



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
 - A. Minutes of April 25, 2011
 - B. Minutes of Special Meeting May 2, 2011
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. National Public Works Week Proclamation
 - B. Police Week Proclamation
 - C. Mental Health Month Proclamation
 - D. Graduating Seniors on the 2010-2011 Youth Advisory Panel Presentation
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. Sports Officiating Services Contract
 - B. 2011 Chipseal Project Contract Renewal
 - C. Second Reading of Councillor's Bill No. 13 re Amend WMC Section 2-5-2 re Special Permit & License Board
 - D. Second Reading of Councillor's Bill No. 14 re Proposed ED Assistance Agreement with Metalcraft Industries
9. Appointments and Resignations
 - A. Resolution No. 16 re Youth Advisory Panel Appointments
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 15 re 2010 Final Budget Supplemental Appropriation
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
 - A. City Council
13. Adjournment



GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 25, 2011 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Mayor Pro Tem Dittman, to approve the minutes of the regular meeting of April 11, 2011, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

The City Manager reported that although about 1,500 people were volunteering to participate in Community Pride Day on May 7, Event Coordinator Patti Wright assured him there were plenty of tasks for more volunteer workers to help clean parks, trails, open spaces and public rights-of-way. There also would be plenty of food at the barbecue in the courtyard at City Hall following clean-up activities. Interested individuals were encouraged to call Ms. Wright and get involved in the event.

COUNCIL REPORTS

Councillor Winter invited everyone to enjoy dessert and conversation with City Council at 7 p.m. on April 28 in the North Metro Chamber offices at The Orchard.

Councillor Briggs reported that the Progressive Homeowners Association soon would be planting the first replacement tree, a crabapple, at the Westminster Presbyterian Church. Older trees on the property were being gradually replaced by new ones to maintain the South Westminster neighborhood.

PRESENTATIONS

Councillor Major read a proclamation declaring May 1 to 7 to be National Drinking Water Week in Westminster. Steve Ramer of Public Works and Utilities accepted the proclamation and invited the City Council and the public to stop by a display booth at West View Recreation Center during that week to learn about water resources. Celebration of the City's Centennial would be incorporated into the display.

CITIZEN COMMUNICATION

Gail Grace Charrie, 9046 Vrain Street, reported that at an April 21 meeting of the Recycling Study Committee meeting she had been ridiculed because of a letter she co-authored to point out a disparity between results of a 2008 survey and a City Councillor's interpretation of the results. The meeting had been attended by City Councillors and the City Manager. She was offended by the reckless remark of a Study Committee member and the laughter that followed. The same decorum maintained at City Council meetings should be extended to citizens engaged in the public process.

Kim Christianson, 2030 West 132nd Avenue and a member of the Citizens for Fire Department Improvement, Recognition, and Education (CFIRE), presented the Mayor and City Council with Challenge Coins in appreciation of support for the Westminster Fire Department and in celebration of the City's Centennial. The group had gifted the Challenge Coins to all firefighters and the administrative staff of the department. Members of CFIRE were alumni of the Citizens Fire Academy and conducted fundraising activities throughout the community for their cause.

CONSENT AGENDA

The following items were submitted for Council’s consideration on the consent agenda: accept the March 2011 Financial Report; accept the first quarter 2011 Insurance Claims Report; authorize the City Manager to purchase Workers’ Compensation Excess Insurance for \$77,309 from Midwest Employers Casualty Company; find that the public interest would best be served through a negotiated agreement and authorize staff to proceed with the purchase of LANDesk Lifecycle and Service Management System from Network Consulting Services Incorporated in an amount not to exceed \$49,930 and also authorize the expenditure of \$8,200 to Network Consulting Services Incorporated for the implementation services, bringing the total project budget to \$58,130; authorize the City Manager to execute a \$77,850 contract with Justice Systems Inc. for purchase of an upgrade to the Full Court System Software and authorize expenditure of \$14,700 for associated computer hardware and training expense; and authorize the City Manager to execute a \$857,497 contract for the 2011 Asphalt Pavement Rehabilitation Project with Asphalt Specialties Company, Inc., the low bidder, and authorize a 5% contingency of \$42,875 for a total project budget of \$900,372.

No member of Council requested removal of any item from the consent agenda for individual consideration. It was moved by Mayor Pro Tem Dittman and seconded by Councillor Lindsey to approve the consent agenda as presented. The motion carried unanimously.

COUNCILLOR’S BILL NO. 13 AMENDING SECTION 2-5-2 OF THE WESTMINSTER MUNICIPAL CODE

Councillor Briggs moved, seconded by Major, to pass on first reading Councillor’s Bill No. 13 to amend the Special Permit and License Board’s powers and duties and make them consistent with the January 2011 revisions to Title V of the Westminster Municipal Code. At roll call, the motion passed unanimously.

COUNCILLOR’S BILL NO. 14 AUTHORIZING EDA WITH METALCRAFT INDUSTRIES

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Kaiser, the Council voted unanimously to pass on first reading Councillor’s Bill No. 14 to authorize the City Manager to execute and implement an Economic Development Agreement with Metalcraft Industries.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Mayor Pro Tem Dittman and seconded by Major to adjourn. The motion carried and the meeting adjourned at 7:12 P.M.

ATTEST: _____
City Clerk

Mayor

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
HELD ON MONDAY, May 2, 2011 AT 6:30 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

ACQUISITION OF PROPERTY FROM THE WESTMINSTER MALL COMPANY AND RELATED ENTITIES

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Major, the Council voted unanimously to authorize the City Manager to execute a purchase and sale agreement and all necessary closing documents for the acquisition of the majority of the remaining privately owned property within the Westminster Center Urban Reinvestment Project area, and authorize the funding as needed for this acquisition.

RESOLUTION NO. 14 PLEDGING CASH RESERVES FOR PROMISSORY NOTE FOR MALL PURCHASE

Mayor Pro Tem Dittman moved to adopt Resolution No. 14 irrevocably pledging present cash reserves in an amount equal to \$3.5 million, plus the required interest, in connection with a promissory note that will finance, in part, acquisition of property for the Westminster Center Urban Reinvestment Project. Councillor Kaiser seconded the motion, and it passed unanimously at roll call.

REIMBURSEMENT RESOLUTION NO. 15 FOR WURP BOND FINANCING

It was moved by Mayor Pro Tem Dittman and seconded by Councillor Major, to adopt Resolution No. 15 setting forth the City's intent to make certain capital expenditures associated with the acquisition of property in connection with the Westminster Center Urban Reinvestment Project, to issue bonds for financing the Project, and to use a portion of the proceeds of such bond financing for reimbursement of the City for those expenditures incurred prior to issuing the bonds, to the extent authorized by the Internal Revenue Code of 1986 and applicable Treasury Department regulations. The motion carried at roll call with all Council members voting affirmatively.

ADJOURNMENT

It was moved by Councillor Kaiser and seconded by Councillor Major to adjourn. The motion carried and the meeting adjourned at 6:40 p.m.

ATTEST:

Deputy City Clerk

Mayor



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
May 9, 2011



SUBJECT: Proclamation re National Public Works Week

Prepared By: Michael B. Smith, Director of Public Works and Utilities

Recommended City Council Action

Proclaim the week of May 15 - 21, 2011 as Public Works Week in the City of Westminster. Mayor Pro Tem Dittman is requested to present the proclamation to Jackie Bowers, Secretary, Administration Division; Barb Cinkosky, Secretary, Street Operations Division; Lili Cox, Secretary, Utilities Operations Division; Tim Woodard, Plant Superintendent; and Mary Jay Vestal, Senior Engineer, Utility Planning and Engineering Division.

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 "Public Works: Serving You and Your Community."
- Posters, displays and brochures will be available at City Hall, City Recreation Centers, and City Libraries.
- Public Works and Utilities staff will be in attendance to receive the proclamation on behalf of the Department.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

None identified

Alternative

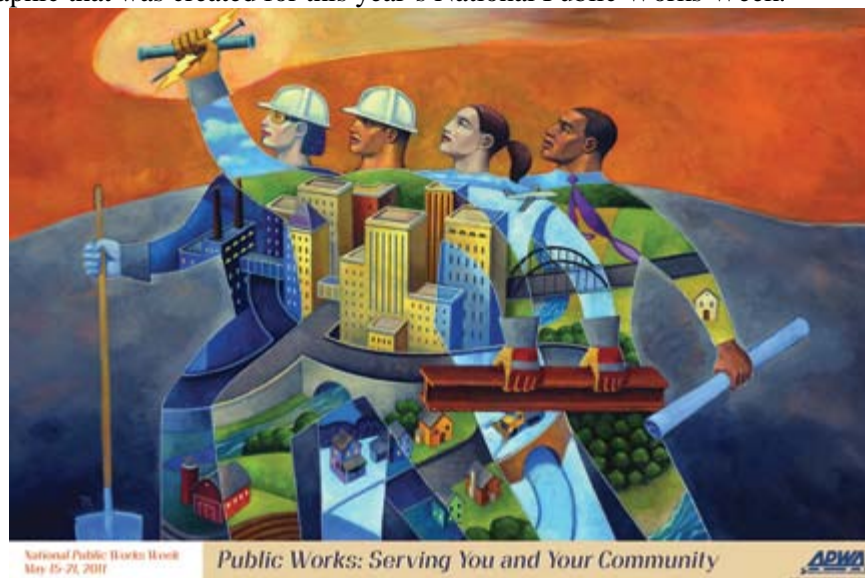
None identified

Background Information

Public Works professionals throughout the United States and Canada will celebrate National Public Works Week, May 15 - 21, 2011.

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 2010 events are being coordinated in the State by the Colorado Chapter of the American Public Works Association. 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. 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 City Council’s goal of a Financially Sustainable City Government by recognizing Public Works and Utilities employees for their efforts towards a well-maintained city infrastructure and facilities and providing efficient, cost-effective internal and external 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, solid waste collection, 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 employees; and

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

NOW, THEREFORE, I, Nancy McNally, Mayor, on behalf of the entire City Council and Staff, do hereby proclaim the week of May 15 through 21, 2011, 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 9th day of May, 2011.

Nancy McNally, Mayor



Agenda Item 6 B

Agenda Memorandum

City Council Meeting
May 9, 2011



SUBJECT: Proclamation re Police Week

Prepared By: Lee Birk, Chief of Police
Cheri Spottke, Public Information Officer

Recommended City Council Action

Councillor Kaiser to present the proclamation declaring May 15, 2011 as Peace Officers Memorial Day and May 15-21, 2011 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 19, 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, 2011 and Police Week during May 15-21, 2011. 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."

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Proclamation

WHEREAS, in 2010, across the United States, 162 law enforcement officers lost their lives in the line of duty; and,

WHEREAS, more than 18,983 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,

WHEREAS, Westminster police officers responded to 114,104 police service events in 2010,

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,

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, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 15, 2011 as

PEACE OFFICERS MEMORIAL DAY

and May 15-21, 2011 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 9th day of May, 2011.

Nancy McNally, Mayor



Agenda Item 6 C

Agenda Memorandum

City Council Meeting
May 9, 2011



SUBJECT: Mental Health Month Proclamation

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Councillor Major to present the proclamation for Mental Health Month.

Summary Statement

- Jefferson Center for Mental Health and Community Reach, which serves Adams County residents, have requested that the City proclaim the month of May as Mental Health Month in the City of Westminster.
- The City has been very supportive of both of these mental health organizations through the City's Human Services funding each year and other efforts.
- Patricia Gonske, Director of Adult Services at Jefferson Center for Mental Health, and Lindy Schultz, Public Information Officer at Community Reach, will accept the proclamations.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

None identified

Alternative

None identified

Background Information

Community Reach and Jefferson Center for Mental Health have requested that the month of May be recognized as Mental Health month in the City of Westminster in order to increase community awareness that persons with mental illness can be treated and can be productive citizens.

In 2011, the City is providing \$7,500 to Jefferson Center for Mental Health and \$12,000 to Community Reach as part of the Human Services Agency Funding. In addition the City supports Community Reach by providing facility space for their Westminster office in the former 76th Avenue Library building. Representatives of Community Reach and Jefferson Center for Mental Health will be in attendance to accept the proclamation.

This action supports the Strategic Plan and Council's goal of a Safe and Secure Community by enhancing the safety of citizens anywhere in the City through the provision of mental health services.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Proclamation

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

WHEREAS, Mental health is a key component to a person's overall health; and

WHEREAS, The community mental health system is advancing an integrated health care approach by addressing mental health and substance abuse disorders together with physical health to realize better patient outcomes, reduced health care costs, and improved patient satisfaction; and

WHEREAS, 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; and

WHEREAS, The demand for mental health and substance abuse treatment has reached record levels in Colorado.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 2011 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 9th day of May, 2011.

Nancy McNally, Mayor



Agenda Item 6 D

Agenda Memorandum

City Council Meeting
May 9, 2011



SUBJECT: Presentation to Graduating Seniors on the 2010-2011 Youth Advisory Panel

Prepared By: Cindy McDonald, Staff Liaison to the Youth Advisory Panel
Melissa Collison, Staff Liaison to the Youth Advisory Panel

Recommended City Council Action

Councillor Winter to present certificates of recognition to acknowledge the service of the graduating seniors from the 2010-2011 Youth Advisory Panel.

Summary Statement:

- City Council is requested to recognize and acknowledge the service of the two graduating seniors from the 2010-2011 Youth Advisory Panel.
- Information on each graduating senior is included in the background section of this report.
- City Council is requested to honor each outgoing member with a certificate.
- Councilor Faith Winter will present the certificates.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

None identified

Alternative

None identified

Background Information

The Westminster Youth Advisory Panel (YAP) was created in 1999 by City Council's adoption of Resolution No. 68, and on October 25, 1999, the City Council appointed the first Youth Advisory Panel. Since 1999, the panel has worked with Staff on a variety of issues and projects. The term of each Panel member is one year with reappointment of up to four terms possible.

Since 1999, the Youth Advisory Panel has been very active in the community. In addition to attending scheduled monthly formal meetings, the panel each year takes part in regular community service projects. These diverse events have touched the community in many unique ways. They included helping at the Holy C.O.W. Stampede (a Parks, Recreation and Libraries race to raise proceeds for youth programs), providing volunteer help for the Westminster Christmas Lighting Ceremony, and participating at Westminster Pride Day. Project highlights also include adopting a family for the holidays through ARC, delivering Thanksgiving Food Baskets to needy families and assisting at the annual Father Daughter Ball presented by Westminster Parks, Recreation and Libraries Department. Panel members have also worked with Broomfield Lutheran Church to make and serve sandwiches to the homeless on the streets of downtown Denver. As active participants in the community, the YAP has fulfilled a goal of reaching out to the Westminster community in order to make a difference in the places where members attend school and live. The Panel has continued this very diverse and ambitious community service goal for the 2010-2011 school year.

In the summer of 2011, there are two departing seniors who are graduating from area High Schools. Both of these students have represented their schools with pride and have been an integral part of the Westminster Youth Advisory Panel. The graduating seniors are:

- Chloe Mays who became a member of YAP her sophomore year, served as Public Information Officer her junior year, and is currently the Youth Advisory Panel Chairperson.
- Bianca Seivley who began serving on the panel in her sophomore year, was as the Secretary her junior year, and is currently Vice-Chairperson of the Youth Advisory Panel.

The Youth Advisory Panel meets the City's Strategic Plan Goal of "Financially Sustainable City Government Providing Exceptional Services."

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 A

Agenda Memorandum

City Council Meeting
May 9, 2011



SUBJECT: Sports Officiating Services Contract

Prepared By: Ken Watson, Regional Parks, Sports and Golf Manager
Viola I. Duran, Recreation Specialist

Recommended City Council Action

Based on the recommendation of the City Manager, find that the public interest is best served by authorizing the City Manager to extend a contract with Professional and Recreational Officials of Sports, Inc. for officiating and related services in an amount not to exceed \$85,000 annually.

Summary Statement

- City Staff believes it is in the City's best interest to extend this contract for an additional year as the contractor is holding the same price structure for 2011 as was bid competitively in 2009.
- The City's Purchasing Officer issued formal bids through Demand Star for sports officiating services on November 17, 2009. In addition, three vendors were mailed hard copies of the bid packet. Those vendors were Professional and Recreational Officials of Sports, Inc. (P.R.O.S Inc.), Metro Sports, and Aurora Sports Officials. P.R.O.S Inc. was the only vendor to submit a bid. Staff does not believe that rebidding this contract will garner any other new proposals.
- The agreement between the City of Westminster and P.R.O.S Inc. dated March 1, 2010, includes the terms and conditions for P.R.O.S. to provide officiating services for senior and adult programs that are provided by the City.
- The 2011 Recreation Programs Division operating budget contains the necessary funds to contract these professional officiating services. The services to be provided by P.R.O.S., Inc. will not exceed \$85,000 per year for adult and senior sports and is based on a per-game charge. This amount is dependent upon the number of teams that participate in each of the City's sports programs during the year.
- Revenues for these sports totaled \$235,000 in 2010, and revenues of \$225,000 are projected in 2011.
- Adequate funds are appropriated within the Recreation Programs Division Operating Budget for this expense.
- Staff will bid out the 2012 sports officiating services later this year.

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

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



Policy Issue

Should the City extend the 2010 contract from P.R.O.S. Inc. for 2011 officiating services for the City's recreational leagues?

Alternative

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

Background Information

The Recreation Services Division offers ongoing athletic programs for the senior and adults in the Westminster community. Basketball and softball programs provide recreational team sports opportunities for over 7,200 participants each year. The Recreation Services Division has had a working relationship with P.R.O.S., Inc. for the past 20 years. P.R.O.S. Inc. is the only association in the north metro area that provides officiating services for local municipalities; therefore, it is likely that no other bidders would respond to a new RFP.

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

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

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
May 9, 2011



SUBJECT: 2011 Chipseal Project Contract Renewal

Prepared By: Rob Dinnel, Street Project Specialist
Dave Cantu, Street Operations Manager

Recommended City Council Action

Authorize the City Manager to execute a renewal of the current Chipseal project contract with A-1 Chipseal Company for the 2011 calendar year in the amount of \$1,214,802 and authorize a contingency of \$12,148 (1%) for a total project budget of \$1,226,950.

Summary Statement

- City Council approved funds for this expense in the 2011 Department of Public Works and Utilities, Street Operations Division budget for 400,891 square yards of conventional Chipseal to be applied on 130 Westminster residential and collector streets and another 45,972 square yards of 7/8" thick double bonded hot applied chipseal resurfacing on one arterial roadway (see location list and map).
- On May 10, 2010, City Council approved the current Chipseal project contract with A-1 Chipseal Company with the option of annual contract renewals for 2011 and 2012.
- Staff met with A-1 Chipseal Company concerning contract renewal, 2011 quantities and unit price increases. The contractor requested an 11.4 % increase and substantiated industry cost increases of liquid asphalt cement used in the Chipseal process.
- Based on Staff verification of contractor submittals substantiating cost increase and through investigation finding that the City's 2011 Chipseal pricing per square yard ranges from 5.7% to 22% lower than other Denver Metro area cities' chipseal prices to date, Staff recommends extension of current contract for one additional year.

Expenditure Required: \$1,226,950

Source of Funds: \$ 815,303 - General Fund - Street Operations Division Operating Budget
\$ 411,647 - General Capital Improvement Fund - Arterial Roadway Resurfacing



Policy Issue

Should the City extend the current Chipseal contract with A-1 Chipseal Company for application of chipseal on city streets as specified in the contract documents for this project?

Alternatives

1. The City could choose to prepare bid documents and advertise the 2011 Chipseal contract for competitive bid submittals. Staff does not recommend this alternative based on the following reasons: The 2010 Chipseal contract was bid competitively and approved with renewal options for 2011 and 2012. A-1 Chipseal Company was the only vendor that provided a bid in 2010. Since the 2010 bid process A-1 Chipseal is the only viable contractor to perform both conventional and hot applied chipseal per city specification in the Denver Metro area. The Contractor substantiated 2011 industry increase for liquid asphalt cement that is used in the chipseal process, and in checking other 2011 Denver Metro area cities' chipseal pricing per square yard, Westminster's 2011 pricing is 5.7% to 22% lower.
2. Resurface the conventional chipseal street with a thin 1'' overlay of hot-mix-asphalt (HMA). Staff does not recommend this alternative for the following reason: This alternative would double the cost and the added strength of the pavement structure would be similar to a conventional chipseal.

Background Information

Formal bids were solicited in accordance with the City bidding requirements for the 2010 Chipseal Project. A-1 Chipseal Company was the only bidder of three contractors solicited and was awarded the bid.

In previous years chipseal has been sole sourced due to only one contractor performing this work in the Denver Metro Area. Prior to bidding the 2010 project, two other contractors, Quality Resurfacing and Western Chipseal, indicated a desire and capability to perform the project. However, both were unable to meet material specifications and/or obtain sufficient material quantities to allow participation in the bid. Quality Resurfacing is no longer in business.

The contract documents for the 2010 Chipseal Project include a clause to allow the renewal of the contract for two additional one-year periods (2011/2012), if beneficial to both parties. This year, 2011, is the first renewal year for the Chipseal Project.

Annual unit price cost adjustments, if any, were to be based on the Consumer Price Index for Urban Consumers which amounted to 2%, unless justified by evidence of market factors deemed satisfactory to the City. When Staff met with the contractor to discuss contract renewal issues, the contractor requested an 11.4% increase above 2010 unit prices to cover industry specific cost escalations outside of his control. Staff required the contractor to provide specific documentation detailing changes in fixed costs associated with the required work. In determining if continuance of the contract was beneficial to both parties, Staff verified the contractor submittals substantiating cost increases in liquid asphalt cement. Staff also investigated 2011 pricing of chipseal per square yard in other cities' in the Denver Metro area and found prices ranged from 5.7% to 22% higher than Westminster's 2011 pricing.

In an effort to respond to citizen concerns, Staff will again be sending a letter to affected residents explaining the process of the chipseal application and what to expect during the curing period. Special attention will be given to consistent and timely inspection during the construction process and sweeping will be scheduled the day after the chipseal is applied. Once sweeping is done, a fogseal will be applied over the surface to seal loose rock from the top down.

SUBJECT:

2011 Chipseal Project Contract Renewal

Page 3

The contractor, A-1 Chipseal Company, has successfully completed chipseal projects over the past fourteen years in Westminster and the Denver Metro Area. A-1 Chipseal's owner has been in the business since 1981 and the City of Westminster has been chipsealing City streets since 1976.

The combined Chipseal project is recommended by Staff after each street segment was carefully analyzed through the computerized Pavement Management process. Through this careful analytical process it was determined that the preventative maintenance strategies outlined in this memorandum continue to be the most cost effective.

The proposed Council action supports City Council's Strategic Plan Goals of "Financially Sustainable City Government, Safe and Secure Community and Vibrant Neighborhoods and Commercial Areas" by meeting the following objectives: Well maintained City infrastructure and facilities; Safe citizen travel throughout the City of Westminster; and Maintain and improve neighborhood infrastructure and housing.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments: Location List
Location Map

**City of Westminster
Department of Public Works & Utilities
Street Operations Division
2011 Chipseal and Hot Applied Chipseal Location List**

	LOCATION	FROM:	TO:
1.	Westminster Boulevard	104th Avenue	112th Ave
	3/8" Chip		
1.	91st Avenue	Harlan Street	Pierce Street
2.	Marshall Court	91st Avenue	South end
3.	Marshall Place	91st Avenue	North end
4.	Marshall Place	9180 Marshall Place	9168 Marshall Place Cul-de-sac
5.	Marshall Place	9164 Marshall Place	9148 Marshall Place Cul-de-sac
6.	112th Avenue	Sheridan Boulevard	Railroad Tracks
1.	Ranch Reserve Parkway	112th Avenue	Federal Boulevard
2.	Eliot Court	Ranch Reserve Parkway	115th Drive
3.	115th Drive	Eliot Court	Decatur Court
4.	Decatur Court	Ranch Reserve Parkway	North End
5.	115th Circle	Ranch Reserve Parkway	Decatur Drive
6.	Decatur Street	Ranch Reserve Parkway	Decatur Drive
7.	115th Drive	Decatur Street	West End
8.	115th Drive	Decatur Street	East End
9.	Ranch Reserve Ridge	Ranch Reserve Parkway	2391 Ranch Reserve Ridge
10.	114th Court	Ranch Reserve Parkway	Eliot Court
11.	Eliot Court	114th Court	South End
12.	Decatur Court	114th Court	South End
13.	113th Court	Ranch Reserve Parkway	Decatur Court
14.	Decatur Street	113th Court	112th Avenue
15.	Decatur Circle	Decatur Street	Decatur Street
16.	Decatur Court	113th Court	Ranch Reserve Lane
17.	Eliot Court	Ranch Reserve Lane	South End
18.	Ranch Reserve Lane	Ranch Reserve Parkway	Eliot Court
19.	Clay Court	Ranch Reserve Lane	South End
20.	Clay Street	112th Avenue	111th Avenue
21.	Clay Drive	111th Avenue	110th Court
22.	110th Court	Clay Drive	West End
23.	Decatur Street	110th Court	111th Avenue
24.	110th Place	Decatur Street	Eliot Drive
25.	Eliot Drive	110th Place	111th Way
26.	111th Avenue	Eliot Drive	East End
27.	Eliot Court	111th Avenue	111th Way
28.	111th Way	Eliot Drive	Decatur Drive
29.	Decatur Drive	112th Avenue	111th Avenue
30.	111th Avenue	Decatur Drive	Clay Street

Ranch Reserve

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31.	111th Loop	Clay Street	Clay Street
32.	103rd Avenue	Lowell Boulevard	Tennyson Court
33.	103rd Avenue	3600 103rd Avenue	3650 103rd Avenue
34.	103rd Avenue	3672 103rd Avenue	3722 103rd Avenue
35.	103rd Avenue	3734 103rd Avenue	3784 103rd Avenue
36.	103rd Avenue	3802 103rd Avenue	3846 103rd Avenue
37.	103rd Avenue	3846 103rd Avenue	3878 103rd Avenue
38.	103rd Avenue	3880 103rd Avenue	3906 103rd Avenue
39.	103rd Avenue	3918 103rd Avenue	3944 103rd Avenue
40.	103rd Avenue	3956 103rd Avenue	3982 103rd Avenue
41.	103rd Avenue	3801 103rd Avenue	3851 103rd Avenue
42.	103rd Drive	103rd Avenue	103rd Avenue
43.	103rd Drive	3688 103rd Drive	3740 103rd Drive
44.	Meade Loop	103rd Avenue	103rd Drive
45.	Perry Street	104th Avenue	103rd Avenue
46.	104th Place	East of Perry Street	West of Perry Street
47.	103rd Court	East of Perry Street	West of Perry Street
48.	102nd Avenue	Lowell Boulevard	Tennyson Court
49.	Tennyson Court	103rd Avenue	West End
50.	Tennyson Court	10311 Tennyson Court	10351 Tennyson Court
51.	Meade Court	102nd Avenue	North End
52.	Meade Court	102nd Avenue	South End
53.	Newton Court	102nd Avenue	North End
54.	Osceola court	102nd Avenue	North End
55.	101st Avenue	102nd Avenue	Lowell Way
56.	101st Avenue	10444 101st Avenue	10484 101st Avenue
57.	Lowell Way	102nd Avenue	100th Avenue
58.	100th Avenue	3656 100th Avenue	3695 100th Avenue
59.	100th Avenue	Lowell Way	4535 100th Avenue Cul-de-sac
60.	Meade Court	100th Avenue	North End
61.	100th Avenue	3756 100th Avenue	3726 100th Avenue
62.	Newton Court	100th Avenue	South End
63.	Raleigh Street	100th Avenue	99th Place
64.	Raleigh Street	100th Avenue	North End
65.	Tennyson Court	100th Avenue	North End
66.	97th Avenue	Lowell Boulevard	Perry Way
67.	Meade Street	97th Avenue	96th Avenue
68.	Lowell Court	Meade Street	South End
69.	Meade Court	Meade Street	South End
70.	Meade Court	Meade Street	North End
71.	Newton Street	Meade Street	North End
72.	Perry Way	97th Avenue	99th Avenue
73.	99th Avenue	Perry Way	Lowell Boulevard
74.	Osceola Street	97th Avenue	South End
75.	Perry Street	97th Avenue	South End
76.	97th Place	Perry Way	West End

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77.	Quitman Way	Perry Way	98th Avenue
78.	98th Avenue	Perry Way	West End
79.	Newton Street	97th Avenue	98th Avenue
80.	98th Avenue	Perry Way	East End
81.	Osceola Street	98th Avenue	South End
82.	Meade Circle	Newton Street	9829 Meade Circle
83.	98th Place	Meade Circle	4024 98th Place
84.	Newton Court	99th Avenue	99th Place
85.	Perry Court	99th Avenue	99th Place
86.	99th Place	3730 99th Place	Raliegh Street
87.	Raleigh Street	99th Place	97th Court
88.	97th Court	Raleigh Street	East End
89.	98th Way	Raleigh Street	East End
90.	99th Court	Raleigh Street	East End
91.	114th Circle	Stratford Lakes Drive	Stratford Lakes Drive
92.	114th Loop	114th Circle	114th Circle
93.	Irving Drive	112th Avenue	112th Court
94.	112th Court	Grove Street	West End
95.	Grove Street	112th Court	North End
96.	113th Court	Grove Street	Federal Boulevard
97.	King Way	92nd Avenue	Lowell Boulevard
98.	Knox Court	92nd Avenue	94th Avenue
99.	Julian Way	92nd Avenue	Knox Court
100.	Irving Street	92nd Avenue	94th Avenue
101.	Hazel Court	92nd Avenue	Hazel Place
102.	Hooker Street	92nd Avenue	Hazel Place
103.	Hazel Place	Hazel Court	Grove Street
104.	Grove Street	92nd Avenue	93rd Avenue
105.	92nd Place	Grove Street	Irving Street
106.	93rd Avenue	Green Court	Irving Street
107.	94th Avenue	Lowell Boulevard	Federal Boulevard
108.	Green Court	93rd Avenue	Kassler Place
109.	Kassler Place	Green Court	Hooker Street
110.	Mowry Place	Green Court	Hooker Street
111.	Green Court	Federal Boulevard	96th Avenue
112.	Hooker Street	96th Avenue	93rd Avenue
113.	95th Avenue	Federal Boulevard	Lowell Boulevard
114.	King Way	Lowell Boulevard	96th Avenue
115.	Kassler Place	95th Avenue	Lowell Boulevard
116.	Kellogg Place	Mowry Place	Lowell Boulevard
117.	Mowry Place	Lowell Boulevard	95th Avenue
118.	Irving Street	Mowry Place	94th Avenue
119.	Xavier Street	92nd Avenue	93rd Avenue
120.	92nd Place	Xavier Street	Utica Court
121.	Winona Court	92nd Place	South End
122.	Vrain Court	92nd Place	South End
123.	Utica Court	92nd Place	93rd Avenue
124.	93rd Avenue	Utica Court	City Center Drive



Street Improvement Locations List

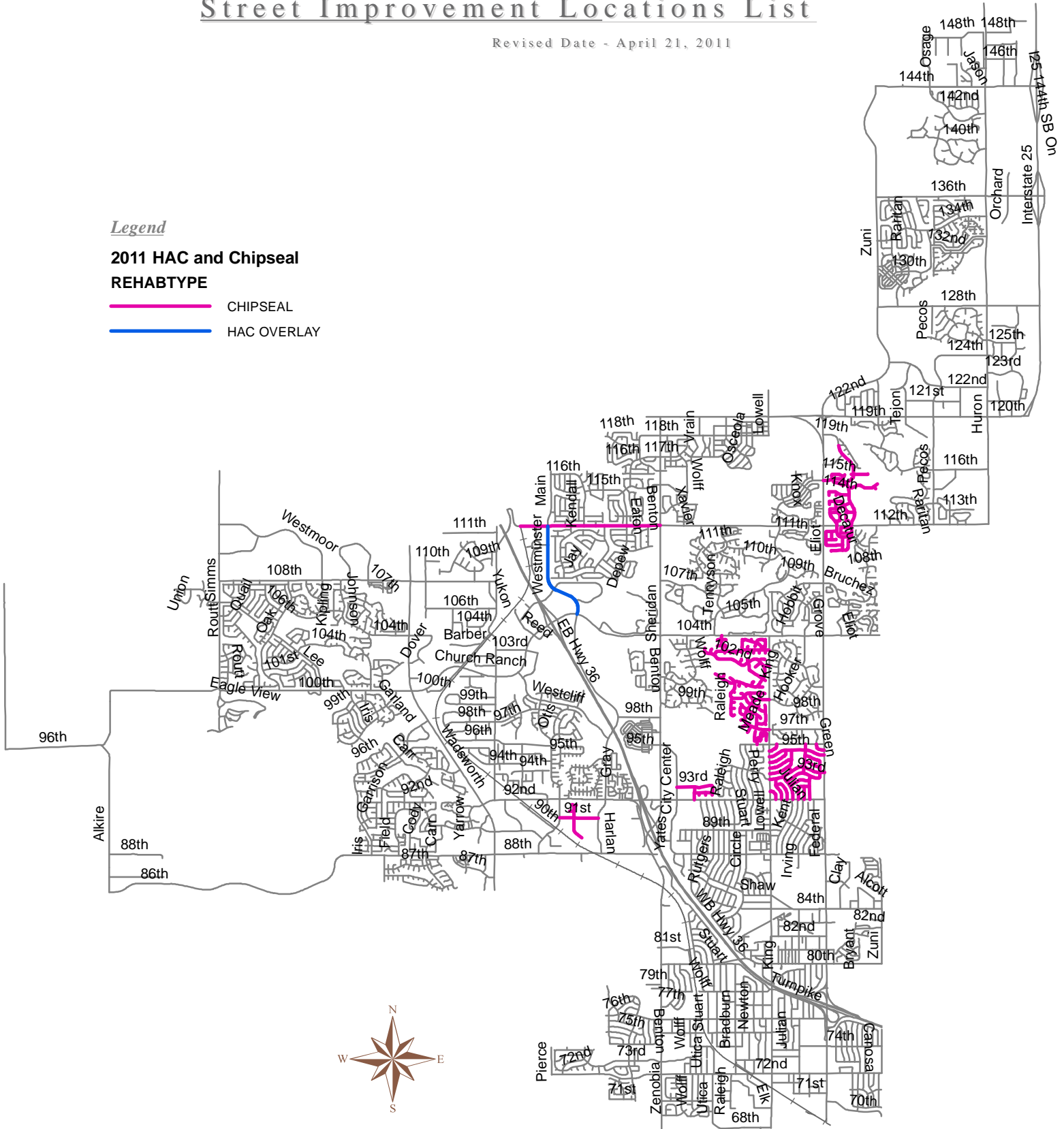
Revised Date - April 21, 2011

Legend

2011 HAC and Chipseal

REHABTYPE

-  CHIPSEAL
-  HAC OVERLAY





Agenda Item 8 C

Agenda Memorandum

City Council Meeting
May 9, 2011



SUBJECT: Second Reading of Councillor's Bill No. 13 Amending Section 2-5-2 of the Westminster Municipal Code to Conform Special Permit and License Board Powers and Duties with Recent Revisions to Title V, "Licensing and Regulations"

Prepared By: Hilary M. Graham, Assistant City Attorney
Linda Yeager, City Clerk

Recommended City Council Action

Pass Councillor's Bill No. 13 on second reading to amend the Special Permit and License Board's powers and duties and make them consistent with the January 2011 revisions to Title V of the Westminster Municipal Code.

Summary Statement

- Ordinance No. 3563, adopted on January 10, 2011 (and subsequently corrected by emergency ordinance), set forth a comprehensive update of Title V of the City Code, which addresses the City's licensing procedures and requirements.
- This update to Title V of the Westminster Municipal Code established a new review process for adverse actions proposed to be taken against any type of City-issued license so that license applicants or license holders may now contest a proposed adverse action by appeal to the Special Permit and License Board.
- The Special Permit and License Board's grant of authority, contained in Section 2-5-2 of the Westminster Municipal Code, has not been revised to acknowledge this new process.
- This ordinance will revise the Special Permit and License Board's powers and duties to accommodate the new duties assigned to it.
- This Councillor's Bill was passed on first reading on April 25, 2011.

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

Respectfully submitted,

J. Brent McFall
City Manager
Attachment - Ordinance



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **13**

SERIES OF 2011

INTRODUCED BY COUNCILLORS

Briggs - Major

A BILL

FOR AN ORDINANCE AMENDING SECTION 2-5-2 OF THE WESTMINSTER MUNICIPAL CODE TO CONFORM THE SPECIAL PERMIT AND LICENSE BOARD'S AUTHORITY WITH RECENT REVISIONS TO TITLE V, "LICENSING AND REGULATIONS"

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-5-2, W.M.C., is hereby AMENDED to read as follows:

2-5-2: POWERS AND DUTIES:

~~(A) — The Special Permit and License Board acting as the local licensing authority pursuant to section 5-14-2 Title V of this Code, shall conduct public hearings, approve or deny applications for licenses, renew or deny renewal of licenses, suspend or revoke licenses, hear appeals of adverse actions taken against City-issued licenses, and carry out all other functions authorized by Chapter 14, of Title V of this Code and Colorado beer, liquor and special event codes.~~

~~(B) — The Special Permit and License Board shall conduct public hearings, approve or deny applications for licenses, renew or deny renewal of licenses, and cancel, suspend or revoke the following licenses. All decisions of the Board on these licenses are final, subject only to appeal to a court of competent jurisdiction.~~

- ~~(1) — Massage Parlor Licenses, pursuant to Chapter 15 of Title V of this Code;~~
- ~~(2) — Escort Service Licenses, pursuant to Chapter 19 of Title V of this Code;~~
- ~~(3) Amusement center licenses, pursuant to Chapter 9 of Title V of this Code;~~
- ~~(4) Dance hall and cabaret licenses, pursuant to Chapter 16 of Title V of this Code, and~~
- ~~(5) Business licenses, including contractor registrations under review for denial, revocation, or suspension shall be reviewed in a public meeting conducted by the Special Permit and License Board.~~

~~(C) — The Special Permit and License Board shall conduct public hearings on appeals from the decision of the City Manager, denying license applications, denying renewal of licenses, or suspending or revoking licenses to operate as a solid waste or recyclable materials collector pursuant to Chapter 7 of Title 5 of this Code. Appeals from the decisions of the Board may be made to the City Council.~~

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of April, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of May, 2011.

ATTEST:

Mayor

APPROVED AS TO LEGAL FORM:

Deputy City Clerk

City Attorney's Office



Agenda Item 8 D

Agenda Memorandum

City Council Meeting
May 9, 2011



SUBJECT: Second Reading of Councillor's Bill No. 14 re Proposed Economic Development Assistance Agreement with Metalcraft Industries

Prepared By: Becky Nelson, Economic Development Specialist

Recommended City Council Action

Pass Councillor's Bill No. 14 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement with Metalcraft Industries.

Summary Statement

- This Councillor's Bill was passed on first reading on April 25, 2011.
- In January 2011, Metalcraft Industries acquired Collins Machine of Louisville.
- Metalcraft had the option to locate the merged business in its current Westminster location or to locate in the Collins Machine Louisville location.
- The Economic Development Agreement (EDA) includes \$24,000 in assistance from sales and use tax rebates for equipment purchases over a five year period.
- This EDA will help retain Metalcraft in its existing 63,000 square foot facility in Park Centre.
- After the merger, the company will employ 46 people consisting of business administration and machine operation-related positions and plans to grow employment by 5 each year over the next five years.
- The average annual wage is \$45,265, which is 8% above Adams County average wage.
- Assistance is based on the City's desire to retain a growing manufacturer in Westminster.
- Should Metalcraft Industries 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 \$24,000 (Rebates)

Source of Funds: The EDA with Metalcraft Industries will be funded through revenue received from sales/use tax on equipment

Respectfully submitted,

J. Brent McFall
City Manager
Attachment - Ordinance



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **14**

SERIES OF 2011

INTRODUCED BY COUNCILLORS
Dittman - Kaiser

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT
WITH METALCRAFT INDUSTRIES**

WHEREAS, the successful attraction and retention of high quality development to 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 high quality development to locate in the City; and

WHEREAS, Metalcraft plans to increase employment to 46 and occupy a 63,000 square feet facility in Park Centre in Westminster; and

WHEREAS, a proposed Economic Development Agreement between the City and Metalcraft Industries 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 Metalcraft Industries 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 25th day of April, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of May, 2011.

ATTEST:

Mayor

Deputy City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Exhibit "A"

ECONOMIC DEVELOPMENT AGREEMENT FOR METALCRAFT INDUSTRIES WITH THE CITY OF WESTMINSTER

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this _____ day of _____, 2011, between the CITY OF WESTMINSTER (the "City"), and the METALCRAFT INDUSTRIES ("Metalcraft").

WHEREAS, the City wishes to provide assistance to Metalcraft to aid in the relocation and expansion of this company in the City; and

WHEREAS, Metalcraft plans to increase employment to approximately 46 and occupy 63,000 square feet of office space in Park Centre, thus continuing to provide primary job growth within the City; and

WHEREAS, City Council finds the execution of this Economic Development Agreement will serve to 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 Metalcraft agree to the following:

1. Use/Sales Tax Rebate on Equipment Purchases. The City shall rebate 50% of the Use or Sales Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected from Metalcraft on the purchase of equipment over the next 60 months. Rebates will be based on the documentation provided by Metalcraft that illustrates purchases or delivery of equipment that occurred within the City of Westminster and that taxes were paid to and collected by the City. The rebate will be a maximum of \$24,000, and will cease on or before May 31, 2016.

2. Payments of Rebates. The rebates to Metalcraft Industries by the City shall be paid in quarterly installments from revenue actually collected and received by the City in connection with Metalcraft's purchase of equipment. Payments of each quarterly installment shall be paid to Metalcraft by the City within thirty (30) days following the end of each calendar quarter. All payments by the City shall be made electronically to Metalcraft Industries' designated financial institution or other account.

3. Entire Agreement. This Agreement shall constitute the entire agreement between the City and Metalcraft 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.

4. Termination. This Agreement shall terminate and become void and of no force or effect upon the City should Metalcraft not comply with the City regulations or code.

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

6. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms

of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

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

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

METALCRAFT INDUSTRIES

CITY OF WESTMINSTER

By: _____
Print Name: _____
Its: _____

By: _____
J. Brent McFall
City Manager

ATTEST:

Linda Yeager
City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Adopted by Ordinance No.



Agenda Item 9 A

Agenda Memorandum

City Council Meeting
May 9, 2011



SUBJECT: Resolution No. 16 re Youth Advisory Panel Appointments

Prepared By: Cindy McDonald, Staff Liaison to the Youth Advisory Panel
Melissa Collison, Staff Liaison to the Youth Advisory Panel

Recommended City Council Action

Adopt Resolution No. 16 appointing the eight new Youth Advisory Panel Members for the 2011/2012 term. Those individuals are as follows: Katie Chrisman, Mariel Cambe, Kaitlynn Long, Deanna Pesta, Hope Williams, Bobbi Strange, Megan White, and Billy Mays.

Summary Statement

- City Council action is requested to recognize and induct eight Youth Advisory Panel Members selected for 2011/2012 Youth Advisory Panel (YAP) term.
- These youth people volunteer their time to help with various community events and charitable causes.
- They selflessly give of their time to make our community a better place.

Expenditure Required: \$0

Source of Funds: N/A



Policy Issue

None identified

Alternative

None identified

Background Information

On September 13, 1999, City Council adopted Resolution No. 68 creating the Westminster Youth Advisory Panel. On October 25, 1999, the City Council appointed the first Youth Advisory Panel. Since 1999 the Panel has worked with Staff on a variety of issues. The term of each Panel is one year, with reappointment possible up to four terms.

This youth group does 12 community service projects per year. The projects vary but include feeding the homeless, adopting a family during the holidays, reading to youth, and also collaborating with a local church to feed the homeless by making a meal and distributing it downtown. They assist the City's Special Event Coordinator by helping with the 4th of July, Westminster Fair, and the Holiday Lighting Ceremony, and also work with the Open Space Coordinator on Community Pride Day.

City Council will note that there is not a student from Westminster High School included in the attached resolution. Staff made multiple contacts with Westminster High School; however, no students stepped forward to apply to be on the Youth Advisory Panel.

The Youth Advisory Panel meets the City's Strategic Plan Goal of "Financially Sustainable City Government Providing Exceptional Services."

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Resolution

RESOLUTION

RESOLUTION NO. **16**

INTRODUCED BY COUNCILLORS

SERIES OF 2011

**A RESOLUTION FOR
CITY OF WESTMINSTER YOUTH ADVISORY PANEL APPOINTMENTS**

WHEREAS, the City Council of the City of Westminster believes that our youth should share with their community leaders the responsibility in addressing their needs, desires, challenges and issues, and molding their own futures; and

WHEREAS, the City values its youth and desires to advance and promote their special needs and interests and therefore created the Westminster Youth Advisory Panel on September 13, 1999; and

WHEREAS, currently the Panel has eight members to be appointed for the 2011-2012 school year; and

WHEREAS, it is important to have this City Panel working with its fullest possible complement of authorized appointees to carry out the business of the City of Westminster.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER: that the following individuals are hereby appointed to serve on the Youth Advisory Panel, representing the following schools:

Katie Chrisman	Broomfield High School
Mariel Cambe	Holy Family High School
Kaitlynn Long	Pomona High School
Deanna Pesta	Standley Lake High School
Hope Williams	Standley Lake High School
Bobbi Strange	Academy of Charter Schools
Megan White	Academy of Charter Schools
Billy Mays	Academy of Charter Schools

PASSED AND ADOPTED this 9th day of May, 2011.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Deputy City Clerk

City Attorney



Agenda Item 10 A

Agenda Memorandum

City Council Meeting
March 9, 2011



SUBJECT: Councillor's Bill No. 15 re 2010 Final Budget Supplemental Appropriation

Prepared By: Gary Newcomb, Accountant

Recommended City Council Action

Pass Councillor's Bill No. 15 on first reading providing for supplemental appropriation of funds to the 2010 budget of the General, Sales Tax, Parks Open Space Trails, and General Capital Improvement Funds.

Summary Statement

- At the end of each quarter, Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2010 final supplemental appropriation.
- General Fund amendments:
 - \$131,672 Sales & Use Taxes
- Sales and Use Tax Fund amendments:
 - \$3,155,891 Sales & Use Taxes
- Parks Open Space Trails Fund amendments:
 - \$1,734 Sales & Use Taxes
 - \$425,000 Note Proceeds
- General Capital Improvement Fund amendments:
 - \$264,723 Sales & Use Taxes
 - \$1,000,000 Sale of Asset
 - \$1,500,000 Contribution

Expenditure Required: \$6,479,020

Source of Funds: The funding sources for these budgetary adjustments include sales & use taxes, note proceeds, sale of an asset and a contribution



Policy Issue

Does City Council support amending the appropriations for the 2010 budget of the General, Sales & Use Tax, Parks Open Space Trails, and General Capital Improvement Funds as outlined?

Alternative

The alternative would be not to amend the 2010 budget appropriations for the General, Sales & Use Tax, Parks Open Space Trails, and General Capital Improvement Funds and to utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them with their current budget in anticipation of appropriation of these additional funds.

Background Information

The attached Councillor's Bill is a routine action addressing the need to adjust revenue and expenditure appropriations as a result of activities or events that were not anticipated during the normal budget process.

As an important element of economic development, the City sometimes utilizes Economic Development Agreements (EDAs) and Intergovernmental Agreements (IGAs) to attract and retain high quality development to provide employment opportunities and increased revenue for City service provisions. A portion of the new revenue generated from projects is utilized to fund these agreements. The Government Accounting Standards Board (GASB) requires the new revenues to be fully recorded as received, and the applicable rebate of revenues to be recorded as an expense. This housekeeping appropriation makes the appropriate changes to the City's budget to reflect this requirement as follows: \$3,155,891 in the Sales and Use Tax Fund and \$1,734 in the Open Space Fund to record the Intergovernmental Agreement with the City of Thornton for the North I-25 corridor and various other EDAs involving sales and use taxes; \$264,723 in the General Capital Improvement Fund to record various EDAs involving the Accommodations Tax; \$131,672 in the General Fund to record various EDAs involving building permit and conference center fees; for a total increase of \$3,554,020 to City revenues and expenses.

On December 20, 2010, City Council authorized the purchase of Church Ditch water rights as part of the Open Space acquisition of Lower Church Lake and Loon Lake. On behalf of the Parks, Open Space, and Trails Fund, the City's Water Enterprise entered into a loan agreement with the Carlson family to secure funding for the transaction. The note proceeds are now requested for appropriation to the Land Purchases account in the Parks, Open Space, and Trails Fund.

In 2010, the City entered into an IGA with Adams County regarding the planning and funding for drainage and park improvements along Little Dry Creek between Lowell and Federal Boulevards that required a 50% contribution from Adams County as a funding source for acquisition of the JHR Barnum property at 6899 Grove Street in Denver, Colorado. Adams County's contribution totaled \$1.5 million while the City's contribution totaled \$1.5 million in open space and storm drainage funds plus conveyance of certain City owned real property valued at \$1 million. The Adams County contribution and sale of assets revenue are being appropriated to the South Westminster TOD project in the General Capital Improvement fund to cover the necessary expenditures incurred to acquire the JHR Barnum property.

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Bldg Permit Comm Jeffco	1000.40185.0020	\$243,426	\$30,686	\$274,112
Bldg Permit Res Jeffco	1000.40190.0020	135,252	23,062	158,314
Gen Fee Conf Ctr EDA/IGA	1000.41310.0075	0	<u>77,924</u>	77,924
Total Change to Revenues			<u>\$131,672</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contract Svcs EDA/IGA	10010900.67800.0075	\$0	<u>\$131,672</u>	\$131,672
Total Change to Expenses			<u>\$131,672</u>	

These appropriations will amend Sales & Use Tax Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
ST Return EDA/IGA	5300.40070.0075	\$0	\$3,046,917	\$3,046,917
UT Return EDA/IGA	5300.40095.0075	0	33,248	33,248
UT Bldg EDA/IGA	5300.40100.0075	0	<u>75,726</u>	75,726
Total Change to Revenues			<u>\$3,155,891</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contract Svcs EDA/IGA	53010900.67800.0075	\$0	<u>\$3,155,891</u>	\$3,155,891
Total Change to Expenses			<u>\$3,155,891</u>	

These appropriations will amend Parks Open Space Trails Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
UT Bldg EDA/IGA	5400.40100.0075	\$0	\$1,734	\$1,734
Other Financing Source Note Proceeds	5400.46010.0000	0	<u>425,000</u>	425,000
Total Change to Revenues			<u>\$426,734</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contract Svcs EDA/IGA	54010900.67800.0075	\$0	\$1,734	\$1,734
Land Purchases	54010900.76600.0000	2,668,623	<u>425,000</u>	3,093,623
Total Change to Expenses			<u>\$426,734</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Sale of Asset	7500.40340.0000	\$0	\$1,000,000	\$1,000,000
Contributions	7500.43100.0000	110,332	1,500,000	1,610,332
Acomm Tax EDA/IGA	7501.40055.0075	0	<u>264,723</u>	264,723
Total Change to Revenues			<u>\$2,764,723</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contract Svcs EDA/IGA	75010900.67800.0075	\$0	\$264,723	\$264,723
South Westy TOD	80875030823.80400.8888	0	<u>2,500,000</u>	2,500,000
Total Change to Expenses			<u>\$2,764,723</u>	

These adjustments will bring the City's accounting records up-to-date to reflect the various detailed transactions.

The proposed council action supports the City Council's goals of: Financially Sustainable City Government Providing Exceptional Services; Strong, Balanced Local Economy; Vibrant Neighborhoods in One Livable Community; Beautiful and Environmentally Sensitive City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **15**

SERIES OF 2011

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2010 BUDGETS OF THE GENERAL, SALES & USE TAX, PARKS OPEN SPACE TRAILS, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2010 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2010 appropriation for the General, Sales & Use Tax, Parks Open Space Trails, and General Capital Improvement Funds, initially appropriated by Ordinance No. 3432 are hereby increased in aggregate by \$6,479,020. This appropriation is due to the receipt of funds from sales & use taxes, note proceeds, sale of an asset and a contribution.

Section 2. The \$6,479,020 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item dated May 9, 2011 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	\$131,672
Sales & Use Tax Fund	3,155,891
Parks Open Space Trails Fund	426,734
General Capital Improvement Fund	<u>2,764,723</u>
Total	<u>\$6,479,020</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 9th day of May, 2011.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of May, 2011.

ATTEST:

Mayor

Deputy City Clerk