



## CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
  - A. Employee Service Awards Presentation
  - B. Proclamation re Graduating Seniors on the 2009-2010 Youth Advisory Panel
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 June 2010
  - B. Land Parcel Acquisition for Commuter Rail Parking
  - C. Quarterly Insurance Claim Report: April – June 2010
  - D. Fall 2010 Great Outdoors Colorado Grant Application
  - E. Fall 2010 Adams County Open Space Grant Applications
  - F. Metropolitan Auto Theft Task Force Addendum to Intergovernmental Agreement
  - G. Second Reading of Councillor's Bill No. 38 re Exclusion of .25 Acres from the 144<sup>th</sup> Avenue GID
  - H. Second Reading of Councillor's Bill No. 40 re Extension of Comcast Cable Franchise
9. Appointments and Resignations
10. Public Hearings and Other New Business
  - A. Public Meeting on 2011 and 2012 City Budget
  - B. Councillor's Bill No. 41 re Supplemental Appropriation Park Centre Open Space & Metzger Farm Master Plan Grants
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
  - A. City Council
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, JULY 12, 2010 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem 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.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Dittman, to approve the minutes of the regular meeting of June 28, 2010, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that the City's Independence Day celebration was successful even with the rain, lighting and hail. The fireworks display was a little earlier than planned due to staff taking advantage of a short break in the weather.

Following the City Council meeting, the Council would convene in Executive Session for consultation with the City Attorney concerning Westminster Mall Company v. City of Westminster and the Westminster Economic Development Authority.

CITY COUNCIL COMMENTS

Councillor Major also gave kudos to City staff for putting on a great 4<sup>th</sup> of July celebration event and monitoring the weather. They did a great job.

Mayor McNally noted with pride that the home team won the Vintage Baseball Game for the 2<sup>nd</sup> year in a row.

CITIZEN COMMUNICATION

Nick Dekrell, 9396 Raleigh St., and Mark Wanker, 9380 Raleigh St., both spoke in regards to the ditch that runs behind their houses from 92<sup>nd</sup> Avenue to 94<sup>th</sup> Avenue. Due to a recent heavy rain storm, debris that has been building up in the ditch was washed down and broke open the gate at 94<sup>th</sup> Avenue. Also debris was washed through several fences into backyards along the way. They requested that the City maintain and thoroughly clean that ditch more often so this issue doesn't arise again. Mr. Wanker also commented on the lack of curfew enforcement and trash issues at Carroll Butts Park. After speaking with both the City and Hyland Hills there doesn't seem to be an agreement as to who is responsible for clean up at that park.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: upon recommendation of the City Manager, City Council finds that the public interest will best be served by authorizing a negotiated purchase from the sole source provider, National Meter & Automation, Inc., for cumulative purchases in an amount not to exceed \$165,000 for calendar year 2010; authorize the City Manager to sign a memorandum of agreement between the West Metro Fire Protection District as the sponsoring agency for the Federal Emergency Management Agency and the City of Westminster, to allow Westminster's participation on the Colorado Task Force One, an Urban Search and Rescue Task Force Team; authorize the City Manager to execute a contract change order with Premier Paving, Inc., the general contractor, in an amount not-to-exceed \$46,000 for the installation of landscaping

and irrigation improvements associated with the 68<sup>th</sup> Avenue and Utica Street Roadway Reconstruction Project; authorize the payment of \$8,500 for the irrigation tap fee; and authorize a landscape contingency in the amount of \$4,000; based on the report of the City Manager, City Council finds that the public interest would be best served by accepting the bid and authorizing the City Manager to sign an agreement with Jacobs Engineering Group Inc., for preliminary engineering services related to the realignment of Bradburn Boulevard with Raleigh Street at 72<sup>nd</sup> Avenue; authorize a total of \$118,500 for these services including a \$14,700 contingency for design-related activities; authorize the Mayor and other appropriate City Officials to sign the attached Intergovernmental Agreement between the City of Westminster, and the Jefferson County Department of Health and Environment to reimburse the City for mosquito control expenses within the Jefferson County portion of the City for the year 2010; final passage of Councillor's Bill No. 18 on second reading annexing the 144<sup>th</sup> Avenue and Tejon Street property into the City; final passage of Councillor's Bill No. 19 on second reading amending the Comprehensive Land Use Plan for the 144<sup>th</sup> Avenue and Tejon Street property changing the designation from unincorporated Adams County to City Owned Open Space, this recommendation is based on a finding that the proposed amendment will be in the public good and that: a) there is justification for the proposed change and the Plan is in need of revision as proposed; b) the amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; c) the proposed amendment is compatible with existing and planned surrounding land uses; and d) the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems; final passage of Councillor's Bill No. 20 on second reading approving the rezoning of the 144<sup>th</sup> Avenue and Tejon Street property from Adams County A-1 to City of Westminster Open District O-1, this recommendation is based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code have been met; final passage of Councillor's Bill No. 21 on second reading annexing the 144<sup>th</sup> Avenue and Zuni Street property into the City; final passage of Councillor's Bill No. 22 on second reading amending the Comprehensive Land Use Plan for the 144<sup>th</sup> Avenue and Zuni Street property changing the designation from unincorporated Adams County to City Owned Open Space, this recommendation is based on a finding that the proposed amendment will be in the public good and that: a) there is justification for the proposed change and the Plan is in need of revision as proposed; b) the amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; c) the proposed amendment is compatible with existing and planned surrounding land uses; and d) the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems; final passage of Councillor's Bill No. 23 on second reading approving the rezoning of the 144<sup>th</sup> Avenue and Zuni Street property from Adams County (A-3) to Open District (O-1), this recommendation is based on a finding that the criteria set forth in Section 11-5-3 Westminster Municipal Code have been met; final passage of Councillor's Bill No. 32 on second reading making revisions to Title XI of the Westminster Municipal Code regarding screening of trash storage areas and off street parking standards; final passage of Councillor's Bill No. 33 on second reading authorizing the execution of a 2 year lease in substantially the same form as the attached agreement for the JHRBarnum, LLC ("Barnum") property located at 6899 Grove Street, Denver, CO 80221; and final passage of Councillor's Bill No. 37 on second reading amending the City Code by the addition of a new Chapter 6-17 entitled Residency of Sexually Violent Predators.

No items were removed for individual consideration, and it was moved by Councillor Kaiser, seconded by Councillor Major, to approve the consent agenda as presented. The motion carried unanimously.

#### RESOLUTION NO. 25 FILLING VACANCIES ON THE BOARD OF BUILDING CODE APPEALS

It was moved by Councillor Major and seconded by Councillor Lindsey to adopt Resolution No. 25 to fill vacancies on the Board of Building Code Appeals by appointing Greg Gruno and Nancy Partridge as 1<sup>st</sup> and 2<sup>nd</sup> alternate members. The motion carried unanimously with a roll call vote.

#### PUBLIC HEARING – EXCLUSION OF .25 ACRES FROM THE 144<sup>TH</sup> AVENUE GID

At 7:08 p.m. a public hearing was opened to determine if there were any objections to the proposed exclusion of .25 acres of undeveloped residential property from the 144<sup>th</sup> Avenue General Improvement District. City Manager McFall stated that staff recommended the exclusion and was available for any questions. Mayor McNally invited public comment. No one wished to speak and the hearing was closed at 7:09 p.m.

COUNCILLOR’S BILL NO. 38 PETITION TO EXCLUDE .25 ACRES FROM THE 144<sup>TH</sup> AVENUE GID

It was moved by Councillor Briggs, seconded by Mayor Pro Tem Dittman, to pass Councillor’s Bill No. 38 on first reading granting the petition filed by the owner, Forest City Town Center, Inc., to exclude .25 acres of undeveloped residential property from the 144<sup>th</sup> Avenue General Improvement District. At roll call, the motion passed unanimously.

COUNCILLOR’S BILL NO. 39 ADDING CHAPTER 10 TO W.M.C. TITLE V RE MEDICAL MARIJUANA

Mayor Pro Tem Dittman moved, seconded by Councillor Kaiser, to pass Councillor’s Bill No. 39 as an emergency ordinance adding a new Chapter 10 to Title V of the Westminster Municipal Code prohibiting medical marijuana centers, optional premises cultivations operations and medical marijuana-infused products manufacturing. The motion passed unanimously on roll call vote.

COUNCILLOR’S BILL NO. 40 REGARDING EXTENSION OF COMCAST CABLE FRANCHISE

Upon a motion by Councillor Major, seconded by Councillor Kaiser, the Council voted unanimously on roll call vote to pass Councillor’s Bill No. 40 on first reading extending the current franchise held by Comcast of Colorado IX, LLC to December 31, 2013.

RESOLUTION NO. 26 RE APPLICATION FOR A FALL 2010 ADAMS COUNTY OPEN SPACE GRANT

Councillor Winter moved to adopt Resolution No. 26 authorizing the Department of Parks, Recreation and Libraries to pursue a grant with Adams County Open Space during the 2010 fall cycle for phase one renovations at the Swim and Fitness Facility. Councillor Lindsey seconded the motion and it passed unanimously at roll call.

ADJOURNMENT

There being no further business to come before the Council, it was moved by Kaiser and seconded by Mayor Pro Tem Dittman to adjourn. The motion carried and the meeting adjourned at 7:15 p.m.

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

\_\_\_\_\_  
Mayor



## Agenda Item 6 A

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
July 26, 2010



**SUBJECT:** Presentation of Employee Service Awards

**Prepared By:** Debbie Mitchell, Human Resources Manager  
Dee Martin, Human Resources Administrator

### 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 fourth grouping of 2010, employees with 20, 25, 30, and 35 years of service will be celebrated tonight.
  - Mayor Pro Tem Dittman will present the 35-year certificates.
  - Councillor Major will present the 30-year certificates.
  - Mayor McNally will present the 25-year certificates.
  - Councillor Lindsey will present the 20-year certificates.

**Expenditure Required:** \$7,500

**Source of Funds:** General Fund  
-Parks, Recreation & Libraries  
-Police Department

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

The following 20-year employees will be presented with a certificate and service pin:

John Carpenter	Director of Community Development	Community Development
Mike Heinrichs	Applications Specialist	Parks, Recreation & Libraries
Richard Knott	Parks Specialist	Parks, Recreation & Libraries
Doug Tiller	Senior Police Officer	Police Department

The following 25-year employees will be presented with a certificate and service pin:

Judy O'Brien	Property Evidence Technician	Police Department
Donna Powell	Police Records Technician	Police Department
Eric Sisler	Library Network Specialist	Parks, Recreation & Libraries

The following 30-year employees will be presented with a certificate and service pin:

Norm Kellett	Fire Engineer	Fire Department
Lisa Chrisman	Human Resources Administrator	General Services
Jinny Jasper	Guest Relations Clerk II	Parks, Recreation & Libraries
Bob Moran	Meter Technician	Public Works & Utilities

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

Mike Lynch	Senior Police Officer	Police Department
Ken Watson	Regional Parks & Golf Manager	Parks, Recreation & Libraries

On July 21, 2010, the City Manager hosted an employee awards luncheon. During that time, 1 employee received their 10 year service pin, and 20 employees received their 5 year service pin. Recognition was also given to those celebrating their 20<sup>th</sup>, 25<sup>th</sup>, 30<sup>th</sup> and 35<sup>th</sup> anniversaries. This was the fourth luncheon in 2010 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees for the fourth luncheon was 455 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens. Background information on each individual being recognized is attached.

The recognition of employee's years of service addresses Council's Strategic Plan goal of Financially Sustainable City Government Providing Exceptional Services 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

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 26, 2010

**SUBJECT:** Proclamation re Graduating Seniors on the 2009-2010 Youth Advisory Panel

**Prepared By:** Cindy McDonald, Staff Liaison

**Recommended City Council Action**

Councillor Winter to present a proclamation acknowledging the service of the graduating seniors from the 2010-2011 Youth Advisory Panel (YAP).

**Summary Statement:**

- City Council action is requested to recognize and acknowledge the service of the three graduating seniors from the 2009-2010 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, who is the council liaison to this group, will present the proclamation.

**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.

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 Holiday Lighting Ceremony, and participating at Westminster Pride Day. 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. They have also worked with Broomfield Lutheran Church to make and serve sandwiches to the homeless on the streets of downtown Denver. The Panel has continued this very diverse and ambitious community services goal for the 2009/2010 school year. 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.

In the summer of 2010, there are three departing seniors who are graduating from area High Schools. All of these students have represented their schools with pride and have been an integral part of the Westminster Youth Advisory Panel. The attached proclamation recognizes the following three individuals.

- Jenna Elsner is a senior at Pomona High School and has served on the Youth Advisory Panel for four years.
- Melissa Ly and Shannon Lu are seniors at Standley Lake High School and have also served four years on the Youth Advisory Panel.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**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, in 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 had twelve members appointed for the 2009-2010 school year; and

**WHEREAS**, three Westminster Youth Advisory Panel members will be graduating from High School and departing from the 2009-2010 Youth Advisory Panel; and

**WHEREAS**, it is important to acknowledge the contributions made by exiting panel members.

**NOW THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby recognize and show appreciation to the following graduating seniors who have served on the Youth Advisory Panel, representing their schools and Westminster Youth:**

<b>Jenna Elsner</b>	<b>Pomona High School</b>	<b>Outgoing Board Member</b>	<b>4 yrs of Service</b>
<b>Melissa Ly</b>	<b>Standley Lake High School</b>	<b>Outgoing Chairperson</b>	<b>4 yrs of Service</b>
<b>Shannon Lu</b>	<b>Standley Lake High School</b>	<b>Outgoing Vice-Chairperson</b>	<b>4 yrs of Service</b>

Signed this 26<sup>th</sup> day of July, 2010.

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Nancy McNally, Mayor



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
July 26, 2010



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

**Recommended City Council Action**

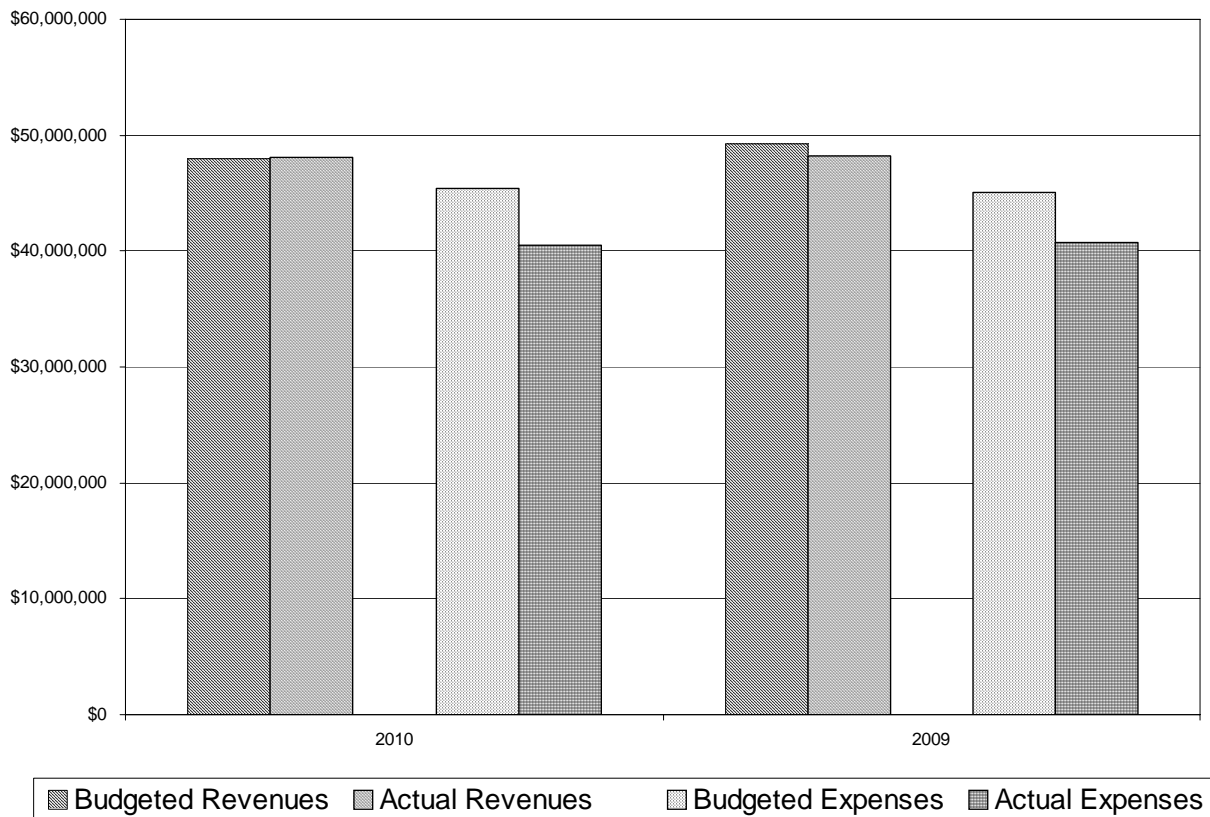
Accept the Financial Report for June as presented.

**Summary Statement**

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

The General Fund revenues exceed expenditures by \$7,558,466. The following graph represents Budget vs. Actual for 2009-2010.

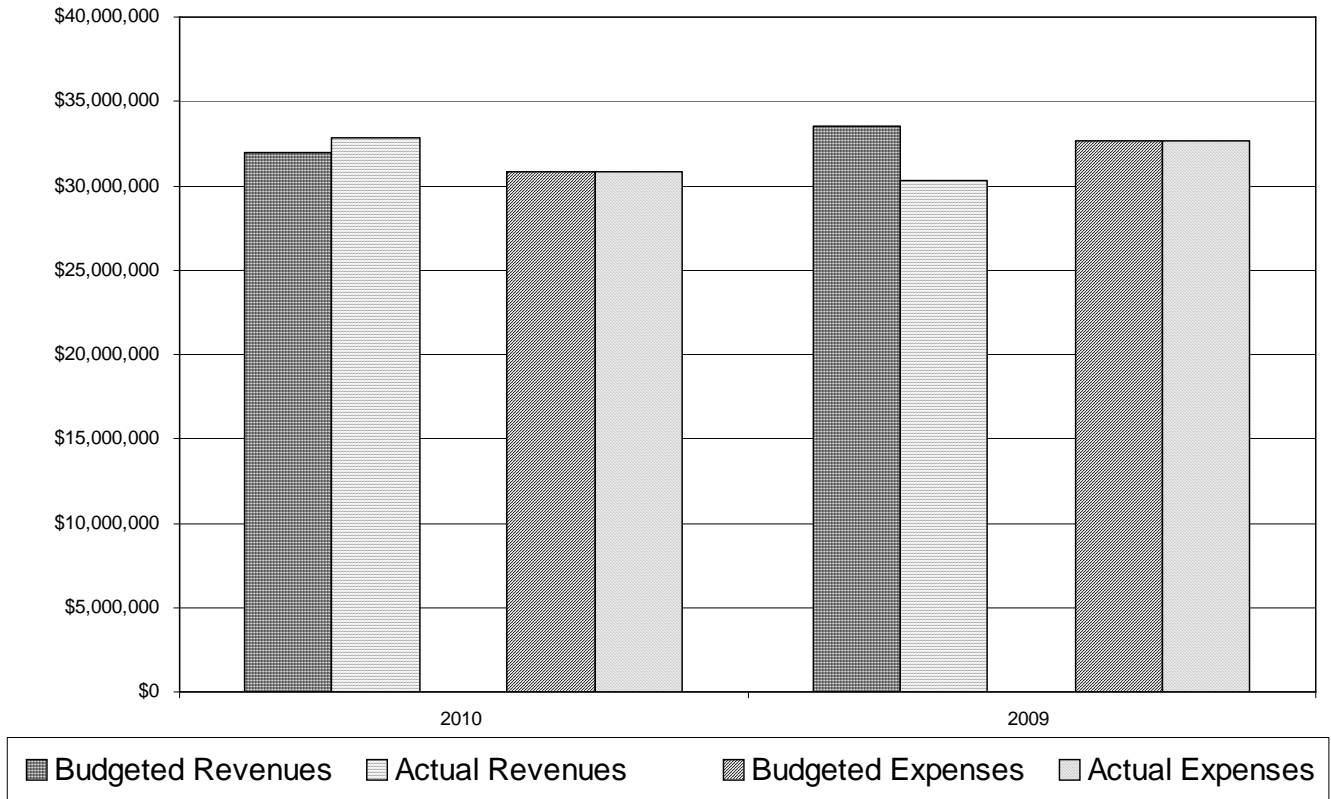
**General Fund  
Budget vs Actual**



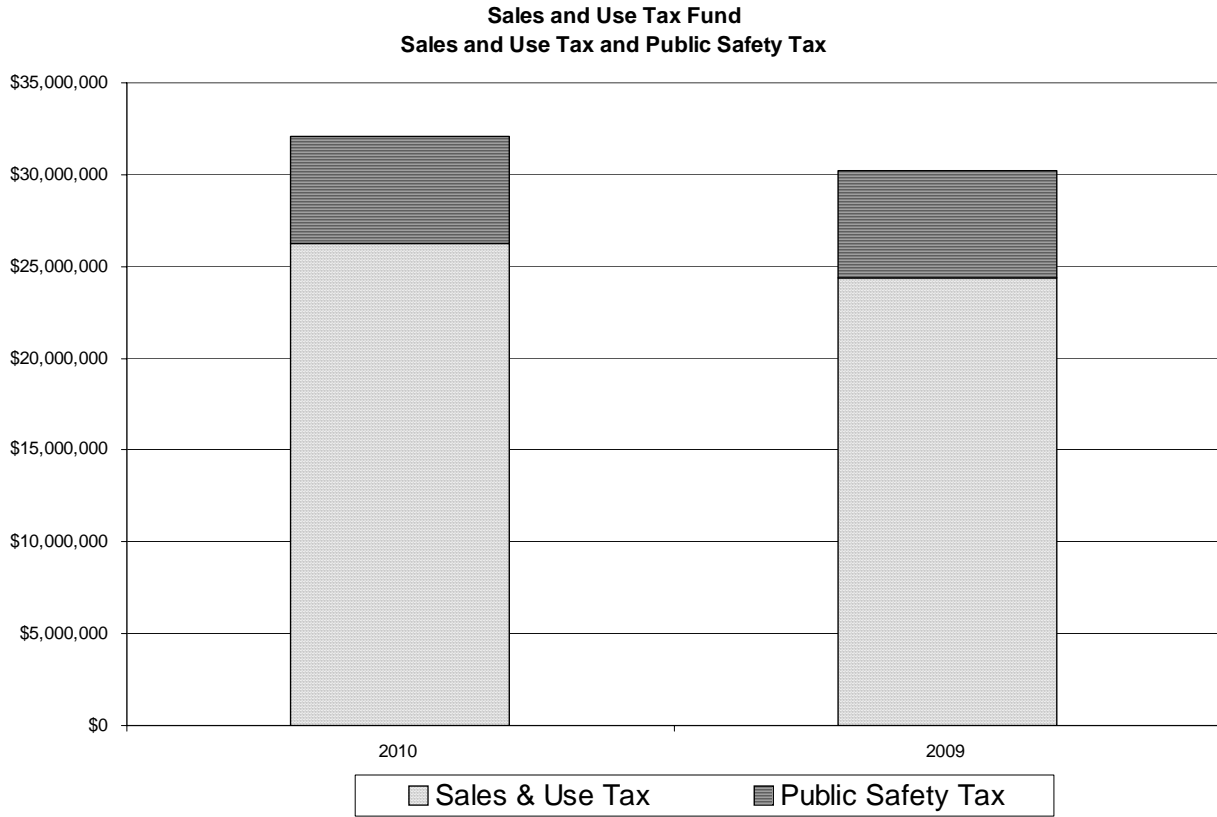
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$2,010,587.

- On a year-to-date cash basis, sales and use tax returns are up 8.3% from 2009.
- On a year-to-date basis, across the top 25 shopping centers before including urban renewal area adjustments, total sales and use tax receipts are down 2.6% from the prior year. With the urban renewal area adjustments, sales and use tax receipts are up 9.3%.
- Sales and use tax receipts from the top 50 Sales Taxpayers, representing about 62% of all collections, are up 10.1% after urban renewal area adjustments.
- Urban renewal areas make up 42.5% of gross sales tax collections. After urban renewal area obligations, 15.7% of this money is available for General Fund use.
- The Westminster Mall is down 37.0% on a year-to-date basis.
- Building use tax is up 0.5% year-to-date from 2009.

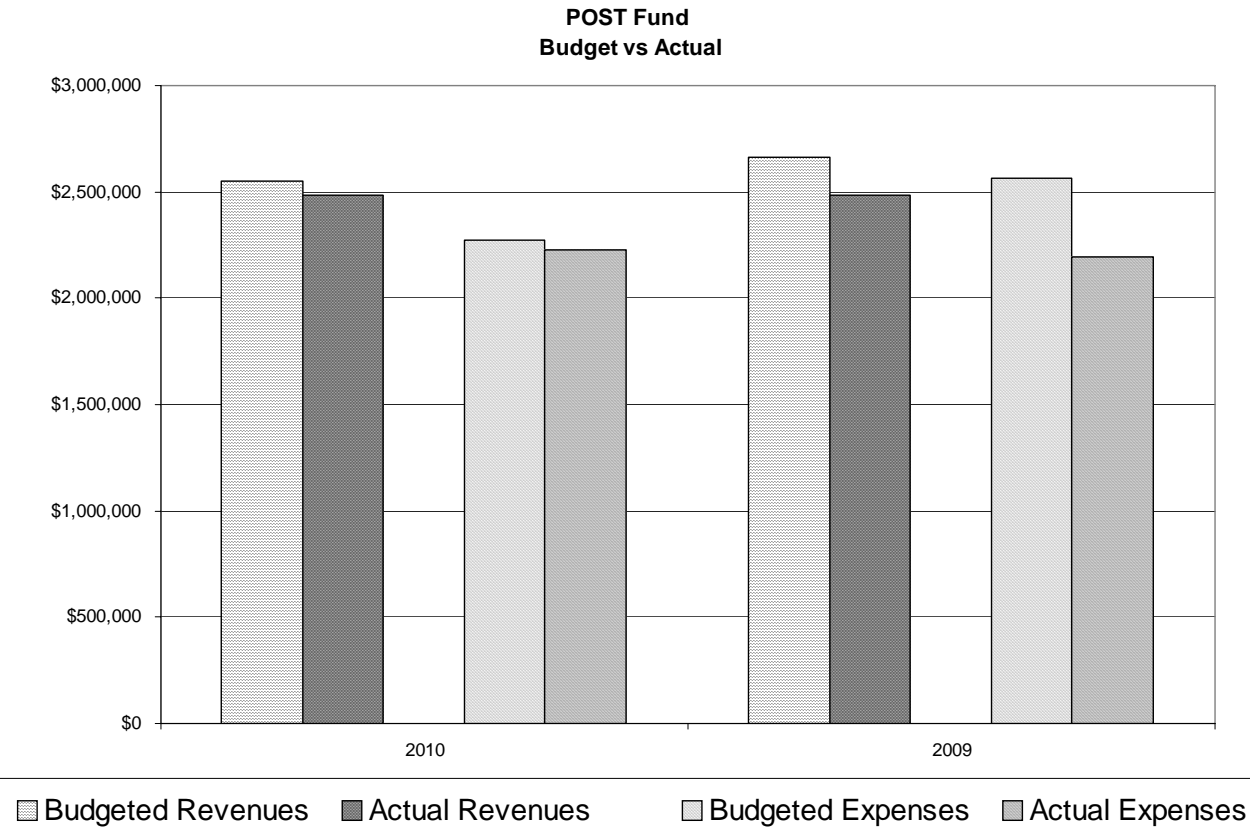
**Sales & Use Tax Fund  
Budget vs Actual**



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

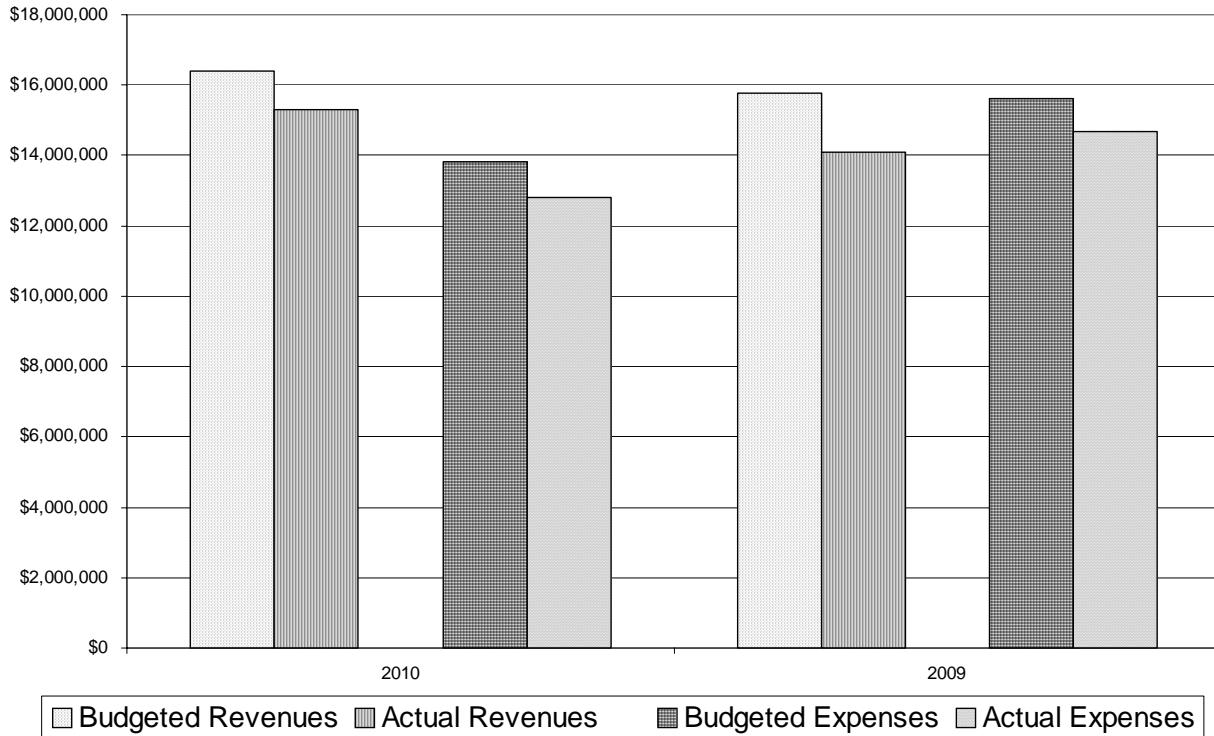


The Parks Open Space and Trails Fund revenues exceed expenditures by \$254,765.



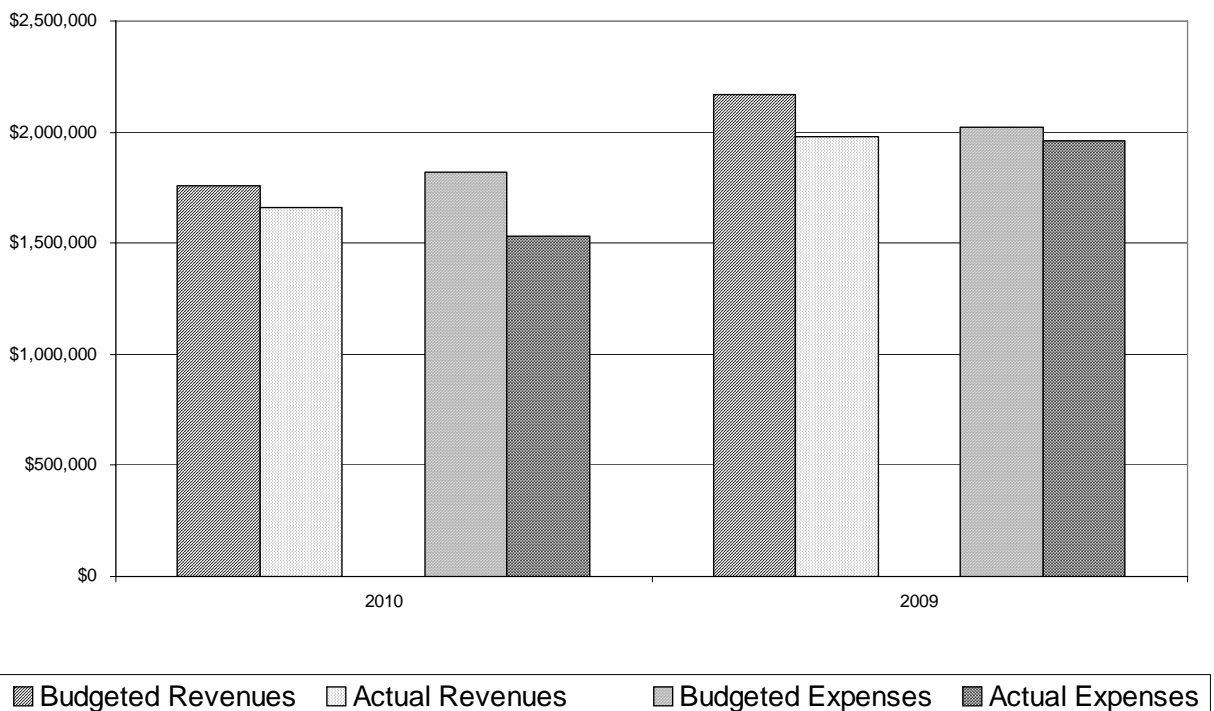
The combined Water & Wastewater Fund revenues exceed expenses by \$31,557,893, which includes \$29,505,000 in revenue bond proceeds. \$38,438,000 is budgeted for capital projects and reserves. Operating revenues exceed expenses by \$2,471,831.

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



The combined Golf Course Fund revenues exceed expenses by \$131,752.

**Golf Course Enterprise  
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.

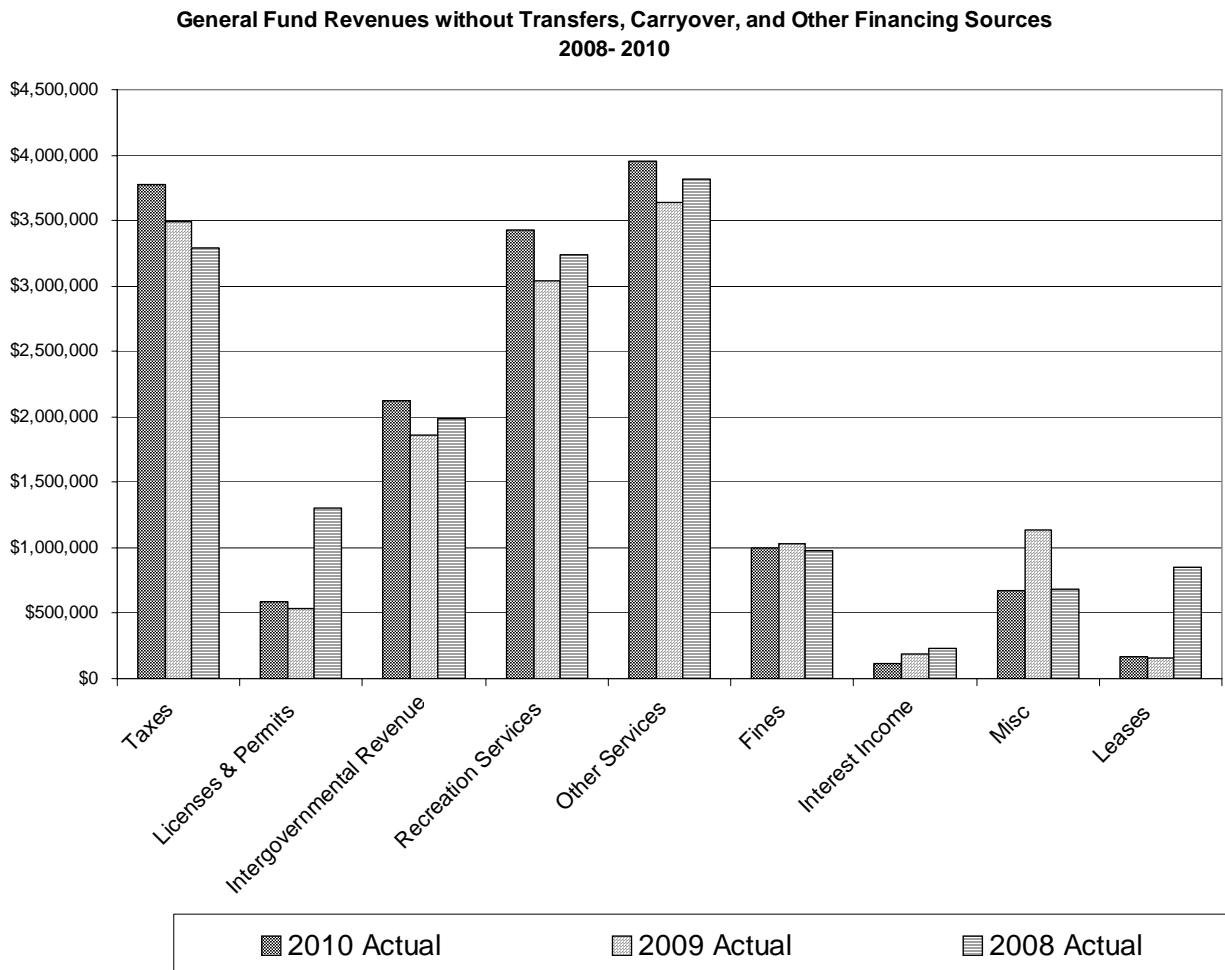
**Background Information**

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.

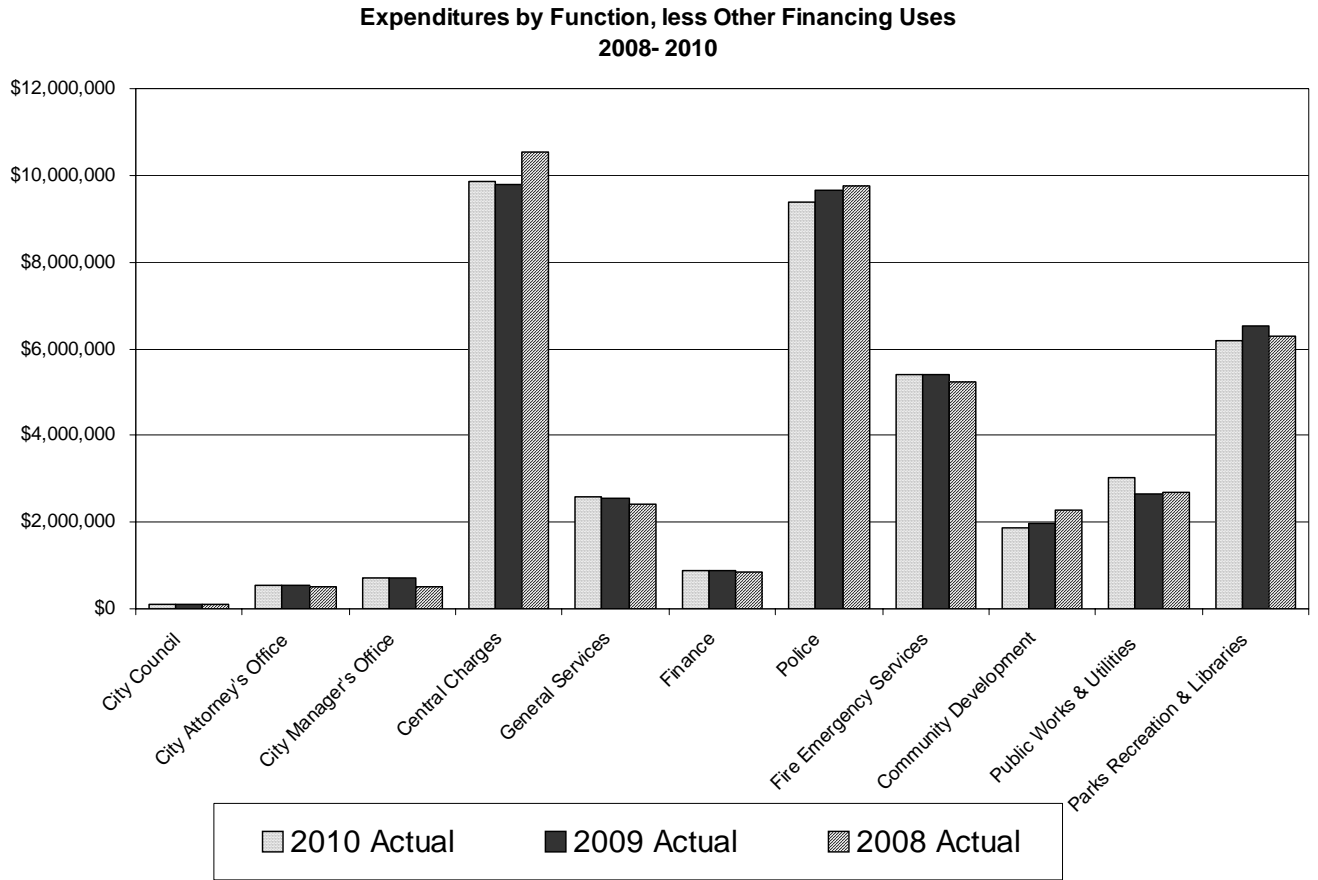
The following chart represents the trend in actual revenues from 2008 – 2010 year-to-date.



Significant differences between years in General Fund revenue categories are explained as follows:

- Tax revenue is up primarily due to property and admissions taxes.
- Intergovernmental revenue is up due primarily to Highway Users Tax Fund distributions.
- Recreation Services is up due mostly to facility and program fees.
- Other Services is up due mostly to franchise, emergency management service and street cut fees.
- Miscellaneous revenue is down mostly as a result of variances in reimbursements from the prior year.

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

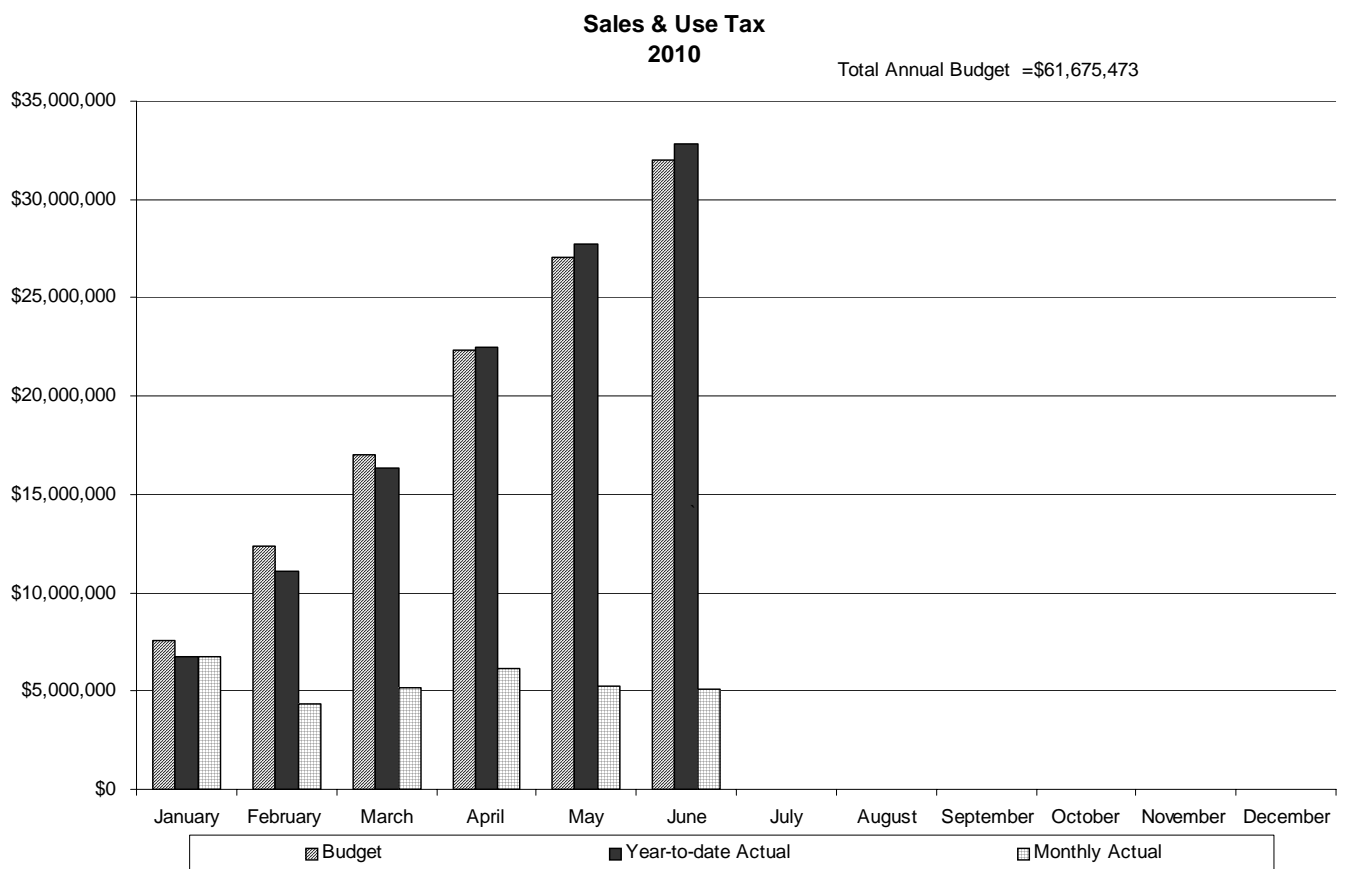




**Sales and Use Tax Funds (Sales & Use Tax Fund and Parks Open Space and Trails Sales & Use Tax Fund)**

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

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

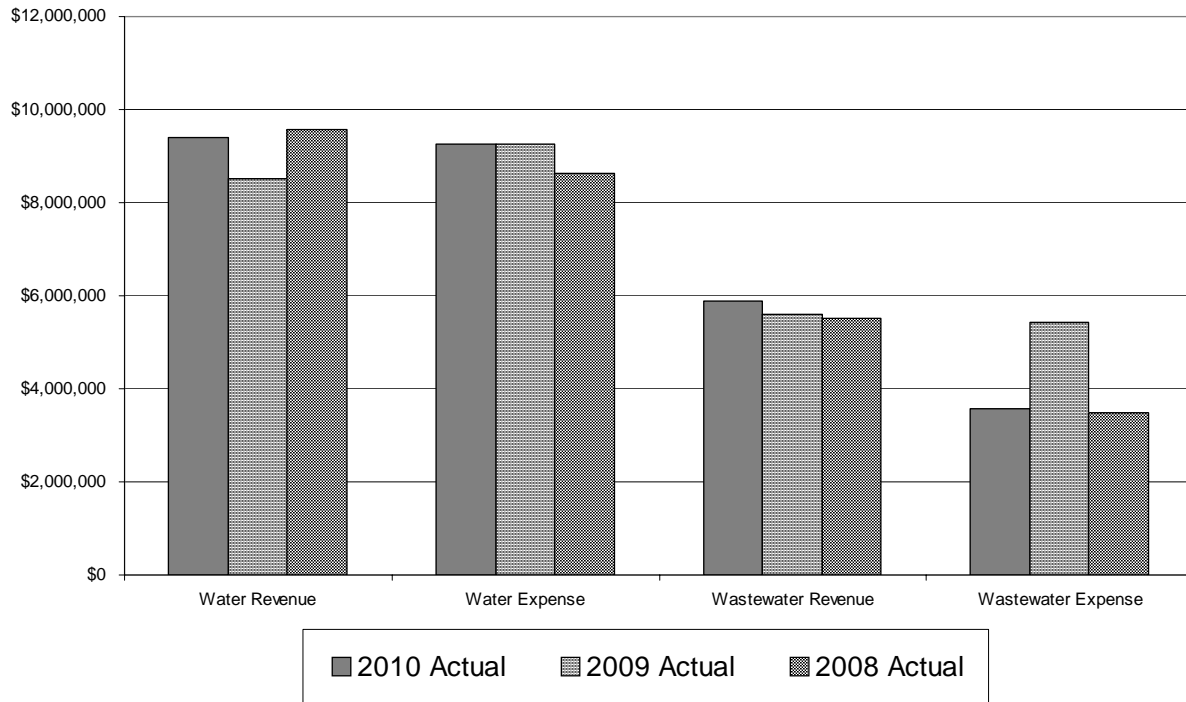


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

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

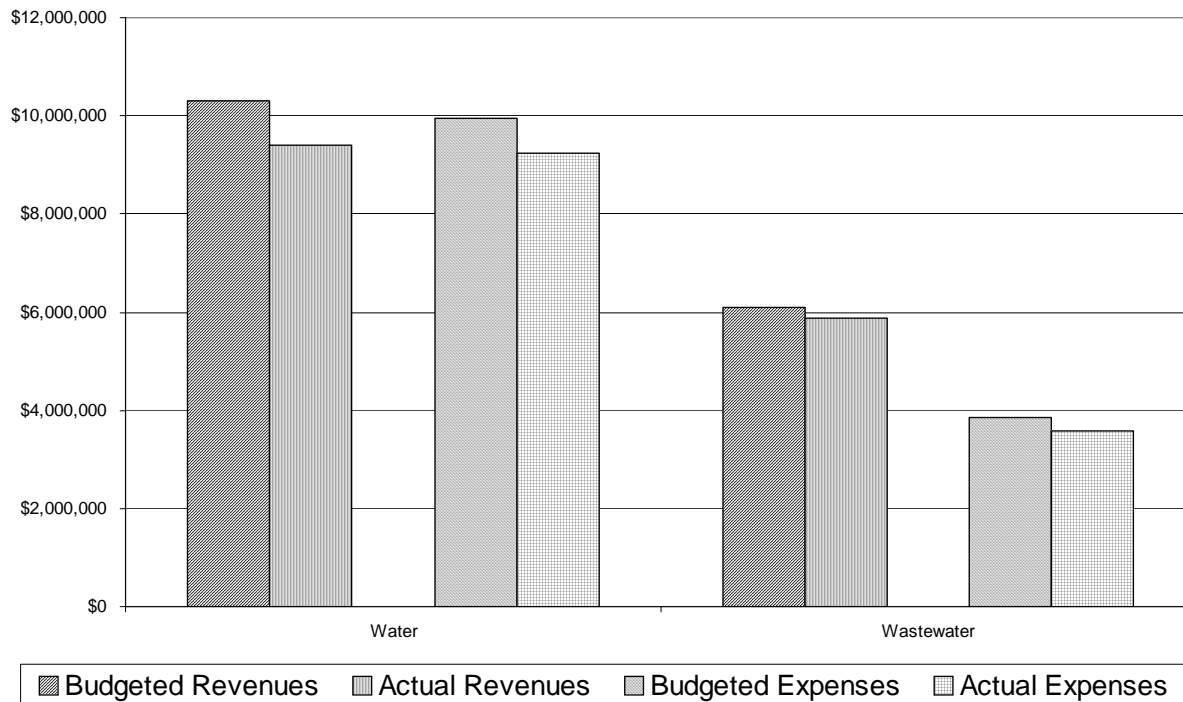
These graphs represent the segment information for the Water and Wastewater funds.

**Water and Wastewater Funds  
Operating Revenue and Expenses 2008-2010**



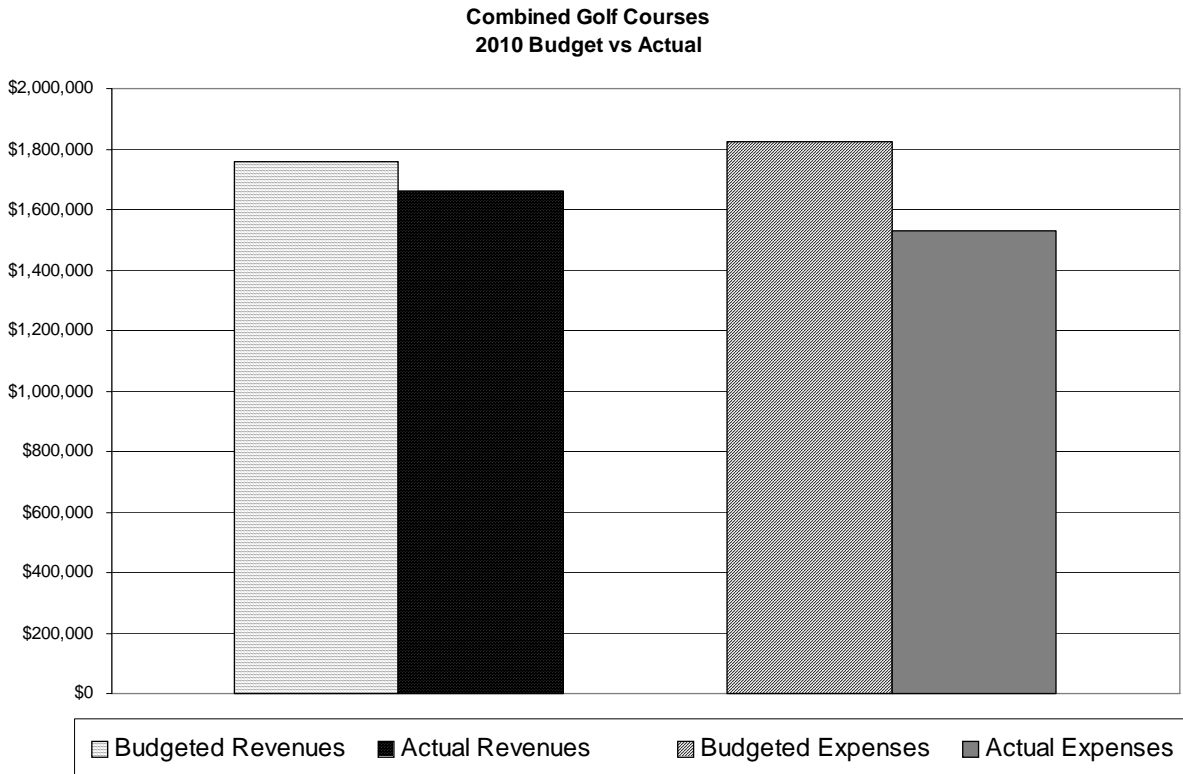
A one-time payment to decommission the 94<sup>th</sup> and Quitman lift station is reflected in the 2009 Wastewater Fund expense.

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

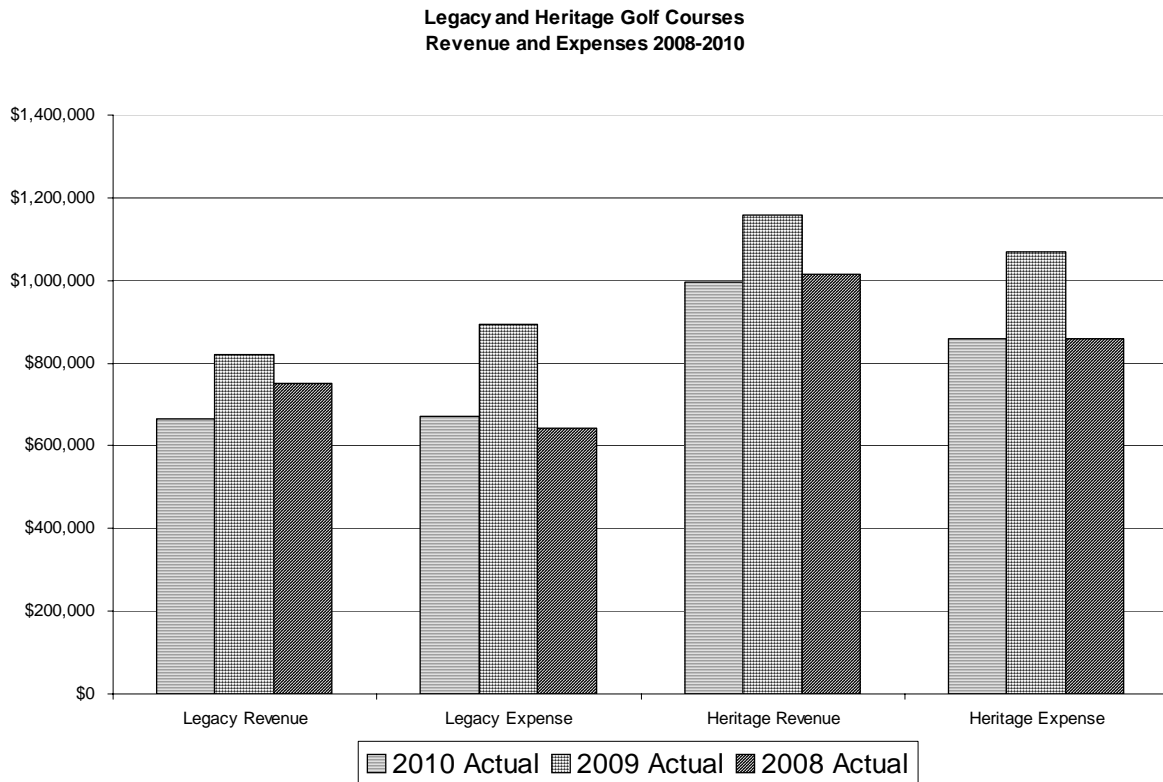


**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

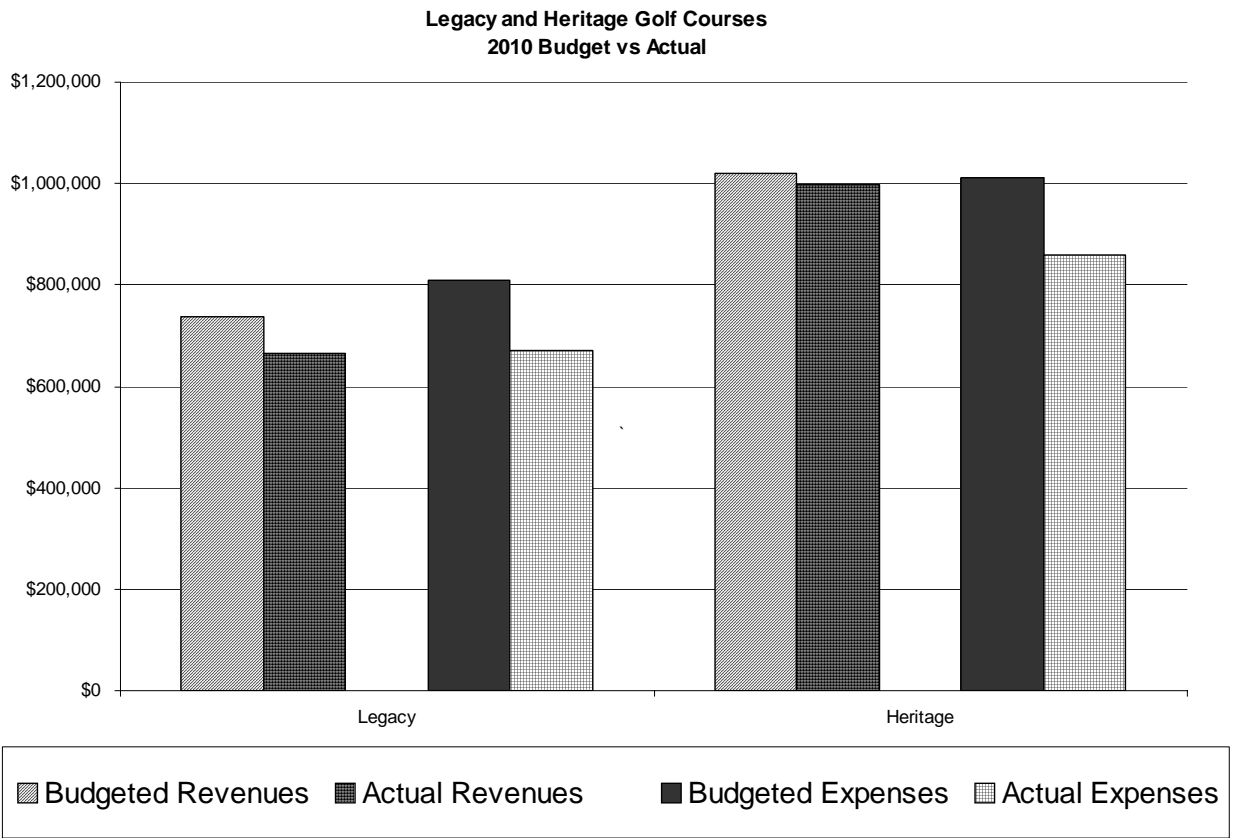
This enterprise reflects the operations of the City's two municipal golf courses.



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



Inter-fund transfers and 2009 equipment leases impact this revenue representation. Isolating Charges for Services revenue indicates a decrease in year to date operating revenues at Legacy of \$39,124 and an increase in year to date operating revenues at Heritage of \$51 compared to the same period for 2009.



Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues</b>						
Taxes	5,678,400	3,516,261		3,772,560	256,299	107.3%
Licenses & Permits	1,371,178	676,647		587,257	(89,390)	86.8%
Intergovernmental Revenue	5,248,002	2,160,102		2,125,274	(34,828)	98.4%
Charges for Services						
Recreation Services	6,219,206	3,223,362		3,432,087	208,725	106.5%
Other Services	8,757,562	4,000,980		3,954,638	(46,342)	98.8%
Fines	2,262,105	1,135,017		998,909	(136,108)	88.0%
Interest Income	425,000	191,835		119,628	(72,207)	62.4%
Misc	1,625,161	616,218		677,256	61,038	109.9%
Leases	328,023	170,086		170,086	0	100.0%
Interfund Transfers	64,517,612	32,258,806		32,258,806	0	100.0%
Other Financing Sources	2,517,094	0	(1)	0	0	
Revenues	<u>98,949,343</u>	<u>47,949,314</u>		<u>48,096,501</u>	<u>147,187</u>	100.3%
<b>Expenditures</b>						
City Council	222,312	103,029		90,191	(12,838)	87.5%
City Attorney's Office	1,156,960	575,678		539,462	(36,216)	93.7%
City Manager's Office	1,611,334	786,698		708,714	(77,984)	90.1%
Central Charges	27,745,727	11,297,039		9,857,650	(1,439,389)	87.3%
General Services	5,937,816	2,870,651		2,592,933	(277,718)	90.3%
Finance	2,027,516	1,002,783		878,497	(124,286)	87.6%
Police	20,808,419	10,323,531		9,374,727	(948,804)	90.8%
Fire Emergency Services	11,847,237	5,857,559		5,413,724	(443,835)	92.4%
Community Development	4,273,620	2,121,881		1,871,390	(250,491)	88.2%
Public Works & Utilities	7,798,534	3,141,283		3,035,986	(105,297)	96.6%
Parks, Recreation & Libraries	15,519,868	7,351,976		6,174,761	(1,177,215)	84.0%
Total Expenditures	<u>98,949,343</u>	<u>45,432,108</u>		<u>40,538,035</u>	<u>(4,894,073)</u>	89.2%
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>2,517,206</u>		<u>7,558,466</u>	<u>5,041,260</u>	

(1) Reflects May 24, 2010 appropriation of energy audit lease.

**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Sales and Use Tax Fund</b>						
<b>Revenues and Carryover</b>						
Sales Tax						
Sales Tax Returns	40,321,375	21,170,597		21,933,137	762,540	103.6%
Sales Tx Audit Revenues	711,876	404,754		310,832	(93,922)	76.8%
S-T Rev. STX	<u>41,033,251</u>	<u>21,575,351</u>		<u>22,243,969</u>	<u>668,618</u>	103.1%
Use Tax						
Use Tax Returns	7,010,205	3,216,482		3,196,446	(20,036)	99.4%
Use Tax Audit Revenues	785,000	426,255		815,626	389,371	191.3%
S-T Rev. UTX	<u>7,795,205</u>	<u>3,642,737</u>		<u>4,012,072</u>	<u>369,335</u>	110.1%
Total STX and UTX	<u><u>48,828,456</u></u>	<u><u>25,218,088</u></u>		<u><u>26,256,041</u></u>	<u><u>1,037,953</u></u>	104.1%
Public Safety Tax						
PST Tax Returns	11,616,517	5,860,181		5,638,991	(221,190)	96.2%
PST Audit Revenues	315,500	128,891		225,205	96,314	174.7%
Total Rev. PST	<u><u>11,932,017</u></u>	<u><u>5,989,072</u></u>		<u><u>5,864,196</u></u>	<u><u>(124,876)</u></u>	97.9%
Total Interest Income	235,000	117,500		48,087	(69,413)	40.9%
Carryover	680,000	680,000		680,000	0	100.0%
Total Revenues and Carryover	<u><u>61,675,473</u></u>	<u><u>32,004,660</u></u>		<u><u>32,848,324</u></u>	<u><u>843,664</u></u>	102.6%
<b>Expenditures</b>						
Central Charges	<u>61,675,473</u>	<u>30,837,737</u>		<u>30,837,737</u>	0	100.0%
Revenues and Carryover Over(Under) Expenditures	<u><u>0</u></u>	<u><u>1,166,923</u></u>		<u><u>2,010,587</u></u>	<u><u>843,664</u></u>	

**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

<b>Description</b>	<b>Budget</b>	<b>Pro-rated for Seasonal Flows</b>	<b>Notes</b>	<b>Actual</b>	<b>(Under) Over Budget</b>	<b>% Budget</b>
<b>POST Fund</b>						
<b>Revenues</b>						
Sales & Use Tax	4,865,857	2,471,014		2,442,788	(28,226)	98.9%
Intergovernmental Revenue	1,635,000	0		0	0	
Interest Income	55,000	27,500		34,320	6,820	124.8%
Miscellaneous	83,977	48,987		5,422	(43,565)	11.1%
Interfund Transfers	209,000	0		0	0	
<b>Total Revenues</b>	<u>6,848,834</u>	<u>2,547,501</u>		<u>2,482,530</u>	<u>(64,971)</u>	97.4%
<b>Expenditures</b>						
Central Charges	6,499,646	2,125,607		2,144,192	18,585	100.9%
Park Services	349,188	150,179		83,573	(66,606)	55.6%
	<u>6,848,834</u>	<u>2,275,786</u>		<u>2,227,765</u>	<u>(48,021)</u>	97.9%
<b>Over(Under) Expenditures</b>	<u>0</u>	<u>271,715</u>		<u>254,765</u>	<u>(16,950)</u>	

**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water and Wastewater Funds - Combined</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	37,500		50,830	13,330	135.5%
Intergovernmental Revenue	4,727	0		0	0	
Rates and Charges	41,600,438	16,157,847		14,433,576	(1,724,271)	89.3%
Miscellaneous	435,000	217,500	(1)	811,547	594,047	373.1%
<b>Total Operating Revenues</b>	<u>42,115,165</u>	<u>16,412,847</u>		<u>15,295,953</u>	<u>(1,116,894)</u>	93.2%
<b>Operating Expenses</b>						
Central Charges	6,051,028	3,025,515		3,002,789	(22,726)	99.2%
Finance	705,372	332,936		334,372	1,436	100.4%
Public Works & Utilities	20,136,660	9,004,931		8,173,018	(831,913)	90.8%
Parks, Recreation & Libraries	147,979	73,990		43,710	(30,280)	59.1%
Information Technology	2,821,595	1,374,117		1,270,233	(103,884)	92.4%
<b>Total Operating Expenses</b>	<u>29,862,634</u>	<u>13,811,489</u>		<u>12,824,122</u>	<u>(987,367)</u>	92.9%
<b>Operating Income (Loss)</b>	<u>12,252,531</u>	<u>2,601,358</u>		<u>2,471,831</u>	<u>(129,527)</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	3,193,061	1,675,739		1,507,057	(168,682)	89.9%
Interest Income	1,450,000	725,000		449,209	(275,791)	62.0%
Other Financing Sources	28,300,000	28,300,000		29,505,000	1,205,000	104.3%
Debt Service	(6,757,592)	(2,375,204)		(2,375,204)	0	100.0%
<b>Total Other Revenue (Expenses)</b>	<u>26,185,469</u>	<u>28,325,535</u>		<u>29,086,062</u>	<u>760,527</u>	102.7%
	<u>38,438,000</u>	<u>30,926,893</u>		<u>31,557,893</u>	<u>631,000</u>	

(1) Miscellaneous revenue includes the sale of affluent water based on an intergovernmental agreement.



**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water Fund</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	37,500		50,830	13,330	135.5%
Intergovernmental Revenue	4,727	0		0	0	
Rates and Charges	29,360,461	10,054,480		8,549,064	(1,505,416)	85.0%
Miscellaneous	425,000	212,500	(1)	807,587	595,087	380.0%
<b>Total Operating Revenues</b>	<u>29,865,188</u>	<u>10,304,480</u>		<u>9,407,481</u>	<u>(896,999)</u>	91.3%
<b>Operating Expenses</b>						
Central Charges	4,258,103	2,129,052		2,120,880	(8,172)	99.6%
Finance	705,372	332,936		334,372	1,436	100.4%
Public Works & Utilities	13,806,351	6,041,672		5,476,788	(564,884)	90.7%
PR&L Standley Lake	147,979	73,990		43,710	(30,280)	59.1%
Information Technology	2,821,595	1,374,117		1,270,233	(103,884)	92.4%
<b>Total Operating Expenses</b>	<u>21,739,400</u>	<u>9,951,767</u>		<u>9,245,983</u>	<u>(705,784)</u>	92.9%
<b>Operating Income (Loss)</b>	<u>8,125,788</u>	<u>352,713</u>		<u>161,498</u>	<u>(191,215)</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	2,600,000	1,354,400		1,234,655	(119,745)	91.2%
Interest Income	800,000	400,000		357,812	(42,188)	89.5%
Other Financing Sources	28,300,000	28,300,000		29,505,000	1,205,000	104.3%
Debt Service	(5,253,788)	(1,815,759)		(1,815,759)	0	100.0%
<b>Total Other Revenues (Expenses)</b>	<u>26,446,212</u>	<u>28,238,641</u>		<u>29,281,708</u>	<u>1,043,067</u>	103.7%
<b>Increase (Decrease) in Net Assets</b>	<u>34,572,000</u>	<u>28,591,354</u>		<u>29,443,206</u>	<u>851,852</u>	

(1) Miscellaneous revenue includes the sale of affluent water based on an intergovernmental agreement.

**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Wastewater Fund</b>						
<b>Operating Revenues</b>						
Rates and Charges	12,239,977	6,103,367		5,884,512	(218,855)	96.4%
Miscellaneous	10,000	5,000		3,960	(1,040)	79.2%
Total Operating Revenues	<u>12,249,977</u>	<u>6,108,367</u>		<u>5,888,472</u>	<u>(219,895)</u>	96.4%
<b>Operating Expenses</b>						
Central Charges	1,792,925	896,463		881,909	(14,554)	98.4%
Public Works & Utilities	6,330,309	2,963,259		2,696,230	(267,029)	91.0%
Total Operating Expenses	<u>8,123,234</u>	<u>3,859,722</u>		<u>3,578,139</u>	<u>(281,583)</u>	92.7%
Operating Income (Loss)	<u>4,126,743</u>	<u>2,248,645</u>		<u>2,310,333</u>	<u>61,688</u>	
<b>Other Revenue and Expenses</b>						
Tap Fees	593,061	321,339		272,402	(48,937)	84.8%
Interest Income	650,000	325,000		91,397	(233,603)	28.1%
Debt Service	(1,503,804)	(559,445)		(559,445)	0	100.0%
Total Other Revenues (Expenses)	<u>(260,743)</u>	<u>86,894</u>		<u>(195,646)</u>	<u>(282,540)</u>	-225.2%
Increase (Decrease) in Net Assets	<u>3,866,000</u>	<u>2,335,539</u>		<u>2,114,687</u>	<u>(220,852)</u>	

**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

<b>Description</b>	<b>Budget</b>	<b>Pro-rated for Seasonal Flows</b>	<b>Notes</b>	<b>Actual</b>	<b>(Under) Over Budget</b>	<b>% Budget</b>
<b>Storm Drainage Fund</b>						
<b>Revenues</b>						
Charges for Services	2,000,000	1,000,000		977,125	(22,875)	97.7%
Interest Income	80,000	40,000		38,814	(1,186)	97.0%
Miscellaneous	0	0		437	437	
Total Revenues	<u>2,080,000</u>	<u>1,040,000</u>		<u>1,016,376</u>	<u>(23,624)</u>	97.7%
<b>Expenses</b>						
General Services	92,000	33,212		28,947	(4,265)	87.2%
Community Development	147,000	71,736		61,738	(9,998)	86.1%
PR&L Park Services	200,000	100,000		31,787	(68,213)	31.8%
Public Works & Utilities	291,000	118,728		100,675	(18,053)	84.8%
Total Expenses	<u>730,000</u>	<u>323,676</u>		<u>223,147</u>	<u>(100,529)</u>	68.9%
Increase (Decrease) in Net Assets	<u>1,350,000</u>	<u>716,324</u>		<u>793,229</u>	<u>76,905</u>	

**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Golf Course Funds - Combined</b>						
<b>Operating Revenues</b>						
Charges for Services	2,970,719	1,355,124		1,255,495	(99,629)	92.6%
Interest Income	0	0		3,631	3,631	
Interfund Transfers	804,591	402,296		402,296	0	100.0%
Total Operating Revenues	<u>3,775,310</u>	<u>1,757,420</u>		<u>1,661,422</u>	<u>(95,998)</u>	94.5%
<b>Operating Expenses</b>						
Central Charges	230,085	114,690		110,165	(4,525)	96.1%
Recreation Facilities	3,047,135	1,576,078		1,288,035	(288,043)	81.7%
Total Operating Expenses	<u>3,277,220</u>	<u>1,690,768</u>		<u>1,398,200</u>	<u>(292,568)</u>	82.7%
Operating Income (Loss)	498,090	66,652		263,222	196,570	
<b>Other Expense</b>						
Debt Service	498,090	131,470		131,470	0	100.0%
Increase (Decrease) in Net Assets	<u>0</u>	<u>(64,818)</u>		<u>131,752</u>	<u>196,570</u>	

**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Legacy Ridge Fund</b>						
<b>Operating Revenues</b>						
Charges for Services	1,597,500	722,070		646,503	(75,567)	89.5%
Interest Income	0	0		3,631	3,631	
Interfund Transfers	29,433	14,717		14,717	0	100.0%
Total Operating Revenues	<u>1,626,933</u>	<u>736,787</u>		<u>664,851</u>	<u>(71,936)</u>	90.2%
<b>Operating Expenses</b>						
Central Charges	122,030	60,771		59,134	(1,637)	97.3%
Recreation Facilities	1,504,903	749,442		612,654	(136,788)	81.7%
Total Operating Expenses	<u>1,626,933</u>	<u>810,213</u>		<u>671,788</u>	<u>(138,425)</u>	82.9%
Increase (Decrease) in Net Assets	<u>0</u>	<u>(73,426)</u>		<u>(6,937)</u>	<u>66,489</u>	

**City of Westminster  
Financial Report  
For Six Months Ending June 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Heritage at Westmoor Fund</b>						
<b>Operating Revenues</b>						
Charges for Services	1,373,219	633,054		608,992	(24,062)	96.2%
Interfund Transfers	775,158	387,579		387,579	0	100.0%
Total Operating Revenues	<u>2,148,377</u>	<u>1,020,633</u>		<u>996,571</u>	<u>(24,062)</u>	97.6%
<b>Operating Expenses</b>						
Central Charges	108,055	53,919		51,031	(2,888)	94.6%
Recreation Facilities	1,542,232	826,636		675,381	(151,255)	81.7%
Total Operating Expenses	<u>1,650,287</u>	<u>880,555</u>		<u>726,412</u>	<u>(154,143)</u>	82.5%
Operating Income	498,090	140,078		270,159	130,081	
<b>Other Expense</b>						
Debt Service	<u>498,090</u>	<u>131,470</u>		<u>131,470</u>	0	100.0%
Increase (Decrease) in Net Assets	<u>0</u>	<u>8,608</u>		<u>138,689</u>	<u>130,081</u>	

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

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	316,399	32,411	348,810	301,770	10,880	312,650	5	198	12
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	317,758	3,642	321,400	342,895	1,327	344,221	-7	174	-7
SHOPS AT WALNUT CREEK 104TH & REED TARGET	230,059	51,900	281,959	197,185	4,264	201,449	17	1117	40
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	228,617	387	229,004	251,868	580	252,448	-9	-33	-9
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	198,026	323	198,349	192,660	517	193,177	3	-38	3
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	188,742	1,094	189,836	180,958	268	181,226	4	309	5
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	185,928	2,036	187,964	191,847	936	192,783	-3	118	-3
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	153,819	375	154,194	154,425	974	155,400	0	-62	-1
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	116,762	27,992	144,754	116,982	20,899	137,880	0	34	5
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	134,225	1,145	135,369	179,303	959	180,262	-25	19	-25
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	110,402	1,433	111,835	119,186	532	119,719	-7	169	-7
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	99,140	299	99,440	96,968	65	97,033	2	359	2
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	86,524	108	86,632	89,942	413	90,355	-4	-74	-4
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	83,796	29	83,825	94,220	1,067	95,287	-11	-97	-12
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	69,967	185	70,152	67,375	178	67,552	4	4	4

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

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	62,291	146	62,437	58,838	227	59,065	6	-36	6
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	47,562	120	47,682	52,766	44	52,811	-10	171	-10
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	45,014	217	45,230	46,743	1,268	48,011	-4	-83	-6
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	42,574	227	42,802	45,763	494	46,258	-7	-54	-7
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,531	190	42,722	43,213	104	43,317	-2	83	-1
WILLOW RUN 128TH & ZUNI SAFEWAY	36,074	224	36,298	36,972	838	37,810	-2	-73	-4
BROOKHILL IV E SIDE WADS 90TH-92ND HANCOCK FABRICS	20,094	14,442	34,536	19,483	13	19,497	3	07358	77
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	32,729	0	32,729	32,982	0	32,982	-1	*****	-1
PAVILION COURT 122ND & PECOS WESTERN ELECTRONICS	11,802	19,440	31,242	6,589	1,006	7,595	79	1832	311
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	27,925	214	28,140	25,426	43	25,468	10	402	10
	<u>2,888,761</u>	<u>158,580</u>	<u>3,047,340</u>	<u>2,946,360</u>	<u>47,897</u>	<u>2,994,258</u>	<u>-2</u>	<u>231</u>	<u>2</u>



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

Center Location Major Tenant	YTD 2010			YTD 2009			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	2,164,433	33,914	2,198,347	2,164,326	47,216	2,211,541	0	-28	-1
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	1,965,946	133,451	2,099,398	1,732,579	91,412	1,823,991	13	46	15
SHOPS AT WALNUT CREEK 104TH & REED TARGET	1,371,559	59,097	1,430,656	1,259,867	17,144	1,277,011	9	245	12
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	1,370,530	2,417	1,372,947	1,414,194	16,530	1,430,724	-3	-85	-4
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,175,981	2,666	1,178,647	1,159,547	7,688	1,167,235	1	-65	1
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	1,128,701	2,419	1,131,120	1,079,536	5,739	1,085,274	5	-58	4
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,004,151	8,332	1,012,483	1,026,579	14,070	1,040,649	-2	-41	-3
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	944,037	4,167	948,203	938,976	12,061	951,037	1	-65	0
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	898,674	7,372	906,046	1,421,125	7,076	1,428,201	-37	4	-37
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	731,040	4,287	735,327	1,043,576	4,768	1,048,344	-30	-10	-30
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	702,741	190,729	893,470	729,362	91,496	820,859	-4	108	9
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	667,039	2,641	669,679	682,781	3,126	685,907	-2	-16	-2
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	504,441	1,711	506,152	534,194	2,558	536,752	-6	-33	-6
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	463,841	842	464,683	450,927	1,255	452,182	3	-33	3
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER	411,019	3,344	414,363	353,101	1,675	354,776	16	100	17

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

Center Location Major Tenant	/----- YTD 2010 -----/	/----- YTD 2009 -----/	/--- %Change ---/						
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
GUIAR STORE WESTMINSTER CROSSING 136TH & I-25	375,316	333	375,649	377,859	5,864	383,723	-1	-94	-2
LOWE'S WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	279,491	12,387	291,878	295,616	2,544	298,159	-5	387	-2
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	250,935	1,494	252,429	283,115	3,287	286,402	-11	-55	-12
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	242,761	1,721	244,482	251,355	1,442	252,797	-3	19	-3
WILLOW RUN 128TH & ZUNI SAFEWAY	208,496	3,174	211,669	269,900	2,052	271,952	-23	55	-22
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	196,646	666	197,312	141,003	24,750	165,753	39	-97	19
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	148,800	414	149,214	144,780	682	145,462	3	-39	3
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	141,797	851	142,648	135,748	47,070	182,819	4	-98	-22
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	139,071	1,112	140,183	138,444	1,216	139,660	0	-9	0
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	129,442	2,669	132,110	137,147	2,687	139,834	-6	-1	-6
	----- 17,616,886 =====	----- 482,208 =====	----- 18,099,094 =====	----- 18,165,639 =====	----- 415,409 =====	----- 18,581,048 =====	----- -3 -----	----- 16 -----	----- -3 -----



## Agenda Item 8 B

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
July 26, 2010



**SUBJECT:** Land Parcel Acquisition for Commuter Rail Parking

**Prepared By:** John Carpenter, Director of Community Development

### Recommended City Council Action

Authorize the City Manager to enter into a Purchase and Sale Agreement with Icon Westminster, LLC, a Colorado Limited Liability Company, to acquire a 6.87-acre parcel located at approximately 70<sup>th</sup> Avenue/Hooker Street for the price of \$850,000 plus an estimated \$5,000 in closing costs.

### Summary Statement

- The Icon Westminster LLC (Icon) parcel is located directly adjacent to the proposed Westminster Commuter Rail Station. (See vicinity map.)
- RTD's current proposal is to build all surface parking at the station. The City has prepared a plan to encourage transit oriented development (TOD) around the station. Substituting a parking structure for the RTD proposed surface parking is key to implementing TOD.
- The City's TOD plan locates a commuter rail parking structure on the Icon property.
- Acquiring the Icon parcel is a first step to implementing the TOD plan around the station area.
- Adequate funds are available in the South Westminster Transit Oriented Development project account to pay for this acquisition.

**Expenditure Required:** \$850,000 for purchase plus \$5,000 in closing costs

**Source of Funds:** General Capital Improvement Fund - South Westminster TOD Project

**Policy Issue**

Should the City acquire the Icon property as the first step in constructing a commuter rail passenger parking structure on the property?

**Alternative**

Do not acquire the Icon parcel. Staff does not recommend this alternative since acquisition of the Icon parcel is needed to allow for construction of the parking structure to serve the Westminster Station. Plus the acquisition price is very favorable based on the current market.

**Background Information**

In 2004, voters within the Regional Transportation District boundaries approved the FasTracks expansion of RTD's rail system. Included in the FasTracks project is the construction of the Northwest Rail Line between Denver Union Station and Longmont (passing through Westminster). The RTD Board recently selected a private concessionaire who will construct the Eagle P3 portion of the FasTracks system including the Northwest Rail line north to the Westminster Station at 70<sup>th</sup> Avenue/Irving Street.

RTD has developed plans for the construction of up to 925 surface parking spaces located on 11.5 acres at the Westminster Station. Staff and City Council have long supported construction of transit oriented development (TOD) around the station. A key way to facilitate TOD is to minimize surface parking and maximize structured parking. As a result, the City developed an alternate plan (see attached plan) to RTD's surface parking plan. The City's plan calls for RTD patron parking to occur in a parking structure. The parking structure is proposed to be located on the 6.87 acre Icon property.

The City is currently negotiating an intergovernmental agreement with RTD staff to facilitate the construction of a parking structure on the Icon property. RTD is in agreement with City Staff that structured parking is a better approach as long as the structure works within the overall budget for parking at this site, which City Staff believes is the case. Staff plans to bring this IGA to City Council for action in August.

City Staff has negotiated the acquisition of a 6.87 acre parcel from Icon. Staff believes that the \$850,000 acquisition price is very favorable based on comparable sales information that Staff has reviewed.

RTD's current plans call for the Westminster Station and rail line to open in early 2016. The acquisition of the Icon parcel is a critical step in allowing the City to accommodate RTD's schedule to complete the parking structure by opening day.

Respectfully submitted,

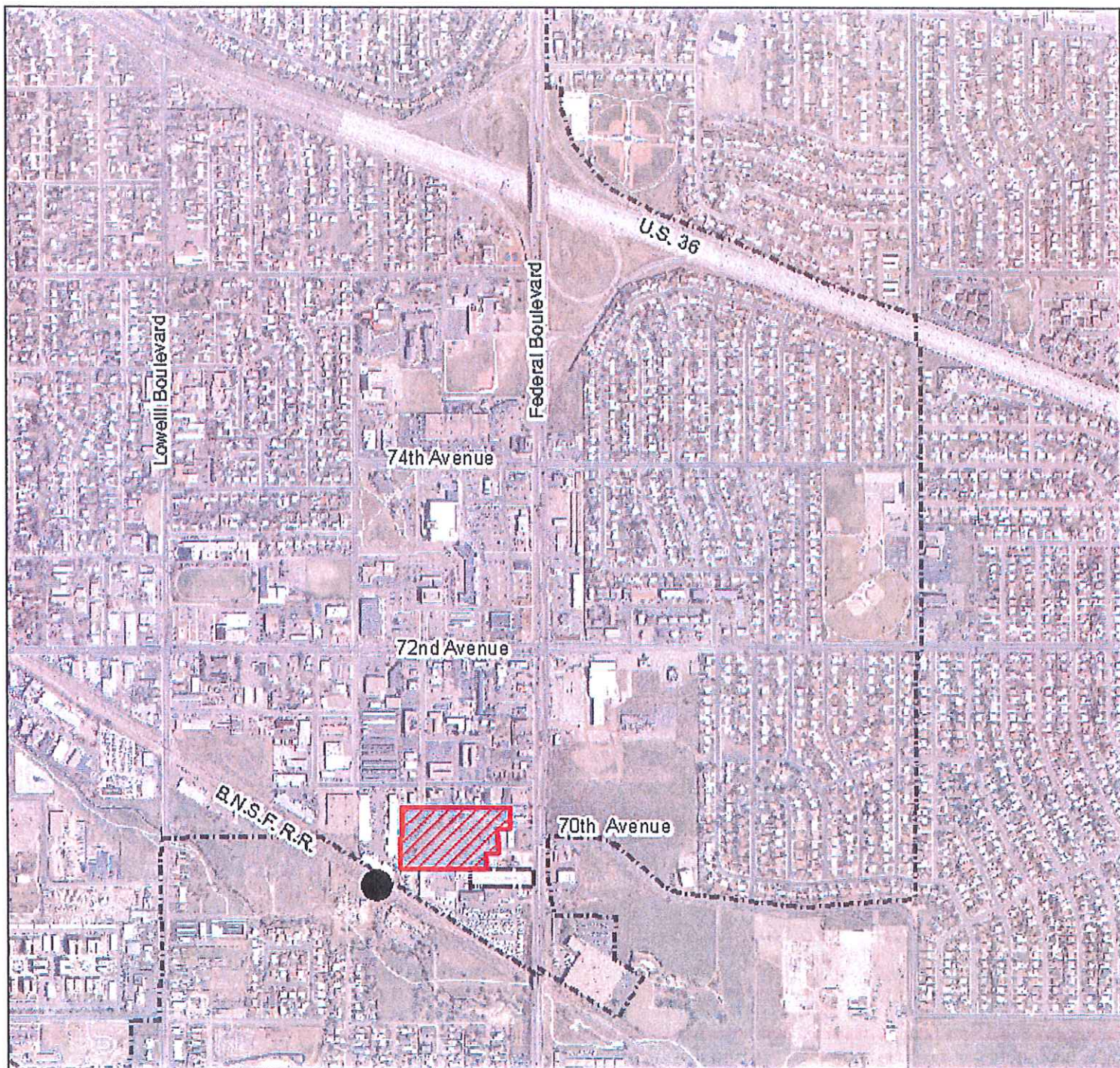
J. Brent McFall  
City Manager

**Attachments:**

- Exhibit 1 – Icon property vicinity map
- Exhibit 2 – Icon property relative to transit facilities

# Exhibit 1

## ICON Property Vicinity



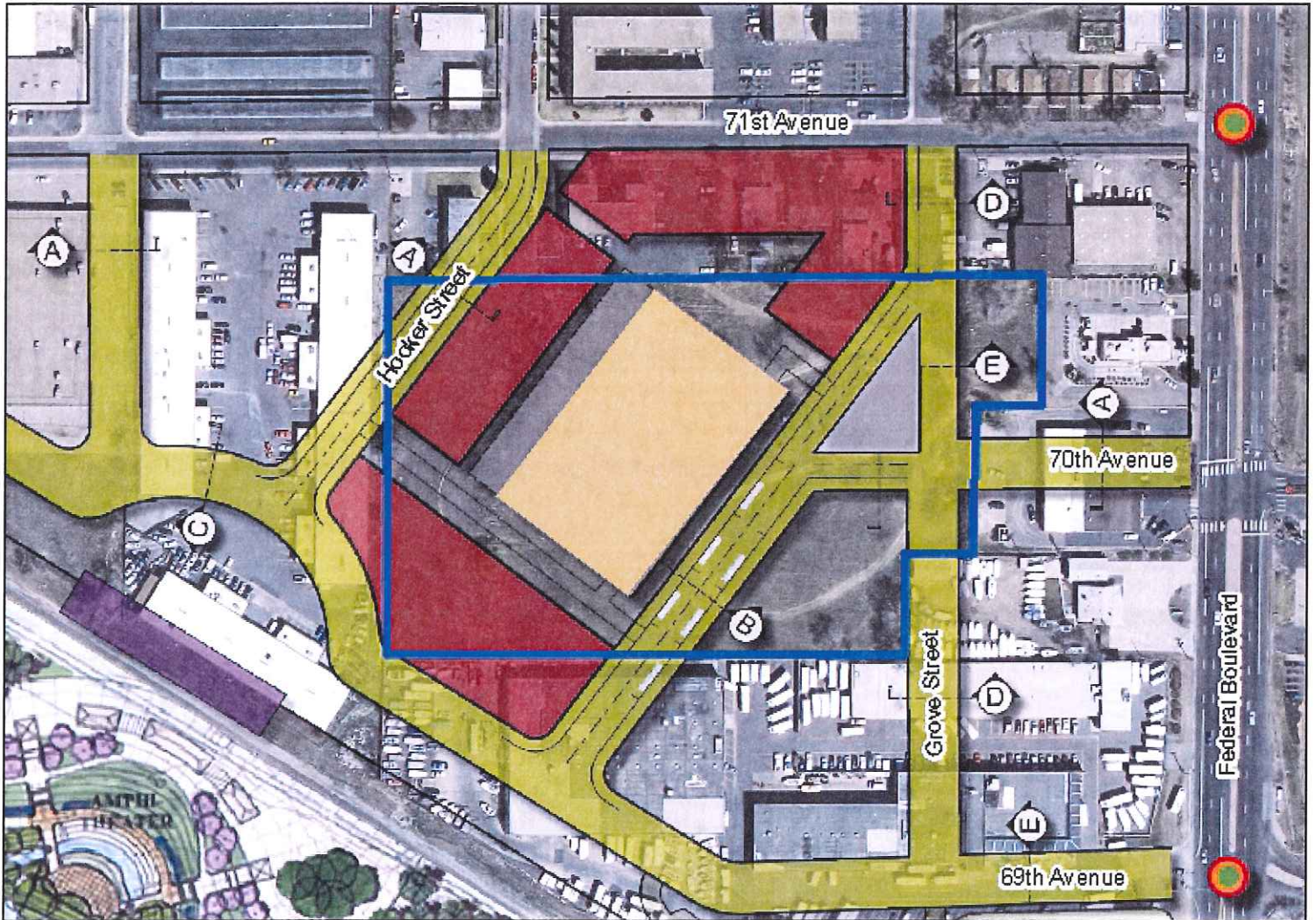
● Planned Train Station

▨ ICON Property



# Exhibit 2

## ICON Property Relative to Transit Facilities





 Development Envelopes

 Parking Structure

 Proposed Streets

 ICON Property

 Proposed Traffic Signal

 Train Loading Platform





## Agenda Item 8 C

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
July 26, 2010



**SUBJECT:** Quarterly Insurance Claim Report: April - June 2010

**Prepared By:** Martee Erichson, Risk Management Officer

### Recommended City Council Action

Accept the Second Quarter 2010 Insurance Claims Report.

### Summary Statement

- The attached report provides detailed information on each claim 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 that 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 Management Officer, 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 adjustor and settlement of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. 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 2nd quarter of 2010 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 second quarter of 2010, Staff has noted the following summary information:

- Six of the nine claims reported in the second quarter of 2010 are closed at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

Department	2nd Qtr 2010			YTD
	Total Claims	Open	Closed	Total
Police	2	1	1	5
PR&L	3	2	1	9
PWU - Streets	1	0	1	4
PWU - Utilities	3	0	3	3
<b>TOTAL</b>	<b>9</b>	<b>3</b>	<b>6</b>	<b>21</b>

The Risk Management program addresses Council’s Strategic Plan goals of Financially Sustainable City Government and Safe and Secure Community by working to mitigate the cost of claims to the City and maintaining a loss control program to keep our City streets and facilities safe for the general public.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**Quarterly Insurance Report  
April - June 2010**

Claim Number	Loss Date	Dept.	Claimant	Address	Claim Description	Payment	Status	Notes
2010-117	4/1/2010	PWU - Util	Candis Chain	9840 Xavier Ct., Westminster CO 80031	Claimant alleges that she became ill from electromagnetic fields running through her home after a solar panel system was installed on her neighbor's home	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2010-119	4/25/2010	PWU - Util	Marie Morton	1264 S Logan, Denver CO 80210	Claimant alleges injury when she stepped onto a loose meter pit lid and fell into the pit at her son's home in Westminster.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2010-156	5/26/2010	PWU - Util	Dawn Demarius	10912 W. 107th Ave., Westminster CO 80021	Claimant alleges injury when she stepped onto a loose meter pit lid causing her to fall.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2010-157	5/27/2010	PRL	Netti Wild	2010 W 131st Pl., Westminster CO 80234	Employee driving a City truck, rear-ended claimant's vehicle.	\$440.50	Closed	
2010-159	5/29/2010	PRL	Louie Pastore	5764 Lamar St., Arvada CO 80003	An employee was loading mulch into the claimant's truck bed with a front end loader and broke the rear slider window of the claimant's truck.	\$305.10	Closed	
2010-169	6/4/2010	PRL	Max Konz	4224 W 110th Pl., Westminster CO 80031	Claimant alleges the City is responsible for damage to his home from golf balls hit from the driving range at Legacy Ridge Golf Course	\$0.00	Open	CIRSA Investigating.
<b>CLAIM SUBMITTED RECENTLY WITH OCCURRENCE DATE PRIOR TO 2nd QUARTER 2010:</b>								
2009-419	1/5/2009	PD	Daniel Joyce and Robert Lopez	Not Available	Suit filed against the North Metro Drug Task Force (NMTF) and several individual officers including a Westminster officer. Claimants allege retaliation in connection to their assignment with the NMTF.	\$0.00	Open	CIRSA Investigating under NMTF insurance coverage.
2009-418	10/7/2009	PD	Gabriella Mondragon	8090 Lowell Blvd., Westminster CO 80031	Claimant's attorney alleges the claimant suffered injuries and damages when her vehicle was struck by a suspect vehicle being pursued by Westminster and Arvada Police Departments.	\$0.00	Closed	Claim denied based as investigation found no evidence of negligence on the part of the City. Westminster PD was not involved in the pursuit
2010-118	2/22/2010	PWU - Streets	Stephen DeBelle	1926 E 144th Way, Thornton CO 80602	Claim was tendered to Westminster by the City of Thornton. Claimant alleges damage to his vehicle when he hit a previously damaged street sign on 144th Ave. on the east side of I-25.	\$0.00	Closed	Claim denied based on investigation found no evidence of negligence on the part of the City. Per IGA with Thornton, the sign is CDOT or Thornton's responsibility
<b>TOTAL</b>						<b>\$745.60</b>		



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 26, 2010



**SUBJECT:** Fall 2010 Great Outdoors Colorado Grant Application

**Prepared By:** Heather Cronenberg, Open Space Coordinator

**Recommended City Council Action:**

Authorize the Department of Community Development to pursue a grant with Great Outdoors Colorado (GOCO) during the 2010 fall cycle for the acquisition of the Sisters of the New Covenant parcel (“Sisters”).

**Summary Statement**

- The Department of Community Development wishes to pursue a grant from Great Outdoors Colorado for funding assistance with the Sisters acquisition.
- Staff recommends requesting up to \$500,000 for a grant to match open space bond funds to assist with the acquisition of the Sisters property, located at 100<sup>th</sup> Avenue and Alkire Street. Staff pursued a grant in the amount of \$488,000 from Federal Natural Resource Damage Funds to assist with this acquisition. The City was awarded \$400,000 towards the acquisition and \$88,000 towards revegetation of the site.
- While a full appraisal has not been completed yet, staff believes that the property is valued between \$1.5 - \$2 million. The Open Space Advisory Board considers the acquisition of the Sisters property a top priority and recommends this purchase. A separate agenda memo will be brought to Council to seek approval for the acquisition.

**Expenditure Required:** Matching funds up to \$1,100,000

**Source of Funds:** Open Space Bond Funds

**Policy Issue**

Should the City attempt to seek assistance for the acquisition of this property by pursuing grant monies from the GOCO Grant Program?

**Alternative**

Council could choose not to pursue additional funding for this acquisition and use Open Space Bond Funds for the purchase amount. However, Staff recommends attempting to secure additional funding for this acquisition through this grant opportunity to allow for open space acquisition assistance.

**Background Information**

The Department of Community Development has been successful in applying for and receiving grants from a variety of sources in the past. In recent years, the City has received grant money from Adams and Jefferson County Open Space programs for park and trail development projects as well as open space acquisitions. The City successfully received a GOCO grant for the Metzger Farm purchase in 2006.

The 30-acre Sisters parcel is the location of a day retreat center for Catholic nuns. The Sisters are interested in selling a portion of the parcel and have been talking with developers on and off for many years. While a full appraisal has not been completed yet, staff believes that the property is valued between \$1.5- \$2 million or between \$1.28 and \$1.75 per square foot for approximately 27 acres. The Sisters would like to retain approximately 3 acres to continue day use of the property. The Trust for Public Land has been negotiating the purchase and is under an Option Agreement with the Sisters. Staff applied for a grant from the Natural Resource Damage Funds that were made available from the federal government to off-set damages from Rocky Flats. The City was successful in receiving \$400,000 towards the acquisition of the Sisters parcel and \$88,000 towards revegetation of the site. Staff would like to submit a grant request to GOCO for \$500,000 towards the purchase price. If the GOCO grant is awarded, a total of \$900,000 will go towards the purchase price.

The Sisters property is a top priority acquisition for the City's Open Space Advisory Board. This property is the last in-holding in the 1,000 acre Westminster Hills Open Space area. The property contains a mixture of native grasses and weeds but will be revegetated as part of the larger revegetation effort over the entire Westminster Hills area. The bald eagles and a hawk nest nearby at Standley Lake.

This grant request supports the City's Strategic Plan Goals of "Financially Sustainable City Government" and "Beautiful City" by increasing revenues that support defined City projects and by providing the City with increased open space.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

# Sisters of the New Covenant Open Space Acquisition

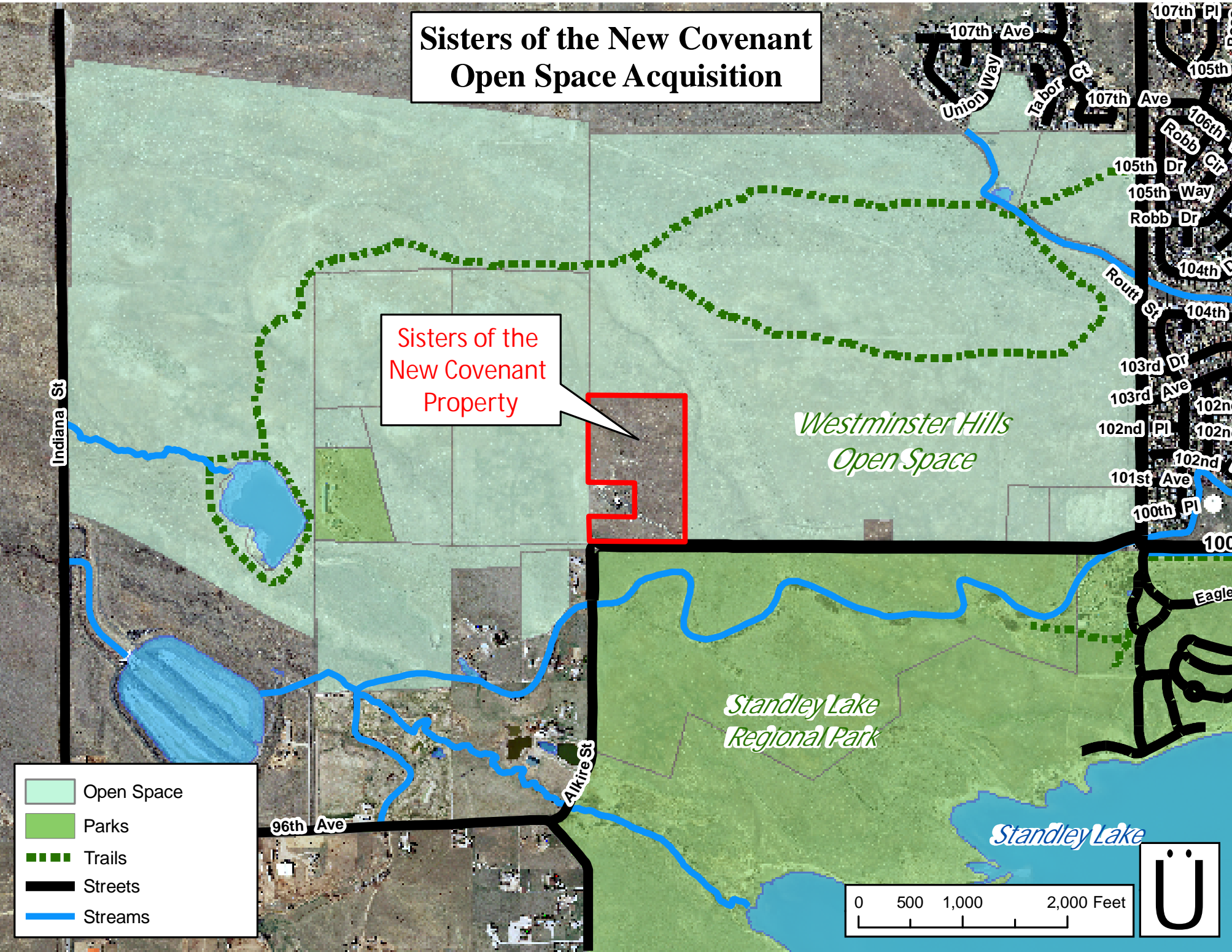
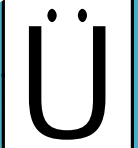
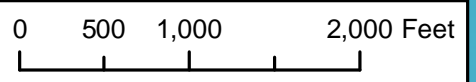
Sisters of the  
New Covenant  
Property

*Westminster Hills  
Open Space*

*Standley Lake  
Regional Park*

*Standley Lake*

- Open Space
- Parks
- Trails
- Streets
- Streams





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 26, 2010



**SUBJECT:** Fall 2010 Adams County Open Space Grant Application

**Prepared By:** Heather Cronenberg, Open Space Coordinator

**Recommended City Council Action:**

Authorize the Department of Community Development to pursue a grant from the Adams County Open Space grant program during the 2010 fall cycle for the implementation of the master plan for the Savory Farm Estates property located at 10900 Federal Boulevard.

**Summary Statement**

- The Department of Community Development wishes to pursue a grant from the Adams County Open Space grant program for funding assistance with the implementation of the master plan at the Savory Farm Estates property.
- Staff recommends requesting up to \$282,000 to assist with implementation of the master plan for the Savory Farm Estates property located at 10900 Federal Boulevard. Staff estimates a cost of \$332,000 to construct a new parking lot and trails, to re-grade using the fill dirt located on the site, to install open space fencing and signage along Federal Boulevard, and to revegetate the site with native grasses.

**Expenditure Required:** \$600,000 (City matching funds)

**Source of Funds:** General Capital Improvement Funds

- Trail Development Project (\$50,000)
- POST Bond Funds (\$550,000 already expended for the Savory Farms Open Space acquisition)

**Policy Issue**

Should the City attempt to seek assistance with the implementation of the master plan by pursuing grant monies from the Adams County Open Space Grant Program?

**Alternative**

Council could choose not to pursue additional funding for implementation of the master plan and use Open Space Bond Funds or PR&L funds for the entire construction amount. However, Staff recommends attempting to secure additional funding through this grant opportunity to allow for construction assistance.

**Background Information**

The Department of Community Development has been successful in applying for and receiving grants from a variety of sources in the past. In recent years, the City has received grant money from the Adams County Open Space program for park and trail development projects as well as open space acquisitions. The City has developed a strong partnership with Adams County in its successful use of these grant funds. Since 2003, the City has been successful in being awarded more than \$4.8 million for open space acquisitions.

The City recently acquired the Savory Farm Estates property in January, 2010 to provide a buffer to the Mushroom Pond Open Space. This acquisition was made possible with a grant of \$550,000 from Adams County. The grant request to cover the master plan implementation will be considered a second grant request under the original Savory Farms acquisition grant request. While the City is proposing to provide \$50,000, which is only a 15% cash match, Adams County will allow the City to use the \$550,000 that the City provided for the acquisition of the property as match as well which will bring the total project match to 58%. This percentage is based on a total project cost of \$1,432,000 (\$1,100,000 purchase price plus \$332,000 master plan implementation cost). Currently the property is vacant with a large pile of fill dirt on-site. Staff has been working to develop a master plan for improvements on the Savory Farms Estates site as well as the abutting Mushroom Pond Open Space. The master plan provides a total cost estimate of \$332,000 to construct the following improvements: construction of a Farmers' High Line Canal Trail trailhead parking lot and trails, grading and revegetation, an open space fence and signage along Federal Boulevard, and installation of interpretive signage related to the history of the Savory Mushroom Farm and the water tower that was recently renovated. There is currently no trailhead parking for the Farmers' High Line Canal Trail within Westminster. Construction of the improvements is expected to begin in the spring of 2011 if the grant request is fully funded.

This grant request supports the City's Strategic Plan Goals of "Financially Sustainable City Government" and "Beautiful City" by increasing revenues that support defined City projects and by providing the City with increased open space.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments**

- Savory Farm Estates Open Space Property Vicinity Map
- Savory Farm Estates Master Plan Map

# Savory Farm Estates Open Space Property

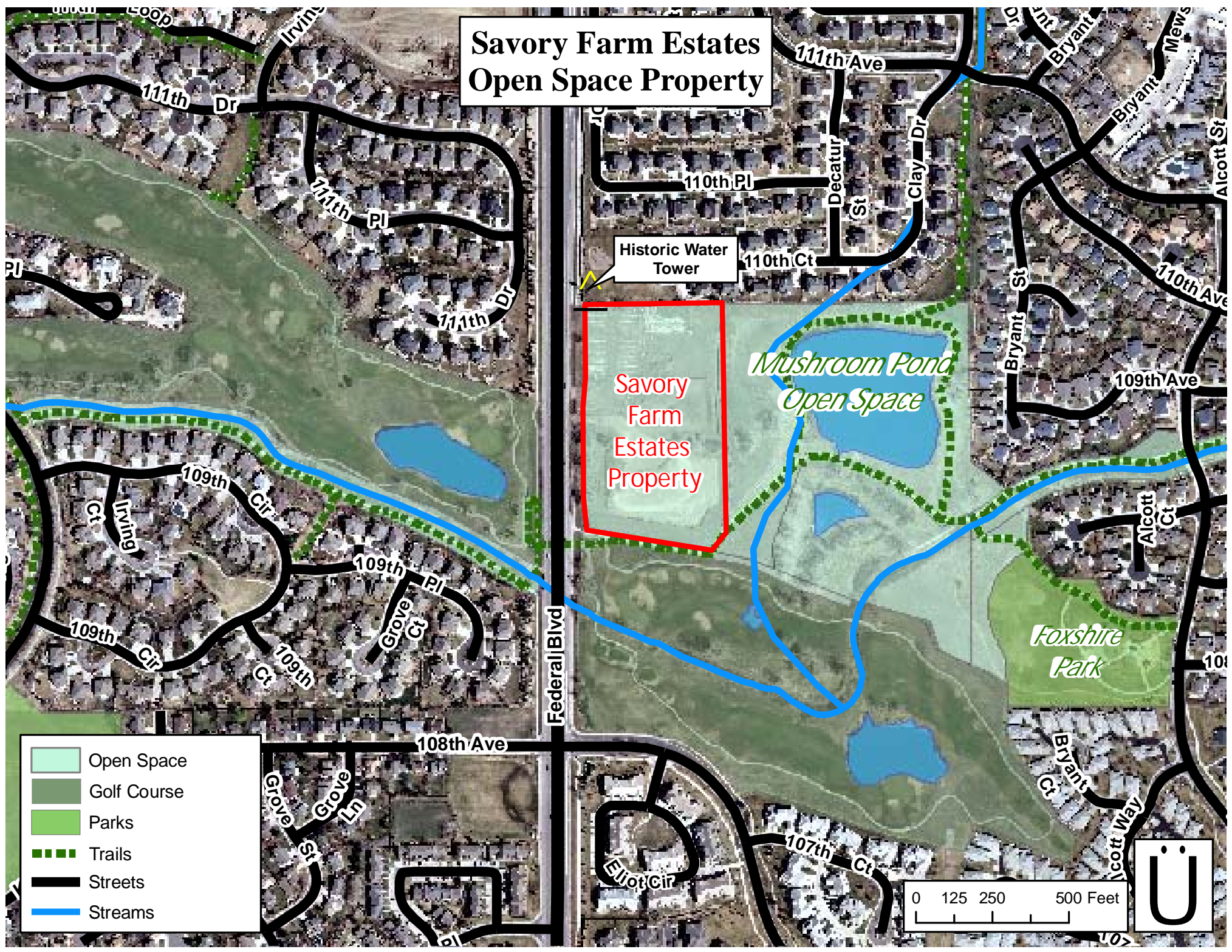
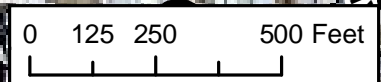
Savory  
Farm  
Estates  
Property

Historic Water  
Tower

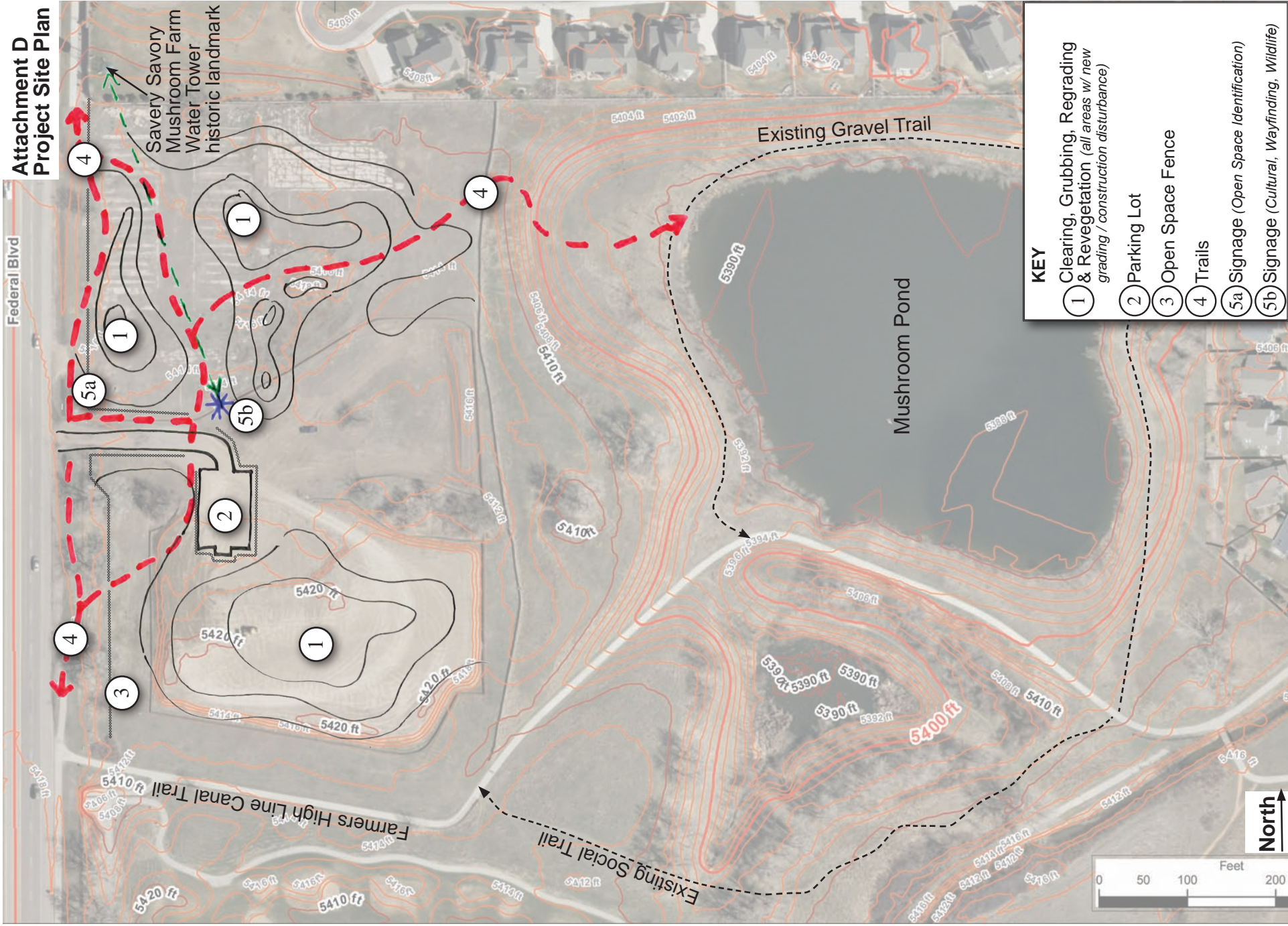
Mushroom Pond  
Open Space

Foxshire  
Park

- Open Space
- Golf Course
- Parks
- Trails
- Streets
- Streams



**Attachment D  
Project Site Plan**



**KEY**

- 1 Clearing, Grubbing, Regrading & Revegetation (all areas w/ new grading / construction disturbance)
- 2 Parking Lot
- 3 Open Space Fence
- 4 Trails
- 5a Signage (Open Space Identification)
- 5b Signage (Cultural, Wayfinding, Wildlife)







**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 26, 2010



**SUBJECT:** Metropolitan Auto Theft Task Force Addendum to Intergovernmental Agreement

**Prepared By:** Lee Birk, Chief of Police  
Mike Cressman, Deputy Chief of Police

**Recommended City Council Action**

Authorize the City Manager to sign a Second Amendment to the Intergovernmental Agreement between the Cities of Arvada, Lakewood, Wheat Ridge, the District Attorney for the First Judicial District of Colorado, the City and County of Denver and the Jefferson County Sheriff’s Office to establish a Metropolitan Auto Theft Task Force (Task Force).

**Summary Statement**

- In 2009, the Colorado Automobile Theft Prevention Authority (CATPA), provided grant funding for the purpose of combating the auto theft problem in Colorado.
- In October of 2009, the City of Lakewood obtained a CATPA grant and the Cities of Arvada, Lakewood, Wheat Ridge, the Jefferson County District Attorney’s Office and the Jefferson County Sheriff’s Office entered into an Intergovernmental Agreement (IGA) to form the Jefferson County Regional Auto Theft Task Force. In 2010, a First Amendment was adopted that allowed the City and County of Denver to join the Jefferson County Regional Auto Theft Task Force. The name of the Jefferson County Regional Auto Theft Task Force was formally changed to the Metropolitan Auto Theft Task Force.
- The Second Amendment authorizes the City of Westminster to join the Task Force and does not substantively change the foundational IGA.
- The mission of the Task Force is to aggressively investigate and proactively reduce auto thefts through innovative investigative techniques and interagency collaboration.
- The Task Force, in its desire to expand in the Denver Metro Area, has requested that the City of Westminster formally participate by providing one police detective to the Task Force.
- In exchange for the services of the Westminster Detective, the Task Force, through the CATPA grant, will reimburse the City of Westminster for the detective’s salary and benefits for one year. In addition, the Task Force will purchase and title to the City of Westminster, an unmarked police vehicle.
- The City Attorney’s Office has reviewed the IGA and amendments and has approved it as to form.

**Expenditure Required:** \$0

**Source of Funds:** N/A

## **Policy Issue**

Should the City of Westminster enter into an Intergovernmental Agreement between the cities of Arvada, Lakewood, Wheat Ridge, the Jefferson County District Attorney's Office, the Jefferson County Sheriff's Office and the City and County of Denver to combat the auto theft problem in Colorado, specifically the Denver Metro Area?

## **Alternative**

Do not authorize the City Manager to sign the Second Amendment to the IGA concerning the formation of the Metropolitan Auto Theft Task Force and specifically the addition of the City of Westminster to the Task Force. Staff is not recommending this action as this is an opportunity for the City of Westminster to enhance enforcement efforts and interagency cooperation in reducing the crime of auto theft in the Denver Metro Area.

## **Background Information**

Auto theft and auto related crimes continue to plague the American public. The Federal Bureau of Investigation (FBI) reports that, in the United States, a vehicle is stolen every 28.8 seconds. The FBI, in September 2009, reported that 1,095,769 vehicles were reported stolen in 2007, with an average value of \$6,755 each, and that vehicle theft is the top property crime in the country costing over \$7.4 billion annually.

The State of Colorado ranks 23rd in auto theft related crimes in comparison to the 49 other states and the District of Columbia. The Denver Metropolitan area (Denver, Jefferson, Arapahoe, Adams, Broomfield, and Douglas Counties) accounts for over 75% of the statewide auto theft problem. Although the number of reported thefts has decreased each year beginning in 2006, the average unrecovered vehicle rate continues to increase. Auto theft has resulted in a fiscal impact of over \$167,500,000, and an unrecovered stolen vehicle loss of \$37,233,000. In 2009, the City of Westminster experienced 457 reported auto thefts and while the number of auto thefts has decreased through the six months of 2010, it is still a serious problem. Based on the first six months of the year the projected number of auto thefts for 2010 is 360.

In July 2009, the CATPA funded the Jefferson County Regional Auto Theft Task Force as a first-step, full-time, single county approach to combat the Denver Metro auto theft problem. The overall goal is to expand over time to include the six counties and communities seeking to join this multi-jurisdictional effort. In January 2010, the City and County of Denver joined the effort and the Task Force was renamed the Metropolitan Auto Theft Task Force, as it encompassed multiple counties. The Denver District Attorney's Office will also be joining the Task Force. In addition, the Task Force will also be entering into collaborative partnerships with the Colorado Office of the Attorney General, Special Prosecutions Unit (SPU), and the National Insurance Crime Bureau (NICB), to develop a more effective and efficient law enforcement and prosecution effort to attack auto theft. The Lakewood Police Department will continue to act as the Project Director for both the grant and the Task Force. The continuing overall goals of the task force are to increase arrests and prosecutions, decrease the time from theft to time of recovery of victim vehicles, and decrease auto theft crime via directed enforcement on known criminals and groups. To accomplish these tasks, the Task Force is focusing on combined information sharing between agencies, crime pattern analysis, and focused enforcement. In addition, the Task Force is developing an officer-training program to increase auto theft awareness and action as well as a citizen based education programs to increase auto theft prevention awareness. Each of these programs is designed to reduce auto theft opportunity and create more vigilant enforcement.

The mission of the Task Force is to aggressively investigate reported auto thefts and proactively prevent auto thefts through innovative investigative techniques, agency collaboration, data collection, information sharing, community involvement/education, and the cooperative prosecutorial partnership with the involved Judicial Districts.

Currently, the Westminster Police Department has two detectives assigned to investigate motor vehicle related crimes. By assigning an auto theft detective to the Task Force, it will enhance the Police Department's ability to share intelligence, investigative leads and aid collaborate enforcement efforts in combating a crime that crosses jurisdictional boundaries. The CATPA grant provides for reimbursement of the assigned detective's salary and benefits (\$90,675) for a one year period. Participation in this multiple jurisdiction Task Force represents an additional multi-agency approach taken by the Police Department to combat auto theft. The Westminster Police Department, Arvada Police Department and the Broomfield Police Department have utilized a separate CATPA Grant to jointly fund the purchase and deployment of an Automated License Plate Reader (ALPR) technology to aid in the detection of stolen vehicles. Within a nine month period, 21 stolen vehicles were successfully recovered using the ALPR technology.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**Exhibit A**  
**Colorado Automobile Theft Prevention Authority Grant Program**  
Administered by the  
**Colorado Department of Public Safety**  
**Spring 2010 Auto Theft Prevention Program Application**  
DUE: 5 P.M., April 30<sup>th</sup>, 2010; 710 Kipling Street, Suite 404, Lakewood, CO 80215

**Project Name:** Metropolitan Auto Theft Task Force

**Grant Request:** \$ 553,123

**Length of Project:** 1-Year

**Applicant Agency:** Lakewood Police Department (Host Agency)

**Mailing Address:** 445 S. Allison Parkway

**City, State, Zip:** Lakewood, CO 80226

**REVISED BUDGET 6/8/2010**

<b>Applicant Agency Type</b>	Please check appropriate box here (a) and	Check appropriate box (b) here	<b>Application Type</b>
State Agency		<b>X</b>	Multi-Agency Investigative / Enforcement
Municipal Agency	<b>X</b>		Crime Prevention / Public Awareness
County Agency	<b>X</b>		Professional Training
Prosecutor	<b>X</b>		Prosecution Support
Special District (example: schools, rec. dist.)			First-Time Offender Program
For-Profit Organization			Emergency Assistance
Non-Profit Organization			

**Agency or Task Force Implementing Proposed Project:** **Partner L/E Agencies-Arvada, Jefferson County Sheriff, Lakewood, Wheat Ridge, Jefferson County DA's, Denver PD and DA's, Westminster**

**Primary Contact:**

**Project Director, with title:** Commander Mike L. Becker

**Agency Name:** Lakewood Police Department

**Address:** 445 S. Allison Parkway

**City and Zip Code:** Lakewood CO 80226

**Telephone:** 303-987-7202

**Fax:** 303-987-7206

**E-Mail:** mikbec@lakewoodco.org

**Media Contact:** Steve Davis-Lakewood PD PIO (Coordinator of PIO's)

**Media Contact Telephone:** 303-987-7196

**Exhibit B**  
**Project Description**

A total of five pages are allowed to address the Project Description questions.

**A. Problem Identification**

**15 Points**

Auto theft and auto related crimes continue to plague the American public. The Federal Bureau of Investigation (FBI) reports that, in the United States, a vehicle is stolen every 28.8 seconds. The FBI, in September 2009, reports that 1,095,769 vehicles were reported stolen in 2007, with an average value of \$6,755 each, and that vehicle theft is the top property crime in the country costing over \$7.4 billion annually. For the fifth year in a row, auto thefts have decreased, in large part to enforcement, education, and fraud reduction efforts. FBI statistics show a 10.5% drop in metropolitan areas and a 6.4% in non-metropolitan areas. The largest drop was seen in populations of 250,000-499,000.

The State of Colorado ranks 23rd in auto theft related crimes in comparison to the 49 other states and the District of Columbia, FBI 2008. The Denver Metropolitan area (Denver, Jefferson, Arapahoe, Adams, Broomfield, and Douglas Counties) accounts for over 75% of the statewide auto theft problem. Although the number of reported thefts has decreased each year beginning in 2006, the average unrecovered vehicle rate continues to increase. In 2007 the rate was 13.75%, 2008 it was 19% and 2009 it was 25.8%. Between 2007-2009, auto theft has resulted in a fiscal impact of over \$167,500,000, and an unrecovered stolen vehicle loss of \$37,233,000.

County	Year	# stolen autos	Fiscal Impact	% not recovered	Unrecovered Fiscal Impact
Adams	2007	5158	\$ 10,706,675.00	30%	\$ 3,201,870.00
	2008	1493	\$ 10,085,215.00	33%	\$ 3,296,440.00
	2009	1408	\$ 9,398,400.00	28%	\$ 2,681,735.00
Arapahoe	2007	1885	\$ 12,733,175.00	20%	\$ 2,539,880.00
	2008	1436	\$ 9,700,180.00	23%	\$ 2,215,640.00
	2009	1334	\$ 8,904,450.00	30%	\$ 2,668,225.00
Broomfield	2007	81	\$ 547,155.00	23%	\$ 128,345.00
	2008	76	\$ 513,380.00	41%	\$ 209,405.00
	2009	68	\$ 453,900.00	28%	\$ 128,345.00
Denver	2007	4677	\$ 31,593,135.00	18%	\$ 5,734,995.00
	2008	3400	\$ 22,967,000.00	19%	\$ 4,262,405.00
	2009	3299	\$ 22,020,825.00	19%	\$ 4,161,080.00
Douglas	2007	158	\$ 1,067,290.00	Not avail	Not avail
	2008	147	\$ 992,985.00	Not avail	Not avail
	2009	138	\$ 921,150.00	Not avail	Not avail
Jefferson	2007	1378	\$ 9,308,390.00	23%	\$ 2,114,315.00
	2008	1182	\$ 7,984,410.00	26%	\$ 2,080,540.00
	2009	1139	\$ 7,602,825.00	24%	\$ 1,810,340.00
<b>Totals</b>		<b>24,884</b>	<b>\$167,500,540.00</b>	<b>Avg. 25.6%</b>	<b>\$ 37,233,560.00</b>

In July 2009 CATPA funded the Jefferson County Regional Auto Theft Task Force as a first-step fulltime single county approach to combat the Denver Metro auto theft problem. The overall goal is to expand over time to include the six counties and communities seeking to join this multi-jurisdictional effort. In January 2010 Denver joined the effort and the task force was renamed the Metropolitan Auto Theft Task Force, as it encompassed multiple counties. With this grant application we are being joined by

the Denver District Attorney's Office, Westminster Police Department, and we are entering into collaborative partnerships with the Colorado Office of the Attorney General, Special Prosecutions Unit (SPU) and the National Insurance Crime Bureau (NICB) to develop a more effective and efficient law enforcement and prosecution effort to attack auto theft. The continuing overall goals of the task force are to increase arrests and prosecutions, decrease the time of theft to time of recovery of victim vehicles, and decrease auto theft crime via directed enforcement on known individuals and groups. To accomplish these tasks the task force is focusing on combined information sharing between agencies, crime pattern analysis, and focused enforcement. In addition, the task force is developing an officer-training program to increase auto theft awareness and action as well as a citizen based education programs to increase auto theft prevention awareness. Each of these programs is designed to reduce auto theft opportunity and create more vigilant enforcement.

## B. Project Plan

30 Points

The Metropolitan Auto Theft Task Force (MATT) is a full time regional task force aimed at aggressive, proactive targeted offender enforcement based upon intelligence analysis and information sharing. With these tools we can efficiently curb the number of auto thefts, reduce property loss and increase successful prosecution of offenders.

The mission of the task force is to aggressively investigate reported auto thefts and proactively prevent auto thefts through innovative investigative techniques, offender management tools, agency collaboration, data collection, information sharing, community involvement/education, and the cooperative prosecutorial partnership with the involved Judicial Districts. After 9-months of operations, the task force has demonstrated its value and worth towards attacking the auto theft problem as follows:

- Initiated and investigated 49 cases resulting in 30 arrests involving 167 felony and 16 misdemeanor charges.
- Investigated 8 organized Chop Shops
- Recovered 44 stolen vehicles worth over \$700,000
- Created and conducted 11 community and police officer education efforts.

The task force will continue to improve its effectiveness and its expansion with further inclusion of cross-jurisdictional agencies interested in partnering or joining this six-county metropolitan area targeted enforcement strategy.

The task force goals and objectives for 2009 included the implementation of the task force, getting a signed inter-governmental agreement in place, developing investigative and forensic strategies in place, development of Policies & Procedures and operating guidelines, increasing arrests and prosecutions, increasing vehicle recoveries, and develop community and police education efforts. I am pleased to advise that we have been able to accomplish these goals. The overarching objective is and will always be to reduce the incidence of auto theft related crime.

In January 2010 CATPA provided funding to the MATT to expand our efforts by:

- Expanding the task force to include the Denver Police Department, this is now completed.
- Secure a larger operating space, to be provided by Jefferson County which is in progress. We are currently temporarily relocated into another Lakewood City Building that can house the entire team and additional personnel.
- Promote and seek partnering opportunities and expansion within the metropolitan area. With

this grant application, July 2010, we are seeking funding for the commander's position, one Westminster Detective, 50% time for Information Technology support, and prosecutorial support commitment from the Denver District Attorney's Office. Additionally, we are partnering with the Office of the Attorney General, Special Prosecution Unit, a CATPA funded project, and the National Insurance Crime Bureau (NICB) to enhance our enforcement abilities.

### C. Evaluation Plan

30 Points

The evaluation process uses the Comp Stat model, in addition to ongoing Crime Analysis work to target locations, criminals, and crime patterns. The quarterly grant reporting process is used to provide measurements to CATPA as a means to chart, brainstorm, and report the successes and progress of the task force. Also, on a quarterly basis the Governing Board of the participating agencies are briefed on the task force activities and, on a bi-weekly basis, the supervisors of the involved agencies meet to discuss new issues and review progress with enforcement efforts. Additionally, emails and direct telephone contact is maintained between the command officers of the involved agencies.

For 2010 the performance goals and objectives are:

- Implement the Coplink (I-2) computer system interface for data sharing and crime analysis targeted enforcement.
  - The measurement will be the rapid and successful multi-agency "same" data sharing towards identifying auto theft patterns, criminals, target vehicles, and chop shop locations. Providing analysis back, in a two-way manner, to partner agencies and others to impact the auto theft problem.
- Using Crime Analysis, develop a crime baseline analysis tool that we can utilize to establish an auto theft crime baseline that can be utilized for future measurement effectiveness.
  - The measurement will be the successful access to all auto theft related data from partner agencies and the development of the baseline reporting grid data as prepared by the task force Crime Analyst with the assistance of partnering analysts.
- Increase arrests and prosecutions in an effort to reduce the incidence of auto theft.
  - The measurement will be to increase arrests from our current 30 to 60 and track the incidence of auto theft with the goal of reducing auto theft by 5% within the partnering agencies. Ultimately, we would like to see a total decline in the metropolitan area that is maintained and sustained.
- Increase the number of major chop shop investigations.
  - The measurement will be to increase from eight to sixteen major investigations.
- Increase the number and value of recovered stolen vehicles.
  - The measurement will be to increase recovery value from \$700,000 to \$1,400,00.
- Decrease the number, and percentage, of unrecovered victim vehicles.
  - The measurement will be target known criminal and organized criminals and locate through investigative measures the storage locations of multiple stolen vehicles and recover them prior to disposal. The goal will be to reduce the upward trend of unrecovered vehicles from the current 25.6% to 24%.

### D. Resource Development

25 Points

Currently, task force investigative funding sources are limited to CATPA funding and support from the involved agencies. Both Jefferson County and Lakewood have begun grant research for additional funding through both state and federal grant opportunities. To date no

additional or supplemental funding sources have been identified.

The Cities of Lakewood, Arvada, Denver, and Jefferson County have all pledged and are actively sharing their current crime analysis resources to support and develop a crime baseline analysis tool that we can utilize to measure effectiveness. Additionally, the task force is working on the development of a known criminal database to assist in linking auto theft patterns to auto theft locations and drop points. Lakewood, Denver and Jefferson County will continue to utilize additional investigative resources and technicians to assist when needed with vehicle processing and investigative efforts in support of the task force. Additionally we are planning for investigator succession by providing new officer/detective exposure programs, of varying lengths of time, to train and develop future auto theft specialist in both patrol and investigative roles. We are providing this opportunity as no cost to any agency and do not seek CATPA support, as it is our investment in our future.

We are including in this grant cycle request fulltime funding for the current task force commander's position. The job duties/responsibilities are increasing with the additions of other counties and now requires continual fiscal oversight and administrative supervision. We are also seeking funding for one detective from Westminster Police Department to join the task force, prosecutorial support for both the Jefferson County and Denver District Attorney's Office. Additionally, we are seeking funding for a computer interface in the Cop Link (I-2) system that will enhance crime information sharing flow and analysis.

In the 2010 CATPA Grant cycle we are requesting funding for:

• Commander's Salary and Benefits	\$ 135,934
• Westminster Detective Salary and Benefits	\$ 90,675
• Prosecutorial Support, Denver and Jefferson DA's	\$ 50,000
• 50% Information Technology Support	\$ 57,439
• Grant Administrative Support (5% Personnel Cost)	\$ 16,702
• Premium Pay, Supplies & Outreach	\$ 80,601
• Travel	\$ 1,500
• Specialized Equipment and Training	\$ 95,274
	<b>Total \$ 528,125</b>

This task force initiative not only serves the participating agency's jurisdiction, but also has, and will continue to have an effect through out the metro area. Past and current grand jury and collaborative investigations have illustrated that criminal suspects are highly mobile and attack many communities along the Front Range. By identifying and successfully prosecuting suspects and the more organized networks, the result will positively influence the auto theft rate in surrounding communities. In addition, the task force is formalizing law enforcement strategies and efforts, developing cooperative relationships between other government entities, and providing community and service organizations education and support efforts.



**Exhibit C**  
**Budget**

<b>A. PERSONNEL Break Costs out for 1 Year</b>	<b>Annual Full-Time Salary</b>	<b>Annual Fringe Benefit</b>	<b>Sub-Total</b>	<b>% of Time for This Project</b>	<b>TOTAL</b>
Commander-1 FTE	\$ 101,000	\$ 34,934	\$ 135,934	100%	\$ 135,934
Westminster Detective-1 FTE	\$ 63,472	\$ 27,203	\$ 90,675	100%	\$ 90,675
Prosecutorial Support	\$ 25,000 (x2)	\$ 00	\$ 50,000	100%	\$ 50,000
Information Tech Support	\$ 88,368	\$ 26,510	\$ 114,878	50%	\$ 57,439
Grant Admin Support*	\$ 00	\$ 00	\$ 334,045*	5%	\$ 16,702*
<b>TOTAL PERSONNEL EXPENSE</b>					<b>\$ 350,748</b>

<b>B. SUPPLIES AND OPERATING</b>	<b>TOTAL</b>
Overtime (15% Personnel Cost), computer, cell phone, radio, office supplies, memberships, food consumables, and training @ \$1,000 /FTE	\$ 50,601
Community Education & Outreach	\$ 30,000
<b>TOTAL SUPPLIES AND OPERATING EXPENSE</b>	<b>\$ 80,601</b>

<b>C. TRAVEL (Include travel for training seminars but put registration expenses into the supplies and operating budget above.)</b>	
2 employees @ \$ 750	\$ 1,500
<b>TOTAL TRAVEL EXPENSE</b>	<b>\$ 1,500</b>

<b>D. EQUIPMENT</b>	<b>TOTAL</b>
(1) Motor Vehicles (@ \$25,000 each), vehicle maintenance, Specialized Equipment-cameras, recording devices, tracking equipment	\$39,274
Coplink (I2) Interface	\$ 56,000
<b>TOTAL EQUIPMENT EXPENSE</b>	<b>\$ 95,274</b>

<b>E. CONSULTANT SERVICES</b>	<b>TOTAL</b>
N/A	
<b>TOTAL CONSULTANT SERVICES EXPENSE</b>	<b>\$ 00</b>

\* Grant Administrative Support Costs based on 5% of Personnel Costs

**TOTAL BUDGET REQUESTED: \$ 528,123**

**Exhibit D**  
**Budget Narrative**

Please explain how entries shown in the budget tables in Exhibit C were determined for each table. Use the “Priority” column provided to rank each budget item from the most important starting with #1 as the highest through the least important.

<b>Category</b>	<b>Priority</b>
<p><b>A. Personnel (\$ 350,748) FTE=Full time equivalent employee</b></p> <p>Operations have been moved into a larger Lakewood city building (470 S Allison Parkway) as of May 2010 until the county facility is finalized later in the year.</p> <p>July 2010 Staffing: <u>12 Personnel</u> (Funded in January 2010) 1-Commander, 2-Sergeants, 7-Detectives, 1-Crime Analyst, 1-Investigative Technician.</p> <p><u>1-Commander</u>, Lakewood (LPD), as an existing position has been provided at zero (0) cost. Due to the expansion, oversight, and the multiple jurisdiction administrative needs, this grant requests funding for a full-time commander.</p> <p><u>2-Sergeants</u>, Lakewood-1 and Denver-1, position is an essential supervisor and coordinator for day-to-day operations 100% FTE time commitment. Supervision will be at a ratio of 5-detectives to one sergeant. As detective numbers increase additional supervision will be requested based on this calculation.</p> <p><u>7-Detectives</u>, 1-Jefferson County, 1-Lakewood, 1- Arvada, 1- Wheat Ridge 100% - FTE commitment.</p> <p><u>1-Crime Analyst</u>, Task Force assigned at 100% FTE</p> <p><u>1-Investigative Technician</u>, Task Force assigned, funding at 100% FTE.</p> <p>New 100% FTE’s July 2010- Lakewood Commander-existing and 1-Westminster (WPD)Detective. This addition will take staffing to 14 personnel, with the below added limited support personnel, staffing will increase, at times, to 15 personnel.</p> <p>Support Functions:  <u>Prosecutorial Support</u> to Jefferson and Denver DA’s Office, \$25,000 each for case guidance, review, preparation, prosecution, and civil seizure support.  <u>Information Technology Support</u> (Lakewood) to provide design, implementation, and maintenance support of telephones, computers, electronics, and network operations. Support is based on a 50% Business Analyst I position (Information Technology).  <u>Grant Administration Support</u> ( Lakewood Temporary Part-Time Clerical Pool) in the form of clerical and grant analysis towards meeting the reporting requirements for CATPA. Support is based on taking 5% of the total Personnel Costs figure of \$334,045 X .05= \$16,702.</p>	<p>1</p>

<p><b>B. Supplies and Operating (\$ 80,601)</b>  Premium Pay (Overtime Costs) New Detective FTE \$ 13,601  Office Supplies \$ 9,500  Cell Phones/Service (1-WPD, 1-LPD) \$ 8,000 (phone, service, and internet for tracking)  Computers/software (1-WPD, 1-LPD) \$ 6,500 (3,250 each)  Portable Radios (1-WPD, 1-LPD) \$ 10,000 (5,000 each)  Consumable Food \$ 1,000 (Suspect meals, Working meetings, Employee Award Incentives)  Training Classes/Memberships \$ 2,000 (1,000 each emp.)  Community Education &amp; Outreach Programs (30,000) Watch Your Car, VIN etching, Puffer Education, Senior Education.  New Officer/Detective Training Program (0 Dollars)</p>	<p>3</p>
<p><b>C. Travel (\$ 1,500)</b>  Travel Costs \$ 1,500 (750 each emp.)</p>	<p>4</p>
<p><b>D. Equipment (\$ 95,274)</b>  Motor Vehicles \$ 25,000 (1-WPD)  Vehicle Maintenance \$ 3,774 (2 vehicles @ 1,887 each)  Specialized Tracking &amp; Recording devices \$ 10,500 (1-DPD, 1-Attorney General Inv.)  (@ 5,250 each)  Coplink (I-2) Computer Interface \$ 56,000</p>	<p>2</p>
<p><b>E. Consultant Services</b>  N/A</p>	

**Exhibit E**  
**Application Signatures**

The undersigned hereby submits this application to the Colorado Automobile Theft Prevention Authority.

Original signatures are required. The state will not release funds if names and signatures below do not match those shown on requests for payment and on invoices or reports. "Authorized Official" must be the person legally authorized to sign contracts on behalf of the applicant agency. This is not always the same as an agency head. Each of the three official names requested below must be different from the other two. No one official can fulfill more than one responsibility as a protection to both the state and applicant agency.

**AUTHORIZED OFFICIAL**

<b>Print Name</b>	Kevin Paletta	
<b>Position</b>	Chief of Police	
<b>Agency</b>	Lakewood Police Department	
<b>Mailing Address</b>	445 S. Allison Parkway	
<b>City, State, Zip</b>	Lakewood, CO, 80206	
<b>Telephone #</b>	303-987-7100	
<b>Fax #</b>	303-987-7296	
<b>E-mail Address</b>	kevpal@lakewoodco.org	
<b>Signature</b>		<b>Date</b>

**FINANCIAL OFFICER**

<b>Print Name</b>	Larry Dorr	
<b>Position</b>	Finance Director	
<b>Agency</b>	City of Lakewood	
<b>Mailing Address</b>	480 S. Allison Parkway	
<b>City, State, Zip</b>	Lakewood, CO 80226	
<b>Telephone #</b>	303-987-7601	
<b>Fax #</b>	303-987-7662	
<b>E-mail Address</b>	lardor@lakewood.org	
<b>Signature</b>		<b>Date</b>

**PROJECT DIRECTOR**

<b>Print Name</b>	Mike L. Becker	
<b>Position</b>	Commander	
<b>Agency</b>	Lakewood Police Department	
<b>Mailing Address</b>	445 S. Allison Parkway	
<b>City, State, Zip</b>	Lakewood, CO, 80226	
<b>Telephone #</b>	303-987-7202	
<b>Fax #</b>	303-987-7206	
<b>E-mail Address</b>	mikbec@lakewoodco.org	
<b>Signature</b>		<b>Date</b>

AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN  
THE CITIES OF ARVADA, LAKEWOOD, AND WHEAT RIDGE, THE DISTRICT  
ATTORNEY FOR THE FIRST JUDICIAL DISTRICT OF COLORADO,  
AND THE JEFFERSON COUNTY SHERIFF'S OFFICE  
TO ESTABLISH A JEFFERSON COUNTY REGIONAL AUTO THEFT TASK FORCE

1.0 PARTIES This Agreement is made and entered into by and between the Cities of Arvada, Lakewood, and Wheat Ridge, the District Attorney for the First Judicial District of Colorado, and Jefferson County, on behalf of the Jefferson County Sheriff's Office (hereafter referred to collectively as the "Parties," and individually as a "Party").

2.0 RECITALS

2.1 Intergovernmental agreements to provide functions or services, including the sharing cost of such services or functions by political subdivisions of the State of Colorado, are specifically authorized by Section 29-1-203 C.R.S. and Article XIV, Section 18 of the Colorado Constitution.

2.2 The Parties are each authorized to lawfully provide, establish, maintain, and operate law enforcement and other emergency services.

2.3 Contiguous boundaries between and among the Parties often result in more than one law enforcement agency becoming involved in the investigation of criminal enterprises.

2.4 The ability of a Party to respond to criminal enterprises may be limited by its personnel and equipment.

2.5 It is in the best interest of the Parties to maintain uniform equipment, training, policies, procedures, and personnel standards pertaining to the investigation of auto theft and related offenses, so that each may have the service of the other Parties to assist in the identification, investigation, and prosecution of individuals and groups involved in the theft of motor vehicles and associated criminal enterprises.

2.6 The Parties desire to establish and implement a Jefferson County Regional Auto Theft Task Force (hereinafter referred to as the "Task Force").

2.7 Other parties who provide similar services and maintain similar equipment may, in the future, desire to be included in this Agreement.

2.8 Establishment of an Intergovernmental Agreement serves a public purpose and will promote the safety, security, and general welfare of the inhabitants of the Cities and Jefferson County.

3.0 TERMS AND CONDITIONS

3.1 This Agreement is intended to facilitate cooperation between the Parties in the provision of the services provided herein, but does not establish a separate legal entity to do so, and except as set forth herein, this Agreement does not authorize any Party to act

for any purpose whatsoever. This Agreement shall provide only for sharing of in-kind services and costs by the Parties toward the establishment of a common mutual goal: the joint development of the Task Force for the identification, investigation, and prosecution of individuals and groups involved with the theft of motor vehicles and associated criminal enterprises.

3.2 For and in consideration of the promises of the Parties set forth, each Party agrees, subject to the limitations herein set forth, to aid and assist the others by causing and permitting its law enforcement personnel and equipment to be used in conducting overt and covert investigations in the jurisdiction of any of the others in events such as the theft of motor vehicles, fencing stolen property, and other related offenses, or other exceptional instances when covert investigation procedures are needed in the jurisdiction served by one Party which are in the common interest of the law enforcement agency of each Party.

- a. It is understood and agreed that each Party shall maintain that level of personnel and equipment necessary to meet its obligations under this Agreement.
- b. Response by any Party beyond the jurisdiction of the responding Party is hereby deemed to be approved by the respective executive and legislative governing bodies of the Parties and the Chief of Police, District Attorney, or County Sheriff (hereinafter referred to as the Chief Executive officer ("CEO") of same, and such response shall require no further approval by the responsible officials of any Party, unless this Agreement is later modified through written amendment.
- c. Officers assigned to the Task Force will be deputized by the Jefferson County Sheriff's Office.

3.3 Each Party shall implement the provisions of this Agreement by establishing uniform policies and procedures concerning equipment, training, and personnel standards for officers who will be assigned to the Task Force subject to each Party's CEO.

- a. To be eligible for assignment to the Task Force, officers must pass and maintain pertinent and lawful performance standards, which have been approved by the Parties' CEOs. The performance standards may include but are not limited to firearm qualifications.
- b. Any disciplinary action imposed against an officer as a result of his or her involvement or participation in the Task Force shall be the responsibility of the officer's respective agency.
- c. An officer who has passed the performance standards is not eligible for appointment to the Task Force unless all the CEOs agree to such assignment. Any officer assigned to the Task Force shall be removed from the Task Force at any time, with or without cause, at the request of another Party's CEO.
- d. The Lakewood Police Department shall be the official custodian of Task Force criminal justice records and is empowered to release said records in compliance with the Colorado Criminal Justice Records Act (C.R.S. 24-72-

301 et seq.). Member Parties may release any Task Force criminal justice records that are records of that Party.

- e. All evidence and property seized as a result of a Task Force operation by officers assigned to the Task Force shall be seized, identified, preserved, booked, and stored pursuant to the policies and procedures currently in effect with the Commission on Accreditation for Law Enforcement Agencies.
- f. Each officer assigned to the Task Force shall be provided agency approved personal equipment required for the execution of law enforcement duties by their respective agencies.
- g. Officers assigned to the Task Force shall be assigned on a full time or part time basis dependent on the needs and defined participation of each agency, and shall be subject to the supervision of the supervisory and command personnel assigned to the Task Force regardless of which Party assigned the supervisor or officer to the Task Force.
- h. Funding for the Task Force shall be from a grant obtained by the Parties through the Colorado Auto Theft Prevention Authority. Any identified grant matching funds will be contributed by the Parties based upon their percentage of participation.
- i. A Governing Board shall be created to establish policies, rules and procedures and promulgate such, and oversee operational and administrative matters of concert to the Task Force, referred to as the "Governing Board." The Governing Board shall include the CEO of each City, the District Attorney of the First Judicial District of Colorado, and the Sheriff of Jefferson County, or designees thereof.
- j. All forfeitures shall comply with all applicable forfeiture laws. Net forfeitures resulting from seizures of money and/or personal and real property resulting from Task Force operations shall be distributed by the Governing Board based upon the relative participation of each agency as determined by the Governing Board. Net forfeitures shall be defined as money available after deducting all applicable expenses associated with the operation of the Task Force, including the division of seized assets with agencies not a Party to this Agreement.

Forfeitures resulting from seizures of money and/or personal and real property resulting from any individual Party's operations outside of the Task Force operations shall not be considered as funds for the Task Force, and shall be the sole property of the Party whose operations generated the forfeiture assets.

- k. Task Force forfeiture funds will be audited on a quarterly basis pursuant to the rules adopted by the Governing Board. The results of the audit will be presented to the governing board for review.
- l. Governing Board members, at their discretion and individual agency expense, may elect to conduct an independent audit of the forfeiture funds.

- m. No forfeiture funds will be transferred to the Task Force for operational expenditures without written authorization of the designated Task Force commander or Governing Board.
- n. The Governing Board shall oversee the budget. Employees of member Parties who are assigned to the Task Force shall remain the employee of their assigning agency. Each Member Party shall be responsible for the salary, including overtime, benefits, and all related employee costs of every kind for each employee assigned to the Task Force. Each member Party may apply to the Governing Board for reimbursement of any of these costs and receive reimbursement to the extent any such reimbursement is authorized by applicable grant requirements or applicable law.

3.4 Each Party shall, at all times, be responsible for its own costs incurred in the performance of its responsibilities under this Agreement.

3.5 None of the Parties waive their rights, defenses, or immunities under the Colorado Governmental Immunity Act, or as otherwise provided by law.

3.6 Cities situated partly or wholly within Jefferson County or counties and cities contiguous to Jefferson County who wish to join this Agreement may do so by amendment to this Agreement approved by each of the Parties to this Agreement. Such amendments are hereby authorized.

3.7 The Parties enter into this Agreement as separate, independent governmental entities and shall maintain such status throughout.

3.8 On an annual basis, the Governing Board will evaluate the performance of the Task Force and assess the need to continue, modify or expand the Task Force. The review will be presented to the CEOs of the participating agencies.

3.9 If the Governing Board determines at an annual review that there is no longer a need for the Task Force, the Task Force shall terminate effective thirty (30) days after the written notice of the Governing Board's decision to terminate is provided to all parties. Upon termination of the Task Force, any funds remaining after payment of all Task Force debts and obligations shall be distributed to the remaining Parties based upon the relative participation of each agency.

3.10 The term of this Agreement shall be for one year commencing on the date the Agreement is executed by all parties. The Agreement shall automatically renew with respect to all parties unless any party provides such notice of termination or unless the Governing Board determines that the Agreement shall not renew as provided in subsection 3.9 above.

3.11 Any Party may terminate its participation in this Agreement with or without cause upon thirty (30) days prior written notice to each of the others.

3.12 This Agreement shall be executed by Parties with separate signature pages.

4.0 ASSIGNMENT This Agreement shall not be assigned by any Party without the prior written consent of all Parties.



5.0 NOTICES Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes when deposited in the United States mail, by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth on that Party's signature page below, or at such other address as such Party shall have given by written notice to the others pursuant to this paragraph.

6.0 PARAGRAPH CAPTIONS The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

7.0 INTEGRATION AND AMENDMENT This Agreement represents the entire agreement between the Parties and there are no oral or collateral agreement or understandings. This Agreement may be amended only by an instrument in writing signed by the Parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provision of this Agreement shall continue in full force and effect.

8.0 GOVERNING LAW This Agreement shall be governed by the laws of the State of Colorado.

9.0 VENUE Venue for all disputes arising under this agreement shall be in the District Court of and for the County of Jefferson, State of Colorado.

10.0 BINDING EFFECT This Agreement shall inure to the benefit of and be binding upon the Parties, their respective legal representative, successors, heirs, and assigns, provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.

11.0 INSURANCE The Parties shall, at their own expense, keep in full force and effect during the term of this Agreement, and during the term of any extension or amendment of this Agreement, insurance in such amount as necessary to comply with the limitations set forth in the Colorado Government Immunity Act (C.R.S. 24-10-101 et seq.) as well as Law Enforcement Professional liability insurance with a \$1,000,000 general aggregate limit, to insure against the liability assumed by the Parties pursuant to the provisions of this Agreement. The Task Force shall be named an additional insured on any policy obtained by each Party pursuant to this paragraph. The Parties shall not be relieved of any liability assumed pursuant to the foregoing paragraph by reason of their failure to secure insurance as required by this Agreement or by reason of their failure to secure insurance in sufficient amounts, sufficient durations, or sufficient types to cover such liability. Each party shall be responsible for the acts and omissions of its own officers assigned to the Task Force, and shall not be responsible for the acts and omissions of other Task Force members.

12.0 WORKER'S COMPENSATION The Parties shall, at their own expense, keep in full force and effect during the term of this Agreement Statutory Worker's Compensation insurance or adequate self-insurance funds.

13.0 FUNDS AVAILABILITY Financial obligations of Parties after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

14.0 PAYMENTS TO CONSTITUTE CURRENT EXPENDITURES The Parties acknowledge and agree that all payment obligations under this Agreement are current obligations, payable in the fiscal year for which funds are appropriated for the payment thereof. The Parties' obligations under this Agreement shall be from year to year only and shall not constitute a multiple-fiscal year direct or indirect debt or other financial obligation of Parties within the meaning of Article X, Section 20 of the Colorado Constitution.

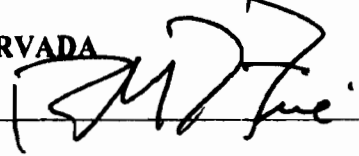
15.0 RIGHT TO WITHDRAW Any Party shall have the option to extend this Agreement as to that Party on the same terms and conditions contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available by the governing body of each Party. On thirty (30) days' prior written notice, any Party shall have the right to withdraw its participation from this Agreement in the event that its governing body does not appropriate, budget, or otherwise make funds available for the purpose of extending this Agreement past its initial term, or in the event that any court of competent jurisdiction determines that any extension of this Agreement, or any portion thereof, is in violation of Section 20, Article X, of the Colorado Constitution. Any such withdrawal shall not be considered a breach of this Agreement or any extension thereof. Any such withdrawal shall terminate the obligation of the withdrawing Party only.

16.0 NO THIRD PARTY BENEFICIARIES It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Parties and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of Parties that any person other than Parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

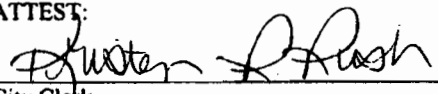
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DATED this 19th day of October, 2009.

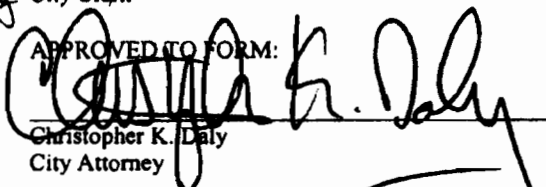
CITY OF ARVADA

  
Robert G. Frie  
Mayor

ATTEST:

*Deputy*  
  
City Clerk

APPROVED TO FORM:

  
Christopher K. Daly  
City Attorney



ATTEST:

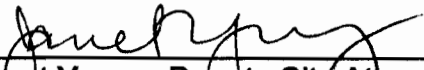
  
\_\_\_\_\_  
Margy Greer, City Clerk



**CITY OF LAKEWOOD**

  
\_\_\_\_\_  
Kathleen E. Hodgson, City Manager

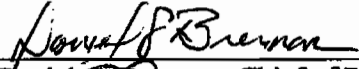
APPROVED AS TO FORM

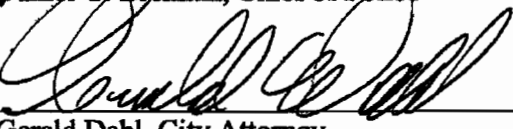
  
\_\_\_\_\_  
Janet Young, Deputy City Attorney  
Office of the City Attorney


**CITY OF WHEAT RIDGE**

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ATTEST:

  
\_\_\_\_\_  
Daniel G. Brennan, Chief of Police

  
\_\_\_\_\_  
Gerald Dahl, City Attorney

  
\_\_\_\_\_  
Michael Snow, City Clerk

THE DISTRICT ATTORNEY FOR THE FIRST  
JUDICIAL DISTRICT OF COLORADO

Scott A. [Signature], District Attorney

ATTEST:

Shannon Carlone

APPROVED AS TO FORM.

[Signature] #39365  
ASSISTANT COUNTY ATTORNEY



**JEFFERSON COUNTY**

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ATTEST:

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APPROVED AS TO FORM:

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*SEE PAGE 10 FOR SIGNATURE*

**THE JEFFERSON COUNTY SHERIFF'S OFFICE**

T. B. [Signature]

ATTEST:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_



FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT AMONG THE CITIES OF ARVADA, LAKEWOOD, AND WHEAT RIDGE, THE DISTRICT ATTORNEY FOR THE FIRST JUDICIAL DISTRICT OF COLORADO, THE JEFFERSON COUNTY SHERIFF'S OFFICE, AND THE CITY AND COUNTY OF DENVER TO ESTABLISH A METROPOLITAN AUTO THEFT TASK FORCE

This First Amendment to the Intergovernmental Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2010, by and among the Cities of Arvada, Lakewood, and Wheat Ridge, the District Attorney for the First Judicial District of Colorado, Jefferson County, on behalf of the Jefferson County Sheriff's Office, and the City and County of Denver.

WHEREAS, an Intergovernmental Agreement for a regional auto theft task force was entered into October 2009; by the cities of Arvada, Lakewood, and Wheat Ridge, the District Attorney for the First Judicial District of Colorado, Jefferson County, on behalf of the Jefferson County Sheriff's Office; and,

WHEREAS, the City and County of Denver was not an original party to the Intergovernmental Agreement; and

WHEREAS, the City and County of Denver, a municipal corporation of the State of Colorado("Denver"), wishes to be added as a Party to the Intergovernmental Agreement; and

WHEREAS, Paragraph 3.6 authorizes amendments to the Intergovernmental Agreement to add counties and cities contiguous to Jefferson County who wish to join this Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED by and among the Parties that the following paragraphs of the Intergovernmental Agreement shall be amended to read as follows:

1.0 PARTIES: This Agreement is made and entered into by and between the Cities of Arvada, Lakewood, and Wheat Ridge, the District Attorney for the First Judicial District of Colorado, and Jefferson County, on behalf of the Jefferson County Sheriff's Office, and the City and County of Denver (hereinafter referred to collectively as the "Parties" and individually as a "Party").

2.0 RECITALS:

2.6 The Parties desire to establish and implement a Metropolitan Auto Theft Task Force (hereinafter referred to as the "Task Force").

2.8 Establishment of an Intergovernmental Agreement serves a public purpose and will promote the safety, security, and general welfare of the inhabitants of the Denver metropolitan area.

### 3.0 TERMS AND CONDITIONS

3.2 d All activities taken by the Parties in Denver pursuant to Section 3.2 shall be performed in accordance with Colorado law, as may be modified from time to time.

3.3 d. The Lakewood Police Department shall be the official custodian of Task Force criminal justice records for criminal conduct prosecuted in Jefferson County and the Denver Police Department shall be the official custodian of Task Force criminal justice records for criminal conduct prosecuted in the City and County of Denver. The Lakewood Police Department and the Denver Police Department are empowered to release said records in compliance with the Colorado Criminal Justice Records Act (C.R.S. 24-72-301 et seq.) Member Parties may release any Task Force criminal justice records that are records of that Party or in accordance with established Denver Police Department evidence and property procedures when the seizure is a result of a Denver investigation.

3.3 i. A Governing Board shall be created to establish policies, rules and procedures and promulgate such, and oversee operational and administrative matters of concern to the Task Force, referred to as the "Governing Board." The Governing Board shall include the chief law enforcement officer of each City, City and County, the District Attorney of the First Judicial District of Colorado, and the Sheriff of Jefferson County, or designees thereof.

3.3 j. All forfeitures shall comply with all applicable forfeiture laws. Net forfeitures resulting from seizures of money and/or personal and real property resulting from Task Force operations shall be distributed by the Governing Boards based upon the relative participation of each agency as determined by the Governing Board. Net forfeitures shall be defined as money available after deducting all applicable expenses associated with the operation of the Task Force excluding salaries and benefits of the personnel assigned, including the division of seized assets with agencies not a Party to this Agreement

Forfeitures resulting from seizures of money and/or personal and real property resulting from any individual Party's operations outside of the Task Force operations shall not be considered as funds for the Task Force, and shall be the sole property of the Party whose operations generated the forfeiture assets.

3.6 Cities situated partly or wholly within Jefferson County or counties and cities contiguous to Jefferson County or the City and County of Denver who wish

to join this Agreement may do so by amendment to this Agreement which shall be approved on the behalf of each Party by its respective chief of police, sheriff, or chief law enforcement officer.

11.0 INSURANCE The Parties shall, at their own expense, keep in full force and effect during the term of this Agreement, and during the term of any extension or amendment of this Agreement, insurance in such amount as necessary to comply with the limitations set forth in the Colorado Governmental Immunity Act (C.R.S. 24-10-101, et. seq.) as well as Law Enforcement Professional Liability insurance with a \$1,000,000 general aggregate limit, to insure against the liability assumed by the Parties pursuant to the provisions of this Agreement. The Task Force shall be named an additional insured on any policy obtained by each Party pursuant to this paragraph. The Parties shall not be relieved of any liability assumed pursuant to this paragraph by reason of their failure to secure insurance as required by this Agreement or by reason of their failure to secure insurance in sufficient amounts, sufficient durations, or sufficient types to cover such liability. Each Party shall be responsible for the acts and omissions of its own officers assigned to the Task Force, and shall not be responsible for the acts and omissions of other Task Force members. Notwithstanding the foregoing, Denver is a self insured municipality and shall not be considered to be in breach of this Agreement by not having the coverage and policies stated herein.

17.0 FISCAL MANAGEMENT OF GRANT. The City of Lakewood is authorized to act as the fiscal manager of grants received from the Colorado Automobile Theft Prevention Authority Grant Program administered by the Colorado Department of Public Safety for the funding of the task force. Any disbursement of grant funds to any Party shall be in accordance with the terms of the grant. The City of Lakewood expressly authorizes its Chief of Police to execute such grant agreements. The Governing Board may change the fiscal manager of the grant in compliance with the terms of the grant.

18.0 TERMS AND CONDITIONS OF THE ORIGINAL INTERGOVERNMENTAL AGREEMENT The Parties hereby agree to abide by all other provisions of the original Intergovernmental Agreement that shall remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

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**CITY OF ARVADA**

---

Robert G. Frie  
Mayor

ATTEST:

---

City Clerk

APPROVED TO FORM:

---

Christopher K. Daly  
City Attorney

**CITY OF LAKEWOOD**

---

Kathleen E. Hodgson, City Manager

ATTEST:

---

Margy Greer, City Clerk

APPROVED AS TO FORM:

---

Timothy Cox, City Attorney

**CITY OF WHEAT RIDGE**

---

Daniel G. Brennan, Chief of Police

ATTEST:

---

Michael Snow, City Clerk

---

Gerald Dahl, City Attorney

**THE DISTRICT ATTORNEY FOR THE FIRST  
JUDICIAL DISTRICT OF COLORADO**

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ATTEST:

---

APPROVED AS TO FORM:

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**JEFFERSON COUNTY**

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ATTEST:

---

APPROVED AS TO FORM:

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**THE JEFFERSON COUNTY SHERIFF'S OFFICE**

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ATTEST:

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APPROVED AS TO FORM:

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**ATTEST:**

**CITY AND COUNTY OF DENVER**

\_\_\_\_\_  
STEPHANIE Y. O'MALLEY,  
Clerk and Recorder, Ex-Officio Clerk of the  
City and County of Denver

By: \_\_\_\_\_  
MAYOR

**RECOMMENDED AND APPROVED:**

By: \_\_\_\_\_  
Manager of Safety

By: \_\_\_\_\_  
Chief of Police

**APPROVED AS TO FORM:  
REGISTERED AND COUNTERSIGNED:**

Attorney for the City and County of Denver

By: \_\_\_\_\_  
Manager of Finance  
Contract Control No. RC00009

By: \_\_\_\_\_  
Assistant City Attorney

By: \_\_\_\_\_  
Auditor

**“DENVER”**

SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT  
AMONG  
THE CITIES OF ARVADA, LAKEWOOD, AND WHEAT RIDGE, THE DISTRICT  
ATTORNEY FOR THE FIRST JUDICIAL DISTRICT OF COLORADO,  
THE JEFFERSON COUNTY SHERIFF'S OFFICE, AND THE CITY AND COUNTY  
OF DENVER ADDING THE CITY OF WESTMINSTER TO THE METROPOLITAN  
AUTO THEFT TASK FORCE

This Second Amendment to the Intergovernmental Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2010, by and among the Cities of Arvada, Lakewood, and Wheat Ridge, the District Attorney for the First Judicial District of Colorado, Jefferson County, on behalf of the Jefferson County Sheriff's Office, the City and County of Denver and the City of Westminster.

WHEREAS, an Intergovernmental Agreement for a regional auto theft task force was entered into October 2009; by the cities of Arvada, Lakewood, and Wheat Ridge, the District Attorney for the First Judicial District of Colorado, Jefferson County, on behalf of the Jefferson County Sheriff's Office; and,

WHEREAS, a First Amendment to the Intergovernmental Agreement was approved in 2010 by the members of the task force which added the City and County of Denver to the task force and establishing the Metropolitan Auto Task Force; and

WHEREAS, the City City of Westminster, a municipal corporation of the State of Colorado("Westminster"), wishes to be added as a Party to the Intergovernmental Agreement; and

WHEREAS, Paragraph 3.6 authorizes amendments to the Intergovernmental Agreement to add cities situated partly or wholly within Jefferson County who wish to join this Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED by and among the Parties that the following paragraphs of the Intergovernmental Agreement shall be amended to read as follows:

- 1.0 PARTIES: This Agreement is made and entered into by and between the Cities of Arvada, Lakewood, and Wheat Ridge, the District Attorney for the First Judicial District of Colorado, and Jefferson County, on behalf of the Jefferson County Sheriff's Office, the City and County of Denver and the City of Westminster (hereinafter referred to collectively as the "Parties" and individually as a "Party").

The Parties hereby agree to abide by all other provisions of the original Intergovernmental Agreement and the First Amendment to the Intergovernmental Agreement that shall remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

City Of Westminster

---

Brent McFall, City Manager

Approved As To Form

A handwritten signature in black ink, appearing to read "Justin C. [unclear]", written over a horizontal line.

City Attorney Office



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 26, 2010



**SUBJECT:** Second Reading of Councillor’s Bill No. 38 re Exclusion of .25 Acres of Undeveloped Residential Property from the 144<sup>th</sup> Avenue General Improvement District

**Prepared By:** Martin R. McCullough, City Attorney

**Recommended City Council Action**

Adopt Councillor’s Bill No. 38 on second reading granting the petition filed by the owner, Forest City Town Center, Inc., to exclude .25 acres of undeveloped residential property from the 144<sup>th</sup> Avenue General Improvement District.

**Summary Statement**

- The 144<sup>th</sup> Avenue General Improvement District was established on August 30, 2004.
- The purpose of the District is to assist in the financing of the 144<sup>th</sup> Avenue interchange, as well as a variety of public improvements (e.g., streets, waterlines, sewer lines, etc.) necessary to support commercial development within the North Huron Urban Renewal Area, including the Orchard Town Center.
- The bonds for these improvements are paid for from property tax and sales tax revenues accruing as a result of the construction of the regional development.
- The 144<sup>th</sup> Avenue GID was established by City Council in August of 2004, for the purpose of supporting debt service on the tax increment bonds issued by the Westminster Economic Development Authority (WEDA) for the public improvements for this project.
- The property proposed for the exclusion is owned by Forest City. From its inception, the intent of the General Improvement District was to tax only the commercial property in the Orchard Town Center. This exclusion is essentially a minor correction to the boundaries of the District to exclude what has since been identified as a small piece of property that is part of the proposed residential piece of the project.
- C.R.S. § 31-25-618 requires the adoption of an ordinance to grant a petition for inclusion or exclusion of property within a general improvement district.
- This Councillor’s Bill was passed by City Council on first reading on July 12, 2010.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **38**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

**Briggs - Dittman**

**A BILL  
FOR AN ORDINANCE EXCLUDING PROPERTY FROM THE BOUNDARIES  
OF THE CITY OF WESTMINSTER  
144<sup>TH</sup> AVENUE GENERAL IMPROVEMENT DISTRICT**

WHEREAS, a Petition for the Exclusion of Property from the City of Westminster 144<sup>th</sup> Avenue General Improvement District (the "Petition") has been filed with the Board of Directors (the "Board") of the City of Westminster 144<sup>th</sup> Avenue General Improvement District (the "District"); and

WHEREAS, the Petition states that it has been signed by the fee title owner of the property that the petitioner seeks to have excluded from the boundaries of the District; and

WHEREAS, the Petition has been reviewed by the City Clerk and the City Attorney; and

WHEREAS, notice of filing of the Petition has been given and published pursuant to Section 31-25-618, Colorado Revised Statutes; and

WHEREAS, the Board has heretofore conducted a hearing at which all persons having objections to the Petition were given an opportunity to appear and show cause why the Petition should not be granted.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS, BY AND THROUGH ITS CITY COUNCIL, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER 144TH AVENUE GENERAL IMPROVEMENT DISTRICT:

Section 1. Findings and Determinations. The Board hereby finds and determines as follows:

a. In accordance with Section 31-25-618, Colorado Revised Statutes, the owner of the property described below (the "Property") has filed a petition with the Board requesting that the Property be excluded from the boundaries of the District.

PARCEL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF LOT 2B, SECOND REPLAT, THE ORCHARD AT WESTMINSTER FILING NO. 1, RECORDED AT RECEPTION NUMBER 2007000006994 IN THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE WEST QUARTER CORNER OF SAID SECTION 15, AS MONUMENTED BY A RECOVERED 3-1/4" ALUMINUM CAP IN A RANGE BOX, STAMPED PLS 24960, WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 15, AS MONUMENTED BY A RECOVERED 3-1/4" ALUMINUM CAP, STAMPED LS 23904, BEARS S 89°30'46" E, A DISTANCE OF 2628.39 FEET PER SAID SECOND REPLAT, THE ORCHARD AT WESTMINSTER FILING NO. 1 AND THE ORCHARD AT WESTMINSTER FILING NO. 2, RECORDED AT RECEPTION NUMBER 2008000001009 IN SAID COUNTY CLERK AND RECORDER'S OFFICE;

**THENCE** ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, S 89°30'46" E, A DISTANCE OF 1574.61 FEET;

**THENCE** DEPARTING AND PERPENDICULAR TO SAID NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 15; S 00°29'14" W, A DISTANCE OF 210.52 FEET TO A NORTHWESTERLY CORNER OF SAID LOT 2B, AND THE **POINT OF BEGINNING**;

**THENCE** ALONG THE NORTHERLY LINE OF SAID LOT 2B, S 89°37'55" E, A DISTANCE OF 95.20 FEET;

**THENCE** S 22°39'49" W, A DISTANCE OF 250.94 FEET TO A POINT ON THE EAST LINE OF PARCEL 3, THE ORCHARD AT WESTMINSTER FILING NO. 2;

**THENCE** ALONG THE SAID EAST LINE OF PARCEL 3 AND THE EASTERLY LINE OF PARCEL 4, THE ORCHARD AT WESTMINSTER FILING NO. 2, N 00°22'05" E, A DISTANCE OF 232.18 FEET TO A NORTHWESTERLY CORNER OF SAID LOT 2B AND THE **POINT OF BEGINNING**;

CONTAINING AN AREA OF 11,052 SQUARE FEET OR 0.254 ACRES, MORE OR LESS.

- b. The Petition accurately describes the Property and such legal description has been verified by the City Clerk.
- c. The signatory for the petitioner is authorized to execute the Petition.
- d. The Board agrees to waive the costs of the exclusion proceeding for the Petition.
- e. The City Clerk, as ex officio secretary of the Board, has caused notice of the Petition to be given and published, according to the requirements of the pertinent provisions of Title 31, Article 25, Part 6, Colorado Revised Statutes.
- f. The notice states the filing of the Petition, the name of the Petitioner, the description of the Property sought to be excluded, and the request of the petitioner. The notice notifies all persons having objections to appear at the office of the Board at the time stated in the notice and show cause why the Petition should not be granted.
- g. The Board, at the time and place stated in the notice, has heard the Petition and all objections presented by any person showing cause why the Petition should not be granted and overrules any such objections.
- h. The Board has determined to grant the Petition.

Section 2.      Exclusion of Property. The Board hereby grants the Petition.

Section 3.      Filing of Ordinance. Within ten days after final publication of this ordinance, the City Clerk, as ex officio secretary of the Board, shall file a certified copy of this ordinance with the County Clerk and Recorder of Adams County. Thereupon the Property shall be excluded from the boundaries of the District.

Section 4.      Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall in no manner affect any remaining provisions of this ordinance, the intent being that the same are severable.

Section 5.      Repealer. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency.

Section 6.      Recording and Authentication. Immediately on its passage, this ordinance shall be authenticated by the signature of the Mayor, as ex officio President of the Board, and by the attestation of the City Clerk, as ex officio Secretary of the Board, and shall be published in full. Affidavits of publication shall be retained with the ordinance in the District's records.

Section 7.      Effective Date. This ordinance shall take effect upon its passage after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12<sup>th</sup> day of July, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of July, 2010.

\_\_\_\_\_  
Mayor ex officio President

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk ex officio Secretary

\_\_\_\_\_  
Attorney to the District



## Agenda Item 8 H

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 26, 2010



**SUBJECT:** Second Reading of Councillor's Bill No. 40 Regarding Extension of Comcast Cable Franchise

**Prepared By:** David Puntteney, Information Technology Director

**Recommended City Council Action**

Pass Councillor's Bill No. 40 on second reading extending the Comcast of Colorado IX, LLC (Comcast) Franchise Agreement with the City of Westminster to December 31, 2013.

**Summary Statement**

- This Councillor's Bill was passed on first reading July 12, 2010.
- The City's current franchise agreement with Comcast is set to expire on October 1, 2010. The intent of the extension request is to align the City of Westminster's franchise expiration with those of other cities, including Denver, so that the cities could negotiate a regional model franchise agreement.
- Using a regionally developed and negotiated model agreement at the time of franchise renewal will benefit the City of Westminster and save significant time and costs as compared with hiring legal counsel to assist with development and negotiation of an independent franchise agreement.
- There are no critical or time sensitive terms in the current franchise agreement needing to be addressed before December, 2013.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **40**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

**Major - Kaiser**

**A BILL**

**FOR AN ORDINANCE AMENDING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF WESTMINSTER AND COMCAST TO EXTEND THE TERM OF THE FRANCHISE**

WHEREAS, in 1995, the Westminster City Council adopted Ordinance No. 2355 approving the grant of a nonexclusive Franchise Agreement to Mountain States Video, Inc. d/b/a TCI of Colorado ("TCI") for its construction and operation of a cable television system within the City; and

WHEREAS, Comcast is the successor in interest to TCI; and

WHEREAS, Section 2.4 of the Franchise Agreement provides that the franchise granted to TCI will expire on October 10, 2010; and

WHEREAS, Comcast has preserved its right of renewal by timely filing a request with the City/County to activate the formal process for renewing the Franchise pursuant to the provisions of the Cable Communications Policy Act of 1984 ("Cable Act"); and

WHEREAS, Comcast, City staff and Comcast of Colorado IX, LLC ("Comcast") representatives have discussed the renewal of the franchise and both parties have agreed that their respective interests will be served by an extension of the existing Franchise Agreement; and

WHEREAS, the City Council is therefore agreeable to extending the existing term of the Franchise Agreement from October 10, 2010, until December 31, 2013.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. That the Mayor is hereby authorized to enter into, on behalf of the City, an amendment to the Franchise Agreement with Comcast to extend the term of the Franchise Agreement from October 10, 2010 until December 31, 2013.

Section 2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.

Section 3. Neither party waives any right which it enjoys under law as a result of agreeing to this Franchise extension, and Comcast shall not be required to file any additional request or document in order to preserve its right of renewal under Section 626 of the Cable Act.

Section 4. 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.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of July, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of July, 2010.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office



## Agenda Item 10 A

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
July 26, 2010



**SUBJECT:** Public Meeting on 2011 and 2012 City Budget

**Prepared By:** Barbara Opie, Budget and Special Projects Manager

#### Recommended City Council Action

Hold a public meeting on the 2011 and 2012 City Budget and receive citizen comments.

#### Summary Statement

- City Staff is currently preparing budget information for both 2011 and 2012, and this second meeting is intended to focus on both 2011 and 2012 citizen requests, comments and suggestions. The public meeting is an informal opportunity for the public to provide input to the City Council on the City Budget.
- The City is anticipating 4-5 percent in overall reductions as part of the Proposed 2011/2012 Budget being developed. The reductions are part of a comprehensive strategy to reduce spending to a point that is sustainable with very modest increases in revenue anticipated in coming years, and with a focus on the core services of local government. Current reductions include a proposed elimination of 71.123 full-time equivalent (FTE) positions in 2011, of which 18.15 FTE are anticipated to be laid off (48.873 FTE's are currently vacant and 4.1 FTE's are voluntary reductions or retirements).
- City Council officially adopted the City's fourth two-year budget with the 2009/2010 Budget in October 2008; a mid-year review and amendment process occurred in October 2009. Departments prepare their proposed 2011 and 2012 Budgets through the summer, working to reflect the current economic conditions and community needs. The Departments' efforts culminate in the distribution of the Proposed Budget to City Council at the beginning of September.
- A public hearing is scheduled for September 13 so that citizens will have two more opportunities to comment and provide feedback on the 2011 and 2012 City Budget. City Council must adopt the budget by the October 25 City Council meeting, in accordance with the City Charter.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Listen to citizen requests, comments and suggestions as they pertain to the 2011 and 2012 budget.

**Alternative**

Council could choose to not conduct a public meeting at this time. This is not recommended as providing citizens an opportunity for input early on in the budget process plays an important role in assuring that the budget reflects community needs.

**Background Information**

In April, City Council reviewed and prioritized core services for the City of Westminster. This work was done in concert with the City Council Strategic Plan Goals identified below based on Council's June review:

- Financially Sustainable City Government Providing Exceptional Services
- Safe and Secure Community
- Strong, Balanced Local Economy
- Vibrant Neighborhoods and Livable Communities
- Beautiful and Environmentally Sensitive City

The direction provided by City Council assists City Staff as they develop the 2011 and 2012 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to achieve Council goals identified in the Strategic Plan, maintain existing service levels and citizen or neighborhood input. The City is anticipating 4-5 percent in overall reductions as part of the Proposed 2011/2012 Budget being developed this summer. The reductions are part of a comprehensive strategy to reduce spending to a point that is sustainable with very modest increases in revenue anticipated in coming years, and with a focus on the core services of local government. Staff is utilizing the City Council prioritized core services inventory from Council's April retreat to assist efforts to make lasting reductions to the budget.

In November of 2000, Westminster voters approved a City Charter amendment that allows the City Council to adopt a formal two-year budget. City Council officially adopted the City's first two-year budget with the 2003/2004 Budget. The Proposed 2011/2012 Budget will represent the fifth iteration of biennial budgeting in the City of Westminster.

A Proposed Budget will be submitted to City Council at the beginning of September for review. After reviewing the Proposed Budget for several weeks, City Council is scheduled to conduct a full-day Budget Retreat on Saturday, September 25. City Council will deliberate on final funding decisions on staffing levels, programs, services, and capital projects at this Budget Retreat.

Two public meetings and one formal public hearing will be held on the Proposed 2011 and 2012 City Budget to solicit citizen input. A public meeting was held on June 14. A public meeting is scheduled for July 26 and a public hearing is scheduled for September 13.

Monday's public meeting was advertised in the *Westminster Window*, *Westsider* and *Weekly Edition*; and on cable Channel 8 and the City's website.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
July 26, 2010



**SUBJECT:** Councillor's Bill No. 41 re Park Centre Open Space Acquisition Grant and the Metzger Farm Master Plan Implementation Grant Supplemental Appropriation

**Prepared By:** Heather Cronenberg, Open Space Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 41 on first reading appropriating funds received from Adams County in the amounts of \$790,000 and \$345,900 for the Park Centre open space acquisition grant and \$345,900 for the Metzger Farm Master Plan Implementation grant for open space.

**Summary Statement**

- City Council previously approved the acquisition of the 14-acre Park Centre property located at 122<sup>nd</sup> Avenue and Federal Boulevard for \$1,635,000. Council also authorized the Department of Community Development to pursue a grant in the amount of \$790,000 with Adams County Open Space for the acquisition of the Park Centre parcel. Adams County recently forwarded the formal grant award documents to the City of Westminster for a grant in the amount of \$790,000 towards the acquisition of the Park Centre parcel.
- City Council previously authorized the Department of Community Development to pursue a grant in the amount of \$345,900 with Adams County Open Space for the implementation of the Metzger Farm master plan for the property located at 120<sup>th</sup> Avenue and Lowell Boulevard. Adams County recently forwarded the formal grant award documents to the City of Westminster for a grant in the amount of \$345,900 towards the implementation of the master plan. A separate agenda memo will be brought to Council to seek approval to move forward with construction related to implementation of the master plan after a request for bids is released.
- In order to complete the acquisition and implementation of the master plan, the City is required to contribute a cash match of up to \$845,000 for the Park Centre acquisition and up to \$345,900 for the Metzger Farm Master Plan implementation project, which will come from the City's Parks, Open Space and Trails bond funds.

**Expenditure Required:** \$1,135,900 (\$790,000 for Park Centre and \$345,900 Metzger Farm).

**Source of Funds:** Adams County Open Space Grants

**Policy Issue**

Should the Adams County grants be appropriated to the Parks, Open Space and Trails Fund land purchase account to help pay for the acquisition of the Park Centre property and Metzger Farm Master Plan implementation?

**Alternative**

The alternative would be to decline the Adams County Open Space grant money. Staff does not recommend this alternative as the grants were awarded to the City to assist with the acquisition of the Park Centre property and implementation of the Metzger Farm master plan.

**Background Information**

City Council previously approved the acquisition of the 14-acre Park Centre property located at 122<sup>nd</sup> Avenue and Federal Boulevard for \$1,635,000. Council also authorized the Department of Community Development to pursue a grant in the amount of \$790,000 with Adams County Open Space for the acquisition of the Park Centre parcel. The acquisition was contingent upon award of grant funds from Adams County. The City acquired the property on June 18, 2010. Adams County recently forwarded the formal grant award documents to the City of Westminster for a grant in the amount of \$790,000 towards the acquisition of the Park Centre parcel.

City Council previously authorized the Department of Community Development to pursue a grant in the amount of \$345,900 with Adams County Open Space for implementation of the Metzger Farm master plan. Adams County recently forwarded the formal grant award documents to the City of Westminster for a grant in the amount of \$345,900 towards implementation of the master plan. A separate agenda memo will be brought to Council to seek approval to move forward with construction related to implementation of the master plan after a request for bids is released.

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Adams County Grant	5400.40640.0010	\$0	<u>\$1,135,900</u>	\$1,135,900
Total Change to Revenues			<u>\$1,135,900</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchase	54010900.76600.0000	\$1,635,000	<u>\$1,135,900</u>	\$2,770,900
Total Change to Expenses			<u>\$1,135,900</u>	

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **41**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE AMENDING THE 2010 BUDGET OF THE PARKS, OPEN SPACE AND TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2010 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2010 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3432 is hereby increased by \$1,135,900. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$1,135,900 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item # 10 C, dated July 26, 2010 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Parks, Open Space and Trails Fund	<u>\$1,135,900</u>
Total	<u>\$1,135,900</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 26<sup>th</sup> day of July, 2010.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of August, 2010.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk