualified, as well as able to provide the best overall value to the City. FCI has been an active and collaborative partner throughout design, providing valuable input on cost estimating, constructability, and scheduling. FCI has fulfilled all requirements of the pre-construction services contract. Restarting procurement would significantly delay the project, expose the City to cost escalation, and forfeit the benefits of FCI's knowledge of the project and established relationships with subcontractors.
2. City Council could decline to authorize the GMP amendment and direct Staff to renegotiate the GMP with FCI. This alternative is not recommended because the GMP was developed through a transparent and iterative process and has been thoroughly vetted. Renegotiating the GMP at this stage could jeopardize schedule commitments, create uncertainty in contractor availability and subcontractor pricing, and result in a loss of competitive pricing already secured by FCI. With some uncertainty in the construction industry, Staff recommends locking in the GMP pricing for the Court project.
3. City Council could choose not to authorize the additional contingency for the Pickleball Parking Lot Improvement Add/Alt. This alternative is not recommended because the Add/Alt provides an opportunity to integrate the parking improvements with the larger courthouse project, supporting cohesive site development and construction efficiencies.

Background Information:

In December 2022, City Council directed Staff to pursue the replacement of the Municipal Courthouse following a comprehensive analysis identifying critical deficiencies in safety, security, and ADA accessibility. The existing courthouse, originally constructed in 1961 as two separate facilities, was not purpose-built as a courthouse and has become inadequate to safely and efficiently serve the public and court personnel, necessitating a modernized, purpose-built courthouse.

FCI was selected through a competitive procurement process to serve as the City's Construction Manager/General Contractor (CM/GC) for the Municipal Court project. Following their selection, FCI provided pre-construction services including cost estimating, schedule input, and coordination with the design team. The proposed GMP amendment would authorize the start of construction, and FCI's role will transition from pre-construction to construction services. A GMP establishes the maximum amount the contractor can charge for the agreed-upon scope of work, offering cost certainty to the City while allowing for changes only through formal amendments. FCI has provided exceptional value to the City during the pre-construction phase of the project, and Staff recommends FCI be authorized to proceed with construction. The proposed project contingency would be used for unforeseen conditions occurring during construction. Typically, the most risk in a project occurs in the beginning

phases when the contractor is excavating and working around utilities. Without this contingency authorized, each change would need to return to City Council for additional contract authority for routine issues that may arise during construction, potentially causing delays. Additionally, although the GMP provides a guaranteed price for the scope of work, it does not eliminate the possibility of owner-driven changes or necessary adaptations once construction starts. Contingency authorization reflects industry best practices and ensures the project can be continued without procedural delays. If the construction advances as planned and there are minimum unforeseen costs requiring the use of contingency, the intent of the project contingency is to be used for as many Add/Alt scope items as the budget allows. Staff will periodically update City Council on any Add/Alt scope items approved for the project by an Information Only Memo.

Pickleball Parking Lot Improvements

The PRL and PWU Departments collaborated to include the ADA-compliant Pickleball Parking Lot Improvement project within the Court project's GMP. Because the pickleball courts and courthouse are located on the same site, it was logical and beneficial to design the improvements concurrently to ensure cohesive civil and landscape design. Staff included this work under the same design and construction umbrella with the goal to promote better outcomes for the community through coordinated timing, improved pricing from FCI, and streamlined construction activities.

Although funding is not currently available for the pickleball parking improvements, PRL intends to request funding as part of the 2026 budget process. This scope is included in the GMP contract as an Add/Alt, thereby allowing the City to formally price the work now, providing flexibility to move forward if funding becomes available. No funds are being committed at this time, and the work would not commence unless funding is approved through a future budget action. This approach supports effective cross-department coordination, preserves design continuity, and ensures readiness to implement the work efficiently alongside the broader courthouse construction effort.

Collaborative Design Process

The project has been guided by a comprehensive and collaborative structure involving the EDC and the broader Project Team. The EDC includes key City Staff such as the Chief of Police, Presiding Judge, Court Administrator, and Project Manager, along with the Owner's Representative (Artaic Group), Design Team (Anderson Hallas), and FCI. The broader Project Team similarly includes the Project Manager, Anderson Hallas, Artaic Group, and FCI.

Together, these teams maintained consistent communication throughout the design phase to ensure alignment with the project's goals, budget, and schedule. Anderson Hallas conducted focused design meetings with staff across departments to confirm that operational needs, maintenance requirements, and core courthouse functions were accurately and thoroughly reflected in the design. FCI provided detailed construction cost estimates at key design milestones, which allowed the Project Team and EDC to make informed decisions and adjust scope where necessary to maintain budget alignment. The team remained focused on balancing project constraints with the operational and service delivery needs of the City and community.

Sustainability

Sustainability is central to the Court project. The facility will be constructed as an all-electric building, achieving LEED Silver certification, and is designed to be Net Zero Ready. Infrastructure such as electrical panel space, conduit, and structural reinforcements for future photovoltaic (PV) solar panels on the roof and site parking canopies are included within the base project, enabling straightforward future solar installations.

Key sustainability targets identified for the Court include:

- Electric vehicle (EV) charging stations.
- Native, low-water adaptive landscaping.
- Energy modeling targeted 35% energy cost savings relative to LEED baselines.
- Water-efficient interior plumbing fixtures.
- Comprehensive demolition and waste management plan aimed at landfill waste diversion.
- Light pollution reduction strategies.
- Mitigation of heat island effect via landscape and surface design.
- Environmentally friendly and health-conscious building materials.
- Enhanced indoor air quality systems.

Staff received pricing for PV panels from FCI. If the budget allows after the more high-risk construction activities are complete, the project will utilize remaining contingency to install the PV panels, and the building will achieve immediate Net Zero status and LEED Gold certification upon opening, significantly advancing Westminster's strategic sustainability goals.

Community Outreach and CRC

Extensive community engagement significantly influenced project design, reinforcing the City's commitment to transparent public involvement. The 15-member CAT represents a diverse cross-section of the surrounding community including adjacent residents, local businesses, non-profit organizations, City advisory boards, and City Council. Members participated actively in five focused meetings. This group provided continuous feedback, ensuring the courthouse design and park improvements reflect community priorities. In addition, Staff conducted two public open houses to broaden community participation, with a third scheduled for May 2025. Feedback gathered from these engagement events notably influenced exterior building aesthetics, park features, pedestrian connectivity, and general site amenities.

The CRC, providing behavioral health services for 20 years from the Court campus in Historic Westminster, will build a new facility adjacent to the new courthouse. CRC is independently financing its facility's design and construction. The construction of CRC will align with the construction of the Court.

Construction Schedule

Construction is anticipated to commence in summer 2025, with a groundbreaking ceremony scheduled on June 11, 2025. The existing courthouse will remain fully operational throughout construction. Due to the proximity of the new courthouse construction to the existing courthouse, the main public entrance will be relocated before the start of construction to ensure safe access for visitors, court personnel, and construction workers.

The former Library building will be repurposed temporarily as a construction trailer until approximately fall 2026, when it will be deconstructed. Completion of the new courthouse is targeted for December 2026. Following occupancy, deconstruction of the old facility will occur in 2027. Finally, the construction of parking areas, the park, playground, and remaining site improvements will be completed.

The City's Strategic Priority of Community Empowerment and Engagement is met by engaging the community through a robust public outreach process. The City's Strategic Priority of Community Health and Safety is met by addressing the critical safety and accessibility needs of the community, law enforcement, judges, and staff. The City's Strategic Priority of Resilient Infrastructure is met by improving safety and accessibility and through sustainable design and infrastructure improvements.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Andrews', with a long horizontal flourish extending to the right.

Jody L. Andrews
City Manager

Attachments:

Attachment 1 – Vicinity Map

Attachment 2 – Concept Site Map, Elevations, and Perspectives

Attachment 3 – Project Timeline

Attachment 4 – Project Budget Breakout