



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. Many items have been previously discussed at a Council Study Session.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) is 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.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meeting
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Presentation of Employee Service Awards
 - B. 2014 Adams County Mayors' and Commissioners' Youth Award
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 2014
 - B. West View Recreation Center Exercise Strength Equipment Purchase
 - C. Fleet Maintenance Onsite Parts Store Contract Renewal
 - D. 2014 Intergraph Corporation Software Maintenance Contract
 - E. 72nd Avenue/Raleigh Street Bridge Replacement – Design Engineering Contract Amendment
 - F. Lowell Blvd Waterline Replacement Gregory Hill Tank Site to 84th Ave. Construction and Engineering Contracts
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Resolution No. 5 re Residential Competition Service Commitment Awards
 - B. Councillor's Bill No. 4 re 87th Ave. and Wadsworth Blvd Lift Station Appropriation and Contract Amendment
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
 - A. City Council
13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (separate agenda)
WESTMINSTER HOUSING AUTHORITY (separate agenda)

NOTE: *Persons needing an accommodation must notify the City Clerk no later than noon the Thursday prior to the scheduled Council meeting to allow adequate time to make arrangements. You can call 303-658-2161/TTY 711 or State Relay or write to lyeager @cityofwestminster.us to make a reasonable accommodation request.*

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.



WESTMINSTER
Strategic Plan
2013-2018
Goals and Objectives

STRONG, BALANCED LOCAL ECONOMY

- Maintain/expand healthy retail base, increasing sales tax receipts
- Attract new targeted businesses, focusing on primary employers and higher paying jobs
- Develop business-oriented mixed use development in accordance with Comprehensive Land Use Plan
- Retain and expand current businesses
- Develop multi-modal transportation system that provides access to shopping and employment centers
- Develop a reputation as a great place for small and/or local businesses
- Revitalize Westminster Center Urban Reinvestment Area



SAFE AND HEALTHY COMMUNITY

- Maintain citizens feeling safe anywhere in the City
- Public safety departments: well-equipped and authorized staffing levels staffed with quality personnel
- Timely response to emergency calls
- Citizens taking responsibility for their own safety and well being
- Manage disaster mitigation, preparedness, response and recovery
- Maintain safe buildings and homes
- Protect residents, homes, and buildings from flooding through an effective storm water management program



FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Prepare for next generation of leaders; managers and employees.
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY

- Develop transit oriented development around commuter rail stations
- Maintain and improve neighborhood infrastructure and housing
- Preserve and restore historic assets
- Have HOAs and residents taking responsibility for neighborhood private infrastructure
- Develop Westminster as a cultural arts community
- Have a range of quality homes for all stages of life (type, price) throughout the City
- Have strong community events and active civic engagement



BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY

- Have energy efficient, environmentally sensitive city operations
- Reduce energy consumption citywide
- Increase and maintain green space (parks, open space, etc.) consistent with defined goals
- Preserve vistas and view corridors
- A convenient recycling program for residents and businesses with a high level of participation



Mission statement: We deliver exceptional value and quality of life through SPIRIT.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 10, 2014, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Herb Atchison, Mayor Pro Tem Faith Winter and Councillors Bruce Baker, Bob Briggs, Alberto Garcia, Emma Pinter, and Anita Seitz were present at roll call. Also present were City Manager J. Brent McFall, City Attorney Martin McCullough, and City Clerk Linda Yeager.

CONSIDERATION OF MINUTES

Councillor Briggs moved, seconded by Councillor Baker, to approve the minutes of the regular meeting of January 27, 2014, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that next Monday, February 17, was Presidents' Day and City administrative offices would be closed in observance of the holiday. There would be no meeting of City Council that date.

After adjournment of this meeting, the Westminster Housing Authority (WHA) Board of Directors would meet. Following that meeting, the City Council would convene in executive sessions to discuss negotiations with the construction and design teams concerning issues related to the City Park Pool Refurbishing Project and obtain Council direction as authorized by Sections 1-11-3(C)(7) and (8), W.M.C., and Sections 24-6-402(4)(b) and (e), C.R.S.; to discuss negotiations with RN Civil Construction related to the completion of the 87th and Wadsworth Lift Station Project pursuant to Sections 1-11-3(C)(7) and (8), W.M.C., and Sections 24-6-402(4)(b) and (e), C.R.S.; and to review and discuss city facility security measures pursuant to Section 1-11-3(C)(6), W.M.C., and Section 24-6-402(4)(d), C.R.S.

COUNCIL REPORTS

Councillor Briggs was pleased to report that Charlie McKay, local developer, would be honored by the West Chamber and named to the new Business Hall of Fame in Jefferson County. Everyone was invited to attend.

Councillor Baker appreciated the tour that Saint Anthony's had given to Council and the thought they had given to both of their Westminster locations.

Councillor Pinter reported that the Colorado Department of Transportation (CDOT) would hold a forum to hear comments about contracts and the expansion of Highway 36. The forum would be on Wednesday, February 12, at the City Park Recreation Center from 6:30 to 7 p.m.

PROCLAMATION

Mayor Atchison issued a proclamation in recognition of William E. "Bill" Cell, a Westminster resident who had completed donation of his 85th gallon of blood on December 27. Councillor Briggs presented the proclamation to Mr. Cell in the presence of his wife, three sons and two granddaughters. He thanked him for being a regular donor of the "Gift of Life" and urged residents to follow his lead.

CITIZEN COMMUNICATION

Eric Ricke, 140 Hancock in Bennett, Colorado, urged a competitive bidding process be used to award leases for farm land owned by the City in Bennett and Thornton. The Bennett property was the Strasburg Farm and the property in Thornton was located off of 124th Avenue.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: based on the results of the City of Westminster solicitation, award the purchase for emergency equipment to be installed on eight Police Department patrol vehicles to Wireless Advanced Communications in the amount of \$80,240.24; based on the recommendation of the City Manager, find that the public interest would best be served by authorizing the City Manager to execute a sole source contract in the amount of \$57,690 with Beaudin Ganze Consulting Engineers, Inc. for the design, contract administration, and commissioning of City Hall geothermal ground-source heating and cooling system; award the bids for the purchase of Ferric Chloride to PVS Technologies for up to \$250,000, Lime to Mississippi Lime Company up to \$95,000, Sodium Hypochlorite to DPC Industries up to \$196,200, Permanganate and other chemicals to Harcros Chemical Co. up to \$95,000, for a total expenditure not to exceed \$636,200; final passage on second reading of Councillor's Bill No. 2 authorizing the City Manager to sign an amendment to the original Lease Agreement between the City of Westminster, Colorado Department of Corrections and the Colorado Department of Transportation to allow CDOC to lease an additional 1,850 square feet of vacant space in the former Westminster Police Department building located at 8800 Sheridan Boulevard; and final passage on second reading of Councillor's Bill No. 3 appropriating grant monies to be received from the Colorado Department of Transportation for the 72nd Avenue/Raleigh Street Bridge Replacement Project.

No items were removed for individual consideration and Councillor Pinter moved, seconded by Councillor Garcia, to approve the consent agenda as presented. The motion carried with all Council members voting in favor.

RESOLUTION NO. 4 ESTABLISHING 2014 RECOVERY CONTRACT INTEREST RATES

Upon a motion by Councillor Garcia, seconded by Councillor Pinter, the Council voted unanimously on roll call vote to adopt Resolution No. 4 establishing the 2014 calendar year interest rate for non-City funded public improvement recovery contracts at 5.25 percent and an interest rate of 4.26 percent for City-funded public improvements.

COUNCILLOR'S BILL NO. 54, SERIES 2013, REMOVED FROM TABLE AND POSTPONED INDEFINITELY

Councillor Seitz moved, seconded by Councillor Briggs, to remove Councillor's Bill No. 54 from the table. The motion carried unanimously.

It was moved by Councillor Seitz, seconded by Councillor Briggs, to postpone indefinitely the second reading of Councillor's Bill No. 54, Series 2013, authorizing the supplemental appropriation of a Brownfields Grant. At roll call, the motion passed unanimously.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Atchison adjourned the meeting at 7:20 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: Presentation of Employee Service Awards

Prepared By: Debbie Mitchell, General Services Director
Dee Martin, Workforce Planning & Compensation Manager

Recommended City Council Action

Present service pins and certificates of appreciation to employees celebrating 20 or more years of service with the City and in five year increments thereafter.

Summary Statement

- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In the second grouping of 2014, employees with 20, 25, 30 and 35 years of service will be celebrated tonight.
 - Presentation of 20-year certificates and pins – Councillor Briggs
 - Presentation of 25-year certificate, pin, and check – Mayor Atchison
 - Presentation of 30-year certificates and pins – Councillor Garcia
 - Presentation of 35-year certificate and pin – Councillor Seitz

Expenditure Required: \$2,500

Source of Funds: \$2,500 – General Fund – Fire Department

Policy Issue

None identified

Alternative

None identified

Background Information

The following 20-year employees will be presented with certificates and service pins:

James Bloesch	Equipment Mechanic	Parks, Recreation & Libraries
Ed Cogar	Second Asst. Golf Superintendent	Parks, Recreation & Libraries
Linda Hicks	Police Records Technician	Police Department
Dave Horras	Chief Building Official	Community Development

The following 25-year employee will be presented with a check, certificate, and service pin:

Robert Martinez	Fire Lieutenant	Fire Department
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The following 30-year employees will be presented with certificates and service pins:

Thomas Scribner	Lead Plant Operator	Public Works & Utilities
Debra Larsen	Recreation Supervisor-WestView	Parks, Recreation & Libraries
Bill Hall	Traffic Accident Investigator	Police Department

The following 35-year employee will be presented with a certificate and service pin:

Mark Schmidt	Fire Engineer	Fire Department
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On February 26, 2014, the City Manager will host an employee awards luncheon. During this time, four (4) employees will receive their 15-year service pin and twelve (11) employees will receive their 10-year service pin. Recognition will also be given to those celebrating their 20th, 25th, 30th, and 35th anniversaries. This is the second luncheon in 2014 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees for the second luncheon is 400 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens. Background information on each individual being recognized is attached.

The recognition of employee’s years of service addresses all five of Council’s Strategic Plan goals as part of the overall recognition program developed to encourage and recognize employee commitment to the organization. Recognition efforts have long been recognized as an important management practice in organizations striving to develop loyalty, ownership and effectiveness in their most valuable resource – employees.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Background on employees being recognized



Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: 2014 Adams County Mayors' and Commissioners' Youth Award

Prepared By: Aric Otzelberger, Assistant to the City Manager
Melissa Diaz, Administrative Secretary

Recommended City Council Action

Councillors Faith Winter, Anita Seitz and Emma Pinter will recognize the youths selected for local recognition of the Adams County Mayors' and Commissioners' Youth Award and present certificates of achievement to: Shea McNally, Daisy Reyes Sanchez, Marissa Kale, Jessie Hurtado, Jorge Estrada Rojas, Angelica Espinoza, Eric Bustos, Veronica Gonzalez, Michaya Collins, Jack Knight, Grace Koontz, Fatima Pardo, April Stafford, Jillian Blue-Norton, Zachary Foulke, William Graser, Cassidy Lindley, Cassidy Osborne, Nicole Pappadakis, Joke Cohen, Robert Cheung and Allen Insy.

Summary Statement

- 22 Westminster youths have been nominated through the Adams County Mayors' and Commissioners' Youth Award (ACMCYA) program for municipal-level recognition.
- City Council is requested to recognize these youth privately at a reception preceding the February 24, 2014, City Council meeting and publicly during the meeting.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The Adams County Mayors' and Commissioners' Youth Award (ACMCYA), formerly the Metropolitan Mayors' and Commissioner's Youth Award (MMCYA), was established in 1986. This program recognizes young people in our community whose contributions and achievements might otherwise be overlooked. The award honors young people who have overcome personal adversity, created positive change in a difficult environment or have made strides beyond their limitations.

This winter, nominations were sought for youth ages 13 through 19 who have shown outstanding achievement and resilience despite facing significant challenges and adversity. All of the nominees will be honored by their respective municipalities. Additionally, if a nominee is selected to continue in the awards process, he or she will be honored at the Adams County banquet on April 17. This program used to include a metro-level recognition event, but program coordinators made the decision to discontinue this event in 2011. Following the dissolution of the metro-level program, the Adams County selection committee changed the name for the award to Adams County Mayors' and Commissioners' Youth Award (ACMCYA). Based on communication with Jefferson County Staff, Jefferson County is no longer participating in what was formerly the MMCYA program. All Westminster students, regardless of county of residence or school, are eligible for recognition through the ACMCYA program.

The individuals being recognized by City Council have faced trauma with courage, emotional and physical health ailments with determination, financial hardship with resourcefulness, and challenges in school with perseverance. Due to the sensitive and confidential nature of many of the nominees' backgrounds, the ACMCYA Selection Committee recommends conducting a more general recognition ceremony where descriptions of the adversity each nominee has overcome are not disclosed.

Instead, a description of the award and its criteria will be conveyed, and each nominee's name, age, school and nominator's name will be read as they receive their certificate. Additionally, City Council will host a brief reception for the nominees, nominators and their families prior to the Council meeting. Twenty-two Westminster youths will be recognized.

Participation in the ACMCYA program supports the City Council Strategic Plan goal of "Vibrant Neighborhoods In One Livable Community" through the objective of having strong community events.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Recipient List

**City of Westminster
2014 ACMCYA Recipients**

Nominee	Age	School	Nominator
Shea McNally	14	Broomfield Heights Middle School	Julie McCawley
Daisy Reyes Sanchez	17	Hidden Lake High School	Romelle Reeves
Marissa Kale	17	Hidden Lake High School	Carol Tripp
Jessie Hurtado	17	Hidden Lake High School	Karen Marler
Jorge Estrada Rojas	18	Hidden Lake High School	Mark Belnay
Angelica Espinoza	20	Hidden Lake High School	Mark Belnay
Eric Bustos	18	Hidden Lake High School	Jackie Person
Veronica Gonzalez	18	Hidden Lake High School	John Beckwith
Michaya Collins	17	Legacy High School	Dawn Gaffin
Jack Knight	13	Mandalay Middle School	Marisa Marinac
Grace Koontz	12	Mandalay Middle School	Marisa Marinac
Fatima Pardo	12	Mandalay Middle School	Marisa Marinac
April Stafford	12	Mandalay Middle School	Marisa Marinac
Jillian Blue-Norton	13	Moore Middle School	Patty Jonas
Zachary Foulke	14	Moore Middle School	Patty Jonas
William Graser	14	Moore Middle School	Patty Jonas
Kassidy Lindley	14	Moore Middle School	Patty Jonas
Cassidy Osborne	13	Moore Middle School	Patty Jonas
Nicole Pappadakis	13	Moore Middle School	Patty Jonas
Jake Cohen	14	Silver Hills Middle School	Linda Richardson
Robert Cheung	17	Westminster High School	Duy Tran
Allen Insy	16	Westminster High School	Duy Tran



Agenda Item 8 A

Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: Financial Report for January, 2014

Prepared By: Tammy Hitchens, Finance Director

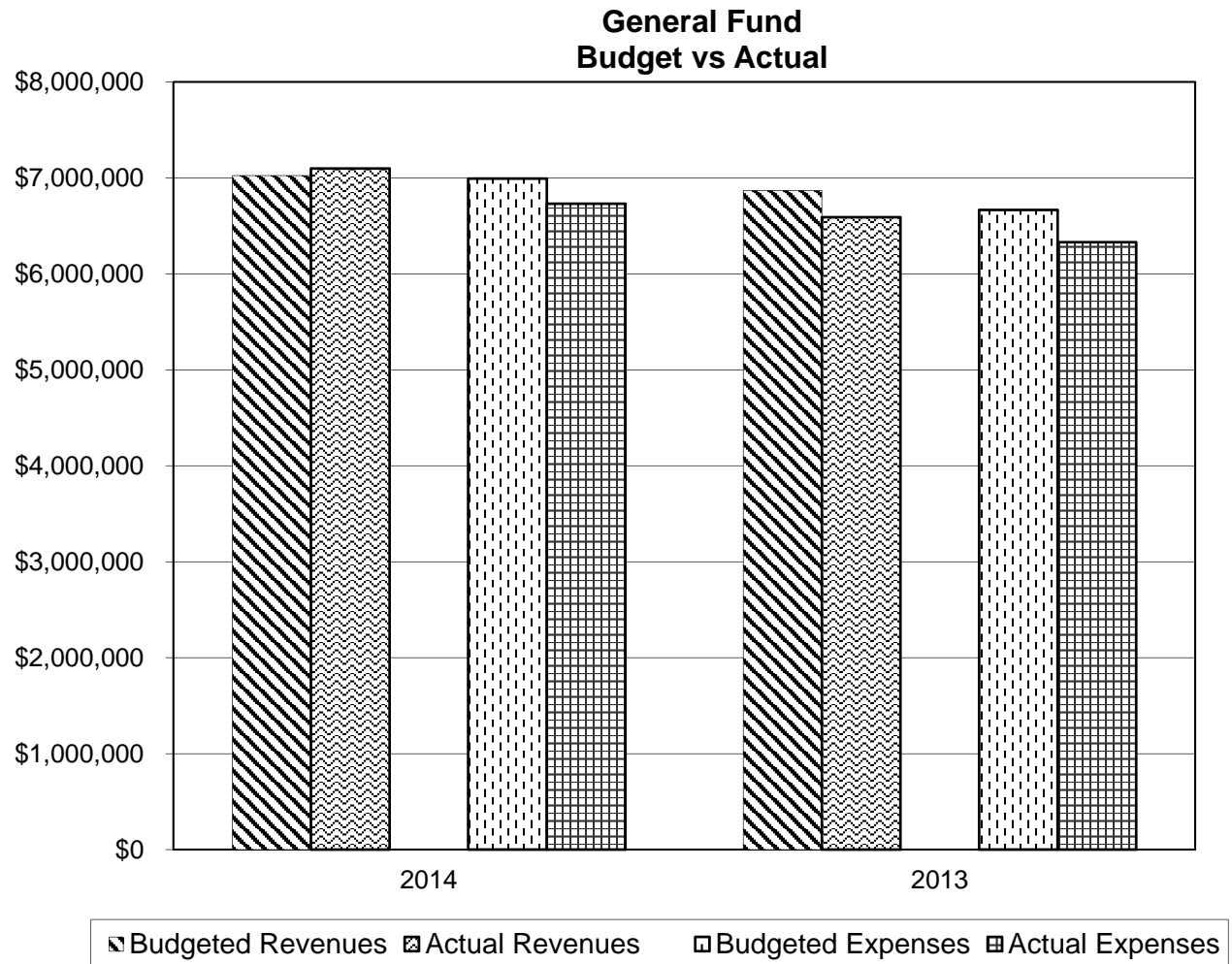
Recommended City Council Action

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. The budget numbers that are presented reflect the City's amended adopted budget. Both revenues and expense are pro-rated based on 10-year historical averages.

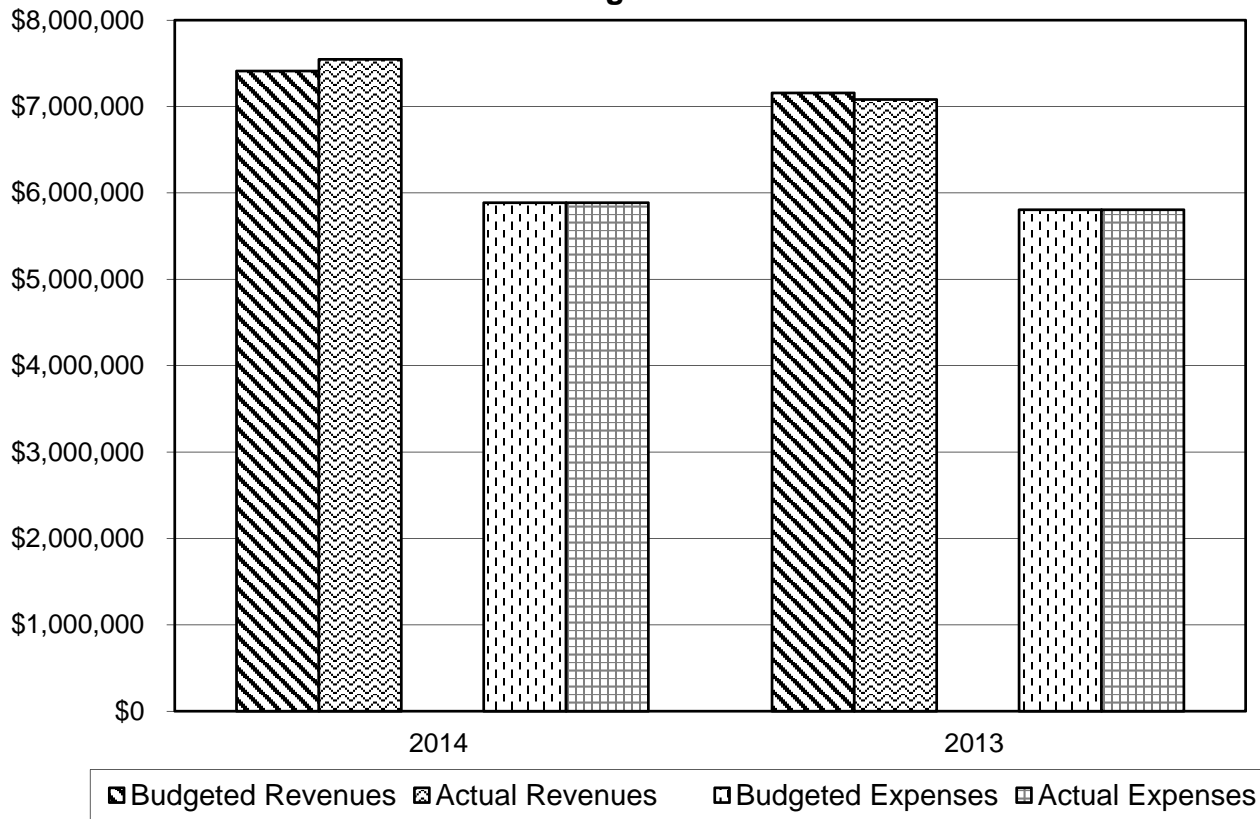
Current projections show General Fund revenues and carryover exceeding expenditures by \$334,866. The following graph represents Budget vs. Actual for 2013-2014.



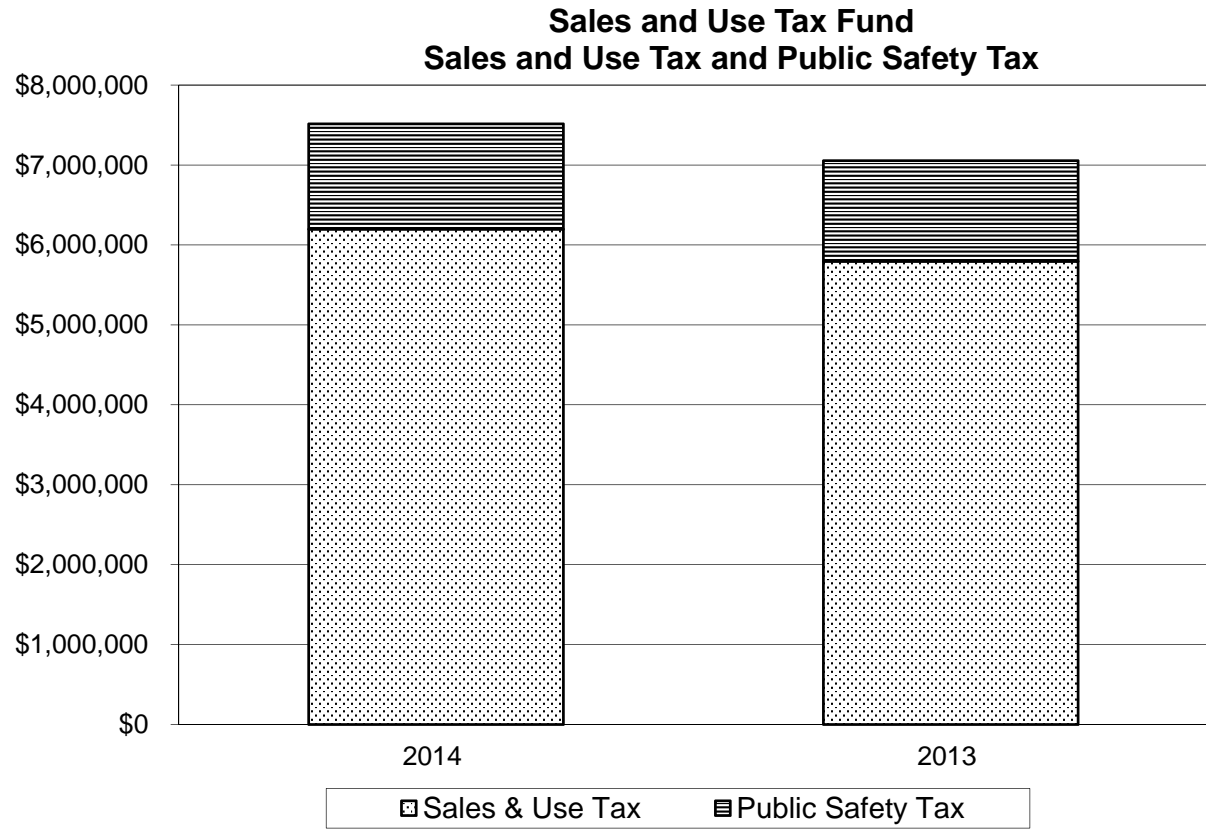
Current projections show the Sales and Use Tax Fund revenues exceeding expenditures by \$135,064. On a year-to-date cash basis, total sales and use tax is up 7.0% from 2013. Key components are listed below:

- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are up 2.0% from the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 60.1% of all collections, are up 3.9% for the month when compared to 2013.
- Urban renewal areas make up 41.0% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 87.0% of this money is being retained for General Fund use.

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

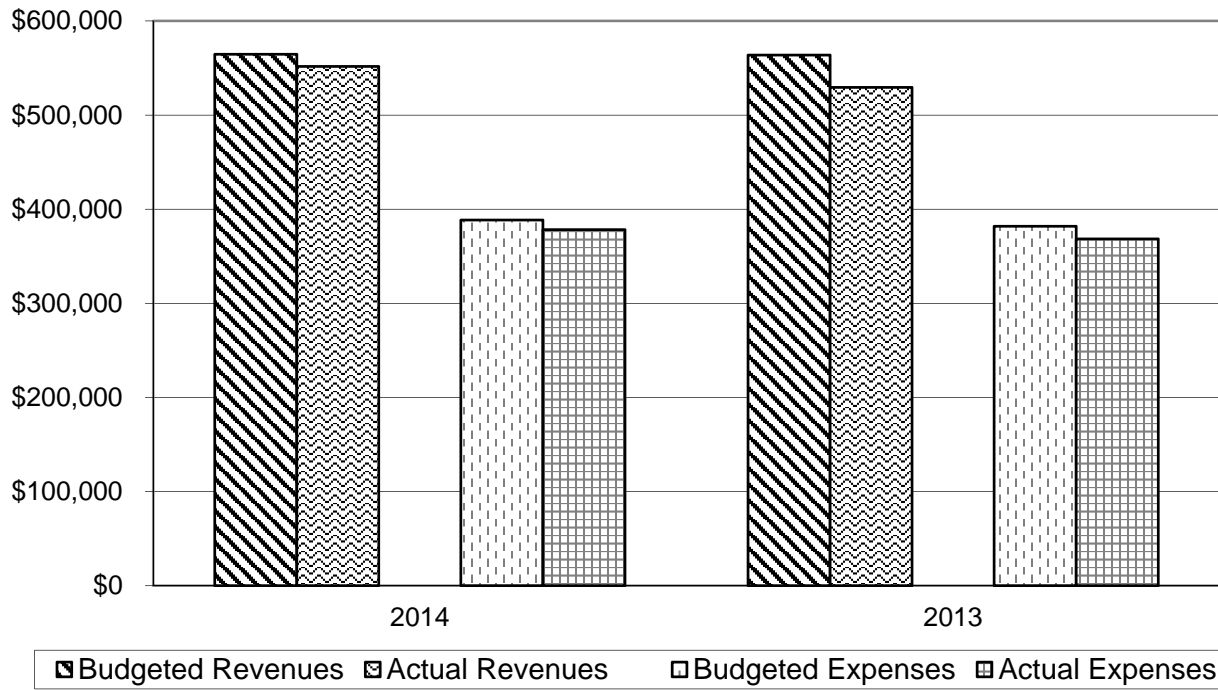


The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



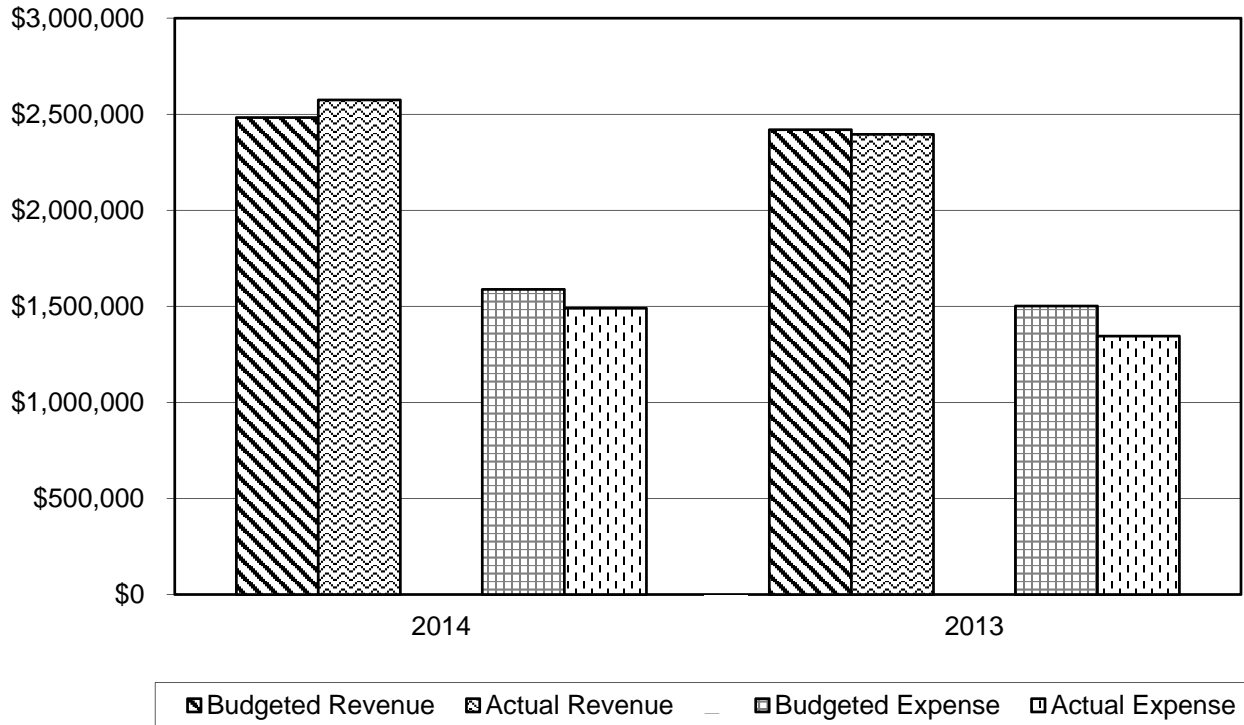
Current projections show Parks Open Space and Trails Fund revenues below expenditures by \$2,861.

POST Fund Budget vs Actual



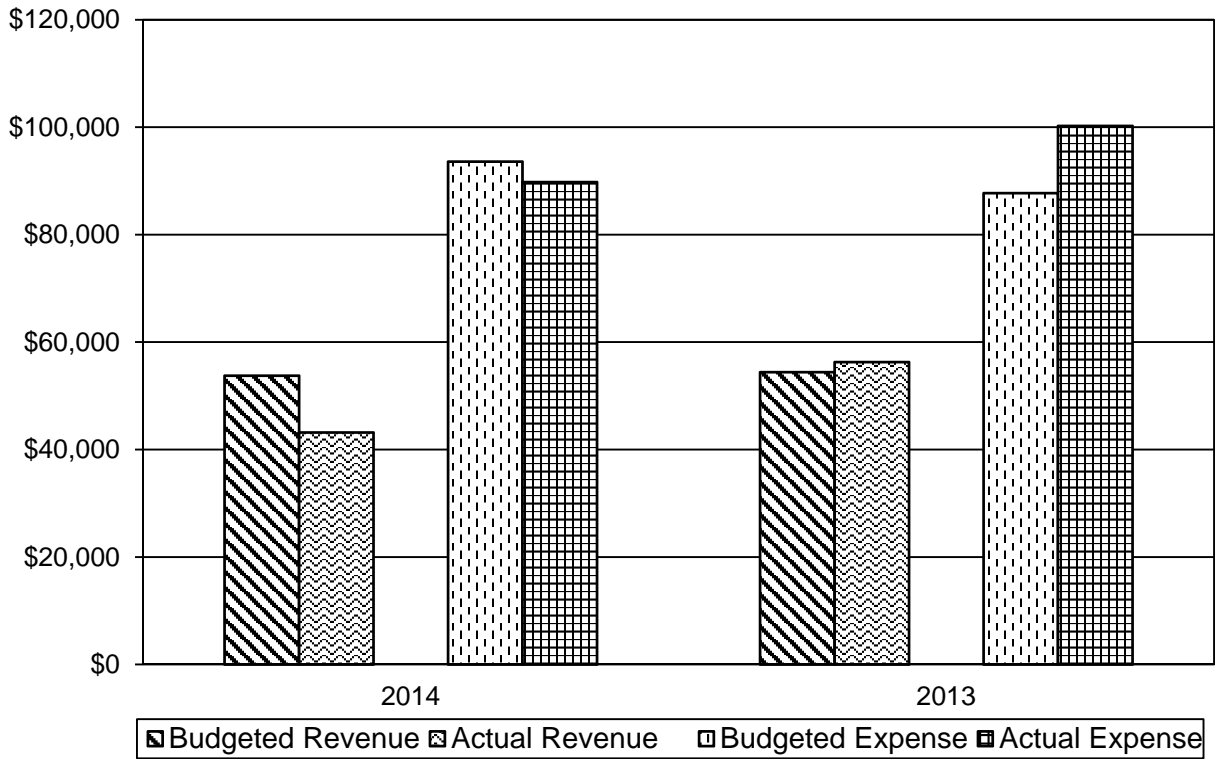
Current projections show combined Water & Wastewater Fund revenues below expenditures by \$307,824. This is mostly due to tap fees.

Combined Water and Wastewater Funds Operating Budget vs Actual



Current projections show combined Golf Course Fund revenues below expenditures by \$6,214.

Golf Course Enterprise Operating Budget vs Actual



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

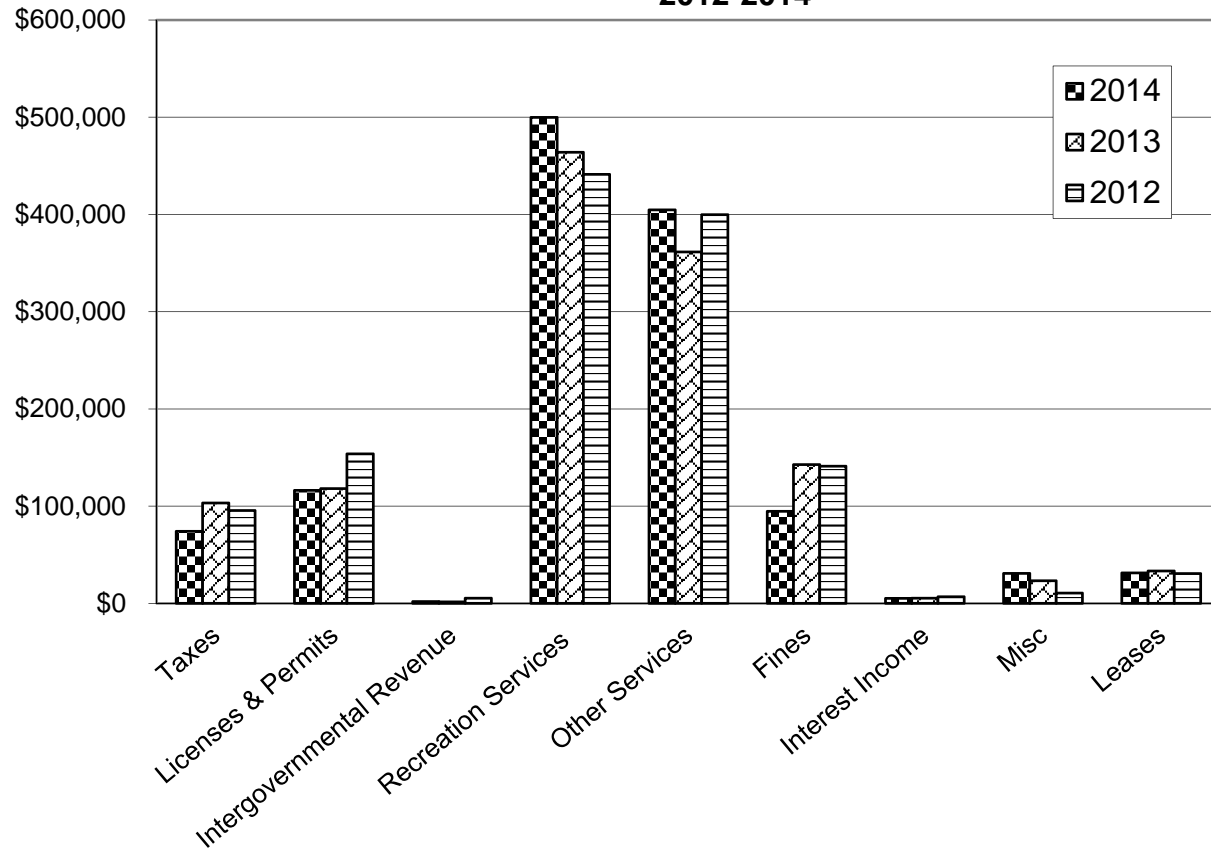
This section includes a discussion of highlights of each fund presented.

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.

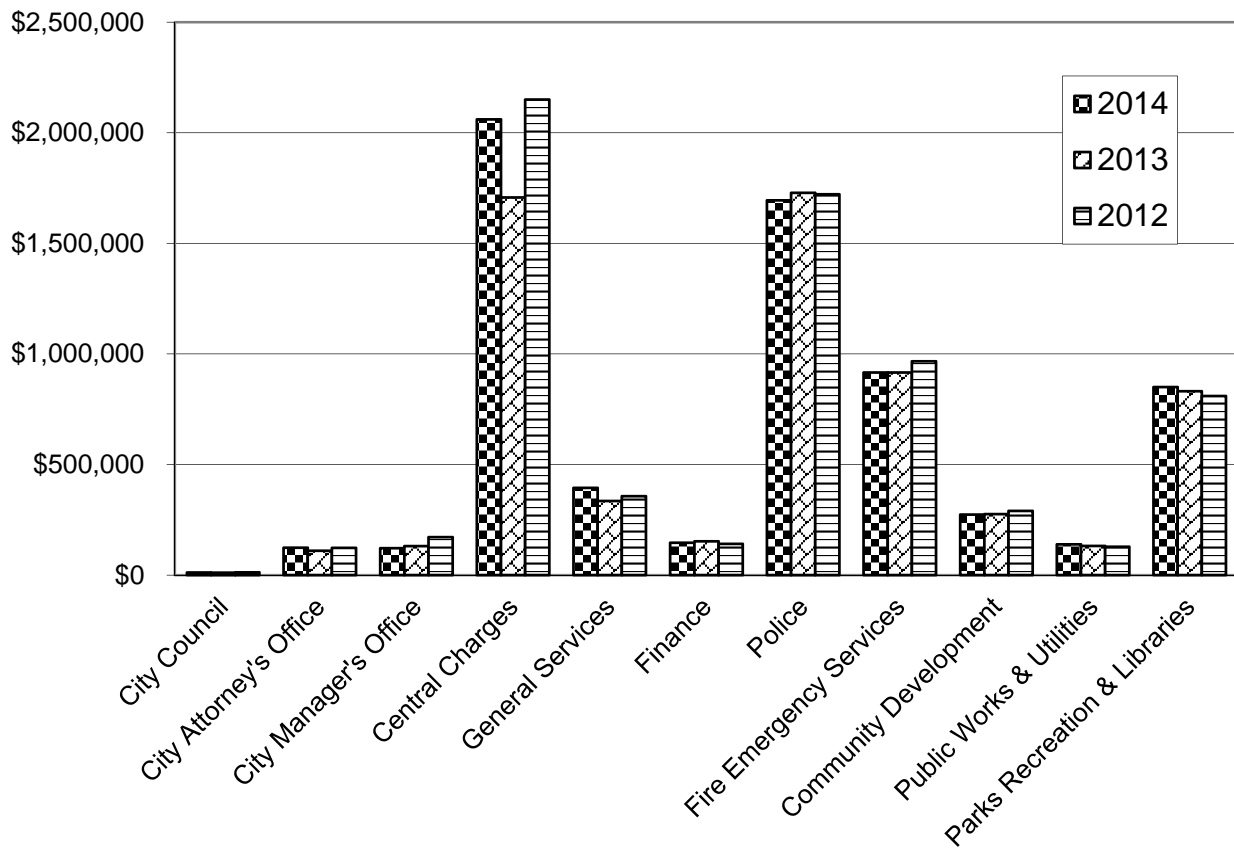
The following chart represents the trend in actual revenues from 2012-2014 year-to-date.

**General Fund Revenues without Transfers, Carryover, and Other Financing Sources
2012-2014**



The Taxes revenue variance will smooth out in February with the recording of Accommodations tax. Recreation Services reflects an increase in pass revenue and youth activity fees as an outcome of the January Parks, Recreation and Libraries promotion. Other Services grew as a result of infrastructure fees, residential inspection fees and ambulance fees; 2012 reflects an administrative fee that the City no longer receives. Fines revenue is lower in 2014 primarily due to a decrease in traffic fines.

**General Fund Expenditures by Function, less Other Financing Uses
2012-2014**



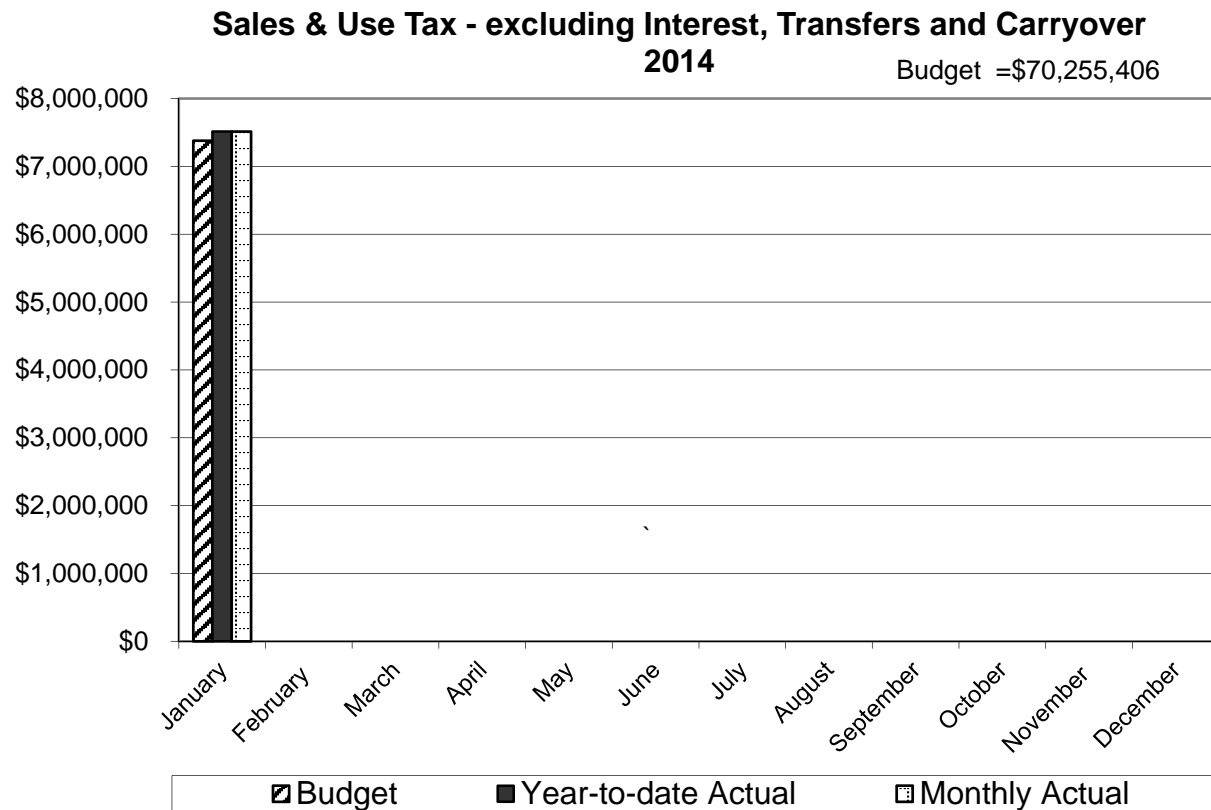
Central Charges expenditures are higher in 2014 and 2012 due to a timing difference in the posting of benefit charges for January payrolls. In 2012 and 2014, benefit contributions for three payrolls had been reported by the end of January, whereas in 2013, there had been only two.

General Services is slightly higher in 2014 due to the timing of maintenance fee payments between years.

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. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, and the Debt Service Fund. The Parks, Open Space, and Trails Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, pay bonds related to the Heritage Golf Course, 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.

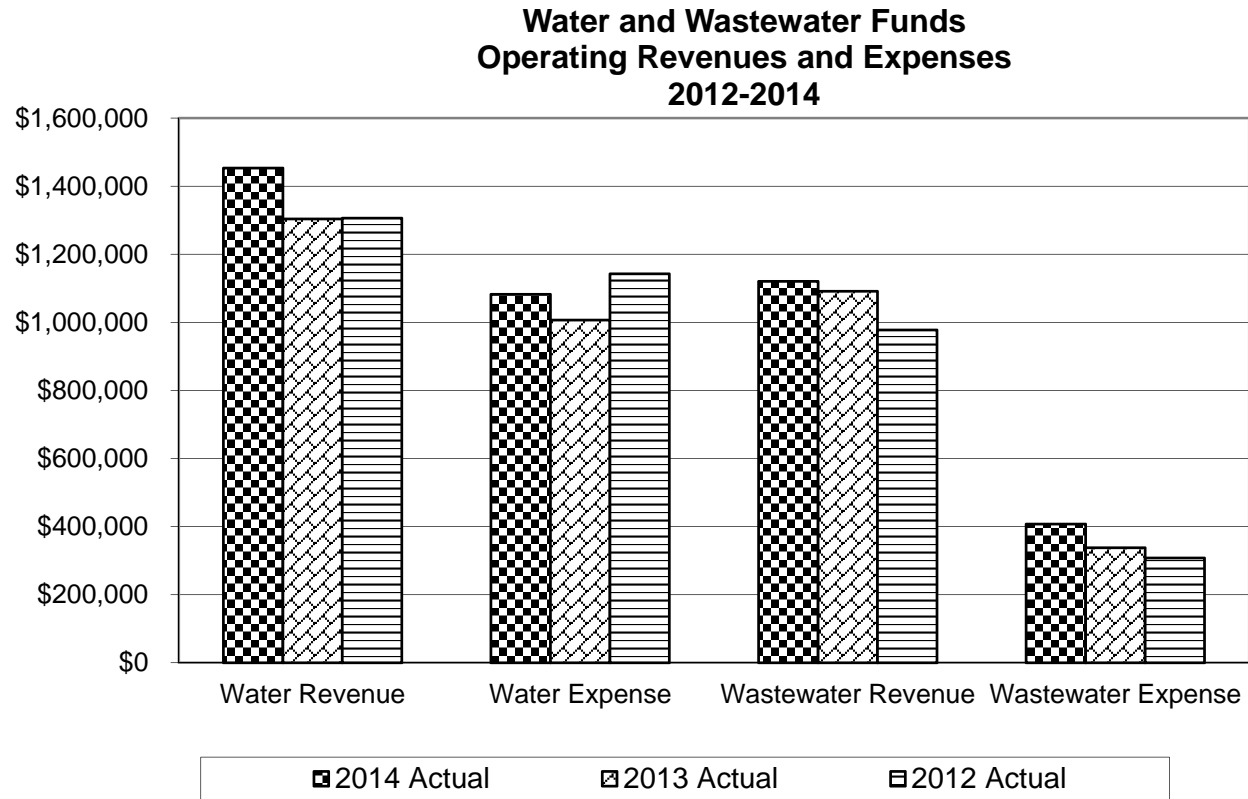
This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Parks, Open Space, and Trails Sales & Use Tax.



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

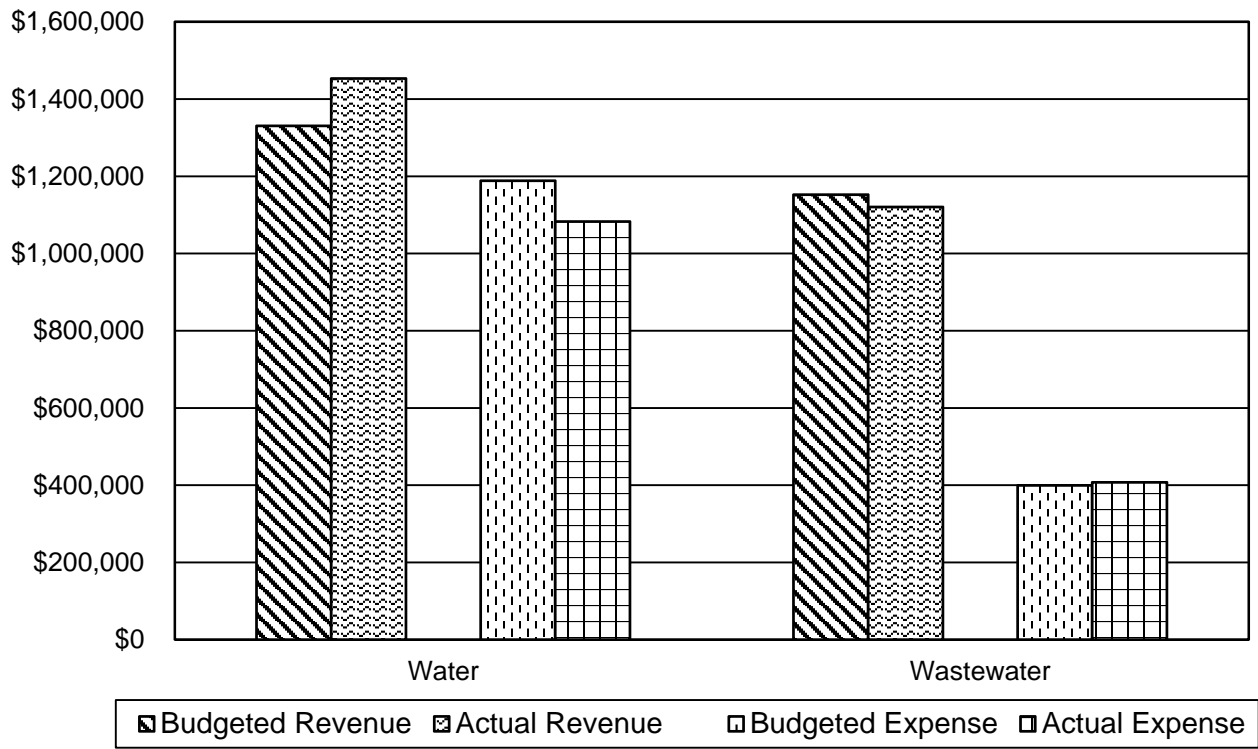
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net revenues are used to fund capital projects and reserves.

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



The Water Fund revenue variance is due to the effect of climatic variations on water consumption as well as changes in billing rates. Wastewater expense exceeds prior years due to a capital purchase for utility operations, and Water expense increased due to pension contributions, self-insurance fees, and a variety of other miscellaneous charges.

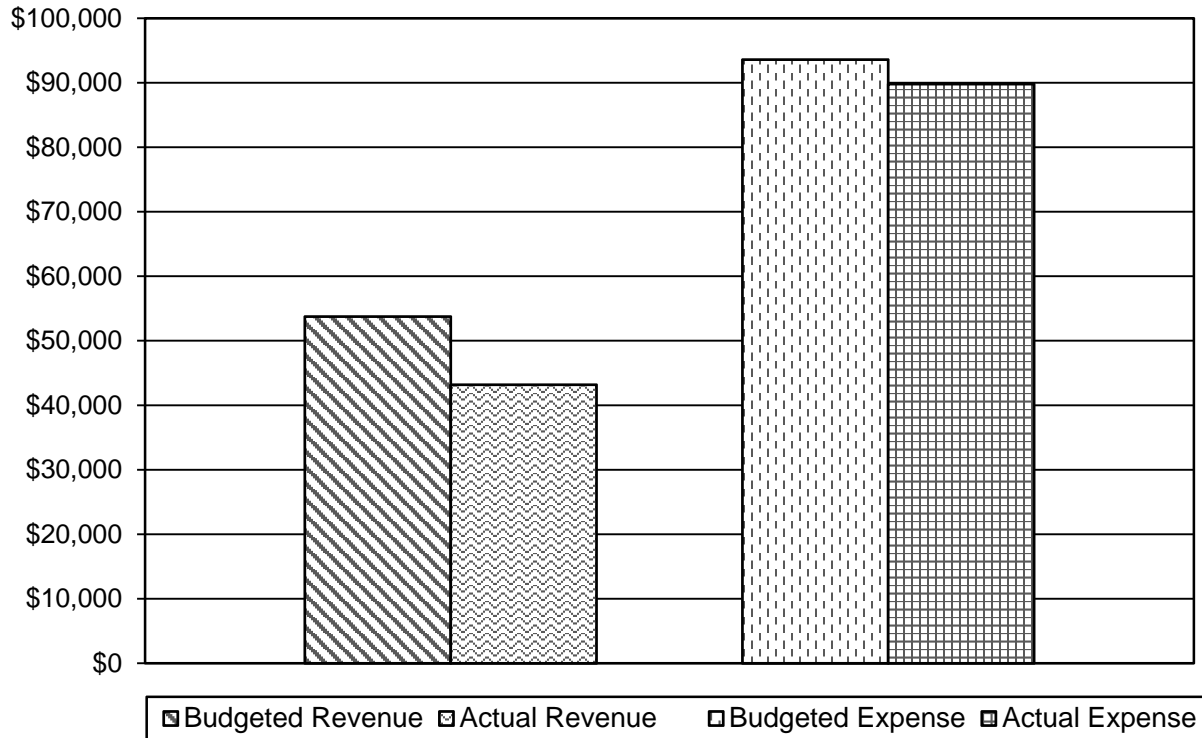
Water and Wastewater Funds 2014 Operating Budget vs Actual



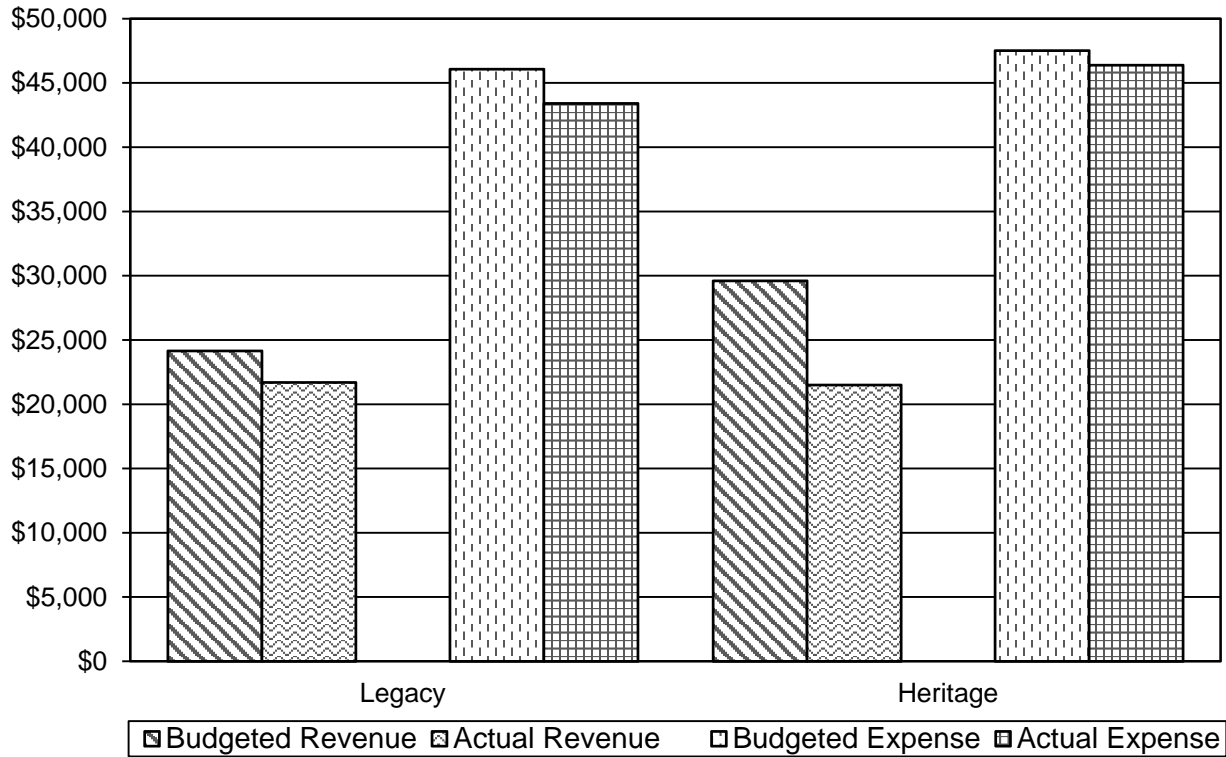
Golf Course Enterprise (Legacy and Heritage Golf Courses)

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

**Combined Golf Courses
2014 Operating Budget vs Actual**

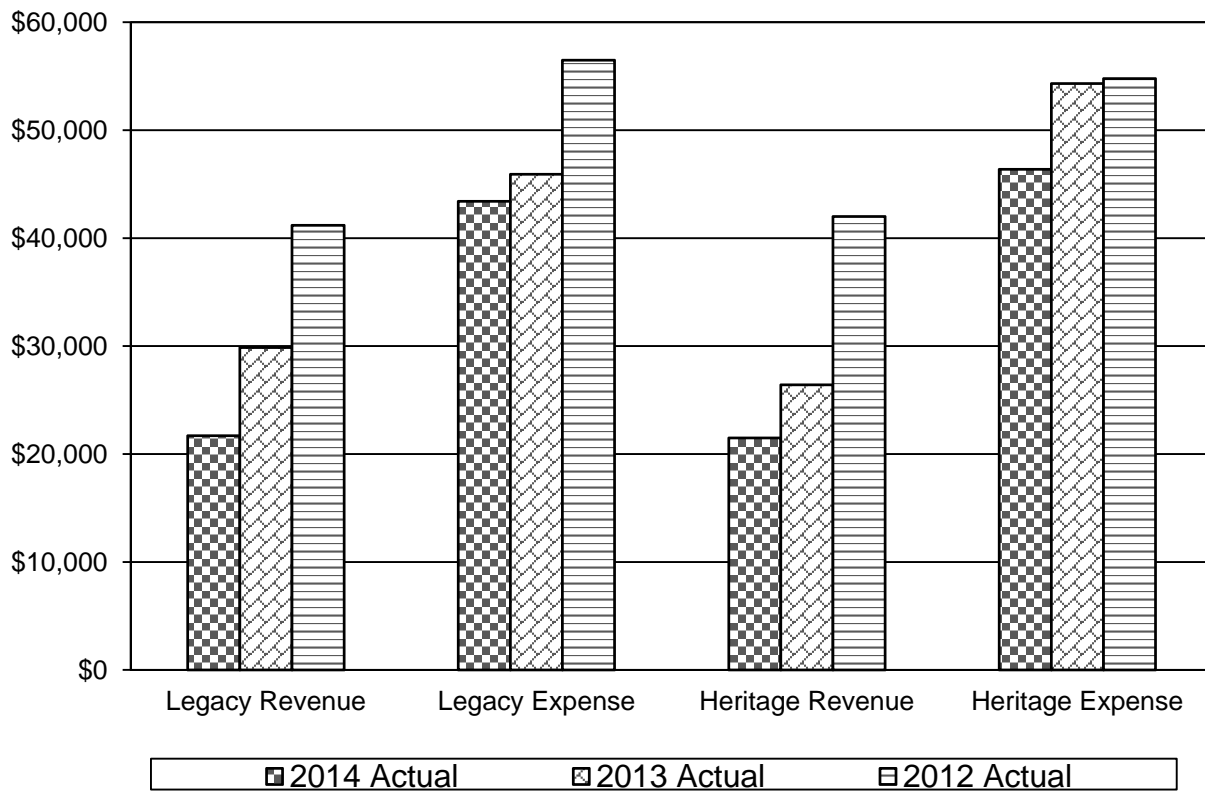


Legacy and Heritage Golf Course 2014 Operating Budget vs Actual



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

**Legacy and Heritage Golf Courses
Operating Revenue and Expenses 2012-2014**



Revenue variances are due primarily to climatic effects on charges for services including driving range and greens fees.

Expenditure variances are due primarily to a timing difference in the posting of January payrolls and yearend adjustments to ensure salary expense was reported in the proper year. In 2012, three payrolls had been reported by the end of January, whereas only two had in 2013 and 2014.

This financial report supports City Council’s Strategic Plan Goal of Financially Sustainable City Government Providing Exceptional Services by communicating timely information on the results of City operations and to assist with critical decision making.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Financial Statements
- Shopping Center Report

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Taxes	5,617,500	74,725		74,181	(544)	99.3%
Licenses & Permits	1,622,000	116,473		116,301	(172)	99.9%
Intergovernmental Revenue	5,035,980	31,137		1,906	(29,231)	6.1%
Charges for Services						
Recreation Services	6,775,338	400,955		499,762	98,807	124.6%
Other Services	9,412,865	347,961		404,626	56,665	116.3%
Fines	2,150,000	162,599	(1)	94,734	(67,865)	58.3%
Interest Income	55,000	3,926		5,231	1,305	133.2%
Miscellaneous	1,657,987	16,651		30,868	14,217	185.4%
Leases	401,779	31,323		31,323	0	100.0%
Interfund Transfers	66,881,386	5,573,449		5,573,449	0	100.0%
Sub-total Revenues	<u>99,609,835</u>	<u>6,759,199</u>		<u>6,832,381</u>	<u>73,182</u>	<u>101.1%</u>
Carryover	265,000	265,000		265,000	0	100.0%
Total Revenues	<u>99,874,835</u>	<u>7,024,199</u>		<u>7,097,381</u>	<u>73,182</u>	<u>101.0%</u>
Expenditures						
City Council	254,094	16,144		11,649	(4,495)	72.2%
City Attorney's Office	1,316,607	95,736	(2)	123,775	28,039	129.3%
City Manager's Office	1,597,872	119,210		121,350	2,140	101.8%
Central Charges	26,745,374	2,114,183		2,060,470	(53,713)	97.5%
General Services	6,122,526	407,928		394,583	(13,345)	96.7%
Finance	2,133,622	154,351		146,162	(8,189)	94.7%
Police	21,578,228	1,786,025		1,694,364	(91,661)	94.9%
Fire Emergency Services	12,616,015	970,851		916,195	(54,656)	94.4%
Community Development	4,360,815	308,027		273,335	(34,692)	88.7%
Public Works & Utilities	8,180,693	154,900		138,909	(15,991)	89.7%
Parks, Recreation & Libraries	14,968,989	865,507		850,386	(15,121)	98.3%
Total Expenditures	<u>99,874,835</u>	<u>6,992,862</u>		<u>6,731,178</u>	<u>(261,684)</u>	<u>96.3%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>31,337</u>		<u>366,203</u>	<u>334,866</u>	

(1) The budget to actual Fines variance is due mostly to traffic fines.

(2) City Attorney's Office budget to actual variance is due mostly to one-time personnel service charges.

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues						
Sales Tax						
Sales Tax Returns	48,071,133	5,434,288		5,715,047	280,759	105.2%
Sales Tx Audit Revenues	729,000	60,507		44,410	(16,097)	73.4%
S-T Rev. STX	<u>48,800,133</u>	<u>5,494,795</u>		<u>5,759,457</u>	<u>264,662</u>	104.8%
Use Tax						
Use Tax Returns	8,390,000	491,245		399,351	(91,894)	81.3%
Use Tax Audit Revenues	785,000	65,155		39,420	(25,735)	60.5%
S-T Rev. UTX	<u>9,175,000</u>	<u>556,400</u>		<u>438,771</u>	<u>(117,629)</u>	78.9%
Total STX and UTX	<u><u>57,975,133</u></u>	<u><u>6,051,195</u></u>		<u><u>6,198,228</u></u>	<u><u>147,033</u></u>	102.4%
Public Safety Tax						
PST Tax Returns	11,971,773	1,301,180		1,299,056	(2,124)	99.8%
PST Audit Revenues	308,500	25,606		16,760	(8,846)	65.5%
Total Rev. PST	<u><u>12,280,273</u></u>	<u><u>1,326,786</u></u>		<u><u>1,315,816</u></u>	<u><u>(10,970)</u></u>	99.2%
Interest Income	61,000	5,080		4,081	(999)	80.3%
Interfund Transfers	329,463	27,455		27,455	0	100.0%
Total Revenues	<u><u>70,645,869</u></u>	<u><u>7,410,516</u></u>		<u><u>7,545,580</u></u>	<u><u>135,064</u></u>	101.8%
Expenditures						
Central Charges	<u>70,645,869</u>	<u>5,887,156</u>		<u>5,887,156</u>	<u>0</u>	100.0%
Revenues Over(Under) Expenditures	<u><u>0</u></u>	<u><u>1,523,360</u></u>		<u><u>1,658,424</u></u>	<u><u>135,064</u></u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Sales & Use Tax	5,152,477	554,744		548,116	(6,628)	98.8%
Interest Income	10,000	833		600	(233)	72.0%
Miscellaneous	85,030	7,086		940	(6,146)	13.3%
Interfund Transfers	24,537	2,045		2,045	0	100.0%
Total Revenues	<u>5,272,044</u>	<u>564,708</u>		<u>551,701</u>	<u>(13,007)</u>	97.7%
Expenditures						
Central Charges	4,932,328	379,711		371,149	(8,562)	97.7%
Park Services	339,716	8,797		7,213	(1,584)	82.0%
Total Expenditures	<u>5,272,044</u>	<u>388,508</u>		<u>378,362</u>	<u>(10,146)</u>	97.4%
Revenues Over(Under) Expenditures	<u>0</u>	<u>176,200</u>		<u>173,339</u>	<u>(2,861)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Funds - Combined						
Operating Revenues						
License & Permits	75,000	6,250		7,740	1,490	123.8%
Rates and Charges	47,265,414	2,442,522		2,556,477	113,955	104.7%
Miscellaneous	410,000	34,166		9,849	(24,317)	28.8%
Total Operating Revenues	<u>47,750,414</u>	<u>2,482,938</u>		<u>2,574,066</u>	<u>91,128</u>	103.7%
Operating Expenditures						
Central Charges	6,134,349	511,196		537,391	26,195	105.1%
Finance	644,754	76,081		76,215	134	100.2%
Public Works & Utilities	20,849,893	751,582		683,015	(68,567)	90.9%
Parks, Recreation & Libraries	152,417	3,658		1,957	(1,701)	53.5%
Information Technology	2,992,253	245,365		191,559	(53,806)	78.1%
Total Operating Expenditures	<u>30,773,666</u>	<u>1,587,882</u>		<u>1,490,137</u>	<u>(97,745)</u>	93.8%
Operating Income (Loss)	<u>16,976,748</u>	<u>895,056</u>		<u>1,083,929</u>	<u>188,873</u>	
Other Revenue and Expenditures						
Tap Fees	8,662,000	721,833		223,797	(498,036)	31.0%
Interest Income	323,847	26,987		28,326	1,339	105.0%
Interfund Transfers	8,619,230	8,619,230		8,619,230	0	100.0%
Debt Service	(7,204,825)	0		0	0	
Total Other Revenue (Expenditures)	<u>10,400,252</u>	<u>9,368,050</u>		<u>8,871,353</u>	<u>(496,697)</u>	
Revenues Over(Under) Expenditures	<u>27,377,000</u>	<u>10,263,106</u>		<u>9,955,282</u>	<u>(307,824)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	6,250		7,740	1,490	123.8%
Rates and Charges	33,445,414	1,290,855		1,436,213	145,358	111.3%
Miscellaneous	400,000	33,333		9,524	(23,809)	28.6%
Total Operating Revenues	<u>33,920,414</u>	<u>1,330,438</u>		<u>1,453,477</u>	<u>123,039</u>	
Operating Expenditures						
Central Charges	4,294,054	357,838		378,402	20,564	105.7%
Finance	644,754	76,081		76,215	134	100.2%
Public Works & Utilities	14,405,355	505,422		434,497	(70,925)	86.0%
PR&L Standley Lake	152,417	3,658		1,957	(1,701)	53.5%
Information Technology	2,992,253	245,365		191,559	(53,806)	78.1%
Total Operating Expenditures	<u>22,488,833</u>	<u>1,188,364</u>		<u>1,082,630</u>	<u>(105,734)</u>	91.1%
Operating Income (Loss)	<u>11,431,581</u>	<u>142,074</u>		<u>370,847</u>	<u>228,773</u>	
Other Revenue and (Expenditures)						
Tap Fees	7,567,000	630,583		211,616	(418,967)	33.6%
Interest Income	233,665	19,472		20,996	1,524	107.8%
Interfund Transfers	8,619,230	8,619,230		8,619,230	0	100.0%
Debt Service	(5,697,476)	0		0	0	
Total Other Revenues (Expenditures)	<u>10,722,419</u>	<u>9,269,285</u>		<u>8,851,842</u>	<u>(417,443)</u>	
Revenues Over(Under) Expenditures	<u>22,154,000</u>	<u>9,411,359</u>		<u>9,222,689</u>	<u>(188,670)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	13,820,000	1,151,667		1,120,264	(31,403)	97.3%
Miscellaneous	10,000	833		325	(508)	39.0%
Total Operating Revenues	<u>13,830,000</u>	<u>1,152,500</u>		<u>1,120,589</u>	<u>(31,911)</u>	97.2%
Operating Expenditures						
Central Charges	1,840,295	153,358		158,989	5,631	103.7%
Public Works & Utilities	6,444,538	246,160		248,518	2,358	101.0%
Total Operating Expenditures	<u>8,284,833</u>	<u>399,518</u>		<u>407,507</u>	<u>7,989</u>	102.0%
Operating Income (Loss)	<u>5,545,167</u>	<u>752,982</u>		<u>713,082</u>	<u>(39,900)</u>	
Other Revenue and Expenditures						
Tap Fees	1,095,000	91,250		12,181	(79,069)	13.3%
Interest Income	90,182	7,515		7,330	(185)	97.5%
Debt Service	(1,507,349)	0		0	0	
Total Other Revenues (Expenditures)	<u>(322,167)</u>	<u>98,765</u>		<u>19,511</u>	<u>(79,254)</u>	
Revenues Over(Under) Expenditures	<u>5,223,000</u>	<u>851,747</u>		<u>732,593</u>	<u>(119,154)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues						
Charges for Services	2,698,000	224,833		190,149	(34,684)	84.6%
Interest Income	38,000	3,167		1,720	(1,447)	54.3%
Miscellaneous	0	0		5	5	
Total Revenues	<u>2,736,000</u>	<u>228,000</u>		<u>191,874</u>	<u>(36,126)</u>	84.2%
Expenditures						
General Services	86,200	345		60	(285)	17.4%
Community Development	178,990	12,511		12,523	12	100.1%
PR&L Park Services	200,000	2,600		0	(2,600)	
Public Works & Utilities	329,810	330		0	(330)	
Total Expenditures	<u>795,000</u>	<u>15,786</u>		<u>12,583</u>	<u>(3,203)</u>	79.7%
Revenues Over(Under) Expenditures	<u><u>1,941,000</u></u>	<u><u>212,214</u></u>		<u><u>179,291</u></u>	<u><u>(32,923)</u></u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Courses Combined						
Operating Revenues						
Charges for Services	3,019,336	53,747		43,187	(10,560)	80.4%
Total Revenues	<u>3,019,336</u>	<u>53,747</u>		<u>43,187</u>	<u>(10,560)</u>	80.4%
Operating Expenditures						
Central Charges	211,700	18,404		16,802	(1,602)	91.3%
Recreation Facilities	2,644,571	75,184		72,990	(2,194)	97.1%
Total Expenditures	<u>2,856,271</u>	<u>93,588</u>		<u>89,792</u>	<u>(3,796)</u>	95.9%
Operating Income (Loss)	<u>163,065</u>	<u>(39,841)</u>		<u>(46,605)</u>	<u>(6,764)</u>	
Other Revenues and Expenditures						
Interest Income	0	0		550	550	
Debt Service	(742,208)	(77,617)		(77,617)	0	100.0%
Interfund Transfers In	579,143	48,262		48,262	0	100.0%
Carryover	200,000	200,000		200,000	0	100.0%
Total Other Revenue (Expenditures)	<u>36,935</u>	<u>170,645</u>		<u>171,195</u>	<u>550</u>	
Revenues Over(Under) Expenditures	<u>200,000</u>	<u>130,804</u>		<u>124,590</u>	<u>(6,214)</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Operating Revenues						
Charges for Services	1,609,968	24,150		21,694	(2,456)	89.8%
Total Revenues	<u>1,609,968</u>	<u>24,150</u>		<u>21,694</u>	<u>(2,456)</u>	89.8%
Operating Expenditures						
Central Charges	98,900	8,703		7,549	(1,154)	86.7%
Recreation Facilities	1,384,198	37,373		35,863	(1,510)	96.0%
Total Expenditures	<u>1,483,098</u>	<u>46,076</u>		<u>43,412</u>	<u>(2,664)</u>	94.2%
Operating Income (Loss)	<u>126,870</u>	<u>(21,926)</u>		<u>(21,718)</u>	<u>208</u>	
Other Revenues and Expenditures						
Interest Income	0	0		330	330	
Debt Service	(158,600)	(61,695)		(61,695)	0	100.0%
Interfund Transfers In	31,730	2,644		2,644	0	100.0%
Carryover	100,000	100,000		100,000	0	100.0%
Total Other Revenue (Expenditures)	<u>(26,870)</u>	<u>40,949</u>		<u>41,279</u>	<u>330</u>	
Revenues Over(Under) Expenditures	<u>100,000</u>	<u>19,023</u>		<u>19,561</u>	<u>538</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Operating Revenues						
Charges for Services	1,409,368	29,597		21,493	(8,104)	72.6%
Total Revenues	<u>1,409,368</u>	<u>29,597</u>		<u>21,493</u>	<u>(8,104)</u>	72.6%
Operating Expenditures						
Central Charges	112,800	9,701		9,253	(448)	95.4%
Recreation Facilities	1,260,373	37,811		37,127	(684)	98.2%
Total Expenditures	<u>1,373,173</u>	<u>47,512</u>		<u>46,380</u>	<u>(1,132)</u>	97.6%
Operating Income (Loss)	<u>36,195</u>	<u>(17,915)</u>		<u>(24,887)</u>	<u>(6,972)</u>	
Other Revenues and Expenditures						
Interest Income	0	0		220	220	
Debt Service	(583,608)	(15,922)		(15,922)	0	100.0%
Interfund Transfers In	547,413	45,618		45,618	0	100.0%
Carryover	100,000	100,000		100,000	0	100.0%
Total Other Revenue (Expenditures)	<u>63,805</u>	<u>129,696</u>		<u>129,916</u>	<u>220</u>	
Revenues Over(Under) Expenditures	<u>100,000</u>	<u>111,781</u>		<u>105,029</u>	<u>(6,752)</u>	

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 JANUARY 2014 MONTH AND YEAR-TO-DATE

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	708,605	17,245	725,850	699,233	23,116	722,348	1	-25	0
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	480,775	1,156	481,931	494,421	1,714	496,135	-3	-33	-3
SHOPS AT WALNUT CREEK 104TH & REED TARGET	349,526	1,371	350,897	362,059	2,265	364,323	-3	-39	-4
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	300,448	36,825	337,273	265,623	935	266,558	13	3837	27
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	251,009	6,524	257,533	254,800	1,925	256,725	-1	239	0
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	254,286	2,269	256,555	242,604	3,143	245,747	5	-28	4
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	230,103	1,839	231,942	213,434	1,320	214,755	8	39	8
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	228,896	535	229,430	221,561	582	222,143	3	-8	3
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	196,999	24,142	221,141	181,235	21,295	202,531	9	13	9
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	218,227	392	218,619	246,396	2,458	248,854	-11	-84	-12
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	154,636	526	155,162	176,492	535	177,027	-12	-2	-12
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	152,275	519	152,795	138,256	242	138,498	10	115	10
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	120,807	423	121,230	114,271	345	114,616	6	23	6
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	74,673	1,008	75,682	74,511	227	74,737	0	345	1
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	73,699	740	74,440	78,752	1,020	79,772	-6	-27	-7

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 JANUARY 2014 MONTH AND YEAR-TO-DATE

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	63,644	85	63,729	57,734	136	57,870	10	-37	10
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	57,949	345	58,295	56,322	466	56,788	3	-26	3
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	13,940	40,462	54,402	17,212	70,853	88,066	-19	-43	-38
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	47,769	341	48,111	47,468	233	47,701	1	46	1
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,951	822	43,773	51,550	1,564	53,114	-17	-47	-18
NORTHVIEW 92ND AVE YATES TO SHERIDAN H MART	43,086	274	43,360	22,796	1,220	24,016	89	-78	81
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	38,958	614	39,572	35,728	243	35,971	9	153	10
WILLOW RUN 128TH & ZUNI SAFEWAY	33,914	241	34,156	34,504	237	34,740	-2	2	-2
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	9,539	23,880	33,420	7,352	1,741	9,093	30	1272	268
LAKE ARBOR PLAZA W SIDE HARLAN/INDUS PRK ASPEN AUTO BODY	21,775	9,066	30,842	19,468	10,042	29,510	12	-10	5
	<u>4,168,491</u>	<u>171,646</u>	<u>4,340,137</u>	<u>4,113,783</u>	<u>147,855</u>	<u>4,261,638</u>	<u>1</u>	<u>16</u>	<u>2</u>

-(s3BGENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF JANUARY 2014-(s13.5H

Center Location Major Tenant	/----- YTD 2014 -----/			/----- YTD 2013 -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	708,605	17,245	725,850	699,233	23,116	722,348	1	-25	0
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	480,775	1,156	481,931	494,421	1,714	496,135	-3	-33	-3
SHOPS AT WALNUT CREEK 104TH & REED TARGET	349,526	1,371	350,897	362,059	2,265	364,323	-3	-39	-4
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	300,448	36,825	337,273	265,623	935	266,558	13	3837	27
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	251,009	6,524	257,533	254,800	1,925	256,725	-1	239	0
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	254,286	2,269	256,555	242,604	3,143	245,747	5	-28	4
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	230,103	1,839	231,942	213,434	1,320	214,755	8	39	8
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	228,896	535	229,430	221,561	582	222,143	3	-8	3
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	196,999	24,142	221,141	181,235	21,295	202,531	9	13	9
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	218,227	392	218,619	246,396	2,458	248,854	-11	-84	-12
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	154,636	526	155,162	176,492	535	177,027	-12	-2	-12
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	152,275	519	152,795	138,256	242	138,498	10	115	10
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	120,807	423	121,230	114,271	345	114,616	6	23	6
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	74,673	1,008	75,682	74,511	227	74,737	0	345	1
WESTMINSTER MALL 88TH & SHERIDAN	73,699	740	74,440	78,752	1,020	79,772	-6	-27	-7

-(s3BGENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF JANUARY 2014-(s13.5H

Center Location Major Tenant	/----- YTD 2014 -----/			/----- YTD 2013 -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	-(s0B
JC PENNEY WESTMINSTER CROSSING 136TH & I-25	63,644	85	63,729	57,734	136	57,870	10	-37	10
LOWE'S WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	57,949	345	58,295	56,322	466	56,788	3	-26	3
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	13,940	40,462	54,402	17,212	70,853	88,066	-19	-43	-38
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	47,769	341	48,111	47,468	233	47,701	1	46	1
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,951	822	43,773	51,550	1,564	53,114	-17	-47	-18
NORTHVIEW 92ND AVE YATES TO SHERIDAN H MART	43,086	274	43,360	22,796	1,220	24,016	89	-78	81
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	38,958	614	39,572	35,728	243	35,971	9	153	10
WILLOW RUN 128TH & ZUNI SAFEWAY	33,914	241	34,156	34,504	237	34,740	-2	2	-2
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	9,539	23,880	33,420	7,352	1,741	9,093	30	1272	268
LAKE ARBOR PLAZA W SIDE HARLAN/INDUS PRK ASPEN AUTO BODY	21,775	9,066	30,842	19,468	10,042	29,510	12	-10	5
	<u>4,168,491</u>	<u>171,646</u>	<u>4,340,137</u>	<u>4,113,783</u>	<u>147,855</u>	<u>4,261,638</u>	<u>1</u>	<u>16</u>	<u>2</u>



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: West View Recreation Center Exercise Strength Equipment Purchase

Prepared By: Peggy Boccard, Recreation Services Manager
Lance Johnson, Recreation Facilities Superintendent

Recommended City Council Action

Based on the recommendation of the City Manager, determine that the public interest would best be served by awarding the bid for the replacement of exercise strength equipment for West View Recreation Center to Commercial Fitness Solutions, Inc. in the amount of \$85,715.

Summary Statement

- Bids were solicited for the replacement of exercise strength equipment at West View Recreation Center with five companies submitting proposals. (See attached chart)
- After review of the submitted proposals, staff determined that all five proposals were viable and either met or exceeded requirements.
- The public interest would best be served by accepting the bid for the replacement of West View Recreation Center exercise strength equipment by Commercial Fitness Solutions, Inc. Although not the lowest bidder for the replacement of the exercise strength equipment, Commercial Fitness Solutions, Inc. line of Eagle Mix exercise strength equipment exceeds the others in value, quality, service and warranty.
- Adequate funds were previously appropriated in the General Capital Improvement Fund in the Recreation Facilities-JCOS account and are available for the purchase.

Expenditure Required: \$85,715

Source of Funds: General Capital Improvement Fund-Recreation Facilities JCOS

Policy Issue

Should City Council approve the purchase of replacement exercise strength equipment for West View Recreation Center?

Alternatives

1. Do not authorize the recommended purchase of replacement exercise strength equipment and continue to use existing equipment. Staff does not recommend this as a viable solution as the existing exercise strength equipment that was purchased when the facility opened in 2000 is extremely outdated and worn and past the manufacturer's recommended useful life expectancy. Continued use of this equipment may create safety and ADA compliance issues.
2. Do not authorize the purchase of replacement exercise strength equipment from Commercial Fitness Solutions, Inc., but instruct staff to award the bid to one of the other four participating vendors. Staff does not recommend this action and believes the Commercial Fitness Solution Inc.'s line of Eagle mix exercise strength equipment exceeds the others in service, product quality and warranties and better serves West View Recreation Center's mission to be a current and viable fitness facility meeting the wellness needs of the community.

Background Information

West View Recreation Center is located on 108th Avenue between Wadsworth Boulevard and Simms Street. It features a fitness room, aerobics room, gymnasium, running track, two racquetball courts and community rooms. West View Recreation Center's existing strength equipment has been in use since the facility opened in July of 2000. At almost 14 years old, the equipment is four years beyond the industry recommended replacement schedule. The existing style of equipment is no longer manufactured or sold, making it difficult to find parts for repairs. In comparison to current exercise strength equipment lines, West View's existing exercise strength equipment is outdated and lacking in technological advancements and ever-evolving designs that account for ease-of-use, effectiveness and safety.

The layout of equipment in West View's 2,500 sq. ft. weight room no longer meets standards set by the American Disabilities Act (ADA). To address this issue, as part of the bid requirements, Staff sought the expertise, innovation, and creativity in weight room layout and design of prospective bidding companies. With special attention to safety and ADA compliance, participating vendors were required to submit a floor plan using their brand of equipment. Commercial Fitness Solutions, Inc. specializes in ADA compliance and conducts paid audits of fitness facilities as a professional service. This is the only company submitting a bid with this particular skill set and expertise, which is clearly reflected in their floor plan. This floor plan exceeds the others and was heavily weighted in the selection process.

West View Recreation Center Staff has researched exercise strength equipment extensively to find the best design and value on the commercial market. Staff have toured facilities showcasing all brands presented in the bid process to see and use the equipment with careful consideration taken for the diverse users at West View Recreation Center. Issues such as safety, versatility, warranty, weight stack design and hydraulic adjustments were evaluated to ensure the highest quality and most user friendly equipment was selected. After examining all bids carefully, Staff believes Commercial Fitness Solutions, Inc. best meets these criteria and is the most qualified bid that meets the City's Strategic Plan Goals of "Safe and Healthy Community" and "Financially Sustainable City Government Providing Exceptional Services."

Respectfully submitted,

J. Brent McFall
City Manager

Attachment A

West View Recreation Center Weight Room Commercial Equipment Bid Summary 2013

Vendor	Equipment	Equipment	Warranty
	Line	Cost	
KOS Fitness Products	Nautilus EVO	\$80,700.75	1 yr labor; 12yr Frames/Welds; 3 yr moving parts; 6 months upholstery, grips, pads
	Nautilus 1 Series	\$92,683.75	
Commercial Fitness Solutions, Inc.	Cybex VR3		2 yrs parts; 1 yr labor; 10 yr Frames; 120 days belts, cables, grips, upholstery " "
	Cybex Eagle		
	Cybex VR1		
	Cybex Mix	\$85,715.00	
Push-Pedal-Pull	Precor	\$52,910.80	1 yr painted surface, labor, hand grips/end caps/cables/ pins/shrouds; 6 months wear items; 5 yr parts; 10 yr frame
Healthstyles	Matrix Ultra	\$69,996.00	90 days upholster/cables/grips/springs; 1yr labor excluding upholstery/cables/grips, parts, accessories; 3 yr labor, other items not specified; 5 yr pivot bearings, pulleys, weight stacks; 10 yr frame
Fitness Systems	Star Trac Inspiration	\$84,635.00	1 yr labor, cables; 5 yr parts; 10 yr frame



Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: Fleet Maintenance Onsite Parts Store Contract Renewal

Prepared By: Jeffery Bowman, Fleet Manager

Recommended City Council Action

Authorize the City Manager to execute the first renewal amendment of the November 16, 2011, contract with Factory Motor Parts of Colorado Corporation for the next three years and establish pricing for one year to furnish parts and services to the City of Westminster through February 28, 2015.

Summary Statement

- Factory Motor Parts was authorized by City Council in late 2011 to take over the parts inventory at the City's Fleet operations.
- Factory Motor Parts onsite store has reduced staff time and vehicle down-time, while increasing staff efficiency through improved parts and lubricant availability and fewer parts acquisition duties.
- Factory Motor Parts onsite parts store has reduced the need to manage parts inventory and has reduced the staff time required for parts management and accounts payable duties.
- The liability for inventory and managing obsolete parts is reduced, freeing up dollars for other City of Westminster needs.
- The agreement may be renewed for a subsequent two (2) year term, each year of each term would be subject to annual appropriations by the City per Council Agenda Memo 8C dated September 26, 2011.

Expenditure Required: \$430,000

Source of Funds: 2014 Fleet Maintenance Fund

Policy Issue

Should the City of Westminster renew this Agreement for three years from the effective date of March 1, 2014, through February 28, 2017, and establish pricing through February 28, 2015, with Factory Motor Parts, the On-Site parts store for the Fleet Maintenance Division?

Alternative

City Council could choose not to renew the contract with Factory Motor Parts, but this is not recommended. Staff has reviewed operational costs for 2013 and for previous years when parts management was a function of Fleet Maintenance Division and recognize the benefits of the onsite parts store.

Background Information

As the 2011-2012 Budget was developed, Staff looked for innovative ways to trim costs and improve customer service. It appeared that Fleet could be better served by bringing a contracted parts operation onsite, essentially running a branch of an outside parts store at the Fleet Maintenance facility. Delivery, inventory, part consistency and cost could all be managed for the Fleet Maintenance Division by an experienced third party organization.

Following a formal Request for Proposal (RFP) process that involved three parts supplies, Factory Motor Parts was selected in late 2011, and began operating at Fleet Maintenance Division on February 6, 2012. Factory Motor Parts is the largest after-market parts distributor of General Motors and Ford parts, original equipment branded; AC Delco; and Motorcraft. Factory Motor Parts is a nationwide company that supplies original equipment parts and lubricants to dealerships and government agencies. Rather than maintaining retail stores, Factory Motor Parts is focused on fleets similar to that operated by the City. The service to the City of Westminster Fleet Maintenance Division is now coordinated from new offices and warehouse located at 2460 Airport Blvd., Aurora. This 98,000 square foot location contains \$9.4 million in on-hand inventory. This location moves \$20 million of inventory annually, while Factory Motor Parts sales are in excess of \$700 million annually.

Before Factory Motor Parts became the onsite parts store, Fleet Maintenance tracked approximately 200,000 hours of vehicle downtime annually, much of it related to waiting for parts. In 2013, total vehicle downtime was reduced to approximately 66,500 hours. Some of the improvement in vehicle downtime can be attributed to a more efficient parts operation, supplying the correct parts and lubricants in a timely manner, without using City staff.

On February 6, 2012, the City of Westminster had \$216,820 of on-hand inventory. Factory Motor Parts began operations by purchasing \$86,000 of active City inventory, then helped to return older, unused City inventory to previous vendors. Factory Motor Parts further assisted by "lifting" obsolete inventory and traded some obsolete parts for more current inventory. The City further reduced \$81,000 in obsolete parts through the auction process. City-owned inventory has been reduced to approximately \$26,000 from \$216,820, with further reductions planned in 2014. The liability for having City dollars tied up in slow-moving inventory is greatly reduced with Factory Motor Parts assuming the responsibility for vehicle parts inventory.

The total contract agreement outlines administrative services and costs for onsite operations, as well as parts and lubricants with a total contract amount not to exceed \$430,000 from March 1, 2014, through February 28, 2015. A specific breakdown of costs are as follows:

- Operational and Administrative Costs - \$65,195.96
- Parts Supplied at Wholesale, plus 8%, not to exceed \$312,804.04
- Lubricants - \$52,000

SUBJECT: Fleet Maintenance Onsite Parts Store Contract Renewal

Page 3

Staff is confident that Factory Motor Parts is delivering competitive pricing for both parts, lubricants, and operational and administrative costs. Executing this contract renewal helps achieve two of the City Council's Strategic Plan goals: by achieving a "Safe and Healthy Community" the Fleet Maintenance Division is able to provide the highest quality parts to emergency vehicles and to all other vehicles, in a timely manner and by achieving a "Financially Sustainable City Government Providing Exceptional Services" by allowing staff of the Fleet Maintenance Division time to focus on the core service of vehicle maintenance and repair.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: 2014 Intergraph Corporation Software Maintenance Contract

Prepared By: Lee Birk, Chief of Police
Karin Marquez, Communications Supervisor

Recommended City Council Action

Authorize payment of \$169,515.96 to Intergraph Corporation for the 2014 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

- In 2000, 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 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 and incident reports. They also provide a tool for field units to receive dispatch data and handle calls in the field.
- On February 5, 2013, City Council approved the Intergraph 2013 Annual Software Maintenance contract and annual payment of \$150,389.38.
- The 2014 Annual Software Maintenance Contract and annual payment of \$156,515.96 extends the Intergraph Annual Software Maintenance contract through March 31, 2015.
- Beginning 2014, Intergraph has added options relating to on-site support services and training to the contracts. The Police Department has determined that the “Silver” option addition will provide enhanced service and training at more reasonable costs. An additional amount of \$13,000.00 is requested for Intergraph’s Silver level maintenance enhancement option.
- 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.
- The maintenance expenditure was specifically budgeted in the Police and Fire Department’s 2014 General Fund operating budget and is within budget. In addition, the Jefferson County E911 Authority Board will reimburse a total of \$74,688.00 to the City for the CAD maintenance component of the contract.

Expenditure Required: \$169,515.96

Source of Funds: 2014 Police General Fund Operating Budget - \$43,973.17
2014 Fire General Fund Operating Budget - \$50,854.79
2014 Jefferson County E-911 Funding - \$74,688.00

Policy Issues

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

Should the City of Westminster add the Silver level of maintenance to the contract thereby allowing additional on-site maintenance and support and training opportunities?

Alternatives

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. This system is used for all non-emergency and emergency calls for service and is critical that patches and fixes are available in a timely fashion for Citizen and responder safety.

Do not pay the Silver level maintenance enhancement. Staff does not recommend this alternative because contracting with Intergraph for one week of on-site support would cost \$9,400 and is not a budgeted cost. The Silver level package provides two full weeks of Intergraph support in addition to registration fees for two employees to the annual users conference.

Background Information

The Intergraph Corporation systems were purchased in 2000 and included an integrated Computer Aided Dispatch (CAD) system, Police Records Management System (RMS), Fire Records Management System (FMS), and the Mobile Computer applications and various system interfaces including Enhanced 911 (E911) and Automatic Vehicle Locating. The original cost of this system in 2000 was \$1,473,475 and was designed to integrate all applications and components together to allow for a seamless transmission of data and information.

The programs are utilized by Police and Fire personnel for entering call data from the public, Police and Fire Department offense reports and incident reports and are relied upon heavily by communications personnel for dispatching police and fire personnel to emergencies and non-emergency events.

The 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 as well as sending required data to the Fire RMS for follow up reporting and billing. These events may be generated by a non-emergency, emergency request for service or received via radio from a field unit. 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 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 option, generally used for non-emergency requests, is to seek on-line help via a service request.
- Additionally, the yearly maintenance contract provides for software upgrades, updates and fixes to ensure that the applications have current functionality.

Beginning 2014, Intergraph has added options to their maintenance contract enhancing on-site support services and adding two free registrations to the Intergraph Users Conference. These options are called the “Silver” and “Gold” packages. The Police Department has determined that the “Silver” option addition would provide enhanced on-site service, maintenance, and troubleshooting. In addition, it would also provide the necessary and significant training at a cost that is more reasonable.

Generally, Intergraph has been onsite virtually every year for CAD reassessments, upgrades and/or training purposes. The cost of these one week visits are generally \$9,400. Staff generally sends two to three personnel from the police department and/or I.T. to the Annual Users Conference each year for training purposes. The registration costs per attendee can be in the range of \$1,000 per employee. The Silver package offers a cost-effective option for the registration expenses for two employees to attend the User Conference each year. The attendance of these conferences allows the system to stay abreast of best practices, latest upgrades, user information, and new or future system developments. The Silver package provides up to two weeks of on-site support. Historically, Intergraph has provided on-site support for upgrade and training purposes. The additional week provides the opportunity for additional training for on-site support and provides some insurance for on-site critical program/system problems and solutions.

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.

The maintenance expenditure was specifically budgeted in the Police and Fire Department’s 2014 General Fund operating budget and is within budget. In addition, the Jefferson County E911 Authority Board will reimburse a total of \$74,688.00 to the City for the CAD maintenance component of the contract.

This request supports Council’s Strategic Plan goals of a “Safe and Healthy Community” and a “Financially Sustainable City Government Providing Exceptional Services” by maintaining a cost effective Police and Fire RMS, CAD and reporting system. This system assists both the Police and Fire Departments in responding to calls for service quickly and efficiently while maintaining accurate records of such events.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: 72nd Avenue/Raleigh Street Bridge Replacement—Design Engineering Contract Amendment

Prepared By: David Loseman, Assistant City Engineer

Recommended City Council Action

Authorize the City Manager to execute a second amendment to the engineering services contract with Jacobs Engineering Group, Inc in the amount of \$37,413 for additional services in the preparation of bid and contract documents for the 72nd Avenue/Raleigh Street Bridge Replacement Project, increasing the total authorized engineering services contract with Jacobs Engineering to \$486,615.

Summary Statement

- The preparation of design and bid documents to replace the substandard structure carrying 72nd Avenue over Little Dry Creek near the 72nd Avenue and Raleigh Street intersection is in process under an agreement with Jacobs Engineering Group approved by the City Council in April 2012 and a first amendment approved by Council in April 2013. The total fee associated with these previous contracts is \$449,202.
- The project design is complex and involves raising the reconstructed intersection by over three feet along with extensive utility system relocations and other improvements in the area. In order to complete the plans and bid documents so that construction can commence in mid-2014, it is necessary for Jacobs to perform additional surveying for utility relocation and additional engineering design services under a modified scope of work. The parties have negotiated pricing for this additional effort at \$37,413, or 8.3% of the present contract amount.
- A second amendment to the agreement is needed to cover this increased cost. Funds for this expense are available in the project account.

Expenditure Required: \$37,413

Source of Funds: General Capital Improvement fund (GCIF) – 72nd Avenue/LDC Bridge Replacement AdCo Road Tax

Policy Issue

Should the City amend the agreement with Jacobs Engineering Group to cover the expense of additional engineering services on the 72nd Avenue/Raleigh Street Bridge Replacement Project?

Alternative

The alternative to the recommended action is to not approve the proposed amendment. This alternative is not recommended because the design modifications are necessary to make the project plans complete and allow construction to start in mid-2014. The work to be provided under the terms of this second amendment to the contract address conditions that were not known at the time that the original scope of work was prepared.

Background Information

In April 2012, the City and Jacobs Engineering Group, Inc (Jacobs) entered into a negotiated contract for design engineering services associated with the replacement of the bridge carrying 72nd Avenue over Little Dry Creek at Raleigh Street. The scope of work developed by the Departments of Community Development and Public Works and Utilities was to prepare construction drawings and specifications necessary to bid and construct a new bridge and also to replace water and sanitary sewer facilities in the general area due to their age or lack of capacity. The project is complex by virtue of the bridge being located at a busy intersection in an area where utility systems are extensive and older than most anywhere else in the City. A map showing the extent of the project is attached.

The budget for the project is comprised of monies from several sources including federal funds that can only be used for the bridge replacement, funding from the General Capital Improvement Project Fund (GCIF) and funding from water and wastewater accounts in the Utility Fund. Council's award of the contract to Jacobs and a subsequent amendment bring the current total compensation to \$449,202.

In the past few months, it has become necessary for Staff to request that Jacobs provide additional services not covered in the original scope of work. Field staking of utility relocation work being done by Xcel Energy, Comcast and Century Link is necessary to deal with conflicts of those facilities with the City's proposed improvements. While the utility relocations can be performed at no cost to the project under franchise agreement terms or other standing protocols, accurate placement of the cables and conduits necessitates the field staking of the new locations.

The second component of the additional services involves the development of an alternative access to the community garden, located north of 72nd Avenue and west of Bradburn Boulevard, that was not anticipated in the original scope of work. It had been envisioned that the existing access to the gardens located at the north side of the 72nd Avenue and Raleigh Street intersection could be "phased" during construction, but the construction of the new bridge and the raising of the intersection makes that impossible to accomplish. An alternative access across the City's property located at 7225 Bradburn Boulevard is proposed to be designed. Coordination of the design of this access with the concept plans for potential re-grading for Della Villa Park, located at the northwest quadrant of the intersection, will be incorporated so that this temporary access condition can be easily upgraded and made compatible with the park improvements at some point in the future.

The third part of the expanded assignment for Jacobs includes several elements of the project that need resolution now rather than in the future. Under the original scope of work, bridge enhancements in the form of brick masonry accents to bridge parapets and structure wing walls as well as an ornamental bridge railing were anticipated but were not to be built at this time. Once into the design process, an evaluation of the constructability of these elements at some point in the future led to a reconsideration of that original approach. Coupling that with a strong desire to include aesthetic enhancements so that the

project has a finished look when it is completed, Jacobs will perform the design of those elements now. Similar circumstances prompted additional work on a short trail segment of Little Dry Creek located immediately downstream of the proposed new bridge. Jacobs will design modifications to the trail's vertical alignment and solve grading and drainage problems that have evolved over the past 20 years. The trail modifications will also be a much better fit with the trail undercrossing that the new bridge at 72nd/Raleigh Street will allow.

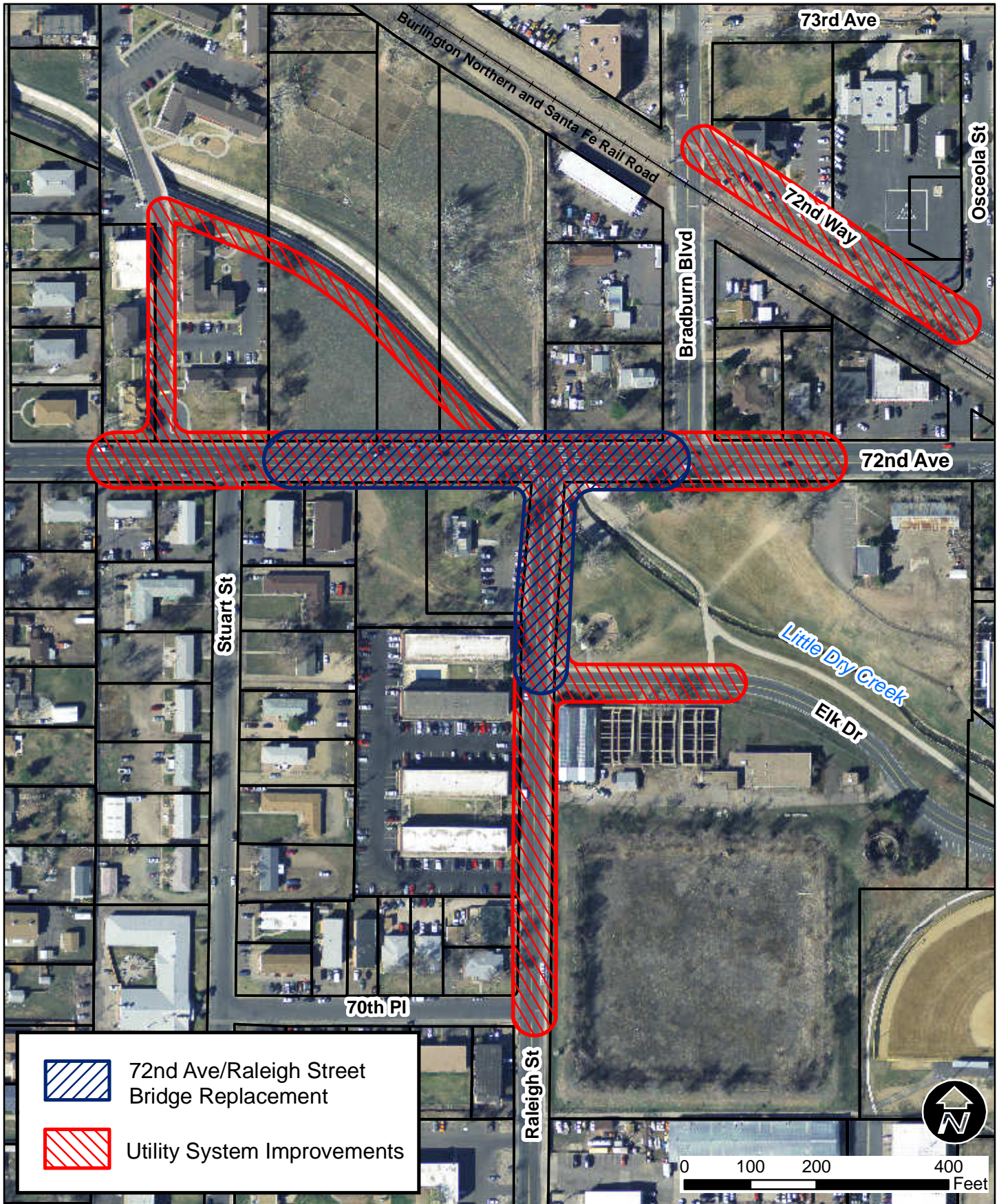
In total, these modifications of Jacobs' scope of work will add \$37,413 to the contract amount, an increase of about 8.3%, bringing the amended contract amount to \$486,615 which is 9.9% of the anticipated cost of construction. This percentage compares favorably with design percentage costs from past major capital improvement projects. Funds for this expense are available in the 72nd Avenue/LDC Bridge Replacement project account. The City Council's approval of this amended contract will support Council's goals of a Financially Sustainable City Government Providing Exceptional Services and Vibrant Neighborhoods in One Livable Community.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Project Map

72nd Avenue/Raleigh Street -Project Area-





Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: Lowell Boulevard Waterline Replacement Gregory Hill Tank Site to 84th Avenue
Construction and Engineering Contracts

Prepared By: Julie Koehler, Senior Engineer
Stephen Grooters, Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder, American West Construction, LLC, in the amount of \$653,550 to complete pipeline repairs in Lowell Boulevard, plus a contingency of \$65,355 for a total authorized expenditure of \$718,905 and authorize an amendment to the Burns & McDonnell Engineering Company design contract for construction management services in the amount of \$87,372 plus contingency of \$8,737 for a total authorized expenditure of \$96,109.

Summary Statement

- This project involves replacement of approximately 2,100 feet of 12-inch water main in Lowell Boulevard from 84th Avenue to Bradburn Boulevard, continuing down Bradburn Drive to the Gregory Hill water tank site. (see attached map).
- The existing water main is a 50-year old cast iron pipe that has been prone to breaks, leaks and corrosion. Replacing this main is necessary to reduce the risk of main breaks, service interruptions and the resulting street excavation/repair activities. Timing of the pipe replacement is also important to stay ahead of planned 2014 street repairs.
- Because the pipeline is located in an area heavily congested with underground utilities, construction will be performed in large part using a trenchless technology called pipe bursting. Pipe bursting technology reduces the amount of open excavations required limiting risk of damage to existing utilities and lowering project costs associated with street repairs.
- Pipe bursting works by pulling a tool through the existing pipeline using a winch or rod. The tool breaks the existing pipe as the new pipe is pulled in behind. Pipe bursting is a proven construction method with local contractors available.
- The design phase of the project was completed in December 2013 and bid in January 2014. Nine bids were solicited for this project and two competitive bids were received.
- American West Construction, LLC presented the lower of the two bids received and City Council is requested to approve their contract for the replacement of the waterline.
- The City contracted with Burns and McDonnell Engineering Company (Burns and McDonnell) to provide design services for the project. Based on their successful performance to date, Staff negotiated a contract amendment with them to provide construction phase engineering services. Approval of this amendment is requested.
- Construction is scheduled to be completed by end of summer 2014.
- Funds were budgeted and are available for this project.

Expenditure Required: \$815,014

Source of Funds: Utility Fund Capital Improvement – Lowell Boulevard Water Main Replacement Account

Policy Issues

1. Should City Council authorize a contract with the low bidder, American West Construction, LLC?
2. Should City Council authorize an amendment to the Burns and McDonnell contract to include engineering services during construction?

Alternatives

1. The City could choose to reject all bids and rebid the project. This is not recommended because the City received bids from two qualified construction companies that were within a tight range and close to the design engineer’s cost estimate for project construction. As such, Staff believe these bids are competitive for the scope of work involved.
2. The City could choose to construct the improvements at a later date. However, due to the poor pipe condition in the area that has had multiple breaks in the past five years and the corresponding risk of a disruption in water service, Staff recommends the improvements be made at this time. In addition, this project is scheduled to be completed in advance of the City’s paving work on Lowell Boulevard in the summer of 2014. Delaying the project could result in increased maintenance and repair expenses, possible service impacts to the residents and/or damage to streets or other infrastructure.
3. Council could choose to request proposals for engineering services during construction. This is not recommended as Staff believes that Burns and McDonnell provides the best value for this project. In addition, they were originally selected for design services with anticipation of subsequent engineering services during construction. Their project team is intimately familiar with the improvements needed, having successfully completed the design and bidding phases of the project. Their knowledge will streamline key project tasks and provide the best value to the City.

Background Information

The City owns and operates a 12-inch water main located in Lowell Boulevard, which is an important part of the connection between the Sunset Ridge Subdivision and the Gregory Hill High Services Pump Station and water tanks. The water line was identified for replacement due to age, poor condition and history of multiple water breaks. The first phase of this project (completed in 2012) replaced approximately 1,700 feet of water line in Lowell Boulevard from Chestnut Lane to 84th Avenue. This project continues the water line replacement by approximately 2,100 feet in Lowell Boulevard from 84th Avenue to Bradburn Drive and then to the Gregory Hill Tank Site. A project map is attached for reference.

The project design phase was completed in December 2013 and request for bids sent to nine qualified contractors. Two competitive bids were received on January 23, 2014 and are summarized in the following table:

<u>Contractors</u>	<u>Bid Price</u>
American West Construction	\$653,550
BT Construction	\$709,175
Engineer’s Estimate	\$649,100

A review of the bids received indicated that American West Construction, LLC's bid was valid and the dollar amount reasonable for the scope of the work. For reference, their bid is 9% lower than the high bid and within 1% of the Engineer's Estimate indicating their price is competitive. American West provided three confirmed references for the pipe bursting work and demonstrated appropriate experience to perform the Work associated with this project. In addition, American West Construction LLC has successfully completed other water line replacement projects for the City and is qualified to complete this project. As such, Staff recommends they be awarded the construction contract. Construction is anticipated to commence following award of the contract with substantial completion anticipated by July 1, 2013.

Following successful completion of the project design, Staff negotiated a contract amendment for engineering services during construction with Burns and McDonnell in the amount of \$87,372. Costs for construction management services are estimated to be approximately 13% of the project cost, which is reasonable for the scope of work requested. Burns and McDonnell has provided quality design and construction phase services to the City on previous pipeline projects, including Phase I of Lowell Boulevard Pipeline Replacement and their staff is familiar with existing conditions in Lowell Boulevard, City standards, and project requirements. As such, their team is able to streamline project tasks and provide the best value to the City. Staff are requesting approval of this amendment at this time.

Adequate funding for the project was included in the 2014 Utilities Fund capital improvements budget.

The Lowell Boulevard Waterline Replacement Gregory Hill Tank Site to 84th Avenue Project helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" and "Vibrant Neighborhoods In One Livable Community" by contributing to the objectives of well-maintained City infrastructure and facilities and providing water service with reduced risk of system failures.

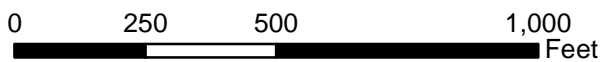
Respectfully submitted,

J. Brent McFall
City Manager

Attachment - **Project Map**



Lowell Boulevard Waterline Replacement Gregory Hill Tank Site to 84th Avenue





Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: Resolution No.5 re Residential Competition Service Commitment Awards

Prepared By: Grant Penland, Principal Planner

Recommended City Council Action

Adopt Resolution No. 5 awarding Category B Service Commitments to Amberwood Estates (B-1), Park 12 Hundred (B-3), Trails at Tanglewood Creek (B-1), and Westminster Promenade (B-4 TMUND) projects.

Summary Statement

- The City received 5 Category B (new residential) and one Category E (new senior housing) applications for the 2014 Growth Management Program competition. Please see the attached map for the locations and the background section for a summary of the submittals.
- Staff has reviewed the project applications and recommends awarding Service Commitments (SC) to 4 of the 6 projects for the following reasons:
 - The Amberwood Estates project was previously awarded SCs and previously received approval of a Preliminary Development Plan (PDP) and Official Development Plan (ODP), but was not constructed due to the economic downturn. Staff believes that single-family units continue to be a good fit in the location proposed, as the proposal will conform to the Comprehensive Plan as well as the previously approved PDP and ODP.
 - The Park 12 Hundred project received partial award in 2013 for the western portion of the site. The new project proposes 38 additional SCs with development in the location recommended previously.
 - The Trails at Tanglewood Creek was also submitted in 2013, and staff has requested the developer revise and resubmit the application without the multi-family component for review and reconsideration. The revised submittal includes only single-family residential units and conforms to the Comprehensive Plan R-3.5 designation (3.5 dwelling units per acre). Additionally, the Plan is substantially better than the previous submittal. This is described further in this agenda memo.
 - The owners of the Westminster Promenade propose a mixed-use project as part of the redevelopment of the existing site. Staff believes that the introduction of multi-family will be positive in the location proposed. Staff is supportive of awarding SCs for the first phase of development 175 SCs (350 units) only, despite several site planning issues that will need to be worked through during the Official Development Plan (ODP) process.
- The attached resolution will award a total of 558 SCs beginning in 2014, enough for 893 units at 0.5 SC per unit for multi-family; and 1.0 SC per unit for single-family detached residential. This award will require an increase of 108 SCs over the 450 previously allocated by City Council for Category B at the October 12, 2013, City Council Meeting. Comprehensive Plan amendments and Preliminary and Official Development Plans will need to be approved by December 31, 2015, or the SCs would expire unless extended by Council. The resolutions relate to the City's Growth Management Program and are based on the findings established in §11-3-1 of the Westminster Municipal Code.
- The attached resolutions are contingent upon ultimate City approval of any necessary documents and do not commit the City to approve any document or project as a result of these awards.

Expenditure Required: \$0
Source of Funds: N/A

Policy Issue

As a result of the 2014 Service Commitments competition, should the City award Service Commitments as outlined below?

Alternative

Council has the option of not awarding Service Commitments to one or more of the projects. In this event, the property owners/developers can make a request during next year’s residential competition. The most significant outcome of this alternative will be that the projects would be delayed until the next competition cycle in one year, which can result in discontinued interest in the site by the developer.

Background Information

The City’s Growth Management Program was established in 1978 to aid the City in balancing growth with the City’s ability to provide and expand services including water, water treatment, sewer, police, fire, parks and recreation, etc. Within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria. The intent of these SC competitions is for a limited number of new residential projects to proceed to the City’s development review process. Although each applicant must submit a sketch plan for this competition, the City does not formally review each site plan at this stage and does not require engineering studies and plans for the projects. Any project awarded SCs must process any required documents, including Comprehensive Plan amendments, if necessary. It is not necessary for applicants to process their Comprehensive Plan amendments prior to the awards. The SC awards do not obligate the City to approve any required plan or document as a result of the award. If a project does not receive approval of any required documents, the SCs are returned to the water supply base for future allocation.

Council authorized the 2014 competition for all new residential and senior housing projects in October 2013. Council approved a total of 550 SCs for this competition, including 450 for new residential (Category B) and 100 for new senior housing (Category E).

As indicated in the table below, the projects that are recommended for award are requesting SCs beginning in the year 2014.

Project Type	Project Name	Developer	Acres	Gross DU/Acre	Score	# of SCs Requested	Recommended Award	Units Based on Award
SFD B-1	Amberwood Estates	TBD	4.54	2.86	3525	13	13	13
MULTI B-3	Park 12 Hundred	Crescent Communities	26.3	12.17	3550	160	160	320
SFD B-1	Trails at Tanglewood Creek	Century Communities	86	2.44	4275	210	210	210
TMUND	Westminster Promenade	TBD	31.86	22	n/a	350	175	350

TOTALS **148.7** **733** **558** **893**

Additional information about all of the submittals is detailed below:

Overview of each project:

Amberwood Estates

The Amberwood Estates project is located at the southwest corner of 101st Avenue and Sheridan Boulevard. The project was originally awarded 16 SCs in 2006. A combined Preliminary and Official Development Plan was approved for the residential 13 lot single-family detached project on April 26, 2010. The applicant did not commence development and the project went “stale” as a result. A combined PDP and ODP is determined to go stale if the project is more than 3-years old and no building permits within the project have been issued. The applicant is requesting the award of 13 SCs for single-family detached residential dwellings, to coincide with the previously approved PDP and ODP. The Comprehensive Plan designates the property R-3.5, or a maximum of 3.5 dwelling units per acre. The proposed density is 2.86 dwelling units per acre. Staff supports the award of 13 SCs, since the proposal will conform to the Comprehensive Plan as well as the previously approved PDP and ODP.

Park 12 Hundred

The Park 12 Hundred project is located at the northeast corner of Pecos Street and 116th Avenue. This project proposes the redevelopment of a part of the Avaya property. The proposal was awarded 122 multi-family residential SCs in 2013 by City Council. In response to prior staff direction, the applicant has requested the award of 160 multi-family residential SCs on the westerly portion of the property. The property is designated Flex/Light Industrial within the Comprehensive Plan and will require a land use designation amendment. Prior issues raised regarding the provision of adequate parking with Avaya’s site modifications have been resolved with proposed development phasing. Community Development staff supports the award of 160 SCs, provided the following issues are addressed during the ODP process.

- Public Land Dedication (PLD) should be provided meeting minimum City standards and maintained by a General Improvement District, or alternate district approved by the City.
- A public street should be provided at the north and east border of the proposed PLD.
- Adequate landscape buffering of approximately 50 feet in width should be provided abutting the PLD.
- Buildings facing the PLD should provide enhanced architectural design and features.
- Additional variation in building type should be provided.
- Garages abutting the PLD should be minimized or eliminated.
- Enhanced vehicular circulation should be included through the site.
- A pedestrian activated signal should be implemented to ensure safe crossing of Pecos Street.
- Adequate buffering and screening should be provided where the property is adjacent to loading dock areas.

Trails at Tanglewood Creek

The Trails at Tanglewood Creek project is located at the northeast corner of 128th Avenue and Huron Street. Based upon direction provided by staff as a part of the 2013 SC competition, the applicant is requesting the award of 210 SCs for single-family detached residential dwellings. The Comprehensive Plan designates the property R-3.5, or a maximum of 3.5 dwelling units per acre. The applicant is proposing a maximum density of 2.44 dwelling units per acre. The proposal’s site includes significant western views, rolling terrain, and a natural stream corridor and wetlands meandering through the eastern portion of the site, which will be preserved or enhanced. The site will be organized around a central park, with trail connections provided between Huron Street and 128th Avenue, the proposed Tanglewood Creek regional trail along the eastern open space of the property, as well as the Big Dry Creek trail to the north. The Community Development Department staff supports the award of 160 SCs, provided the following issues are addressed during the ODP process.

- A better aligned, east-west oriented open space/public park feature should be provided.
- Refined architectural style should be provided for the home models proposed to ensure an overall cohesive neighborhood.

Westminster Promenade

This project is proposed as a Traditional Mixed-Use Neighborhood Development (TMUND, per City Council's guidelines). The following is staff's evaluation of the manner in which the project meets the fundamental TMUND features and principles:

- Compact, Walkable Development: Westminster Promenade is proposed to intensify into a compact, walkable community, and this project will add multi-family homes that can take advantage of the nearby entertainment, retail and restaurants.
- Mixed-Use "Village" Center: Westminster Promenade will provide a good mix of businesses, services, and entertainment.
- Pedestrian-Oriented District: Westminster Promenade is very pedestrian-oriented. Good pedestrian connections will be needed to integrate this area with the overall Westminster Promenade development.
- Interconnected Street/Blocks: Westminster Promenade has well-connected streets and blocks. Streets and blocks within this project will be established.
- Narrow Streets: Several roadways within Westminster Promenade will be modified to become narrower and pedestrian friendly.
- Variety of Parks: The proposal will provide the opportunity for multiple park/plaza areas, supplying opportunities to both residents and visitors.

Concerns from the Design Jury included:

- The application was missing information.
- A signalized pedestrian crossing should be provided to connect part of the development.
- One block requires redesigning to ensure adequate building separation for the residential units surrounding the internal green space.
- The surface parking should be incorporated into the structured parking to allow additional residential development on the western side of the block.
- Since an alternative location has not been proposed, the overhead power line should remain in its current position.
- Urban open space opportunities should be refined and all locations should provide a pedestrian-encouraging realm.
- Pedestrian and cyclist connectivity should be enhanced.
- Building massing and the relationship of the buildings to the street requires improvement.
- Corner buildings need enhanced architectural features, materials, and fenestration.
- The 2 residential buildings shall be highly visibly, placed along main roadways and located within the heart of activity areas within the project.

All of these issues can be addressed during the ODP process.

Two other projects that are not being recommended for award at this time include Crown Point at Standley Lake (TMUND) and Landmark Assisted Living Homes (senior housing).

The Crown Point proposal includes single-family detached residential dwellings on varied sized lots with green courts and garden plots, which staff has not been supportive of in the past on this site. Concerns with the Crown Point submittal include:

- Lack of public streets and potential for vehicular/pedestrian conflicts on private roadways.
- Uncoordinated fencing placement and building orientation.
- Diminutive-sized green court.
- Poor buffering and edge treatments between residential and commercial development.

Staff has recommended that the developer revise and resubmit the application for review and reconsideration. Provided the developer can address the aforementioned issues, staff could return to City Council with a favorable recommendation of award for the project.

The Landmark Assisted Living project proposes an eighteen-bed facility. The property is currently zoned C-1 and the Comprehensive Plan designates the property as “Office” and would therefore require a land use designation amendment to allow for a residential use. Staff does not support at this time the proposed Comprehensive Plan designation change for the property, because the introduction of new residential development at this location is not looked upon favorably. Additionally, the proposal scored relatively low in comparison to other proposals and prior senior housing submittals. Staff also noted that the developer’s proposed incentive for the installation street trees along local and private streets will not be achievable through development, and cannot be considered valid.

Notification letters were emailed on January 28, 2014, to the applicants indicating staff’s recommendation for the City Council meeting. Because detailed site development plans are not reviewed as part of this competition process, and significant changes typically occur during the development review process, the sketch plans submitted for these competitions are not reviewed with City Council as part of these competitions. The developers have been informed that presentations will not be scheduled for the City Council meeting on February 24, since the developers would tend to focus on site plans not yet reviewed with the City. The developers were also notified that, while it is not required for them to attend the City Council meeting, they are welcome.

The Service Commitment competition meets Council’s Strategic Plan Goals of “Vibrant Neighborhoods and Livable Communities” and “Beautiful and Environmentally Sensitive City,” by balancing growth with the City’s ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types.

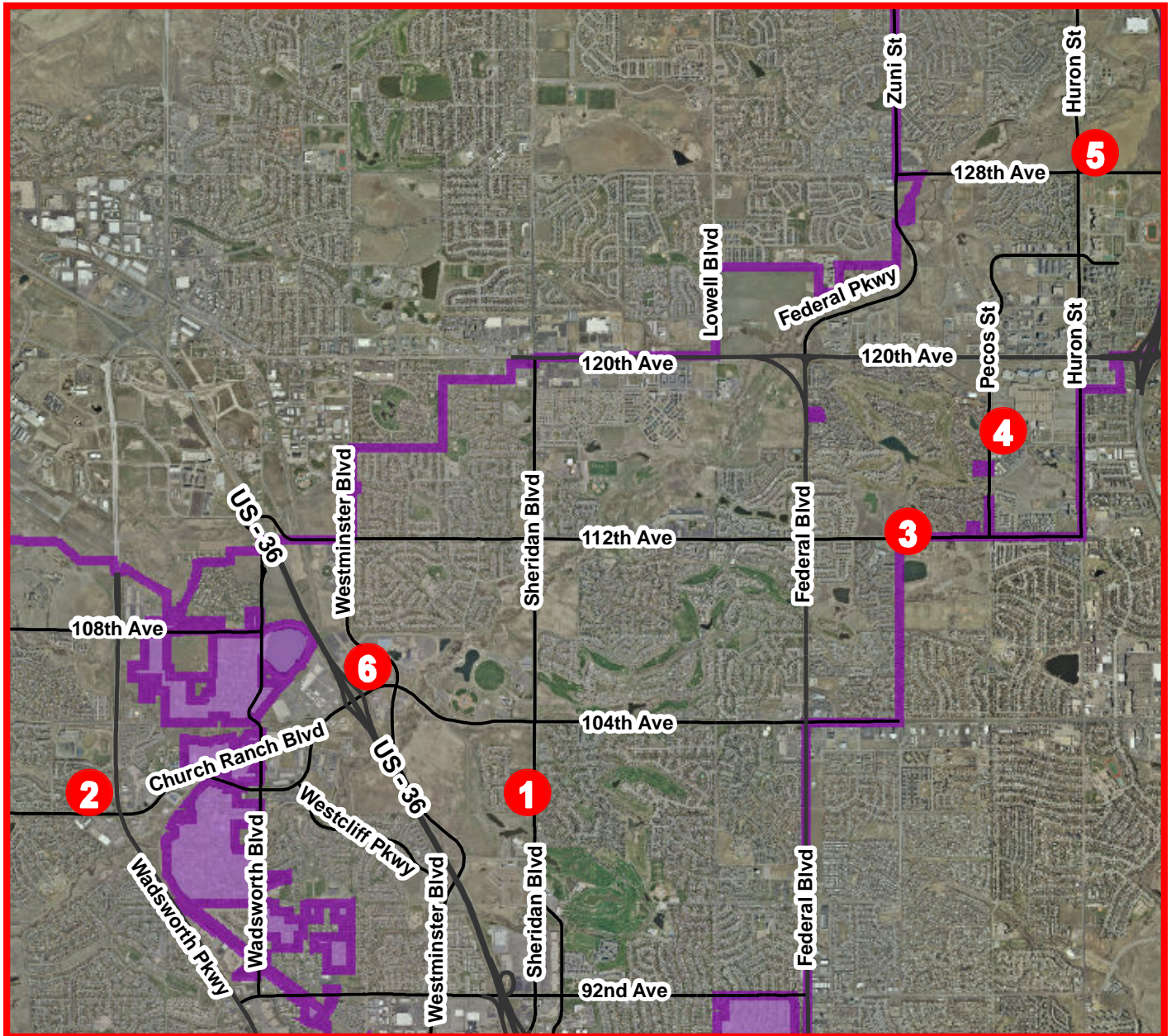
Respectfully submitted,

J. Brent McFall
City Manager

Attachments

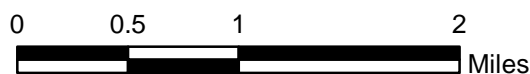
- Attachment A - 2014 Service Commitment Competition Entries Map
- Resolution (Category B)

Attachment A - 2014 Service Commitment Competition Entries



City of Westminister Planning/Engineering (GIS) - DWG - 02-05-2014

- | | | |
|----------|-----------|-------------------------------------|
| 1 | SFD B-1 | Amberwood Estates |
| 2 | TMUND | Crown Point at Standley Lake |
| 3 | Senior E | Landmark Assisted Living |
| 4 | MULTI B-3 | Park 12 Hundred |
| 5 | SFD B-1 | Tanglewood Creek |
| 6 | TMUND | Westminister Promenade |



RESOLUTION

RESOLUTION NO. 5

INTRODUCED BY COUNCILLORS

SERIES OF 2014

**A RESOLUTION CONCERNING
CATEGORY B (NEW RESIDENTIAL)
COMPETITION AND SERVICE COMMITMENT AWARDS**

WHEREAS, the City of Westminster has adopted, by Ordinance No. 3561, a Growth Management Program for the period 2011 through 2020; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded in Category B (new residential) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new single family detached (Category B-1) development is limited, and the City of Westminster has previously adopted Resolution No. 54, Series of 2003, specifying the various standards for new single family detached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City's ability to absorb and serve new single family attached (Category B-2) development is limited, and the City of Westminster has previously adopted Resolution No. 55, Series of 2003, specifying the various standards for new single family attached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City's ability to absorb and serve new multi-family development (Category B-3) is limited, and the City of Westminster has previously adopted Resolution No. 56, Series of 2003, specifying the various standards for new multi-family projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City's ability to absorb and serve new Traditional Mixed Use Neighborhood Development (Category B-4) is limited, and the City of Westminster has previously adopted Resolution No. 30, Series of 2006, specifying the various standards for new Traditional Mixed Use Neighborhood Development projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has previously allocated 450 Service Commitments for the year 2014 for use in servicing new residential developments in Category B and 100 Service Commitments for the year 2014 for use in servicing new senior housing developments in Category E, based on the criteria set forth in Chapter 11-3 of the Westminster Municipal Code; and

WHEREAS, the City Council of the City of Westminster desires to allocate 558 Service Commitments for the year 2014 for the year 2014 for use in servicing new residential developments in Category B, based on the criteria set forth in Section 11-3-1 of the Westminster Municipal.

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

1. Category B Service Commitment awards are hereby made to the specific projects listed below as follows:

Service Commitment Category	Project Name (Location)	Award
Single Family Detached, Category B-1	Amberwood Estates (SWC 101 st Avenue & Sheridan Boulevard)	13
Multiple Family, Category B-3	Park 12 Hundred (NEC Pecos Street & 116th Avenue)	160
Single Family Detached, Category B-1	Trails at Tanglewood Creek (NEC 128th & Huron)	210
Traditional Mixed Use Neighborhood Development, Category B-4	Westminster Promenade (NEC Highway 36 & Church Ranch Boulevard)	175
	TOTAL	558

2. These Service Commitment awards to the projects listed above are conditional and subject to the following:
 - a. If applicable, the applicant must successfully amend the Comprehensive Plan.
 - b. The applicant must complete and submit an amended Preliminary Development Plan for the required development review processes.
 - c. The applicant must complete and submit proposed development plans in the form of an amendment to the Official Development Plan to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
 - d. Service Commitment awards for the projects listed above may only be used within the projects specified above.
 - e. These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
 - f. Each Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of any project, proposed density or proposed number of units.
 - g. The City of Westminster shall not be required to approve any Annexation, Establishment of Zoning, Preliminary Development Plan or amendment, Official Development Plan or amendment necessary for development of property involved in any Category B award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B award.
 - h. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.

- i. The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
 - j. Awards shown for the year 2014 are effective as of the date of this Resolution (February 24, 2014) and a project must demonstrate continued progress or the service commitment award will expire unless extended by City Council.
 - k. In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
 - 1) The project must proceed with the development review process and receive approval for a Comprehensive Plan amendment, if required, by December 31, 2015.
 - 2) The project must proceed with the development review process and receive Preliminary Development Plan and Official Development Plan approval by December 31, 2015, or the entire Service Commitment award for the project shall expire.
 - 3) The project must be issued at least one building permit for vertical improvements within three years of Official Development Plan approval (no later than December 31, 2018), or the entire Service Commitment award for the project shall expire.
 - 4) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no new building permit is issued for vertical improvements for the project during any consecutive 12-month period and the project is not deemed an "Active" development.
 - l. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
 - m. This award resolution shall supersede all previous Service Commitment award resolutions for the specified project locations.
3. The Category B Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

PASSED AND ADOPTED this 24th day of February, 2014.

Mayor

APPROVED AS TO LEGAL FORM:

ATTEST:

By: _____
City Attorney's Office

City Clerk



Agenda Memorandum

City Council Meeting
February 24, 2014



SUBJECT: Councillor's Bill No. 4 re 87th Avenue and Wadsworth Boulevard Lift Station Replacement Project Supplemental Appropriation for Services During Construction and Construction Contingency

Prepared by: Dan Strietelmeier, Senior Engineer
Stephen Grooters, Senior Projects Engineer

Recommended City Council Action

Pass Councillor's Bill No. 4 on first reading appropriating funds from the Wastewater Capital Projects Reserve in the amount of \$287,600 for the 87th Avenue & Wadsworth Boulevard Lift Station Project; and authorize the City Manager to execute a contract amendment with Carollo Engineer's Inc. for additional services during construction in the amount of \$125,000 increasing the contract with Carollo Engineer's, Inc. from \$781,603 to \$910,041; and authorize an additional 5% construction contingency in the amount of \$162,600 for the construction contract with RN Civil Construction increasing the total authorized expenditure amount inclusive of contingency, to \$3,739,800.

Summary

- Replacing the 87th Avenue and Wadsworth Boulevard Lift Station is a high-priority, time-sensitive project currently in construction.
- Overall, project construction is currently 65% complete.
- Field conflicts encountered thus far have been negotiated with the contractor for cost impacts and project change orders.
- The sum of change orders is near the 10% contingency previously authorized by Council. Staff is requesting an additional 5% contingency be authorized to cover potential change orders through project completion.
- Project changes encountered so far have required engineering services beyond what was anticipated at the start of the project.
- Staff recommend amending the engineering contract with Carollo Engineers to cover these added costs and maintain their participation through project completion.
- These additional expenses were discussed with City Council at the February 10, 2014, post meeting, and Council directed Staff to bring this item forward for official consideration.
- Completion of the project is anticipated this summer.

Expenditure Required: \$287,600

Source of Funds: Wastewater Capital Projects Reserve Fund

Policy Issues

1. Should the necessary funds be appropriated from the Wastewater Capital Projects Reserve Fund to the 87th Avenue and Wadsworth Boulevard Lift Station Project?
2. Should the City authorize a contract amendment with Carollo Engineers, Inc. for engineering services through project completion?
3. Should the City authorize an additional 5% project contingency for potential changes through project completion?

Alternatives

1. City Council could choose to not appropriate funds from the Wastewater Capital Projects Reserve Fund however this is not recommended, as there are insufficient funds in the project account to complete the full scope of the project. The project scope could be reduced but this is not recommended because the full project scope is necessary to meet the project goals of improving the reliability of the sewer system.
2. City Council could choose not to authorize a contract amendment with Carollo Engineers and to complete the project within the engineering budget anticipated and approved by City Council at the start of the project. This is not recommended as the City's contract documents require the engineer to respond to project changes, which has resulted in unforeseen effort. Staff believes it is in the best interest of the City to maintain Carollo's involvement in the project to help mitigate risks to the City through project completion.
3. City Council could choose not to authorize additional project contingency funds. This is not recommended because the project remains the highest priority project in the wastewater collection system and scope elements critical to the success of the project may have to be eliminated in order to complete the project within currently appropriated funds.

Background Information

Staff evaluated the condition and performance of the City's sanitary sewer collection system and lift stations and provided recommendations for improvements. The highest priority improvement was to replace the existing 87th Avenue and Wadsworth Boulevard lift station. This project is currently in construction and is approximately 65% complete.

The project incorporates several complicating factors that affect both project cost, phasing, potential for changes required in the field, and overall construction schedule including:

1. The project construction is very complex and required specialty horizontal drilling underneath Wadsworth Boulevard, electrical components, communications system and construction in heavily congested utility corridors along CDOT right of way.
2. The project involves coordination with multiple stakeholders including two property owners, the Colorado Department of Public Health and Environment and CDOT.
3. Tight work restrictions included in the construction contract to accommodate concerns raised by the property owner.
4. The presence of swelling clay soils at the site result in the need for special construction features for the lift station foundation including construction on drilled piers and deep over excavation with specialty imported backfill for the foundation of the overflow tank.

As a result of these factors there have been some field changes during construction. These changes have been added to the project using project contingency funds and include:

- 1) Realigning, lengthening, and deepening the pipeline borings due to several utilities that were unmarked or mismarked by the utility owner and resulted in conflicts. During construction excavation these utilities were discovered and required a redesign of the project pipeline.
- 2) Storing stockpile of soil material off-site due to restrictions on the use of the CDOT right-of-way.
- 3) Removing sections of an old, abandoned groundwater remediation system associated with previous gas spills from the Diamond Shamrock gasoline station.

- 4) Additional project expenses related to improvements to the parking lot during construction, fabrication of additional project signs to help direct mall patrons, additional areas of temporary pavement, and enhanced decorative features for the screening wall that required modifications to the structure foundation.
- 5) Miscellaneous field modifications typical for projects of this type (both adds and deducts).

The total of the above items is approximately \$303,000. This is within the project funds authorized and approved by City Council, but has required most of the project’s 10% contingency. Before a potential cost overrun occurs, staff are requesting an increase in contingency from 10% to 15% (an addition of \$162,600 to the total contingency) to cover potential costs through project completion. While this is a higher contingency when compared to average capital projects, a 15% contingency is more appropriate given this project involves deep excavation and pipeline construction within a tight utility corridor. The additional contingency would bring the total construction budget to \$3,739,800.

With regards to Carollo’s engineering contract, their team has assisted the City with responses to contractor claims and helping make necessary changes in the field required to keep the project progressing. That said, these efforts have led to engineering efforts beyond that anticipated at the start of the project. Staff have worked with Carollo to identify ways of closing out the project successfully, including the option of scaling back their involvement with the project to avoid an increase in the cost of their contract. However, Staff believes it is in the best interest of the City to maintain Carollo’s involvement in this complex project to help mitigate risks to the City. Based on current project progress, Staff recommends approval of a contact amendment of \$125,000 to sustain Carollo’s involvement at current levels through project completion. This amendment would bring Carollo’s total contract amount for design and construction management services to \$910,041.

In order to fund these project costs Staff recommends using the Wastewater Capital Projects Reserve (CPR) as per the City Council adopted fiscal policy. The current balance in the Wastewater CPR is \$3,496,687.

These appropriations will amend the Utility Capital Project Reserve Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2070.40020.0000	\$8,439,714	<u>\$287,600</u>	\$8,727,314
Total Change to Revenues			<u>\$287,600</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers Wastewater	20710900.79800.0210	\$0	<u>\$287,600</u>	\$287,600
Total Change to Expenses			<u>\$287,600</u>	

These appropriations will amend the Wastewater Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers from Utility CPR Fund	2100.45000.0207	\$0	<u>\$287,600</u>	\$287,600
Total Change to Revenues			<u>\$287,600</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
87 th & Wadsworth Lift Station Replacement	81121035801.80400.8888	\$47,640	<u>\$287,600</u>	\$335,240
Total Change to Expenses			<u>\$287,600</u>	

The 87th Avenue and Wadsworth Boulevard Lift Station Replacement Project helps achieve the City Council’s Strategic Plan Goals of “Financially Sustainable City Government Providing Exceptional Services” and “Vibrant Neighborhoods In One Livable Community” by contributing to the objectives of well-maintained City infrastructure and facilities. With the new lift station in place, residents will receive more reliable sewer services with reduced risk of system failures.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **4**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE 2014 BUDGET OF THE UTILITY CAPITAL
PROJECT RESERVE AND WASTEWATER FUNDS AND AUTHORIZING A
SUPPLEMENTAL APPROPRIATION FROM THE 2014 ESTIMATED REVENUES IN THESE
FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2014 appropriation for the Utility Capital Project Reserve and Wastewater Funds initially appropriated by Ordinance No. 3655 is hereby increased by \$575,200. This increase is due to the appropriation of reserve funds.

Section 2. The \$575,200 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item **10 B**, dated February 24, 2014 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Utility Capital Project Reserve Fund	\$287,600
Wastewater Fund	<u>287,600</u>
Total	<u>\$575,200</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 24th day of February, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of March, 2014.

ATTEST:

Mayor

City Clerk

AGENDA

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
SPECIAL MEETING**

MONDAY, FEBRUARY 24, 2014

AT 7:00 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (January 27, 2014)
- 3. Public Hearings and New Business**
 - A. Public Hearing re WEDA Budget Amendment
 - B. Resolution No. 152 re 4th Quarter Supplemental Appropriation to 2013 WEDA Budget
 - C. Downtown Westminster Grading Design Contract
 - D. Downtown Westminster Urban Planning Services Contract Amendment
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, JANUARY 27, 2014, AT 7:48 P.M.

ROLL CALL

Present at roll call were Chairperson Atchison, Vice Chairperson Winter and Board Members Baker, Briggs, Garcia, Pinter, and Seitz. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Secretary.

APPROVAL OF MINUTES

Board Member Briggs moved, seconded by Vice Chairperson Winter, to approve the minutes of the meeting of December 9, 2013, as written. The motion carried unanimously.

WESTMINSTER CENTER URBAN REINVESTMENT PROJECT CONSULTANT CONTRACTS

Board Member Pinter moved, seconded by Vice Chairperson Winter, to authorize the Executive Director to enter into one-year agreements with the Laramie Company and John M Mullins and Associates, Inc. to provide consultant services regarding the redevelopment of the Westminster Center Urban Reinvestment Project (WURP) property. The motion passed on a 6:1 vote with Board Member Baker voting no.

Secretary's Note: Before voting occurred, Chairperson Atchison noted the amount of these contracts was \$287,000 rather than \$182,500 as had been listed in the agenda memorandum.

ADJOURNMENT

There was no further business for the Authority's consideration, Chairperson Atchison adjourned the meeting at 7:50 p.m.

Chairperson

ATTEST:

Secretary

WEDA Agenda Item 3 A-B

Agenda Memorandum

Westminster Economic Development Authority Meeting
February 24, 2014



SUBJECT: Public Hearing and Resolution No. 152 re Westminster Economic Development Authority 4th Quarter Supplemental Appropriation to 2013 budget

Prepared By: Karen Creager, Accountant

Recommended Board Action

1. Hold a Public Hearing on the budget amendment for the Westminster Economic Development Authority.
2. Adopt Resolution No. 152 authorizing a supplemental appropriation to the 2013 Westminster Economic Development Authority budget.

Summary Statement

- When necessary, City Staff prepares a resolution to appropriate unanticipated revenues and adjust the budget side of transactions that occur during the year. Typically supplemental appropriations are prepared on a quarterly basis for the Westminster Economic Development Authority (WEDA) to simplify administrative procedures and reduce paper work.
- This is the fourth quarter supplemental appropriation for WEDA for 2013.
- 2013 Amendments:
 - North Huron Urban Renewal Area (URA)
 - \$9,732 Interest earnings Orchard Parkway
 - \$115,793 Carryover for Orchard Parkway
 - \$71 Interest earnings Huron Street
 - \$100 Interest earnings McKay Drainage
 - Westminster Center East URA
 - \$1,032 Carryover
 - Westminster Center Urban Reinvestment Plan (WURP) URA
 - \$281,395 Rental income
 - \$10,605 Carryover
- A public hearing is required pursuant to Section 29-1-108 of the Colorado Revised Statutes.

Expenditure Required: \$418,728

Source of Funds: Interest earnings, rents and carryover from prior years

Policy Issue

Should the WEDA Board appropriate funds as set forth in the attached Resolution?

Alternative

The Board could decide not to appropriate funds. This is not recommended as the interest earnings on the bond and loan proceeds are restricted to specific uses, the rents received from the remaining tenants at the former Mall site are needed for the continued efforts of redeveloping the former Westminster Mall site, and the loan proceeds not previously appropriated from the North Huron 2012 loan are needed to cover expenses for the Orchard Parkway project as required in the loan agreement.

Background Information

Holly Park URA

On April 22, 2013, interest earned on project funds in prior years was appropriated to the operating budget. However, the expenses necessary to prepare the property for sale are more appropriately recorded in the capital project. Therefore, a budget revision is required to move funds from operating to the Holly Park capital project (CIP). While this action does not change the total appropriations in the URA, Staff has included this change in the attached supplemental appropriation in order to receive Board approval to move \$36,780 from operating to the CIP.

North Huron URA

Carryover

When the loan for North Huron was refinanced in 2012, additional project funds of \$6.5M for Orchard Parkway were included as part of the refinancing. The flow of funds for Orchard Parkway provides for the City's General Capital Improvement Fund to pay the cost of construction and for WEDA to reimburse those costs. The additional project funds were intentionally left unappropriated in WEDA in 2012 and preserved to be appropriated as needed for reimbursement to the City. Staff has developed a schedule for the actual cost reimbursement on a monthly basis. In order to provide the necessary budget to cover the balance of the 2013 reimbursements to the City, Staff is requesting appropriation of prior year loan proceeds, which are now characterized as carryover, of \$112,375.

Interest Earnings

WEDA issued debt to fund the improvements to the North I-25 corridor from 136th Ave to 150th Avenue. While a significant portion of the improvements have been completed, there are still improvements under construction and the bond proceeds continue to earn interest and will do so until the proceeds are completely spent. These earnings should be appropriated to the projects still in progress. A portion of these earnings has been appropriated through previous routine quarterly supplemental appropriations. Additionally the unspent project funds for Orchard Parkway will earn interest until spent. The total amount of interest earnings on project funds that has not been previously appropriated is \$13,321. Of this amount, \$3,418 was earned in a prior year but not appropriated and is included in the carryover line below. The balance of \$9,903 was earned in 2013 and is shown below as interest earnings.

Westminster Center East URA

On January 28, 2008, the Board approved an intergovernmental cooperation agreement with Hyland Village Metropolitan District (District) to release the additional property tax increment revenues attributed to the District's mill levy to the District for use in paying debt service and other operation costs of the District. Annually, the WEDA budget includes an estimate of the amount to be released to the District. In 2013, the actual amount released to the District was \$767 greater than the amount budgeted.

Additionally, the actual property tax increment revenue received was slightly higher than budgeted. Accordingly the collection fee paid to the County is \$265 slightly higher than budgeted. In order to cover the budget overage in these two accounts, Staff is requesting an appropriation of prior year excess revenues, or carryover, of \$1,032.

Westminster Center Urban Reinvestment Project Area

Although only a few tenants at the Mall site continue to operate during the redevelopment, monthly rents are received from these tenants. There are unappropriated rents received in 2013 of \$281,395 as well as prior year interest earnings, or carryover, of \$10,605. Therefore, Staff is requesting that unappropriated rents and carryover totaling \$292,000 be appropriated to the WURP project to continue the redevelopment efforts.

The amendment listed in the attached resolution will bring WEDA's accounting records up-to-date to reflect the various detailed transactions.

The action requested in this agenda memorandum relates to Council's Strategic Plan goals of "Strong, Balanced Local Economy" and "Financially Sustainable City Government Providing Exceptional Services." These goals are met by ensuring a balanced budget where revenues are appropriated to expenditure accounts so the funds can be utilized as intended including improvements on land held for resale, infrastructure improvements, ICA obligations and the redevelopment of the former Westminster Mall site.

Respectfully submitted,

J. Brent McFall,
Executive Director

Attachment – Resolution

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **152**

INTRODUCED BY BOARD MEMBERS

SERIES OF 2014

**2013 WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
BUDGET SUPPLEMENTAL APPROPRIATION**

WHEREAS, the Westminster Economic Development Authority (WEDA) initially adopted the 2013 budget on October 8, 2012 and

WHEREAS, proper notice for this amendment was published on February 20, 2014, pursuant to the requirements of Section 29-1-106 Colorado Revised Statutes; and

WHEREAS, a public hearing for this amendment was held on February 24, 2014, pursuant to the requirements of Section 29-1-108 Colorado Revised Statutes; and

WHEREAS, as necessary a resolution to make adjustments to the budget is presented to the Board; and

WHEREAS, there are adjustments to be made to the 2013 budget; and

WHEREAS, the revenue adjustment consists of an increase of \$418,728; and

WHEREAS, the expense adjustment consists of an increase of \$418,728.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Westminster Economic Development Authority:

Section 1. The \$418,728 increase shall be allocated to WEDA Revenue and Expenditure accounts as described below:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover - North Huron	6800.40020.0183	\$(434,689)	\$115,793	\$(318,896)
Interest Earnings	6800.42520.0183	0	9,903	9,903
Carryover - Westminster Center East	6800.40020.0189	165,681	1,032	166,713
Carryover - WURP	6800.40020.0191	363,128	10,605	373,733
Rents	6800.40900.0191	128,394	<u>281,395</u>	409,789
Total Change to Revenues			<u>\$418,728</u>	

EXPENDITURES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contractual Svcs	68010900.67800.0187	\$37,200	\$(36,780)	\$420
Appropriation Holding	80568030419.80400.8888	20,630	36,780	57,410
Appropriation Holding	80968030953.80400.8888	747,269	192	747,461
Appropriation Holding	80568030710.80400.8888	97,610	149	97,759
Appropriation Holding	81268030997.80400.8888	168,200	125,355	293,555
Contract Services	68010900.67800.0189	87,000	767	87,767
Other Financing Uses	68010900.78800.0189	6,414	265	6,679

WURP City Participation	80968005952.80400.8888	5,646,528	<u>292,000</u>	5,938,528
Total Change to Expenses			<u>\$418,728</u>	

Section 2. The resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED 24th day of February, 2014.

ATTEST:

Chairperson

Secretary

WEDA Agenda Item 3 C

Agenda Memorandum

Westminster Economic Development Authority Meeting
February 24, 2014



SUBJECT: Downtown Westminster Grading Design Contract

Prepared By: David W. Loseman, Assistant City Engineer

Recommended Board Action

1. Based upon the recommendation of the Executive Director, find that the public interest will be best served by a negotiated contract with Martin/Martin, Inc. for the design of site grading at the Downtown Westminster project; and
2. Award the grading design contract to Martin/Martin, Inc., authorize the Executive Director to execute a contract in the amount of \$119,390 for this work and authorize an additional \$25,000 as a design contingency.

Summary Statement

- Over the past few years, the Westminster Economic Development Authority (WEDA) has acquired approximately 90% of the former Westminster Mall site, and Staff believes that it is in the City's best interests to remove any remaining asphalt, curb, gutter and minor structures as well as perform the over lot grading of the site in preparation for the eventual redevelopment of the property. Exceptions to the proposed scope of work include the JC Penney lease area, the Brunswick Bowling Alley, Dr. McMurtrey's dental office, the Olive Garden lease area and the U.S. Bank lease area.
- Martin/Martin, Inc. is recommended for the preparation of these construction documents as a sole source selection because this is the engineering firm currently working as a subconsultant to Torti Gallas and Partners Inc, on the development of the Master Official Development Plan (MODP) for the Downtown Westminster project. It is Staff's belief that this firm's familiarity with the site and their previous work accomplished on the MODP allow Martin/Martin to provide superior services to the City that would not be available from any other engineering consultant. Martin/Martin's fee of \$119,390 is approximately 3% of the anticipated cost of this construction, which is a very favorable fee as compared to the fees associated with other similar projects.
- The recommended \$25,000 contingency is reasonable for a project of this magnitude and complexity.

Expenditure Required: \$144,390

Source of Funds: Westminster Center Urban Reinvestment Project Capital Improvement Project

Policy Issue

Should the WEDA Board proceed with the remaining demolition and overall grading of the Downtown Westminster site?

Alternative

The WEDA Board could chose to not move forward with this project. City staff recommends the approval of this contract for demolition and grading activities since this action will demonstrate to potential developers that the City is ready to proceed with the redevelopment of the property in an aggressive manner.

Background Information

Over the past few years, the Authority has purchased many properties at the former Westminster Mall, making WEDA the owner of approximately 90% of the site. In 2012, the demolition of the old Mall began with the first phase of this effort being the demolition of the Mervyn's, Macy's, Steak and Ale and theater buildings. The second phase of demolition included the Dillard's, Montgomery Ward's, Sears, Sears Automotive and the main Mall corridor buildings - essentially all structures within the Mall complex with the exception of the J.C. Penney store. As part of this next proposed demolition and grading project, accommodations for fire protection, parking lot lighting and electrical, gas, water and sanitary sewer services will be made to maintain all of these services to the J.C. Penney, Olive Garden, U.S. Bank, Brunswick Bowling and Dr. McMurtry's properties once the demolition and grading are completed.

Staff is recommending the use of Martin/Martin Inc. as the sole source consultant to prepare the construction documents for the proposed work. This firm is currently serving as a subconsultant to Torti Gallas and Partners, Inc., the planning firm previously hired by the WEDA Board to prepare the Preliminary Development Plan (PDP) and Master Official Development Plan (MODP) for Downtown Westminster. The MODP will include a preliminary grading plan, which will be designed by Martin/Martin. Therefore, Staff believes that it would be logical to hire Martin/Martin to prepare the construction package of the final grading activity, too. The fee that Martin/Martin proposed for the grading work is \$119,300, which is approximately 3% of the cost of construction. This design fee percentage is much less than that of many other past projects performed by the City and is largely due to the fact that Martin/Martin is currently working on the MODP as a consultant. Under Staff's current schedule, the demolition and grading of the property can begin in Spring 2014.

While the over lot grading work is being completed this spring and summer, the final design of some of the roadway infrastructure to serve the site will be performed. Staff is currently seeking proposals from many local design firms to prepare the roadway coinstruction package with a goal of beginning roadway construction in late 2014. Once this consultant selection process is completed, Staff will request the Boards' approval of a roadway design contract so that this next phase of the project can proceed.

City Council action on this item meets elements of two goals in the City's Strategic Plan: Strong Balanced Local Economy and Vibrant Neighborhoods in One Livable Community.

Respectfully submitted,

J. Brent McFall
Executive Director

WEDA Agenda Item 3 D

Agenda Memorandum

Westminster Economic Development Authority
February 24, 2014



SUBJECT: Downtown Westminster Urban Planning Services Contract Amendment

Prepared By: Donald M. Tripp, Director of Parks, Recreation and Libraries

Recommended WEDA Board Action

Based on the recommendation of the Executive Director, find that the public interest is best served by entering into a negotiated contract amendment, if needed and in a form approved by the City Attorney's Office, with Project for Public Spaces (PPS) for urban planning services; and authorize the Executive Director to execute a contract amendment with PPS in an amount not to exceed \$20,000 for Phase 2 services, including concept and schematic planning and design services for public spaces related to the development of Downtown Westminster.

Summary Statement

- In January of 2014 the City entered into a sole source contract with PPS for professional urban planning services for \$50,000.
- After the initial briefing with PPS, Staff believes that it may be in the best interest of the project to continue PPS's services into a second phase that would have a total project cost not to exceed \$70,000. Per Municipal 15-1-4, this contract amendment, if needed, would exceed the allowed sole source cap and require Board approval.
- PPS's expertise will help create unique, attractive and socially, culturally, and economically vital public spaces, through a proven thorough and interactive process with Staff and potential stakeholders in the site.
- PPS provides planning services utilizing an exclusive and unique approach to developing successful public spaces (Placemaking), that they have developed through over 30 years of professional experience.
- The results of the Placemaking process will be incorporated into the Master Official Development Plan for Downtown Westminster.

Expenditure Required: Not to exceed \$70,000

Source of Funds: WEDA – WURP Project Funds

Policy Issue

Should the WEDA allow for the potential amendment to the contract for planning services with PPS relating to Phase 2 of their Placemaking approach to creating successful public spaces?

Alternative

The Board could chose not to authorize the contract amendment at this time, however, if Staff waits until the absolute necessity of the amendment is imminent, it could result in a delay to the project while obtaining Board's approval at that time. This could also disrupt the schedule for the Master Official Development Plan for this project.

Background Information

Staff has contracted with PPS for a not to exceed project cost of \$50,000. After the initial meeting with PPS, Staff feels as if it may be necessary to amend the existing contract to include a Phase 2 at a cost not to exceed \$20,000. Per Municipal Code 15-1-4 which states "Formal bidding procedures shall be followed when the amount of a purchase exceeds \$50,000, unless: City Council determines, upon recommendation of the City Manager, that the public interest will be best served by negotiated contract with a single vendor or contractor." WEDA follows City purchasing procedures. Any additional amount over the original contract amount of \$50,000 would require Board approval, and Staff is being proactive in order to maintain the necessary timeline for this project. The initial contract with PPS was sole sourced because they provide a proven, unique, and creative approach to synthesizing vital community places within the public realm.

PPS is a non-profit planning and design organization that is dedicated to advancing the comfort, attractiveness, as well as the social, cultural and economic vitality of public spaces. Founded in 1975, PPS has helped over 3000 communities, large and small, grow their public spaces into vital community places, with programs, uses and people-friendly settings that highlight local assets, spur rejuvenation and serve common needs, using structured observations, surveys, interviews, and a unique community process that puts residents and stakeholders first. PPS's unique "Placemaking" approach has evolved from the basic premise that successful public spaces are lively, secure and distinctive places that function for the people who use them. To develop successful public spaces, PPS feels that it is essential to understand the needs of both current and potential users and of community dynamics and conditions.

PPS will involve key stakeholders in the planning process through focus group interviews, as an expansion of the previous public outreach process. They will continue to involve key stakeholders who have knowledge about potential uses and activities or might be involved in future programming. Examples may include cultural organizations, the hospitality community, civic clubs (like garden clubs), business groups, and sports and recreational programs.

This Placemaking approach is a way to ensure that the City will be building a set of public spaces that achieve the goals that matter the most to the community, and that take advantage of existing community assets and knowledge. The Placemaking process could also help align the development team, city staff, and key community stakeholders on the same page regarding the uses for public spaces. The outcome of PPS's work will have an added emphasis on flexibility, access and appropriate amenities. An additional benefit from this process is best practices and training that can be applied to other City planning endeavors.

PPS's involvement in the very early stages of planning for the public spaces for Downtown Westminster supports several of the City's Strategic Plan goals, as follows: Strong, Balanced Local Economy by contributing to the successful revitalization of the Westminster Center Urban Reinvestment Area; Vibrant Neighborhoods In One Livable Community by prioritizing the need to accommodate strong community events and active city engagement; and Beautiful and Environmentally Sensitive City by increasing and maintaining green space consistent with defined goals.

Respectfully submitted,

J. Brent McFall
Executive Director

AGENDA

WESTMINSTER HOUSING AUTHORITY SPECIAL MEETING

MONDAY, FEBRUARY 24, 2014

AT 7:00 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (February 10, 2014)
- 3. Public Hearings and New Business**
 - A. Resolution No. 57 re South Westminster Arts Group Lease of 73rd Avenue Community Theater
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER HOUSING AUTHORITY
MONDAY, FEBRUARY 10, 2014, AT 7:20 P.M.

ROLL CALL

Present at roll call were Chairperson Herb Atchison, Vice Chairperson Faith Winter, and Board Members Bruce Baker, Bob Briggs, Alberto Garcia, Emma Pinter, and Anita Seitz. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Administrative Secretary.

MINUTES OF PRECEDING MEETING

Board Member Briggs moved, seconded by Seitz, to approve the minutes of the meeting of January 13, 2014, as written and distributed. The motion carried unanimously.

RESOLUTION NO. 56 LEASING RODEO MARKET TO SWAG

Vice Chairperson Winter moved, seconded by Briggs, to adopt Resolution No. 56 authorizing the Executive Director to execute a Cooperative Agreement and lease, in substantially the same form as attached, with the South Westminster Arts Group for use of Westminster Housing Authority-owned property at 3915 West 73rd Avenue, commonly known as the Rodeo Market building approving the 2014 Westminster Housing Authority Budget. On roll call vote, the motion passed unanimously.

ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 7:24 p.m.

Chairperson

ATTEST:

Administrative Secretary

WHA Agenda Item 3 A

Agenda Memorandum

Westminster Housing Authority Meeting
February 24, 2014



SUBJECT: Resolution No. 57 re South Westminster Arts Group Lease of 73rd Avenue Community Theater

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended Board Action

Adopt Resolution No. 57 authorizing the Chair to execute a Lease Agreement, in substantially the same form as attached, with the South Westminster Arts Group for use of Westminster Housing Authority-owned property at 7287 Lowell Boulevard, referred to as the 73rd Avenue Community Theater.

Summary Statement

- The Westminster Housing Authority (WHA) Board owns property at 7287 Lowell Boulevard, referred to as the 73rd Avenue Community Theater that has been leased to the South Westminster Arts Group (SWAG) as a community theater.
- SWAG is proposing to enter into a Lease Agreement with the WHA to lease the premises through October 31, 2014.
- SWAG will sub-lease the premises to Germinal Stage, a Denver-based community theater group that intends on showing two theatrical productions in 2014.
- Per the proposed lease, SWAG would pay \$10 for the lease term and be responsible for paying water, sewer, electric and gas utility costs in full for the period of the lease. SWAG would also be responsible for routine upkeep and maintenance of the building and grounds.
- The WHA would be responsible for making repairs to and replacement of structural elements and equipment including the roof, heating, ventilation and air conditioning systems, electrical and plumbing not exceeding a cost of \$500 for any single component. Any cost in excess of \$500 would require approval of the WHA Executive Director.

Expenditure Required: \$500 (estimated maintenance)

Source of Funds: 2014 WHA Budget

Policy Issue

Should the Westminster Housing Authority lease the property at 7287 Lowell Boulevard to the non-profit South Westminster Arts Group (SWAG) for \$10.00 so as to activate use of the space by a theatrical company?

Alternatives

1. Do not lease the premises to SWAG. This alternative is not recommended as SWAG is in the process of securing an agreement with Germinal Stage, a theatrical company, to showcase two theatrical productions on the premises.
2. Lease the premises directly to Germinal Stage. This alternative is not recommended as the WHA is under agreement with SWAG to facilitate and support arts endeavors. SWAG has the better capability to meet the liability insurance requirements of the WHA.
3. Do not lease the premises at this time. This option is not recommended as a vacant space could be viewed as contributing to blight and be more prone to vandalism. Further, the WHA may need to continue to incur utility costs to preserve the structural integrity of the premises for future use.

Background Information

The City of Westminster initiated the South Westminster revitalization efforts in 1997 with the redevelopment of the Westminster Plaza Shopping Center. The South Westminster Strategic Revitalization Plan was thereafter prepared and approved by City Council on January 22, 2001. Significant revitalization success has been made with implementation of the plan that led to the construction of 72 new townhouses and a 12,000 square foot commercial building, several street enhancement projects, and park and library improvements.

As another implementation effort, the City saw an opportunity in pursuing and developing arts and cultural programming as a means of attracting new residents and businesses, while also providing activities and events for the existing neighborhood population. In pursuit of this goal, the South Westminster Arts Group (SWAG) was created to pursue and provide arts-related programming. Concurrent with the creation of SWAG the WHA and City of Westminster cooperated in converting the premises at 7287 Lowell Boulevard from a vehicle repair facility into a 50^{+/-} seat community-theater. The property was then leased to SWAG that, in turn, made it available for use by several theatrical companies. The most recent theatrical company stopped utilization of the premises in early 2013.

More recently SWAG has been able to attract a new theatrical company prospect to utilize the space. Germinal Stage, a well-known Denver theater company has expressed the desire to move onto the premises immediately and showcase two productions beginning in May and continuing through until the end of October. Germinal Stage intends to invest several thousand dollars to make improvements on the interior of the space to make it a more inviting environment for its patrons who generally are older. Germinal Stage is proposing to sub-lease the space from SWAG given SWAG's ability to comply with the WHA's liability insurance provisions. Germinal Stage has also indicated interest in extending their use of the premises further into 2015 should the property remain available.

As in past years, SWAG is proposing to enter into a lease agreement with the WHA to operate the community theater out of 7287 Lowell Boulevard. Staff proposes that the WHA again enter into a lease agreement (Attachment A) with SWAG for the year 2014 that includes the following terms and conditions:

- The lease would terminate October 31, 2014;
- SWAG would pay a lease rate of \$10.00 for the lease period;

SUBJECT:Resolution re SWAG Lease of 73rd Avenue Community Theater

Page 3

- The WHA would be responsible for repairs or equipment replacement relative to the roof, plumbing, electrical and heating, ventilation and air conditioning up to a cost of \$500 for each element. Any cost over \$500 would have to be approved by the Executive Director of the WHA;
- SWAG would be responsible for paying bills related to water, sanitary, electric, gas, phone and cable;
- SWAG would be responsible for general daily maintenance and upkeep of the grounds and building; and,
- SWAG would be required to carry its own liability insurance in addition to the coverage obtained by the WHA through the Colorado Insurance Colorado Intergovernmental Risk Sharing Agency (CIRSA).

The approval of the proposed lease to SWAG meets the City's Strategic Plan Goal of creating "Vibrant Neighborhoods and Commercial Areas," with the Objective to "develop Westminster as a cultural art community" by bringing theatrical productions and performances to the community.

Respectfully submitted,

J. Brent McFall
Executive Director

Attachments

- Resolution
- Lease Agreement

WESTMINSTER HOUSING AUTHORITY

RESOLUTION NO. **57**

INTRODUCED BY BOARD MEMBERS

SERIES OF 2014

**A RESOLUTION
APPROVING A LEASE AGREEMENT
BETWEEN THE WESTMINSTER HOUSING AUTHORITY
AND THE SOUTH WESTMINSTER ARTS GROUP FOR
7287 LOWELL BOULEVARD**

WHEREAS, the Westminster Housing Authority (WHA) owns property located at 7287 Lowell Boulevard; and

WHEREAS, the South Westminster Arts Group is a non-profit organization dedicated to promoting community arts activities and providing an incubator for artists' businesses; and

WHEREAS, the South Westminster Arts Group proposes to lease the property at 7287 Lowell Boulevard from the WHA in order to create a venue for local theatrical performances; and

WHEREAS, the South Westminster Arts Group (SWAG) has recruited a theatrical company that will utilize the community theater space at 7287 W. 73rd Avenue to provide performances through 2014; and,

WHEREAS, the attached Lease Agreement would allow the SWAG to provide theatrical performances to the community by subletting the building on the property to a theater company.

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Westminster Housing Authority that the Chair is hereby authorized to execute and the Authority Clerk to attest the Lease Agreement, attached hereto as Attachment "A", or a substantially similar form as approved by the Authority's Attorney.

PASSED AND ADOPTED this 24th day of February, 2014.

Chairperson

ATTEST:

APPROVED AS TO LEGAL FORM:

Secretary

Authority Attorney

ATTACHMENT "A"

LEASE AGREEMENT

This **Lease** is made between the **WESTMINSTER HOUSING AUTHORITY**, a Colorado public housing authority (hereinafter called "Lessor" or "Authority"), and **SOUTH WESTMINSTER ARTS GROUP**, a Colorado nonprofit corporation (hereinafter called "Lessee" or "SWAG").

Lessor hereby agrees to lease to Lessee, and Lessee hereby agrees to lease from Lessor, the Premises described in Paragraph 1 below, subject to the terms, conditions, and agreements set forth herein below:

1. Premises. The Premises consist of the building and property located at 7287 Lowell Boulevard, Westminster, CO, and as depicted in Exhibit 1 attached hereto and incorporated herein by reference.

2. Term and Rent. Lessor demises the above Premises for an eight (8) month term for the period commencing at 12:00 a.m. on February 25, 2014 and terminating at 12:00 a.m. on November 1, 2014, or sooner as provided herein (hereinafter, the "Term"), for a nominal rent payment for the Term in the sum of Ten Dollars (\$10.00).

3. Use. Lessee shall use and occupy the Premises for activities and functions specifically related to theatrical performances and complimentary or supporting activities and functions. The Premises shall not be used for other purposes unless approved in writing by the Lessor. SWAG will maintain records of all third-party rentals of the property and the Authority, through its staff, shall retain the right to inspect such records at any time.

4. Utilities, Care and Maintenance of Premises.

a. Lessee's responsibilities: Lessee acknowledges and accepts the Premises in their "as-is" condition. Lessee shall, at its own expense and at all times during the Term of this Lease, maintain the Premises in good and safe condition, and shall surrender the same, at termination hereof, in the same condition as received, normal wear and tear excepted. In addition, Lessee shall be responsible for:

- paying the cost of utilities as defined in paragraph 8, below.
- the routine care and maintenance of the interior of the building on the Premises of a housekeeping nature, including custodial and janitorial services, normal and reasonable cleaning, and the replacement of all consumable or expendable items such as light bulbs, cleaning, bathroom and office supplies and all items brought into the building by the Lessee
- keeping the exterior of that portion of the Premises constituting the lot at 3915 West 73rd Avenue clean and free of weeds, including the plaza area to the west of the building.

b. Lessor's responsibilities: The Lessor shall be responsible for all general repairs relative to the building on the Premises, including roofing, plumbing, mechanical and electrical equipment, that individually do not exceed \$500.00 in cost. The Lessor shall not be obligated to make substantive repair to any of said components should the cost for repair or replacement of any one component exceed \$500.00. Should the cost exceed \$500.00, repairs shall only be made upon approval of the Executive Director of the Westminster Housing Authority. The Lessor reserves the right to terminate the Lease immediately should the repair and replacement allowances as provided for above be exceeded, or upon a determination by the

City of Westminster that the premises constitute a clear and present danger to the public health, safety and welfare..

5. Alterations. Lessee shall not make any interior or exterior alterations, additions, or improvements to the building on the Premises without first obtaining the prior written consent of Authority staff. Any such alterations, additions, or improvements approved by the Authority, regardless of the party installing the same, become fixtures appurtenant to the Premises.

6. Ordinances and Statutes. Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the Premises, occasioned by or affecting the use thereof by Lessee.

7. Assignment, Subletting, and unauthorized Use. Lessee shall not assign this Lease, nor sublet or allow utilization of any portion of the Premises without the prior written consent of the Lessor, which shall be granted or refused in Lessor's sole discretion. Any such assignment, subletting or impermissible utilization without Lessor's consent shall be void and, at the option of the Lessor, grounds for Lessor's immediate termination of this Lease. Notwithstanding the foregoing, Lessor acknowledges that the parties anticipate that Lessee will sublet the Premises or portions thereof to a theatrical production and performance group.

8. Utilities. The Lessee shall provide and pay for utility charges as they become due, including those for heat, electricity, water and sewer for the duration of the lease. All applications and connections for other services desired by Lessee for the Premises shall be made in the name of Lessee only, and Lessee shall be solely liable for such charges as they become due, including those for cable, Internet, alarm and telephone services.

9. Entry and Inspection. Lessee shall permit Lessor or Lessor's agents or staff to enter upon the Premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same, and will permit Lessor at any time within sixty (60) days prior to the expiration of this Lease, to place upon the Premises any usual "To Let" or "For Lease" signs, and permit persons desiring to lease the same to inspect the Premises thereafter.

10. Possession. If Lessor is unable to deliver possession of the Premises at the commencement hereof, Lessor shall not be liable for any damage caused thereby.

11. Indemnification of Lessor. Lessor shall not be liable for any damage or injury to any person or property occurring on the Premises during the Term of this Lease. Lessee agrees to indemnify and save and hold Lessor harmless from any claims for such damage or injury, no matter how caused, except to the extent such damage or injury was the direct and proximate result of Lessor's negligent act or omission, provided, however, that nothing herein shall be deemed or construed as a waiver by Lessor of any of the protections or limitations against liability to which Lessor may be entitled under the Colorado Governmental Immunity Act. Lessee may satisfy its obligations pursuant to this paragraph by assuming the defense of and liability, if any, for any such claim brought against the Lessor, and retaining for such defense qualified legal counsel reasonably acceptable to the Authority.

12. Insurance.

a. Lessee, at its expense, shall maintain comprehensive commercial liability insurance, including coverage for bodily injury and property damage, insuring Lessee and naming Lessor as an additional insured with minimum coverage as follows: \$1,000,000 per occurrence. The insurance shall include coverage for contractual liability. Additional insurance shall be obtained in the event any aggregate limitations result in per occurrence coverage of less than \$1,000,000.

b. Prior to taking possession of the Premises pursuant to this Lease, Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional named insured. The Certificate shall provide for a ten-day written notice to Lessor in the event of cancellation or material change of coverage. To the maximum extent permitted by insurance policies that may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation that might otherwise exist.

13. Eminent Domain. If the Premises or any part thereof or any estate therein, or any other part of the building materially affecting Lessee's use of the Premises, shall be taken by eminent domain, this Lease shall terminate on the date when title vests in the condemnor pursuant to such taking.

14. Destruction of Premises. In the event that the Premises or any part of the building thereon is damaged or destroyed by any cause to an extent that renders the Premises unsafe or unusable for Lessee's purposes, either Lessee or Lessor may terminate this Lease forthwith. In no event shall the Lessor have any obligation to repair or replace the Premises in the event of any such damage or destruction and Lessee's sole and exclusive remedy in the event of such damage to or destruction of the Premises or the building in which it is located is the termination of this Lease.

15. Lessor's Remedies on Default. If Lessee defaults in the performance of any of the covenants or conditions hereof, Lessor may give Lessee notice of such default and if Lessee does not cure any such default within ten (10) days, after the giving of such notice (or if such other default is of such nature that it cannot be completely cured within such period, if Lessee does not commence such curing within such ten (10) days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this Lease on not less than twenty (20) days' notice to Lessee. On the date specified in such notice, the Term of this Lease shall terminate, and Lessee shall then quit and surrender the Premises to Lessor, without extinguishing Lessee's liability. If this Lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the Premises by any lawful means and remove Lessee or other occupants and their effects. No failure to enforce any term or condition of default herein shall be deemed a waiver as to any future enforcement.

16. Taxes. Lessee shall be solely responsible for the payment of any property or other taxes that may arise as a result of Lessee's use of the Premises. The Lessee covenants and warrants to Lessor that Lessee is exempt from all federal, state and local taxes and further, that Lessee shall take no action to cause the loss of its exemption from said taxes. Lessee further covenants and agrees with the Lessor that in the event Lessee shall lose its exemption from taxes for any reason, Lessee shall timely pay all and any taxes accruing as a result thereof. Lessee further covenants and agrees to indemnify and hold Lessor harmless against any claims or judgments for unpaid taxes resulting from Lessee's use of the Premises.

17. Attorneys' Fees. In case suit should be brought for recovery of the Premises, or for any sum due hereunder, or because of any act which may arise out of the possession of the Premises, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including reasonable attorneys' fees. For any controversy or claim arising out of or relating to this Lease, or the breach thereof, the parties agree to attempt to mediate any such disputes in good faith prior to filing any action against the other.

18. Waiver. No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.

19. Heirs, Assigns, Successors. This Lease is binding upon and shall inure to the benefit of the heirs, assigns and successors in interest to the parties.

20. Subordination. This Lease is and shall be subordinated to all existing and future liens and encumbrances against the Premises.

22. Entire Agreement. This Lease constitutes the entire agreement between the parties concerning the Premises and may be modified only by a written amendment signed by both parties.

23. Survival. Paragraphs 8, 11, and 16 through 20 inclusive shall survive any termination of this Lease by either Lessee or Lessor.

Signed as of this ___ day of _____, 2014.

WESTMINSTER HOUSING AUTHORITY

By: _____
Chair

Attest: _____
Administrative Secretary

SOUTH WESTMINSTER ARTS GROUP

By: _____
Debbie Teter, Chair

Attest: _____

APPROVED AS TO LEGAL FORM:

Authority Attorney

EXHIBIT 1

Leasable Premises – 7287 Lowell Boulevard

