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## Land Use, Transportation & Infrastructure Committee Summary Minutes

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**Tuesday, November 15, 2011 10:30 AM City & County Building, Room 391**

**Members Present:** Lehmann, Robb, Shepherd, Susman

**Members Absent:** Lopez, Montero

**Other Council Present:** Nevitt

**Committee Staff:** Gretchen Williams

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### Bill Requests

**BR11-0845 Amends Ordinance Number 426, Series of 2007, as amended, concerning the Better Denver Bond projects to delete the Barnum Park project and add Westwood Park with the same amount (\$518,000) and to correct an error under fire station renovations.**

*Scott Hergenrader, Better Denver Bond Program*

The proposal is to amend the Better Denver Bond Program Companion ordinance, which lists each individual project with its funding allocation. Proposed amendments include exchanging one Parks project for another (both in Council District 3) and one administrative correction to a fire station renovation project in Council District 2.

Gordon Robertson, Parks & Recreation, explained that the original Barnum Park bond project included acquisition of several parcels along 6th Avenue in order to open up views of the park from the highway. The acquisition costs far exceed the available \$518,000. In the future, these parcels may be able to be acquired in conjunction with a CDOT project on the highway.

Meanwhile, the new Westwood Park site became available, and \$518,000 is enough to implement improvements for this 2-acre site. Design of the new park will be a

collaborative effort with the neighborhood, funded by Parks capital funds.

Before making this decision, Parks did a thorough job of due diligence to determine that the original plan for Barnum simply was out of reach at this time. Councilman Lopez was involved in all the discussion.

The second proposed amendment is to correct a typographical error in the amount of funding for Fire Station No. 28. The amount needs to be changed from \$435,000 to \$430,000.

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman to file the bill carried by the following vote:

AYES: Nevitt, Lehmann, Robb, Shepherd, Susman(5)

NAYS: (None)

ABSENT: Lopez, Montero(2)

ABSTAIN: (None)

## Presentations

### **1 Better Denver Bond program policy for spending unallocated purpose contingency funds.**

*Scott Hergenrader, Better Denver Bond Program*

At the beginning of the Bond Program, the Bond Executive Committee (BEC) set aside \$13 million as contingency. Each Purpose has a contingency fund, as does each project. As projects are completed, the contingency funds change, and some of those funds will become available for other projects. Additionally, bond premium and interest earnings will become part of the contingency fund.

While there is a formal BEC process for reallocation of funds within the Purposes, there has not been a formal process for use of contingency funds. Management of the Purpose Contingency needs to be agreed upon by the BEC and City Council. The proposal being presented today defines a three-tiered process for transfer of funds, described below.

1. Completing the original program is the top priority. For any fund transfers needed in order to complete the basic scope of work for bond projects, the Council Representative (Rep) on the BEC (currently Councilwoman Robb) will issue an administrative communication to Council relating details of the transfer.
2. In order to expand the scope of existing projects listed in the Companion Ordinance, there are two processes, depending on the magnitude:
  - A. For projects with proposed scope expansion of 25% or less, the Rep will issue an

administrative communication to Council explaining the change.

B. For projects with proposed scope expansion of more than 25%, the Rep will lead a discussion and recommendation process (possibly in an appropriate Council Committee); upon agreement of the project scope change between Council and BEC, the action will be implemented.

2. For defining any new projects not listed in the Companion Ordinance, the Rep will lead a Council discussion and recommendation process. Upon agreement on the project by Council and BEC, the amendment to the Bond Companion Ordinance will be submitted to Council for action.

Councilwoman Robb noted that the contingency in the Public Office Facilities Purpose is only \$43,526. Mr. Hergenrader said those funds are being used for restroom renovations, starting on the first floor and working up.

Mr. Hergenrader said the program has \$150M yet to go into projects, primarily the large projects coming up in 2012 or post-program. The current contingency balance \$4,276,425, which is not much for \$150M worth of project work, but as major projects are closed out, any funds left will be brought into the contingency.