



WESTMINSTER

CITY OF WESTMINSTER, COLORADO MINUTES OF THE HYBRID (IN-PERSON AND VIRTUAL) CITY COUNCIL MEETING HELD ON MONDAY MAY 8, 2023, AT 7:00 P.M.

1. PLEDGE OF ALLEGIANCE

Mayor Nancy McNally led the Council, Staff, and the audience in the Pledge of Allegiance.

2. ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem DeMott, Councillors Baker, Emmons, Ezeadi, Nurmela, and Seymour were all present at roll call. Also present were City Manager Mark Freitag; City Attorney David Frankel; and City Clerk Abby Fitch.

3. CONSIDERATION OF MINUTES

DeMott moved to approve the minutes of April 24, 2023, as presented. The motion was seconded by Emmons and the motion passed **(7-0)**.

4. PRESENTATIONS

Mayor McNally stated that she had a proclamation for the Youth Advisory Panel and urged students in the audience to join when they reach 8th grade.

Councillor Emmons presented a proclamation recognizing the students of Westminster Public Schools for their art works for the City's Artistic Traffic Box Wrap Project.

Councillor Baker presented a proclamation to Court Pearman for World Falun Dafa Day.

City Council presented service pins and certificates of appreciation to employees celebrating 20 or more years of service with the City and in five-year increments thereafter. Employees with 20, 25, 30, and 35 years of service were celebrated.

- Councillor Nurmela presented 20-year certificates and pins
- Mayor McNally presented 25-year certificates, pins, and bonus checks
- Councillor DeMott presented 30-year certificates and pins

Councillor Nurmela Presented a proclamation for Economic Development Week 2023.

Councillor Ezeadi presented a proclamation for National Public Works Week.

5. PUBLIC COMMENT

Two electronic comments were submitted and attached to the packet.

Tom Lampo congratulated everyone who was honored tonight. He spoke of the deception of the banking system in the country and prayed for the City Council meeting and the City of Westminster.

John Palmer said that Kit Redmer did a good job with Cinco de Mayo celebration. He also thanked the officers who cleaned up the Bradburn homeless encampment. Palmer stated he wants to make sure that HVAC are being inspected to make sure there is not an accident like there was the Gaylord Hotel. He also spoke about the property on 92nd and Pierce and how the information given by a Councillor on NextDoor may not have been accurate. He addressed the Rodeo Market and expressed opposition to the money the City is putting into the building. Palmer also addressed short term rentals and hopes that the City Council really looks at the policy before passing the ordinance. Palmer stated that he agrees with Karen Kalavity's comments that are attached to the packet. He also spoke

about the Westminster Window article stating that he did not like how some Councillors conduct themselves and believes they should be better about following protocols.

Tina Wink expressed concerns about fireworks and asked the City to work more proactively to prevent the lighting of fireworks citing the safety of the community.

Richard Jaka expressed disappointment on the water treatment plan project.

Julia Shell stated she thinks the water prices are too high and does not support the water treatment plant.

6. CITY MANAGER'S REPORT

Freitag provided information on the opening of the application period for the City's annual Civic Academy. He announced that the City will receive the Government Finance Officers Association Award on August 15, 2023. Freitag also summarized City events for the next few weeks.

7. CITY COUNCIL COMMENTS

Baker stated recent meeting have become more combative and ask that the City Council have more conversations. He stated that he has concern about the debt that the City is taking on.

Seymour stated this past week was a busy week and highlighted the internship program and recognized the students who graduated from that program.

DeMott also stated he had a busy week and highlighted the Rocky Mountain Metropolitan Airport (RMMA) roundtable and asked staff to help City Council have the right information to give the right feedback on flight patterns and noise. DeMott also asked that staff help find someone to discuss lead and possibly address those concerns. He also discussed the other events he attended.

Ezeadi asked if City Council could have a study session on the lead issue at RMMA.

Emmons asked also for RMMA information. Emmons asked for follow up on the public comment phone call regarding fireworks. She asked the city to be more proactive about the fireworks. Emmons asked Baker what conversation had not been had. She expressed frustration about the accusations that the code of conduct is not being followed.

Nurmela would like a conversation on lead and the RMMA. She also would like the City to look at the fireworks issue mentioned in public comment.

McNally was happy with the station five open house. She also discussed the events she attended that week including Cuisine with Cops.

8. CONSENT AGENDA

Item 8A, Agreement with Artaic Group, LLC for Owner's Representative Services for the Replacement Municipal Court, was removed from the consent agenda.

The following items were presented on the consent agenda for City Council's action: Second Reading of Councillor's Bill No. 26 Re: Vacating a Portion of the Craft Street Right-of-Way Within the Federalview Subdivision

DeMott moved, seconded by Seymour, to accept the consent agenda item (8B) for May 8, 2023. The motion passed on a (7-0) roll call vote.

- A. Artaic Group, LLC for Owner's Representative Services for the Replacement Municipal Court

Baker submitted the following questions to staff then discussed them during the public meeting:

1. **My recollection of the Dec 12, 2022 meeting was the next step was for staff to return with menu of financing options. I do not remember council considering the pros and cons of different strategies to build the court house. I do not remember council directing you to proceed and hire an owner's representative. Can you tell me when you received that direction and from whom?**

On December 12, 2022, City Council concurred with Staff's recommendation to "Direct Staff to design a new Municipal Court building and return with a financing strategy." Hiring an owner's representative is the next step to design a replacement Municipal Court. The direction to come back to City Council with a financial plan was captured in the meeting recording (<https://www.youtube.com/live/GtfEm-wu36s?feature=share> at the 2:30:52 mark.

2. **I would like to explore using a design and build contract for building the court house. I think there must be several interested parties that could easily modify plans for court houses that they have already built. I remember an example of a court house in Montrose that was mentioned. We would have an advantage of seeing and walking around the actual finished product and have the price security of a fixed price contract.**

The delivery method has not been finalized. The owner's representative will guide Staff on the best methodology for this type of project. At their recommendation, Staff will inform City Council on all steps in the process.

3. **As you know I was terribly disappointed with the \$12.7 to 9.7 million dollar price increase over the last estimated price. In my research I have another, very large question about how Northglenn built there 47,000 sq ft police/courthouse facility for \$24 million in 2016 yet we are looking at a facility 60% the size but nearly twice the cost. This works out to a tripling of the per square foot cost (\$511 to \$1,525).**

The Northglenn Justice Center is a different facility. Northglenn Justice Center has one courtroom and sees fewer cases/types of cases than Westminster. The Police Department occupies a higher percentage of sq ft than their Municipal Court. Our team saw higher end finishes in the front lobby and their one courtroom; medium finishes in admin/offices; basic finishes downstairs (50% of the building) – for example: cinder block and sealed concrete. Additionally, it was bid in 2017. Lastly, we're not sure if \$24M was the construction cost or the total project cost (to include FFE, site improvements, demolition, etc.).

4. **I would like to see the details with other bidders (ie- price, services planned, etc.)**

Bid information:

- Artaic Group: \$530,604
- Cumming Management Group: \$595,607
- Dunakilly Management Group: \$705,280

Artaic Group has extensive municipal experience, and the team member's specific experience includes:

- Town of Eagle:
 - o New Eagle Kayak Park
- City of Edgewater:
 - o Civic Center (two of Artaic's team members worked on this together while they were at a previous firm)
- Town of Erie:
 - o Police Station and Municipal Court Building – new construction and partial renovation
- City of Evans:
 - o Police Station – new construction
- City of Steamboat Springs:
 - o Combined Law Enforcement Facility – new construction

- City of Boulder:
 - o Boulder Canyon Hydro-electric Facility Refurbishment
- Town of Vail:
 - o West Vail Fire Station No 3
 - o Middle Creek Affordable Housing, Vail Golf Clubhouse Redevelopment
 - o Vail Conference Center
 - o Ford Park Improvements Phases II & III
 - o Timber Ridge Village
- City of Aspen:
 - o New Police Headquarters
 - o Burlingame Ranch Affordable Housing Phases II & III
 - o Affordable Housing Study
 - o Pedestrian Mall Improvement Project
 - o Galena Plaza Upgrades
 - o Wheeler Opera House Renovation
- City of Brighton:
 - o City Hall Renovation
 - o Eagle View Adult Recreation Center
 - o Oasis Family Aquatic Center
- City of Edgewater:
 - o New Civic Center
- City of Aurora:
 - o Del Mar Aquatic Park
- Town of Georgetown:
 - o Georgetown Dam Rehabilitation
- Town of Silverthorne:
 - o Silverthorne Rec Center Renovation
 - o Silverthorne Child Care Facility

Minimum scope of services included in the RFP:

1. Assist with writing the RFQ and RFP for the procurement of an architect, contractor, or any other professional services as necessary.
2. Assist the City with the formation of committees for the selection of all project consultants.
3. Assist the City with a selection of a delivery method most appropriate to the schedule and the outlined goals for the project. The project delivery method has not been determined.
4. Assist the City with the selection of consultants/contractors through a qualifying and selection process as coordinated with City staff. Provide detailed analysis and advice to the Owner in the evaluation of proposals.
5. Assist with the selection of consultants, through a qualifying and selection process, that are not part of the architect's consultant team but will have contracts with the Owner, such as environmental, geotechnical, third-party testing, and inspections, FF&E, security, technology, etc.
6. Assist the City with the development and review of contracts with consultants and assist in the negotiation of fees and contracts with consultants.
7. Assist the City in procuring and managing environmental, geotechnical, and other consultants to identify the project existing conditions in preparation for construction and demolition work.
8. Assist the City in the coordination of the demolition of the existing courthouse after the owner-occupancy of the new building.
9. Serve as the City's representative and liaison between the design team, construction contractor, regulatory agencies, and other stakeholders throughout the Project.
10. Coordinate all project matters during the planning, design, and construction phases.

11. Advocate for the City's interests in quality, timely, and cost-sensitive design and construction while maintaining professional relationships with all parties.
12. Ensure the project aligns with the City's goals and objectives
13. Oversee the delivery of the Project at the best and lowest price in the marketplace and the highest degree of functionality and quality.
14. Assist the Owner and Design Professionals with advancing the Design, Procurement, and Construction of the Municipal Court project.
15. Work with a team of City staff and Design Professional(s) to execute the Project on time and within budget.
16. Develop and update a Master Budget, as the budget is defined, to be tracked from the start to the completion of the project.
17. Assist the City with monitoring, identifying cost savings and design options/products, maintaining, and reviewing project costs to confirm that the project is designed within the budget.
18. Develop and continuously update a Master Project Schedule.
19. Coordinate, attend, conduct, record, and assist the City at all project meetings and prepare minutes as needed.
20. Work with City staff to develop a community outreach plan. Coordinate and facilitate all community outreach meetings.
21. Develop a communications plan for presenting project updates to the City Council, and present updates as needed.
22. Other specific services may be defined in the Phase 2 RFP process.

Seymour moved, seconded by DeMott, to authorize an agreement with Artaic Group, LLC for Owner's Representative Services for the Replacement Municipal Court. The motion passed on a **(6-1)** roll call vote with Councillor Baker voting no.

9. APPOINTMENTS AND RESIGNATIONS

DeMott moved to adopt Resolution No. 15 appointing one alternate member and promoting one member from alternate to regular member to the Environmental Advisory Board. The motion was seconded by Emmons. The motion passed on a **(7-0)** roll call vote.

10. PUBLIC HEARINGS AND NEW BUSINESS

A. First Reading of Councillor's Bill No. 27 Re: Amending Title 5 of the Westminster Municipal Code, Adding Chapter 24 Concerning Short-Term Rental Licensing and Amending Title 11, Chapter 4 of the Westminster Municipal Code, Adding Section 18 Concerning Short-Term Rentals as a Land Use

DeMott moved to pass Councillor's Bill No. 27 on first reading to approve an Ordinance amending Title 5 of the Westminster Municipal Code by the addition of a new Chapter 24 concerning short-term rental licensing, and amending Title 11, Chapter 4, of the Westminster Municipal Code by the addition of a new Section 18 concerning short-term rentals as a land use. The motion was seconded by Emmons. The motion passed on a **(6-1)** roll call vote with Baker voting no citing the lack of limitations in the ordinance the impact on neighborhoods.

B. Amendment to the Construction Management/General Contractor Agreement with Mark Young Construction, LLC, to Perform Construction Services for the Swim and Fitness Center Remodel Project

Seymour moved to authorize the City Manager to amend the contract with Mark Young Construction, LLC, in the amount of \$4,354,873 for Construction Manager/General Contractor services for the Swim and Fitness Center Remodel, bringing the construction contract amount from \$29,272 for pre-construction services to \$4,384,145 for the Guaranteed Maximum Price (GMP), plus an additional 12% contingency in the amount of \$509,630, for a total authorized expenditure not to exceed \$4,893,775. The motion was seconded by Emmons. The motion passed on a **(7-0)** roll call vote.

- C. Award of 2023 Contract to Vance Brothers, Inc. for the Slurry Seal Project with Options for Four One-Year Renewals for 2024, 2025, 2026, and 2027

Emmons moved to authorize the City Manager to execute a contract for the Slurry Seal Project with the low bidder Vance Brothers, Inc. in the amount of \$1,150,834 plus a contingency of \$230,173, plus an additional \$45,000 for streets impacted by Utility waterline replacement trench cuts, for a total authorized expenditure not to exceed \$1,426,007 in 2023. The motion was seconded by Seymour. The motion passed on a **(7-0)** roll call vote.

Emmons moved to authorize the City Manager to execute the contract with options for four, one-year renewals, subject to annual appropriation, for 2024, 2025, 2026, and 2027 for the Slurry Seal Project with low bidder Vance Brothers, Inc. based on the bid's unit prices which cannot exceed the annual percent of change for the Denver-Aurora-Lakewood Consumer Price Index for all urban consumers each year. This authorization will allow for yearly fluctuating quantities and a project contingency of 20% each year for the Slurry Seal Project, plus an additional \$45,000 for Utility trench cuts each year. The motion was seconded by Seymour. The motion passed on a **(7-0)** roll call vote.

- D. Award of 2023 Contract to Southern Road & Bridge LLC for Bridge Pedestrian Railing Paint Project with Options for Four One-Year Renewals for 2024, 2025, 2026, and 2027

Seymour moved to authorize the City Manager to execute a contract for the 2023 Bridge Pedestrian Railing Paint Project with the low bidder, Southern Road & Bridge, LLC, in the amount of \$434,000, plus a contingency in the amount of \$86,800 for a total authorized expenditure not to exceed \$520,800 in 2023. The motion was seconded by Emmons. The motion passed on a **(7-0)** roll call vote.

Seymour moved to authorize the City Manager to execute options for four, one-year renewals for 2024, 2025, 2026, and 2027 for the Bridge Pedestrian Railing Paint Project with the low bidder, Southern Road & Bridge, LLC, based on the bids unit prices which cannot exceed the annual percent of change of the Engineering New Report Index each year. This authorization will allow for yearly fluctuating quantities and a project contingency of 20% each year. The motion was seconded by Emmons. The motion passed on a **(7-0)** roll call vote.

- E. Award of 2023 Contract to Andale Construction Inc. for the Asphalt Pavement Preservation-High Density Mineral Bond HA5 Project with Options for Four One-Year Renewals for 2024, 2025, 2026, and 2027

Emmons moved to authorize the City Manager to execute a contract with Andale Construction Inc. for the 2023 Asphalt Pavement Preservation-High Density Mineral Bond HA5 Project in the amount of \$237,881 plus a contingency of \$35,683 for a total authorized expenditure not to exceed \$273,564 in 2023. The motion was seconded by Seymour. The motion passed on a **(7-0)** roll call vote.

Emmons moved to authorize the City Manager to execute a contract with options for four one-year renewals, subject to annual appropriation, for 2024, 2025, 2026, and 2027 for the Asphalt Pavement Preservation-High Density Mineral Bond HA5 Project with the low bidder Andale Construction Inc. based on the bid's unit prices that cannot exceed the annual percent of change of the Denver-Aurora-Lakewood Consumer Price Index for all urban consumers each year. This authorization will allow for yearly fluctuating quantities and a project contingency of 20% each year. The motion was seconded by Seymour. The motion passed on a **(7-0)** roll call vote.

11. OLD BUSINESS AND PASSAGE OF ORDINANCE ON SECOND READING

12. MISCELLANEOUS BUSINESS AND EXECUTIVE SESSION

13. ADJOURNMENT

The meeting was adjourned at 9:39 p.m.

THE WESTMINSTER CITY COUNCIL

ATTEST:

City Clerk

Mayor