



CITY COUNCIL 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 (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

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

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 Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. Financial Report for January 2010
 - B. 2010 Biosolids Composting Contract
 - C. Municipal Court Public Defender Services Contract
 - D. Intergraph Corporation 2010 Software Maintenance Contract
 - E. Second Reading of Councillor's Bill No. 6 re Shoenberg Farm Barn Rehabilitation Loan Supplemental Appropriation
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Resolution No. 5 re Recovery Contract Interest Rate
 - B. Councillor's Bill No. 7 re Right-of-Way Vacation of Tennyson Street from Main Street to 120th Avenue
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
 - B. Executive Session – Consultation with the City Attorney concerning negotiations and possible settlement of a contract dispute and obtaining Council direction thereon, pursuant to Section 1-11-3(C)(7) and 1-11-3(C)(8) of the Westminster Municipal Code and CRS 24-6-402(4)(e)
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, FEBRUARY 8, 2010 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. J. Brent McFall, City Manager, Marty McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Kaiser, to approve the minutes of the regular meeting of January 25, 2010, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reminded everyone that Presidents' Day was next Monday, February 18. City Hall would be closed in observance of the holiday and there would be no City Council study session.

Immediately preceding this meeting in the lobby of City Hall was the unveiling of a monitor to measure photovoltaic solar power generated from panels installed at City Park Recreation Center, West View Recreation Center, Municipal Service Center, and Public Safety Building. The panels had been installed as a result of a July 2009 Council-approved photovoltaic solar power purchase agreement pilot program that not only had environmental benefits to the community, but also financial benefits to the City.

CITY COUNCIL COMMENTS

Councillor Briggs noted that one of the City's good partners over the years, Hyland Hills Parks and Recreation District, had received the Chamber Partner of the Year award at the North Metro Chamber of Commerce's Annual Gala recently.

Councillor Winter invited citizens to the Mayor and City Council Breakfast being held at 7 a.m. on February 11 at the MAC.

Mayor McNally reported that before this meeting US Representative Jared Polis had shared dinner with City Council to exchange information about local issues and those being debated in Washington, DC.

CITIZEN COMMUNICATION

David Krause, Joe Rowsell, Marc Wiederrich, and Richard Daugherty, all residents of the Amherst Subdivision, spoke to Council about changes forced on their families and neighborhood by the recent relocation of a sexually violent predator to a residence within the subdivision. They voiced frustration and disappointment in the process by which group homes for developmentally disabled could be sited without any notification, input, or mitigation opportunities for neighboring property owners or local government. They described steps they were taking to ensure the safety of their families and neighbors and appreciated the assistance the Westminster Police Department was providing. They urged Council to take every measure possible to make sure this situation could not occur in any other residential neighborhood in the City.

Mr. McFall described the City's inability to control the placement of sexually violent predators within the community, noting the federal and state restrictions on local governments were frustrating. Messrs. Krause, Rowsell, Wiederrich, and Daugherty had revealed new information that might be a helpful tool for the City. No one took this matter lightly although everyone was obliged to follow the law. Continued open communication between the City and neighbors was urged.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: award the bid for purchase of asphalt materials to Asphalt Specialties Company and for the purchase of crackseal materials to Deery American Corporation at the unit prices indicated on the bid tabulation on an as-needed basis in an amount not to exceed \$500,000 for asphalt and \$60,000 for crackseal materials; award the bid for seven GMC light- and medium-duty trucks for \$178,766 to Transwest GMC, the firm submitting the lowest bids for all three vehicle classes; award the bid and authorize the City Manager to execute a contract with DKS Enterprises, Inc. in the amount of \$218,054 for the installation of a traffic signal at 120th Avenue and Zuni Street, and authorize a 15% contingency of \$32,709; pass Councillor's Bill No. 4 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement for Scottrade, Inc.; and pass Councillor's Bill No. 5 on second reading appropriating funds received from Adams County in the amounts of \$550,000 and \$1,085,000 for the Savory Farms and Hawn-Hewit acquisitions for open space.

No requests were made to remove any items from the consent agenda for discussion purposes or separate vote. It was moved by Councillor Kaiser and seconded by Mayor Pro Tem Dittman to approve the consent agenda as presented. The motion carried unanimously.

IRREVOCABLE PLEDGE RE SHOENBERG FARM BARN REHABILITATION LOAN

Councillor Major moved, seconded by Councillor Lindsey, to authorize reallocation of funds from three Capital Improvement Project accounts into an account to hold reserves as an irrevocable pledge for the Shoenberg Farm barn rehabilitation loan pursuant to the requirement of Article X, Section 20, Colorado Constitution. The motion passed unanimously.

COLORADO HISTORICAL FOUNDATION REVOLVING LOAN FOR SHOENBERG FARM BARN

It was moved by Councillor Major and seconded by Councillor Kaiser to authorize the City Manager to execute all documents necessary to close a loan in the amount of \$117,000 to be provided by the Colorado Historical Foundation Revolving Loan Fund, which documents had to be in a form approved by the City Attorney. The motion passed unanimously.

COUNCILLOR'S BILL NO. 6 APPROPRIATING SHOENBERG FARM BARN REHABILITATION LOAN

Councillor Major moved to pass Councillor's Bill No. 6 on first reading appropriating loan proceeds for the City's rehabilitation of the Shoenberg Farm barn. The motion was seconded by Councillor Kaiser and passed unanimously at roll call.

ADJOURNMENT

There being no further business to come before the Council, it was moved by Mayor Pro Tem Dittman, seconded by Kaiser, to adjourn. The motion passed unanimously, and the meeting adjourned at 7:28 p.m.

ATTEST:

City Clerk

Mayor



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 22, 2010



SUBJECT: Certificate of Appreciation for Eagle Scout Historic Preservation Projects

Prepared By: Patrick Caldwell, Planner II

Recommended City Council Action

Councillor Briggs to present Certificates of Appreciation to Eagle Scouts for City Council's appreciation for historic preservation projects in the City of Westminster.

Summary Statement

- In calendar year 2009, Eagle Scouts were active in five historic preservation projects in the City of Westminster:
 - Constructing a flagstone plaza, a protective fence, and cleanout of the hand-dug well from the 1880s at the Semper Farm – Jack Kern
 - Repair and rehabilitation of the 1961 pumphouse at the Semper Farm – Jeffrey Stroud
 - Landscaping at the Shoenberg Farm entrance from 73rd Avenue – Ryan Steinhour
 - Restoration of the Shoenberg farm equipment that is located at the Bowles House – Devin Arkfeld
 - Landscaping to improve drainage at the original City Hall building at the Bowles House – Ben Droste
- Each Scout organized the work crews and obtained all donations of materials and specialty crafts at no cost to the City's historic preservation program.
- Each crew coordinated its work with the Westminster Historical Society or with Vicky Bunsen, the City's Programs Coordinator for historic preservation efforts.
- The attached appreciation certifies the City's positive thank you to the Eagle Scouts for their efforts.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The Westminster Historical Society has coordinated projects with Eagle Scout candidates and the City to improve the City's historic resources. In calendar year 2009, there were five projects undertaken by Eagle Scouts that upgraded and improved the City's historic resources. For each project, the Scout did all of the planning, recruited all of the volunteers, raised funds to pay for materials, received donations from local businesses or tradespersons, and scheduled all work done at their site.

- Semper Farm improvement – Eagle Scout Jack Kern coordinated the cleanout of the 1880s era hand-dug well at the Semper Farm. The interior of the well was excavated to a depth of approximately 14 inches to expose the original brick lining. The area near the well was cleaned of weeds. A flagstone plaza was installed near the well for a designated viewing area for the well. A wood fence in an open rail style was constructed adjacent to the well for protection and safety. This project enhances the historic interpretation of the Semper Farm.
- Semper Farm improvement – Eagle Scout Jeffrey Stroud repaired and rehabilitated the housing that covered the 1961 era well at the Semper Farm. The covering was severely deteriorated and vandalized. Jeffrey prepared construction drawings, obtained donations for all materials used in the reconstruction, organized all the labor, and assisted with the stucco restoration. The area around the pumphouse was raked and cleaned. This project also enhances the historical interpretation of the Semper Farm.
- Shoenberg Farm improvement – Eagle Scout Ryan Steinhour coordinated the landscaping improvements at the Shoenberg Farm entrance from 73rd Avenue. The extensive weeds around the pumphouse and the milkhouse were removed. The soil was mulched, fertilized and seeded with wildflowers, bulbs and native plants. Ryan obtained all materials and equipment through donations and organized the labor crews to perform the work. This low-maintenance and water-conserving landscape dramatically improved the entrance area to the Semper Farm at 73rd Avenue when in bloom this summer.
- Original City Hall Building located at the Bowles House at 72nd Avenue and Newton Street – Eagle Scout Ben Droste arranged site work to improve the drainage at the base of the City Hall building. The slope at the south side of the building was filled and compacted to prevent additional sloughing near the foundation. At the north side entrance to the building, the slope was adjusted to create a swale to divert runoff away from the entrance door. Drainage was improved at the east and west sides of the building. Flagstones were installed on the gentle slope at the north side of the building to stabilize the slope and to reduce the need for irrigation and overspray that had caused some problems with the lower courses of siding on the building. Ben obtained all materials through donations and coordinated the labor for the improvements. This upgrade will reduce maintenance and painting needs and stabilizes the foundation of the City Hall building.

- Restoration of the Shoenberg farm equipment that is located at the Bowles House – Eagle Scout Devin Arkfeld trimmed weeds and cleaned the area surrounding this equipment and cleaned the equipment. The farm equipment was donated to the Westminster Historical Society a few years ago and was moved from the Shoenberg Farm to the Bowles House to protect it during the very active construction phase at the Shoenberg Farm. Devin cleaned the equipment and shifted some pieces on the site to improve viewing of the equipment by the public.

The City is presenting each Scout with a formal Certificate of Appreciation as a gesture of goodwill and very sincere thanks to the Scouts for their efforts. Each of these projects is a very positive contribution to the ongoing history and legacy of the people and events that made the City of Westminster what it is today.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 22, 2010



SUBJECT: Financial Report for January 2010
Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

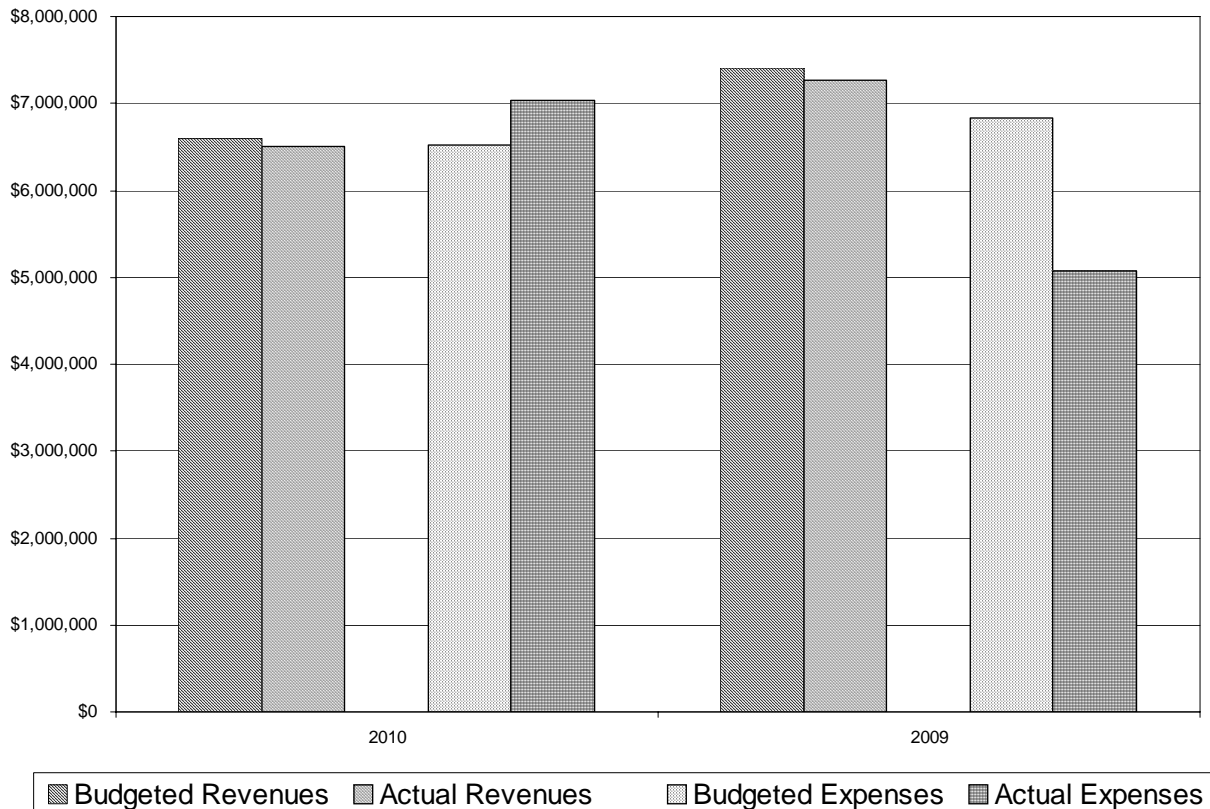
Accept the Financial Report for January as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, "budget" refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 5-year historical averages.

The General Fund expenditures exceed revenues and carryover by \$523,771. The following graph represents Budget vs. Actual for 2009-2010.

**General Fund
Budget vs Actual**

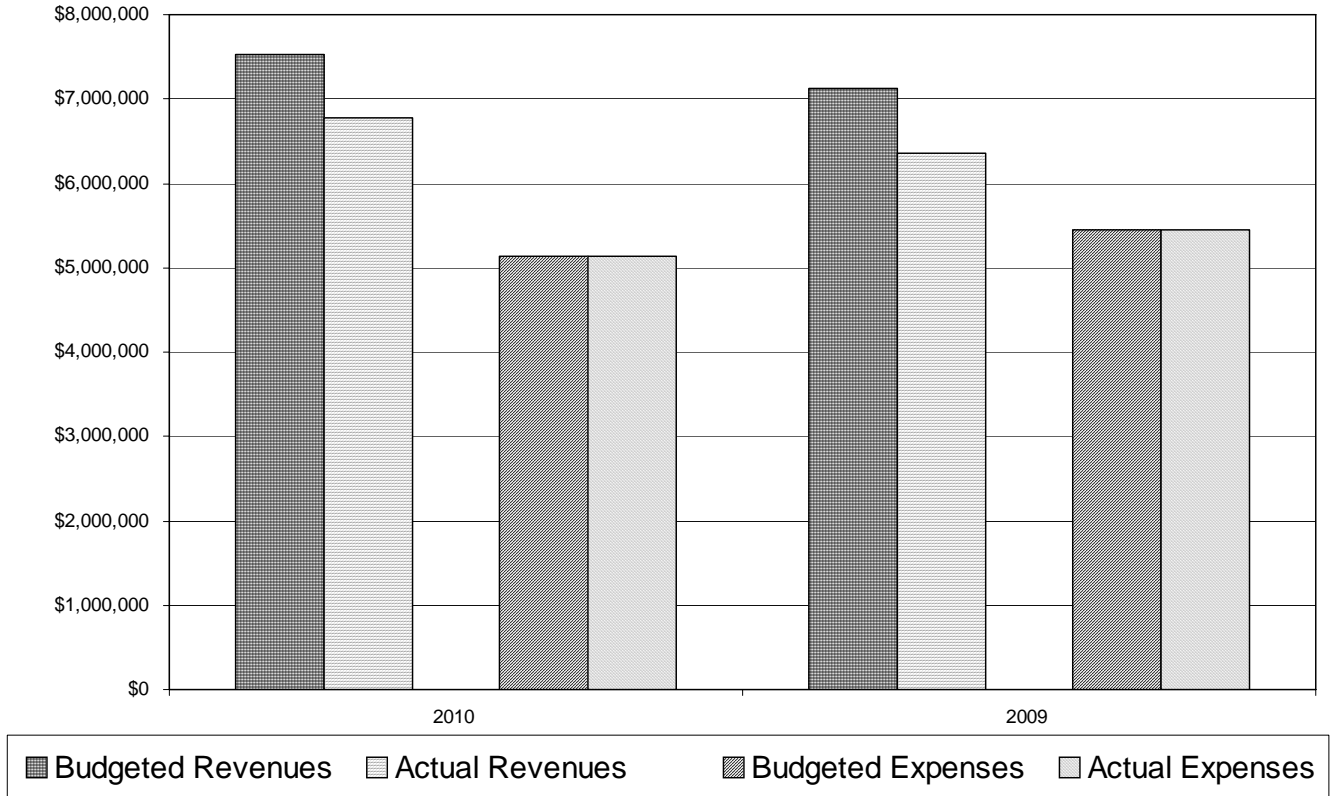


2010 expenditures exceed prior year expenditures due primarily to a third payroll being allocated to the month of January. This increase was partially offset by 11/14ths of January's first payroll being charged to 2009. This variance will smooth out as the year progresses.

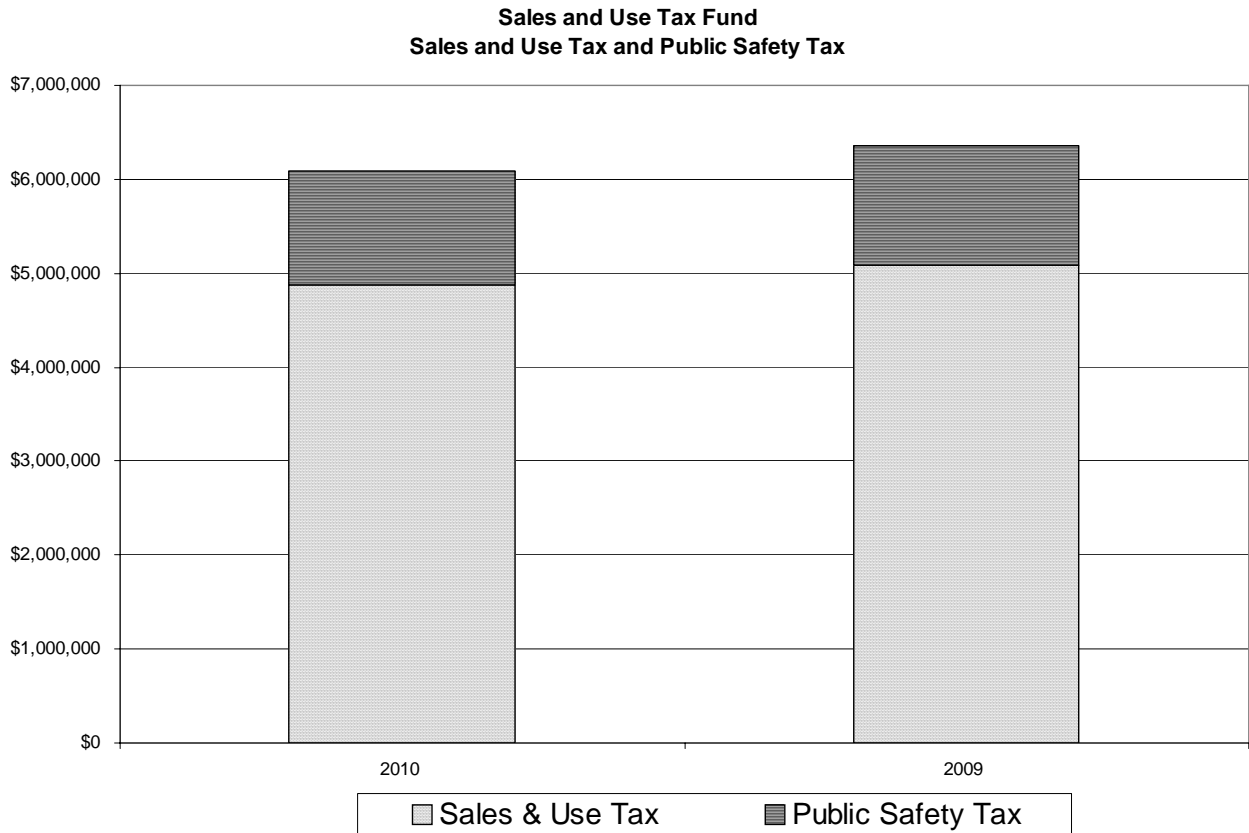
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$1,639,722.

- On a year-to-date cash basis, sales & use tax returns are down 3.2% from 2009.
- On a year-to-date basis, across the top 25 shopping centers, and including Urban Renewal Area money, total sales & use tax receipts are down 4.4% from the prior year.
- The top 50 Sales Taxpayers, who represent about 62% of all collections, were up 2.4% after adjusting for Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 39.0% on a year-to-date basis.
- Building Use Tax is up 46.1% year-to-date from 2009.

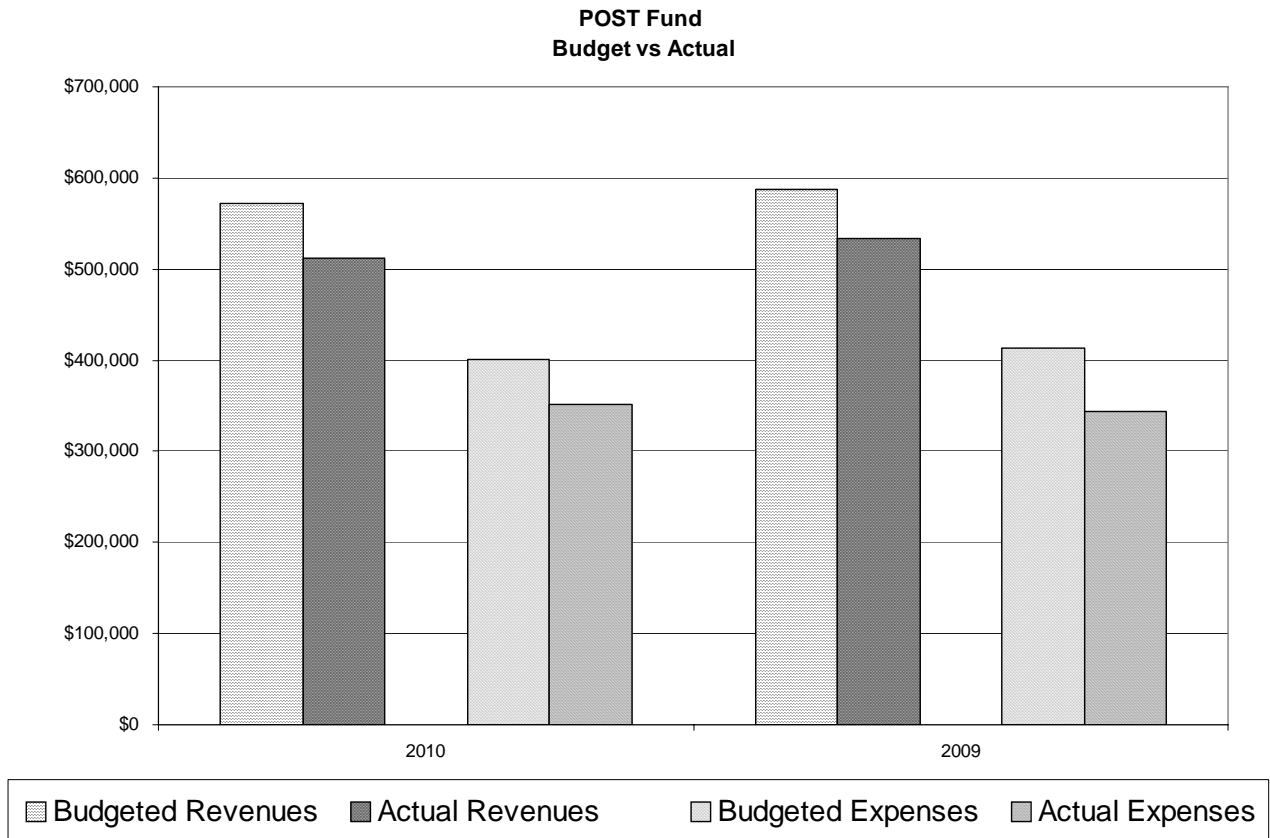
**Sales & Use Tax Fund
Budget vs Actual**



The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.

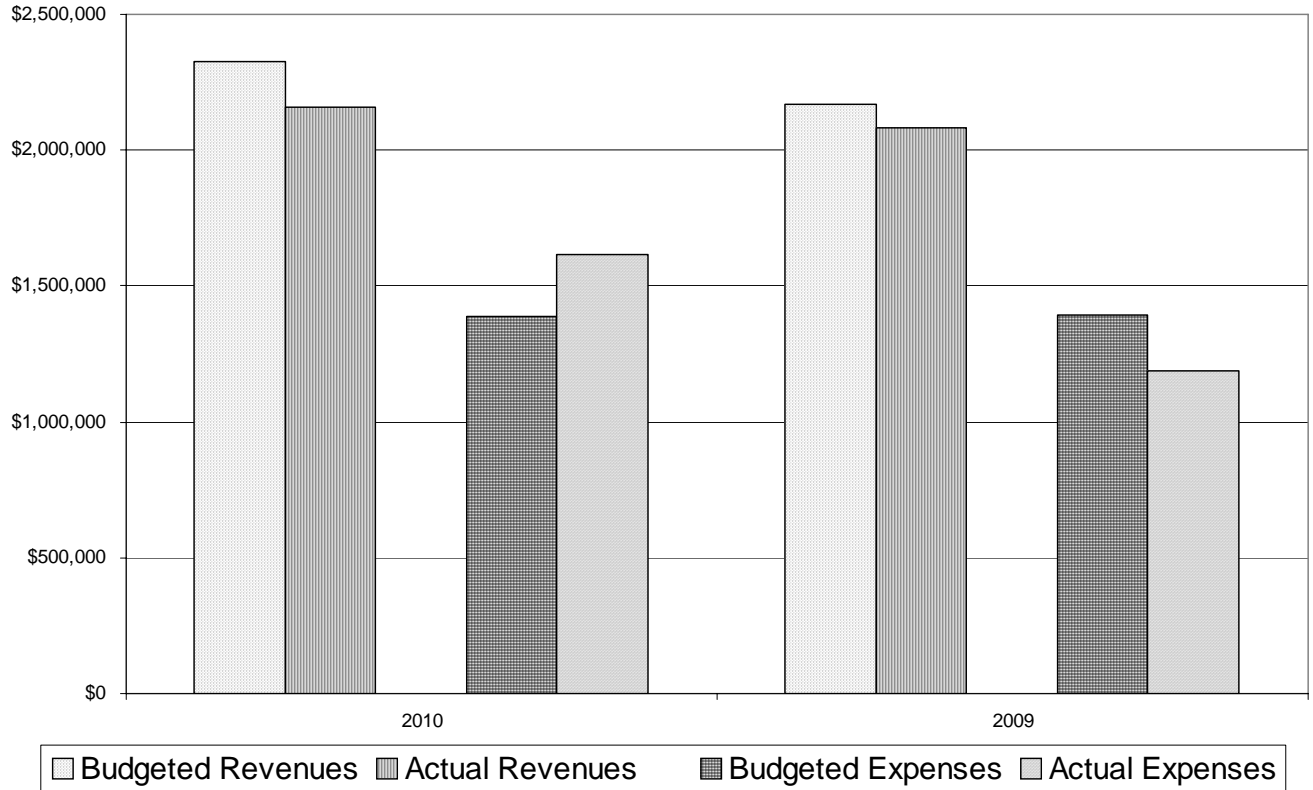


The Parks Open Space and Trails Fund revenues exceed expenditures by \$160,426.



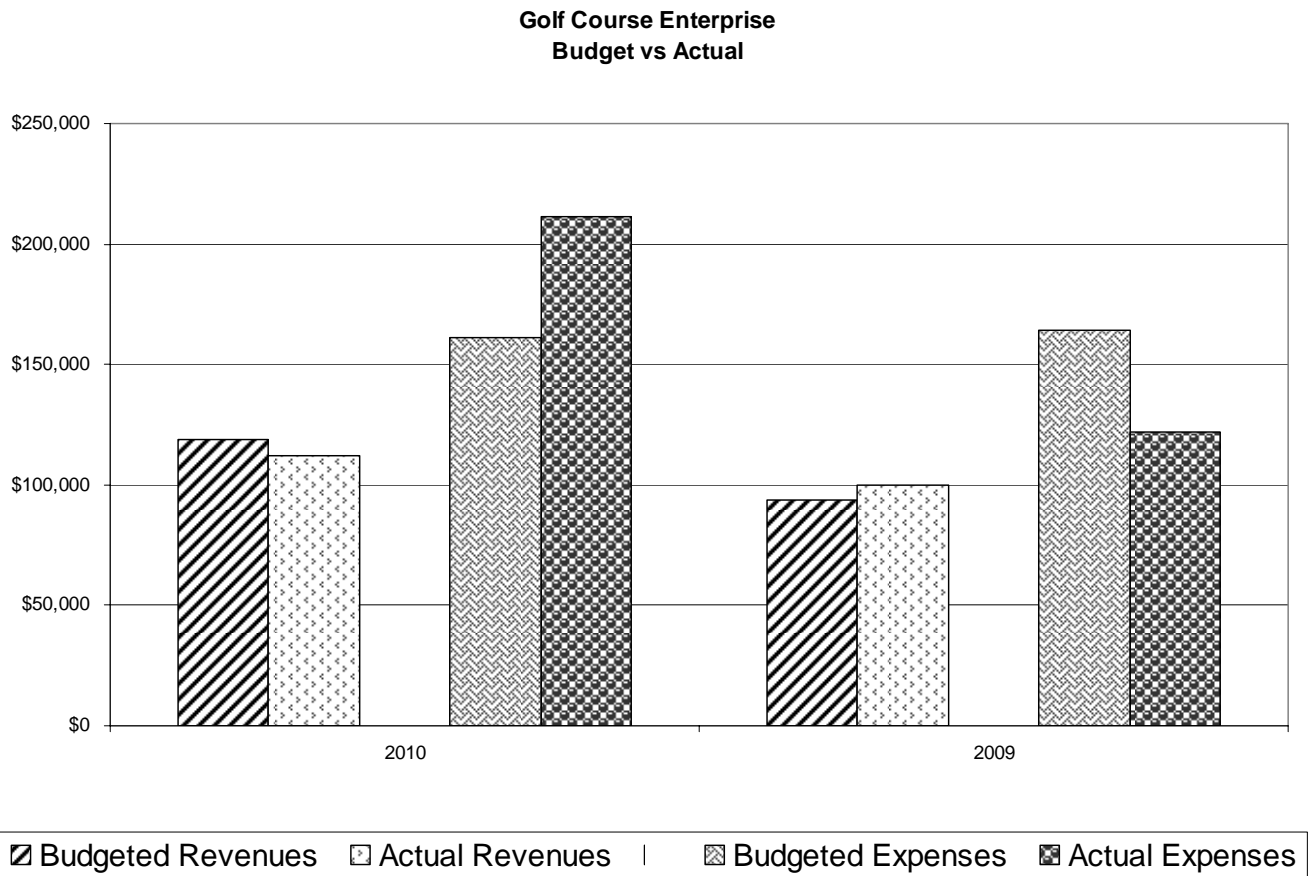
The combined Water & Wastewater Fund revenues and carryover exceed expenses by \$697,542. \$38,438,000 is budgeted for capital projects and reserves.

**Combined Water and Wastewater Funds
Operating Budget vs Actual**



2010 expenses exceed prior year expenses and the current year budget due primarily to a third payroll being allocated to the month of January. This increase was partially offset by 11/14ths of January's first payroll being charged to 2009. This variance will smooth out as the year progresses.

The combined Golf Course Fund expenditures exceed revenues by \$99,180.



2010 expenses exceed prior year expenses and the current year budget due primarily to a third payroll being allocated to the month of January. This increase was partially offset by 11/14ths of January's first payroll being charged to 2009. This variance will smooth out as the year progresses.

Policy Issue

A monthly review of the City’s financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

Alternative

Conduct a quarterly review. This is not recommended, as the City’s budget and financial position are large and complex, warranting a monthly review by the City Council.

Background Information

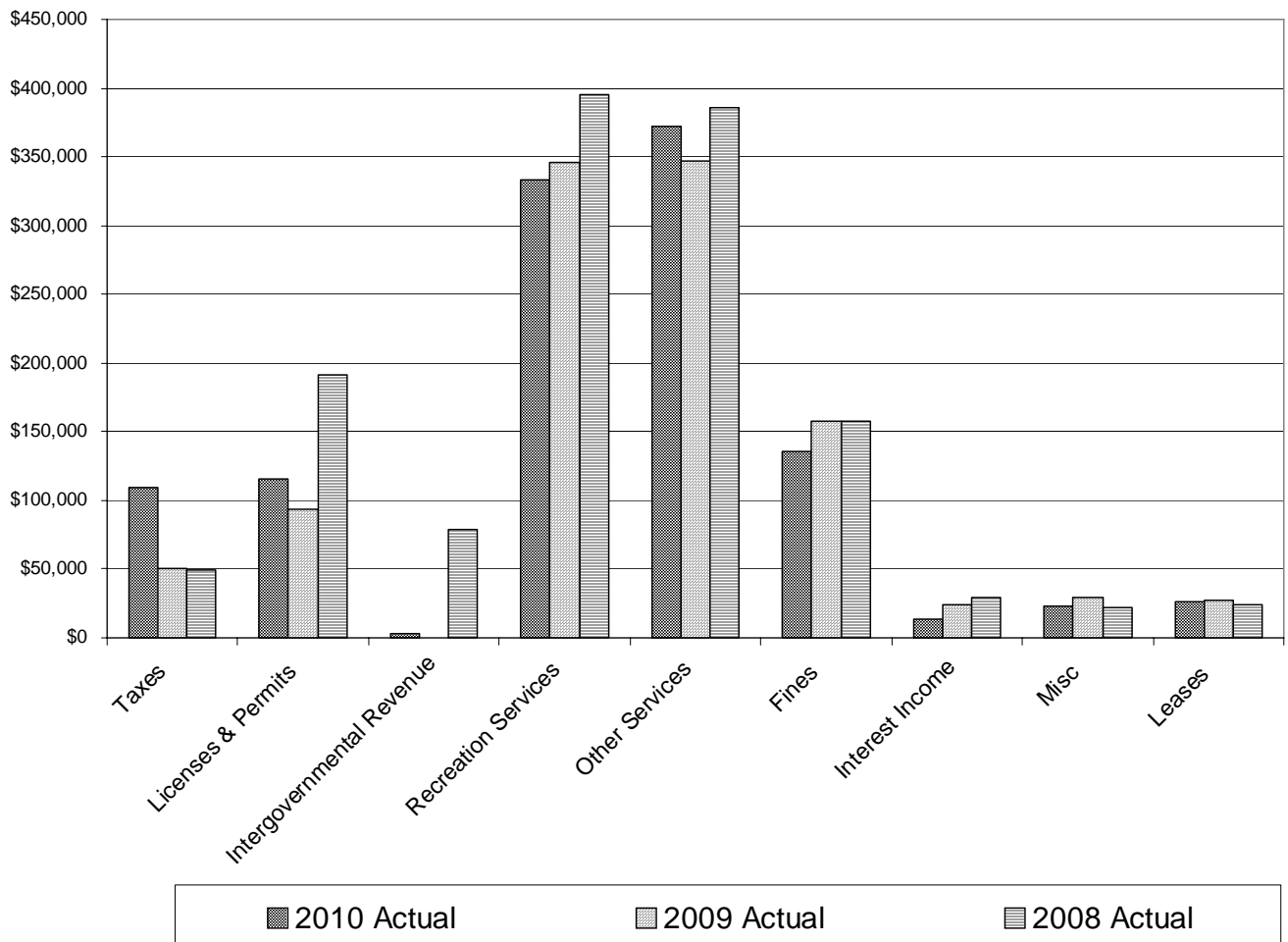
This section includes a discussion of highlights of each fund presented.

General Fund

This fund reflects the result of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions: City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2008 – 2010 year-to-date.

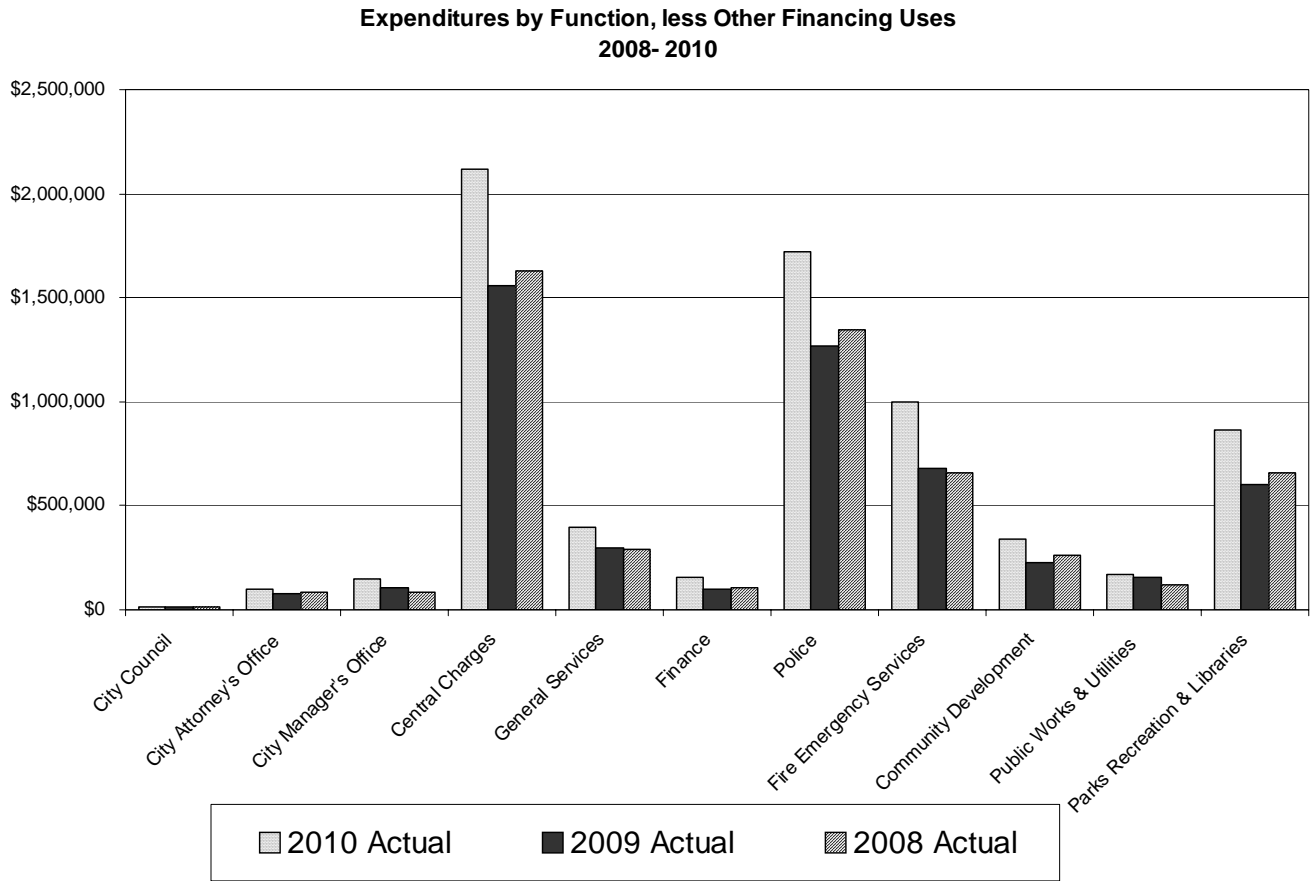
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources
2008- 2010**



Significant variances in General Fund revenue categories are explained as follows:

- The increase in Taxes reflects Accommodations Tax previously recorded in the General Capital Improvement Fund, now recorded in the General Fund, and movie theatre Admissions Tax.
- January Intergovernmental revenues reflect grant revenues received. Larger intergovernmental revenues such as HUTF, Cigarette, Ownership and others have a one month lag and will be reflected beginning in February.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2008 –2010.

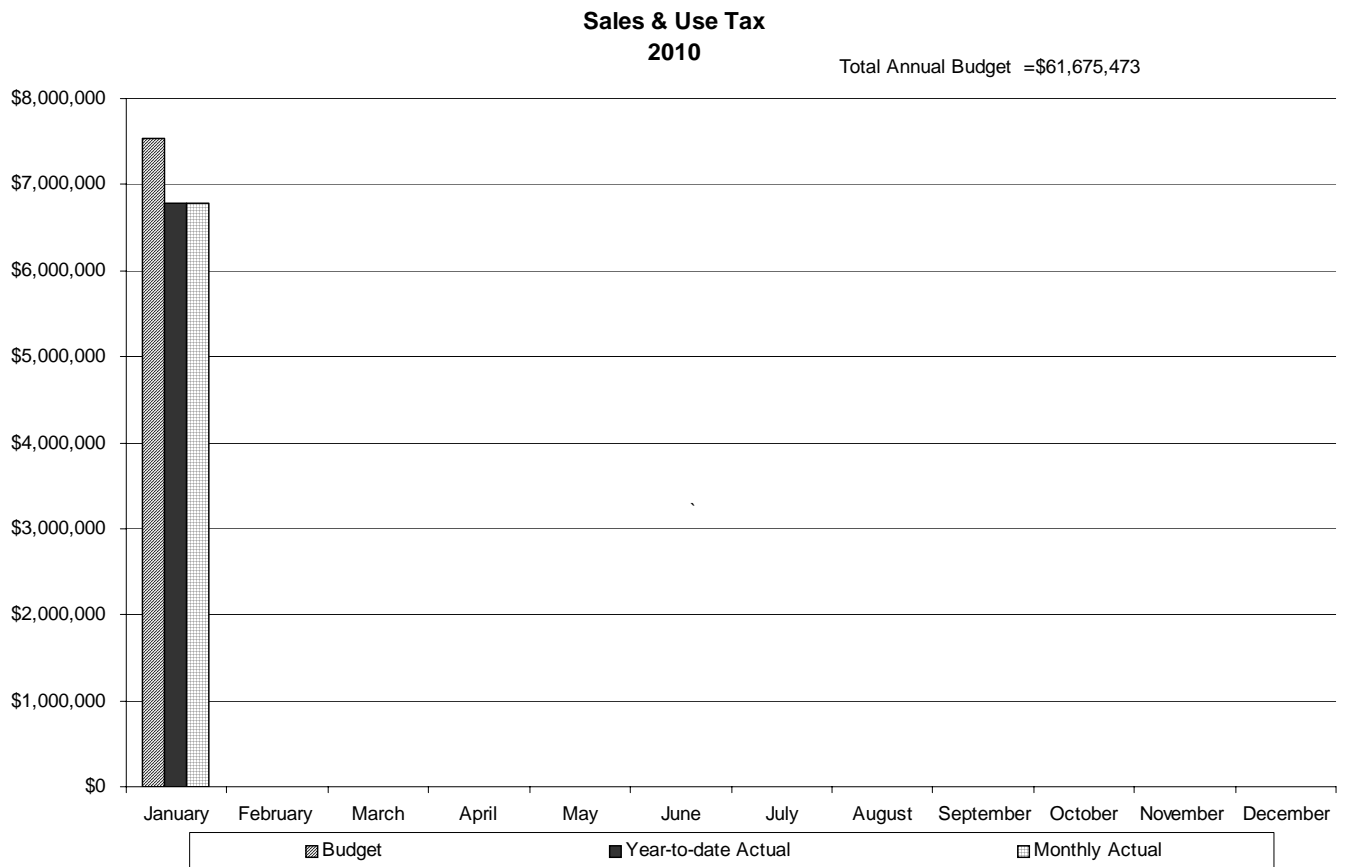


2010 expenditures exceed prior year expenditures due primarily to a third payroll being allocated to the month of January. This increase was partially offset by 11/14ths of January's first payroll being charge to 2009. This variance will smooth out as the year progresses.

Sales and Use Tax Funds (Sales & Use Tax Fund and Parks Open Space and Trails Sales & Use Tax Fund)

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, the Debt Service Fund and the Heritage Golf Course Fund. The Parks, Open Space, and Trails Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

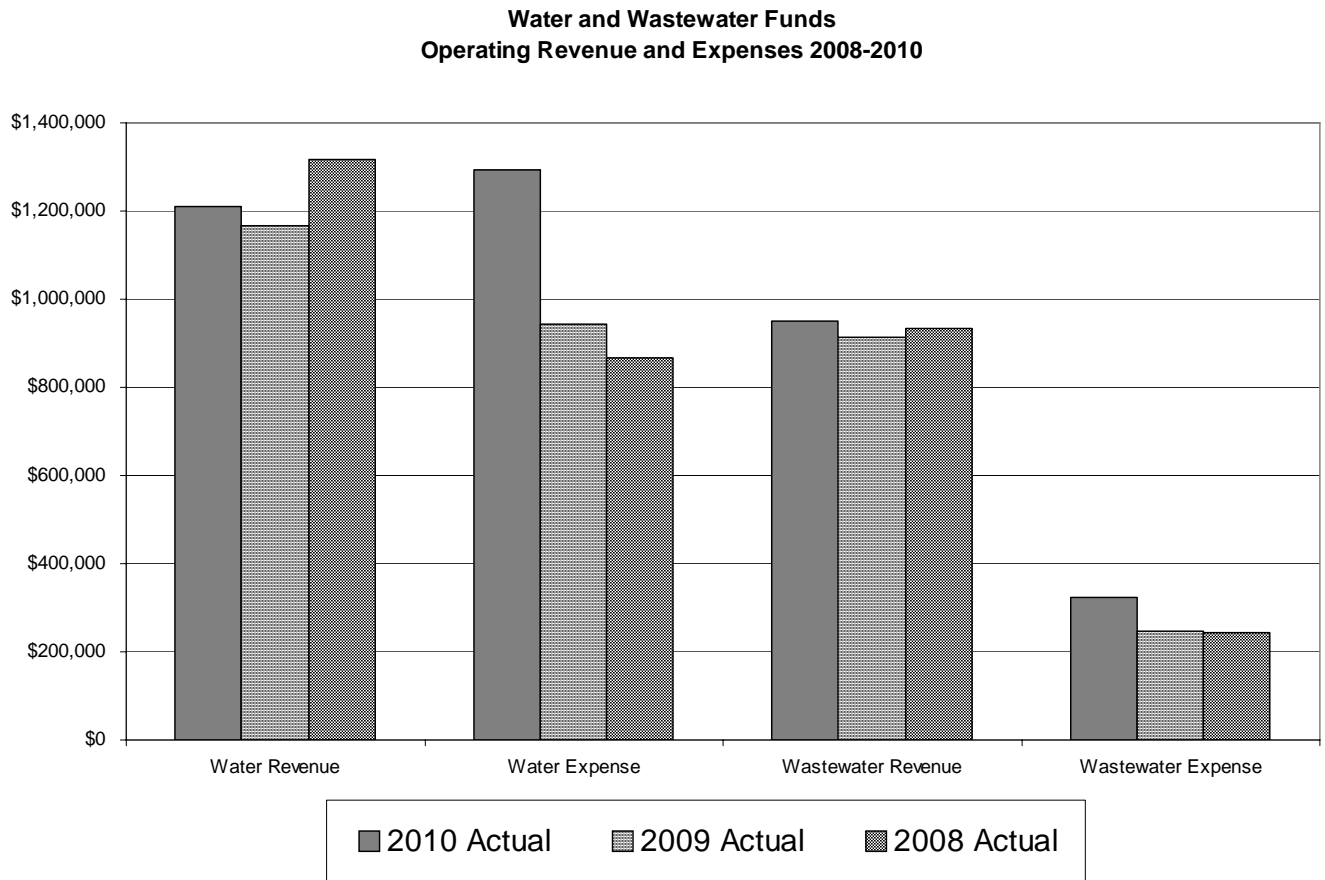
This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.



Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

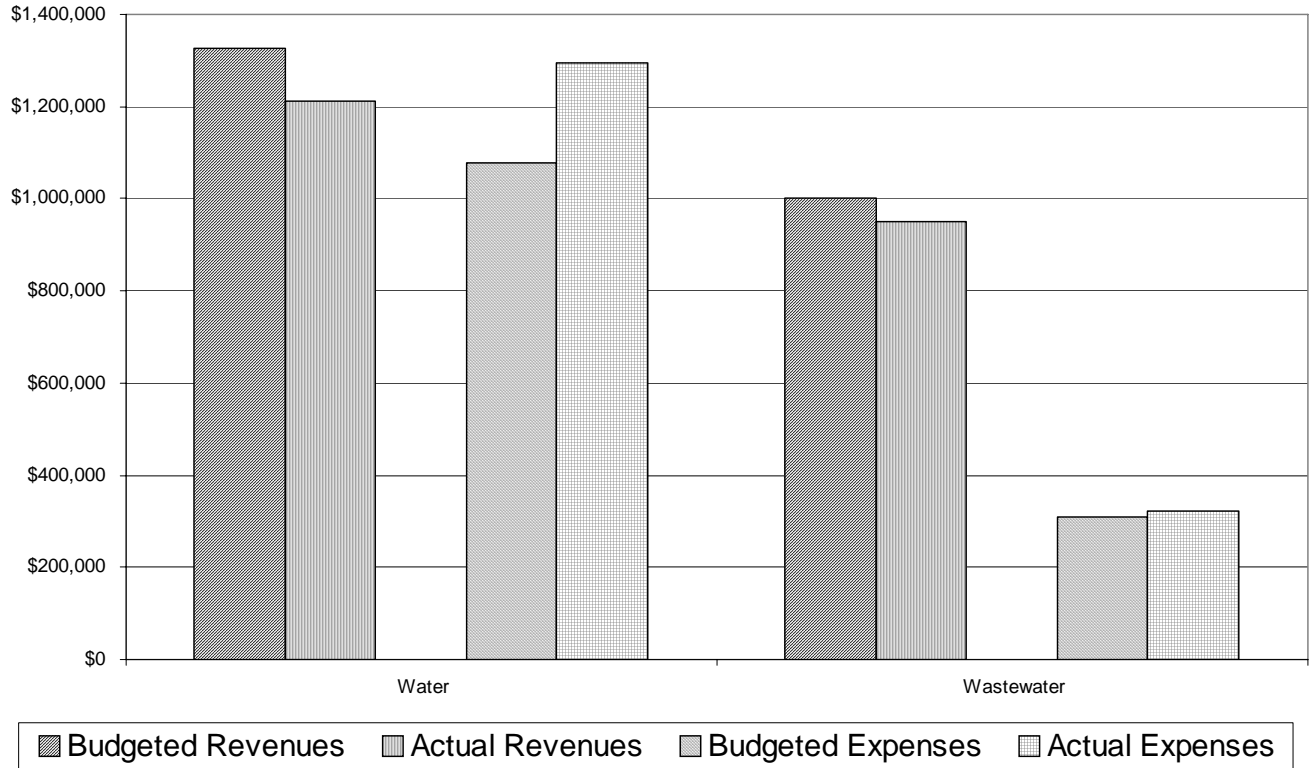
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects and reserves.

These graphs represent the segment information for the Water and Wastewater funds.



2010 expenses exceed prior year expenses due primarily to a third payroll being allocated to the month of January. This increase was partially offset by 11/14ths of January’s first payroll being charged to 2009. This variance will smooth out as the year progresses.

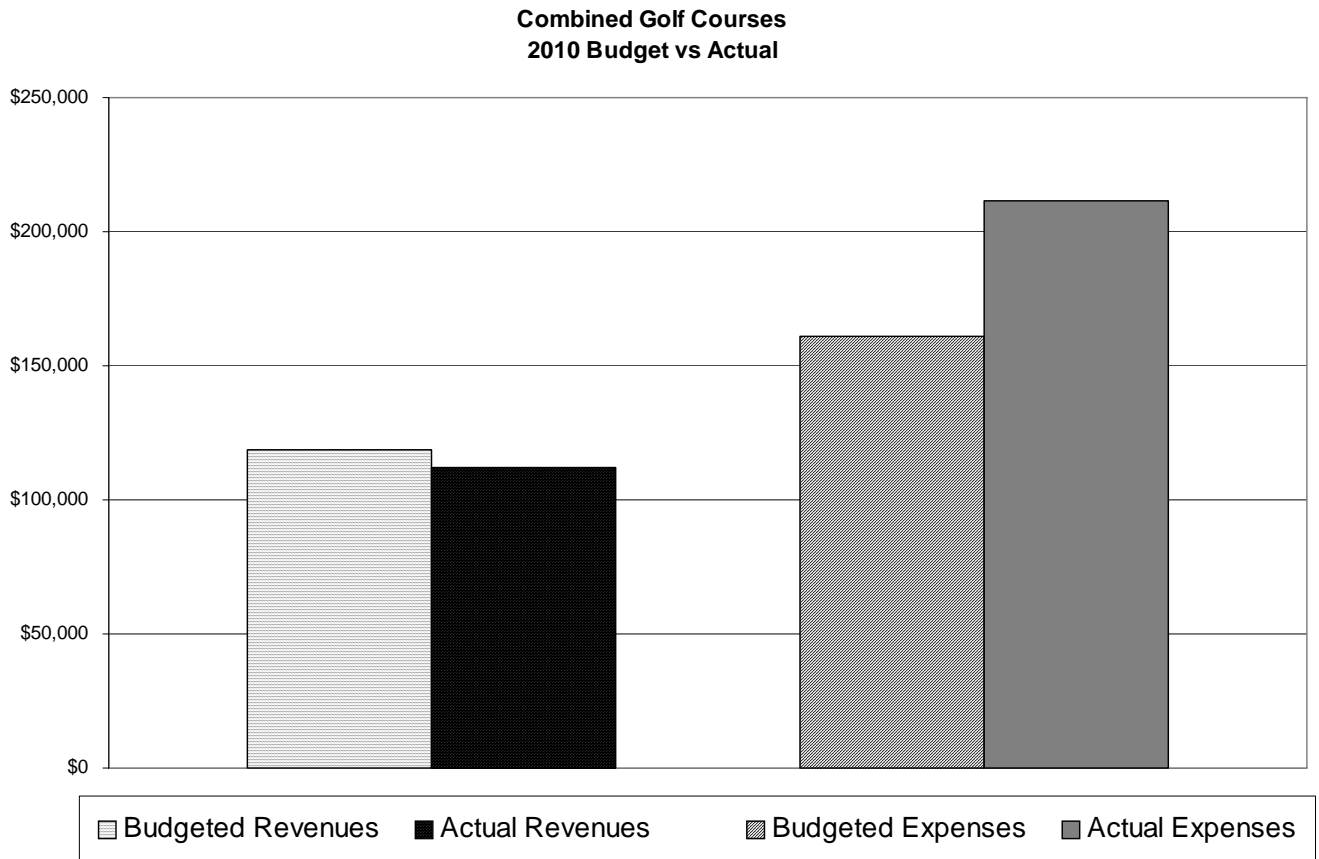
**Water and Wastewater Funds
2010 Operating Budget vs Actual**



2010 expenses exceed the current year budget due primarily to a third payroll being allocated to the month of January. This increase was partially offset by 11/14ths of January's first payroll being charged to 2009. This variance will smooth out as the year progresses.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

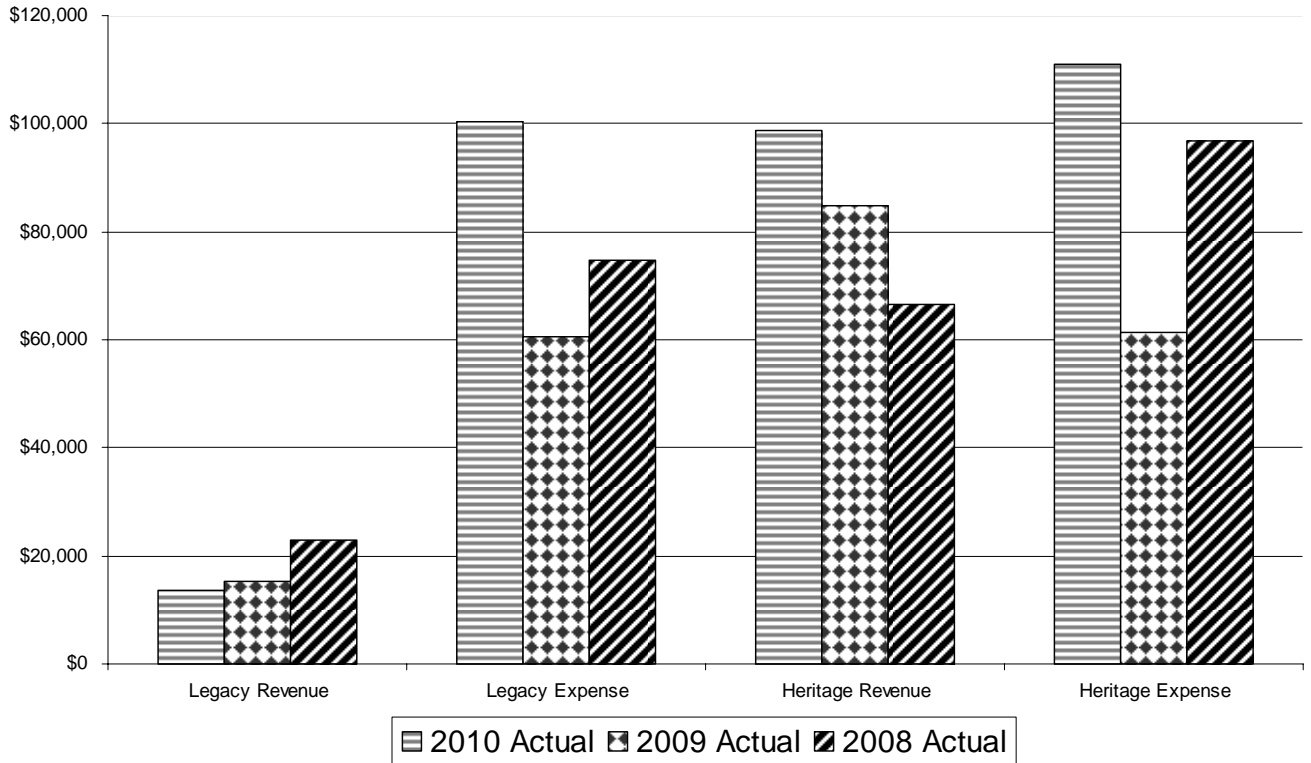
This enterprise reflects the operations of the City's two municipal golf courses.



2010 expenses exceed the current year budget due primarily to a third payroll being allocated to the month of January. This increase was partially offset by 11/14ths of January's first payroll being charged to 2009. This variance will smooth out as the year progresses.

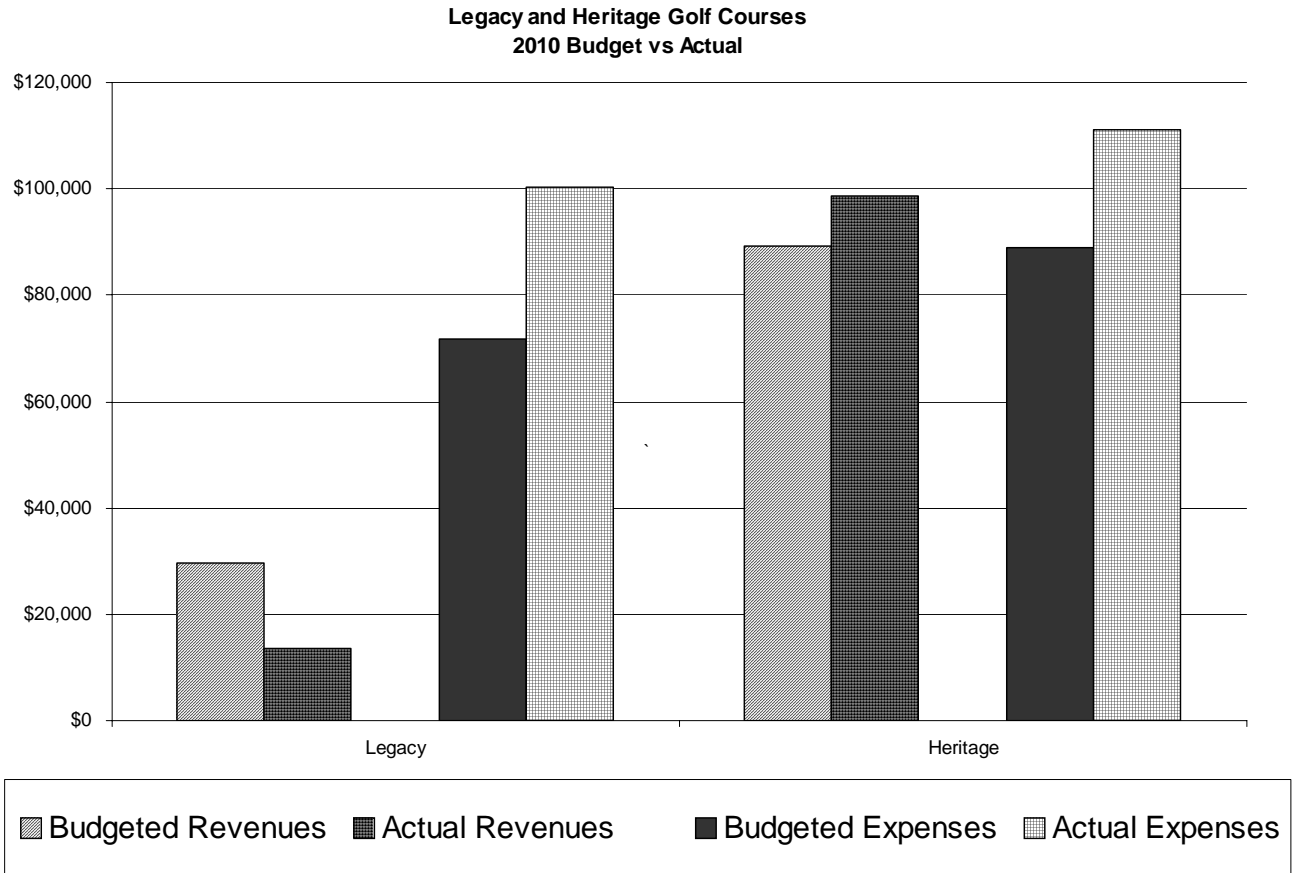
The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses
Revenue and Expenses 2008-2010**



2010 expenses exceed prior year expenses due primarily to a third payroll being allocated to the month of January. This increase was partially offset by 11/14ths of January's first payroll being charged to 2009. This variance will smooth out as the year progresses.

Inter-fund transfers impact this revenue representation. Isolating Charges for Services revenue indicates a decrease in operating revenues at Legacy of \$19,853 and an increase at Heritage of \$4,111 for the same period in 2009.



2010 expenses exceed the current year budget due primarily to a third payroll being allocated to the month of January. This increase was partially offset by 11/14ths of January's first payroll being charged to 2009. This variance will smooth out as the year progresses.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	%
General Fund						Budget
Revenues and Carryover						
Taxes	5,678,400	64,950		109,247	44,297	168.2%
Licenses & Permits	1,371,178	108,596		115,188	6,592	106.1%
Intergovernmental Revenue	5,239,602	529		3,400	2,871	642.7%
Charges for Services						
Recreation Services	6,219,206	478,256		333,660	(144,596)	69.8%
Other Services	8,757,562	319,205		372,606	53,401	116.7%
Fines	2,262,105	182,568		135,113	(47,455)	74.0%
Interest Income	425,000	34,539		13,500	(21,039)	39.1%
Misc	1,625,161	11,014		23,578	12,564	214.1%
Leases	328,023	27,536		26,206	(1,330)	95.2%
Interfund Transfers	64,517,612	5,376,468		5,376,468	0	100.0%
Revenues and Carryover	<u>96,423,849</u>	<u>6,603,661</u>		<u>6,508,966</u>	<u>(94,695)</u>	98.6%
Expenditures						
City Council	222,312	15,483		14,597	(886)	94.3%
City Attorney's Office	1,156,960	89,222		101,658	12,436	113.9%
City Manager's Office	1,611,334	123,740		147,097	23,357	118.9%
Central Charges	25,228,633	1,666,323		2,114,958	448,635	126.9%
General Services	5,937,816	418,062		397,834	(20,228)	95.2%
Finance	2,027,516	152,390		157,003	4,613	103.0%
Police	20,806,919	1,581,050		1,723,846	142,796	109.0%
Fire Emergency Services	11,847,237	893,217		1,000,140	106,923	112.0%
Community Development	4,273,620	316,339		339,712	23,373	107.4%
Public Works & Utilities	7,798,534	266,970		170,188	(96,782)	63.7%
Parks, Recreation & Libraries	15,512,968	996,283		865,704	(130,579)	86.9%
Total Expenditures	<u>96,423,849</u>	<u>6,519,079</u>		<u>7,032,737</u>	<u>513,658</u>	107.9%
Revenues and Carryover						
Over(Under) Expenditures	<u>0</u>	<u>84,582</u>		<u>(523,771)</u>	<u>(608,353)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues and Carryover						
Sales Tax						
Sales Tax Returns	40,321,375	4,881,736		4,469,053	(412,683)	91.5%
Sales Tx Audit Revenues	711,876	78,468		29,193	(49,275)	37.2%
S-T Rev. STX	<u>41,033,251</u>	<u>4,960,204</u>		<u>4,498,246</u>	<u>(461,958)</u>	90.7%
Use Tax						
Use Tax Returns	7,010,205	443,327		354,306	(89,021)	79.9%
Use Tax Audit Revenues	785,000	141,300		22,246	(119,054)	15.7%
S-T Rev. UTX	<u>7,795,205</u>	<u>584,627</u>		<u>376,552</u>	<u>(208,075)</u>	64.4%
Total STX and UTX	<u><u>48,828,456</u></u>	<u><u>5,544,831</u></u>		<u><u>4,874,798</u></u>	<u><u>(670,033)</u></u>	87.9%
Public Safety Tax						
PST Tax Returns	11,616,517	1,284,824		1,207,063	(77,761)	93.9%
PST Audit Revenues	315,500	6,295		10,284	3,989	163.4%
Total Rev. PST	<u>11,932,017</u>	<u>1,291,119</u>		<u>1,217,347</u>	<u>(73,772)</u>	94.3%
Total Interest Income	235,000	19,583		7,200	(12,383)	36.8%
Carryover	680,000	680,000		680,000	0	100.0%
Total Revenues and Carryover	<u>61,675,473</u>	<u>7,535,533</u>		<u>6,779,345</u>	<u>(756,188)</u>	90.0%
Expenditures						
Central Charges	<u>61,675,473</u>	<u>5,139,623</u>		<u>5,139,623</u>	0	100.0%
Revenues and Carryover Over(Under) Expenditures	<u>0</u>	<u>2,395,910</u>		<u>1,639,722</u>	<u>(756,188)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
POST Fund						
Revenues						
Sales & Use Tax	4,865,857	560,550		507,097	(53,453)	90.5%
Interest Income	55,000	4,583		4,600	17	100.4%
Miscellaneous	83,977	6,998		0	(6,998)	
Interfund Transfers	209,000	0		0	0	
Total Revenues	<u>5,213,834</u>	<u>572,131</u>		<u>511,697</u>	<u>(60,434)</u>	89.4%
Expenditures						
Central Charges	4,864,646	368,501		342,902	(25,599)	93.1%
Park Services	349,188	31,646		8,369	(23,277)	26.4%
	<u>5,213,834</u>	<u>400,147</u>		<u>351,271</u>	<u>(48,876)</u>	87.8%
Over(Under) Expenditures	<u>0</u>	<u>171,984</u>		<u>160,426</u>	<u>(11,558)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Fund-Combined						
Operating Revenues						
License & Permits	75,000	6,250		7,680	1,430	122.9%
Rates and Charges	41,600,438	2,286,462		2,148,403	(138,059)	94.0%
Miscellaneous	435,000	36,250		4,425	(31,825)	12.2%
Total Operating Revenues	<u>42,110,438</u>	<u>2,328,962</u>		<u>2,160,508</u>	<u>(168,454)</u>	92.8%
Operating Expenses						
Central Charges	6,051,028	504,252		584,867	80,615	116.0%
Finance	705,372	72,653		81,590	8,937	112.3%
Public Works & Utilities	20,131,933	591,797		688,361	96,564	116.3%
Parks, Recreation & Libraries	147,979	12,332		3,418	(8,914)	27.7%
Information Technology	2,821,595	205,976		259,264	53,288	125.9%
Total Operating Expenses	<u>29,857,907</u>	<u>1,387,010</u>		<u>1,617,500</u>	<u>230,490</u>	116.6%
Operating Income (Loss)	<u>12,252,531</u>	<u>941,952</u>		<u>543,008</u>	<u>(398,944)</u>	
Other Revenue and Expenses						
Tap Fees	3,193,061	99,077		70,834	(28,243)	71.5%
Interest Income	1,450,000	120,834		83,700	(37,134)	69.3%
Other Financing Sources	28,300,000	0		0	0	
Debt Service	(6,757,592)	0		0	0	
Total Other Revenue (Expenses)	<u>26,185,469</u>	<u>219,911</u>		<u>154,534</u>	<u>(65,377)</u>	70.3%
	<u>38,438,000</u>	<u>1,161,863</u>		<u>697,542</u>	<u>(464,321)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	6,250		7,680	1,430	122.9%
Rates and Charges	29,360,461	1,285,017		1,199,386	(85,631)	93.3%
Miscellaneous	425,000	35,417		4,300	(31,117)	12.1%
Total Operating Revenues	<u>29,860,461</u>	<u>1,326,684</u>		<u>1,211,366</u>	<u>(115,318)</u>	91.3%
Operating Expenses						
Central Charges	4,258,103	354,842		422,726	67,884	119.1%
Finance	705,372	72,653		81,590	8,937	112.3%
Public Works & Utilities	13,801,624	432,770		526,919	94,149	121.8%
Parks, Recreation & Libraries	147,979	12,332		3,418	(8,914)	27.7%
Information Technology	2,821,595	205,976		259,264	53,288	125.9%
Total Operating Expenses	<u>21,734,673</u>	<u>1,078,573</u>		<u>1,293,917</u>	<u>215,344</u>	120.0%
Operating Income (Loss)	<u>8,125,788</u>	<u>248,111</u>		<u>(82,551)</u>	<u>(330,662)</u>	
Other Revenue and Expenses						
Tap Fees	2,600,000	65,520		56,561	(8,959)	86.3%
Interest Income	800,000	66,667		67,500	833	101.2%
Other Financing Sources	28,300,000	0		0	0	
Debt Service	(5,253,788)	0		0	0	
Total Other Revenues (Expenses)	<u>26,446,212</u>	<u>132,187</u>		<u>124,061</u>	<u>(8,126)</u>	93.9%
Increase (Decrease) in Net Assets	<u>34,572,000</u>	<u>380,298</u>		<u>41,510</u>	<u>(338,788)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	12,239,977	1,001,445		949,017	(52,428)	94.8%
Miscellaneous	10,000	833		125	(708)	15.0%
Total Operating Revenues	<u>12,249,977</u>	<u>1,002,278</u>		<u>949,142</u>	<u>(53,136)</u>	94.7%
Operating Expenses						
Central Charges	1,792,925	149,410		162,141	12,731	108.5%
Public Works & Utilities	6,330,309	159,027		161,442	2,415	101.5%
Total Operating Expenses	<u>8,123,234</u>	<u>308,437</u>		<u>323,583</u>	<u>15,146</u>	104.9%
Operating Income (Loss)	<u>4,126,743</u>	<u>693,841</u>		<u>625,559</u>	<u>(68,282)</u>	
Other Revenue and Expenses						
Tap Fees	593,061	33,557		14,273	(19,284)	42.5%
Interest Income	650,000	54,167		16,200	(37,967)	29.9%
Debt Service	(1,503,804)	0		0	0	
Total Other Revenues (Expenses)	<u>(260,743)</u>	<u>87,724</u>		<u>30,473</u>	<u>(57,251)</u>	34.7%
Increase (Decrease) in Net Assets	<u><u>3,866,000</u></u>	<u><u>781,565</u></u>		<u><u>656,032</u></u>	<u><u>(125,533)</u></u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues and Carryover						
Charges for Services	2,000,000	166,667		167,077	410	100.2%
Interest Income	80,000	6,667		6,400	(267)	96.0%
Miscellaneous	0	0		5	5	
Total Revenues and Carryover	<u>2,080,000</u>	<u>173,334</u>		<u>173,482</u>	<u>148</u>	100.1%
Expenses						
General Services	92,000	0		0	0	
Community Development	147,000	8,526		11,192	2,666	131.3%
Park Services	200,000	16,667		4,000	(12,667)	24.0%
Public Works & Utilities	291,000	291		0	(291)	
Total Expenses	<u>730,000</u>	<u>25,484</u>		<u>15,192</u>	<u>(10,292)</u>	59.6%
Increase (Decrease) in Net Assets	<u>1,350,000</u>	<u>147,850</u>		<u>158,290</u>	<u>10,440</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Courses Combined						
Revenues and Carryover						
Charges for Services	2,970,719	51,876		43,086	(8,790)	83.1%
Interest Income	0	0		2,100	2,100	
Interfund Transfers	804,591	67,050	(1)	67,050	(0)	100.0%
Total Revenues and Carryover	<u>3,775,310</u>	<u>118,926</u>		<u>112,236</u>	<u>(6,690)</u>	94.4%
Operating Expenses						
Central Charges	230,085	15,904		25,865	9,961	162.6%
Recreation Facilities	3,047,135	144,944		185,551	40,607	128.0%
Total Operating Expenses	<u>3,277,220</u>	<u>160,848</u>		<u>211,416</u>	<u>50,568</u>	131.4%
Operating Income (Loss)	498,090	(41,922)		(99,180)	(57,258)	
Other Expense						
Debt Service	498,090	0		0	0	
Increase (Decrease) in Net Assets	<u>0</u>	<u>(41,922)</u>		<u>(99,180)</u>	<u>(57,258)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Revenues and Carryover						
Charges for Services	1,597,500	27,158		9,072	(18,086)	33.4%
Interest Income	0	0		2,100	2,100	
Interfund Transfers	29,433	2,453		2,453	0	100.0%
Total Revenues and Carryover	<u>1,626,933</u>	<u>29,611</u>		<u>13,625</u>	<u>(15,986)</u>	46.0%
Operating Expenses						
Central Charges	122,030	8,664		13,827	5,163	159.6%
Recreation Facilities	1,504,903	63,206		86,475	23,269	136.8%
Total Operating Expenses	<u>1,626,933</u>	<u>71,870</u>		<u>100,302</u>	<u>28,432</u>	139.6%
Increase (Decrease) in Net Assets	<u>0</u>	<u>(42,259)</u>		<u>(86,677)</u>	<u>(44,418)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Revenues and Carryover						
Charges for Services	1,373,219	24,718		34,014	9,296	137.6%
Interfund Transfers	775,158	64,597	(1)	64,597	0	100.0%
Total Revenues and Carryover	<u>2,148,377</u>	<u>89,315</u>		<u>98,611</u>	<u>9,296</u>	110.4%
Operating Expenses						
Central Charges	108,055	7,240		12,038	4,798	166.3%
Recreation Facilities	1,542,232	81,738		99,076	17,338	121.2%
Total Operating Expenses	<u>1,650,287</u>	<u>88,978</u>		<u>111,114</u>	<u>22,136</u>	124.9%
Operating Income	498,090	337		(12,503)	(12,840)	
Other Expense						
Debt Service	<u>498,090</u>	<u>0</u>		<u>0</u>	<u>0</u>	
Increase (Decrease) in Net Assets	<u><u>0</u></u>	<u><u>337</u></u>		<u><u>(12,503)</u></u>	<u><u>(12,840)</u></u>	

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TO-DATE JANUARY 2010

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	536,336	21,136	557,473	447,293	25,624	472,917	20	-18	18
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	539,252	1,602	540,854	536,152	8,413	544,565	1	-81	-1
SHOPS AT WALNUT CREEK 104TH & REED TARGET	323,262	1,934	325,196	302,055	4,419	306,473	7	-56	6
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	300,382	377	300,759	303,976	835	304,811	-1	-55	-1
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	286,572	1,727	288,299	471,549	1,596	473,145	-39	8	-39
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	243,848	505	244,352	238,358	221	238,579	2	128	2
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	243,238	371	243,609	229,864	4,566	234,430	6	-92	4
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	213,057	1,201	214,258	216,260	3,231	219,491	-1	-63	-2
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	200,432	788	201,219	209,122	3,303	212,426	-4	-76	-5
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	184,316	1,176	185,491	194,189	803	194,992	-5	46	-5
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	172,178	1,169	173,347	249,120	1,354	250,475	-31	-14	-31
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	152,891	254	153,144	150,844	355	151,199	1	-29	1
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	127,979	22,706	150,685	158,187	16,127	174,313	-19	41	-14
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	127,636	180	127,815	123,514	179	123,693	3	0	3
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	104,687	710	105,397	72,248	461	72,710	45	54	45

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TO-DATE JANUARY 2010

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
COUNTRYDALE BUSINESS PARK S SIDE 108TH & WADSWORTH BALL CORPORATION	782	63,099	63,881	784	80,173	80,957	0	-21	-21
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	49,662	10,908	60,571	59,906	228	60,134	-17	4687	1
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	60,359	67	60,426	64,561	480	65,041	-7	-86	-7
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	5,889	49,065	54,955	4,268	57,703	61,971	38	-15	-11
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	41,776	507	42,283	56,689	1,284	57,973	-26	-61	-27
WILLOW RUN 128TH & ZUNI SAFEWAY	36,706	249	36,955	58,589	362	58,951	-37	-31	-37
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	36,113	597	36,711	40,506	458	40,965	-11	30	-10
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	36,265	0	36,265	531	0	531	6730	*****	6730
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	28,042	110	28,151	29,093	148	29,240	-4	-26	-4
LAKE ARBOR PLAZA W SIDE HARLAN/INDUS PRK ASPEN AUTO BODY	18,391	4,414	22,806	19,918	1,774	21,693	-8	149	5
	<u>4,070,051</u>	<u>184,852</u>	<u>4,254,903</u>	<u>4,237,576</u>	<u>214,097</u>	<u>4,451,673</u>	<u>-4</u>	<u>-14</u>	<u>-4</u>



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 22, 2010



SUBJECT: 2010 Biosolids Composting Contract

Prepared By: Tim Woodard, Wastewater Treatment Superintendent
David Meyer, Water Quality Specialist

Recommended City Council Action

Based on the recommendation of the City Manager, determine that the public interest will best be served by authorizing the City Manager to execute a contract with A-1 Organics to compost biosolids at a cost not to exceed \$73,200.

Summary Statement

- The Big Dry Creek Facility anticipates using A-1 Organics to dispose of up to 100,800 gallons of biosolids per week through the end of 2010, as needed, when fields are too muddy or frozen to allow land application.
- Currently, in the Big Dry Creek operating budget, there is funding available for contract biosolids hauling and disposal in the amount of \$15,000. These funds will soon be exhausted due to current field conditions. Funding for additional biosolids disposal in the winter and spring months may be required. The cost for this service when used is anticipated to be \$6,100 per week. It is anticipated that an additional \$73,200 may be needed for disposal in the winter and spring. There are funds available in the operating budget to cover this cost.
- A-1 Organics is the only biosolids composting facility available along the Front Range that can be utilized for biosolids disposal.
- Staff believes the pricing quoted by A-1 Organics is reasonable for the services they will provide.

Expenditure Required: Not to exceed \$73,200

Source of Funds: Utility Fund – Utilities Operations Division Budget

Policy Issue

Should the Big Dry Creek Wastewater Treatment Facility continue to use A-1 Organics for biosolids composting when field conditions preclude use of the Strasburg Natural Resources Farm?

Alternative

The City of Westminster could contract with a biosolids contractor to dewater and haul biosolids from the facility. This alternative is more expensive than contracting with A-1 Organics.

Background Information

In 2004, the City of Westminster began using A-1 Organics on an as needed basis to stay ahead of biosolids production at the Big Dry Creek Facility. Prior to using A-1 Organics, the facility applied biosolids on farm fields located closer to the facility. The closer fields allowed operators to transport and dispose of larger volumes of biosolids in a given week. The sale and residential development of farm properties relatively close to the facility have impacted the disposal of biosolids. Currently, the facility must transport and dispose of 100,800 gallons of thickened biosolids per week to stay ahead of production. The 100,800 gallons equates to 21 tractor trailer loads of biosolids hauled and applied to the Strasburg Natural Resources Farm in Strasburg, Colorado.

In the event of wet and or frozen farm fields or when the production at the Big Dry Creek Wastewater Treatment Facility exceeds application abilities, the City is required to use A-1 Organics for composting City of Westminster biosolids. Staff has confirmed with the Colorado Department Public Health and Environment that A-1 Organics meets all of the State and Federal regulatory requirements.

In 2010, utilization of A-1 Organics has allowed Big Dry Creek Wastewater Treatment Facility to continue disposal of biosolids while experiencing frozen farm fields. Staff is requesting the authorization to continue using A-1 Organics on an as needed basis for the remainder of 2010. At this time, staff believes this unbudgeted cost can be adsorbed within the existing budget.

Approving this request supports City Council's goals of "Financially Sustainable City Government Providing Exceptional Services," and "Environmentally Sensitive City," by providing for the beneficial use of the City's wastewater biosolids.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 22, 2010



SUBJECT: Municipal Court Public Defender Services Contract

Prepared By: Matt Lutkus, Deputy City Manager
Carol J. Barnhardt, Municipal Court Administrator

Recommended City Council Action

Authorize the Mayor to execute an agreement with David Rockwell for Municipal Court Public Defender Services for the twelve-month period beginning April 1, 2010, and authorize up to four one year renewals of the agreement.

Summary Statement

- Since 2004, the Municipal Court has utilized the services of Linda D. Lauchli as public defender at the Municipal Court. Because of the number of years that have passed since the last public defender services contract was awarded, City Staff prepared a Request For Proposals (RFP) to obtain competitive bids.
- An RFP was developed and three individuals submitted sealed bids. They were: Matthew B. “Blake” Wilson, David Rockwell, and Linda D. Lauchli.
- The proposed monthly rates submitted by the three attorneys ranged from \$1,500 per month (\$18,000 annual) to \$1,680 per month (\$20,160 annual). Proposed rates for Jury Trial representation ranged from \$49 per hour to \$55 per hour.
- Interviews by a five-member selection panel were conducted on January 14, 2010.
- Based on a review of the candidates’ qualifications and the interview process, the oral board selection panel is recommending that David Rockwell has the best qualifications to perform the public defender services at the Municipal Court.
- Funds are available within the Municipal Court Budget for this contract. No additional funding is requested. This is a one-year contract that is renewable for up to four additional years.
- The Contract price for renewal periods shall be negotiated and agreed to by both parties, and any adjustment shall not exceed the annual percent change of the CPIU.

Expenditure Required: \$30,812

Source of Funds: General Fund – Municipal Court Budget

Policy Issue

Should City Council continue to contract for public defender services?

Alternative

Negotiate with several attorneys to perform public defender services. Staff does not recommend this process due to the administrative burden and the expenses that would be incurred.

Background Information

Public Defender services are provided to indigent defendants in Municipal Court cases where jail time may be imposed if the defendant is convicted. The judge presiding over each case can appoint a public defender when justified by a defendant's lack of financial resources.

Individuals who request a public defender are required to pay a \$25 Non-Refundable Public Defender Fee and are given an "Application for Court-Appointed Counsel" to complete. The Court may waive the application fee at its discretion. The individuals are scheduled for a hearing with the Collection Supervisor to review all of their required paperwork. The individuals then appear before the Court and the judge reviews the application, makes a determination, and finalizes the Court Order. If the individual meets the eligibility requirements, the public defender is appointed.

The public defender is present to represent the defendant at all court appearances and trials. He or she confers with the defendant to determine the issues involved in the case. The public defender explains the elements the prosecution must prove, and the consequences of a guilty plea to the original charge(s) or other possible charge(s).

If the defendant pleads not guilty to the original charge(s) and/or added charge(s), or no plea agreement is reached, the case is set for either a Trial to the Court or for a Jury Status Conference and Jury Trial (if a Jury Demand was entered). If the defendant is found not guilty either by a judge or by a jury, the case is dismissed. If the defendant is found guilty by a judge or by a jury, sentencing may occur or the case may be set for a pre-sentence investigation and scheduled for a public defender sentencing date. If a plea bargain is offered and the defendant pleads guilty to the charge(s) or amended charge(s), sentencing may occur or the case may be set for a pre-sentence investigation and scheduled for a public defender sentencing date.

The public defender is scheduled every Wednesday for six hours. Hearings scheduled during this time are: 10 a.m. - Public Defender Hearings, Pre-Trials and In-Custody matters. 1:00 p.m. - Public Defender Trials to the Court, Pre-Trials, Motions and Jury Status Conferences. Public defender services are also required in Court on the Fridays when public defender cases are scheduled for Jury Trial(s).

Since 2004, Linda D. Lauchli has provided public defender services for the Municipal Court. Because of the number of years that have passed since the last public defender services contract was awarded, City Staff prepared a RFP to obtain competitive bids. The RFP provided for a one-year agreement for public defender services that is renewable for up to four years. Three individuals submitted sealed bids. They were: Matthew B. "Blake" Wilson, David Rockwell, and Linda D. Lauchli.

Sealed bids were opened by the Purchasing Agent and the Court Administrator on December 18, 2009. The following chart indicates the rates submitted by the bidders.

NAME	BID RATES	BID RATES FOR JURY TRIALS – Hourly rate for in-court trials:
Matthew B. “Blake” Wilson	Monthly rate \$1,500 (x 12 = \$18,000 annual)	\$50 per hour
David Rockwell	Monthly rate \$1,579 (x 12 = \$18,948 annual)	\$49 per hour
Linda Lauchli	Monthly rate \$1,680 (x 12 = \$20,160 annual)	\$55 per hour

A five-member oral board selection panel conducted interviews on January 14, 2010. The selection panel was comprised of Counselor Bob Briggs, Deputy City Manager Matt Lutkus, Court Administrator Carol Barnhardt, Senior Human Resource Analyst Theresa Booco, and Assistant City Attorney Leslie Annand (who abstained from voting). Each of the three candidates participated in an interview that covered approximately 26 questions.

The following factors were considered for each candidate:

1. Prior Experience as Public Defender
2. Communication Skills
3. Credibility
4. Attitude, Interest, Motivation
5. Overall Impression.

As a result of this process and after an in-depth discussion, the selection panel is recommending that Council approve a contract with David Rockwell based on his experience in criminal law and his interest in providing this service to indigent defendants. The selection panel determined that David Rockwell has the requisite qualifications to perform the public defender services.

As part of the 2009/2010 Budget, Council authorized funds for public defender services. For 2010, the public defender services are funded at \$30,812. This amount is comprised of David Rockwell’s submitted rate of \$1,579 per month (\$18,948 annual) for the weekly Wednesday Court docket. The remaining \$11,684 is allocated for Jury Trial representation on Fridays as required at the submitted bid rate of \$49 per hour, plus representation of conflict counsel and other expenses as allowed in the agreement. The proposed monthly bid and the proposed jury rate submitted by David Rockwell are less than what the Court has been paying for the public defender services. The Contract price for renewal periods shall be negotiated and agreed to by both parties, and any adjustment shall not exceed the annual percent change of the CPIU.

Funds are appropriated within the Municipal Court Budget. No additional funding is requested. This is a one-year contract that is renewable for up to four additional years.

This Staff recommendation achieves the Strategic Plan Goals of Financially Sustainable City Government Providing Exceptional Services is attained by staying within the budgeted funds appropriated for this important service for indigent defendants.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 22, 2010



SUBJECT: Intergraph Corporation 2010 Software Maintenance Contract

Prepared By: Lee Birk, Chief of Police
Darrin Bacca, Police Project Specialist

Recommended City Council Action

Authorize payment of \$135,205.78 to Intergraph Corporation for the 2010 Annual Software Maintenance Contract for the integrated Fire and Police Computer Aided Dispatch, Police Records Management System, Fire Records Management System, and Mobile computer application systems.

Summary Statement

- The City of Westminster purchased an integrated Computer Aided Dispatch (CAD), Police Records Management System (RMS), Fire Records Management System (FMS) and the Mobile computer applications from Intergraph Corporation. These systems are relied upon heavily by communications personnel for dispatching of police and fire to emergencies and non-emergency events. The programs are utilized by police and fire personnel for entering call data from the public, police and fire offense reports, incident reports, and they provide a tool for field units to receive dispatch data and handle calls in the field.
- The Intergraph Annual Software Maintenance contract was approved by City Council on February 25, 2008, and signed by the City Manager. On February 9, 2009, City Council authorized the annual renewal payment of \$159,426 for the 2009 Software Maintenance.
- The 2010 annual payment extends the Intergraph annual maintenance contract through March 31, 2011. The 2010 renewal amount was reduced \$24,220 from the 2009 renewal because the City purchased Microsoft SQL database licenses and migrated the database from Oracle to Microsoft SQL in July 2009. Therefore, the Intergraph annual maintenance contract no longer includes the Oracle license costs.
- It is critical for these systems to remain operational at all times and that problems with the system are addressed in a timely manner to ensure public safety response to critical incidents and emergencies. The yearly maintenance also provides for upgrades in existing software to ensure that the applications have current functionality as well as any necessary updates or repairs. The Information Technology Department strongly recommends that departments maintain current software applications and software maintenance contracts with their vendors to avoid system problems, and they support the Intergraph Corporation maintenance contract.
- This expenditure was specifically budgeted in the Police and Fire Department's 2010 general fund operations budget and is within budget.

Expenditure Required: \$135,205.78

Source of Funds: 2010 Police General Fund Operating Budget - \$93,700.22
2010 Fire General Fund Operating Budget - \$41,505.56

Policy Issue

Should the City of Westminster renew the annual software maintenance contract with Intergraph Corporation for the Police and Fire CAD, Police RMS, Fire RMS and Mobile system?

Alternative

Do not pay the annual software maintenance and support. Staff does not recommend this alternative because this action would leave the communication and information technology operations of both the Police and Fire Departments without the support needed to keep the systems operating.

Background Information

The Intergraph systems were purchased in 2000 and included a Computer Aided Dispatch (CAD) system, Police Records Management System (RMS), Fire Records Management System (RMS), the Mobile Computer Application and various system interfaces to include Enhanced 911 (E911) and Automatic Vehicle Locating. The system was designed to integrate all applications and components together to allow for a seamless transmission of data and information.

Communications staff input “service events” into a database and in turn, field units are able to receive those service events through their mobile data computers and consequently submit on line offense reports into the Police RMS. The Police RMS is a repository for police crime reports, arrest data, impounded evidence and stolen property. It allows for the department to generate monthly and annual crime statistics that are required to be reported to the Federal Bureau of Investigations (FBI), via National Incident Based Reporting System (NIBRS) and to the Colorado Bureau of Investigations (CBI). The Fire RMS component is used for tracking building inspections, Emergency Medical Services (EMS) reporting and National Fire Incident Reporting (NFIRS).

The City has executed and maintained a maintenance contract with Intergraph Corporation every year since the system was purchased. The annual maintenance contract allows all components of the system to be covered by the Intergraph Corporation. The contract provides for CAD system maintenance 24 hours a day, 365 days a year due to the critical nature of the application.

Support by Intergraph Corporation allows customers several options; the first is to have an immediate response to a problem by calling a telephone service support line that provides software support. The support line is answered by Intergraph Corporation support engineers for product specific technical needs and problems. The second response generally used for non-emergency requests is to submit on-line help via a service request. Additionally, the yearly maintenance provides for upgrades in existing software to ensure that the applications have current functionality and provides for mid-year fixes or updates.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 22, 2010



SUBJECT: Second Reading of Councillor's Bill No. 6 re Shoenberg Farm Barn Rehabilitation Loan Supplemental Appropriation

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 6 on second reading appropriating loan proceeds for the City's rehabilitation of the Shoenberg Farm barn.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading.
- These funds will be used for rehabilitation of the Shoenberg Farm barn structure.
- This Councillor's Bill was passed on first reading on February 8, 2010.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **6**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

Major - Kaiser

A BILL

FOR AN ORDINANCE AMENDING THE 2010 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2010 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2010 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3432 is hereby increased by \$117,000. This appropriation is due to the receipt of loan proceeds.

Section 2. The \$117,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10 A-C, dated February 8, 2010 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$117,000</u>
Total	<u>\$117,000</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of February, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of February, 2010.

ATTEST:

Mayor

City Clerk



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 22, 2010



SUBJECT: Resolution No. 5 re Recovery Contract Interest Rate

Prepared By: Frances A. Velasquez, Secretary

Recommended City Council Action

Adopt Resolution No. 5 establishing the 2010 calendar year interest rate for non-City funded public improvement recovery contracts at 5.25 percent and an interest rate of 4.31 percent for City-funded public improvements.

Summary Statement

- In accordance with Section 7(F) of Title XI, Chapter 6, of the City Code, Staff requests that City Council establish interest rates on recovery agreements for 2010. For the past several years, it has been City practice to add two percent to the Prime Rate for non-City funded recovery contracts. The Prime Rate on January 1, 2010, was 3.25 percent. It is proposed that the recovery interest rate for 2010 on non-City funded public improvements be the Prime Rate plus two percent, or 5.25 percent.
- Staff is proposing that the recovery interest rate on City-funded projects for 2010 be set at 4.31 percent in accordance with the average Bond Buyer 20 Index for 2009, which is consistent with the methodology used to set the rate for the past five years.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does the City Council concur with the proposed methods of assessing interest on recoveries associated with new private developments and City-funded projects?

Alternative

Council could establish a different interest rate for recovery agreements than the proposed rates. This is not recommended as the proposed rates are tied to the established indexes that provide good credibility for recovery interest paid to developers or the City.

Background Information

Several years ago, City Council established a recovery system that enables developers to recover a portion of certain costs associated with public improvements installed with their developments that also benefit adjacent, undeveloped properties. Recovery contracts are executed between the City and the developer. When subsequent development occurs in those areas benefited by the improvements installed by the original developer, the new development is assessed its proportionate share plus interest, which is then returned to the original developer. The recovery system has also allowed the City to be reimbursed for public improvements installed by the City when subsequent private development occurred abutting the improvements.

Prior to 1993, the interest rate used in calculations for recoveries owed on City-funded public improvements was equal to that used on privately funded improvements (i.e., prime rate plus two percent). However, the actual cost of money used to fund City Capital Improvement Projects is usually less than that charged to private developers. Since the philosophy behind the City's recovery system is one of cost reimbursement, not profit making, in the past City Council has felt that it is more equitable to select an interest rate for City-funded projects that more closely approximates the actual cost of money to the City. From 1993 through 2004, Council approved the use of the Municipal Bond Index as the recovery interest rate for City projects. Because this Index is set weekly and can fluctuate greatly throughout the year, Staff proposed a different approach five years ago. In 2005, Council selected the average Bond Buyer 20 Index for the preceding year as a more representative benchmark of the City's true cost of borrowing money. Staff recommends that this method of calculating the interest rate for recoveries associated with City-funded projects be used again this year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **5**

INTRODUCED BY COUNCILLORS

SERIES OF 2010

ESTABLISHING THE 2010 RECOVERY CONTRACT INTEREST RATE

WHEREAS, Section 11-6-7 (F) 1 of the Westminster Municipal Code provides that City Council shall, from time to time, establish the interest rates to be utilized for the assessment of interest costs relating to recovery costs for public improvements; and

WHEREAS, such interest rates have traditionally been calculated at the beginning of each calendar year.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the 2010 calendar year interest rate for any non-City funded public improvement recovery contract shall be 5.25 percent and the 2010 calendar year interest rate for City-funded public improvements shall be 4.31 percent.

PASSED AND ADOPTED this 22nd day of February 2010.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 22, 2010



SUBJECT: Councillor's Bill No. 7 re Right-of-Way Vacation of Tennyson Street from Main Street to 120th Avenue

Prepared By: Mikele Wright, Senior Engineer

Recommended City Council Action

Pass Councillor's Bill No. 7 on first reading, vacating a portion of Tennyson Street from Main Street to 120th Avenue.

Summary Statement

- City Council action is requested to pass on first reading the attached Councillor's Bill to vacate Tennyson Street from Main Street to 120th Avenue as shown on the attached vicinity map. State statutes require that the vacation of all rights-of-way be approved by City Council.
- The property owners, Continuum Bruchez Associates, LLC, are requesting the right-of-way vacation since they own all of the property served by the street and the subject portion of the street no longer serves a public purpose.
- No easements will need to be retained across the area to be vacated since there are no public or private utility lines within the existing Tennyson Street right-of-way.
- A legal description of the right-of-way to be vacated is included in Exhibit A.
- This vacation is associated with the 23rd Amended Official Development Plan (ODP) for the Bradburn Subdivision Planned Unit Development (PUD). The property in the vicinity of the proposed street vacation will be developed as Hope Montessori Academy, a daycare facility for children six months to 12 years of age.
- City Staff has determined that the subject right-of-way is no longer needed by the City.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council vacate the subject right-of-way, which by state statute must be vacated by an ordinance of the City Council?

Alternative

Do not vacate the right-of-way. This alternative is not recommended because the subject portion of the right-of-way is not needed by the City and does not serve the general public.

Background Information

Continuum Bruchez Associates, LLC, the owners of the land surrounding the portion of the existing Tennyson Street right-of-way that is located to the north of Main Street, have requested that the unnecessary segment of the right-of-way be vacated. Without this vacation by the City, the developer would not be able to construct a proposed daycare facility on the site.

Staff has determined that the subject portion of this right-of-way can be vacated since there are public accesses for the neighboring lots via existing Vrain Street and Bradburn Boulevard. Furthermore, there are no existing or planned utilities located within the area to be vacated. It is recommended that the City Council pass the attached Councillor's Bill in order to facilitate the development of the private property surrounding this unnecessary right-of-way.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Councillor's Bill
- Exhibit A Legal Description
- Vicinity Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **7**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING NORTH TENNYSON STREET FROM MAIN STREET TO WEST 120TH AVENUE (U.S. HIGHWAY 287)

WHEREAS, Continuum Bruchez Associates, LLC, the owner of property located at North Tennyson Street from Main Street to 120th Avenue, has requested the City vacate said North Tennyson Street from Main Street to West 120th Avenue (U.S. 287) ; and

WHEREAS, the City Council finds that all requirements for roadway vacation contained in the Westminster Municipal Code and applicable state statutes have been met.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council determines that no present or future public access need exists for the area proposed for vacation.

Section 2. The area described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby vacated.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED AND PASSED ON FIRST READING AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of February, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of March, 2010.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

Vigil Land Consultants
S U R V E Y O R S

480 Yuma Street • Denver, Colorado 80204
Off: (303) 436-9233 • Fax: (303) 436-9235

Date 02-19-08

Job No. 99064

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO, BEING A PORTION OF NORTH TENNYSON STREET AS SHOWN ON THE PLAT OF THREE-M TRACT AS RECORDED IN FILE NO. 12, MAP NO. 173, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6, WHENCE THE NORTHWEST CORNER THEREOF BEARS S89°57'33"W, A DISTANCE OF 2579.36 FEET; THENCE S00°19'03"E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 185.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WEST 120th AVENUE, AND THE NORTHWEST CORNER OF LOT 2, BLOCK 15, FIRST REPLAT BRADBURN SUBDIVISION FILING NO. 1 AS RECORDED IN FILE NO. 18, MAP NO. 867 AT RECEPTION NO. C1117456, BEING THE POINT OF BEGINNING; THENCE CONTINUING S00°19'03"E, ALONG SAID EAST LINE AND THE WEST LINE OF SAID LOT 2, BLOCK 15, A DISTANCE OF 262.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, BLOCK 15; THENCE S89°57'06"W, A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST LINE OF LOT 2, BLOCK 1, BRADBURN SUBDIVISION FILING NO. 2 AS RECORDED IN FILE NO. 18, MAP NO. 807 AT RECEPTION NO. C1067375; THENCE N00°19'03"W, ALONG SAID EAST LINE, A DISTANCE OF 262.51 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 1 BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST 120th AVENUE; THENCE N89°57'33"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. CONTAINING 10,500 SQUARE FEET OR 0.241 ACRES MORE OR LESS.



EXHIBIT A

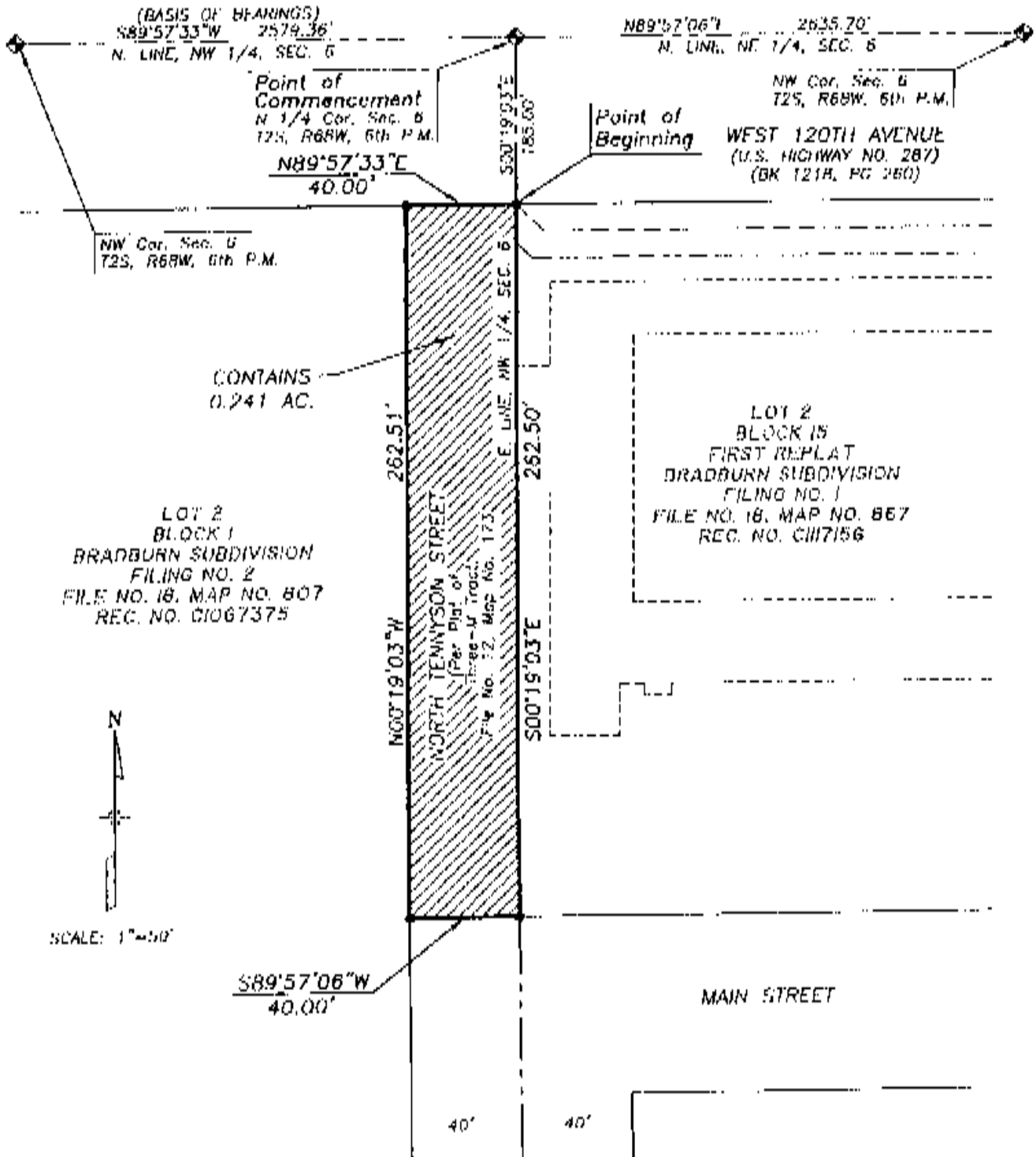
Vigil Land Consultants

480 Yuma Street ■ Denver, Colorado 80204
Off: (303) 436-9233 ■ Fax: (303) 436-9235

Date: 02-14-98

Job No. 99064...

ATTACHMENT TO LEGAL DESCRIPTION -- NOT A SURVEY



Vicinity Map

