



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 Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
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. 2012 Sports Officiating Services Contract
 - B. 2012 Water Meter and Meter Parts Purchases
 - C. 2012 Foothills Animal Shelter Annual Assessment
 - D. 2012 Intergraph Corporation Software Maintenance Contract
 - E. 2012 Wastewater Collection System Improvement Project/CIPP Lining
 - F. State Historical Fund Grant Application for Shoenberg Farm Milk House
 - G. 80th Avenue and Turnpike Drive Waterline Engineering and Construction Contracts
 - H. Second Reading of Councillor's Bill No. 5 re Economic Development Agreement with Trimble Navigation Limited
9. Appointments and Resignations
 - A. Resolution No. 9 re Appointments to Fill Vacancies on Boards and Commissions
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 6 re Metzger Farm Master Plan Implementation Supplemental Appropriation
 - B. Councillor's Bill No. 7 re Westminster Reformed Presbyterian Church Open Space Acquisition Grant Appropriation
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
 - A. City Council
 - B. Executive Session - Discuss strategy and progress on the sale, acquisition, trade or exchange of property or property rights for the Heritage Golf Course, pursuant to WMC section 1-11-3 (C)(2), (C)(7) and (C)(8) and CRS 24-6-402 (4)(a) and (e)
13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

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
2011-2016
Goals and Objectives

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
- Institutionalize the core services process in budgeting and decision making
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



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 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



Use

SAFE AND SECURE COMMUNITY

- Citizens are 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 stormwater management program



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 greenspace (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 27, 2012, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Faith Winter, and Councillors Herb Atchison, Bob Briggs, Mark Kaiser, and Scott Major were present at roll call. Councillor Mary Lindsey was absent and excused. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Councillor Major, to approve the minutes of the regular meeting of February 13, 2012, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall announced that several members of City Council would be in Washington, DC, at the National League of Cities Conference on March 12 when the first regularly scheduled meeting of the month would normally be conducted. If approved on the Consent Agenda, the meeting of March 12 would be rescheduled to March 19.

Following adjournment of the Council meeting, the Westminster Economic Development Authority (WEDA) Board of Directors would convene a meeting. After conclusion of that meeting, the City Council would hold a post-meeting in the Council Board Room to hear a Legislative Update from the City's lobbyist. The public was welcome to attend. Upon adjournment of the post-meeting, the WEDA Board would convene an executive session for the purpose of discussing strategy and progress on negotiations related to the Westminster Urban Center Redevelopment and the possible sale, acquisition, trade or exchange of property interests, including future leases, and provide instructions to the Authority's negotiators as authorized by Sections 24-6-402 (4)(a) and (e), C.R.S.

CITY COUNCIL COMMENTS

Councillor Atchison reported that the City Council was dealing with RTD (Regional Transportation District) and encouraged residents who were frustrated with RTD's recent announcement about the provision of rail service to the Northwest corridor to contact each member of the RTD Board of Directors to remind them that residents of the corridor still expected the rail service promised by 2014. The RTD staff would be making a recommendation to the Board on March 5 and the Board needed to hear from its constituency directly. Councillor Briggs added that the Westminster Progressive Homeowners Association had prepared petitions to protest RTD renegeing on promised rail service to Westminster. He encouraged residents to sign the petitions and insist that local taxpayers receive what had been promised when they agreed to support the RTD tax.

CITIZEN COMMUNICATION

Larry Dean "Dino" Valente, 3755 West 81st Avenue, voiced amazement at RTD's suggested provision of rapid transit bus service in lieu of promised rail service to the Northwest corridor and encouraged City Council and staff to persistently pursue promised services for Westminster taxpayers. The promise of rail service had driven redevelopment decisions and investments for years, and it was time to put all possible pressure on the RTD Board to deliver promised services.

Gary Wildung of Hidden Lake voiced his displeasure about RTD's suggested change in service to Westminster. The City and private developers had made decisions based on promises of the train coming. He urged Council to hold RTD accountable.

CONSENT AGENDA

The following actions were submitted for Council's consideration on the consent agenda: accept the January Financial Report as presented; change the date of the first regularly scheduled City Council meeting in March from March 12 to March 19, 2012; based on the City Manager's recommendation, determine that the public interest would be best served by disclaiming a copyright interest and transferring the copyright for the in-house developed "ReadingRecord" software to the Free Software Foundation so that other libraries might benefit by having the right to download and use the software as an open source solution; authorize the City Manager to enter into agreements for special legal counsel with Kathleen Odle of Sherman and Howard, in substantially the same form as attached to the agenda memo, in an amount not to exceed \$6,000 for a tax opinion on the tax treatment of the City's injury leave benefit and with such counsel as may be recommended by the City Attorney's Office in an amount not to exceed \$5,000 to advise the Finance Director in tax assessment and refund hearings held pursuant to Section 4-1-26, W.M.C.; based on the City Manager's recommendation, determine that the public interest would be best served by awarding contracts to Baker and Taylor not to exceed \$260,500, Gale Cengage not to exceed \$60,000, and Midwest Tapes not to exceed \$60,000, for a grand total not to exceed \$380,500 for the purchase of library books and electronic resources; based on the City Manager's recommendation, determine that the public interest would be best served by awarding contracts and approving 2012 expenditures to Titleist not to exceed \$70,000, Nike U.S.A. Golf Division not to exceed \$60,000, and Oakley not to exceed \$60,000; and final passage on second reading of Councillor's Bill No. 4 approving a lease agreement with Westminster AFC, Inc. for office space at the Westminster Sports Center, a City-owned indoor soccer facility located at 6051 W. 95th Avenue.

Councillors did not request that any item be removed from the Consent Agenda for individual consideration, and Councillor Major moved to approve the consent agenda, as presented. Councillor Atchison seconded the motion, and it carried unanimously.

PUBLIC HEARING ON DISSOLUTION OF NORTHEAST COMPREHENSIVE DEVELOPMENT PLAN

At 7:09 P.M., the Mayor opened a public hearing to consider executing a Termination Agreement to dissolve the Northeast Comprehensive Development Plan Intergovernmental Agreement (IGA) with Jefferson County. The Jefferson County Board of County Commissioners had voted in January 2012 to dissolve the IGA and terminate the plan. The plan had been adopted in 1996, amended and readopted in 2006, and was set to terminate in 2016. It addressed land use, design, and general planning principles for properties and was binding on all of those properties identified within the plan. Mac Cummins, Planning Manager, entered into the record the agenda memorandum and its attachments. Notice of this hearing had been published in the *Westminster Window* to inform the public. Dissolution of the plan would not have any land use implications for properties that might want to annex to the City, nor would it impact the Airport Influence Zone. The Jefferson County Board of County Commissioners had approved dissolution of the plan and signed the Termination Agreement.

Mayor McNally opened the hearing to public testimony. No one wished to speak. The hearing was closed at 7:15 P.M.

TERMINATION OF NORTHEAST COMPREHENSIVE DEVELOPMENT PLAN IGA

Upon a motion by Councillor Briggs, seconded by Councillor Atchison, the Council voted unanimously to authorize the Mayor to execute a Termination Agreement dissolving the Northeast Comprehensive Development Plan Intergovernmental Agreement with Jefferson County.

RESOLUTION NO. 8 ESTABLISHING RECOVERY CONTRACT INTEREST RATE FOR 2012

It was moved by Mayor Pro Tem Winter and seconded by Councillor Kaiser to adopt Resolution No. 8 establishing the 2012 calendar year interest rate for non-City funded public improvement recovery contracts at 5.25% and an interest rate of 3.88% for City-funded public improvements. The motion passed unanimously on roll call vote.

COUNCILLOR’S BILL NO. 5 AUTHORIZING AN EDA FOR TRIMBLE NAVIGATION LIMITED

Councillor Major moved, seconded by Mayor Pro Tem Winter, to pass on first reading Councillor’s Bill. No. 5 authorizing the City Manager to execute and implement an Economic Development Agreement with Trimble Navigation Limited. At roll call, the motion passed unanimously.

Bill Baldwin, real estate advisor with Trimble Navigation Limited, addressed Council to thank the entire City staff and the Economic Development team. Trimble Navigation was excited to remain in Westminster and expand its business.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Mayor Pro Tem Winter and seconded by Councillor Kaiser to adjourn. The motion carried and the meeting adjourned at 7:20 P.M.

ATTEST:

Mayor

City Clerk



Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: 2012 Sports Officiating Services Contract

Prepared By: Sean Layfield, Recreation Supervisor/Sports

Recommended City Council Action

Authorize the City Manager to execute a one-year contract, with the option to renew for two additional one-year terms, with Professional and Recreational Officials of Sports, Inc. (P.R.O.S, Inc.) for officiating and related services in an amount not to exceed \$85,000 annually.

Summary Statement

- The City's Purchasing Officer issued formal bids through Demand Star for sports officiating services on January 26, 2012. In addition, three vendors were mailed hard copies of the bid packet. Those vendors were Professional and Recreational Officials of Sports, Inc. (P.R.O.S, Inc.), Metro Sports, and Aurora Sports Officials. P.R.O.S., Inc., was the only vendor to submit a complete bid. Aurora Sports Officials bid did not meet requirements and was disqualified. Metro Sports did not submit a bid.
- The proposed agreement between the City of Westminster and P.R.O.S., Inc., includes the terms and conditions for P.R.O.S. to provide officiating services for senior and adult programs that are provided by the City.
- The 2012 Recreation Programs Division operating budget contains the necessary funds to contract these professional officiating services. The services to be provided by P.R.O.S., Inc., amount to approximately \$85,000 per year for adult and senior sports and is based on a per-game charge. This amount is dependent upon the number of teams that participate in each of the City's sports programs during the year. Under this proposed contract, charges for services cannot exceed \$85,000 per year.
- Revenues for these sports totaled \$225,000 in 2011 and revenues of \$230,000 are projected in 2012.
- Funds are appropriated within the Recreation Programs Division operating budget for 2012. No additional funding is requested.

Expenditure Required: Not to exceed \$85,000 annually

Source of Funds: General Fund – Recreation Programs Division Operating Budget

Policy Issue

Should the City accept a bid from P.R.O.S., Inc., and enter into a contract for officiating services for the City's recreational leagues?

Alternative

Council could choose to not award the officiating services contract to P.R.O.S., Inc., and ask Staff to re-bid the officiating services in hopes of receiving a lower bid. Staff does not recommend this as the bid received meets all of the City's criteria as well as the officiating needs of the leagues.

Background Information

The City offers ongoing athletic programs for senior citizens and adult sports leagues in the Westminster community. Basketball and softball programs provide recreational opportunities for over 7,200 participants each year. The City of Westminster has had a working relationship with P.R.O.S., Inc., for the past 20 years. Staff is recommending the City enter into a one-year contract, with the option to renew for up to two additional one-year terms, with P.R.O.S, Inc., for officiating and related services.

P.R.O.S., Inc., is responsible for training, certifying, and scheduling the officials for the following municipalities or recreation districts: Adams County YMCA; Apex; the Cities of Broomfield, Commerce City, Edgewater, Lafayette, Northglenn, and Thornton; the Hyland Hills Park and Recreation District; and the Town of Superior. P.R.O.S., Inc.'s current charges for services are \$23.75 per game per official for basketball, \$26.75 per game per official for softball, and \$22.75 per game per official for volleyball. An additional fee is charged for a one-game schedule of \$10. Charges are paid on an as-used basis.

This contract supports the City's Strategic Plan Goal of "Financially Sustainable City Government Providing Exceptional Services."

Respectfully submitted,

Barbara Opie
Acting City Manager



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: 2012 Water Meter and Meter Parts Purchases

Prepared By: Phil Jones, Utilities Operations Manager
Robert L. Booze, Distribution & Collection Superintendent

Recommended City Council Action

Upon recommendation of the City Manager, find that the public interest is best served by authorizing a negotiated purchase from the sole source provider National Meter & Automation, Inc., for new water meter replacement transponders, chambers, and disc assembly purchases in the amount of \$105,892 and cumulative purchases from National Meter & Automation, Inc., in an amount not to exceed \$121,000 for calendar year 2012.

Summary Statement

- The Utilities Division anticipates purchasing meter bodies, transponders, and repair/replacement parts for both small residential meters and large water meters.
- Staff is requesting approval to negotiate these purchases from National Meter & Automation, Inc., due to the Badger Orion meter system being a proprietary item and only available from Badger Meter Company through the authorized local distributor, National Meter & Automation, Inc.
- Throughout the year, additional ancillary purchases for meter parts, etc., beyond the \$105,892 may be necessary. Staff is requesting authorization for the base purchase of \$105,892 plus authorization to make purchases as needed throughout 2012 from National Meter & Automation, Inc., not to exceed a total of \$121,000.
- Adequate funds are budgeted and available for this expense in the Utility Fund.

Expenditure Required: Not to exceed \$121,000

Source of Funds: Utility Fund – 2012 Utilities Operations Division Budget

Policy Issue

Should City Council authorize the purchase of new meter bodies, transponders, and repair/replacement parts for large meters?

Alternative

An alternative would be to only purchase a portion of the meters, transponders, and repair parts and delay the purchase of most of the replacement transponders and parts to next year. This is not recommended as this would delay installing new meter parts, which could lead to problems with the accuracy of the meters.

Background Information

In 2005, the City began a water meter retrofit program. All existing Badger TRACE water meters were replaced or retrofitted with the new ORION transponder by the end of 2010 as these are more effective and reliable than the TRACE transponder. Badger Water Meters have long been established as the City's standard water meter. National Meter & Automation, Inc., is the western regional Badger Water Meter sole supplier. The meters and transponders furnished by National Meter & Automation, Inc., meet all required specifications set by the City.

Cost information is listed below:

<u>Quantity</u>	<u>Item</u>	<u>Unit Cost</u>	<u>Extended Cost</u>
100	Model 5/8 Orion trans unit less data profiling	\$136.20	\$13,620.00
24	1 1/2" Model 120 Orion trans unit with data profiling	\$245.01	\$5,880.24
24	2" Model 170 Orion trans unit with data profiling	\$257.11	\$6,170.64
1	3" compound series Orion trans unit with data profiling	\$1,029.12	\$1,029.12
1	4" compound series Orion trans unit with data profiling	\$1,029.12	\$1,029.12
3	6" compound series Orion trans unit with data profiling	\$1,029.12	\$3,087.36
2	6" turbo series Orion trans unit with data profiling	\$380.18	\$760.36
1	10" turbo series head assembly	\$4,908.80	\$4,908.80
1	8" turbo series head assembly	\$3,295.60	\$3,295.60
10	4" & 6" compound low side chamber	\$49.34	\$493.40
20	2" & 3" compound low side chamber	\$40.00	\$800.00
3	6" compound meter assembly	\$7,008.09	\$21,024.27
2	6" turbo series meter assembly	\$4,289.19	\$8,578.38
15	2" model 170 disc meter assembly	\$657.31	\$9,859.65
10	Fire hydrant meter body with valve and swivel fittings	\$1,050.00	\$10,500.00
2	Orion receiver antenna for meter reading	\$202.67	\$405.34
2	Badger Trimble Ranger portable programmer & data collector	\$7,225.00	\$14,450.00
	Total		\$105,892.28

Staff anticipates purchasing materials throughout 2012 for the base amount of \$105,892 but may have additional needs beyond the base amount. Staff is requesting authority to purchase material up to \$121,000 on an as-needed basis. Material will be ordered and used as required to provide accurate water meter readings. Staff is confident that the pricing provided by National Meter & Automation, Inc., is reasonable and competitive.

The Utilities Operations Division utilizes a variety of waterworks material vendors in providing the needed materials for the water and wastewater operations and programs provided by Division personnel. These on-going purchases include routine, competitively bid items, along with emergency purchases needed to address water or wastewater system critical events. Also, some are sole-source purchases since the needed item(s) are only stocked by limited or sole vendors in our area. All purchases will be made in accordance with the City's established purchasing procedures, with appropriate approvals at different levels.

The City's approach to these types of collective purchases from a single vendor is to assure that purchases in excess of \$50,000 are identified in advance and brought to City Council for approval. Additional purchases for the year 2012 from National Meter & Automation, Inc., are anticipated to total less than an aggregate \$121,000 for the entire year. Any additional purchase up to this amount will be made in accordance with the City's established purchasing procedures. Any purchase that would exceed this amount will be returned to the City Council for appropriate action.

This purchase helps achieve the City Council's Strategic Plan Goal of "Financially Sustainable City Government Providing Exceptional Services" by contributing to the objective of well-maintained City infrastructure and facilities.

Respectfully submitted,

Barbara Opie
Acting City Manager



Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: 2012 Foothills Animal Shelter Annual Assessment

Prepared By: Mike Cressman, Deputy Chief of Police
Kim Barron, Neighborhood and Support Services Commander

Recommended City Council Action

Authorize payment of \$91,718 to Foothills Animal Shelter for the City's 2012 assessment for animal shelter services.

Summary Statement

- On November 25, 1996, City Council authorized the City Manager to enter into an Intergovernmental Agreement (IGA) for the provision of all animal sheltering functions for the City of Westminster to be located at Table Mountain Animal Center (TMAC). Westminster is party to this agreement with Jefferson County, Lakewood, Wheat Ridge, Arvada, Golden, Morrison, Mountain View and Edgewater. The Agreement covers Westminster residents who live in Adams County as well as Jefferson County. In August 2010, TMAC changed its name to Foothills Animal Shelter (FAS) in conjunction with the move to the new facility located at 580 McIntyre Street in Golden.
- Annual contributions to the operating costs of FAS are shared by these nine entities and are determined by an assessment based on population. The IGA restricts these assessments paid to FAS to no more than 50% of the annual operating costs. The remaining amount is obtained through fundraising efforts.
- The amount requested is within the funds authorized by City Council for this item in the 2012 police department budget.

Expenditure Required: \$91,718

Source of Funds: 2012 General Fund – Police Department Operating Budget

Policy Issue

Should City Council authorize the expenditure of \$91,718 for Westminster's 2012 assessment of operating costs for Foothills Animal Shelter?

Alternative

The City could examine alternatives to obtaining animal sheltering services from Foothills Animal Shelter. Staff has examined alternatives for this service in the past and has not found a more cost effective option.

Background Information

In November 1996, City Council directed the City Manager to enter into an agreement with Table Mountain Animal Center for the provision of all animal sheltering functions, effective January 1, 1997. This intergovernmental agreement set out the method for calculating each participating agencies assessment for operating expenses. An annual operating budget is established by the FAS Manager and approved by a Board of Directors made up of representatives from each of the nine participating agencies. Each of those participating entities' contribution to that operating budget is determined by population. No more than 50% of FAS's annual operating budget is funded through these assessments. The remaining amount comes through fundraising efforts by the Foothills Animal Shelter Foundation.

The Foothills assessment for 2012 represents a 4% increase over the 2011 assessment of \$88,190. This increase is due primarily to increased operating costs associated with the expanded facility. Funds are budgeted in the Police Department's 2012 General Fund Operating Budget for this expense.

The new shelter, which is located at the Jefferson County Fairgrounds, replaced the previous shelter at 4105 Youngfield Service Road in August 2010 due to the building's age and condition. Construction costs and construction debt funding for the new facility is generated from mandatory dog licensing fees for all Jefferson County agencies participating in the FAS IGA, as well as charitable donations and contributions made through the FAS Foundation.

In December 2011, Council approved a \$63,250 Supplemental Assessment for the Foothills Animal Shelter. This assessment covered numerous capital expenses and an increase in operational expenses for the new and significantly larger facility. This Supplemental Assessment, combined with the regular assessment of \$88,190, authorized by City Council in February 2011, resulted in a total Assessment of \$151,440 for the City of Westminster to fund FAS 2011 operational costs. A supplemental assessment for 2012 may be requested later in the year, dependent upon actual operating costs and revenue from operations. It is possible that the total assessment for the City of Westminster in 2012 could exceed the \$91,718 being requested at this time. The Foothills Animal Shelter, FAS Board of Directors, and the participating entities are attempting to restructure the existing IGA and the underlying funding structures. Through this restructure, if accomplished, it is possible that 2012 supplemental assessments for operational expenses will not be necessary.

Action on this item supports City Council's Strategic Plan goals of Safe and Secure Community and Financially Sustainable City Government Providing Exceptional Services.

Respectfully submitted,

Barbara Opie
Acting City Manager



Agenda Item 8 D

Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: 2012 Intergraph Corporation Software Maintenance Contract

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

Recommended City Council Action

Authorize payment of \$141,393.56 to Intergraph Corporation for the 2012 Annual Software Maintenance Contract for the integrated Fire and Police Computer Aided Dispatch, Police Records Management System, Fire Records Management System, and Mobile computer application systems.

Summary Statement

- The City of Westminster purchased an integrated Computer Aided Dispatch (CAD), Police Records Management System (RMS), Fire Records Management System (FMS) and the Mobile computer applications from Intergraph Corporation in 2000. 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 March 21, 2011, City Council approved the Intergraph 2011 Annual Software Maintenance contract and annual payment of \$141,966.08.
- The 2012 annual payment extends the Intergraph annual maintenance contract through March 31, 2013. The 2012 renewal amount was reduced by \$572.52 from the 2011 renewal due to the Fire Department no longer using SunPro Fire RMS.
- It is critical for these systems to remain operational at all times and that problems with the system are addressed in a timely manner to ensure public safety response to critical incidents and emergencies. The yearly maintenance also provides for upgrades in existing software to ensure that the applications have current functionality as well as any necessary updates or repairs. The Information Technology Department strongly recommends that departments maintain current software applications and software maintenance contracts with their vendors to avoid system problems, and they support the Intergraph Corporation maintenance contract.
- This expenditure was specifically budgeted in the Police and Fire Department's 2012 General Fund operating budget and is within budget.

Expenditure Required: \$141,393.56

Source of Funds: 2012 Police General Fund Operating Budget - \$98,975.49
2012 Fire General Fund Operating Budget - \$42,418.07

Policy Issue

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?

Alternative

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

Background Information

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

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

The 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.

This request supports Council’s Strategic Plan goals of a “Safe and Secure 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,

Barbara Opie
Acting City Manager



Agenda Item 8 E

Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: 2012 Wastewater Collection System Improvement Project/CIPP Lining

Prepared By: Phil Jones, Utilities Operations Manager
Robert Booze, Distribution and Collection Superintendent

Recommended City Council Action

Upon recommendation of the City Manager, find that the public interest is best served by authorizing a negotiated contract for 2012, with the option for one additional one-year renewal (2013) with Insituform Technologies, Inc., in the amount of \$491,057, plus a 10% contingency for a total price of \$540,163 for 2012.

Summary Statement

- This project of sewer line rehabilitation activities includes the lining of approximately 25,000 feet of 8 to 10 inch small diameter sanitary sewer lines.
- Formal bids were issued and a bid opening took place on May 25, 2011. Staff reviewed the bids and recommended award of the contract to the second lowest bidder, Insituform Technologies, Inc. The lowest bidder, Tele Environmental Services, Inc. (TES), was unable to provide required references and did not meet the project experience expectations.
- At that time, Staff intended to, and thought they had requested and received approval for two additional one-year negotiated renewals, similar to the wastewater collection system maintenance program. Due to that intention and assumption, Staff completed a contract amendment for a 2012 project with similar scope and no per-unit price increase from the 2011 project. It was brought to Staff's attention on March 7, 2012, that authorization for a 2012 renewal was not part of the original 2011 Council memorandum.
- With contracts signed and in place, Insituform is ready to commence work for the City on March 20, 2012, which is earlier than normal. This is because the crew most familiar with the City will be moving to Australia after the City's project is complete and will not return to the United States until November 2012.
- Adequate funds are budgeted and available for this expenditure in the Utility Fund Capital Improvement Program (CIP) budget.

Expenditure Required: \$540,163

Source of Funds: Utility Fund Capital Improvement Program
– Sewer Line Trenchless Rehabilitation Project

Policy Issue

Should Council authorize the City Manager to execute a negotiated contract to rehabilitate defective small diameter sewers?

Alternatives

1. Delay this sanitary sewer lining rehabilitation project. This is not recommended as the City would risk additional sewer line failures and damages that may occur due to line collapse.
2. Cancel the existing contract and prepare bid documents and project specifications and re-advertise the 2012 improvement project for new bid submittals. This is not recommended, as the price per foot from Insituform was below market pricing in 2011 and their per-foot price has not increased for 2012.

Background Information

Each year, the City budgets CIP funds for the rehabilitation of deteriorated sanitary sewer lines utilizing the Cured-In-Place Pipe (CIPP) trenchless technology to achieve required pipe rehabilitation. Sewers are assigned a numerical condition rating during the annual inspection program and the most severely deteriorated lines are prioritized for rehabilitation. Typically, hydrogen sulfide gas from the sewage wears away the concrete mortar and causes joint leaks and crown corrosion along the top of the sewer lines. This can eventually cause the sewer's structural support to fail and cause a total line collapse. The selected sewer lines for this lining project are identified as a priority for rehabilitation due to their advanced deteriorating condition.

The entire wastewater collection system consists of 10,725 individual line segments, totaling 382 miles. The entire system has now been inspected and rated. The project scope of work for the 2012 Wastewater Collection System Improvement Project/CIPP Lining addresses the most serious defects in about 4.7 miles of 8" and 10" sewer pipe. The sum for 2012, and for the optional 2013 renewal period, is negotiated and agreed upon by both parties. Any adjustments must not exceed the annual percent change of the Denver-Boulder CPI/U. The adjustment from 2011 to 2012 was 0%.

Trenchless technology has proven very successful and is minimally disruptive for residents and traffic. This process of rehabilitating sewer lines has been successfully utilized by the City in past years and has been a reliable method of repair. The majority of the work in this contract is in the area south of 92nd Avenue and west of Lowell Boulevard, but a few lines are being addressed in other parts of the City. Attached is a project area map that illustrates the specific areas to be completed in this project.

The 2011 Wastewater Collection System Improvement Project/CIPP Lining was advertised and bids were opened on May 25, 2011. Seven contractors submitted bids. The low bidder, Tele Environmental Systems, Inc., was not able to supply Staff with sufficient documentation that they met all of the criteria in the bid documents that would qualify them as responsible or experienced enough to complete this project. As a result, the decision was made to recommend the second lowest bidder, Insituform Technologies, Inc. The City has utilized the services of Insituform Technologies, Inc., in the past for sewer lining projects and has been satisfied with the quality of their work. Insituform Technologies, Inc., has a long work history with the City and just finished the City's 2011 CIPP project completing nearly 65,000 feet of CIPP lining.

The results of the submitted 2011 bids for this project are as follows:

CIPP Lining Project Bids 8” – 10” Pipe

Tele Environmental Services	\$454,475
Insituform Technologies	\$488,124
PEC	\$533,818
SAK	\$548,331
Western Slope Utilities	\$579,755
Reynolds Inliner	\$615,608
C&L Water Solutions	\$633,209

Staff anticipates that Insituform Technologies, Inc., will commence work in March and complete this sewer lining project by June 29, 2012.

This project helps achieve the City Council’s Strategic Plan Goals of Financially Sustainable City Government Providing Exceptional Services; Safe and Secure Community; and Vibrant Neighborhoods and Commercial Areas by meeting the following objectives: well-maintained City infrastructure and facilities, and maintain and improve neighborhood infrastructure and housing.

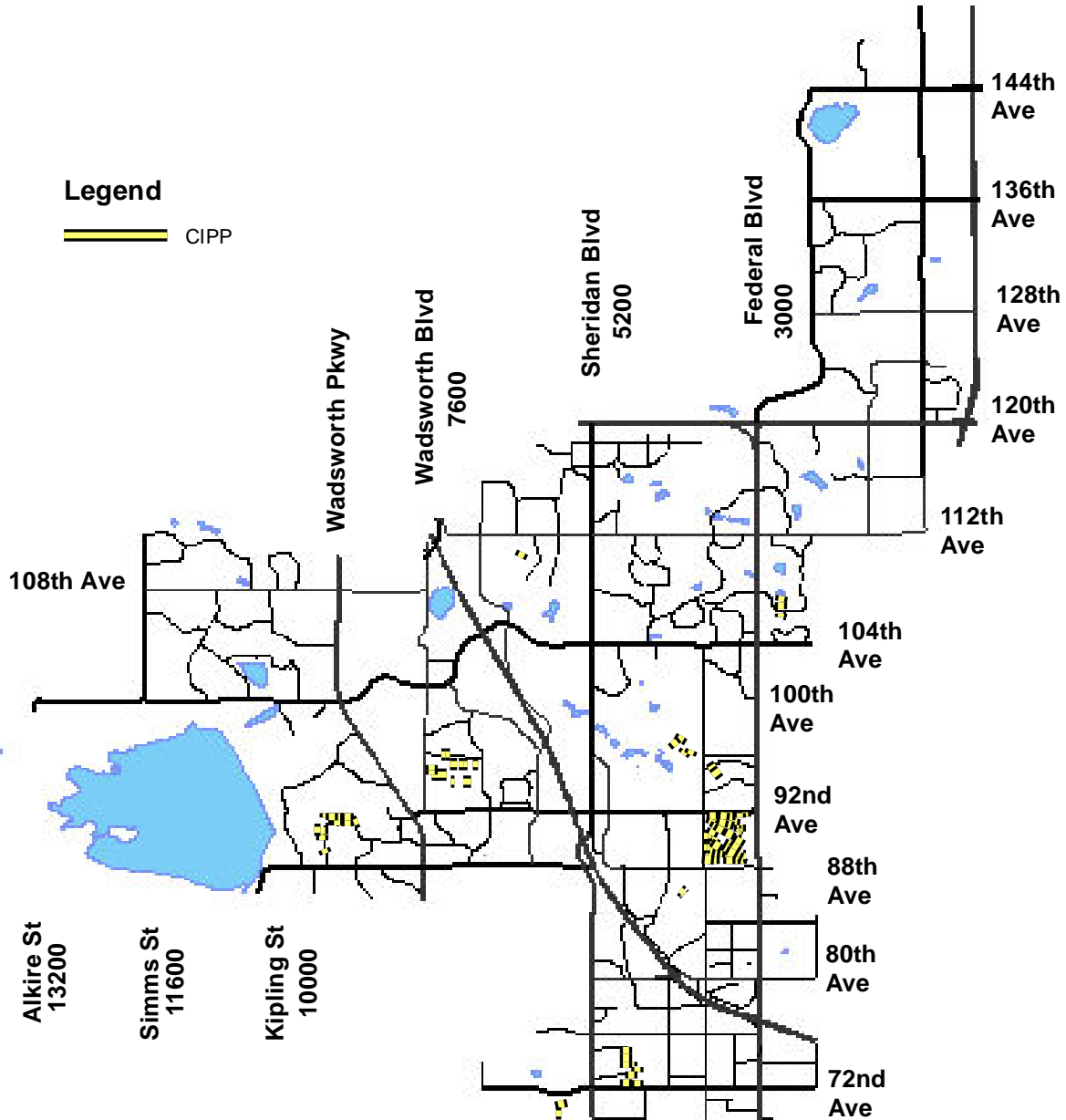
Respectfully submitted,

Barbara Opie
Acting City Manager

Attachment: Project Map



Westminster Collection System Improvements 2012 CIPP Lining





Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: State Historical Fund Grant Application for Shoenberg Farm Milk House

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

Authorize the City Manager to submit a grant application to the State Historical Fund in the approximate amount of \$98,000 to combine with a proposed City cash match of \$42,000 to initiate rehabilitation work on the Shoenberg Farm Milk & Ice House.

Summary Statement

- A portion of the Shoenberg Farm, containing brick structures built in 1911, was acquired by the City and designated a local historic landmark. The site located at the southwest corner of 73rd Ave. and Sheridan Blvd. provided farm products to what is now National Jewish Hospital.
- Grants from the State Historical Fund (SHF) allowed the City to rehabilitate the dairy barn, grade the site, conduct structural assessments, and prepare rehabilitation construction documents.
- In 2011, the City applied for, but did not receive, a grant in the amount of \$238,109 to fully rehabilitate the Milk House building due to the SHF having extremely limited funding given the State's commitment to rehabilitate the State Capitol.
- Grant hopefuls are advised that there will only be one round of grants in 2012 with applications due by April 1st. The SHF also advised prospects to be mindful of the continued funding limitations and that a higher level of local match above the 20% minimum would be beneficial.
- Based on the recommendation of Vicky Bunsen, consultant to the City on historic preservation matters, Staff is recommending the City pursue a grant of about \$98,000 and provide a 30% match of \$42,000 which is proposed for CIP funding in 2013.
- The project amount of about \$140,000 is anticipated to cover the cost of stabilizing the foundation and repairing the severely deteriorated external brick walls. Other rehabilitation efforts would be deferred to future years dependant upon availability of funding.

Expenditure Required: \$140,000

Source of Funds: \$98,000 - State Historical Fund Grant
\$42,000 - 2013 General Capital Improvement Fund (proposed)

Policy Issue

Should City Council authorize a grant application in the amount of \$98,000 to the State Historical Fund, to be combined with a 30% local cash match of \$42,000 to initiate preservation and rehabilitation of the Shoenberg Farm Milk House?

Alternative

Do not authorize the grant application. This alternative is not recommended because there is no other source of funding in this amount to pay for the critical stabilization of the Milk House. Also, there will not be another opportunity to apply for State Historical Funds until 2013 (for distribution of funds in 2014).

Background Information

Shoenberg Farm was built in 1911 at the request of what is now known as National Jewish Hospital by international philanthropist Louis Shoenberg. The hospital required a supply of fresh milk and eggs to treat its tuberculosis patients in the early 20th Century. Mr. Shoenberg was a founding partner with David May of May Department Stores in 1877. Jacob Tepper bought the farm in 1921 and developed a large wholesale egg and dairy facility, as well as establishing 19 Dolly Madison Ice Cream stores throughout the Denver area.

City Council designated a portion of Shoenberg Farm a local historic landmark on March 31, 2008. The State Historical Fund (SHF) has awarded a total of \$918,886 to date for acquisition, historic structure assessments, site and drainage improvements, construction documents on five structures, and the exterior and structural rehabilitation of the dairy barn. The Westminster Legacy Foundation (WLF) has also awarded a total of \$14,605 for Shoenberg Farm projects.

The dairy barn rehabilitation was completed in 2010 and the concrete silo stabilization will be completed in the late spring 2012. Initiation of the Milk House project in 2012 would work towards completing the rehabilitation of the core portion of Shoenberg Farm over the next few years. A condition of the funding by the State Historical Fund is that Shoenberg Farm property owned by the City be subject to a preservation easement monitored by the Colorado Historical Foundation. This easement requires that the City continue to make progress on preservation and rehabilitation of the Shoenberg Farm structures.

Staff is currently working on the two year budget for 2013-2014 that could provide the \$42,000 cash match for this application. Staff would also pursue matching grants from other entities such as the Westminster Legacy Foundation (WLF) to reduce the City's contribution. The application for the grant in 2012 is recommended because, if selected by the State, the grant funds do not become available for use until 2013. Waiting to apply until 2013 would mean the project could not start until 2014 at the earliest. The grant application for 2012 is due to the State Historic Fund by April 1, 2012.

This grant supports the City Council's goal of a Financially Sustainable City Government Providing Exceptional Services by providing revenues to support defined city services and service levels as a mature city and the City Council's goal of supporting Vibrant Neighborhoods in One Livable Community, by preserving and restoring historic assets.

Respectfully submitted,

Barbara Opie
Acting City Manager



Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: 80th Avenue and Turnpike Drive Waterline Engineering and Construction Contracts

Prepared By: Dan Strietelmeier, Senior Engineer
Steve Grooters, Senior Projects Engineer

Recommended City Council Action

1. Authorize the City Manager to enter into a contract with the low bidder Brannan Construction Company for replacing waterlines in 80th Avenue and Turnpike Drive in the amount of \$821,634 with a 10 percent construction contingency in the amount of \$82,163, for a construction budget of \$903,797;
2. Execute a contract amendment of \$56,264 for construction management services with J&T Consultants, Inc.; and
3. Move \$753,107 from the Open Cut Waterline Replacement Capital Improvement account and \$252,354 from the Federal Boulevard Water Main/Wandering View Yard Piping Capital Improvement account into the Turnpike Drive Waterline Capital Project account.

Summary Statement

- This project consists of replacing 2,300 feet of 16-inch water main in Turnpike Drive and 80th Avenue. The attached map shows the project location and waterline information.
- The existing water main is more than 50 years old and has been prone to breaks, leaks and corrosion. Replacing this main is necessary to reduce the risk of main breaks, service interruptions and resulting street excavation/repair activities.
- Construction is scheduled to be completed by mid-summer 2012 in advance of planned street improvements on Turnpike Drive.
- Of the seven bids received by the City, Brannan Construction Company presented the lowest qualified bid in the amount of \$821,634.
- The City contracted with J&T Consulting, Inc., to provide design services for the project. Based on their successful performance to date, Staff negotiated a contract amendment with them for \$56,264 to include construction phase engineering services. Approval of this amendment is requested.
- Capital funding for open cut projects, including this project, was approved on October 24, 2011. However, based on the actual bids received, additional funds are required to complete this project. Project savings are available in the Federal Boulevard Water Main/Wandering View Yard Piping Capital Improvement Project account to fully fund this project without the need to reduce project scope.

Expenditure Required: \$1,005,461

Source of Funds: Utility Fund Capital Improvement Program - Turnpike Drive Waterline Project Account by moving funds from Open Cut Waterline Replacement Project Account (\$753,107) and Federal Boulevard/Wandering View Yard Piping Project Account (\$252,354)

Policy Issues

1. Should the City execute a contract with the low bidder Brannan Construction Company for the replacement of waterlines?
2. Should the City authorize a contract amendment for J&T Consulting, Inc., to perform construction management services?
3. Should City Council authorize the movement of waterline replacement funds to complete this project?

Alternatives

1. The City could choose to replace this waterline at a later date. However, due to the poor pipe condition and the corresponding risk of a disruption in water service, Staff recommends their replacement at this time. In addition, implementing this project now allows pipeline replacement in Turnpike Drive to occur in advance of scheduled 2012 street repairs.
2. Council could choose to request proposals for the construction services task. This is not recommended as Staff believes that J&T Consulting, Inc., provides the best value for this project. In addition, they were originally selected through a competitive bid process for design services that anticipated construction services. 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.
3. City Council could choose not to authorize the movement of waterline replacement funds to finance construction of this project. However, without moving capital budget funds into this project account, there are insufficient funds in the project account to complete the project. The project scope could be reduced, as there are two distinct sections of waterline to be replaced, one in Turnpike Drive and one in 80th Avenue. However, this is not recommended because both sections of pipe are the same age and condition and both need replacement. Funds in the amount of \$1,005,461 are available in the Open Cut Waterline Replacement and Federal Boulevard/Wandering View Yard Piping capital improvement accounts and this project is the highest priority use of these funds.

Background Information

The 2006 Utility System Infrastructure Master Plan recommended various improvements to the City's potable water distribution system, including this recommended project to replace 2,300 feet of the existing waterline in 80th Avenue and Turnpike Drive. The existing 80th Avenue and Turnpike Drive waterline is a 10-inch diameter cast iron pipe that was constructed in the 1960's. The existing waterline has been experiencing breaks over the last several years and needs to be replaced. In addition, a street resurfacing project for Turnpike Drive is planned for 2012, which means the new waterline in Turnpike Drive would need to be constructed prior to July 1, 2012, to avoid impacts to the resurfaced street. By replacing the waterlines in the project areas in advance of planned street improvements, the City will reduce overall system costs and future utility-related impacts to residents and businesses.

In addition to replacing existing water mains, the project will include new pipeline connections to the existing local waterlines located at each adjacent street intersection. Fire hydrants, service connections and connections to fire lines will also be included along the route to enhance emergency services. The 16-inch replacement waterline is sized to meet future water distribution system demands in the area and will make a strategic distribution system connection to the pipelines recently installed as part of the 80th Avenue Bridge and England Waterline projects.

Because there are numerous existing utilities in the roadway, the replacement pipeline route includes a combination of open cut and boring sections. The design of the project incorporates traffic control to allow continuous traffic through the project area. However, lane closures will be necessary to maintain safety for the motoring public and construction crews. The western portion of the new waterline will be installed on Sunset Park City Open Space property under a shared use arrangement. A shared use agreement is required to compensate the Parks, Open Space, and Trails (POST) Fund in the amount of \$7,800 for utility easements on the open space property.

The City sent a Request for Bids to eight qualified contractors on February 2, 2012, and received seven bids on February 23, 2012. The following is a summary of the bids received:

<u>Contractor Name</u>	<u>Bid Amount</u>
Brannan Construction Company	\$ 821,634
Northern Colorado Contractors	\$ 831,939
Ricor, Inc.	\$ 865,050
T. Lowell Construction	\$ 879,690
ESCO	\$ 883,588
America West Construction	\$1,053,813
BT Construction	\$1,078,755
Engineer's Opinion of Probable Cost	\$ 856,643

Project costs are being impacted by the sudden and sharp rise in oil-based product costs over the past several months. For example, over the past 6 months, the price of PVC piping and asphalt rose approximately 60% and 100% respectively and is continuing to rise. Because these two items are a significant portion of the materials required for the project, they had a relatively large impact on the overall bid amount. The Engineering Construction Cost Index is also starting to rise because it appears the economy is stabilizing and there is an increasing demand for raw materials.

A review of the bids received indicated that Brannan Construction Company's bid was valid and the dollar amount reasonable for the scope of the work. Brannan Construction Company has successfully completed other water and sewer line replacement projects for the City and is qualified to complete this project. Overall, the bid range was tight, indicating that the City received the best possible price at this time. In addition, this waterline replacement project remains a priority project due to the age and condition of the pipeline, its break history and planned street improvements. For these reasons, Staff recommends authorizing a contract for \$821,634 with Brannan Construction Company with a 10 percent contingency in the amount of \$82,163 for a total construction budget of \$903,797. Construction will commence following award of the contract with substantial completion anticipated by July 1, 2012.

The design contract for \$42,630 with J&T Consultants, Inc. (J&T), was executed on October 12, 2011, with a contingency of \$4,263, for a total of \$46,893. J&T was selected through a competitive proposal process that anticipated continuing with construction services. Staff recommends continuing work with the J&T team for construction services because their performance has been successful, cost of services is competitive, and they have unique knowledge of the heavy utility congestion and complexity of the waterlines in the area.

Staff negotiated a scope of work and competitive fee with J&T for construction management services and recommends that City Council approve a contract amendment in the amount of \$56,264, for a total contract amount of \$103,157. Overall, the cost for engineering on this project will be approximately 13% of the total project cost. This is lower than average for projects of this nature. The engineering firm was able to streamline design based on their detailed knowledge of the utilities in this area of the City and those savings were passed on to the City.

As part of the 2011 Utility Fund Capital Improvement Program Funding Modifications, capital funding was identified and approved for this project by City Council on October 24, 2011, and placed in the Open Cut Waterline Replacement Project account. Staff is proposing to utilize \$753,107 from this account. As funds that remain in the Open Cut Water Line account are earmarked for other projects, Staff is requesting to move an additional \$252,354 to allow the full scope of the project to proceed; funds are available through cost savings associated with the recently completed Federal Boulevard/Wandering View Yard Piping Project. Because funds are available and because this remains a priority project for the utility, Staff is requesting a total of \$1,005,461 to complete the project. A capital account titled Turnpike Drive Waterline Replacement was created in 2011 to better track the cost and scope of work of this project. The current budget of \$46,893 was previously appropriated for engineering and design services.

A summary of the project budget, including miscellaneous costs for street cut fees and shared use fees, are listed below:

<u>Project Component</u>	<u>Amount</u>
Brannan Construction Company contract with contingency	\$ 903,797
J&T Consultants Amended Engineering contract with contingency	\$ 103,157
Street Cut Impact Fees	\$ 37,600
Open Space Shared Use Fees	\$ 7,800
Total Project Cost	<u>\$1,052,354</u>
<u>Funding Sources</u>	<u>Amount</u>
Turnpike Drive Waterline Replacement account	\$ 46,893
Open Cut Waterline Replacement account	\$ 753,107
Savings from the Federal Boulevard Water Main/Wandering View Yard Piping account	\$ 252,354
Total Funding	<u>\$1,052,354</u>

The 80th Avenue and Turnpike Drive Waterline 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 and maintaining neighborhood infrastructure.

Respectfully submitted,

Barbara Opie
Acting City Manager

Attachment - 80th Avenue Turnpike Drive Waterline Project Map

80th Ave Turnpike Drive Waterline Project



New Waterline



City of Westminster





Agenda Item 8 H

Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: Second Reading of Councillor’s Bill No. 5 re Proposed Economic Development Agreement with Trimble Navigation Limited

Prepared By: Chris Gray, Economic Development Officer

Recommended City Council Action

Pass Councillor’s Bill No. 5 on second reading authorizing the City Manager to execute and implement the Economic Development Agreement with Trimble Navigation Limited.

Summary Statement

- This Councillor’s Bill was passed on first reading on February 27, 2012.
- Trimble Navigation plans to relocate from its current 99,000 square feet of leased space in Westmoor Technology Park and has considered alternative sites in Broomfield, Boulder and Louisville.
- The company has a contract on approximately 15 acres of land in Westmoor Technology Park and is processing plans to build a new 125,000 square foot office building with the ability to construct a second building in the next five years.
- The company currently employs 362 workers at its Westminster location and expects to add another 125 workers by 2016. The average annual wage is expected to be \$97,000.
- The proposed assistance is based on the City’s goal to retain one of its major primary employers in one of the City’s key industry sectors.
- All of the proposed assistance will come from taxes and fees generated by the company’s construction of its new office building.
- Should the company decide to move out of Westminster any time prior to December 31, 2016, the company is required to reimburse the City any taxes and fees rebated under the Economic Development Agreement (EDA).

Expenditure Required: Approximately \$311,574 (Sales & Use Tax and Fee Rebates)

Source of Funds: The EDA with Trimble Navigation will be funded through the rebating of sales and use taxes and building permit fees generated by the Company’s construction of its new office building and its purchase of new equipment, furniture and fixtures.

Respectfully submitted,

Barbara Opie
Acting City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **5**

SERIES OF 2012

INTRODUCED BY COUNCILLORS
Major - Winter

**A BILL
FOR AN ORDINANCE AUTHORIZING THE ECONOMIC DEVELOPMENT AGREEMENT
WITH TRIMBLE NAVIGATION LIMITED**

WHEREAS, the successful retention of expanding primary businesses in the City of Westminster maintains and increases the pool of high paying jobs and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for businesses to expand or relocate in the City; and

WHEREAS, Trimble Navigation Limited plans to construct and occupy a new 125,000 square foot office building in Westmoor Technology Park; and

WHEREAS, a proposed Economic Development Agreement between the City and Trimble Navigation Limited is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Economic Development Agreement with Trimble Navigation Limited in substantially the same form as the one attached as Exhibit "A" and, upon execution of the Agreement, to fund and implement said Agreement.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. 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 27th day of February, 2012.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of March, 2012.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

**ECONOMIC DEVELOPMENT AGREEMENT
FOR
TRIMBLE NAVIGATION LIMITED**

THIS ECONOMIC DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into this ____ day of _____, 2012, by and between the CITY OF WESTMINSTER, a Colorado home rule city (the "City"), and TRIMBLE NAVIGATION LIMITED, a California corporation authorized to do business in the State of Colorado (the "Company").

WHEREAS, the City wishes to provide assistance to aid in the relocation and expansion of the Company in the City; and

WHEREAS, the Company plans to build and furnish approximately 125,000 square feet of office space in Westmoor Technology Park, thus continuing to provide primary job growth within the City; and

WHEREAS, City Council finds the execution of this Economic Development Agreement will benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and the Company agree to the following:

1. Building Permit Fee Rebates. The City shall rebate to the Company 60% of the building permit fees that are otherwise required under W.M.C. Section 11-10-3 (E) for the construction of the Company's new office building in Westmoor Technology Park. This rebate excludes water and sewer tap fees. The permit fee rebate will be approximately \$86,600.

2. Use Tax Rebate--Construction. The City shall rebate to the Company 60% of the Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on construction materials collected from the Company for the construction of its new office building in Westmoor Technology Park that are otherwise required under W.M.C. Sections 4-2-9 and 4-2-3. The use tax rebate will be approximately \$198,000.

3. Sales and Use Tax Rebate--Furniture and Fixtures. For the period of 6 months prior and 6 months after the Company obtains a Certificate of Occupancy for its new facility in Westmoor Technology Park, the City will rebate 60% of the Westminster General Sales and Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected from the Company on the purchased equipment and furnishings. Rebates will be based on the documentation prescribed by the City and provided by the Company which illustrates purchases or delivery of any such furnishings, fixtures, or equipment that occurred within the City of Westminster and that taxes were paid to and collected by the City. The rebate will be approximately \$27,000.

4. Payments of Rebates.

a) The total rebate is not to exceed \$311,600. The rebates to the Company by the City shall be paid in quarterly installments from revenue actually collected and received by the City in connection with the move by the Company into the new facility. Payments of each quarterly installment shall be paid to the Company by the City within thirty (30) days following the end of each calendar quarter. All payments by the City shall be made electronically to the Company's designated financial institution or other account.

b) In the event the Company fails to comply in any material respect with provisions of the City regulations or code relative to the development, use, occupancy or operation of the project the City may, after providing the Company with not less than ten (10) days advance written notice, suspend payment of the quarterly installments until the Company complies with such provisions of the City regulations or code.

5. Entire Agreement. This Agreement shall constitute the entire agreement between the City and the Company and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if the Company has not moved into the new Westmoor offices by December 31, 2013.

7. Business Termination. In the event the Company ceases business operations within the City at any time prior to December 31, 2016, then the Company shall pay to the City the total amount of fees and taxes that were paid by or for the Company to the City and were subsequently rebated by the City to the Company pursuant to this Agreement.

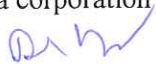
8. Subordination. The City's obligations pursuant to this agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

9. Annual Appropriation. Nothing in this agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article 10, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

10. Governing Law; Venue. This agreement shall be governed and construed in accordance with the laws of the State of Colorado. This agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation they shall first engage, in good faith, the services of a mutually acceptable, qualified, and experienced mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

11. Authority. The undersigned represent on behalf of their respective parties that the execution, delivery and performance of this agreement has been duly authorized by all necessary corporate or governmental action and is not prohibited by any provision of law or other, applicable governing documents.

TRIMBLE NAVIGATION LIMITED
A California corporation

By: 

Name: Raj Bahri

Title: Chief Finance Officer

ATTEST:



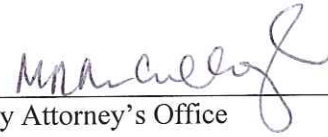
CITY OF WESTMINSTER

J. Brent McFall
City Manager

ATTEST:

Linda Yeager
City Clerk

APPROVED AS TO LEGAL FORM


City Attorney's Office

Adopted by Ordinance No. _____



Agenda Item 9 A

Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: Resolution No. 9 re Appointments to Fill Vacancies on Boards and Commissions

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Adopt Resolution No. 9 making appointments to fill vacancies on the Election Commission, Historic Landmark Board, Human Services Board, Open Space Advisory Board and Special Permit and License Board.

Summary Statement

- The Westminster Municipal Code establishes the membership composition of each City Board and Commission and, in some instances, sets forth expertise requirements for membership where professional experience is valuable to the Board's role.
- In December of 2011, resignations were received from seven regular members serving on the Election Commission, Historic Landmark Board, Human Services Board, Open Space Advisory Board and Special Permit and License Board. To fill these vacancies, alternate members were appointed where appropriate.
- Citizens interested in serving on these boards were interviewed by Council in February.
- If adopted, the attached resolution officially appoints seven qualified citizens of Westminster to fill vacancies on the previously mentioned Boards and Commissions so the groups can continue to function with full representation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to fill vacancies on the Election Commission, Historic Landmark Board, Human Services Board, Open Space Advisory Board and Special Permit and License Board so a full complement of qualified members can fulfill established duties?

Alternative

Do not fill the vacancies at this time. This is not recommended as City Council invested the time into completing interviews and identifying qualified citizens to fill the vacancies. In addition, having these Boards and Commissions with full membership permits them to continue their efforts as outlined in the Westminster Municipal Code.

Background Information

Resignations from seven members on Boards and Commissions were received at or near the time of their term expiration on December 31, 2011.

Board	Resigned Member Name
Election Commission	Paul Gannon
Historic Landmark Preservation Board	Laura Vandebosch
Historic Landmark Preservation Board	Dan Gossert
Human Services Board	Kathleen Dodaro
Open Space Advisory Board	Ed Getsch
Special Permits and License Board	Steve Marlin
Special Permits and License Board	BJ Sanchez

Many of the member vacancies were filled by alternate members. For the remaining vacancies, Staff conducted a recruitment during January 2012 of potential Westminster citizens interested in serving on a Board or Commission. City Council conducted interviews with the applicant pool on February 22. The attached resolution makes appointments to fill the existing vacancies that resulted from the resignation of Paul Gannon on the Election Commission; the resignation of Laura Vandebosch and the death of Dan Gossert on the Historic Landmark Board; the resignation of Kathleen Dodaro on the Human Services Board; the resignation of Ed Getsch on the Open Space Advisory Board; and the resignations of Steve Marlin and BJ Sanchez on the Special Permit and License Board.

By appointing residents to these Boards and Commissions as outlined in the attached resolution, citizens are engaged in their community and are actively supporting City Council's Strategic Plan Goals of a Financially Sustainable City Government Providing Exceptional Services, a Strong, Balanced Local Economy, a Safe and Secure Community, Vibrant Neighborhoods in One Livable Community and a Beautiful and Environmentally Sensitive City. Residents are able to help their fellow residents during elections, expand green spaces, retain and expand current businesses, develop a reputation that Westminster is a great place for small and/or local businesses, and preserve historic assets for future generations.

Respectfully submitted,

Barbara Opie
Acting City Manager

Attachment - Resolution

RESOLUTION

RESOLUTION NO. 9

INTRODUCED BY COUNCILLORS

SERIES OF 2012

**A RESOLUTION FOR CITY OF WESTMINSTER
BOARD AND COMMISSION NEW APPOINTMENTS**

WHEREAS, it is important to have each City Board or Commission working with its full complement of authorized members to carry out the business of the City of Westminster with citizen representation; and

WHEREAS, every member of the City's Boards and Commissions whose term expired on December 31, 2011 was contacted and some tendered their resignations, as they could no longer continue to serve; and

WHEREAS, City Council conducted interviews of citizens who responded to the 2012 Boards and Commissions' recruitment and, from the pool of eligible citizens, has selected individuals to fill existing vacancies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that the following individuals are hereby appointed to the Westminster Board or Commission identified below with terms of office to expire on the dates reflected.

<u>BOARD/COMMISSION</u>	<u>NAMES OF APPOINTEES</u>	<u>TERM OF OFFICE</u>
Election Commission	A. J. Elserougi (regular member)	December 31, 2013
Historic Landmark Board	Jami Mohlenkamp (regular member) Michael Keaveny (alternate member)	December 31, 2012 December 31, 2013
Human Services Board	David Aragoni (alternate member)	December 31, 2013
Open Space Advisory Board	Beau Martin (alternate member)	December 31, 2013
Special Permit and License Board	Melanie Lawrence (regular member) Jennifer Shannon (alternate member)	December 31, 2013 December 31, 2013

PASSED AND ADOPTED this 19th day of March, 2012.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: Councillor's Bill No. 6 re Metzger Farm Master Plan Implementation
Supplemental Appropriation

Prepared By: Lauren Schevets, Open Space Technician
Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 6 on first reading appropriating funds for open space received from the Broomfield Westminster Open Space Foundation in the amount of \$345,900 for the Metzger Farm Master Plan Implementation.

Summary Statement

- In a joint purchase, the City of Westminster and the City and County of Broomfield acquired the Metzger Farm, a 152-acre open space property in May 2006, through the Broomfield-Westminster Open Space Foundation. The Metzger Farm Master Plan was approved by the Westminster City Council and Broomfield City Council in March 2010.
- The Adams County Open Space program awarded \$345,900 in grant funding to Westminster in the Spring 2010 grant cycle towards implementation of the Metzger Farm Master Plan. The supplemental appropriation of this grant was approved by Council on August 9, 2010.
- On March 28, 2011, Council approved the transfer of the City's total contribution of \$217,000 to the Foundation, which included \$172,950 as the City's portion of the grant match for the purposes of completing design and construction of improvements, and \$44,050 for building stabilization in accordance with the Master Plan.
- As Westminster Staff is managing the construction project and payments for services and construction, it is necessary that the funds from the Foundation be transferred back to the City, along with the Broomfield funds, totaling \$345,900. This represents the cash match for the Adams County grant. City Council action is needed to appropriate these funds.

Expenditure Required: \$345,900 - This is the amount received from the Broomfield-Westminster Open Space Foundation, which is being appropriated.

Source of Funds: Metzger Farm Master Plan Implementation funds from Broomfield-Westminster Open Space Foundation

Policy Issue

Should the funds from the Broomfield-Westminster Open Space Foundation be appropriated to the General Capital Improvement Fund to help pay for the implementation of the Metzger Farm Master Plan?

Alternative

City Council could choose to not appropriate the funds from the Broomfield-Westminster Open Space Foundation. Staff does not recommend this alternative as these funds are required to complete the implementation of the Metzger Farm Master Plan.

Background Information

The 152-acre Metzger Farm is located at the northeast corner of the intersection of 120th Avenue and Lowell Boulevard in the City of Westminster. In October and November of 2005, the City of Westminster and the City and County of Broomfield approved an Intergovernmental Agreement (IGA) to create a foundation for the acquisition, financing, management and maintenance of the Metzger Farm. The Broomfield-Westminster Open Space Foundation acquired the Metzger Farm open space property in May 2006. The Metzger Farm Master Plan was approved by the Westminster City Council and Broomfield City Council in March 2010.

The Adams County Open Space program awarded \$345,900 in grant funding to Westminster in the Spring 2010 grant cycle towards implementation of the Metzger Farm Master Plan. The supplemental appropriation of this grant was approved by City Council on August 9, 2010.

On March 28, 2011, City Council approved the transfer of the City’s total contribution of \$217,000 to the Foundation, which included \$172,950 as the City’s portion of the grant match for the purposes of completing design and construction of improvements, and \$44,050 for building stabilization according to the Master Plan.

Because Adams County requires that Westminster administer the grant, Westminster Staff will manage the construction project and payments for services and construction. It is therefore necessary that the matching grant funds of \$172,950 each from Broomfield and Westminster currently in the Foundation be transferred back to the City, along with the Broomfield funds, totaling \$345,900. These funds represent the cash match for the Adams County grant. City Council action is needed to appropriate these funds. The original total budget for the Metzger Farm Master Plan improvements is \$779,670, which was rounded to \$779,900 for simplicity in cost sharing between Westminster and Broomfield. This leaves \$88,100 remaining in the Foundation budget for costs associated with building stabilization, which represents \$44,050 each from Broomfield and Westminster. Construction of the master plan improvements is expected to begin early spring 2012. A separate agenda memo will be brought to Council to seek approval to award the construction contract.

These appropriations will amend the General Capital Improvement Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Reimbursements	7501.43080.0000	\$0	\$172,950	\$172,950
Contributions	7501.43100.0000	0	<u>172,950</u>	172,950
Total Change to Revenues			<u>\$345,900</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Metzger Farm Improvements	80875030807.80400.8888	\$280,950	<u>\$345,900</u>	\$626,850
Total Change to Expenses			<u>\$345,900</u>	

Respectfully submitted,

Barbara Opie
Acting City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **6**

SERIES OF 2012

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE AMENDING THE 2012 BUDGET OF THE GENERAL CAPITAL
IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM
THE 2012 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2012 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3550 is hereby increased by \$345,900. This appropriation is due to the receipt of funds from the Broomfield-Westminster Open Space Foundation for the Metzger Farm Master Plan.

Section 2. The \$345,900 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10A, dated March 19, 2012 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$345,900</u>
Total	<u>\$345,900</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 19th day of March, 2012.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 9th day of April, 2012.

ATTEST:

Mayor

City Clerk



Agenda Memorandum

City Council Meeting
March 19, 2012



SUBJECT: Councillor's Bill No. 7 re Westminster Reformed Presbyterian Church Open Space Acquisition Grant Supplemental Appropriation

Prepared By: Lauren Schevets, Open Space Technician
Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 7 on first reading appropriating funds received from Adams County in the amount of \$81,229 for the Westminster Reformed Presbyterian Church open space acquisition grant into the Parks, Open Space and Trails (POST) Fund.

Summary Statement

- City Council previously approved the acquisition of the 2.24-acre Westminster Reformed Presbyterian Church property located at 4455 West 112th Avenue for \$160,760. Council also authorized the Department of Community Development to pursue a grant in the amount of \$81,229 with Adams County Open Space for the acquisition of the Church parcel and for the installation of a fence along the new boundary. Adams County formally awarded the City of Westminster a grant in the amount of \$81,229.
- This grant was appropriated in August 2011, however, the appropriation expired with no revenue or expenditure activity having occurred in 2011. City Council action is therefore needed to appropriate these grant funds again into the POST operating budget.
- The Westminster Reformed Presbyterian Church property was acquired on February 28, 2012.

Expenditure Required: \$81,229

Source of Funds: Adams County Open Space Grant

Policy Issue

Should the Adams County grant be appropriated to the Parks, Open Space and Trails Fund land purchase account to help pay for the acquisition of the Westminster Reformed Presbyterian Church property?

Alternative

The alternative would be to decline the Adams County Open Space grant money. Staff does not recommend this alternative as the grant was awarded to the City to assist with the acquisition of the Westminster Reformed Presbyterian Church property.

Background Information

City Council previously approved the acquisition of the 2.24-acre Westminster Reformed Presbyterian Church property located at 4455 West 112th Avenue for \$160,760. Council also authorized the Department of Community Development to pursue a grant in the amount of \$81,229 with Adams County Open Space for the acquisition of the Church property and installation of a fence along the new property boundary. The acquisition was contingent upon receipt of grant funds from Adams County. Adams County formally awarded the City of Westminster a grant in the amount of \$81,229.

The City recently acquired the Westminster Reformed Presbyterian Church property on February 28, 2012. The City contributed a cash match of \$80,381 plus closing costs from the City's POST bond funds for this acquisition. The total acquisition price for this property was \$160,760. The fence installation along the property boundary will occur during spring of 2012.

This grant was appropriated in 2011, however, the appropriation expired with no revenue or expenditure activity having occurred in 2011 and needs to be appropriated into 2012. These appropriations will amend the Parks, Open Space and Trails Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Adams County Grant	5400.40640.0010	\$0	<u>\$81,229</u>	\$81,229
Total Change to Revenues			<u>\$81,229</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchase	54010900.76600.0000	\$5,304	<u>\$81,229</u>	\$86,533
Total Change to Expenses			<u>\$81,229</u>	

Respectfully submitted,

Barbara Opie
Acting City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **7**

SERIES OF 2012

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2012 BUDGET OF THE PARKS, OPEN SPACE AND TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2012 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2012 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3550 is hereby increased by \$81,229. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$81,229 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10B, dated March 19th, 2012 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Parks, Open Space and Trails Fund	<u>\$81,229</u>
Total	<u>\$81,229</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 19th day of March, 2012.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of April, 2012.

ATTEST:

Mayor

City Clerk

AGENDA

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY SPECIAL MEETING

MONDAY, March 19, 2012

AT 7:00 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (February 27, 2012)
- 3. Purpose of Special WEDA Meeting is to**
 - A. Hold a Public Hearing regarding 2011 and 2012 Budget Amendments
 - B. Adopt Resolution No. 138 regarding a 2011 Budget Supplemental Appropriation
 - C. Adopt Resolution No. 139 regarding a 2012 Budget Supplemental Appropriation
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, FEBRUARY 27, 2012, AT 7:20 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Winter and Board Members Atchison, Briggs, Kaiser, and Major. Board Member Lindsey was absent and excused. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Secretary.

APPROVAL OF MINUTES

Board Member Briggs moved, seconded by Board Member Kaiser, to approve the minutes of the meeting of January 23, 2012, as written. The motion carried unanimously.

WESTMINSTER CENTER URBAN REINVESTMENT PROJECT SNOW REMOVAL CONTRACT

Based on the Executive Director's recommendation, it was moved by Board Member Atchison, seconded by Board Member Major, to find that the public interest would best be served by authorizing the Executive Director to enter into an agreement with American Demolition for snow removal services at the Westminster Mall property in an amount not to exceed \$90,000. The motion carried with all members voting affirmatively.

SPECIAL LEGAL COUNSEL SERVICE AGREEMENTS

It was moved by Board Member Briggs and seconded by Board Member Atchison to authorize the Executive Director to enter into special legal counsel agreements, in a form acceptable to the Authority Attorney, with Barbara Banks of Banks & Imatani, P.C. in an amount not to exceed \$30,000 for work related to the Westminster Urban Reinvestment Project, the South Westminster Transit-Oriented Development, and general real estate legal advice as may be required by the Authority and with Dee Wisor of Sherman & Howard in an amount not to exceed \$15,000 for special legal counsel services related to the anticipated loan financing of the purchase of the Sears Department Store through Vectra Bank. The motion carried with all members of the Authority voting affirmatively.

RESOLUTION NO. 137 APPROVING LOAN WITH VECTRA BANK FOR SEARS PURCHASE

Board Member Atchison moved to adopt Resolution No. 137 approving a loan not to exceed \$4,300,000 for the purchase of the Sears' property at the former Westminster Mall Site and authorizing the Chair, Vice Chairperson, or the Executive Director to execute the Loan, in substantially the same form as the agreements attached to the agenda memorandum, between the Westminster Economic Development Authority and Vectra Bank. Board Member Major seconded the motion, and it carried unanimously.

ADJOURNMENT

There was no further business for the Authority's consideration, and it was moved by Atchison, seconded by Kaiser, to adjourn. The motion passed and the meeting adjourned at 7:22 P.M.

ATTEST:

Chairperson

Secretary

WEDA Agenda Item 3 A-C

Agenda Memorandum

Westminster Economic Development Authority Meeting
March 19, 2012



SUBJECT: Public Hearing and Resolutions No. 138 and 139 re Westminster Economic Development Authority Supplemental Appropriation for the 2011 Budget and the 2012 Budget

Prepared By: Karen Creager, Special Districts Accountant

Recommended Board Action

1. Hold a Public Hearing on the budget amendments for the Westminster Economic Development Authority.
2. Adopt Resolution No. 138 authorizing a supplemental appropriation to the 2011 Westminster Economic Development Authority budget.
3. Adopt Resolution No. 139 authorizing a supplemental appropriation to the 2012 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 Westminster Economic Development Authority (WEDA) to simplify administrative procedures and reduce paper work.

- One resolution is attached for the 4th quarter and final supplemental appropriation for WEDA for 2011.
- A second resolution is attached for the 1st quarter supplemental appropriation for WEDA for 2012.
- 2011 Amendments:
 - \$1,000,000 transfer from the City's General Capital Improvement Fund
 - \$221,578 rental income
 - \$24,991 interest income
 - \$3,500,000 loan proceeds
- 2012 Amendments:
 - \$4,200,000 loan proceeds
 - \$154,980 rental income
 - \$250,000 transfer from the City's General Capital Improvement Fund
- A public hearing is required pursuant to Section 29-1-108 of the Colorado Revised Statutes.

Expenditure Required: **2011** - \$4,746,569
 2012 - \$4,604,980

Source of Funds: Transfers-in, rental income, interest income and loan proceeds

Policy Issue

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

Alternative

The Board could decide not to appropriate funds. This is not recommended because the revenues requested to be appropriated have been earmarked to assist with funding the daily operations of the Westminster Mall (the "Mall") property and with continuation of the redevelopment process. The Board has previously approved 1) the financing and purchase of the site formerly known as the Westminster Mall (the "Mall") on May 2, 2011, which was completed on May 10, 2011, and 2) the financing and purchase of the Sears property on January 27, 2012, which was completed on February 29, 2012. Approval of the appropriation of these various funds will bring WEDA's books inline with the Board's previous actions.

Background Information

Rental Income

On May 10, 2011, WEDA purchased the Mall and assumed responsibility for its operations. This includes property management services, utilities, maintenance and repair and demolition costs. Although only a few tenants in the Mall are continuing to operate during the redevelopment, there are some ongoing operating costs. Additionally there are costs involved in the continued redevelopment of the property including, but not limited to, demolition costs. Funding is needed to cover these costs. A supplemental appropriation was prepared during the first part of 2011 to appropriate estimated interest earnings and estimated rent income from the tenants. These revenue sources were estimated through only the 3rd quarter of the year. Now that all revenue for 2011 has been received, the rent revenue available over the original estimate, or \$221,578, can be appropriated to cover costs of operation and continued redevelopment. Additionally, estimated rental income, or \$154,980, for the 1st quarter 2012 is needed to assist with paying operating costs noted above, including costs associated with the Sears property purchase.

Transfers In

During the City's 2011/2012 budget process, transfers in the amount of \$1,000,000 and \$250,000, respectively, from the General Capital Improvement Fund were budgeted to assist with the continued redevelopment of the Mall property. Those funds were not previously appropriated in the WURP budget and are included with this appropriation to increase funds available in the WURP project.

Interest income

Funds residing in the WURP project account earned interest as part of the City's pooled cash and investments portfolio. Typically, interest in the WEDA Urban Renewal Areas is not included as part of the budget process unless needed to meet operating costs. Specifically, capital project interest earnings are appropriated through the quarterly housekeeping supplemental appropriations to ensure that interest is allocated in compliance with any internal or external restrictions. Staff is recommending that interest earned on WURP project funds be appropriated to the project to help further the redevelopment efforts.

Loan proceeds

On May 2, 2011, the Board approved the Purchase and Sale Agreement for the former Mall site. This agreement provided for WEDA to enter into a promissory note for \$3.5 million as part of the \$22 million total property acquisition price. Although the note was payable in full one year from the date of closing on the property acquisition, WEDA paid \$3,490,000 of the \$3,500,000 principal plus accrued interest on May 27, 2011. The remaining \$10,000 was paid on January 3, 2012, in accordance with the note. At the time the note was authorized, no appropriation was made. The attached supplemental appropriation includes appropriating the loan proceeds for repayment of the note.

On February 27, 2012, the WEDA Board authorized the purchase of the Sears property at the former Westminster Mall site. In order to accomplish this transaction vital to the redevelopment efforts at the site, the Board authorized a loan of up to \$4,200,000 and closing/financing costs not to exceed \$100,000. Staff secured financing with Vectra Bank on February 29, 2012, and closed on the property purchase the same day. The attached supplemental appropriation includes appropriating the loan proceeds to the WURP project for the property purchase.

The amendments listed in the attached resolution will bring WEDA's accounting records up-to-date to reflect the various detailed transactions. Please note that the budget amount reflected for the WURP project does not include \$26,508,342 closed out through prior year-end capital project processes.

The action requested in this agenda memorandum relates to Council's Strategic Plan goals of "Financially Sustainable City Government Providing Exceptional Services" and "Balanced, Sustainable Local Economy." These goals are met by ensuring a balanced budget where revenues are appropriated to expenditure accounts so the funds can be utilized as intended. In this case, the funds are intended to assist with the Mall redevelopment for the purpose of eliminating blight and increasing the retail base in the City.

Respectfully submitted,

Barbara Opie
Acting Executive Director

Attachment – Resolutions

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **138**

INTRODUCED BY BOARD MEMBERS

SERIES OF 2012

**2011 WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
BUDGET SUPPLEMENTAL APPROPRIATION**

WHEREAS, the Westminster Economic Development Authority (WEDA) initially adopted the 2011 budget on October 11, 2010;

WHEREAS, proper notice for this amendment was published on March 15, 2012, pursuant to the requirements of Section 29-1-106 Colorado Revised Statutes;

WHEREAS, a public hearing for this amendment was held on March 19, 2012, pursuant to the requirements of Section 29-1-108 Colorado Revised Statutes;

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

WHEREAS, there are adjustments to be made to the 2011 budget;

WHEREAS, the revenue adjustments consist of increases totaling \$4,746,569; and

WHEREAS, the expense adjustment consists of an increase of \$4,746,569.

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

Section 1. The \$4,746,569 increase shall be allocated to WEDA Revenue and Expenditure accounts as described below:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Rents	6800.40900.0191	\$300,000	\$221,578	\$521,578
Interest Earnings	6800.42510.0191	104,000	24,991	128,991
Loan Proceeds	6800.46000.0191	0	3,500,000	3,500,000
Transfers in	6800.45000.0750	0	1,000,000	1,000,000
Total Change to Revenues			<u>\$4,746,569</u>	

EXPENDITURES

Description	Account Number	Current Budget	Amendment	Revised Budget
Principal	68010900.78200.0191	\$0	\$3,500,000	\$3,500,000
WURP Approp Holding	80968005952.80400.8888	4,177,733	<u>1,246,569</u>	\$5,424,302
Total Change to Expenses			<u>\$4,746,569</u>	

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

PASSED AND ADOPTED the 19th day of March, 2012.

ATTEST:

Chairperson

Secretary

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **139**

INTRODUCED BY BOARD MEMBERS

SERIES OF 2012

**2012 WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
BUDGET SUPPLEMENTAL APPROPRIATION**

WHEREAS, the Westminster Economic Development Authority (WEDA) initially adopted the 2012 budget on October 10, 2011;

WHEREAS, proper notice for this amendment was published on March 15, 2012, pursuant to the requirements of Section 29-1-106 Colorado Revised Statutes;

WHEREAS, a public hearing for this amendment was held on March 19, 2012, pursuant to the requirements of Section 29-1-108 Colorado Revised Statutes;

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

WHEREAS, there are adjustments to be made to the 2012 budget;

WHEREAS, the revenue adjustments consist of increases totaling \$4,604,980; and

WHEREAS, the expense adjustment consists of an increase of \$4,604,980.

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

Section 1. The \$4,604,980 increase shall be allocated to WEDA Revenue and Expenditure accounts as described below:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Rents	6800.40900.0191	\$0	\$154,980	\$154,980
Loan Proceeds	6800.46000.0191	0	4,200,000	4,200,000
Transfers in	6800.45000.0750	0	<u>250,000</u>	250,000
Total Change to Revenues			<u>\$4,604,980</u>	

EXPENDITURES

Description	Account Number	Current Budget	Amendment	Revised Budget
WURP Appropriation Holding	80968005952.80400.8888	\$5,472,590	<u>\$4,604,980</u>	\$10,077,570
Total Change to Expenses			<u>\$4,604,980</u>	

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

PASSED AND ADOPTED the 19th day of March, 2012.

ATTEST:

Chairperson

Secretary