



CITY COUNCIL AGENDA

NOTICE TO READERS: City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given. Many items have been previously discussed at a Council Study Session.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) is reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meeting
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Presentation of Employee Service Awards
 - B. Mental Health Month Proclamation
 - C. Police Week Proclamation
 - D. National Drinking Water Week Proclamation
 - E. National Public Works Week Proclamation
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
 - A. Financial Report for March 2014
 - B. Quarterly Insurance Claims Report – January thru March 2014
 - C. Fleet Maintenance Cumulative Purchases over \$75,000
 - D. Vehicle GPS Service Agreement Contract
 - E. 2014 Cumulative Purchases over \$75,000 for Laserfiche Upgrades and Maintenance
 - F. Change the Date of the Second City Council Meeting in May
 - G. Second Reading of Councillor's Bill No. 9 Authorizing Surefire Medical Inc. Economic Development Agreement
 - H. Second Reading of Councillor's Bill No. 10 Authorizing Vacation of Alley in Block, 120, Westminster Subdivision
 - I. Second Reading of Councillor's Bill No. 11 Authorizing 120th Avenue Underpass Supplemental Appropriation
9. Appointments and Resignations
 - A. Resolution No. 7 Making Appointments to Fill Vacancies on Boards and Commissions
 - B. Reappointment to Metro Wastewater Reclamation District Board of Directors
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 12 Adding Section 19 to Title XI, Chapter 12, W.M.C., Concerning Voter Registration
 - B. Resolution No. 8 Authorizing IGA with UDFCD for Tanglewood Creek Channel and Pond Improvements
 - C. Resolution No. 9 Authorizing City Manager to Enter into Short-term Leases of Water Rights to Irrigators
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
 - A. City Council
13. Adjournment

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

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.



WESTMINSTER
Strategic Plan
2013-2018
Goals and Objectives

STRONG, BALANCED LOCAL ECONOMY

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



SAFE AND HEALTHY COMMUNITY

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



FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES

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



VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY

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



BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY

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



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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 14, 2014, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Briggs moved, seconded by Councillor Seitz, to approve the minutes of the regular meeting of March 24, 2014, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. Smithers noted that City Manager J. Brent McFall was resting comfortably at home following eye surgery earlier in the day.

Mr. Smithers reported that the Irving Street Library had celebrated its 10th anniversary on Saturday, April 12. Further, the Council would conduct a post-meeting briefing following adjournment of this meeting to discuss three items. The public was welcome to attend.

COUNCIL REPORTS

Mayor Pro Tem Winter invited participation in the Arbor Day/Earth Day celebration at City Park on Saturday, April 19, and encouraged people to volunteer for an assignment on Community Pride Day, May 10, when the City and Hyland Hills Park and Recreation District would sponsor a "Spring Cleaning" of parks, open spaces, and public rights-of-way. Community Pride Day would end with a barbecue for participants in the plaza at City Hall.

Councillor Baker reported on the Council Retreat conducted over the past weekend, noting that it had been very productive. Council and Staff had participated in the visioning process to update the Strategic Plan. Councillor Briggs agreed that the Retreat had provided opportunity for teambuilding under the leadership of Mayor Atchison, as well as opportunity to meet with Department Heads and become better acquainted. Goals were set and it was great to envision how the community would look twenty years from now.

Councillor Garcia reported that while he was attending the Retreat, his family enjoyed participating in the 10th anniversary celebration of Irving Street Library's opening. The library was a vital focal point to residents of Westminster and was a valued asset.

PROCLAMATIONS/PRESENTATIONS

Mayor Pro Tem Winter read a proclamation issued by the Mayor that declared April 25, 2014, to be the Day Without Hate. Chaye Gutierrez, Emily Williamson, and Brian Lee, Standley Lake High School students, and Ben Reed, teacher/sponsor of the group, accepted the proclamation. Day Without Hate was conceived and organized by Standley Lake High School students seven years ago as a means to bring attention to school violence and to promote unity throughout their high school community. The concept had grown annually with increased participation by student bodies throughout Colorado and the nation.

Councillor Seitz presented the Community Pride Day proclamation to Patti Wright. This annual event sponsored by the City and Hyland Hills Parks and Recreation District would be held on May 10. Volunteers were encouraged to contact Ms. Wright or to register online to participate. After a morning of picking up trash in public parks, open spaces, and rights-of-way, volunteers would be treated to a barbecue in the City Hall Plaza.

Councillor Briggs presented the Arbor Day/Earth Day proclamation to John Kasza, City Forester. Arbor Day/Earth Day was on April 19 and would be celebrated with activities at City Park. The official tree-planting ceremony was being held on April 17 at Sheridan Green Elementary School. Attending the meeting with Mr. Kasza was Kyle McCatty of the Colorado State Forest Service who was proud to present the City's 29th consecutive Tree City USA award to Mr. Kasza and Councillor Briggs.

CITIZEN COMMUNICATION

Mike Raber of Evergreen, Tom Buckner of Thornton, and Byron Walker of Westminster encouraged the City to become a Bicyclist Friendly Community and to specifically construct the shoulders on 100th Avenue between Alkire and Sims to provide safe bike lanes in both lanes of travel. They urged that the cost of these improvements be included in the 2015-2016 Budget.

Sharon Wells and Sharon King, both of Westminster, described improvements to and maintenance of the 128th Avenue Dog Park that were needed. Dog owners who used the park had built a French drain at the park and needed the City's help to install a larger drain pan; to mow grass in the park before it reached heights that made it difficult to locate dog waste and remove it; and to erect benches with shelters to protect those who are intolerant of sun from extreme heat. They and other dog owners would continue voluntarily working in the park to help with maintenance but needed the City's assistance in these areas.

Rachel Vezina, Shirley Perrault, Delicia Beaty, Miss Leila, Mike Melio, and a resident of 7420 Bradburn Boulevard whose name could not be heard, all spoke in favor of backyard poultry and beekeeping, and the banning of petrochemical herbicides and pesticides, each citing the health, societal and environmental benefits of urban farming. They asked that City Council amend the Westminster Municipal Code just as many neighboring communities had. Ms. Vezina presented a petition containing about 300 signatures of people in support of Code amendments to allow citizens to raise chickens, ducks and maintain honeybee hives in residential zones

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: based on the recommendation of the City Manager, find that the public interest would be served by authorizing the City Manager to enter into a sole source contract with Atkins North America, Inc. in an amount not to exceed \$66,091; authorize payment of \$1,179,322 to the Regional Transportation District for the design of a City-requested betterment of the Westminster Station platform; based on the results of the State of Colorado light-duty vehicle bid, award the bid for four Chevrolet light-duty vehicles to John Elway Chevrolet in the amount of \$107,778, bringing the total expenditure, to date, with John Elway Chevrolet to \$145,354; award the purchase for one wild land fire brush truck to the low bidder, C.E.T. Fire Pumps MFG LTD, in the amount of \$96,859; upon recommendation of the City Manager, find that the State of Colorado Microsoft Select pricing meets City Charter bidding requirements and authorize Staff to proceed with 2014 calendar year purchases of 1,300 Microsoft Exchange 2013 licenses through Insight in an amount not to exceed \$200,000, authorize the expenditure of \$50,000 for the purchase of hardware for mailbox storage and implementation services for a total project cost of \$250,000 with the storage and implementation services purchased from Dell under the Western States Contracting Alliance (WSCA) meeting City Charter bidding requirements and Microsoft Office licenses purchased through the Microsoft select government volume licensing program, meeting City bidding requirements; authorize the Police Department to pursue the Department of Homeland Security Regional Grant opportunity in the amount of \$193,500 for the purpose of purchasing and installing mobile commercial grade broadband data routers in frontline police vehicles; authorize the City Manager to execute a contract with the low bidder, T2 Construction, Inc., in the amount of \$207,569 for Quails Crossing Playground Renovation with a 10% contingency of \$27,756 for a total project cost of \$228,325; based on the recommendation of the City Manager,

determine that the public interest would best be served by awarding the bid for modification of golf course design features of hole #9 at the Heritage at Westmoor Golf Course (Heritage) to Mid-America Golf and Landscape in the amount of \$96,750, plus a contingency amount of \$29,025, and an additional \$15,000 for fencing and tree replacement for a total authorized expenditure of \$140,775; based on the recommendation of the City Manager, determine that the public interest would be best served by awarding contracts to Baker and Taylor not to exceed \$282,150 and Midwest Tapes not to exceed \$90,000 for a grand total not to exceed \$372,150 for the purchase of library materials and eMaterials; authorize the City Manager to execute a contract for the 2014 Asphalt Pavement Rehabilitation Project with the low bidder, Asphalt Specialties Company, Inc., in the amount of \$983,854 and authorize a contingency of \$100,000 for a total authorized expenditure of \$1,083,854; find that the public interest will be served by authorizing the City Manager to execute a renewal of the current concrete replacement project contract with Keene Concrete, Inc. for the 2014 calendar year in the amount of \$1,043,000 and authorize a contingency of \$100,000 for a total authorized expenditure of \$1,143,000; upon recommendation of the City Manager, find that the public interest would be 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 \$118,912 and cumulative purchases from National Meter & Automation, Inc. in an amount not to exceed \$128,912 for calendar year 2014; authorize the City Manager to execute a contract with RK Mechanical, Inc., in the amount of \$474,440 for construction of the digester boiler replacements at the Big Dry Creek Wastewater Treatment Facility, plus a contingency of \$47,444, for a total authorized expenditure of \$521,884; and authorize an amendment to the Black & Veatch Corporation's design contract for construction management services in the amount of \$113,874 plus contingency of \$11,387, for a total authorized expenditure of \$125,261; authorize the City Manager to execute a no-cost General Right-of-Way Easement agreement with the Intermountain Rural Electric Association at the City's Strasburg Natural Resource Farm; final passage on second reading of Councillor's Bill No. 5 to amend the Comprehensive Land Use Plan by changing the designation of property known as Legacy Ridge West Filing No. 8 from R- 18, R-8, and R-3.5 to R-8, and R-3.5; final passage on second reading of Councillor's Bill No. 6 providing for a supplemental appropriation of funds to the 2013 budget of the General, Water, Fleet Maintenance, General Capital Outlay Replacement , Sales and Use Tax, Parks Open Space and Trails, General Capital Improvement, and Community Development Block Grant Funds; final passage on second reading of Councillor's Bill No. 7 authorizing the addition of Section 4 to Title 1, Chapter 24, of the Westminster Municipal Code concerning Employee Political Activity; and final passage on second reading of Councillor's Bill No. 8 authorizing the City Manager to add to the existing master lease, a lease/purchase agreement in the amount not to exceed \$1,101,069 appropriated into the Golf Course Fund for the lease proceeds for golf course maintenance equipment at both Legacy Ridge and the Heritage at Westmoor Golf Courses.

Councillor Pinter move, seconded by Councillor Garcia, to approve the consent agenda as presented. The motion carried with all Council members voting in favor.

COUNCILLOR'S BILL NO. 9 AUTHORIZING SUREFIRE MEDICAL INC. EDA

It was moved by Councillor Briggs, seconded by Councillor Pinter, to pass Councillor's Bill No. 9 on first reading authorizing the City Manager to execute and implement an Economic Development Agreement with Surefire Medical Inc. The motion passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 10 VACATING ALLEY IN BLOCK 120, WESTMINSTER SUBDIVISION

Upon a motion by Councillor Garcia, seconded by Councillor Baker, the Council voted unanimously at roll call to pass Councillor's Bill No. 10 on first reading vacating the alley within Lots 5-9 and Lots 40-44, Block 120 of the Westminster Subdivision.

COUNCILLOR'S BILL NO. 11 AUTHORIZING SUPPLEMENTAL APPROPRIATION

Mayor Pro Tem Winter moved, seconded by Councillor Briggs to pass Councillor's Bill No. 11 on first reading appropriating \$585,000 to the 120th Avenue Underpass Project as an advance of the Adams County share of the project's construction costs.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Atchison adjourned the meeting at 7:58 p.m.

ATTEST:

City Clerk

Mayor



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Presentation of Employee Service Awards

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

Recommended City Council Action

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

Summary Statement

- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In the third grouping of 2014, employees with 20, 25, 30 and 40 years of service will be celebrated tonight.
 - ✓ Presentation of 20-year certificates and pins – Mayor Pro Tem Winter
 - ✓ Presentation of 25-year certificate, pin, and check – Mayor Atchison
 - ✓ Presentation of 30-year certificates and pins – Councillor Baker
 - ✓ Presentation of 40-year certificates and pins – Councillor Pinter

Expenditure Required: \$2,500

Source of Funds: \$2,500 – Utility Fund – Information Technology

Policy Issue

None identified

Alternative

None identified

Background Information

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

Roger Baker	Plant Operator IV	Public Works & Utilities
Bob Cannady	Utilities Technician	Public Works & Utilities
Chris Howrey	Accounting Technician	Finance Department
Anita Seele	Secretary	Fire Department
Steve Smithers	Deputy City Manager	City Manager’s Office

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

Dannie Moore	Internet Software Engineer	Information Technology
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The following 30-year employees will be presented with certificates and service pins:

Theresa Dauenbaugh	Library Specialist	Parks, Recreation & Libraries
Bob Dowling	Police Commander	Police Department
Chris Williams	Software Engineer II	Information Technology

The following 40-year employees will be presented with certificates and service pins:

Bobby Booze	Distribution & Collection Superintendent	Public Works & Utilities
Art Cornay	Plant Operator IV	Public Works & Utilities

On April 30, 2014, the City Manager will host an employee awards luncheon. During this time, six (6) employees will receive their 15-year service pin; twelve (12) employees will receive their 10-year service pin; and one (1) employee will receive their 5-year service pin. Recognition will also be given to those celebrating their 20th, 25th, 30th, and 40th anniversaries. This is the third luncheon in 2014 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees for the second luncheon is 510 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

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

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 6 B

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Mental Health Month Proclamation

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Councillor Pinter to present the proclamation for Mental Health Month.

Summary Statement

- The Jefferson Center for Mental Health and Adams County Community Reach, which serve Westminster residents, have requested that the City proclaim the month of May 2014 as Mental Health Month in the City of Westminster.
- The City has been very supportive of these mental health organizations both through the City's Human Services funding and in-kind contributions.
- By proclaiming May Mental Health Month, citizens, government agencies, public and private institutions, businesses, and schools are asked to recommit resources to increasing awareness and understanding of mental health, provide appropriate and accessible services for all citizens, and make mental health a priority.
- Representatives of both agencies will be present to accept the proclamation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Community Reach and the Jefferson Center for Mental Health have requested that the month of May 2014 be recognized as Mental Health month in the City of Westminster in order to increase community awareness that:

- Mental illnesses and substance abuse disorders are treatable, and recovery is possible when appropriate treatment services are available and accessible.
- Mental health is a key component to a person's overall health. Persons with mental health and substance abuse disorders who have access to local, community-based prevention, intervention, and treatment services are much less likely to require the more expensive alternatives of hospitalization or incarceration, and their chances of becoming homeless are greatly reduced.
- Demand for mental health and substance abuse treatment has reached record levels in Colorado.

In 2014, the City will provide \$7,500 to Jefferson Center for Mental Health as part of the Human Services Agency Funding. Additionally, Community Reach receives an in-kind contribution from the City in the form of facility space in the former 76th Avenue Library building for their Westminster office.

Liz Smith, Director of Family Services for Jefferson County Mental Health, and Lindy Schultz, Public Relations and Communications Manager for Adams County Community Reach, will accept the proclamation.

This proclamation supports the City's Strategic Plan goal of a Safe and Healthy Community by acknowledging the City's support of health services that encourage citizens to take responsibility for their own well-being.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Proclamation

WHEREAS, Mental Health month has been observed since 1949 to raise awareness about mental health conditions and the importance of mental health wellness for all; and

WHEREAS, Mental illness is a leading cause of disability in Colorado and the lack of access to mental health services is repeatedly listed as one of the top five health threats around the state; and

WHEREAS, Citizens of Westminster may be affected by mental illness regardless of age, gender, race, ethnicity, religion or economic status; and

WHEREAS, Good mental health promotes a healthy community and is essential to the overall health and emotional wellbeing of all children, youth, adults and families; and

WHEREAS, Mental illnesses and substance use disorders are treatable, and recovery is possible when appropriate treatment services are available and accessible; and

WHEREAS, Community mental health providers play a critical role in responding to local emergencies and tragic events and are an essential resource for healing individual and community trauma.

NOW, THEREFORE, I, Herb Atchison, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 2014 as

MENTAL HEALTH MONTH

and call upon all citizens, government agencies, public and private institutions, businesses, and schools to recommit our communities and resources to increasing awareness and understanding of mental health, providing appropriate and accessible services for all citizens, and making mental health a priority.

Dated this 28th day of April, 2014.

Herb Atchison, Mayor



Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Proclamation re Police Week

Prepared By: Lee Birk, Chief of Police
Kate Kazell, Public Information Officer

Recommended City Council Action

Councillor Garcia to proclaim May 15, 2014, as Peace Officers Memorial Day and May 11 through 17, 2014, as Police Week.

Summary Statement

- The President of the United States proclaims May 15 of each year as Peace Officers Memorial Day and the week in which it falls as Police Week.
- In 1994, President William J. Clinton signed into public law a joint resolution of the 103rd Congress directing that the flag of the United States be flown at half-staff on all government buildings on May 15.
- Police Week recognizes the service and sacrifice of United States law enforcement and pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others.
- A public memorial service will be held in front of the Westminster Public Safety Center on Thursday, May 8, 2014, beginning at noon to honor fallen officers and will include the Westminster Police Department Honor Guard and a bagpiper playing “Amazing Grace.”
- Chief Lee Birk will be present to accept the Proclamation on behalf of the Police Department.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Law Enforcement officers throughout the United States will observe Peace Officers Memorial Day on May 15, 2014 and Police Week during May 11-17, 2014. On October 1, 1961, Congress asked the President to designate May 15 to honor law enforcement officers. President John F. Kennedy signed the bill into law on October 1, 1962. President Kennedy designated the calendar week during which May 15 occurs as Police Week in recognition of the service given by men and women who, day and night, stand guard in our midst to protect us through enforcement of our laws. It was not until May 15, 1982 that the first National Peace Officers Memorial Day Service was held. In 1991, President George H. W. Bush dedicated the Law Enforcement Officers Memorial, which commemorates the service and ultimate sacrifice of America's law enforcement officers.

According to a Proclamation by President George W. Bush in 2002, "Peace Officers Memorial Day and Police Week pay tribute to the local, state, and federal law enforcement officers who serve and protect us with courage and dedication. These observances also remind us of the ongoing need to be vigilant against all forms of crime, especially to acts of extreme violence and terrorism."

City Council action on this item supports the Strategic Plan Goal of a Safe and Healthy Community.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, in 2013, across the United States, 111 law enforcement officers lost their lives in the line of duty; and

WHEREAS, more than 19,980 federal, state, and local law enforcement officers have died in the line of duty and their names are engraved on the National Law Enforcement Officers Memorial in Washington D.C.; and

WHEREAS, we pay homage to the heroes who have fallen in the line of duty and pray for the families and friends left behind; and

WHEREAS, the Westminster Police Department has 183 authorized commissioned police officers; and

WHEREAS, Westminster police officers responded to 109,449 police service events in 2013; and

WHEREAS, with valor and devotion, our law enforcement officers stand watch on the front lines and help make our communities safer and more secure; and; and

WHEREAS, fulfilling their duties with courage and commitment, law enforcement officers work tirelessly and put themselves in harm's way, exemplifying the good and decent character of America.

NOW, THEREFORE, I, Herb Atchison, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 15, 2014, as

PEACE OFFICERS MEMORIAL DAY

and May 11 through 17, 2014, as

POLICE WEEK

in the City of Westminster, and urge all citizens to thank the men and women who have answered the call to serve in law enforcement for their commitment to justice and to their communities.

Signed this 28th day of April, 2014.

Herb Atchison, Mayor



Agenda Item 6 D

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Proclamation Regarding National Drinking Water Week

Prepared By: Cathy Shugarts, Water Quality Specialist
Mary Fabisiak, Water Quality Administrator

Recommended City Council Action

Councillor Seitz to proclaim May 4 through 10, 2014, as Drinking Water Week in the City of Westminster.

Summary Statement

- The American Water Works Association (AWWA) and its nationwide members celebrate Drinking Water Week across the country.
- During Drinking Water Week, the Public Works and Utilities Department will host outreach events to educate and inform the public about the City's various water programs.
- This Proclamation represents City Council's continued support of the City's goal to protect the water supply and system infrastructure and provide safe, clean water for its residents.
- Public Works and Utilities Department staff in attendance at the City Council meeting to accept the proclamation for the City of Westminster include Jody Andrews, Bob Booze, Mary Fabisiak, Stephen Gay, Mike Happe, Doug Hawkins, Julie Koehler, Bob Krugmire, Tom Scribner, and Cathy Shugarts.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None Identified

Alternative

None Identified

Background Information

The week of May 4 through 10, 2014, is Drinking Water Week in Westminster and across the country, serving as a reminder of the daily importance of providing safe and clean drinking water to City residents.

This year marks the 40th anniversary of the Safe Drinking Water Act legislation of 1974 that protected water customers in the United States by adopting minimum health-based standards for acceptable drinking water quality and established regulatory accountability for water suppliers. Amendments to the Act in 1986 and 1996 increased the effectiveness and protection of drinking water and raw water supplies.

For more than 35 years, the American Water Works Association (AWWA) and its nationwide members have celebrated Drinking Water Week to provide a unique opportunity for both water professionals and the communities they serve to join together to recognize the vital role water plays in our daily lives. The water community is committed to the idea that by challenging consumers to evaluate how they currently value, use and access water, more can be done to protect it now and for future generations.

This proclamation and the City's Drinking Water Week program supports the City's goals of a Safe and Healthy Community and a Beautiful and Environmentally Sensitive City by providing educational opportunities for the residents of Westminster to learn about their drinking water.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Proclamation

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of our city is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water.

NOW, THEREFORE, I, Herb Atchison, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of May 4 through 10, 2014, as

DRINKING WATER WEEK

in the City of Westminster and ask all citizens to join in extending our appreciation to our Public Works and Utilities Department employees whose vision, expertise and dedication provide residents with the high quality drinking water we enjoy.

Signed this 28th day of April, 2014.

Herb Atchison, Mayor



Agenda Item 6 E

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Proclamation Regarding National Public Works Week

Prepared By: Jody Andrews, Director of Public Works and Utilities

Recommended City Council Action

Councillor Bob Briggs to proclaim the week of May 18 through 24, 2014, as Public Works Week in the City of Westminster.

Summary Statement

- National Public Works Week is a celebration of the tens of thousands of men and women across America who provide and maintain the infrastructure and services collectively known as public works.
- The American Public Works Association and State Chapters dedicate the third week in May each year to inform and educate citizens of the importance of Public Works.
- The theme of this year's Public Works Week is "Building for Today Planning for Tomorrow."
- The City of Westminster has 135 employees in the Public Works and Utilities Department who are dedicated to providing exceptional value and quality of life through SPIRIT (Service, Pride, Integrity, Responsibility, Innovation, and Teamwork.)
- During National Public Works Week the Planning Committee invites all city employees to attend our In-House Snow Plow Roadeo and a BBQ with demonstrations, displays, and a "Hot Wheels" car and equipment show.
- Public Works and Utilities Department staff in attendance at the City Council meeting to accept the proclamation for the City of Westminster include Todd Anderson, Jody Andrews, Deb Bell, Bob Booze, Jackie Bowers, Dave Cantu, Barb Cinkosky, Rick Dietz, Gerry Dornhecker, Rob Dupont, Kiara Korrell, Adam Marsh, Brenley McKenna, J.R. Miller, Bill Morgan, and Tim Woodard.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Public Works professionals throughout the United States and Canada will celebrate National Public Works Week, May 18-24, 2014.

Since 1960, the annual observance has been an opportunity to increase public awareness of the role that Public Works plays in all of our daily lives. The week seeks to enhance the prestige of the often-unsung heroes of our society – the professionals who serve the public good every day with quiet dedication, including the 135 dedicated employees in the City’s Public Works and Utilities Department.

Through National Public Works Week, the Colorado Chapter of the American Public Works Association seeks to raise the public’s awareness of public works issues and to increase confidence in Public Works employees who are dedicated to improving the quality of life for present and future generations.

Below is the graphic that was created for this year’s National Public Works Week.



This proclamation supports the City’s goals of a Financially Sustainable City Government Providing Exceptional Service, Safe and Healthy Community, and a Beautiful and Environmentally Sensitive City by recognizing Public Works and Utilities employees for their efforts towards a well-maintained City infrastructure and facilities and providing efficient, cost-effective services.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Proclamation

WHEREAS, Public Works and Utilities services provided in our community are an integral part of our citizens' lives; and

WHEREAS, support of an understanding and informed citizenry is vital to the efficient operation of Public Works and Utilities and programs concerning the maintenance of water, sewers, streets and highways, public buildings, and snow removal operations; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of Public Works and Utilities employees; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff the Public Works and Utilities Department are materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, I, Herb Atchison, Mayor, on behalf of the entire City Council and Staff, do hereby proclaim the week of May 18 through 24, 2014, as

PUBLIC WORKS WEEK

in the City of Westminster and call upon all citizens and civic organizations to acquaint themselves with the challenges and opportunities involved in providing our Public Works and Utilities and to recognize the contributions that Public Works and Utilities employees make every day to our health, safety, comfort and quality of life.

Signed this 28th day of April, 2014.

Herb Atchison, Mayor



Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Financial Report for March, 2014

Prepared By: Tammy Hitchens, Finance Director

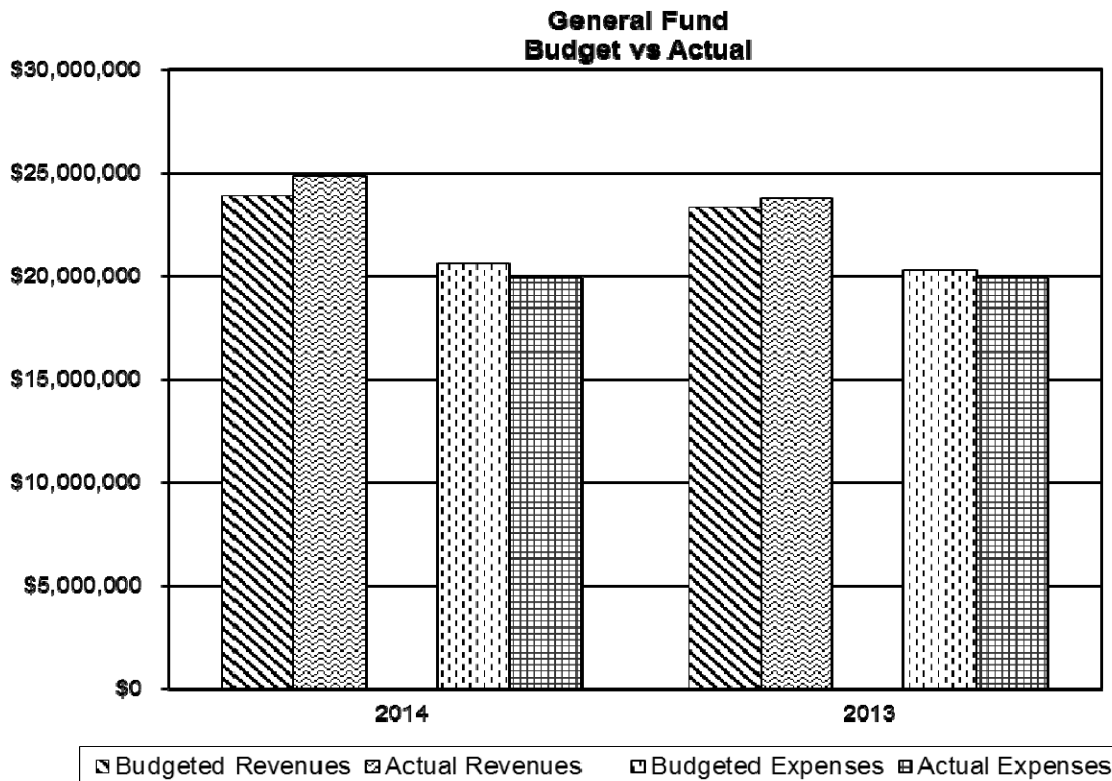
Recommended City Council Action

Accept the Financial Report for March as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, "budget" refers to the pro-rated budget. The budget numbers that are presented reflect the City's amended adopted budget. Both revenues and expenditures are pro-rated based on 10-year historical averages.

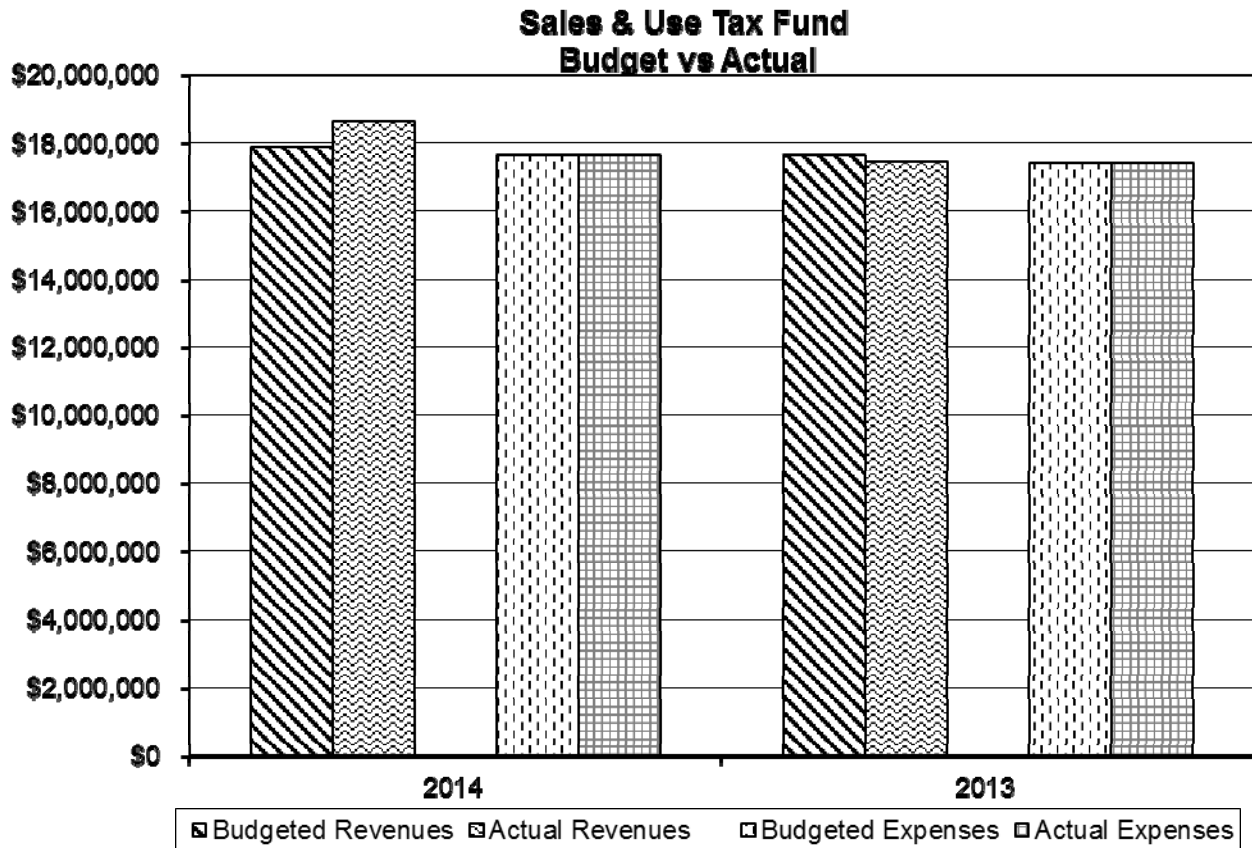
Current projections show General Fund revenues and carryover exceeding expenditures by \$1,635,643. The following graph represents Budget vs. Actual for 2013-2014.



2014 revenue includes reimbursements from WEDA for costs previously incurred by the City for the South Sheridan URA as well as certain building permit fee rebates.

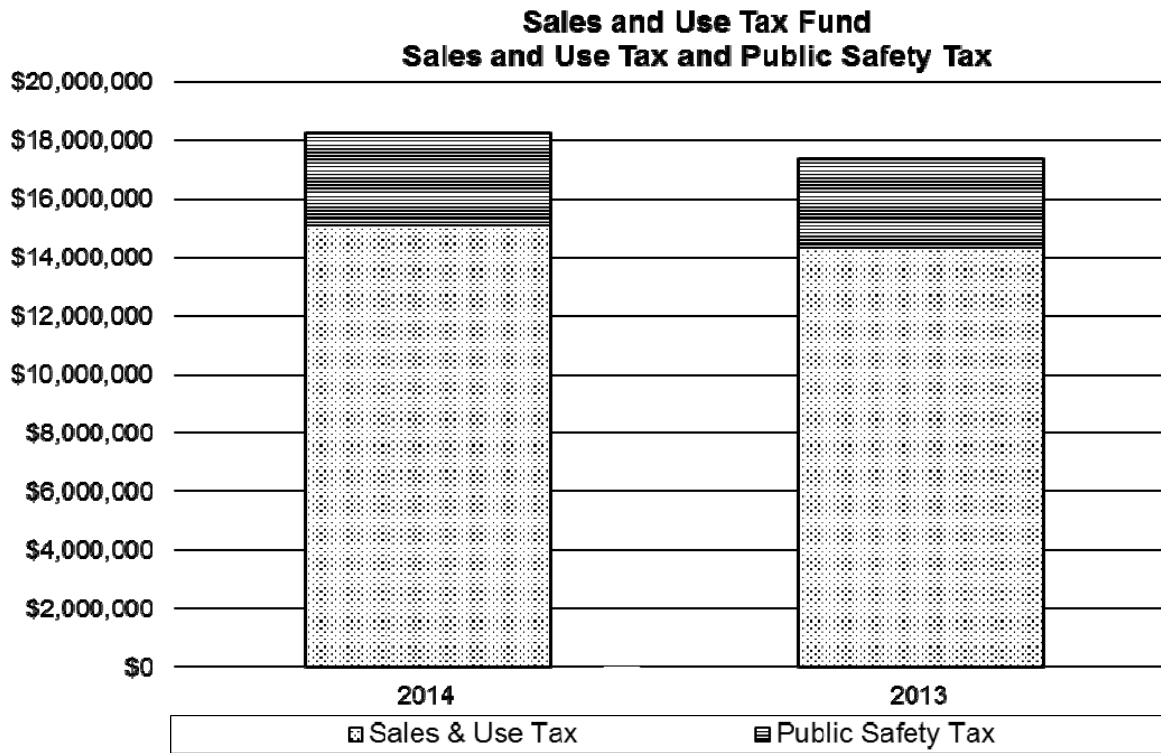
Current projections show the Sales and Use Tax Fund revenues exceeding expenditures by \$812,056. On a year-to-date cash basis, total sales and use tax is up 5.1% from 2013. Key components are listed below:

- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are even with the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 59.5% of all collections, are up 1.4% for the month when compared to 2013.
- Urban renewal areas make up 39.7% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 87.4% of this money is being retained for General Fund use.

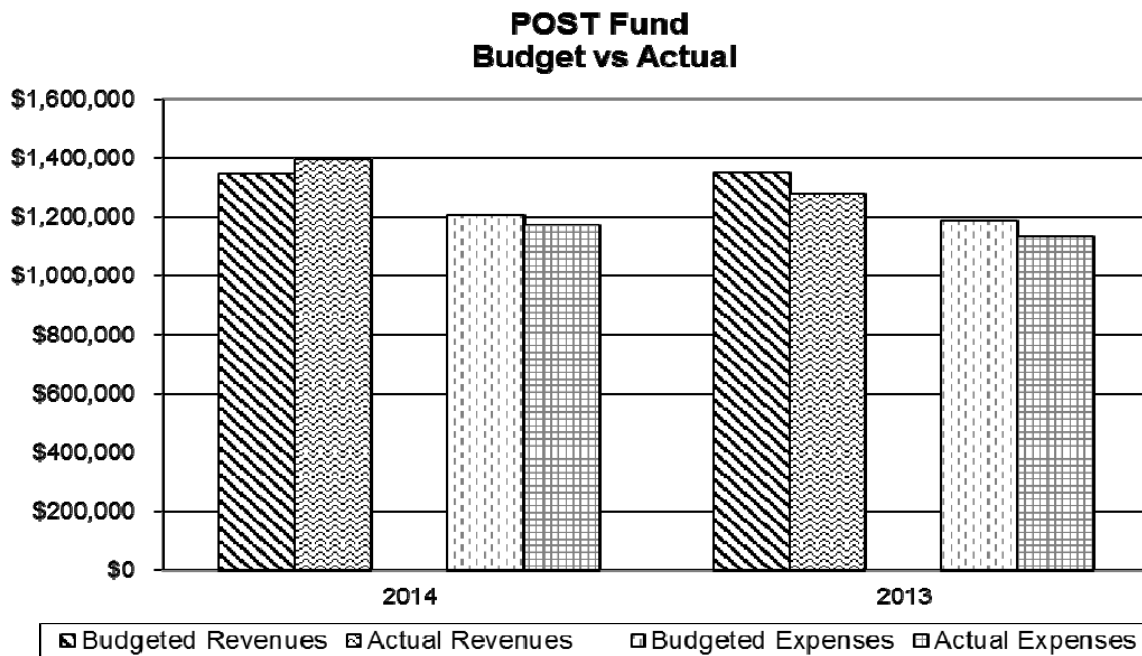


2014 revenue includes reimbursements from WEDA for costs previously incurred by the City for the South Sheridan URA as well as certain building permit fee rebates.

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

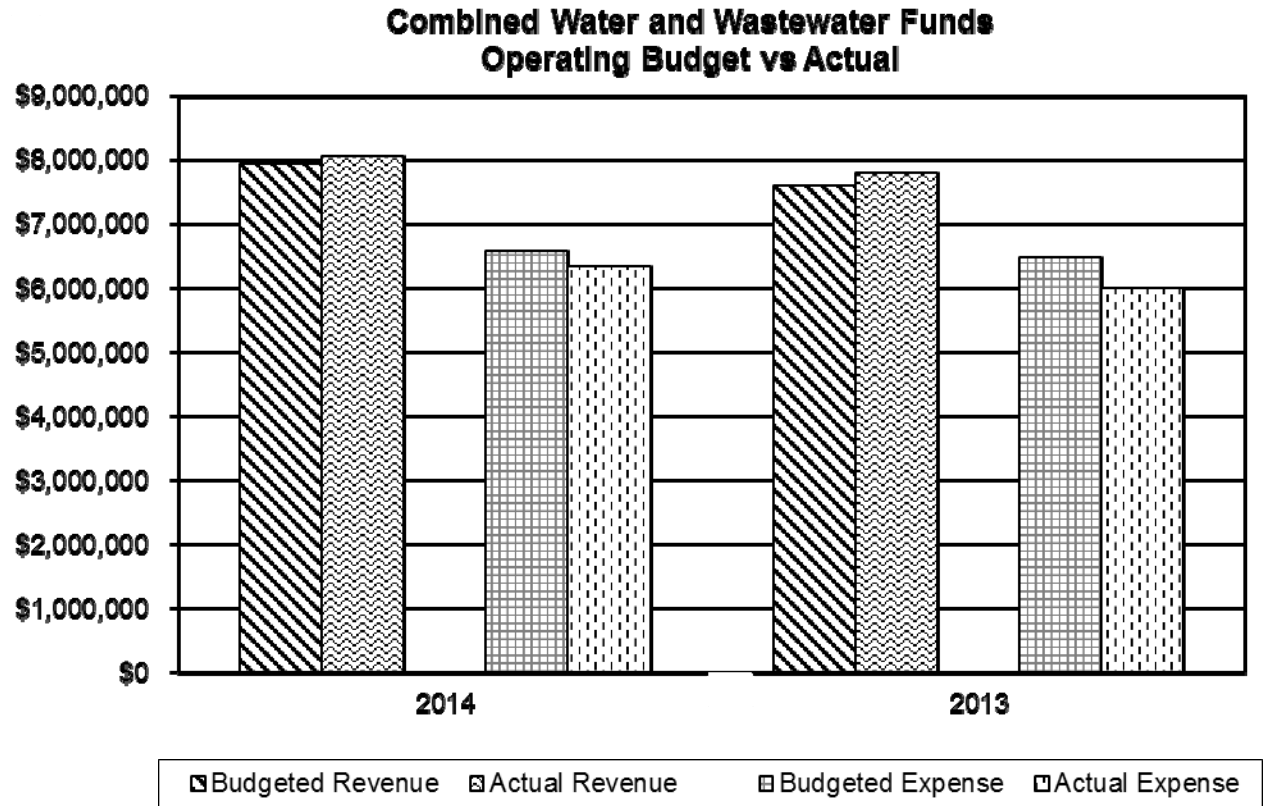


Current projections show Parks Open Space and Trails Fund revenues exceeding expenditures by \$81,572.



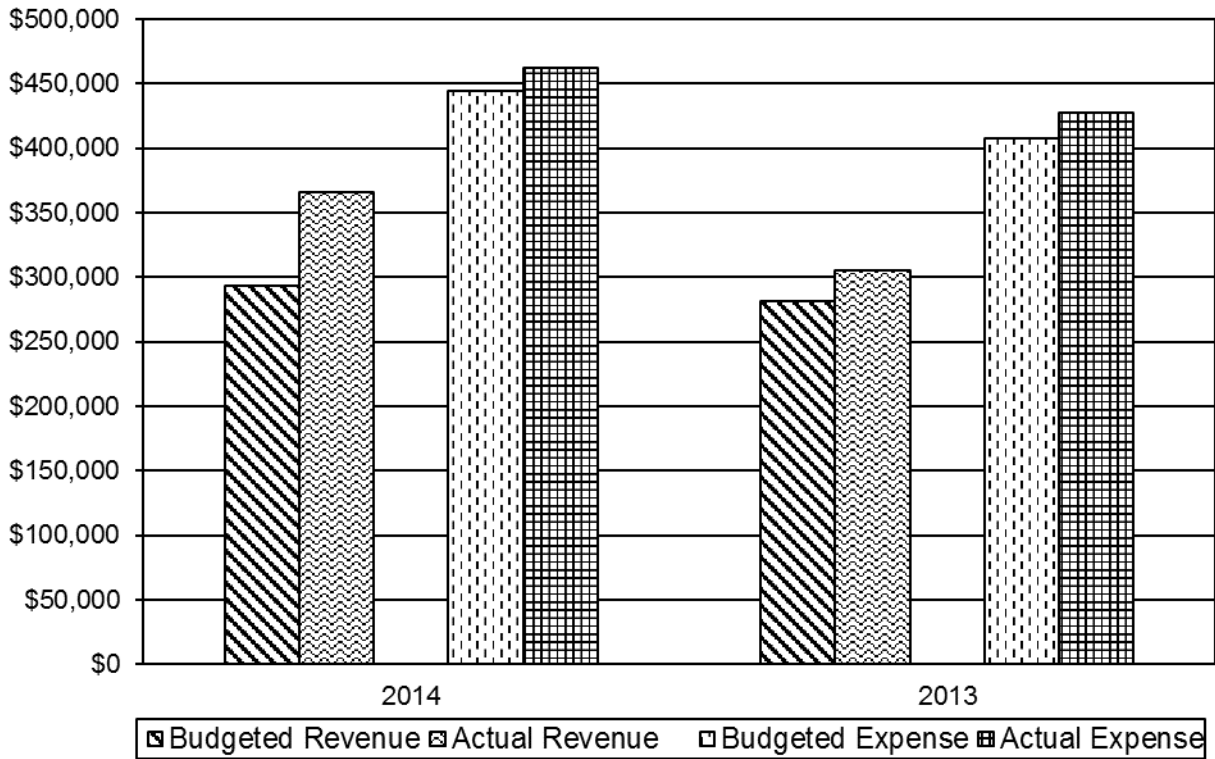
2014 revenue includes reimbursements from WEDA for costs previously incurred by the City for the South Sheridan URA as well as certain building permit fee rebates.

Current projections show combined Water & Wastewater Fund revenues below expenditures by \$1,256,497. This is mostly due to tap fees.



Current projections show combined Golf Course Fund revenues exceeding expenditures by \$56,197. This is attributable to the golf expo and promotions.

Golf Course Enterprise Operating Budget vs Actual



Policy Issue

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

Alternative

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

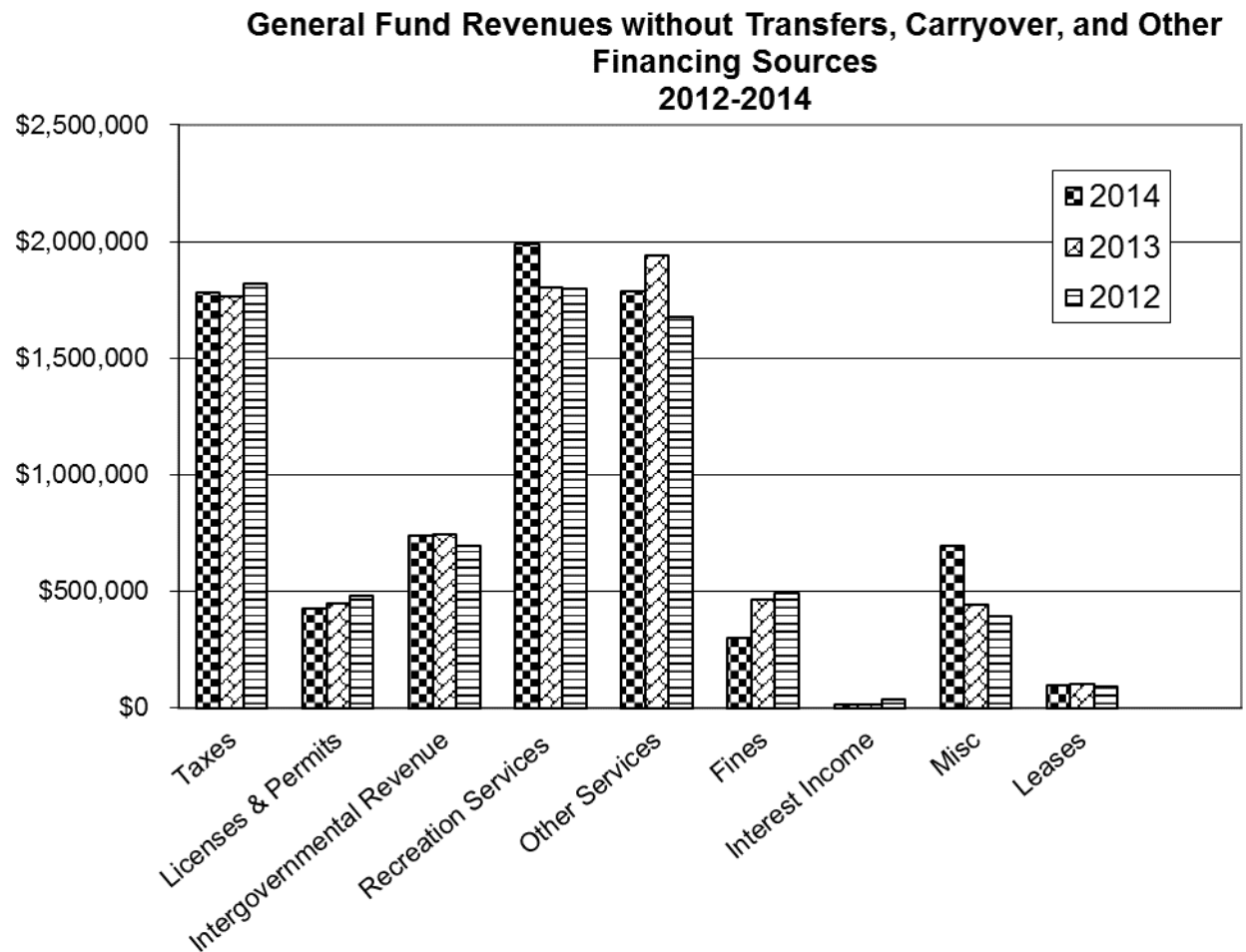
Background Information

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

General Fund

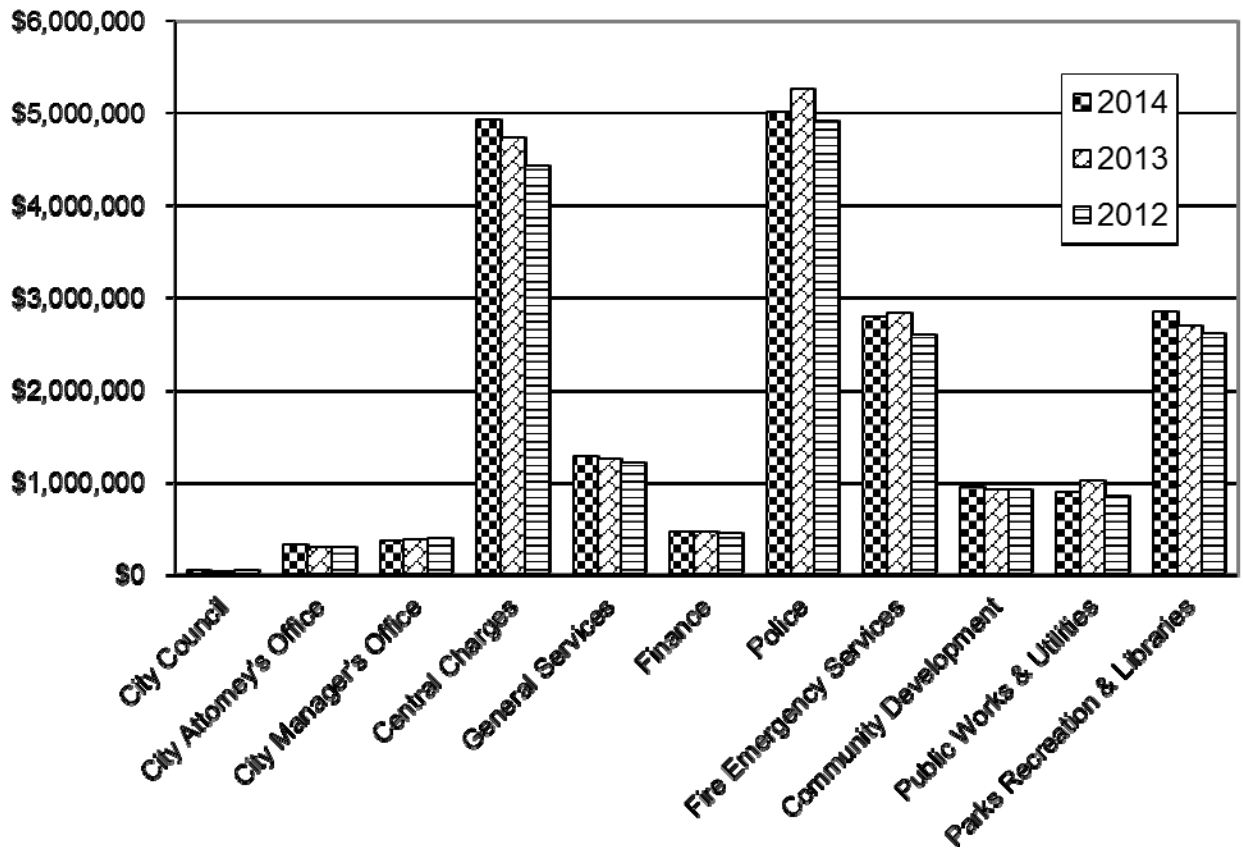
This fund reflects the result of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions: City Manager, City Attorney, Finance, and General Services.

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



Recreation Services reflects an increase in pass revenue and youth activity fees as an outcome of the various Parks, Recreation and Libraries promotions. The decrease in Other Services revenue is caused by a significant write down of EMS ambulance billings. Fines are lower in 2014 mostly because of a decrease in traffic fines. Miscellaneous revenue is higher due mostly to reimbursements from WEDA for costs previously incurred by the City for the South Sheridan URA and certain building permit fee rebates.

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

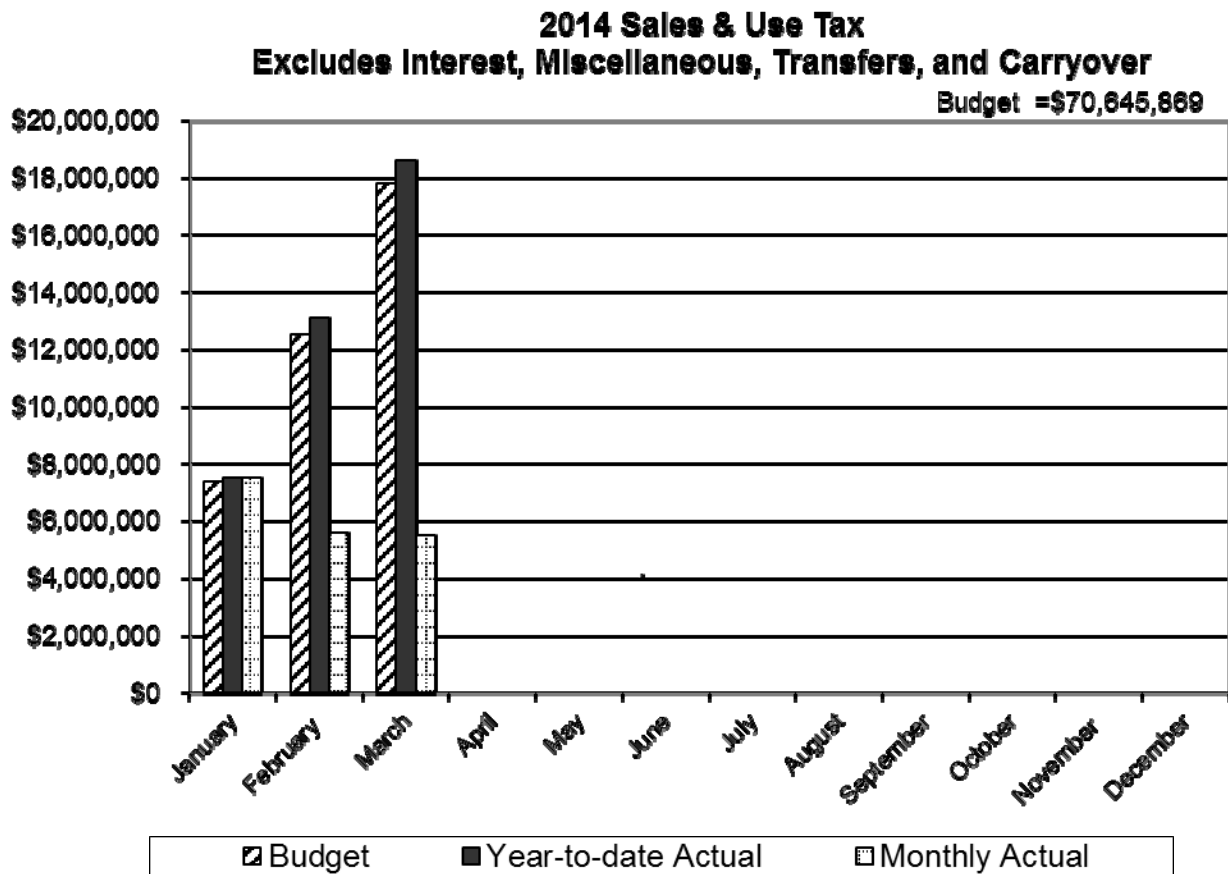


2014 Central Charges expenditures are higher when compared to prior years mostly because of membership and capital replacement fees as well as employer paid insurance premiums. Police expenditures are slightly less than in 2013 primarily because of decreased costs for maintenance and repair of equipment, ammunitions, and salaries. Public Works and Utilities expenditures are less than in the previous year due to decreases in expenditures for snow removal and construction materials as well as costs for street rehabilitation. PRL expenditures are slightly higher when compared to prior years primarily due to salaries and youth sports programming.

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

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

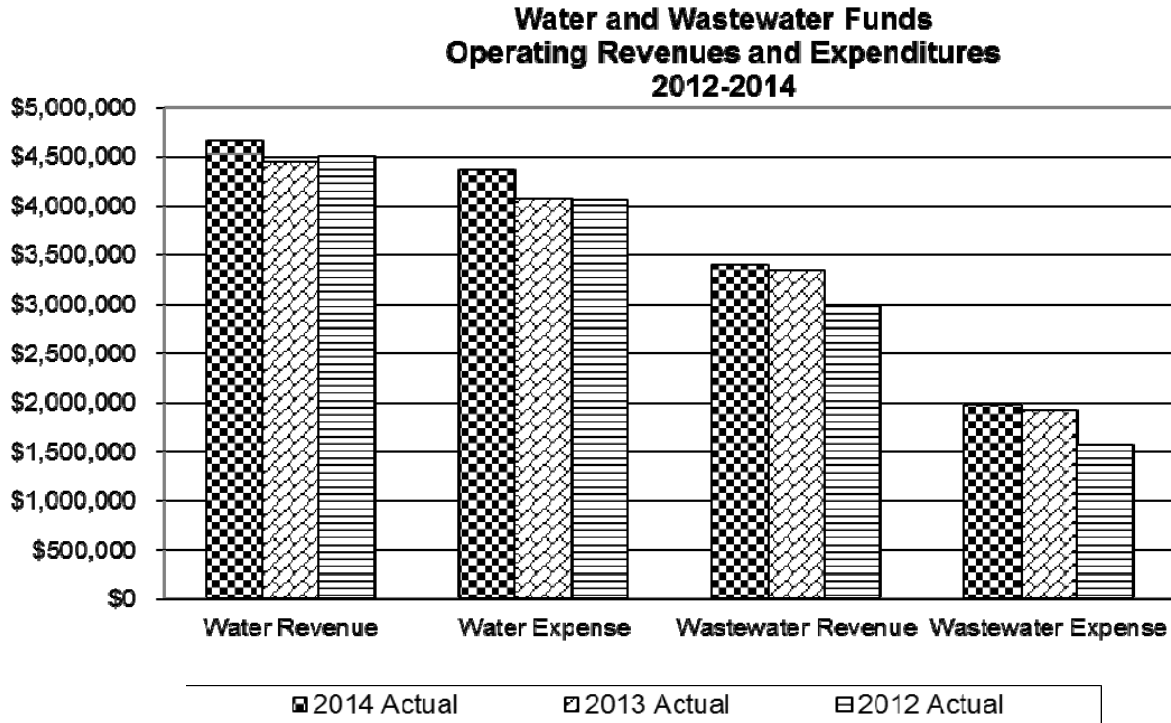
This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Parks, Open Space, and Trails Sales & Use Tax.



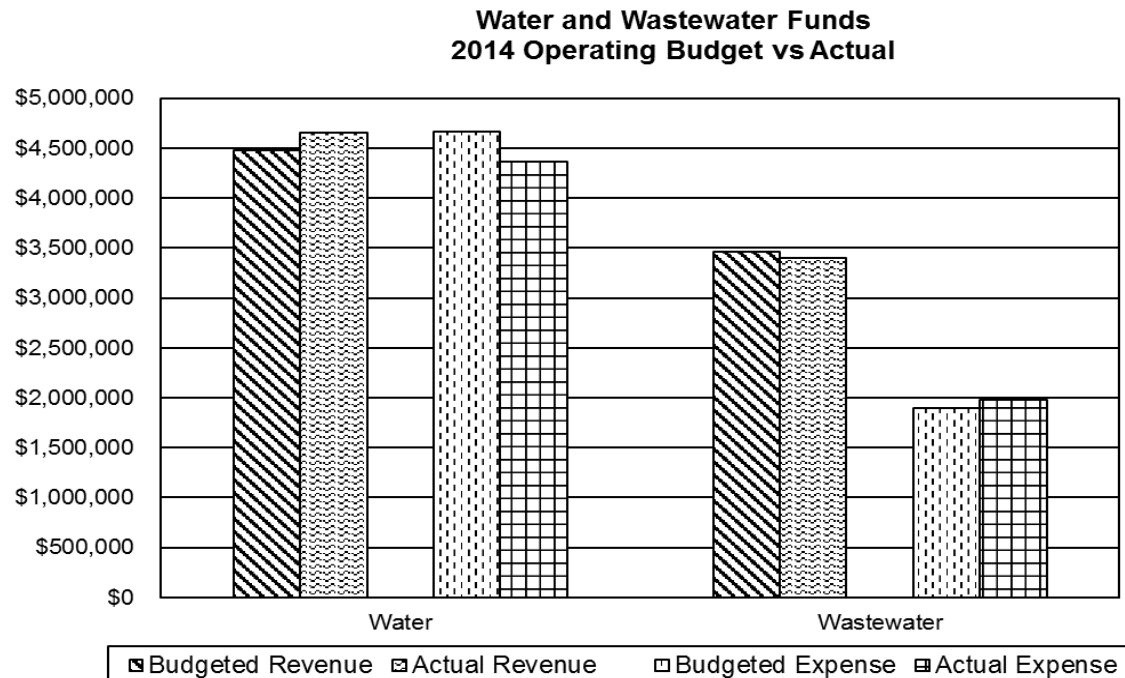
Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

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

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

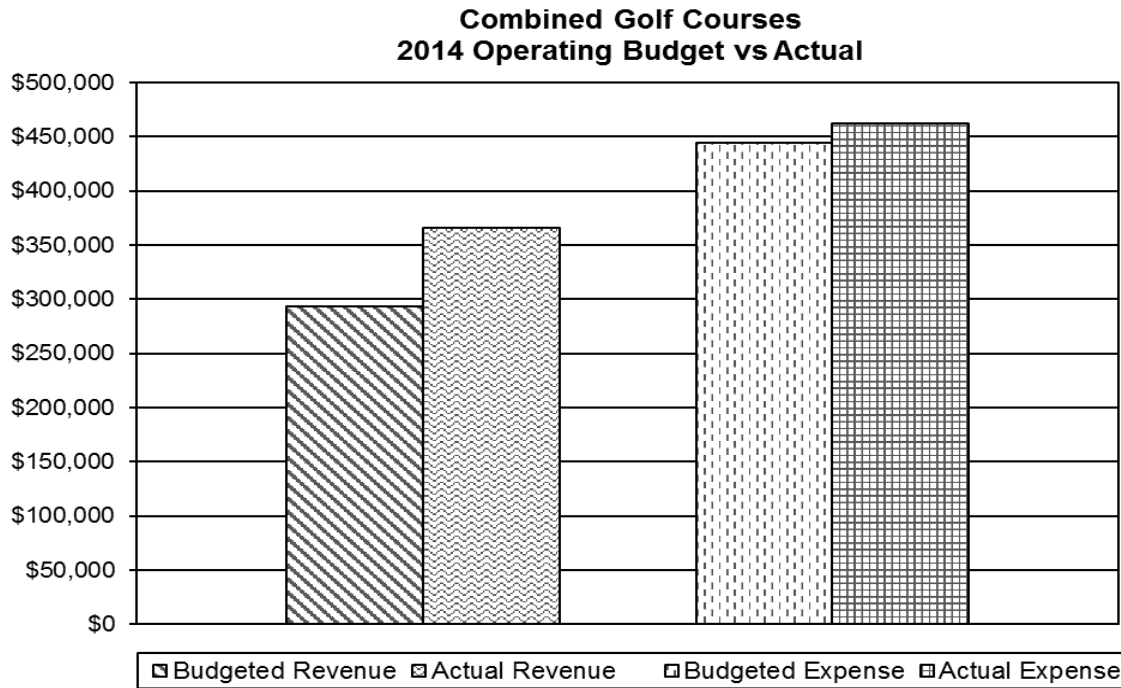


Water and Wastewater revenue variances are due to changes in billing rates; in the Water Fund the variance is also due to the effect of climatic variations on water consumption.



Golf Course Enterprise (Legacy and Heritage Golf Courses)

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



Combined Golf Course revenues exceed budget in part because of various promotions, proceeds from the Golf Expo, as well as greens fees.

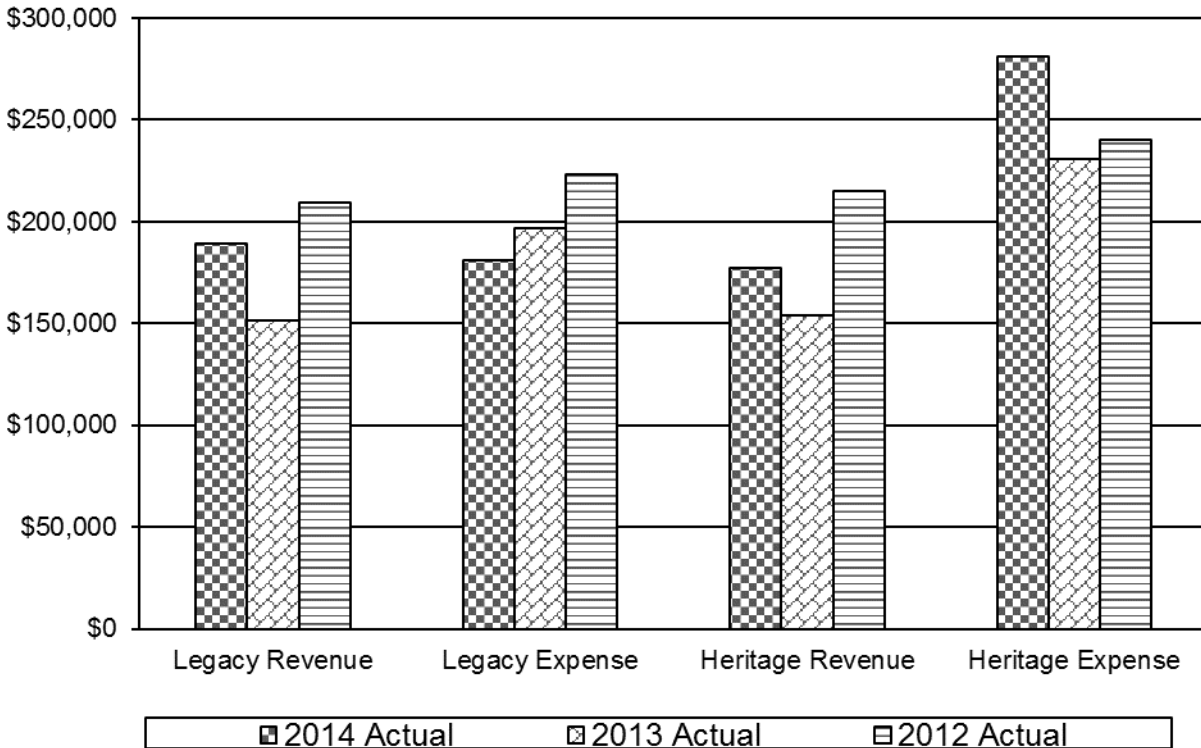


Golf Course revenues exceed budget in part because of various special promotions that ran in January and February as well as proceeds from the Golf Expo and greens fees. Legacy’s favorable budget to actual expenditure variance results primarily from utility and commodity savings; expenditures for Legacy’s inventory for resale later this year will smooth this variance. Heritage’s expenditure variance is due to both salaries and commodities. Salaries exceed budget because of staff reassignments between the courses

and Parks, Recreation and Libraries. Commodities exceed budget due to an increase of inventory in the golf shop in preparation for the golf season.

The following graph represents the information for each of the golf courses.

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



Revenue variances are due primarily to climatic effects on charges for services including driving range and greens fees. In February, several special promotions and the Golf Expo generated additional revenue for the courses.

Heritage expenditures increased over 2013 due to purchases of golf shop inventory for the 2014 golf season.

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachments -Financial Statements
-Shopping Center Report

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Courses Combined						
Operating Revenues						
Charges for Services	3,019,336	293,282		366,038	72,756	124.8%
Total Revenues	<u>3,019,336</u>	<u>293,282</u>		<u>366,038</u>	<u>72,756</u>	124.8%
Operating Expenditures						
Central Charges	211,700	54,266		45,862	(8,404)	84.5%
Recreation Facilities	2,644,571	389,633		416,102	26,469	106.8%
Total Expenditures	<u>2,856,271</u>	<u>443,899</u>		<u>461,964</u>	<u>18,065</u>	104.1%
Operating Income (Loss)	<u>163,065</u>	<u>(150,617)</u>		<u>(95,926)</u>	<u>54,691</u>	
Other Revenues and Expenditures						
Interest Income	0	0		1,506	1,506	
Debt Service	(742,208)	(77,617)		(77,617)	0	100.0%
Interfund Transfers	579,143	144,785		144,785	0	100.0%
Carryover	200,000	200,000		200,000	0	100.0%
Total Other Revenue (Expenditures)	<u>36,935</u>	<u>267,168</u>		<u>268,674</u>	<u>1,506</u>	
Revenues Over(Under) Expenditures	<u>200,000</u>	<u>116,551</u>	(1)	<u>172,748</u>	<u>56,197</u>	

(1) Net revenues are used to fund capital projects and reserves.

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Taxes	5,617,500	1,659,805		1,779,951	120,146	107.2%
Licenses & Permits	1,622,000	381,023		425,504	44,481	111.7%
Intergovernmental Revenue	5,035,980	589,265		740,562	151,297	125.7%
Charges for Services						
Recreation Services	6,775,338	1,693,899		1,991,910	298,011	117.6%
Other Services	9,412,865	1,737,258		1,784,762	47,504	102.7%
Fines	2,150,000	524,949	(1)	297,466	(227,483)	56.7%
Interest Income	55,000	8,690		12,799	4,109	147.3%
Miscellaneous	1,657,987	215,047	(2)	693,556	478,509	322.5%
Leases	401,779	93,968		93,968	0	100.0%
Interfund Transfers	66,881,386	16,720,347		16,720,347	0	100.0%
Sub-total Revenues	<u>99,609,835</u>	<u>23,624,251</u>		<u>24,540,825</u>	<u>916,574</u>	<u>103.9%</u>
Carryover	265,000	265,000		265,000	0	100.0%
Total Revenues	<u>99,874,835</u>	<u>23,889,251</u>		<u>24,805,825</u>	<u>916,574</u>	<u>103.8%</u>
Expenditures						
City Council	254,094	51,644		49,482	(2,162)	95.8%
City Attorney's Office	1,316,607	295,510	(3)	322,091	26,581	109.0%
City Manager's Office	1,597,872	367,543		368,726	1,183	100.3%
Central Charges	26,745,374	4,991,526		4,924,127	(67,399)	98.6%
General Services	6,122,526	1,371,438		1,283,511	(87,927)	93.6%
Finance	2,133,622	476,921		458,132	(18,789)	96.1%
Police	21,578,228	5,102,833		5,008,450	(94,383)	98.2%
Fire Emergency Services	12,616,015	2,868,269		2,796,006	(72,263)	97.5%
Community Development	4,360,815	994,802		944,374	(50,428)	94.9%
Public Works & Utilities	8,180,693	1,132,295		891,247	(241,048)	78.7%
Parks, Recreation & Libraries	14,968,989	2,953,160		2,840,726	(112,434)	96.2%
Total Expenditures	<u>99,874,835</u>	<u>20,605,941</u>		<u>19,886,872</u>	<u>(719,069)</u>	<u>96.5%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>3,283,310</u>		<u>4,918,953</u>	<u>1,635,643</u>	

(1) Budget to actual variance is due mostly to traffic fines.

(2) Budget to actual variance includes unbudgeted reimbursements from WEDA for costs previously incurred by the City for the South Sheridan URA as well as certain building permit fee rebates.

(3) Budget to actual variance is due mostly to one-time personnel service charges.

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues						
Sales Tax						
Sales Tax Returns	48,071,133	12,210,368		12,930,797	720,429	105.9%
Sales Tx Audit Revenues	729,000	182,250		160,305	(21,945)	88.0%
S-T Rev. STX	<u>48,800,133</u>	<u>12,392,618</u>		<u>13,091,102</u>	<u>698,484</u>	105.6%
Use Tax						
Use Tax Returns	8,390,000	1,696,325		1,832,822	136,497	108.0%
Use Tax Audit Revenues	785,000	196,250		150,856	(45,394)	76.9%
S-T Rev. UTX	<u>9,175,000</u>	<u>1,892,575</u>		<u>1,983,678</u>	<u>91,103</u>	104.8%
Total STX and UTX	<u>57,975,133</u>	<u>14,285,193</u>		<u>15,074,780</u>	<u>789,587</u>	105.5%
Public Safety Tax						
PST Tax Returns	11,971,773	3,066,436		3,103,643	37,207	101.2%
PST Audit Revenues	308,500	77,125		62,208	(14,917)	80.7%
Total Rev. PST	<u>12,280,273</u>	<u>3,143,561</u>		<u>3,165,851</u>	<u>22,290</u>	100.7%
Interest Income	61,000	15,250		15,429	179	101.2%
Miscellaneous	0	344,727	(1)	344,727	0	100.0%
Interfund Transfers	329,463	82,366		82,366	0	100.0%
Total Revenues	<u>70,645,869</u>	<u>17,871,097</u>		<u>18,683,153</u>	<u>812,056</u>	104.5%
Expenditures						
Central Charges	<u>70,645,869</u>	<u>17,661,467</u>		<u>17,661,467</u>	0	100.0%
Revenues Over(Under) Expenditures						
	<u>0</u>	<u>209,630</u>		<u>1,021,686</u>	<u>812,056</u>	

(1) Budget to actual variance includes unbudgeted reimbursements from WEDA for costs previously incurred by the City for the South Sheridan URA as well as certain building permit fee rebates.

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Sales & Use Tax	5,152,477	1,316,548		1,318,766	2,218	100.2%
Interest Income	10,000	2,500		2,051	(449)	82.0%
Miscellaneous	85,030	21,258	(1)	67,230	45,972	316.3%
Interfund Transfers	24,537	6,134		6,134	0	100.0%
Total Revenues	<u>5,272,044</u>	<u>1,346,440</u>		<u>1,394,181</u>	<u>47,741</u>	<u>103.5%</u>
Expenditures						
Central Charges	4,932,328	1,148,926		1,126,470	(22,456)	98.0%
Park Services	339,716	57,281	(2)	45,906	(11,375)	80.1%
Total Expenditures	<u>5,272,044</u>	<u>1,206,207</u>		<u>1,172,376</u>	<u>(33,831)</u>	<u>97.2%</u>
Revenues Over(Under) Expenditures	<u>0</u>	<u>140,233</u>		<u>221,805</u>	<u>81,572</u>	

(1) Budget to actual variance includes unbudgeted reimbursements from WEDA for costs previously incurred by the City for the South Sheridan URA as well as certain building permit fee rebates.

(2) Budget to actual variance is mainly due to capital outlay.

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Funds - Combined						
Operating Revenues						
License & Permits	75,000	18,750		22,800	4,050	121.6%
Rates and Charges	47,265,414	7,812,711		7,899,907	87,196	101.1%
Miscellaneous	410,000	102,500	(1)	135,713	33,213	132.4%
Total Operating Revenues	<u>47,750,414</u>	<u>7,933,961</u>		<u>8,058,420</u>	<u>124,459</u>	101.6%
Operating Expenditures						
Central Charges	6,134,349	1,533,588		1,545,158	11,570	100.8%
Finance	644,754	157,320		151,853	(5,467)	96.5%
Public Works & Utilities	20,849,893	4,145,880		4,011,838	(134,042)	96.8%
Parks, Recreation & Libraries	152,417	10,212		8,268	(1,944)	81.0%
Information Technology	2,992,253	721,133		626,761	(94,372)	86.9%
Total Operating Expenditures	<u>30,773,666</u>	<u>6,568,133</u>		<u>6,343,878</u>	<u>(224,255)</u>	96.6%
Operating Income (Loss)	<u>16,976,748</u>	<u>1,365,828</u>		<u>1,714,542</u>	<u>348,714</u>	
Other Revenue and Expenditures						
Tap Fees	8,662,000	2,165,500		547,410	(1,618,090)	25.3%
Interest Income	323,847	80,962		93,841	12,879	115.9%
Interfund Transfers	8,906,830	8,906,830		8,906,830	0	100.0%
Debt Service	(7,204,825)	0		0	0	
Total Other Revenue (Expenditures)	<u>10,687,852</u>	<u>11,153,292</u>		<u>9,548,081</u>	<u>(1,605,211)</u>	
Revenues Over(Under) Expenditures	<u>27,664,600</u>	<u>12,519,120</u>	(2)	<u>11,262,623</u>	<u>(1,256,497)</u>	

(1) Budget to actual variance relates to a one-time sale of consumable water.

(2) Net revenues are used to fund capital projects and reserves.

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	18,750		22,800	4,050	121.6%
Rates and Charges	33,445,414	4,357,711		4,499,924	142,213	103.3%
Miscellaneous	400,000	100,000	(1)	134,238	34,238	134.2%
Total Operating Revenues	<u>33,920,414</u>	<u>4,476,461</u>		<u>4,656,962</u>	<u>180,501</u>	
Operating Expenditures						
Central Charges	4,294,054	1,073,514		1,079,231	5,717	100.5%
Finance	644,754	157,320		151,853	(5,467)	96.5%
Public Works & Utilities	14,405,355	2,707,848		2,497,880	(209,968)	92.2%
PR&L Standley Lake	152,417	10,212		8,268	(1,944)	81.0%
Information Technology	2,992,253	721,133		626,761	(94,372)	86.9%
Total Operating Expenditures	<u>22,488,833</u>	<u>4,670,027</u>		<u>4,363,993</u>	<u>(306,034)</u>	93.4%
Operating Income (Loss)	<u>11,431,581</u>	<u>(193,566)</u>		<u>292,969</u>	<u>486,535</u>	
Other Revenue and (Expenditures)						
Tap Fees	7,567,000	1,891,750		455,654	(1,436,096)	24.1%
Interest Income	233,665	58,416		72,619	14,203	124.3%
Interfund Transfers	8,619,230	8,619,230		8,619,230	0	100.0%
Debt Service	(5,697,476)	0		0	0	
Total Other Revenues (Expenditures)	<u>10,722,419</u>	<u>10,569,396</u>		<u>9,147,503</u>	<u>(1,421,893)</u>	
Revenues Over(Under) Expenditures	<u>22,154,000</u>	<u>10,375,830</u>	(2)	<u>9,440,472</u>	<u>(935,358)</u>	

(1) Budget to actual variance relates to a one-time sale of consumable water.

(2) Net revenues are used to fund capital projects and reserves.

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	13,820,000	3,455,000		3,399,983	(55,017)	98.4%
Miscellaneous	10,000	2,500		1,475	(1,025)	59.0%
Total Operating Revenues	<u>13,830,000</u>	<u>3,457,500</u>		<u>3,401,458</u>	<u>(56,042)</u>	98.4%
Operating Expenditures						
Central Charges	1,840,295	460,074		465,927	5,853	101.3%
Public Works & Utilities	6,444,538	1,438,032		1,513,958	75,926	105.3%
Total Operating Expenditures	<u>8,284,833</u>	<u>1,898,106</u>		<u>1,979,885</u>	<u>81,779</u>	104.3%
Operating Income (Loss)	<u>5,545,167</u>	<u>1,559,394</u>		<u>1,421,573</u>	<u>(137,821)</u>	
Other Revenue and Expenditures						
Tap Fees	1,095,000	273,750		91,756	(181,994)	33.5%
Interest Income	90,182	22,546		21,222	(1,324)	94.1%
Interfund Transfers	287,600	287,600		287,600	0	100.0%
Debt Service	(1,507,349)	0		0	0	
Total Other Revenues (Expenditures)	<u>(34,567)</u>	<u>583,896</u>		<u>400,578</u>	<u>(183,318)</u>	
Revenues Over(Under) Expenditures	<u>5,510,600</u>	<u>2,143,290</u>	(1)	<u>1,822,151</u>	<u>(321,139)</u>	

(1) Net revenues are used to fund capital projects and reserves.

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues						
Charges for Services	2,698,000	674,500		638,683	(35,817)	94.7%
Interest Income	38,000	9,500		5,061	(4,439)	53.3%
Miscellaneous	0	0		88,272	88,272	
Total Revenues	<u>2,736,000</u>	<u>684,000</u>		<u>732,016</u>	<u>48,016</u>	107.0%
Expenditures						
General Services	86,200	7,930		2,565	(5,365)	32.3%
Community Development	178,990	42,063		40,234	(1,829)	95.7%
PR&L Park Services	200,000	18,200		16,372	(1,828)	90.0%
Public Works & Utilities	329,810	25,725		101	(25,624)	0.4%
Total Expenditures	<u>795,000</u>	<u>93,918</u>		<u>59,272</u>	<u>(34,646)</u>	63.1%
Revenues Over(Under) Expenditures	<u>1,941,000</u>	<u>590,082</u>	(1)	<u>672,744</u>	<u>82,662</u>	

(1) Net revenues are used to fund capital projects and reserves.

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Operating Revenues						
Charges for Services	1,609,968	148,117		188,943	40,826	127.6%
Total Revenues	<u>1,609,968</u>	<u>148,117</u>		<u>188,943</u>	<u>40,826</u>	127.6%
Operating Expenditures						
Central Charges	98,900	25,615		19,722	(5,893)	77.0%
Recreation Facilities	1,384,198	203,098		161,331	(41,767)	79.4%
Total Expenditures	<u>1,483,098</u>	<u>228,713</u>		<u>181,053</u>	<u>(47,660)</u>	79.2%
Operating Income (Loss)	<u>126,870</u>	<u>(80,596)</u>		<u>7,890</u>	<u>88,486</u>	
Other Revenues and Expenditures						
Interest Income	0	0		871	871	
Debt Service	(158,600)	(61,695)		(61,695)	0	100.0%
Interfund Transfers	31,730	7,932		7,932	0	100.0%
Carryover	100,000	100,000		100,000	0	100.0%
Total Other Revenue (Expenditures)	<u>(26,870)</u>	<u>46,237</u>		<u>47,108</u>	<u>871</u>	
Revenues Over(Under) Expenditures	<u>100,000</u>	<u>(34,359)</u>	(1)	<u>54,998</u>	<u>89,357</u>	

(1) Net revenues are used to fund capital projects and reserves.

**City of Westminster
Financial Report
For Three Months Ending March 31, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Operating Revenues						
Charges for Services	1,409,368	145,165		177,095	31,930	122.0%
Total Revenues	<u>1,409,368</u>	<u>145,165</u>		<u>177,095</u>	<u>31,930</u>	122.0%
Operating Expenditures						
Central Charges	112,800	28,651		26,140	(2,511)	91.2%
Recreation Facilities	1,260,373	186,535		254,771	68,236	136.6%
Total Expenditures	<u>1,373,173</u>	<u>215,186</u>	(1)	<u>280,911</u>	<u>65,725</u>	130.5%
Operating Income (Loss)	<u>36,195</u>	<u>(70,021)</u>		<u>(103,816)</u>	<u>(33,795)</u>	
Other Revenues and Expenditures						
Interest Income	0	0		635	635	
Debt Service	(583,608)	(15,922)		(15,922)	0	100.0%
Interfund Transfers	547,413	136,853		136,853	0	100.0%
Carryover	100,000	100,000		100,000	0	100.0%
Total Other Revenue (Expenditures)	<u>63,805</u>	<u>220,931</u>		<u>221,566</u>	<u>635</u>	
Revenues Over(Under) Expenditures	<u>100,000</u>	<u>150,910</u>	(2)	<u>117,750</u>	<u>(33,160)</u>	

(1) Recreation Facilities budget variance is due mostly to inventory purchases in preparation for the golf season.

(2) Net revenues are used to fund capital projects and reserves.

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH OF MARCH 2014

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	343,376	18,226	361,602	321,100	9,030	330,131	7	102	10
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	306,508	952	307,459	311,865	1,068	312,933	-2	-11	-2
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	227,990	183	228,173	214,156	1,170	215,326	6	-84	6
SHOPS AT WALNUT CREEK 104TH & REED TARGET	213,104	1,943	215,048	207,404	6,634	214,039	3	-71	0
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	141,689	31,910	173,599	117,827	10,114	127,941	20	216	36
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	160,993	1,304	162,296	280,888	1,376	282,264	-43	-5	-43
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	155,622	457	156,079	144,990	945	145,935	7	-52	7
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	154,810	525	155,335	153,331	580	153,911	1	-10	1
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	141,845	402	142,247	138,337	550	138,887	3	-27	2
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	120,875	705	121,580	113,403	1,414	114,817	7	-50	6
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	91,147	593	91,740	97,337	5,645	102,983	-6	-89	-11
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	81,967	146	82,113	77,241	347	77,588	6	-58	6
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	63,724	380	64,104	56,489	245	56,734	13	55	13
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	55,165	361	55,526	54,885	506	55,391	1	-29	0
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	46,006	1,620	47,626	45,780	3,894	49,674	0	-58	-4

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF MARCH 2014

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	42,210	233	42,444	52,793	100	52,892	-20	134	-20
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	39,891	144	40,035	42,906	103	43,009	-7	39	-7
NORTHVIEW 92ND AVE YATES TO SHERIDAN H MART	38,761	477	39,238	24,612	156	24,769	57	206	58
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	34,594	52	34,646	42,930	669	43,598	-19	-92	-21
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	10,450	23,857	34,307	11,468	32,500	43,968	-9	-27	-22
WILLOW RUN 128TH & ZUNI SAFEWAY	30,491	274	30,765	24,864	231	25,095	23	19	23
PARK CENTRE INDUSTRIAL CENTER 123RD & PECOS ST DATA RAY	1,565	25,635	27,199	1,370	550	1,919	14	4561	1317
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	26,042	85	26,127	21,232	193	21,425	23	-56	22
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	24,758	429	25,188	22,791	118	22,909	9	265	10
ELK HOLLOW 69TH & OSCEOLA CAMP STONE	4,863	19,569	24,432	1,665	81	1,746	192	24201	1300
	2,558,447	130,461	2,688,908	2,581,664	78,218	2,659,882	-1	67	1

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MARCH 2014 YEAR-TO-DATE

Center Location Major Tenant	YTD 2014			YTD 2013			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	1,365,737	46,907	1,412,644	1,387,052	46,131	1,433,183	-2	2	-1
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	1,069,846	8,276	1,078,123	1,087,180	3,600	1,090,781	-2	130	-1
SHOPS AT WALNUT CREEK 104TH & REED TARGET	761,786	4,723	766,509	803,680	10,471	814,152	-5	-55	-6
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	758,173	37,611	795,784	688,129	2,371	690,500	10	1486	15
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	587,896	4,752	592,648	609,342	5,444	614,786	-4	-13	-4
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	539,185	1,374	540,559	509,395	1,828	511,223	6	-25	6
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	530,197	8,930	539,127	542,479	3,201	545,680	-2	179	-1
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	521,335	1,645	522,980	559,061	3,759	562,820	-7	-56	-7
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	473,389	2,951	476,340	461,101	3,325	464,426	3	-11	3
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	463,794	75,891	539,685	433,935	47,683	481,618	7	59	12
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	329,650	1,618	331,268	373,919	11,194	385,113	-12	-86	-14
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	319,402	866	320,268	305,098	909	306,007	5	-5	5
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	197,891	1,672	199,563	186,721	662	187,383	6	153	7
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	184,594	1,040	185,634	224,940	702	225,641	-18	48	-18
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFeway	165,757	1,185	166,942	162,971	1,935	164,906	2	-39	1

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MARCH 2014 YEAR-TO-DATE

Center Location Major Tenant	YTD 2014			YTD 2013			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	135,247	2,667	137,914	130,952	6,236	137,188	3	-57	1
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	131,024	642	131,666	133,997	584	134,582	-2	10	-2
NORTHVIEW 92ND AVE YATES TO SHERIDAN H MART	120,246	3,627	123,873	70,732	1,560	72,292	70	132	71
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	119,496	1,644	121,140	134,886	2,241	137,127	-11	-27	-12
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	108,453	145	108,598	143,784	866	144,650	-25	-83	-25
WILLOW RUN 128TH & ZUNI SAFEWAY	94,340	657	94,997	89,123	573	89,696	6	15	6
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	88,889	769	89,658	77,795	4,109	81,904	14	-81	9
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	73,325	1,395	74,720	75,063	1,233	76,296	-2	13	-2
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	72,254	888	73,142	62,780	1,351	64,131	15	-34	14
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	71,315	98	71,413	71,640	73	71,713	0	35	0
	9,283,221	211,973	9,495,193	9,325,754	162,040	9,487,795	0	31	0



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Quarterly Insurance Claims Report – January through March 2014

Prepared By: Martee Erichson, Risk Manager

Recommended City Council Action

Accept the First Quarter 2014 Insurance Claims Report.

Summary Statement

- The attached report provides detailed information on each liability insurance claim made to the City including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office on litigated claims to make sure the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Manager, acting as the City Manager's designee, has the authority to settle claims of less than \$30,000. However, under the City's contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjuster and settlement of claims proceed with the concurrence of both CIRSA and the Risk Manager. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Information on the status of each claim received during the 1st quarter of 2014 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee representatives and department heads. Follow-up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the first quarter of 2014, Staff has noted the following summary information:

- Nine of the twenty claims reported in the first quarter of 2014 are closed at this time.
- Total claims for the quarter and year-to-date are broken down by department as follows:

Department	1st Qtr 2014			YTD
	Total Claims	Open	Closed	Total
Fire	2	1	1	2
Parks, Recreation and Libraries (PRL)	2	0	2	2
Police (PD)	5	5	0	5
Public Works and Utilities (PWU) - Street Maintenance	5	3	2	5
Public Works and Utilities (PWU) - Utility Field Operations	6	2	4	6
TOTAL	20	11	9	20

Risk Management supports Council’s Strategic Plan goals of a Safe and Healthy Community and a Financially Sustainable City Government Providing Exceptional Services by working to mitigate the cost of claims to the City and maintaining a loss control program that strives to keep City streets and facilities safe for the general public.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Quarterly Insurance Report

Quarterly Insurance Claims Report – January through March 2014

Claim Number	Loss Date	Dept.	Claimant	Address	Claim Description	Payment	Status	Notes
2014-001	1/1/2014	PWU - Util	Christina Maraone	300 W 123rd Ave #2624, Westminster CO 80234	Claimant's vehicle was damaged by water main break.	\$ 0	Open	Claim denied based on Colorado Governmental Immunity Act; however, claimant was offered payment under the City's "good neighbor" settlement program.
2014-013	1/14/2014	PWU - Util	Derek Geringer (renter)	9610 Lowell Ct, Westminster CO 80031	Claimant alleges personal property damage when his water service was turned back on.	\$ 0	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2014-014	1/15/2014	PRL	Stephen Burry	13900 Lake Song Ln #Q2, Broomfield CO 80023	Claimant alleges he was injured when a steam room door closed very quickly on his arm.	\$ 0	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2014-105	1/27/2014	PWU - Streets	Stacy Dykers	1282 Parsons Ave, Castle Rock CO 80104	Claimant alleges damage to her vehicle from hitting a pothole.	\$ 0	Open	CIRSA investigating.
2014-056	2/5/2014	PWU - Util	Dominic Cronshaw	2727 29th St NW Apt 709, Washington DC 20008	Claimant, owner of property at 10663 Hobbit Ln in Westminster, suffered unnecessary cost for a plumber when City staff failed to turn water back on after checking to see	\$ 110.25	Closed	

Quarterly Insurance Claims Report – January through March 2014

					if the meter was frozen.			
2014-044	2/15/2014	Fire	Brian Johnson	5913 W 92nd Pl, Westminster CO 80031	Westminster paramedic sideswiped claimant's side view mirror with ambulance side view mirror while driving down the road.	\$ 98.72	Closed	
2014-071	2/19/2014	PWU - Streets	Keith Saindon	13944 Star Creek Dr, Broomfield CO 80023	Claimant alleges damage to his vehicle from hitting a pothole that was in the road due to construction.	\$ 0	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. Claimant was referred to Xcel Energy who was performing work in the road.
2014-086	3/21/2014	PWU - Util	Spencer Watson	853 E 132nd Ave, Thornton CO 80241	Claimant alleges damage to his vehicle when he drove over a manhole cover that was not secured.	\$ 200.00	Closed	Claim denied based on Colorado Governmental Immunity Act; however, claimant was paid under the City's "good neighbor" settlement program.
2014-091	3/30/2014	PWU - Util	Joe Elliott	13025 Steele Ct, Thornton CO 80241	Claimant's parked vehicle was damaged when a large vent fan cover blew off a City facility and hit his vehicle.	\$ 0	Open	CIRSA investigating.

Quarterly Insurance Claims Report – January through March 2014

CLAIMS SUBMITTED RECENTLY WITH OCCURRENCE DATE PRIOR TO 1st QUARTER 2014:								
2011-409	11/10/2011	PD	Douglas Rathbun	1201 W Alameda, Denver CO 80223	Claimant filed a Complaint and Jury Demand against a City police officer and several other jurisdictions' officers, claiming his rights were violated when the Metropolitan Auto Theft Task Force executed a search warrant at his business.	\$ 0	Open	CIRSA investigating.
2013-403	2/24/2013	PWU - Streets	The Ranch Filing #3 (Dan Klenjoski)	11394 Quivas Way, Westminster CO 80234	Fence line owned by HOA was damaged by City snow plow.	\$ 395.00	Closed	Claim denied based on Colorado Governmental Immunity Act (late notice); however, claimant was paid under the City's "good neighbor" settlement program.
2013-397	8/5/2013	PD	Eric Brandt	7100 Stuart St #4, Westminster CO 80030	Claimant alleges his legal rights were violated when taken into custody by Westminster police officers after an incident at Irving St. Library.	\$ 0	Open	CIRSA investigating.
2013-398	8/6/2014	PD	Eric Brandt	7101 Stuart St #4, Westminster CO 80030	Claimant alleges he was injured during an arrest by Westminster police officers.	\$ 0	Open	CIRSA investigating.

Quarterly Insurance Claims Report – January through March 2014

2013-399	9/12/2013	PD	Eric Brandt	7102 Stuart St #4, Westminster CO 80030	Claimant alleges his legal rights were violated and he suffered injury during an incident with Westminster police officers at the Public Safety Center.	\$ 0	Open	CIRSA investigating.
2013-400	9/12/2013	Fire	Roy Ortiz	2885 E Midway #457, Broomfield CO 80234	Claimant's attorney alleges the claimant suffered injury and property damage when first responders, including members of the Westminster Dive Team, failed to recognize he was in his submerged vehicle that had fallen into a washed out culvert during a severe flooding incident.	\$ 0	Open	CIRSA investigating.
2013-402	9/12/2013	PRL	Robin Munier	7814 W 90th Ave, Westminster CO 80021	Claimant's attorney alleges claimant's property was damaged during heavy rains due to poor maintenance of the drainage in the open space near claimant's home.	\$ 0	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.

Quarterly Insurance Claims Report – January through March 2014

2013-395	12/7/2013	PWU - Streets	Jamie Ruybal	13240 Grove Way, Broomfield CO 80020	Claimant's attorney alleges the claimant suffered injury and damages due to a vehicle accident caused by poor placement of cones in a construction area.	\$ 0	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. The construction zone was a CDOT project.
2013-396	12/14/2013	PWU - Streets	Stephen Hesse	9370 Meade St, Westminster CO 80031	Claimant's attorney alleges the claimant was injured when he tripped and fell on a cracked sidewalk in front of Party City.	\$ 0	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. The City does not own or maintain the shopping center sidewalk.
2013-380	12/18/2013	PD	Jasmine Colgan	7151 Wolff St, Westminster CO 80030	Claimant's attorney alleges the claimant was injured when a Westminster police officer driving a City vehicle, rear-ended the claimant's vehicle at a stop light.	\$ 5,275.43	Open	CIRSA investigating.
					TOTAL	\$ 6,079.40		



Agenda Item 8 C

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Fleet Maintenance Cumulative Purchases of Over \$75,000

Prepared By: Jeffery Bowman, Fleet Manager

Recommended City Council Action

Based upon the recommendation of the City Manager, determine that the public interest will be best served and approve Fleet Maintenance cumulative purchases in 2014 with TCI Tire Centers for purchases not to exceed \$145,000 through year end.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000.
- The Fleet Maintenance Division uses a number of vendors to provide tires and tire services required to maintain City of Westminster vehicles. Total aggregate purchases from TCI Tire Centers will likely exceed \$75,000 during 2014, as purchases have already totaled \$50,465. Staff is asking for approval of purchases not to exceed \$145,000 for tires and tire services from TCI Tire Centers through 2014.

Expenditure Required: \$145,000

Source of Funds: Fleet Maintenance Fund

Policy Issue

Should Council approve the cumulative purchase of tires and tire services from TCI Tire Centers that total over \$75,000 in 2014?

Alternative

Do not approve the expenditures as recommended. While it could be argued that each transaction represents a separate purchase, City Staff believes that a more prudent approach is to treat the smaller transactions as cumulative larger purchases with the vendors that are subject to Council approval.

Direct Staff to discontinue purchases of tires and tire services from TCI Tire Center before cumulative purchases reach \$75,000. Staff believes that the cost and services received from TCI Tire Center justifies the use of this vendor.

Background Information

The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000. Fleet Maintenance has identified one vendor where the total cumulative purchases or expenses will exceed \$75,000 for the year 2014 and thus require Council authorization. Staff is seeking approval for this expenditure for the calendar year 2014. Adequate funds are available in the Fleet Maintenance Commodities account.

Fleet Maintenance uses a variety of tire vendors to provide tires and tire services. These on-going purchases include routine, competitively bid tires and services. Some are sole-source purchases since the needed item(s) are only stocked by either sole vendors or a limited number of vendors in our area.

To date, Fleet Maintenance has identified TCI Tire Centers as a vendor that will accumulate over \$75,000 in orders during 2014, as purchases have already totaled \$50,465. TCI Tire Centers has the State Bid on the Michelin tires used for the City's Fire apparatus and is the most frequently used vendor for recap tires for heavy duty tandem trucks.

Staff anticipates that it will be purchasing additional tires and services from TCI for the remainder of the year that will not exceed \$145,000. The City's approach to these types of collective purchases from a single vendor is to assure that purchases in excess of \$75,000 are identified in advance and brought to City Council for approval.

This approach helps achieve the City Council's Strategic Plan Goals of "Safe and Healthy Community" and "Financially Sustainable City Government Providing Exceptional Services" by meeting the following objectives: maintaining well equipped Police and Fire Departments and spending tax dollars in a responsible manner.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Vehicle Global Positioning System Service Agreement Contract

Prepared By: Jeffery H. Bowman, Fleet Manager
Thomas Ochtera, Energy and Facilities Project Coordinator

Recommended City Council Action

Based on the results of the Denver Public Schools bid for the Global Positioning System (GPS) activation and service contract, authorize the City Manager to approve a contract with Zonar Systems in the amount of \$48,687, bringing the total expenditure with this vendor to \$113,044, to date, in 2014.

Summary Statement

- City Council is requested to approve the GPS activation and service contract based on the Denver Public Schools bid to Zonar Systems.
- Information was shared with City Council about energy saving measures in a Staff Report titled Alternative Energy Fleet Study and Vehicle GPS System on March 17, 2014.
- Staff purchased 180 GPS Kits and 23 Electronic Vehicle Inspection Reporting (EVIR) Inspection Kits, installed in 180 City Vehicles for the purpose of idle reduction monitoring and daily driver safety inspection reporting at a cost of \$64,357.
- If approved, Staff anticipates the service contract run May 1, 2014, to May 1, 2015, at a cost of \$48,687. Cumulative purchases of GPS and EVIR kits from Zonar Systems will be for a total of \$113,044 requiring City Council approval.
- A grant, titled "Congestion Mitigation Air Quality" that is administered by the Regional Air Quality Council (RAQC), is in process, and is anticipated to refund 80% of GPS kit costs. RAQC recognizes the Front Range air quality benefits that can be realized through GPS idle monitoring efforts.

Expenditure Required: \$113,044

Source of Funds: Fleet Maintenance Fund

Policy Issue

Should the City approve a cumulative amount exceeding \$75,000 with one vendor for the Global Positioning System (GPS) activation and service contract to Zonar Systems?

Alternative

Council could choose to not approve the GPS activation and service contract based on the Denver Public Schools bid to Zonar Systems. This alternative is not recommended because based on the information shared with Council about energy saving alternatives in a Staff Report titled Alternative Energy Fleet Study and Vehicle GPS System on March 17, 2014, there are offsetting costs between fuel savings through idle reduction and the GPS activation and service contract.

Background Information

The City has had an idling policy in place since 2008. This policy applies to all appropriate vehicles (emergency vehicles are exempt during an emergency incident) to reduce unnecessary idle time not related to effective work. An alternative energy study in 2013 included a comprehensive study of opportunities for alternative energy use and fuel savings in our fleet. The largest savings identified was in reducing fuel consumption through monitoring and compliance of idling time. Staff identified the vehicles the Antares Group determined had the most potential for idle reduction in a recent March 17, 2014, staff report. Given the recommendations from the Antares Group 2013 study of City of Westminster vehicles, Staff investigated the existing technologies related to Fleet GPS systems. This collaborative process involved members from every department that operates fleet vehicles. As a result of this investigation, a competitive bid process led to the selection of Zonar Systems as the best overall vendor between three companies: GPS Insight, Network Fleet and Zonar Systems. Additionally, only Zonar Systems had the value added EVIR system. Using an EVIR in a commercial vehicle, is a method to track daily commercial vehicle safety inspections electronically. Daily inspections are mandated by the Department of Transportation for commercial vehicles. These mandated pre and post driving inspections are currently completed on paper. The new GPS system will automate the paper inspection process, with an electronic version and interface with the Fleet Maintenance preventative maintenance FASTER database.

In addition, Staff is working closely with the Regional Air Quality Council (RAQC) toward grants that will offset up to eighty percent of the GPS Kits and installation costs with a separate vendor, Velociti. The value to the City of Westminster of the combined grants is estimated to be \$72,000. The grants fall under the title; Congestion Mitigation Air Quality, which is administered by the RAQC. RAQC recognizes the Front Range air quality benefits that can be realized through GPS idle monitoring efforts.

The GPS activation and service contract to Zonar Systems in the amount of \$48,687 and combined with the initial equipment purchase is a cumulative expenditure of \$113,044 in 2014. This GPS monitoring system meets Council's Strategic Plan goals of Financially Sustainable City Government Providing Exceptional Services, and Beautiful and Environmentally Sensitive City by reducing vehicle idling, thereby saving fuel and reducing air pollution.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: 2014 Cumulative Purchases Over \$75,000 for Laserfiche Upgrades and Maintenance

Prepared By: Linda Yeager, City Clerk
Traves McCabe, Information/Records Administrator

Recommended City Council Action

Based on report and the recommendation of the City Manager, determine that the public interest will be best served and approve the City Clerk’s Office cumulative purchases in 2014 with S Corporation, Inc. for Laserfiche software, professional services, and annual maintenance not to exceed the authorized expenditure level of \$98,395.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceed \$75,000.
- In 2005, the City acquired Laserfiche software and individual departments began imaging public records to reduce records storage space needed for office space. At that time Laserfiche had a shared software model and users throughout the organization could access the program using the same license.
- Laserfiche launched RIO, a major update of its product with many enhancements, in 2012. One of RIO’s enhanced features included the ability to manipulate already imaged files providing the opportunity to implement uniform standards across departments increasing efficient accessibility and retrieval of documents. Managers were eager to have a system that provided easy retrieval of all records on a given subject for daily operational purposes and decision making.
- RIO was not marketed as a shared software model, but rather required purchase of individual licenses of varying costs for ranges of capabilities based on the users’ needs.
- A plan was developed and funded through the Capital Improvement Project (CIP) to acquire licenses, purchase program add-ons to build an integrated system of electronic databases and workflow applications that automate many of the City’s business processes, and to obtain professional consulting services from S Corporation. Annual maintenance of the software is currently funded through operational accounts in the City Clerk’s Office and Information Technology. The total amount of planned purchases and cumulative maintenance in 2014 is \$98,395. Annually throughout the life of the CIP Laserfiche Upgrades Project, cumulative purchases from S Corporation for software and maintenance will exceed \$75,000.
- This is a sole source contract with S Corporation, who is the City’s current provider for Laserfiche services

Expenditure Required: \$98,395
Source of Funds: General Capital Improvement Fund – Laserfiche Upgrades, \$54,125
General Fund – City Clerk’s Office Outside Computer Charges, \$30,000
Utility Fund – Information Technology Maintenance, \$14,270

Policy Issue

Should Council authorize this cumulative purchase over \$75,000 to continue the design, development and implement of the Laserfiche Electronic Content Management system to better manage the City's public records and automate business processes?

Alternative

City Council could decide not to approve the requested cumulative purchase. Staff does not recommend this alternative, as it would delay a project that will automate processes Citywide and enhance the delivery of services to internal and external customer by integrating imaged documents and electronic databases. Further, it would interrupt a productive relationship between Staff and S Corporation Inc., which is necessary to ensure ongoing support of implemented software.

Background Information

With the purchase of Laserfiche RIO in late 2012, the City's focus was redirected from creating a records repository to designing an electronic content management system that uses a comprehensive resource of tools to automate a variety of business processes ranging in complexity. The new RIO system allows easy retrieval of records from multiple data sources for internal operational uses, establishes reliable security levels, manages the retention and disposition of documents, and ultimately provides web access to the City's public records.

Working collaboratively with Information Technology Staff and S Corporation, Inc., the newly created position of Information/Records Administrator was filled and a Capital Improvements Project was developed and funded to achieve the organization's goal of internal access to integrated records. In 2013, first-year funding for the project was provided by a carryover appropriation; the amended 2014 Budget included CIP funding of \$54,000, which will be expended on 50 additional full-user licenses, as well as RIO Import Agent, Forms, Records Management add-ons to support growth of the overall project, and professional services to assist with program development.

Successful completion of the Laserfiche Upgrades Project and approval of cumulative purchases from S Corporation that exceed \$75,000 annually support the City Council's Strategic Plan Goal of a Financially Sustainable City Government Providing Exceptional Services by providing the tools to enhance Staff's ability to efficiently deliver exceptional services to internal and external customers.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
April 28, 2014

SUBJECT: Change Date of Second City Council Meeting in May

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Change the date of the second regularly scheduled City Council meeting in May from May 26 to May 19.

Summary Statement

- This year, Memorial Day falls on the fourth Monday in May, the same date that City Council's second regular monthly meeting is scheduled. As City Hall will be closed in observance of Memorial Day on May 26, Staff recommends the meeting normally held on the fourth Monday be rescheduled to May 19, 2014, the third Monday of the month.
- If approved, City Council will conduct a study session on May 5 and regular meetings on May 12 and 19, 2014.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Date Change for Second City Council Meeting in May

Page 2

Policy Issue

None identified

Alternative

Council could decide to move the meeting date to an alternate day of the week.

Background Information

Occasionally, conflicts arise with dates of regularly scheduled Council meetings and the dates of holidays, important civic events, and/or conferences that the City Council traditionally attends, and the Council's schedule of meetings is changed to accommodate the occurrence. This year the second regularly scheduled meeting in May falls on Memorial Day and City Hall will be closed in observance of the national holiday. To comply with Section 7.1 of the City Charter, which requires that Council hold at least two regular meetings monthly and to avoid any conflict with the observance of Memorial Day, Staff suggests that the May 26 meeting be rescheduled and held on May 19.

The public is aware that regular Council meetings and study sessions are held on Mondays, thus it makes sense to reschedule meetings to a different Monday of the month when conflicts arise.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Second Reading of Councillor’s Bill No. 9 re Proposed Economic Development Agreement with Surefire Medical Inc.

Prepared By: Ryan Johnson, Economic Development Specialist

Recommended City Council Action

Pass Councillor’s Bill No. 9 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement with Surefire Medical Inc.

Summary Statement

- This Councillor’s Bill was passed on first reading on April 14, 2014.
- Surefire Medical Inc. is a medical device company, currently headquartered and located in the Westpark Business Park in Westminster.
- The five year old company has outgrown its current space in Westminster, and is now considering expansion in Westminster as well as other neighboring jurisdictions and also in Miami, Florida.
- Surefire Medical Inc. is considering relocating to a new facility in the Lake Arbor Industrial Park. This new facility will be 20,000-25,000 square feet and will serve as the headquarters for the company including the manufacturing operations. (See attached location map)
- Surefire Medical Inc. employs 31 people nationwide at an average wage of \$115,000 per year. The company plans to add 48 people over the next five years.
- Part of the expansion includes the potential relocation of all operations from Miami, Florida to Westminster, Colorado.
- Assistance is based on the City’s desire to retain and expand an existing basic employer and to put unoccupied light industrial space into service.
- Should Surefire Medical Inc. decide to move out of Westminster within 5 years of the approval of this EDA, the assistance would have to be reimbursed to the City by the company.

Expenditure Required: Not to exceed \$33,211 (Rebates)

Source of Funds: The EDA with Surefire Medical Inc. will be funded through revenue received from permit fees, construction use tax, and use tax on equipment, furniture and fixture purchases for the Surefire Medical Inc. project.

Respectfully submitted,

J. Brent McFall
City Manager

- Attachments
- Ordinance
 - Exhibit A – Agreement
 - Location Map

BY AUTHORITY

ORDINANCE NO. **3722**

COUNCILLOR'S BILL NO. **9**

SERIES OF 2014

INTRODUCED BY COUNCILLORS
Briggs - Pinter

A BILL

**FOR AN ORDINANCE AUTHORIZING THE ECONOMIC DEVELOPMENT AGREEMENT
WITH SUREFIRE MEDICAL INCORPORATED**

WHEREAS, the successful attraction and retention of expanding primary businesses in the City of Westminster provides employment opportunities and increased revenue for citizen services 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, Surefire Medical Incorporated plans to relocate and occupy a new facility located at 6262-6272 W. 91st Avenue in Westminster; and

WHEREAS, a proposed Economic Development Agreement between the City and Surefire Medical Incorporated 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 Surefire Medical Incorporated 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 14th day of April, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of April, 2014.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Exhibit "A"
ECONOMIC DEVELOPMENT AGREEMENT
FOR
SUREFIRE MEDICAL INCORPORATED

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this 14th day of April, 2014, between the CITY OF WESTMINSTER (the "City") and SUREFIRE MEDICAL INCORPORATED, a Colorado Corporation (the "Company").

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

WHEREAS, the Company plans to relocate, lease and occupy a new space located at 6262-6272 W. 91st Avenue (the "new facility"), thus providing primary job growth within the City; and

WHEREAS, City Council finds the execution of this Economic Development Agreement will provide 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 50% of the building permit fees that are otherwise required under W.M.C. Section 11-10-3 (E) for the remodeling and improvements in the new facility. This rebate excludes water and sewer tap fees. The permit fee rebate will be approximately \$3,211.

2. Use Tax Rebate-Construction. The City shall rebate to the Company 50% of the Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on construction materials collected from the remodeling and improvements in the new facility that are otherwise required under W.M.C. Sections 4-2-9 and 4-2-3. The use tax rebate will be approximately \$3,750.

3. Sales and Use Tax Rebate – Furniture and Fixtures. For the period of 3 months prior and 60 months after the Company obtains a Certificate of Occupancy or passes a final inspection for the new facility, the City will rebate 50% of the Westminster General Sales and Use Tax (excludes the City's .25% Open Space Tax and .6% Pubic Safety Tax) on equipment and furnishings purchased by the Company for this facility. The rebate will be approximately \$26,250.

- a. The rebate shall include use tax payments paid directly to the City by the Company, and/or sales tax collected from the Company and remitted to the City by City licensed businesses.
- b. 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.

4. Maximum Amount of Rebate – The total rebate is not to exceed \$33,211.

5. Payment of Rebates – The Company will file returns and pay City sales and use taxes due no less frequently than on a calendar quarter. Rebates shall be calculated for each calendar quarter based upon revenue actually collected and received by the City in connection with the move by the Company into the new facility.

- a. If the total amount of a quarterly rebate due to the Company is at least \$100, the rebate will be paid within thirty (30) days following the end of the calendar quarter.
- b. If the total amount of a quarterly rebate due to the Company is less than \$100, such rebate will be added to the next quarterly rebate due until the total amount to be rebated is at least \$100. The accumulated amount of such rebates will then be paid within thirty (30) days following the end of the most recent calendar quarter reported.

- c. Payments shall commence for the calendar quarter during which final inspection approval is granted.
- d. No payment shall be made until the Company has obtained a City of Westminster business license for the new facility.
- e. All payments by the City shall be made electronically to the Company's designated financial institution or other account.

6. 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.

7. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if the Company has not secured additional space and moved into the new facility by April 14, 2015 or should the Company not comply with the City regulations or code.

8. Business Termination. In the event the Company ceases to conduct business operations at a location within the City at any time prior to November 30, 2019, 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 within sixty (60) days of business termination..

9. 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.

10. 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 X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

11. 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 a good faith the services of a mutually acceptable, qualified, and experience 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.

SUREFIRE MEDICAL INCORPORATED

CITY OF WESTMINSTER

Jim Chomas
Chief Executive Officer

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Linda Yeager
City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Adopted by Ordinance No.



Agenda Item 8 H

Agenda Memorandum

City Council Meeting
April 14, 2014



SUBJECT: Second reading of Councillor's Bill No. 10 re Alley Vacation within Lots 5-9 and Lots 40-44, Block 120 of the Westminster Subdivision

Prepared By: Melanie Walter, P.E. Senior Civil Engineer

Recommended City Council Action

Pass Councillor's Bill No. 10 on second reading vacating the alley within Lots 5-9 and Lots 40-44, Block 120 of the Westminster Subdivision.

Summary Statement

- Pete Thomas & Sons, Inc., who own all of the properties surrounding the subject alley, are requesting the alley vacation in order to unify their properties.
- Although the 12-foot wide strip of land was officially platted as an "alley," it does not give the appearance of a traditional alley. There is no paved or unpaved path located within this right-of-way, and a few backyard fences already infringe into the alley. Furthermore, the northern portion of this alley has already been vacated.
- The vacated alley will need to be retained as a utility easement to allow the continued use by private utility companies.
- A legal description of the alley is included in Exhibit A.
- City Staff has determined that the subject alley is no longer needed by the City except as noted above.
- This Councillor's Bill was passed on first reading April 14, 2014

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Councillor's Bill
- Exhibit "A" Legal Description

BY AUTHORITY

ORDINANCE NO. **3723**

COUNCILLOR'S BILL NO. **10**

SERIES OF 2014

INTRODUCED BY COUNCILLORS
Garcia - Baker

**A BILL
FOR AN ORDINANCE VACATING AN ALLEY GENERALLY LOCATED IN BLOCK 120 OF
THE ORIGINAL TOWN PLAT OF WESTMINSTER**

WHEREAS, Pete Thomas & Sons, Inc., the owner of property located at 8081 Federal Boulevard and specifically described as Lots 5-9 and 40-44 of Block 120 of the original town plat of Westminster, has requested the City vacate the 12-foot public alley located between said lots; and

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

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

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

Section 2. The area described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby vacated, reserving therefrom unto the City an easement for existing utilities, pursuant to section 43-2-303(3), C.R.S..

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

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

INTRODUCED, PASSED ON FIRST READING AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of April, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of April, 2014.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

12-FOOT ALLEY VACATION
Block 120, Plat of Westminster
Sheet 1 of 2

A parcel of land being the 12-foot wide alleyway laying between and adjacent to Lots 5 through 9 and Lots 40 through 44. Block 120, WESTMINSTER. City of Westminster, County of Adams. State of Colorado, also being a portion of the Southwest Quarter of Section 29, Township 2 South, Range 68 West of the Sixth Principal Meridian, described particularly as follows:

Beginning at the southwest corner of said Lot 40, from which the South Quarter Corner of said Section 29 bears S 23°43'21" E (Bearings based on the east line of said Southwest Quarter being N 00°32'14" W) at a distance of 441.69 feet; thence S 89°57'29" W, 12.00 feet to the southeast corner of said Lot 9; thence N 00°24'36" W and along the west line of said 12-foot alleyway, 124.84 feet to the northeast corner of said Lot 5; thence N 89°57'29" E, 12.00 feet to the northwest corner of said Lot 44; thence S 00°24'36" E and along the east line of said 12-foot alleyway, 124.84 feet to the Point of Beginning.

Containing 1,498 square feet, or 0.034 acres, more or less.

The above description was prepared by me, or under my direct supervision, on November 5, 2013.

Christopher D. Rogers, E.S. No. 3809
Aegis Surveying, Inc., 3395 Yates St., Denver

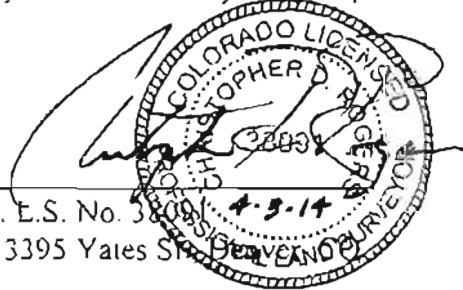


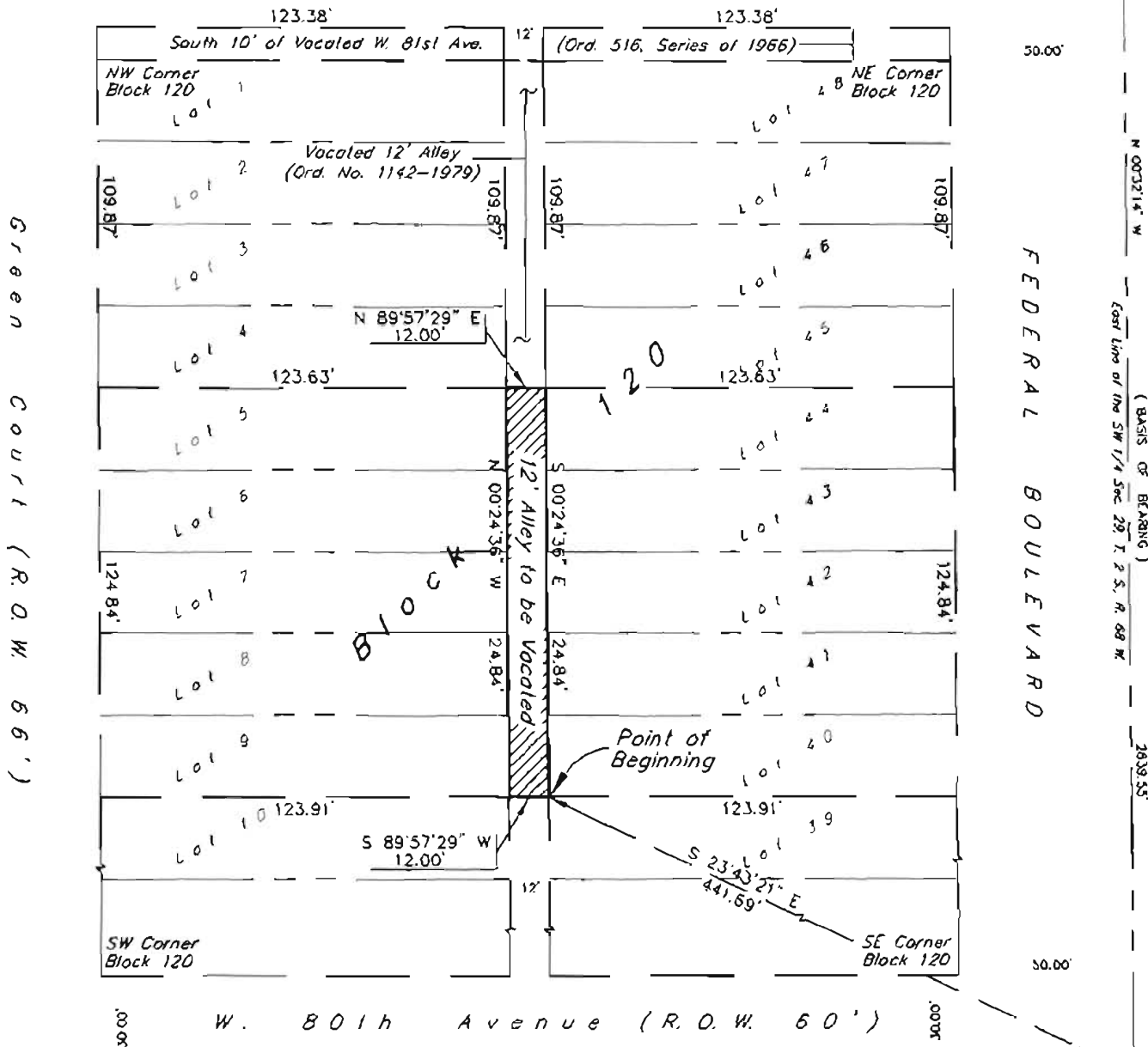
EXHIBIT A

12-FOOT ALLEY VACATION

A Portion of the SW 1/4 of Section 29, T. 2 S., R. 68 W. of the 6th P.M.
 City of Westminster, County of Adams, State of Colorado
 Sheet 2 of 2

Center Quarter Corner Section 29
 2-1/2" Alloy Cap in Range Box
 PLS 12111 (Per Monument Record)

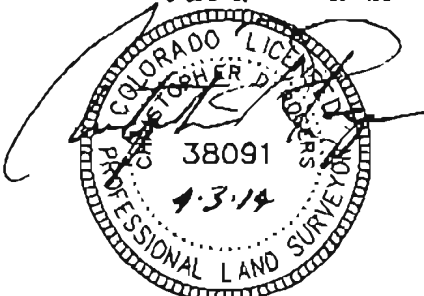
W. 81st Avenue (R.O.W. 60')



SW Corner Section 29
 2-1/2" Alloy Cap in Range Box
 PLS 36561 (Per Monument Record)

South Quarter Corner Section 29
 3-1/4" Alloy Cap in Range Box
 PLS 23053 (Per Monument Record)

Scale: 1" = 50'



This exhibit does not represent a monumented land survey. It is intended only to depict the attached description.

Not Valid Without
 Signature And Date

Revised: April 3, 2014



Agenda Item 8 I

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Second Reading of Councillor's Bill No. 11 re 120th Avenue Underpass Project Supplemental Appropriation

Prepared By: David W. Loseman, Assistant City Engineer

Recommended City Council Action

Pass Councillor's Bill No. 11 on second reading appropriating \$585,000 to the 120th Avenue Underpass Project as an advance of the Adams County share of the project's construction costs.

Summary Statement

- The City has long had a desire to construct a pedestrian underpass of 120th Avenue immediately east of the existing Ranch Creek crossing of 120th Avenue, approximately 600-feet east of Federal Boulevard. This underpass would provide a grade-separated connection to the Big Dry Creek Trail system for residents living south of 120th Avenue within the Ranch Subdivision.
- In August 2013, the City applied for an Adams County Open Space grant for the 120th Avenue Underpass Project, also known as the "Ranch Creek Underpass and Trails Project" in the grant documents. In December 2013, a \$585,000 grant was awarded with the City's share of the project funding being \$390,000. The City's portion of the project expense (\$390,000) is already funded but it is necessary to appropriate the Adams County Open Space share (\$585,000) until reimbursement is received after construction is completed.
- This Councillor's Bill was passed on first reading on April 14, 2014

Expenditure Required: \$585,000

Source of Funds: Storm Drainage Fund

Respectfully submitted,

J. Brent McFall
City Manager

Attachment
- Ordinance

BY AUTHORITY

ORDINANCE NO. **3724**

COUNCILLOR'S BILL NO. **11**

SERIES OF 2014

INTRODUCED BY COUNCILLORS
Winter - Briggs

A BILL

**FOR AN ORDINANCE AMENDING THE 2014 BUDGET OF THE STORM DRAINAGE FUND
AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2014 ESTIMATED
REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2014 appropriation for the Storm Drainage Fund initially appropriated by Ordinance No. 3655 is hereby increased by \$585,000. This increase is due to the appropriation of an Adams County Open Space Grant for construction costs necessary for the 120th Avenue Underpass Project.

Section 2. The \$585,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10 C dated April 14, 2014 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Storm Drainage Fund	<u>\$585,000</u>
Total	<u>\$585,000</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 14th day of April, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 28th day of April, 2014

ATTEST:

Mayor

City Clerk



Agenda Item 9 A

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Resolution No. 7 Making Appointments to Fill Vacancies on Boards and Commissions

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Adopt Resolution No. 7 making appointments to fill vacancies on the Election Commission, the Environmental Advisory Board, the Human Services Board, the Personnel Board, and the 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 2013, resignations were received from six individuals who were serving as members of the Election Commission, the Human Services Board, the Personnel Board or the Special Permit and License Board. Subsequently, a resignation was received from a member of the Environmental Advisory Board. Some of the December 2013 resignations were filled by alternate members appointed to each Board. The remaining vacancies were to be filled at a later date.
- Citizens interested in serving on these boards were interviewed by Council in January and February.
- If adopted, the attached resolution officially appoints six qualified citizens of Westminster to fill vacancies on the previously mentioned Boards and Commissions and the current alternate on the Environmental Advisory Board to regular membership so all 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, the Environmental Advisory Board, the Human Services Board, the Personnel Board, and the 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 function with full memberships allows 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 shortly after the time of their term expiration on December 31, 2013.

Board	Resigned Member Name
Election Commission	Jeanne Nearing
Environmental Advisory Board	Ron Gallegos
Human Services Board	Jerry Hersey
Human Services Board	Alison O'Kelly
Personnel Board	Stacy Worthington
Special Permits and License Board	Brian Harms

As a result of many of the member vacancies being filled by the appointment of alternate members who were serving on the Board or Commission, their appointments to regular membership created additional vacancies. For the remaining vacancies, Staff conducted a recruitment, seeking Westminster citizens interested in potentially serving on a Board or Commission. City Council conducted interviews with the applicant pool in January and February. The attached resolution makes appointments to fill the existing vacancies that resulted from the referenced resignations.

By appointing residents to the Boards and Commissions outlined in the attached resolution, citizens are engaged in their community and are actively supporting City Council's Strategic Plan Goals of a Strong, Balanced Local Economy; a Financially Sustainable City Government Providing Exceptional Services; a Safe and Healthy Community, Vibrant Neighborhoods in One Livable Community; and a Beautiful and Environmentally Sensitive City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Resolution

RESOLUTION

RESOLUTION NO. **7**

INTRODUCED BY COUNCILLORS

SERIES OF 2014

**A RESOLUTION FOR THE 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, 2013, 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 2013 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	David Betz (regular member)	December 31, 2015
Environmental Advisory Board	Edwin Cook (regular member) Nancy Partridge (alternate member)	December 31, 2014 December 31, 2015
Human Services Board	Dan Orrechio (regular member) Lisa Fiola (alternate member)	December 31, 2014 December 31, 2015
Personnel Board	Lilian Cox (2 nd alternate member)	December 31, 2015
Special Permit and License Board	David DeMott (alternate member)	December 31, 2015

PASSED AND ADOPTED this 28th day of April, 2014.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Item 9 B

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Metro Wastewater Reclamation District Board of Directors Re-Appointment

Prepared By: Jody Andrews, Director of Public Works and Utilities

Recommended City Council Action

Reappoint Curtis Aldstadt to the Metro Wastewater Reclamation District's Board of Directors, with a term of office effective through June 30, 2016.

Summary Statement:

- Council action is requested to reappoint Curtis Aldstadt to the Metro Wastewater Reclamation District Board of Directors. Mr. Aldstadt has represented the City of Westminster on the Metro Board of Directors since April 12, 1999.
- The Metro District Bylaws and State Statute require that in order to become a member of the Board of Directors, one must live both within the member municipality and the Metro Wastewater Reclamation District service area.
- Until recently, there was not a City Staff member who lived within the relatively small geographic area prescribed as above. The recommendation of Staff is to reappoint Curtis Aldstadt, a City resident and business owner who has worked very closely with the Department of Public Works and Utilities on a number of key issues and has represented Westminster's interests on the Board with competence, dedication, and professionalism.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Metro Wastewater Reclamation District policy requires the elected body of each connector jurisdiction to appoint Board of Director representatives to the District governing board. Does Council wish to reappoint Mr. Aldstadt or consider other candidates?

Alternatives

1. City Council could appoint the new City employee who now resides within the specified geographic area, Mr. Stephen Gay, Manager of Utilities Operations. Due to the complexity of the issues, the newness of Mr. Gay to the organization, and in recognition of the value to the City of Mr. Aldstadt continuing to represent the City on the Board, this alternative is not recommended at this time.
2. Staff could solicit additional names of interested citizens and business owners who may wish to represent the City on the Board. Due to the complexity of the issues, and in recognition of the value to the City of Mr. Aldstadt continuing to represent the City on the Board, this alternative is not recommended at this time.

Background Information

The Metro Wastewater Reclamation District treats approximately 40 percent of the total wastewater generated in Westminster, with the District serving the area south of approximately West 97th Avenue.

In the 15 years since Mr. Aldstadt's initial appointment to the Metro Wastewater Reclamation District Board of Directors, he has kept City Staff well informed of activities occurring and issues arising at the Metro District. Mr. Aldstadt is involved with the Department of Public Works and Utilities on a number of projects, is experienced in the water and wastewater industry, and has previously chaired the Metro Wastewater Reclamation District Board. Mr. Aldstadt is an engaged, experienced and willing citizen who has represented the City very well on the Metro Wastewater Reclamation District Board for the past 15 years.

The Metro Wastewater Reclamation District Board of Directors meets at 5:30 p.m. on the third Tuesday of each month. In addition, all Board Members serve on one operations committee, which meets monthly either in the morning or at noon. Mr. Aldstadt is currently on the Executive Committee and Operations Committee.

The re-appointment of Mr. Aldstadt supports Council's goals of a Financially Sustainable City Government Providing Exceptional Services by providing efficient and cost-effective internal and external services.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Agenda Item 10 A

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Councillor's Bill No. 12 Adding Section 19 to Title XI, Chapter 12 of the Westminster Municipal Code Concerning Voter Registration Information

Prepared By: John Carpenter, Director of Community Development

Recommended City Council Action

Pass on first reading Councillors Bill No. 12 adding Section 19 to Title XI, Section 12 of the Westminster Municipal Code Concerning Voter Registration Information.

Summary Statement

This ordinance requires that owners of licensed rental properties provide to each new tenant a Colorado Voter Registration form, as approved by the Colorado Secretary of State, concurrent with the landlord's delivery of possession of the premises to the tenant. Any holder of a rental property license who violates this provision would be subject to fines provided by Section 1-8-1 of the City Code.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City enact a requirement that owners of licensed rental properties be compelled to provide voter registration information to new renters?

Alternatives

- 1) Require owners of both licensed and registered units to provide voter registration information to new renters.
- 2) Do not require owners of rental property to provide voter registration information to new renters but pursue enhanced efforts on voter registration citywide.

Background Information

The proposed ordinance is intended to notify new tenants of licensed rental units of Colorado's voter registration process. The requirement is intended to increase the number of renters who register to vote by increasing knowledge of the voter registration process and making it easy to register. Historically, renters as a group are less likely to register to vote than homeowners.

Westminster has had a rental housing inspection program since August 1997. The current program was revised in November 2010 and requires that all rental properties to be either licensed or registered. All rental units within a building or buildings with 4 or more units must be licensed and are subject to regular inspections based upon the age of the units. These units are more likely to be professionally managed and owned by companies. Currently, 11,286 units are licensed.

Rental units that are in single family attached, duplex or triplex buildings are registered. There are 1,247 registered units in the City. These units tend to not be professionally managed and owned by individuals. Registered units are not regularly or proactively inspected. However, they are subject to inspection on a complaint basis.

In order to increase participation in elections by residents in licensed rental communities, every holder of a rental property license would be required to provide each new tenant a Colorado Voter Registration form as approved by the Colorado Secretary of State, concurrent with the delivery of the possession of the premises to the tenant. Staff would also prepare a form letter that landlords may choose to distribute at their option that would welcome the new tenants to Westminster and provide general information about the City and the voter registration process. In addition to requiring licensed apartment operators to provide voter registration materials to new tenants, City Council has directed staff to provide all new utility customers with voter registration materials in order to encourage all new residents to become registered to vote.

The proposed effective date of this ordinance is July 1, 2014. This would give staff time to inform the affected landlords of the ordinance provisions. The proposal supports Council's Strategic Plan Goals of Vibrant Neighborhoods In One Livable Community by encouraging civic engagement in Westminster's election process.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Ordinance
Revised Ordinance

COUNCILLOR'S BILL AS ORIGINALLY PROPOSED

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **12**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ADDING SECTION 19 TO TITLE XI, CHAPTER 12, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING VOTER REGISTRATION INFORMATION

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title XI, Chapter 12, W.M.C., is hereby AMENDED by the addition of the following new subsection:

11-12-19: VOTER REGISTRATION INFORMATION

(A) In order to increase participation in elections by residents in rental property communities, every holder of a rental property license shall provide each new tenant a Colorado Voter Registration Form, as approved by the Colorado Secretary of State, concurrent with landlord's delivery of possession of the premises to the tenant.

(B) It shall be unlawful for any holder of a rental property license to violate this section on or after July 1, 2014. Any holder of a rental property license who violates this section shall be subject to the fines provided by Section 1-8-1 of this Code.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2014.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

REVISED BILL AS PASSED ON FIRST READING 4-28-14

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **12**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE ADDING SECTION 19 TO TITLE XI, CHAPTER 12, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING VOTER REGISTRATION INFORMATION

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Title XI, Chapter 12, W.M.C., is hereby AMENDED by the addition of the following new subsection:

11-12-19: VOTER REGISTRATION INFORMATION

(A) In order to increase participation in elections by residents in rental property communities, every holder of a rental property license shall provide each new tenant instructions on how to register to vote in Colorado, concurrent with landlord’s delivery of possession of the premises to the tenant.

(B) The City Clerk shall maintain a sample form of said instructions, which shall be available to any holder of a rental property license upon request.

(C) It shall be unlawful for any holder of a rental property license to violate subsection (A) of this section on or after January 1, 2015. Any holder of a rental property license who violates this section shall be subject to the fines provided by Section 1-8-1 of this Code.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2014.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney’s Office



Agenda Item 10 B

Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Resolution No. 8 re Intergovernmental Agreement Amendment with the Urban Drainage and Flood Control District for Tanglewood Creek Channel and Pond Improvements

Prepared By: Andrew Hawthorn, P.E., Senior Engineer

Recommended City Council Action

Adopt Resolution No. 9 authorizing the City Manager to execute an amendment to an Intergovernmental Agreement with the Urban Drainage and Flood Control District for Tanglewood Creek Channel and Pond Improvements.

Summary Statement

- The Tanglewood Creek and Pond Improvements project is located just north of the intersection of 121st Avenue and Delaware Street. The channel leading in and out of the pond is in need of repair. Additionally, there is currently inadequate maintenance access to this drainage facility, so an eight-foot wide trail will be constructed around the pond as well as along Tanglewood Creek from 121st to 123rd Avenue.
- The original Intergovernmental Agreement (IGA) between the City and the Urban Drainage and Flood Control District (UDFCD) that defined the scope of work for this project was executed in December 2010. Since that time, the IGA has been amended three times to incrementally supplement the project budget in an effort to accrue enough funding to undertake the construction of the proposed drainage improvements.
- Bids for the construction of this project were recently opened by the District, and a budget shortage of \$80,000 still exists. This proposed fourth amendment of the IGA will bring additional matching funds from 2014 UDFCD allocations (\$40,000) and the City’s Stormwater Utility Fund (\$40,000) to complete the project.
- Under the terms of the IGA, UDFCD personnel will manage the project and hire a construction firm to perform the work. City staff will assist the District staff with project oversight duties.
- Completion of project is expected by end of June 2014.

Expenditure Required: \$40,000 (City’s share)

Source of Funds: Stormwater Utility Fund - Miscellaneous Stormwater Project

Policy Issue

Should the City amend the Intergovernmental Agreement with the Urban Drainage and Flood Control District to complete the Tanglewood Creek Channel and Pond improvements?

Alternatives

Council could choose to not execute this Intergovernmental Agreement at this time. Staff recommends approving the IGA amendment for the following reasons:

1. The existing pond and channel improvements have not been adequately maintained for many years, and repairs are needed to improve flow conditions and add storm water capacity for the drainageway.
2. This project includes constructing the Tanglewood Creek trail between 121st and 123rd Avenues. A separate City project is just completing a trail from 123rd Avenue to 128th Avenue through the Tanglewood Creek Open Space.
3. Matching funds from the UDFCD will help to complete this project in a timely and cost effective manner.

Background Information

Tanglewood Creek and Timberlake Pond are located between 121st and 123rd Avenues near Delaware Street within and abutting three different residential apartment and condominium communities - Canyon Chase Apartments, Cottonwood Villas Condominiums and Timberlake Condominiums. Little or no maintenance to this portion of Tanglewood Creek or Timberlake Pond has occurred since the early 1980's, mostly because the drainageway was privately owned until fairly recently. The proposed project improvements will increase capacity in the pond and the channel to better convey storm water flood flows through and away from these residential areas. A portion of Tanglewood Creek and the associated regional detention pond (a/k/a Front Range Village Pond or Timberlake Pond) is now owned by the City through an agreement with two of the adjacent properties - Cottonwood Villa Condominiums and Timberlake Townhomes. Under that agreement, the two homeowners associations (HOA) are to perform routine maintenance around the perimeter of the pond. The Timberlake Townhome HOA contacted City staff in 2008 to request the City perform repair work at the pond spillway and channel that had suffered from ongoing erosion. The work on the spillway was completed in 2013. Since the proposed work on the channel would not qualify as "routine" maintenance by Urban Drainage, City staff requested and was successful in securing major maintenance funding from the Urban Drainage and Flood Control District in late 2009.

The Urban Drainage and Flood Control District is a quasi-governmental entity, supported by property taxes garnered from owners of land located within the District's seven county area. The District provides great technical assistance and funding for storm drainage-related studies, construction projects and channel maintenance to its member cities and counties. The City of Westminster has historically enjoyed much success in the receipt of grants from the UDFCD, and City staff maintains a very good relationship with District personnel. In short, City staff can assure Council that the work product that will be generated by this proposed channel and pond improvement project will be of high, professional quality.

The current engineering design for the repairs has had to balance project costs with safety considerations, flood control needs, environmental-related components of the project and specific requests from the Timberlake Townhome and Cottonwood Condominium HOAs. City staff and the HOA Boards of Directors are pleased with the design of the proposed improvements.

There is currently \$925,000 available for this project. However, the estimated design and construction costs are \$1,005,000. This proposed fourth amended IGA will encumber an additional \$40,000 of UDFCD maintenance funds and \$40,000 of City Stormwater Utility funds available to complete the project.

Funding summary:

	Previously Contributed	Additional Contribution	Total Contribution	Percentage Share
UDFCD	\$750,000	\$40,000	\$790,000	79%
CITY	\$175,000	\$40,000	\$215,000	21%
TOTAL	\$925,000	\$80,000	\$1,005,000	100%

This project supports the Council’s Strategic Plan Goals of creating a Safe and Healthy Community by protecting people, homes and buildings from flooding through an effective stormwater management program, and Vibrant Neighborhoods In One Livable Community by maintaining and improving neighborhood infrastructure.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

- Resolution
- Intergovernmental Agreement Amendment
- Project Area Map

RESOLUTION

RESOLUTION NO. **8**

INTRODUCED BY COUNCILLORS

SERIES OF 2014

**A RESOLUTION
AUTHORIZING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WESTMINSTER AND URBAN DRAINAGE AND FLOOD
CONTROL DISTRICT (UDFCD) DEFINING FINANCIAL OBLIGATIONS RELATING TO
TANGLEWOOD CREEK CHANNEL AND POND IMPROVEMENTS**

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution, as well as Sections 29-1-201, et seq., and 29-20-205 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, the Amendment to the Intergovernmental Agreement attached to this Resolution identifies funding obligations of the City of Westminster and Urban Drainage and Flood Control District for the Tanglewood Creek Channel and Pond Improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

1. The Amendment to the Intergovernmental Agreement between the City of Westminster and Urban Drainage and Flood Control District for the Tanglewood Channel and Pond Improvements Project is hereby approved.
2. The City Manager is hereby authorized to execute and the City Clerk to attest the Amendment to the Intergovernmental Agreement in substantially the same form as attached.

PASSED AND ADOPTED this 28th day of April, 2014.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

AMENDMENT TO
 AGREEMENT REGARDING
 FINAL DESIGN, RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION
 OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
 TANGLEWOOD CREEK CHANNEL AND POND IMPROVEMENTS

Agreement No. 10-10.14D

THIS AGREEMENT, made this _____ day of _____, 2014, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT") and CITY OF WESTMINSTER (hereinafter called "CITY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Tanglewood Creek Channel and Pond Improvements" (Agreement No. 10-10.14) dated December 22, 2010, as amended; and

WHEREAS, PARTIES now desire to construct drainage and flood control improvements; and

WHEREAS, PARTIES desire to increase the level of funding by \$80,000; and

WHEREAS, the City Council of CITY and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:

4. PROJECT COSTS AND ALLOCATION OF COSTS

A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:

1. Final design services;
2. Delineation, description and acquisition of required rights-of-way/ easements;
3. Construction of improvements;
4. Contingencies mutually agreeable to PARTIES.

B. It is understood that PROJECT costs as defined above are not to exceed \$1,005,000 without amendment to this Agreement.

PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AS AMENDED</u>	<u>PREVIOUSLY AMENDED</u>
1. Final Design	\$ 130,000	\$ 130,000
2. Right-of-way	-0-	-0-
3. Construction	830,000	750,000
4. Contingency	45,000	45,000
Grand Total	\$1,005,000	\$925,000

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Previously Contributed</u>	<u>Additional Contribution</u>	<u>Maximum Contribution</u>
DISTRICT	79.00%	\$750,000	\$40,000	\$ 790,000
CITY	21.00%	\$175,000	40,000	215,000
TOTAL	100.00%	\$925,000	\$80,000	\$1,005,000

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's share may come from its own revenue sources or from funds received from state, federal or other sources of funding without limitation and without prior Board approval.

Payment of each party's full share (CITY - \$215,000; DISTRICT - \$790,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to CITY of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares.

3. All other terms and conditions of Agreement No. 10-10.14 shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

(SEAL)

ATTEST:

By_____

Title Executive Director

Date_____

CITY OF WESTMINSTER

(SEAL)

ATTEST:

APPROVED AS TO FORM:

City Attorney

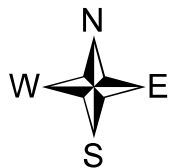
By_____

Title_____

Date_____



City of Westminster





Agenda Memorandum

City Council Meeting
April 28, 2014



SUBJECT: Resolution No. 9 Authorizing City Manager to Enter into Short-Term Leases of Water Rights to Irrigators

Prepared By: Sharon I. Williams, Water Resources Engineering Coordinator

Recommended City Council Action

Adopt Resolution No. 9 to authorize the City Manager for a period of five (5) years to enter into annual leases of certain water rights to agricultural users.

Summary Statement

- As part of the City's planning to secure and develop a long-term water supply, the City has purchased a number of agricultural water rights.
- These water rights will be changed from agricultural use to municipal use through the water court process and then incorporated into the City's supply concurrent with the increase in the City's demands.
- In advance of changing these water rights from agricultural to municipal use, we can help the agricultural community by leasing them water for their operations. Leasing out these unchanged rights to irrigators also assures that the water rights are beneficially used, which helps maximize the future yield of the water rights in change proceedings. This preserves the value of the City's investment in purchasing the shares.
- Staff is requesting the adoption of a Resolution to authorize the City Manager to lease the City's unchanged water rights annually for a period of five years. In the efficient administration of the water utility, it is appropriate to delegate to the City Manager the authority to enter into annual leases.
- Such leases will be subject to the provisions of the City Charter. This includes ensuring the City's ability to limit deliveries in case of drought conditions. The City will benefit financially from reimbursement for the leased water.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council authorize the City Manager for a period of five (5) years to enter into annual leases to agricultural users of certain water rights?

Alternatives

City Council could decline to adopt a Resolution to authorize the City Manager to lease out the City's unchanged water rights for a period of 5 years. This alternative is not recommended by Staff because it would require a less streamlined administrative process for annual authorization directly from City Council.

City Council could decline to take any action to lease out the City's unchanged water rights. This alternative is not recommended. By leasing out these rights annually, the City will maintain beneficial use of the unchanged water rights until they can be changed in water court for municipal use.

Background Information

The City purchases agricultural water rights for incorporation into the City's municipal water supply system. To incorporate these rights into the City's system for municipal use, the City must go through a water court process to change the decreed use of the water rights to municipal purposes. Until such time as the rights have been changed, they may only be used for agricultural irrigation. Continued use for the purpose legally decreed maintains the "historical use" of the water rights, which determines the future yield of the water rights in a change case. It is therefore in the City's best interest to lease out as-of-yet unchanged rights to agricultural irrigators. The unchanged rights will be changed to municipal uses over time through the water court process.

The City's unchanged agricultural water rights consist of Church Ditch Water Authority inches; Farmers' High Line Canal and Reservoir Company, Farmers Reservoir and Irrigation Company, Fulton Irrigation Ditch Company, German Ditch Company and Manhart Ditch Company shares. There is demand for leased shares in the agricultural community and staff wishes to lease out these remaining unchanged water rights annually for at least the next five years.

Each share that is leased out typically has an assessment that is passed through directly to the lessee for payment. Because of the mutual benefit of leasing agreements, we want to encourage leases and not create a profit center by charging high administrative costs. Therefore, the City adds a nominal fee of \$5 per share leased to cover appropriate costs of administering the lease.

Short-term leases of these unchanged water rights will be subject to the following conditions:

- The term will be for one (1) year during the irrigation seasons; and
- The lease rates on unchanged rights will equal the assessments payable on the rights, plus \$5 per "inch" or share to cover the costs of operation and to reimburse the utility an additional amount; and
- The City will be able to limit deliveries to the lessee to prevent a water shortage within the City, as per City Charter Section 14.3.

Authorizing the City Manager to enter into leases annually is an efficient and effective way for the City to ensure the unchanged water rights are put to beneficial use and preserve the value of the City's investment.

SUBJECT: Resolution Authorizing Leases of Water Rights

Page 3

This supports the Council's Strategic Plan Goal of a Financially Sustainable City Government Providing Exceptional Services by securing and developing a long-term water supply.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. 9

INTRODUCED BY COUNCILLORS

SERIES OF 2014

**RESOLUTION AUTHORIZING CITY MANAGER TO ENTER
INTO ANNUAL WATER LEASES FOR 2014, 2015, 2016, 2017 AND 2018**

WHEREAS, Charter Section 14.3 authorizes City Council to enter into water leases for use outside the City limits; and

WHEREAS, City Council finds that in the efficient administration of the water utility, it is appropriate to delegate to the City Manager, for a five-year period, the authority to enter into such leases,

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

1. The authority to enter into annual water leases is hereby delegated to the City Manager, for the irrigation seasons 2014 to 2018 inclusive, subject to the following standards:

(a) Said leases shall provide for the City to retain its power to limit deliveries of water in order to prevent a shortage of water to the users of domestic water within the City limits.

(b) Lease payments shall be sufficient to:

(1) Reimburse the water fund for all operation and maintenance expenses attributable to the water leased;

(2) Provide an additional amount for payment of water debt outstanding; and

(3) Provide a return to the water fund of the City for the total investment of the City in its water properties and facilities.

2. The authority to determine the amount of the lease payment needed to provide for the payment of outstanding water debt, pursuant to Charter Section 14.3(b)(2), is hereby delegated to the City Manager for the next five years from the date of this Resolution.

PASSED AND ADOPTED this 28th day of April, 2014.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney