



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings (August 25, 2014)
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Constitution Week Proclamation
 - B. Recognition of Incoming 2014-2015 Youth Advisory Panel Members
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. Ratify 2014 Contractual Payment to Republic Services, Inc.
 - B. Police Department Payment to North Metro Task Force to Exceed \$50,000
 - C. WURP Grading Project – Award of Construction Contract
 - D. Hydropillar Tank Repairs Construction and Engineering Contracts
 - E. Semper Water Treatment Facility Repairs Project Construction Contracts
 - F. Vance Street Apartments Public Water Main Replacement Construction Contract
 - G. Vance Street Apartments Public Water Main Replacement Engineering Contract
 - H. Vance Street Apartments Public Water Main Replacement Reallocation of Funds
 - I. IGA with Municipalities re Housing Inmates in the Adams County Jail
 - J. DRCOG Project Applications for the 2016-2021 Transportation Improvements Program
 - K. Second Reading of Councillor's Bill No. 23 re 2014 2nd Quarter Budget Supplemental Appropriation
 - L. Second Reading of Councillor's Bill No. 24 re Supplemental Appropriation of Grant Funds for Fleet GPS System
9. Appointments and Resignations
 - A. Resolution No. 19 re Appointment to Fill a Vacancy on the Personnel Board
10. Public Hearings and Other New Business
 - A. Public Hearing on the Proposed 2015/2016 Budget
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
 - A. City Council
 - B. Executive Session – Review of semi-finalist recommendations for City Attorney position and discussion of issues that may be subject to negotiation pursuant to Section 1-11-3(C)(1) and (7), W.M.C., and Section 24-6-402(4)(e) and (f), C.R.S. (*verbal*)
13. Adjournment

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

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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



2014 CITY OF WESTMINSTER STRATEGIC PLAN



VISIONARY LEADERSHIP & EFFECTIVE GOVERNANCE

The City of Westminster has articulated a clear vision for the future of the community. The vision

is implemented through collaborative and transparent decision making.

- Secure a replacement for our retiring City Manager that has the combination of experience, knowledge, style and values that are consistent with City Council vision and organizational values; ensure a smooth transition.



VIBRANT & INCLUSIVE NEIGHBORHOODS

Westminster provides housing options for a diverse demographic citizenry, in unique settings

with community identity, ownership and sense of place, with easy access to amenities, shopping and employment.

- Complete St. Anthony North Hospital (84th Avenue) impact analysis
- Create an Arts District



COMPREHENSIVE COMMUNITY ENGAGEMENT

Westminster is represented by inclusive cultural, business, nonprofit and geographic participation.

Members of the community are involved in activities; they are empowered to address community needs and important community issues.

- Create an Inclusiveness Commission



BEAUTIFUL, DESIRABLE, ENVIRONMENTALLY RESPONSIBLE CITY

Westminster thoughtfully creates special places and settings. The city is an active steward, protecting and enhancing natural resources and environmental assets. The city promotes and fosters healthy communities.

- Develop and implement Open Space Master Plan
- Identify and implement alternative energy options for city facilities
- Achieve “Solar City” designation to benefit both our environment and economy



PROACTIVE REGIONAL COLLABORATION

Westminster is proactively engaged with our partners to advance the common interests of the region.

- Collaborate with counties, school districts and neighboring cities



DYNAMIC, DIVERSE ECONOMY

Westminster is a local government that fosters social, economic, and environmental vitality and cultivates and strengthens a wide array of economic opportunities.

- Construct Westminster Station and develop TOD area
- Identify and pursue FasTracks next step
- Continue North I-25 development
- Proceed with Phase I of the Westminster Center Reinvestment Project
- Advance business attraction strategy
- Encourage the development of chef-owned and/or operated restaurants
- Grow small businesses through incubation



EXCELLENCE IN CITY SERVICES

Westminster leads the region in a culture of innovation that exceeds expectations in all city services – the city is known for “the Westy Way.”

- Analyze Fire/EMS alternative service delivery
- Provide improved collaboration and communication between City Council and employees at all levels of the organization
- Improve planning and permit process to be business friendly and achieve city goals



EASE OF MOBILITY

Westminster pursues multi-modal transportation options to ensure the community is convenient, accessible and connected by local and regional

transportation options through planning, collaboration, advocacy and execution. Transportation objectives include walkability, bike friendly, drivability and mass transit options.

- Enhance trail connectivity

VISION: *Westminster is an enduring community – a unique sense of place and identity; we have a choice of desirable neighborhoods that are beautiful and sustainable by design. Westminster residents enjoy convenient choices for an active, healthy lifestyle, are safe and secure, and have ease of mobility within our City and convenient connection to the metro area. Westminster is a respectful, diverse community in which*

residents are engaged. Westminster City Government provides exceptional city services, and has a strong tax base through a sustainable local economy.

MISSION: *Our job is to deliver exceptional value and quality of life through S-P-I-R-I-T (Service, Pride, Integrity, Responsibility, Innovation, Teamwork)*

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 25, 2014, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Briggs moved, seconded by Councillor Baker, to approve the minutes of the regular meeting of August 11, 2014, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported there would be no Council meeting next Monday, September 1, as City Hall and all administrative offices would be closed in observance of Labor Day.

After adjournment of this meeting, the Council would hear post-meeting presentations concerning an update on the City Manager Profile and on the 2015-2016 water rates. The public was welcome to attend.

At the conclusion of the briefings, Council would consider meeting in executive session to give direction regarding a proposed Third Amendment to the 2009 amended and restated Business Assistance Agreement for the cooperative development and construction of a Full Service Marriott Hotel Hyatt Place hotel pursuant to Section 1-11-3(C)(4) and (7), Westminster Municipal Code, and Section 24-6-402(4)(e), Colorado Revised Statutes.

COUNCIL REPORTS

Mayor Atchison reminded Council members that although there would be no meeting on Labor Day, September had five Mondays and there would be meetings on the remaining four Mondays with the last Monday of the month being the Council's budget retreat.

Councillor Baker applauded members of the Police Department and the City Council who had courageously participated in the Ice Bucket Challenge, a worthy cause to raise funds to fight ALS Disease.

Mayor Pro Tem Winter reported that those who participated in the Ice Bucket Challenge had passed the challenge on to the Thornton Mayor and Police Department. Having not heard from Thornton, she publicly restated the challenge. Additionally, the Mayor Pro Tem invited the public to attend the Westminster Public Safety Recognition Foundation Annual 911 Banquet on September 4 at the Marriott beginning at 5:30 p.m. Awards for heroic actions would be given to Public Safety personnel and members of the public. Tickets to the event were on sale in the Public Safety Building Lobby.

Councillor Garcia reported that while cold, the Ice Bucket Challenge was a success. He thanked those that organized it and attended to watch. He had heard from the City of Thornton that Westminster's challenge had been accepted and their event would be on September 4.

Councillor Briggs reported that Becky Silver of Aar River Gallery had hosted a dinner for the North Metro Arts Alliance over the weekend. Ms. Silver remained actively engaged in promoting Westminster's Art District and bringing people and events to that area. Her efforts were appreciated.

EMPLOYEE SERVICE AWARDS

Councillor Garcia extended congratulations for 20 years of service in the Police Department to Edna Hendershot, Dean Passarelli, and Todd Reeves, none of whom could attend and accept personal recognition. Councillor Baker presented a certificate of appreciation and City pin to Barb Dolan for 30 years of service in the Finance Department; and Councillor Pinter recognized Harvey Morris for 35 years of service to the City primarily in code enforcement. She presented Mr. Morris a certificate of appreciation and his 35-year City pin.

PROCLAMATIONS

Mayor Atchison proclaimed September 1 through 4 to be City of Westminster Employee Appreciation Week, recognizing 950 full and part-time benefited employees and more than 660 seasonal and non-benefited employees comprising the City's workforce. The ability of the organization to provide quality municipal services was in no small part due to the commitment, dedication, talent, expertise and knowledge of the City's workforce. One highlight of the week would be the Employee Barbecue lunch at Westfield Village Park that would include a relaxed dress code and option of wearing jeans for all non-uniformed personnel. After reading the proclamation, the Mayor presented it to members of the Employee Advisory Committee and the Employee Recognition Action Team, representing employees from all City departments and voiced the City Council's appreciation of staff.

Councillor Baker read a proclamation the Mayor had signed to declare September to be National Library Card Sign-up Month in Westminster. The College Hill and Irving Street Libraries would celebrate the month with programs and information to encourage residents and students to obtain a free library card and make use of the libraries' multiple services. Gratefully accepting the proclamation were staff members from both libraries.

CITIZEN COMMUNICATION

After inviting Eric Brandt to the podium, Mayor Atchison expressed regret for an unfortunate incident at the August 11 Council meeting when he had cut short Mr. Brandt's presentation to the Council. The City respected the free-speech rights of its citizens and Council provided time during City Council meetings to allow citizens to address the elected body. Because his five-minute opportunity had been cut short on August 11, the Mayor exercised his prerogative as Chair of the Council and asked Mr. Brandt to limit his comments to ten minutes or less.

Mr. Brandt thanked the Mayor and identified himself as an active participant in democracy, using the right of protest to draw attention to abuse of authority by the Police Department and injustices in the Court system. He sought redress and accountability from the City and outlined four major outcomes he wanted the Council to pursue.

Debbie Teter, 2996 Bradburn Boulevard and Chair of the South Westminster Arts Group (SWAG), thanked Council for supporting SWAG's efforts of cultural awareness and for allowing use of the Rodeo Market Community Arts Center. The recent application for Colorado Creative Community designation had been lacking were in some areas pertaining to the district's characteristics. She requested that the Council allocate SWAG a \$20,000 subsidy for two years so the non-profit could recover the cost of a grant writer and a gallery manager, which would not only help establish SWAG as a credible, creative community venture, but also serve as evidence of tangible City support. Both were necessary components to successfully obtain designation as a Colorado Creative Community.

Vanessa DeMott, 9640 West 105th Way, informed Council of a free, Colorado-based Smart Phone application called Latch Key Project that was designed to help prevent child abduction. She requested an opportunity to present it to Council in an upcoming Study Session.

Beverly Capra, 7600 Bradburn and the owner of a small gallery in south Westminster, was pleased with the park the City was creating adjacent to the Rodeo Market Community Art Center. Because of his generosity and influence in the south Westminster neighborhood, she suggested that the park be named the Fred Valente Memorial Park. Mr. Valente had been the original owner and operator of the Rodeo Market.

Nicki Leo, 1915 Harmony Park Drive and a City employee; Margie Miller, 4640 West 101st Place and a retired City employee; Rod Waldo, 13324 Osage Street; Jim McMurdo, 13250 Osage Street and a City employee; Jonathan Herrmann, 6532 West 113th Avenue; Mary Tuneberg, 11363 Grove Street; Dave DeMott, 9640 West 105th Way; and Mary Lu Rea, 3921 West 97th Place; addressed Council concerning August 11 Study Session direction given to staff to draft an ordinance allowing collective bargaining for Westminster firefighters. They voiced opposition based on the lack of public input; the impact on the workforce as a whole due to unionization of a portion of employees; the deterioration of the organization's cultural values when lack of equity within the workforce resulted; and the impact unionization would have on the services provided by the City. Employees respectfully asked what firefighters thought would be gained from unionization. Collective bargaining was a significant change with long-range financial consequences. Council was asked to submit the question of allowing collective bargaining in local government to a vote of Westminster citizens who would bear the responsibility of paying for collective bargaining if it passed.

Marc Faluotico, 13024 Harmony Park and a Westminster firefighter, spoke in favor of allowing collective bargaining so firefighters would have a voice about safety decisions or budgetary cuts. Firefighters were asking for the same voice that colleagues in other metro area districts and neighboring municipalities enjoyed and were exercising rights granted them by passage of Senate Bill 13-25.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the July 2014 Financial Report as presented; appoint Deputy City Attorney Hilary Graham to serve as Acting City Attorney to have and exercise the duties and responsibilities of City Attorney under the City Charter until such time as a new City Attorney was appointed by Council; based upon the recommendation of the City Manager, determine that the public interest would be best served by approving the Police Department's cumulative expenditures in 2014 with Frontier Radio Communications in an amount not to exceed \$75,000; based upon the recommendation of the City Manager, determine that the public interest would be best served by approving the Police Department's cumulative purchases in 2014 with Precinct Police Products not to exceed \$100,000 through end of year 2014; authorize the City Manager to award the purchase of one 24-inch and two 14-inch Bailey sleeve valves to the low bidder, Bailey Valve, Inc., in the amount of \$256,020, plus an allowance of up to \$25,602 for related appurtenances, freight, and shop materials, for a total not to exceed \$281,622; and final passage on second reading of Councillor's Bill No. 21 authorizing the City Manager to execute and implement an Economic Development Agreement with Ball Corporation.

No one asked that any item be removed for individual consideration, and it was moved by Councillor Seitz, seconded by Councillor Pinter, to approve the consent agenda as presented. The motion passed with all Councillors voting affirmatively.

COUNCILLOR'S BILL NO. 23 AUTHORIZING 2ND QTR 2014 BUDGET SUPPLEMENTAL APPROPRIATION

Councillor Briggs moved, seconded by Councillor Seitz, to pass on first reading Councillor's Bill No. 23, providing for a supplemental appropriation of funds to the 2014 budget of the General and General Capital Improvement Funds. The motion passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 24 AUTHORIZING SUPPLEMENTAL APPROPRIATION OF GRANT FUNDS

It was moved by Councillor Garcia and seconded by Councillor Pinter to pass on first reading Councillor's Bill No. 24, authorizing the supplemental appropriation of federal grant funding from the Regional Air Quality Council in the amount of \$55,260 for the purchase and installation of Global Positioning Systems on vehicles in the City's fleet. At roll call vote, the motion passed unanimously.

COUNCILLOR'S BILL NO. 22 APPROPRIATING 2014 CDBG FUNDS

Mayor Pro Tem Winter moved, seconded by Councillor Seitz, to pass on second reading Councillor's Bill No. 22 appropriating funds received from the United States Department of Housing and Urban Development, Community Development Block Grant program, in the amount of \$614,010. On roll call vote, the motion passed by a vote of 6:1 with Councillor Baker voting no.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Atchison adjourned the meeting at 8:16 p.m.

ATTEST:

City Clerk

Mayor



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Constitution Week Proclamation

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Councillor Garcia to proclaim September 17-23 as Constitution Week in Westminster in recognition of the two hundred twenty-seventh anniversary of the drafting of Constitution of the United States of America.

Summary Statement

- Wednesday, September 17, 2014, begins the national celebration of Constitution Week.
- Members of the Daughters of the American Revolution will be in attendance to accept the proclamation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

This yearly observance was started by the Daughters of the American Revolution (DAR). In 1955, the Daughters petitioned Congress to set aside September 17-23 annually to be dedicated for the observance of Constitution Week. The resolution was later adopted by the U.S. Congress and signed into Public Law #915 on August 2, 1956, by President Dwight D. Eisenhower.

The aims of the celebration are to: (1) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; (2) inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and (3) encourage the study of the historical events that led to the framing of the Constitution in September 1787.

The United States of America functions as a Republic under the Constitution, which is the oldest document still in active use that outlines the self-government of a people. This landmark idea that men had the inalienable right as individuals to be free and live their lives under their own governance was the impetus of the American Revolution. Today, the Constitution stands as an icon of freedom for people around the world.

Proclaiming Constitution Week is symbolic of the freedoms granted in the United States Constitution and enjoyed by the citizens of Westminster to work within the community toward achievement the City Council's Strategic Plan Goals of: Visionary Leadership & Effective Governance; Proactive Regional Collaboration; Vibrant & Inclusive Neighborhoods; Dynamic, Diverse Economy; Comprehensive Community Engagement; Excellence in City Services; Beautiful, Desirable, Environmentally Responsible City; and Ease of Mobility.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment – Proclamation

WHEREAS, It is the privilege and duty of the American people to commemorate the two hundred twenty-seventh anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities: and

WHEREAS, Every American shares in this legacy of liberty, and we are grateful for the courage, conviction, and sacrifice of all those who have helped preserve and uphold the principles of a free society; and

WHEREAS, As we remember the enduring importance of the Constitution we also recognize our responsibility as citizens to respect and defend the values of our founding, and participate in the unfolding story of freedom; and

WHEREAS, In celebration of the signing of the Constitution and in recognition of the Americans who strive to uphold the duties and responsibilities of citizenship, the Congress, by joint resolution of August 2, 1956 (36 U.S.C., 108, as amended), requested that the week of September 17th and ending September 23rd of each year be proclaimed as “Constitution Week.”

NOW, THEREFORE I, Herb Atchison, Mayor of the City of Westminster, on behalf of the entire City Council and staff, do hereby proclaim the week of September 17 through 23, 2014, as

CONSTITUTION WEEK

and urge all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

Dated this 8th day of September, 2014.

Herb Atchison, Mayor



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Recognition of Incoming 2014-2015 Youth Advisory Panel Members

Prepared By: Cindy McDonald, Staff Liaison

Recommended City Council Action

Mayor Pro Tem Winter is requested to recognize and acknowledge the incoming 2014-2015 Youth Advisory Panel members.

Summary Statement

City Council is requested to recognize the fourteen incoming Youth Advisory Panel (YAP) members.

- Christian Femrite- Legacy High School-Chairperson
- Ryan Blay- Jefferson Academy-Vice Chairperson
- Madelaine Schmidt- Pomona High School-Secretary
- Joleena Strange- Pomona High School-Treasurer
- Adam Salas- Standley Lake High School-PIO
- Andrew Cannata- Standley Lake High School
- Anny Gonzales- Ralston Valley
- Uriah Hernandez-Westminster High School
- Mikayla Martin-Faith Academy
- Amery Mateo-Legacy High School
- Emily McCandlish- Holy Family High School
- Madison Moi-Faith Academy
- Andrew Salas- Standley Lake High School
- Ty Schnurr- Standley Lake High School

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. YAP is made up of two or more representatives from local area high schools as well as "at large" members who are home schooled within the City. Their purpose is to advise City Council and City Staff members of the interests and concerns of youth and teens in the City today. These matters include development of citywide community and/or neighborhood programs that address both the short- and long-term needs of Westminster's youth and teen population. In addition to advising city leaders, these students give back to the community by taking part in monthly community service projects that consist of food and clothing drives and assisting with city events and engaging in other projects.

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 panelist is one year, with reappointment possible up to four terms.

Since 1999, the Youth Advisory Panel has been very active in the community helping at the Holy C.O.W. Stampede, (a Parks, Recreation and Libraries race) to raise proceeds for youth programs, providing support for the Westminster Christmas Lighting Ceremony, assisting at the annual Father Daughter Ball, participating at Westminster Pride Day and most recently participating in the Westminster Strategic Planning in the Community Forum. As active participants in the community, YAP members have fulfilled their 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. Additional project endeavors include gathering, sorting, sizing, and hanging clothing donations for Precious Child and volunteering at Have-a-Heart helping to distribute food and clothing to School District #50 families.

The Panel will continue these very diverse and ambitious community service goals for the 2014/2015 school year.

The students volunteering to serve on the Youth Advisory Panel play important roles in helping the City reach its strategic goals. Working in coordination with Staff and City Council, the panel fulfills the City's Strategic Plan Goal of Comprehensive Community Engagement by involving and mentoring youth and empowering them to address community needs and issues.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Ratify 2014 Contractual Payment to Republic Services, Inc.

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

Recommended City Council Action

Based upon the recommendation of the City Manager, determine that the public interest will be best served by ratifying the contractual expenditure to Republic Services not to exceed \$58,750.

Summary Statement

- The Westminster Municipal Code requires that all purchases to a sole source vendor over \$50,000 be approved by City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- Staff has identified Republic Services (Tower Road Landfill) as a vendor that has a total contractual expenditure exceeding \$50,000 for the year 2014 and thereby requires Council authorization.
- The Republic Services expenditure is related to the landfill search operation that was conducted by the Police Department from June 23, 2014 through July 28, 2014. The total amount of \$58,749.69 invoiced to the City of Westminster includes miscellaneous costs, equipment and labor associated with the police investigation at the landfill.
- Adequate funds are available in the Police Department General Fund Operating Budget for this expense.

Expenditure Required: Not to Exceed \$58,750

Source of Funds: General Fund - Police Department Operating Budget

SUBJECT: Ratify 2014 Contractual Payment to Republic Services (Tower Road Landfill) Page 2

Policy Issue

Should Council ratify the 2014 contractual payment to Republic Services for costs incurred during the landfill search operation for a homicide victim from June 23, 2014 through July 28, 2014?

Alternative

Council could decide not to ratify this expense. Staff does not recommend this alternative as Republic Services was the landfill where the homicide victim was suspected to be located, and the search operation was conducted. Republic Services provided the equipment, labor, and miscellaneous expenses that were associated with the search at the landfill. The City has already received and paid the invoice that was provided after the landfill search was ended.

Background Information

On June 5, 2014, the Police Department received a report of a missing 19-year old female. During the preliminary investigation it was determined that the 19-year old was the victim of a homicide. Police detectives determined that the 19-year old was placed in a dumpster and later discarded and buried in the Tower Landfill in Commerce City. The Police Department immediately began to prepare for a landfill search to recover the victim's body and on June 23, 2014, the search began.

The search ended on July 28, 2014 with the body not being recovered. However, during the search, key items of significant evidentiary value to the case were recovered. Republic Services subsequently provided their invoice totaling \$58,749.69 to the Police Department. The total includes services, equipment, labor and supplies necessary to safely conduct a dig operation at the landfill.

The expenditure was for work performed that was not anticipated, but were necessary for the investigation process of a homicide victim. Staff sent an email on August 25, 2014, to City Council to act as advance notice of this invoice from a sole source vendor and to advise Council that a Council Agenda Memorandum is being drafted requesting authorization to sole source these services. Staff's recommendation to ratify and approve cumulative expenditures with Republic Services exceeding \$50,000 helps achieve City Council's goal of "Excellence in City Services."

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Police Department Payment to North Metro Task Force to Exceed \$50,000

Prepared By: Lee Birk, Chief of Police

Recommended City Council Action

Based upon the recommendation of the City Manager, determine that the public interest will be best served by approving the Police Department's cumulative expenditures in 2014 to the North Metro Task Force in an amount not to exceed \$81,081.

Summary Statement

- The Westminster Municipal Code requires that all purchases/payments to a sole source vendor over \$50,000 and total expenditures over \$75,000 be approved by City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases or payments of similar services from one vendor in a calendar year exceeds \$50,000. Staff has identified North Metro Task Force (NMTF) as an entity that will have total cumulative expenditures exceeding \$50,000 in 2014.
- A current Intergovernmental Agreement (IGA) establishes the NMTF as a separate legal entity operating as a drug task force with the following participating agencies and their respective law enforcement entities: Adams County, City and County of Broomfield, and the municipalities of Brighton, Commerce City, Federal Heights, Northglenn, Thornton and Westminster.
- The NMTF operating budget relies on the annual contribution from its participating agencies as well as grants and other external revenue sources. As a participating agency, the Police Department is obligated to provide a cash-in-kind payment to the NMTF, who operate on a Federal fiscal year (October 1 through September 30).
- On July 24, 2014, the Police Department was awarded the 2014 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance (JAG) in the amount of \$28,070. This Grant is for partial funding of the NMTF and is awarded based on a reimbursement of the City of Westminster's obligation to the NMTF operations budget for the 2014/2015 fiscal year. Because these grant funds are a reimbursement for the 2014/2015 fiscal year, the payment to NMTF and the request to the Grantor (JAG) must be made after October 1, 2014.
- The Police Department will pay the City of Westminster Police Department's remaining 2014 assessment of \$53,011 (NMTF 2013/2014 fiscal year obligation) prior to September 30, 2014. The authorization being requested for the additional payment of \$28,070 will actually be applied toward the 2014/2015 NMTF fiscal year obligation. The total payment to NMTF in 2014 is \$81,081.

Expenditure Required: \$81,081

Source of Funds: General Fund – Police Department Operating Budget

Policy Issue

Should Council authorize the Police Department's cumulative payment obligations of \$81,081 to the North Metro Task Force in 2014?

Alternative

City Council could decide not to approve the requested cumulative payments. However, this is not recommended because the City of Westminster is still obligated to pay their fiscal obligations to the NMTF. The NMTF continues to be a critical effort in combating illicit drug activity.

Background Information

The City of Westminster (including the Jefferson County portion of Westminster), along with Adams County, City and County of Broomfield, and the municipalities of Brighton, Commerce City, Federal Heights, Northglenn, Thornton and their respective Law Enforcement entities, participate in the NMTF. The NMTF operates under a Federal fiscal year, and the funding sources for the task force are through asset forfeiture seizures, grant funding, and funding obligations from participating agencies. Westminster's contribution to the NMTF is budgeted in the Police Department's General Fund budget each year.

The Police Department pursued the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance for partial funding of the City of Westminster's obligation to the NMTF's Operations Budget for the 2014/2015 Fiscal Year. The purpose of JAG grants is to support all components of the criminal justice system, such as multi-jurisdictional drug task forces like the NMTF. The JAG grant assists to fund efforts to prevent or reduce crime and violence.

The total obligation to NMTF for the 2013/2014 FY was \$77,563, and the Police Department paid \$24,552 of this obligation in November 2013 with last year's JAG Grant funding. The remaining amount of \$53,011 for the 2013/2014 FY is due by September 30, 2014.

Notification has been received that the Police Department's JAG Grant request was approved for the 2014/2015 FY operations for the amount of \$28,070. This grant award reimbursement, as well as the grant draw down request for reimbursement, must be completed after October 1, 2014. With the \$53,011 funding from the Police Department General Fund Budget and the JAG Grant funding, the total amount that will be paid in the 2014 "calendar" year to NMTF is \$81,081. The grant and supplemental appropriation will be handled after October 1.

Council's approval to authorize this payment supports and assists in achieving City Council's Strategic Plan Goals of "Excellence in City Services" by spending tax dollars in a responsible manner and "Pro-Active Regional Collaboration."

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Item 8 C

Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: WURP Grading Project – Award of Construction Contract

Prepared By: David W. Loseman, Assistant City Engineer

Recommended City Council Action

Authorize the City Manager to award the bid and execute a contract with the lowest and most qualified bidder, Concrete Express, Inc., in the amount of \$2,444,475 for the construction of the Downtown Westminster Grading Project; and authorize a construction contingency of \$367,000.

Summary Statement

- Over the past few years, the Westminster Economic Development Authority (WEDA) has acquired approximately 90% of the former Westminster Mall site, and Staff believes that it is in the City's best interests to remove any remaining asphalt, curb, gutter and minor structures as well as perform the grading of the site in preparation for the eventual redevelopment of the property. Exceptions to the proposed scope of work include the JC Penney lease area, the Brunswick Bowling Alley, Dr. McMurtrey's dental office, the Olive Garden lease area and the U.S. Bank lease area. The design documents for this effort have been completed by Martin/ Martin, the City's design consultant on this project.
- Requests for bids for the construction of the project were advertised in the Daily Journal for three weeks, and bids were opened on August 14. Four bids were received and opened, and the lowest bidder is Concrete Express, Inc. with a bid of \$2,444,475.
- The recommended \$367,000 contingency is reasonable for a project of this magnitude and complexity.

Expenditure Required: \$2,811,475

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

Policy Issue

Should Council proceed with the remaining demolition and overall grading of the WURP site?

Alternative

City Council could chose to not move forward with this project. City staff recommends awarding this contract for demolition and grading since this action will prepare the site for the construction of the “backbone” roadways in early 2015, which will allow the redevelopment of the site to occur in a timely manner. Any substantial delay in the overall gradingof the site will prevent Oliver McMillan from proceeding with Phase I of the project next summer.

Background Information

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

The site grading and demolition construction package for this project was advertised in the Daily Journal and on the City’s website for three weeks, and bids were opened on August 14. Four contractors submitted bids on this project with the low bid of \$2,444,475 being submitted by Concrete Express, Inc. It is recommended that Council award the construction contract to Concrete Express, Inc..

The bid results are as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
Concrete Express, Inc.	\$2,444,475.60
Gilbert Contracting, Inc.	\$2,799,000.00
ESCO Construction Company	\$2,900,086.05
Kelly Trucking, Inc.	\$2,977,900.70
Engineer’s Estimate from Martin/Martin	\$2,441,980

Staff has reviewed the results of the bidding procedure and recommends that the low bidder for the project, Concrete Express, Inc., be awarded the contract for construction of the project in the amount of \$2,444,475. Staff is familiar with Concrete Express, Inc. and is confident that the company will complete this project in a timely and professional manner.

The requested construction contingency of \$367,000 is approximately 15% of the overall construction budget. This is a reasonable contingency for a project of this size and complexity.

The cost for this project will be paid from General Capital Improvement Funds. Once the Certificates of Participation (COPs) are issued in early 2015, these funds will be reimbursed.

SUBJECT: WURP Grading Project – Award of Construction Contract

Page 3

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

Respectfully submitted,

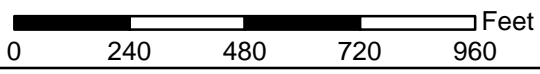
Stephen P. Smithers
Acting City Manager

Attachments – Site Map



NIC = NOT IN CONTRACT

DOWNTOWN WESTMINSTER GRADING PROJECT





Agenda Item 8 D

Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Hydropillar Tank Repairs Construction and Engineering Contracts

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

Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder, Classic Protective Coatings, Inc., in the amount of \$1,095,985 for construction of the Hydropillar Tank Repairs Project, plus a contingency of \$164,398, for a total authorized expenditure of \$1,260,383; and authorize an amendment to the design contract with Carollo Engineers Inc. to include engineering services during construction in the amount of \$291,180, plus a contingency of \$29,118 for a total of \$320,298, increasing the total authorized expenditure with Carollo Engineering Inc. from the previously approved amount of from \$551,389 to \$871,687.

Summary Statement

- The City's Water Tanks Major Repair and Replacement Program was initiated in 2010 to extend the life of the City's tanks and improve reliability within the potable water distribution system.
- As previously reported to City Council, key components of the program include structural repairs, installing new coatings, and implementing safety related repairs to conform to current State regulations.
- Final design for the Hydropillar Tank Repair project was completed in July and construction bids received in August.
- Staff recommends that City Council approve award of the construction contract to the low bidder, Classic Protective Coatings, Inc.
- Classic Protective Coatings, Inc. has effectively accomplished other elevated water tank projects across the country, including repairs to the standard "Hydropillar" type of tank, and is qualified to complete this project.
- Carollo Engineers, Inc. (Carollo) was selected previously through a competitive process for project design engineering, which anticipated negotiating a contract for subsequent project phases.
- Approximately 45 percent of the current engineering contract is for design of repairs to the Hydropillar Tank. The remaining portion is for design of repairs to the two Gregory Hill Tanks.
- It is Staff's assessment that Carollo has provided the City with high-level service, timely performance, and competitive pricing. In addition, because of Carollo's knowledge of the City's tanks and the needed repairs, Carollo successfully completed a tightly scheduled design process to allow for construction during low demand winter months. For these reasons, Staff negotiated a competitive scope of work and fee with Carollo and is requesting Council approval of the contract amendment.
- Construction is scheduled to be completed by June 2015.
- Adequate funds are budgeted and available for the project.

Expenditure Required: \$1,580,681

Source of Funds: Utility Capital Improvement Fund – Hydropillar 2 Million Gallon Tank

Policy Issues

1. Should City Council authorize a contract with Classic Protective Coatings, Inc.?
2. Should City Council authorize an amendment to Carollo's contract to add engineering services during construction?

Alternatives

1. City Council could choose to reject all of the construction bids and rebid the project. The City received three bids from qualified construction companies. The two lowest bids were within a tight range of each other and both were below the engineering cost estimate, which indicates competitive pricing. It is unlikely that new bids would be lower, and Staff recommends awarding the contract to the low bidder, Classic Protective Coatings, Inc.
2. City Council could choose to construct the improvements at a later date. This is not recommended due to the critical nature of the work to maintain the reliability of the water tanks and the City's distribution system. Staff recommends no delay in construction of this critical project.
3. City Council could choose to request proposals for engineering services during construction. This is not recommended as Carollo is familiar with the project requirements and the City infrastructure involved, and the negotiated price is competitive for the scope of work. Staff recommends that Carollo be retained for engineering services during construction on the basis of best value to the City.

Background Information

The City owns and operates 12 water storage tanks with a total replacement value of approximately \$54 million dollars. These tanks are a necessary part of the water distribution system to meet short-term periods of high consumer demand, emergency storage for potential times of interrupted water supply, and fire flow. The City has been in the process of implementing a multi-year program to repair existing tanks and construct new storage. The multi-year schedule is required to spread out project costs and limit the number of tanks that are offline at any given time.

As stated in the recent Staff Report to Council in August 2014, the tanks program has made significant progress. The next step of the program is to implement repairs to the Hydropillar elevated storage tank. Staff is pleased to report that design of these repairs was successfully fast-tracked to allow for construction during winter months when water demands are low.

Due to the high profile nature of the project, Staff incorporated special precautions into the design to minimize disruption and inconvenience to our customers during construction including:

1. Implementing a comprehensive public notification process to keep residents near the Hydropillar site informed with respect to the project's impacts. The outreach efforts have included mailing over 700 information letters to the neighborhoods surrounding the site and hosting a Project Information Open House.
2. Coordinating with T-Mobile so that T-Mobile can implement temporary cell tower installation to maintain cellular coverage during construction.
3. Hiring a specialty contractor such as Classic Protective Coatings, Inc. with the qualifications and experience for this type of work.
4. Restricting work hours to Mondays through Fridays from 7:00 a.m. to 5:00 p.m. to limit the impact of construction equipment and work noise. Weekend work will only be permitted if special circumstances arise.

5. Executing a broad dust and paint containment strategy, including protective tenting around the work zones as needed.
6. Designing the contractor staging area to minimize noise to the surrounding neighbors and monitoring of contractor compliance with State and local permit requirements for noise and dust control.
7. Use of low-odor paints that are formulated and certified for use in drinking water systems.
8. Sequencing the work to minimize the potential need for water service disruptions.
9. Using coating specifications similar to those previously developed and successfully implemented for both the Wandering View and Northwest Water Treatment Facility tank projects.

Final design of the project was completed in July 2014 and a request for bids sent to eight qualified contractors. Three competitive bids were received and are summarized in the following table. Contractors who did not submit bids for the project indicated that availability of their crews and equipment did not match the required construction schedule.

Contractors	Bid Price
Classic Protective Coatings, Inc.	\$1,095,985
TMI Coatings, Inc.	\$1,367,000
Riley Industrial Services, Inc.	\$2,470,845
Engineer’s Estimate	\$1,785,525

After review of all bids received, Classic Protective Coatings, Inc.’s bid was determined to be valid and the dollar amount reasonable for the scope of the work. Classic Protective Coatings, Inc. has successfully completed other elevated water tank projects across the country, including repairs to the standard “Hydropillar” type of tank, and is qualified to complete this project. For these reasons, Staff recommends executing a contract with Classic Protective Coatings, Inc. for construction of this project.

Previous tank projects for the City have shown how variable the extent of corrosion can be within the water storage tanks. The extent of roof support replacement and corrosion repair required will be verified by inspection following the contractor’s sand blasting and metal surface preparation. Due to unknowns associated with the extent of the corrosion and the complex nature of elevated storage tank construction, a 15 percent contingency is requested for this project. Construction work is anticipated to commence over the 2014 to 2015 winter season when water demands are relatively low. Substantial completion is anticipated by summer 2015.

Following successful completion of the project design, Staff negotiated a contract amendment for engineering services during construction with Carollo in the amount of \$291,180, with a contingency amount of \$29,118, for a total of \$320,298. This scope and fee is consistent with previous projects for repairs to the tanks at the Wandering View and Northwest Water Treatment Facility sites. City Council approved the base contract for engineering design with Carollo in January 2014 that included design for Gregory Hill Tanks repairs for an authorized expenditure of \$551,389. The design for the Gregory Hill Tanks has not been initiated and Staff is currently confirming the most cost effective approach for repair of these tanks. City Council action is requested to amend the contract with Carollo to continue engineering services during construction for the Hydropillar Tank, bringing the total authorized expenditure for Carollo to \$871,687.

Included in Carollo’s proposed engineering services during construction are two critical elements for the City: 1) providing specialty weld inspections and testing; and 2) providing an independently certified National Association of Corrosion Engineers (NACE) inspector for all pre-coating and coating work. The third party NACE specialty inspections account for just over 30 percent of the fees for engineering services during construction. It is Staff’s assessment that NACE inspections were critical on previous tank projects and are warranted for the Hydropillar project as coatings represent the most costly component of the repair work. Staff believes the cost for the engineering and construction management work on this project is competitive given the complex scope of work and the extent of precautions and

engineering oversight requested by the City. It is Staff's assessment that Carollo has provided quality conceptual and final design work on the project, is familiar with existing conditions and the design of the repairs required, and will be able to streamline project tasks. Staff is requesting authority to amend Carollo's contract to add engineering services during construction on the basis of best value to the City.

The City's Water Tanks Major Repair and Replacement Program helps achieve City Council's Strategic Plan Goal of "Beautiful, Desirable, Environmentally Responsible City" and "Excellence in City Services" by being innovative, cost-conscious, and contributing to the objective of well-maintained City infrastructure and facilities.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Semper Water Treatment Facility Repairs Project Construction Contracts

Prepared By: Kent Brugler, Senior Engineer
Stephen Grooters, Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder, Glacier Construction, Inc., in the amount of \$918,800 for construction of the recommended repairs at the Semper Water Treatment Facility, plus a contingency of \$91,880, for a total authorized expenditure of \$1,010,680; and authorize a contract amendment with J&T Consulting, Inc. for construction management services in the amount of \$108,670, plus a contingency of \$10,867, for a total of \$119,537, increasing the total authorized expenditure with J&T Consulting, Inc. from the previously approved amount of \$235,543 to \$355,080.

Summary Statement

- The Semper Water Treatment Facility (SWTF) has structures and piping that are over 40 years old and are in need of repair or replacement.
- Over the last two years, Staff has performed an evaluation of all the facilities at the SWTF and identified a comprehensive repair and replacement program required to maintain current levels of treated water service to City customers.
- On August 12, 2013, City Council authorized the design contract for these repairs with J&T Consulting, Inc.
- Design of the project was completed and construction bids received August 2014. The City solicited bids from nine contractors and received three competitive bids.
- Glacier Construction, Inc. presented the lowest responsible bid and City Council is requested to authorize Staff to execute a contract with Glacier Construction, Inc. for the construction of these repairs.
- J&T Consulting, Inc. was selected previously through a competitive process for project design engineering, which anticipated negotiating a contract for subsequent project phases.
- J&T Consulting, Inc. has provided the City with high-level service, timely performance, and competitive pricing.
- Staff negotiated a competitive scope of work and fee with J&T Consulting, Inc. for engineering services during construction and is requesting Council approval of the contract amendment.
- Construction is scheduled for completion in Spring 2015.
- Adequate funds were budgeted and are available for the project.

Expenditure Required: \$1,130,217

Source of Funds: Utility Capital Improvement Fund - Semper Water Treatment Facility 2013 Improvements

Policy Issues

1. Should City Council authorize a contract for construction with the lowest responsible bidder, Glacier Construction, Inc.?
2. Should City Council authorize an amendment to the J&T Consulting, Inc. contract to include engineering services during construction?

Alternatives

1. City Council could choose to reject all construction bids and rebid the project. This is not recommended because the City received bids from three qualified construction companies that were within a close range, and within the engineering cost estimate for project construction. Staff believes these bids are competitive for the scope of work involved.
2. City Council could choose to construct the improvements at a later date. This is not recommended due to the age of the facility and the increasing maintenance needs; Staff recommends the improvements be made at this time.
3. City Council could choose to request proposals for engineering services during construction. This is not recommended. J&T Consulting, Inc. was originally selected for design services during a competitive process that anticipated subsequent engineering services during construction. J&T Consulting, Inc. is familiar with the improvements needed, having successfully completed the design and bidding phases of the project. J&T Consulting, Inc. will streamline key project tasks and provide the best value to the City.

Background Information

The SWTF was built in 1969. Since that time, various expansion and improvement projects have been constructed to maintain service and meet more stringent regulations. Overall, the facilities at SWTF have provided high-level service to City water customers but are beginning to age and need repairs. Over the last two years, Staff developed a comprehensive repair and replacement program for all of the assets at the SWTF and identified and prioritized repair and replacement needs. The current priority needs at the SWTF include:

- replacing valves, piping, and pumping equipment related to the filter backwash return system;
- replacing valves, piping, and mixers related to chemical injection systems;
- replacing several underground pipes and pumping systems that transfer water through the plant; and
- permanently disconnecting obsolete piping to prevent the risk of leaks.

The project design phase was completed in July and the request for bids was sent to nine qualified contractors. Three competitive bids were received on August 7, 2014, and are summarized in the following table:

<u>Contractor</u>	<u>Bid Price</u>
Glacier Construction, Inc.	\$918,880
T. Lowell Construction Company, Inc.	\$1,010,000
J2 Contracting Company	\$1,333,973
Engineer’s Estimate	\$1,076,325

A review of the bids received indicated that Glacier Construction, Inc.’s bid was valid and the dollar amount reasonable for the scope of work. Glacier Construction, Inc. is a large water and wastewater construction firm, and background and reference checks were favorable. As such, Staff recommends Glacier Construction, Inc. be awarded the construction contract. Construction is anticipated to commence following award of the contract, with substantial completion anticipated in Spring 2015.

J&T Consulting, Inc. was selected for the design and bidding phases of the project through a competitive process that anticipated subsequent engineering services during construction. The J&T Consulting, Inc. design contract was authorized by City Council in August 2013. Following successful completion of the project design, Staff negotiated a competitive scope and fee for a contract amendment adding engineering services during construction. The fee for this amendment is \$108,670. J&T Consulting, Inc. has provided quality design and construction phase services to the City on previous projects and is familiar with the SWTF, City standards, and project requirements. J&T Consulting, Inc. is able to streamline project tasks and Staff is requesting authority to execute an amendment with J&T Consulting, Inc. for construction management services on the basis of best value to the City. This amendment would increase the authorized expenditure with J&T Consulting, Inc. from \$235,543 to \$355,080.

Funding for the project was included in the 2013 Utilities Capital Improvements Fund budget and no new funds are being requested at this time.

The Semper Water Treatment Facility Repairs Project Construction Contracts Award helps achieve City Council's Strategic Plan Goal of "Excellence in City Services" by contributing to the objectives of well-maintained City infrastructure and facilities, and providing water service with reduced risk of system failures.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Vance Street Apartments Public Water Main Replacement Construction and Engineering Contracts and Reallocation of Funds

Prepared By: Stephanie Bleiker, Senior Engineer
Stephen Grooters, Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to:

1. Enter into a contract with the low bidder, T. Lowell Construction, Inc. in the amount of \$858,000 for construction of new water mains at Vance Street and 90th Avenue, plus a 15 percent contingency of \$128,700, for a total authorized expenditure of \$986,700;
2. Execute an amendment to the design contract with Jacobs Engineering Group, Inc. to include engineering services during construction in the amount of \$125,278, plus a contingency of \$12,528, for a total of \$137,806, increasing the total authorized expenditure with this firm from the previously approved amount of \$76,949 to \$214,755; and
3. Reallocate \$93,995 from the Lowell Boulevard Water Main Capital Improvement account into the Brookhill/Vance Water Main Replacements Project to provide funds necessary to complete the project.

Summary Statement

- This project consists of replacing 1,550 feet of 8-inch water main in the area of Vance Street and 90th Avenue. The majority of the water main will be upsized to 10-inch pipe to address fire flow requirements. The attached map shows the project location and waterline information.
- The existing water mains are 25 to 30 years old, have severe corrosion and require frequent repairs. Replacing the mains is necessary to reduce the risk of main breaks, service interruptions and resulting street excavation and repair activities to the residential customers in the area.
- Construction is scheduled to start in late Fall 2014 with completion in Spring 2015.
- Staff solicited bids from four contractors. Of the three bids received, T. Lowell Construction, Inc. (T. Lowell) presented the lowest bid, and Staff is seeking City Council approval for award of the contract to T. Lowell.
- Jacobs Engineering Group, Inc. (Jacobs) was selected in 2012 through a competitive process for initial project engineering, which anticipated negotiating a contract for construction phase engineering services.
- Jacobs has provided the City with quality service and competitive pricing. For these reasons Staff negotiated a competitive scope of work and fee with Jacobs for engineering services during construction and is requesting City Council authority to execute a contract amendment.
- Several construction challenges, complexities, and constraints are involved with this project including tight construction spaces, construction sequencing constraints, off-site staging and stockpiling to limit impacts to customer parking, and several areas of trenchless construction to limit damage to the property owner's structures, trees, and pavement. For these reasons, a 15% construction contingency is requested for this project.
- Bids were higher than anticipated, and Staff worked to reduce the scope and cost of the project as much as possible. Even after these efforts, an additional \$93,995 above the original budget will be required. The additional funds are available through savings from the recently completed Lowell Boulevard water main replacement project and this project is a priority use of the funds.

Expenditure Required: \$1,124,506
Source of Funds: Utility Capital Improvement Fund – Brookhill/Vance Water Main Replacements
Utility Capital Improvement Fund - Lowell Boulevard Water Main

Policy Issues

1. Should City Council authorize a contract with the low bidder, T. Lowell?
2. Should City Council authorize an amendment to Jacobs to add engineering services during construction?
3. Should City Council authorize the reallocation of funds into the Brookhill/Vance Water Main Replacements project account?

Alternatives

1. City Council could decline to approve the contract and place the project on hold. However, the existing water main is in poor condition and has had multiple breaks in the past seven years. Delaying the project is not recommended since it could result in increased maintenance and repair expenses, possible service impact to the area customers and/or damage to streets and other infrastructure.
2. City Council could choose to award the total original scope of the project and provide the additional funding necessary to complete the work. However, Staff believes that the recommended scope and cost reduction will allow the project to accomplish replacement of the highest priority and highest risk sections.
3. City Council could reject all of the construction bids and rebid the project. The City received three bids from qualified construction companies. T. Lowell provided the most competitive bid. It is unlikely that new bids would be lower, and Staff recommends awarding the contract to the low bidder T. Lowell.
4. City Council could choose to request proposals for engineering services during construction. This is not recommended. Jacobs was originally selected for design services during a competitive process that anticipated subsequent engineering services during construction. The Jacobs project team is familiar with the improvements needed, having successfully completed the design and bidding phases of the project. Jacobs will streamline key project tasks and is recommended based on best value to the City.
5. City Council could choose not to authorize the reallocation of funds from the Lowell Boulevard Water Main Replacement project account to the Brookhill/Vance project account. The Lowell Boulevard project was recently completed, and project savings are available for this high priority project. Without the reallocation of these funds, there will not be sufficient funds to complete the project.

Background Information

The City owns and maintains water mains in the apartment complex located at 90th Avenue and Vance Street. The majority of these pipes were constructed in the mid-1980s as part of development in the area. In the past few years, these pipelines have experienced several main breaks due to the corrosive soils in the area and need to be replaced. Staff has determined that the water mains should be upsized to 10-inch pipes to meet fire flow requirements. The new water mains will limit the risk of further main breaks, service interruptions, and resulting street excavation and repair activities. The project improvements are needed for maintaining high quality services to the City's residential customers in this area and are a priority use of the funds.

This project involves construction in a very tight residential area, and Staff incorporated several special precautions into the design to minimize disruption or inconvenience to our customers during construction including:

1. Closely coordinating with the property owners to sequence the project in ways that minimize impacts to their business and their tenants. At the request of the property owners, Staff delayed the start of construction, routed new pipelines using trenchless construction in several areas to minimize impacts to existing pavement, and acquired a new easement to limit impacts to existing landscaping.
2. Minimizing the number of parking spaces taken out of service by precluding onsite storage and stockpile of construction equipment, pipe, and materials; requiring the contractor to mobilize daily to and from the site; and sequencing the work in small sections.
3. Hiring a specialty contractor with the qualifications and experience for this type of work.
4. Restricting work hours to Monday through Friday from 7:00 a.m. to 5:00 p.m. to limit the impact of construction equipment and work noise. Weekend work will only be permitted if special circumstances arise.
5. Designing traffic control and lane closures to allow continuous through traffic.

These restrictions, combined with the tightened bid climate, led to project costs higher than originally estimated. Three qualified bids were received as shown in the following table. To address the higher cost of the project, Staff worked to determine scope and cost that could potentially be removed from the project. This effort led to the deletion of the portion of the project within the Brookhill Shopping Center. While this 600 foot portion of the pipeline does have a history of breaks, it has relatively good access for operations and break response and repair. Some in-house valve repairs will be implemented to improve reliability and response to potential breaks. For these reasons, it is Staff’s assessment that this portion of the scope and cost can be removed from the project. Bids for the reduced-scope of the project are also listed in the table below.

Contractors	Original Bid Price	Reduced-Scope Bid Price
T. Lowell Construction Inc.	\$1,133,000	\$858,000
Northern Colorado Constructors	\$1,535,503	\$1,154,486
BT Construction	\$1,526,772	\$1,200,073
2010 City Construction Estimate	\$880,000	NA

A review of the bids indicated that T. Lowell’s bid was valid and the dollar amount reasonable for the scope of the work. T. Lowell is a local water and wastewater construction firm that has successfully completed several City projects in the past. A check of T. Lowell’s background and references was favorable. Staff believes T. Lowell was able to submit a more competitive bid than the others because T. Lowell is currently working nearby on the City’s Standley Lake Bypass Project, minimizing mobilization costs. Staff recommends T. Lowell be awarded the construction contract, with construction anticipated to commence following award of the contract and substantial completion anticipated in Spring 2015.

Jacobs was selected for the design and bidding phases of the project through a competitive process that anticipated subsequent engineering services during construction. The Jacobs design contract was authorized by City Council in April 2012. Following successful completion of the project design, Staff negotiated a competitive scope and fee for a contract amendment adding engineering services during construction. The fee for this amendment is \$125,278, which is about 15% of the project construction cost. This fee is relatively higher than fees for average pipeline projects because of the complex nature of the project and the relatively longer construction schedule anticipated. Jacobs has provided design and construction phase services to the City on previous projects and is familiar with the proposed pipeline replacement, City standards, and project requirements. As such, Jacobs is able to streamline project tasks, and Staff is requesting authority to execute a contract with Jacobs adding engineering services during construction on the basis of best value to the City.

Funding for the project was included in the 2011 Utilities Capital Improvements Fund budget. As shown below, an additional \$93,995 is needed to fund the recommended scope of the project. Savings are available in the Lowell Boulevard Water Line account, which was successfully completed under budget in July. Staff is requesting reallocation of these funds at this time as this project is the highest priority use of the funds.

A summary of the project budget is listed below:

<u>Project Expenses</u>	<u>Amount</u>
Jacobs engineering contract with contingency	\$ 76,949
Jacobs construction services with contingency	\$ 137,806
T. Lowell with contingency	<u>\$ 986,700</u>
Total Project Expenses	\$1,201,455
<u>Funding Sources</u>	
Brookhill/Vance Water Line Replacement	\$1,107,460
Lowell Blvd Water Line - reallocation	<u>\$ 93,995</u>
Total Funding	\$1,201,455

The Vance Street Water Mains Replacement Project helps achieve the City Council’s Strategic Plan Goals of “Excellence in City Services” and “Vibrant & Inclusive Neighborhoods” by contributing to the objectives of well-maintained City infrastructure and facilities and maintaining neighborhood infrastructure.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment - Project Map

Vance Street Apartments Public Water Main Replacements Project



100 50 0 100Feet

Legend

Public Water Mains

- Public Water Mains
- Replacement Public Water Mains



Agenda Item 8 I

Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Intergovernmental Agreement (IGA) with Municipalities Regarding Housing Inmates in the Adams County Jail

Prepared By: Hilary Graham, Acting City Attorney
Debbie Mitchell, General Services
Director Carol Barnhardt, Court Administrator

Recommended City Council Action

Authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with the cities of Arvada, Aurora, Brighton, Commerce City, Federal Heights, Northglenn, Thornton and the Town of Bennett (the “Adams County Municipalities”) regarding municipal non-domestic violence inmate bed space allocations and a per diem fee assessment process for use of the Adams County Detention Facility.

Summary Statement

- Since October 2011, the use of bed space at the Adams County Detention Facility (ACDF) has been a Staff concern. Beginning in 2011, the Adams County Sheriff began imposing limits on the number of municipal prisoners he would allow in the jail at any point in time.
- The cities of Aurora, Commerce City, Federal Heights, and Northglenn initiated a lawsuit on the matter earlier this year.
- As part of a negotiated resolution to the lawsuit, all of the Municipalities are required to work out among themselves a process for fairly allocating the 65 beds allocated by the Sheriff for non-domestic violence related prisoners (the “Cap”).
- The municipal parties to the lawsuit have prepared the attached Intergovernmental Agreement (IGA) to establish a process for allocating beds and also to establish a mechanism for applying the per diem fee (\$45 per day) that the Sheriff will charge for municipal inmates in excess of the Cap.

Expenditure Required: To be determined

Source of Funds: General Fund Contingency/Carryover

Policy Issues

1. Should the City enter into an Intergovernmental Agreement (IGA) with the Adams County Municipalities to ensure bed space for Westminster Municipal Court prisoners?
2. Should the City Council approve a policy or procedure that the City will pay the per diem charges (or be at risk of being charged) if both the total Cap and the City's allocation of ten (10) beds is exceeded?

Alternatives

Do not authorize approval of the IGA. This is not recommended as it could potentially jeopardize the settlement of the lawsuit between the cities of Aurora, Commerce City, Federal Heights, Northglenn and Thornton. Moreover, not entering into the IGA could potentially jeopardize the City's Municipal Court's ability to sentence individuals to be housed in the Adams County Detention Facility (ACDF) at all and could create uncertainty as to the per diem rate the Sheriff would impose on Westminster inmates if they are permitted.

Authorize approval of the IGA but do not approve a policy or procedure that the City will pay the per diem charges (or be at risk of being charged) if both the total Cap and the City's individual cap of ten (10) beds is exceeded. This is not recommended because the time constraints for release of inmates and imposition of per diem charges as set forth in the IGA under sections and A(6)(d) and (f) will make it very challenging for Court staff to avoid per diem charges.

Background Information

There is a long history of bed space issues at ACDF, but for the purposes of this proposed IGA, it is sufficient to go back to 2011. On July 29, 2011, Sheriff Darr sent letters to all the municipalities indicating that there was no statutory requirement to incarcerate defendants for municipal offenses and imposed a bed space restriction specifically directed to municipalities for the housing of municipal inmates. The Sheriff's correspondence indicated that the bed space restriction for municipal inmates was to be implemented on August 15, 2011, which was later extended to September 1, 2011.

The Adams County Board of County Commissioners ("BOCC") became involved and on January 1, 2012, the BOCC implemented a cap of thirty (30) municipal inmates and a charge of forty-five dollars (\$45.00) per day for each municipal inmate against the municipality that sought to use the ACDF when the cumulative number of municipal inmates exceeds the imposed cap. This cap was characterized by the BOCC as a "soft cap," meaning that the restriction on the number of municipal inmates was cumulative; only when and if the cumulative number of all municipal inmates housed in the County Jail exceeded thirty (30) would the municipality seeking to use the ACDF be charged for housing its municipal inmates.

This initial cap of thirty (30) municipal inmates was meant to be a short-term solution to allow the Sheriff time to hire more deputy sheriff positions, thereby increasing staffing levels at the ACDF and accommodate more inmates. The BOCC did provide the Sheriff with funding support for these steps. The Municipalities responded, in turn, by adjusting sentencing policies and reserving jail time for the most serious of offenders.

In light of progress on the issue among the Municipalities and the Sheriff, by April of 2013, the BOCC rescinded any and all BOCC restrictions upon which the Sheriff could rely in limiting or rejecting any municipal inmates at the ACDF. The BOCC specifically indicated that municipal inmates may be housed in the County Jail without additional costs and waived any fees incurred by municipalities to date for the housing of municipal inmates.

In spite of the BOCC's April 2013 action, the Sheriff then sent out correspondence to the representative Municipalities indicating that the Sheriff would unilaterally resume imposition of the cap of thirty (30) municipal inmates and would retain it indefinitely. In actions the Municipalities characterize as contrary to law, the Sheriff, without the consent of the BOCC, began refusing to accept lawfully sentenced Aurora municipal inmates committed to the ACDF by the Judges of the Aurora Municipal Court. The Municipalities were very concerned about the possibility of more inmate refusals and ACDF; as such, Westminster formalized alternative bed space arrangements.

On May 20, 2013, an Agenda Memo containing an IGA with Clear Creek County Jail was approved by Westminster City Council as an alternative jail facility to be used by the Westminster Municipal Court if/when the Adams County Sheriff refused to provide bed space for Westminster prisoners. This IGA with Clear Creek has not been invoked to date.

As concerns about being denied use of the ACDF mounted, on February 19, 2014, the cities of Aurora, Commerce City, Federal Heights, Northglenn, and Thornton filed a lawsuit in Adams County District Court, in part, seeking to determine the parameters of the Sheriff's legal authority to determine the number of municipal inmates he will accept at the ACDF. In an apparent attempt to defend the lawsuit, on February 24, 2014, the BOCC re-established a cap of 30 non-domestic violence municipal inmates at the ACDF, which superseded all previous resolutions.

The parties to the lawsuit participated in mediation sessions in an attempt to resolve the lawsuit and have developed a formal Settlement Agreement. The agreement includes terms that increases the cap on municipal inmates to a soft cap of 65 non-domestic violence municipal inmates (the "Cap"), provided that the County would receive a per diem fee of \$45 for every municipal inmate above the 65 on one given day, and mandated that a jail staffing study would be conducted and completed by March 1, 2015. The agreement also provides that in the event the Cap is exceeded and none of the cities in Adams County notifies the Sheriff within a certain time period, the Sheriff will charge the per diem fee on a "last-in first-charged basis," meaning that the last city to send an inmate to the ACDF over the Cap will be the first to be charged the per diem fee.

Final court approval of the Settlement Agreement, which obviously could create billing conflicts among the Sheriff and the Municipalities, has been tied to the Municipalities' approval of the IGA that is before Council now for consideration. The IGA has been drafted to reduce the possibility of billing conflicts and to flesh out the details of how the Cap will be administered. The current Sheriff's term in office expires in January of 2015. As drafted, both the Settlement Agreement and the IGA will be in effect until May 15, 2015, after which time the newly elected Sheriff will have had an opportunity to evaluate the inmate situation at the ACDF and determine a new policy concerning municipal inmates at the ACDF.

The other Municipalities are in the process of approving, or have already approved, the IGA.

Since October 2011, the practice has been that the Court Administrator (who was appointed by the City Manager as the Court's contact person for all inmate notifications and/or jail issues) reviews the daily bed report and verifies that the inmates and the information on the ACDF report are correct and accurate. This review is completed on a daily basis during the Monday through Thursday work week. The reports are reviewed on Mondays for Friday through Sunday (or Tuesdays if there is a holiday). If there are any issues, the Court Administrator contacts the Adams County assigned Jail Sergeant to resolve the issues. During 2014, the Court Administrator trained the Court's three supervisors to assist her with coverage and to understand the process of the daily bed verifications.

It is recommended by Staff that the City approval of the IGA that would allow for the effective resolution of the on-going uncertainty as to use the City's use of ACDF by ensuring a coordination process among the Municipalities both as to use of and charges for bed space.

It is recommended by Staff that City Council approve the IGA and, in addition, agree to pay the per diem charges (or be at risk of being charged) outlined in the IGA at Sections A(6)(d)-(f). The IGA requires inmate release or per diem fees any time the Cap is exceeded, including Fridays through Sundays (and on City holidays). Since the City and Municipal Court is closed at those times, the City will either incur the cost of the per diem fees or the cost of staffing court seven days a week.

If Council does not approve the above recommendation to pay per diem charges, in order to cover the weekends and holidays, it will be necessary for Court staff to create an on-call schedule for the a judge, administrative and limited clerk staff to review the jail bed list specifically for the weekends and holidays. If a determination is made that an inmate(s) is to be released, then proper Jail Orders must be prepared and sent to ACDF to release the inmate(s). While the IGA refers to emails being sent to the jail as being an avenue of communication, the proper requirements and procedures are for the Court to send an Amended Jail Order signed by the judge with the new jail stipulations clearly defined and made part of the defendant's Court file. Staff would intend to follow the proper requirements and procedures. This on-call process will be costly to the City. In terms of potential on-call and overtime funds, this alternative would likely far exceed the \$45 per diem contained within the IGA and the Settlement Agreement.

At this time, Staff is uncertain of what the per diem reimbursement costs due to the Sheriff will be. Staff will come back to Council with a contingency or carryover request, if needed.

This recommended IGA supports the City's Strategic Plan Goal of Excellence in City Service by ensuring that the City's Municipal Court has access to housing individuals sentenced to the ACDF. This recommended IGA also supports the City's Strategic Plan goal of Proactive Regional Collaboration by collaborating with the Adams County Sheriff and the surrounding cities in Adams County to reach this agreement.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment – IGA

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF ARVADA,
AURORA, BRIGHTON, COMMERCE CITY, FEDERAL HEIGHTS, NORTHGLENN,
THORNTON, AND WESTMINSTER, AS WELL AS THE TOWN OF BENNETT,
COLORADO
REGARDING MUNICIPAL NON-DOMESTIC VIOLENCE INMATE
ALLOCATIONS AND PER DIEM FEE ASSESSMENT PROCESS
FOR THE ADAMS COUNTY DETENTION FACILITY**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into by and between the City of Arvada, City of Aurora, City of Brighton, City of Commerce City, City of Federal Heights, City of Northglenn, City of Thornton, and the City of Westminster, Colorado, all Colorado home rule municipalities, and the Town of Bennett, a Colorado statutory town, collectively sometimes referred to herein as the “Cities” or “Parties” and individually as “City or Party.”

WITNESSETH

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution and C.R.S. § 29-1-201 authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, pursuant to C.R.S. § 31-15-401(k), municipalities may use the county jail for confinement or punishment of offenders “with the consent of the board of county commissioners”; and

WHEREAS, pursuant to a Settlement Agreement entered in connection with litigation pending in Adams County District Court captioned: *CITY OF AURORA; CITY OF COMMERCE CITY; CITY OF FEDERAL HEIGHTS; CITY OF NORTHGLENN; and CITY OF THORNTON, Colorado, municipal corporations, v. DOUGLAS N. DARR, in his official capacity as Adams County Sheriff, State of Colorado; and THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS*, Civil Action No. 2014CV30353, the municipalities named in said litigation are now subjected to a flexible (“soft”) cap of 65 non-domestic violence related municipal prisoners (aka “inmates”) who may be held at the Adams County Detention Facility (“ACDF”) solely for municipal charges; and

WHEREAS, pursuant to the Settlement Agreement, the Sheriff may charge said municipalities in Adams County a per diem fee of up to \$45 for any such municipal inmate held at the ACDF in excess of the 65 cap; and

WHEREAS, the Sheriff and the Cities recognize that the Jail Cap applies to all the Cities; as such Cities are authorized to use the ACDF pursuant to C.R.S. §31-15-401(k); and

WHEREAS, it is in the best interests of the Cities to agree among themselves on a process for allocating the 65 beds available without charge in the ACDF for municipal inmates and for determining which of the Cities will be responsible for paying per diem

fees the Sheriff may impose for their municipal inmates in the event the 65 cap is exceeded.

NOW, THEREFORE, in consideration of the promises and conditions contained herein the Cities hereto agree as follows:

I. PROCESS FOR THE PAYMENT OF PER DIEM FEES WHEN MUNICIPAL INMATES EXCEED THE ABOVE 65 CAP AND THE ALLOCATION OF BED SPACE AMONGST THE CITIES.

A. The Cities agree to the process for payment of fees as follows:

1. Each City must provide the Sheriff with the email address of each person to whom the Sheriff should send the daily municipal inmate count. The Sheriff has agreed to provide the Cities with the email address(es) to which the Sheriff wants the emails noted below to be sent.

2. The Sheriff will email the municipal inmate count by 9:00 a.m. each day of the week (including weekends and holidays) to the Cities.

3. Each City will review the list on at least each business day verifying its inmates listed are accurate in terms of names, holds, charges, and individual municipal inmate count. If any discrepancies are found, that City will notify the designated staff persons at the ACDF and all other Cities via email no later than 5:00 p.m. on the second business day following the Sheriff's publication of the list.

4. If the total number of municipal non-DV inmates is 65 or less, no additional action is necessary by any City.

5. If the total number of municipal non-DV inmates exceeds 65, any City that has not exceeded its individual allocation (as shown in Table A below) need not take any action and will not ultimately be subject to any per diem fees for this day (see paragraph A.6.f.). Each City must specify on all applicable paperwork (including but not limited to: in-custody booking forms, jail mittimus forms, warrants, and other correspondence) whether or not an inmate is being held on a DV charge. If any City's paperwork contains an error, that City will be responsible for any per diems assessed because of that error, unless such City notifies the Sheriff of such error by 5:00 p.m. on the second succeeding business day following the Sheriff's publication of the list of municipal inmates.

6. If the total number of municipal non-DV inmates exceeds 65, any City that has exceeded its individual allocation (as shown in Table A below) will have **12 hours from the time the Sheriff sent the daily email or 9:00 p.m., whichever is later**, to either release one or more of its non-DV inmates and/or risk being assessed a per diem fee for one or more of its non-DV inmates. If any such City's decision is to release one or more of its inmates, it must notify the Sheriff by email as noted above, to avoid any per diem liability for such inmate(s). Any such City's email should also be sent to all

Cities to ensure all are kept informed of each City's decisions regarding its municipal inmates.

a. If the total number of municipal non-DV inmates exceeds 65, the City that has exceeded its individual allocation by the greatest number of inmates will first be assessed a per diem fee if it has not released one or more inmates by the established deadline. In the event more than one City has exceeded their allocation by the same number of inmates, and a per diem fee results for such inmate(s), such fee will be split equally among these Cities.

b. Step "a" above will be repeated until the remaining municipal non-DV inmate count for that day either by release and/or by commitment to pay a per diem fee(s) is at or below 65. See examples below.

c. Any City that notifies the Sheriff to release all of its inmates that were over its individual allocation on any given day by the established deadline for such day will not ultimately be subject to any per diem fees for this day (see paragraph A.6.f.).

d. For any day for which a per diem is to be assessed, the Sheriff must be sent an email **by 5:00 p.m. on the second business day** following the Sheriff's email containing the daily municipal inmate count for that day by each City that details the amount to be billed for each such day(s). Any such City's email should also be sent to all Cities to ensure all are kept informed of each City's decisions regarding its municipal inmates. If the Cities fail to provide such information to the Sheriff by the established deadline, the Sheriff will bill the per diems for any excess inmates on a last-in, first-charged basis.

e. Adams County will bill the appropriate Cities monthly and payment is due to the County within 30 days of receipt of such invoice.

f. If a City fails to notify the Sheriff as provided for in paragraph A.6.d. above, and as a result the Sheriff assesses a per diem charge on a "last-in, first-charged" basis, the City assessed such per diem charge may invoice the City(ies) that failed to notify the Sheriff in a timely manner and such City(ies) shall reimburse the City charged on the "last-in, first-charged" basis for all such per diem charges within 30 days of receipt of such invoice.

B. The Cities agree to the following allocation of beds in ACDF for municipal inmates:

1. The Cities individual bed allocations are set forth below in Table A.

TABLE A

Municipality	65 Bed Allocation
Arvada	1
Aurora	11
Bennett	1
Brighton	6
Commerce City	10
Federal Heights	3
Northglenn	6
Thornton	17
Westminster	10
Total	65

2. The following reflect examples of how the above-stated process would work in practice.

Example #1. In the example below even though several Cities are over their allocation, since the total number of inmates is 65 or less, no action needs to be taken and no per diem fees will accrue.

Municipality	Proposed 65 Bed Allocation	# of Municipal Inmates at Count	# Over/Under Individual Allocation	Result
Arvada	1	0	-1	No Action Needed
Aurora	11	12	+1	No Action Needed
Bennett	1	0	-1	No Action Needed
Brighton	6	4	-2	No Action Needed
Commerce City	10	11	+1	No Action Needed
Federal Heights	3	3	0	No Action Needed
Northglenn	6	4	-2	No Action Needed
Thornton	17	19	+2	No Action Needed
Westminster	10	10	0	No Action Needed
				No Action Needed
Total	65	63	-2	Under Soft Cap

Example #2. In the example below the total number of inmates is over 65 by two inmates so those three Cities that are over their allocation may be at risk. Since Thornton is over its allocation the most (2 over) it would be the first to decide whether to release an inmate or be charged a per diem. Following this action, there are three Cities that are each one over (Aurora, Commerce City, and Thornton). Each of these

Cities would be faced with the decision to either release an inmate or risk being charged up to 1/3 per diem.

So to recap, if all occurred as described above, Thornton would either be charged 1 1/3 per diem (if it did not release its first inmate and none released another inmate) or 1/3 per diem along with Aurora and Commerce City if Thornton did release its first inmate, but none released another inmate.

Municipality	Proposed 65 Bed Allocation	# of Municipal Inmates at Count	# Over/Under Individual Allocation	Result
Arvada	1	0	-1	No Action Needed
Aurora	11	12	+1	At Risk
Bennett	1	0	-1	No Action Needed
Brighton	6	6	0	No Action Needed
Commerce City	10	11	+1	At Risk
Federal Heights	3	3	0	No Action Needed
Northglenn	6	6	0	No Action Needed
Thornton	17	19	+2	At Risk
Westminster	10	10	0	No Action Needed
Total	65	67	+2	2 Over Soft Cap

Example #3. In the example below the total number of inmates is over 65 by three inmates so those three jurisdictions that are over their allocation may be at risk. Since Commerce City is over its allocation the most (5 over) it would be the first to be charged a per diem if one of its inmates were not released. After Commerce City decides whether to release or risk paying a per diem for the first inmate over its individual allocation, it remains most over its allocation (4 over), so it would again be faced with either releasing an inmate or paying another per diem. Again, Commerce City remains the most over its allocation (3 over), so it would again be faced with either releasing an inmate or paying another per diem.

So to recap, if all occurred as described above, Commerce City would be faced with either releasing up to three inmates or being charged up to three per diems. Even though Aurora and Thornton were also over their allocations, they would not be impacted because Commerce City remained the most over its allocation.

Municipality	Proposed 65 Bed Allocation	# of Municipal Inmates at Count	# Over/Under Individual Allocation	Result
Arvada	1	1	0	No Action Needed
Aurora	11	12	+1	At Risk
Bennett	1	0	-1	No Action Needed
Brighton	6	4	-2	No Action Needed

Commerce City	10	15	+5	At Risk
Federal Heights	3	2	-1	No Action Needed
Northglenn	6	6	0	No Action Needed
Thornton	17	18	+1	At Risk
Westminster	10	10	0	No Action Needed
Total	65	68	+3	3 Over Soft Cap

II. TERM.

This Agreement shall be in effect until and including May 15, 2015, unless otherwise agreed to by all the Cities in writing.

III. NONAPPROPRIATIONS CLAUSE.

The Cities herein acknowledge and agree that each has every intention of carrying out and performing the provisions of this Agreement for its entire term. Each City agrees it shall make every reasonable effort to ensure the continued appropriation of funds for the payments referenced in this Agreement. In the event that any of the respective City Councils fail to appropriate funds for the continuation of this Agreement for any fiscal year past the first fiscal year, the Cities may, at the beginning of the fiscal year for which the City Councils do not appropriate such funds and upon thirty (30) days prior written notice, terminate this Agreement without penalty and thereupon be released of further obligations pursuant thereto.

IV. PROVISIONS CONSTRUED AS TO FAIR MEANING.

The provisions of this Agreement shall be construed as to their fair meaning, and not for or against any Party based upon any attributes to such Party as the source of the language in question.

V. NO IMPLIED REPRESENTATIONS.

No representations, warranties, or certifications, express or implied, shall exist as between the Parties, except as specifically stated in this Agreement.

VI. NO ORAL OR COLLATERAL AGREEMENTS OR UNDERSTANDINGS.

This Agreement may be amended only by an instrument in writing signed by the Parties.

VII. INTEGRATED AGREEMENT.

This Agreement is an integration of the entire understanding of the Parties with respect to the matters stated herein.

VIII. WAIVER.

The waiver by any party to this Agreement of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any Party.

IX. UNCONSTITUTIONALITY.

The invalidity or unenforceability of any portion or provision of this Agreement shall not affect the validity or enforceability of any other portion or provision. If any provision of this Agreement, or the application thereof to any person, entity or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application, and to this end the provisions of this Agreement, and each and every provision thereof, are declared to be severable.

X. GOVERNMENTAL IMMUNITY.

The Parties hereto understand and agree that the Parties, their officers and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. §24-10-101 et seq., as from time-to-time amended, or otherwise available to the Parties their officers, or their employees.

XI. NOTICE.

Any notice required by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent 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 below, or at such other address as has been previously furnished in writing to the other Party or City. Such notice shall be deemed to have been given when deposited in the United States mail.

City of Arvada
City Manager
8101 Ralston Rd
P.O. Box 8101
Arvada, CO 80001-8101

City of Aurora:
City Manager
City of Aurora
15151 East Alameda Parkway
Aurora, CO 80012

Town of Bennett
Town Administrator
355 Fourth Street
Bennett, CO 80102

City of Brighton
City Manager
Brighton City Hall
500 South 4th Avenue
Brighton, CO 80601

City of Commerce City
City Manager
7887 E. 60th Avenue
Commerce City, CO 80022

City of Federal Heights
City Manager
City of Federal Heights
2380 W 90th Avenue
Federal Heights, CO 80260

City of Northglenn
City Manager
11701 Community Center Drive
Box 330061
Northglenn, CO 80233

City of Thornton:
City Manager
City of Thornton
9500 Civic Center Drive
Thornton, CO 80229

City of Westminster
City Manager
4800 West 92nd Avenue
Westminster, Colorado 80031

XII. APPLICABLE LAW AND VENUE.

This Agreement shall be interpreted and enforced pursuant to the laws of the State of Colorado. In the event of litigation concerning this Agreement, the Parties agree that proper venue shall be the District Court, Adams County, Colorado.

XIII. LITIGATION.

Each Party hereto shall be responsible for any suits, demand, costs or actions at law resulting from its own acts or omissions.

XIV. EFFECTIVE.

This Agreement shall become effective as of the last date of execution by the Parties hereto.

IN WITNESS WHEREOF, The Cities have caused this Agreement to be duly executed as of the day and year below written.

**THE REST OF THIS PAGE LEFT INTENTIONALLY BLANK
(SIGNATURES FOLLOW ON NEXT PAGE)**

CITY OF ARVADA, COLORADO

By: _____ Date: _____

Marc Williams, Mayor
City of Arvada
8101 Ralston Road
P.O. Box 8101
Arvada, Colorado 80001

ATTEST:

City Clerk

APPROVED AS TO FORM:

Christopher K. Daly, City Attorney

CITY OF AURORA, COLORADO

By: _____ Date: _____

George K. Noe, City Manager
Aurora Municipal Center
15151 East Alameda Parkway
Aurora, Colorado 80012
Telephone: (303) 739-7010

ATTEST:

Janice Napper, City Clerk

APPROVED AS TO FORM:
Michael J. Hyman, Interim City Attorney

Teresa L. Kinney, Assistant City Attorney

TOWN OF BENNETT, COLORADO

By: _____ Date: _____
Sue F. Horn, Mayor

ATTEST:

Lynette F. White, Town Clerk

APPROVED AS TO FORM:
Light Kelly, PC

Samuel J. Light, Town Attorney

CITY OF BRIGHTON, COLORADO

By: _____ Date: _____
Manuel Esquibel, City Manager

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, City Attorney

CITY OF COMMERCE CITY, COLORADO

By: _____ Date: _____

Brian K. McBroom, City Manager
Commerce City Civic Center
7887 East 60th Avenue
Commerce City, Colorado 80022
Telephone: (303) 227-8808
Facsimile: (303) 289-3688
bmcroom@c3gov.com

ATTEST:

Laura Bauer, City Clerk

APPROVED AS TO FORM:

Robert Gehler, City Attorney

CITY OF FEDERAL HEIGHTS, COLORADO

By: _____ Date: _____

Joyce Thomas, Mayor
City of Federal Heights
2380 W. 90th Ave.
Federal Heights, CO 80260

ATTEST:

Patti Lowell, CMC, City Clerk

APPROVED AS TO FORM:

William P. Hayashi, City Attorney

CITY OF NORTHGLENN, COLORADO

By: _____ Date: _____
Joyce Downing, Mayor

ATTEST:

Johanna Small, CMC, City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, City Attorney

CITY OF THORNTON, COLORADO

By: _____ Date: _____
Jack Ethredge, City Manager

ATTEST:

Nancy Vincent, City Clerk

APPROVED AS TO FORM:
Margaret Emerich, City Attorney

Gary Jacobson, Deputy City Attorney

CITY OF WESTMINSTER, COLORADO

By: _____ Date _____
J. Brent McFall, City Manager

ATTEST:

Linda Yeager, City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Denver Regional Council of Governments Project Applications for the 2016-2021 Transportation Improvements Program

Prepared By: Michael Normandin, Transportation Engineer

Recommended City Council Action

Authorize City Staff to submit project applications to the Denver Regional Council of Governments for funding in the 2016 - 2021 Transportation Improvement Program.

Summary Statement

- The Denver Regional Council of Governments (DRCOG) is currently soliciting applications for federal funding of projects to be included in the 2016 – 2021 Transportation Improvement Program (TIP). Applications are due to DRCOG on Friday, September 19, 2014.
- The projects selected for inclusion in the TIP will be funded with federal and local dollars. The minimum local match to any application for federal funding has been set at 20% of the total project cost.
- Staff recommends that a project application be submitted for improvements to Sheridan Boulevard from U.S. 36 south to Turnpike Drive (87th Avenue), which would include roadway widening and the construction of a pedestrian/vehicular underpass of Sheridan Boulevard between the west parking lot of the Westminster Center Park-n-Ride and the Downtown Westminster site. Two other recommended applications would be for improved pedestrian facilities along 72nd Avenue from Stuart Street to Xavier Street and the Walnut Creek Trail connection across Wadsworth Boulevard at the Burlington Northern/Santa Fe railroad track.
- Funding for selected projects would be staged over the six year time period of the 2016 - 2021 TIP. This would provide adequate time for Council to budget the local match should any of the City's requested projects be selected for federal funding.
- Financial participation will be solicited from the Colorado Department of Transportation (CDOT) for the Sheridan Boulevard improvements since Sheridan Boulevard in this area is on the State Highway System.

Expenditure Required: \$2,580,000

Source of Funds: General Capital Improvement Fund

Policy Issue

Should the City submit applications to DRCOG for federal funding and budget for local matching funds for all three of the recommended projects?

Alternatives

Council could choose not to submit any project applications to DRCOG for the 2016-2021 TIP, or Council could elect to submit applications for only one or two of staff's recommended projects. The next opportunity to apply for this funding will be in four years when DRCOG develops the 2019-2024 TIP. The projects suggested by staff would address key transportation and mobility needs in the City. Staff also believes that these projects would be competitive in the DRCOG evaluation process.

Background Information

DRCOG is currently soliciting project applications for federal funding under the 2016-2021 TIP. As the local Metropolitan Planning Organization (MPO), DRCOG is responsible for the distribution of federal transportation dollars among its member jurisdictions. Over the years, the City of Westminster has fared well in the competitive process employed to evaluate potential projects for federal funding, and improvements at locations such as the 80th Avenue/Federal Boulevard intersection, Sheridan Boulevard (113th Avenue to 119th Avenue) and the Wadsworth Boulevard Bridge at Big Dry Creek have resulted from the City's good fortune under this program. Furthermore, projects at the intersections of 120th Avenue/Federal Boulevard and 92nd Avenue/Federal Boulevard will be constructed within the next two years using money gained through the TIP process.

One of the keys to the City's success with the TIP program is staff's careful selection of feasible projects to recommend to Council. For example, it is a well-established fact that federally funded projects cost more and take much more time to complete than they would if they were funded solely with local monies. In fact, the intense scrutiny that federally funded projects are subjected to due to potential environmental impacts, the need to pay construction workers Davis-Bacon wages and several other factors cause these projects to cost up to 40% more than similarly scoped local projects. As a result, staff has learned over the years that it is impractical to accept federal funding for any transportation project that is less than about \$500,000 in total estimated cost. For that reason, staff would not recommend to Council that a TIP application be submitted for a potential project such as the construction of on-street bicycle lanes along 100th Avenue since that estimated project cost is much less than \$500,000.

After careful consideration of several factors affecting mobility within the City of Westminster, such as levels of traffic congestion, ease of pedestrian travel, continuity of trail systems and the like, staff has prepared the following list of recommendations for this year's DRCOG TIP applications for federal funding:

- Sheridan Boulevard Widening (US 36 to Turnpike Drive) and underpass
The first phase of the CDOT "US 36 Managed Lanes Project" that is currently under construction and is anticipated to be completed during 2015 will construct a new Sheridan Boulevard Bridge over the highway that will be capable of carrying six "through" lanes of traffic in addition to double left-turn lanes for Denver-bound and Boulder-bound movements. But, one of those six "through" lanes will have to be striped as unusable for the foreseeable future due to the fact that there are only two southbound "through" lanes on Sheridan Boulevard to the south of US 36. This proposed TIP application is geared to correct that situation and allow motorists to gain the full benefit of a six-lane (plus turn lanes) bridge. Sheridan Boulevard would be widened to six "through" lanes from the south side of the highway to Turnpike Drive (the 87th Avenue alignment), at which point the outermost of the southbound "through" lanes would become a right-turn lane onto the shopping center access driveway located opposite Turnpike Drive. An equally important feature of this proposed project is the installation of an underpass of Sheridan

Boulevard near the northern end of the west parking lot of the Westminster Center Park-n-Ride. City staff, working in concert with service planners for the Regional Transportation District (RTD), have determined that such an underpass could provide a convenient bypass of the surrounding arterial streets for any future local buses that may be routed through the Downtown Westminster site. Naturally, an underpass at this location would also offer a great link to transit services for users of the US 36 Trail that will parallel the highway between Boulder and southern Westminster as well as potential bus patrons of the Downtown Westminster development.

Despite the RTD staff's enthusiasm for the underpass feature, District officials have announced that they would be unable to participate as financial partners with the City in the necessary local match for this project. However, CDOT staff have indicated that the Department may be able to assist with the local match. Unfortunately, such a decision from CDOT is not anticipated until very near the September 19 deadline for applications to DRCOG. Nonetheless, City staff believes that this is a very worthy project, and it is expected that the high level of current traffic congestion along this stretch of Sheridan Boulevard would cause the project to score well in the DRCOG evaluation process. Therefore, staff's recommendation to Council is to submit this project to DRCOG with the hope that CDOT could offer up to \$700,000 of the \$1.4 million local match, but the City would pay the entire local match, if necessary. Staff understands that an additional \$700,000 investment by the City is a significant consideration for the Council, and such a recommendation would not be made if staff was not convinced of the value of the improvements to be provided by this proposed project. It should also be noted that Oliver McMillian representatives, the City's partner on the Downtown Westminster project, are also very enthusiastic about the benefits of the proposed underpass link from the development site to the park-n-ride.

- 72nd Avenue Pedestrian Facilities (Stuart Street to Xavier Street)

This proposed project consists of the replacement of the existing three to four foot wide sidewalks along both sides of 72nd Avenue with eight foot wide walks, the underground relocation of existing overhead utilities, the provision of new street lights that will be necessary due to the elimination of the overhead utility poles and the installation of necessary Americans with Disabilities Act (ADA) compliant curb ramps at appropriate locations. The most challenging aspect of the project will be the acquisition of strips of right-of-way from over two dozen ownerships needed to accommodate the wider sidewalks.

Staff's strategy will be to attempt to use the portion of the revenue that Xcel Energy receives from Westminster customers and sets aside annually for the purpose of accomplishing underground relocations requested by the City as the local match to the federal dollars on this particular project. Since that portion of the company's revenue equals 1% of the total revenue collected within Westminster, the amount set aside for underground relocations is commonly known as the "1% Fund," and it is formally addressed within the Franchise Agreement between Xcel Energy and the City. If DRCOG staff concludes that it is unacceptable to use proceeds from this 1% Fund as the local match to the proposed 72nd Avenue Pedestrian Facilities Project, staff recommends that General Capital Improvement Fund money currently proposed to be budgeted within the Capital Improvement Project named "TIP Match" be used as the local match.

- Walnut Creek Trail connection at Wadsworth Boulevard/BNSF Railroad Track

A lengthy segment of the Walnut Creek Trail system between approximately Wadsworth Parkway and Wadsworth Boulevard has never been constructed due largely to the barrier that exists at the Burlington Northern/Santa Fe (BNSF) Railroad track. The track in the general vicinity of Walnut Creek is elevated atop a large berm, and the only opening through this berm exists at the extremely narrow underpass that allows Wadsworth Boulevard to cross under the railroad. This underpass is much too narrow to permit trail users to share the crossing with vehicles, so Walnut Creek Trail patrons have had to find their own way through this area for decades. This proposed TIP application would correct that situation by constructing a new,

enhanced underpass of the railroad for Wadsworth Boulevard that would also allow the trail to pass under the track in that same vicinity.

This is a very complex and expensive project due to the requirement that trains must continue to travel through the worksite while the construction of the new underpass is in progress. Due to the large local match needed for this \$10,400,000 project, it will be feasible for the City to continue to pursue only if either Jefferson County would partner with the City by sharing evenly in the local match to the federal funding or if the City is unsuccessful in gaining federal funds for the other projects listed above. County officials have expressed an interest in the project, but they cannot make a financial commitment until they learn the fate of other TIP applications that they will be making to DRCOG. For that reason, City staff proposes to submit this application listing the City as the sole provider of the local match, but it will be understood that the County may eventually provide 50% of the local match.

During the process of preparing a list of potential TIP projects for Council’s consideration, staff also investigated the feasibility of making applications for the widening of Wadsworth Parkway between 92nd Avenue and the northern City limits at the approximate 112th Avenue alignment as well as a second phase of widening of Sheridan Boulevard south from Turnpike Drive to 84th Avenue. Both arterial streets – Wadsworth Parkway and Sheridan Boulevard – scored highly in a recent DRCOG evaluation of roadways segments within the Denver-metropolitan region to be added to its Regional Transportation Plan (RTP). Unfortunately, the costs of those two potential projects coupled with CDOT’s inability to commit funding toward the local match for both rendered them infeasible to pursue at this time.

The table below depicts the anticipated project cost and local match for each proposed project application. The actual years that allocations would be needed for any local funds are dependent upon the ranking of the projects by DRCOG and the years that federal funding would be available. It is anticipated that any of the City’s successful applications would be awarded federal funding in the latter years of this TIP cycle, thus allowing Council to budget the local match beyond the current 2015-16 budget preparation process.

Project	Total Project Cost	Local Match	Recommended Funding Scenarios for Local Match Expenditures
Sheridan Boulevard (US 36 to Turnpike Drive) and underpass	\$7,000,000	\$1,400,000 (\$700,000 City share)	City GCIF (10%) and CDOT (10%)
72 nd Avenue (Tennyson Street to Wolff Street) pedestrian facilities	\$4,200,000	\$840,000	Xcel Energy 1% Fund (20%) or City GCIF (20%)
Walnut Creek Trail at Wadsworth Boulevard crossing of BNSF railroad	\$10,400,000	\$2,080,000 (\$1,040,000 City share)	City GCIF (10%) and Jefferson County (10%)
TOTALS	\$21,600,000	\$4,320,000	

The current DRCOG 2016-2021 TIP preparation schedule is as follows:

- TIP project applications due date September 19, 2014
- Project selection January, 2015
- Public hearing February, 2015
- TIP and conformity adoption by DRCOG Board March, 2015

This project meets Council's Strategic Plan Goal of Ease of Mobility by providing improved walkability, bike-friendly and drivability facilities.

Staff will apprise City Council of any substantial developments that occur during the development of the DRCOG 2016-2021 TIP.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Second Reading Councillor’s Bill No. 23 re 2014 2nd Quarter Budget Supplemental Appropriation

Prepared By: Karen Barlow, Accountant

Recommended City Council Action

Pass Councillor’s Bill No. 23 on second reading, providing for a supplemental appropriation of funds to the 2014 budget of the General and General Capital Improvement (GCIF) Funds.

Summary Statement

- City Council action is requested to adopt the attached Councillor’s Bill on second reading, authorizing a supplemental appropriation to the 2014 Budget of the General and General Capital Improvement Funds.
 - General Fund amendments total: \$ 453,994
 - General Capital Improvement Fund amendments total: \$ 39,107
- This Councillor’s Bill was approved on first reading on August 25, 2014.

Expenditure Required: \$493,101

Source of Funds: The funding sources for these budgetary adjustments include intergovernmental revenue, program revenue, grant proceeds, contributions, reimbursements, and cash-in-lieu.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO. **3734**

COUNCILLOR'S BILL NO. **23**

SERIES OF 2014

INTRODUCED BY COUNCILLORS
Briggs - Seitz

**A BILL
FOR AN ORDINANCE AMENDING THE 2014 BUDGETS OF THE GENERAL AND
GENERAL CAPITAL IMPROVEMENT FUNDS, AND AUTHORIZING A SUPPLEMENTAL
APPROPRIATION FROM THE 2014 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2014 appropriation for the General and General Capital Improvement Funds initially appropriated by Ordinance No. 3655 is hereby increased in aggregate by \$493,101. This appropriation is due to the receipt of funds from intergovernmental revenue, program revenue, grant proceeds, contributions, reimbursements, and cash-in-lieu.

Section 2. The \$493,101 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10A dated August 25, 2014 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	\$453,994
General Capital Improvement Fund	<u>39,107</u>
Total	<u>\$493,101</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 25th day of August, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2014.

ATTEST:

Mayor

City Clerk



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Second Reading of Councillor's Bill No. 24 re Regional Air Quality Council Grant for Fleet Global Positioning Systems Supplemental Appropriation

Prepared By: Thomas Ochtera, Energy and Facilities CIP Coordinator
Jeff Bowman, Fleet Division Manager

Recommended City Council Action

Pass Councillor's Bill No. 24 on second reading, authorizing the supplemental appropriation of federal grant funding from the Regional Air Quality Council in the amount of \$55,260 for the purchase and installation of Global Positioning Systems on vehicles in the City's fleet.

Summary Statement

- The City has purchased Zonar Global Positioning Systems (GPS) on 180 fleet vehicles for the management and reduction of idling in city vehicles for a total cost of \$48,304.60. The pricing for this purchase was established as a part of the Denver Public Schools bid contract that contained price sharing language. The installation of these GPS devices was completed by the Zonar approved installation company Velociti at a cost of \$29,042.
- Staff applied for the Regional Air Quality Council grant rebate the cost of these devices through the federal Congestion Mitigation Air Quality program and was awarded \$55,260.
- The funding for the GPS devices was provided through the City's Facility and Infrastructure Stewardship Fund in the General Capital Improvement Fund.
- City Council action is needed to appropriate these grant funds back to the Stewardship Fund.
- This Councillor's Bill was approved on first reading on August 25, 2014.

Expenditure Required: \$55,260

Source of Funds: Regional Air Quality Council Congestion Mitigation Air Quality Grant

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO. **3735**

COUNCILLOR'S BILL NO. **24**

SERIES OF 2014

INTRODUCED BY COUNCILLORS
Garcia - Pinter

A BILL

FOR AN ORDINANCE AMENDING THE 2014 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2014 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2014 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3655 is hereby increased in aggregate by \$55,260. This appropriation is due to the receipt of federal grant funds.

Section 2. The \$55,260 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10B dated August 25, 2014 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Capital Improvement Fund	<u>\$55,260</u>
Total	<u>\$55,260</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 25th day of August, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of September, 2014.

ATTEST:

Mayor

City Clerk



Agenda Item 9 A

Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Resolution No. 19 Making an Appointment to Fill a Vacancy on the Personnel Board

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Adopt Resolution No. 19 making an appointment to fill a vacancy on the Personnel Board.

Summary Statement

- The Westminster Municipal Code establishes the membership composition of each City Board and Commission and, in some instances, sets forth expertise requirements for membership where professional experience is valuable to the Board's role.
- In May of 2014, Lilian Cox resigned from the Personnel Board because she wanted to be an eligible substitute employee in the City's Clerical Pool, creating a conflict of interest in her capacity as a member of the Personnel Board.
- Citizens interested in serving on Boards and Commissions were interviewed by City Council earlier this year.
- If adopted, the attached resolution officially appoints John Stutts to fill the vacancy created by Ms. Cox's resignation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to fill a vacancy on the Personnel Board so a full complement of qualified members can fulfill established duties?

Alternative

Do not fill the vacancy at this time. This is not recommended as City Council invested the time into completing interviews and identifying qualified citizens to fill vacancies. In addition, having the Personnel Board function with full membership will allow it to perform the duties and responsibilities outlined in the Westminster Municipal Code, when the need arises.

Background Information

After receiving and accepting Lilian Cox's resignation, Council directed the City Clerk to contact Mr. John Stutts about his interest in filling the vacancy on the Personnel Board. Mr. Stutts accepted and gained permission to serve from his employer. The attached resolution appoints him to fill the unexpired balance of Ms. Cox's term.

By appointing residents to Boards and Commissions, citizens are involved in their local government and are actively supporting City Council's Strategic Plan Goal of Comprehensive Community Engagement.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment - Resolution

RESOLUTION

RESOLUTION NO. **19**

INTRODUCED BY COUNCILLORS

SERIES OF 2014

**A RESOLUTION FOR THE CITY OF WESTMINSTER
BOARD AND COMMISSION NEW APPOINTMENT**

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

WHEREAS, the City Council accepted, with regret, the May 2014 resignation of Lilian Cox as the 2nd alternate member on the Personnel Board; and

WHEREAS, City Council conducted interviews of citizens who responded to the 2013 Boards and Commissions' recruitment and, from the pool of eligible citizens, has selected an individual to fill Ms. Cox's unexpired term.

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

Section 1. John R. Stutts is hereby appointed the 2nd alternate member on the Personnel Board, term to expire December 31, 2015.

PASSED AND ADOPTED this 8th day of September, 2014.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Memorandum

City Council Meeting
September 8, 2014



SUBJECT: Public Hearing on the Proposed 2015/2016 Budget

Prepared By: Barbara Opie, Assistant City Manager

Recommended City Council Action

Hold a public hearing on the Proposed 2015/2016 City Budget and receive citizen comments.

Summary Statement

- Development of the proposed 2015/2016 City Budget has been completed by the City Manager's Office. The draft budget was distributed to City Council on August 28 and has been made publicly available on the City's website, in the City Clerk's Office, and at City Libraries.
- Public meetings regarding the 2015/2016 Budget were held on June 9 and July 28 to receive citizen input.
- The September 8 public hearing is the final public input opportunity before the City Council Budget Retreat, affording citizens one more chance to comment and provide feedback on the 2015/2016 City Budget.

In accordance with the City Charter, City Council must adopt the budget no later than the October 27 City Council meeting.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Consider citizen requests, comments and suggestions as they pertain to the 2015/2016 Budget.

Alternative

Council could choose to not conduct a public hearing at this time. This is not recommended as providing citizens an opportunity for input in the budget development process plays an important role in assuring that the budget reflects community needs. In addition, a public hearing on the budget is required by the City Charter.

Background Information

City Council is scheduled to hold a public hearing to receive input on the 2015/2016 City Budget at the Monday, September 8, City Council meeting. Staff will make a brief presentation at Monday night's City Council meeting on the Proposed 2015/2016 Budget. This public hearing is intended to receive citizen requests, comments and suggestions for both of these budget years.

City Council developed the Strategic Plan goals listed below:

- Visionary Leadership and Effective Governance;
- Vibrant and Inclusive Neighborhoods;
- Comprehensive Community Engagement;
- Beautiful, Desirable, Environmentally Responsible City;
- Proactive Regional Collaboration;
- Dynamic, Diverse Economy;
- Excellence in City Services; and
- Ease of Mobility

The direction provided by City Council assists City Staff as they develop the 2015 and 2016 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels, and citizen or neighborhood input.

The Departments' efforts culminated in the distribution of the City Manager's Proposed 2015/2016 Budget to City Council on August 28. After reviewing the Proposed Budget for several weeks, City Council is scheduled to meet on the evenings of Monday, September 29, and Tuesday, September 30, on the Proposed 2015/2016 Budget to deliberate on final funding decisions on staffing levels, programs, services and capital projects.

In November of 2000, Westminster voters approved a City Charter amendment that allows the City Council to adopt a formal two-year budget. The 2004/2004 Budget was the first officially adopted two-year budget. Staff is pleased to submit to City Council the seventh two-year budget for official adoption.

A copy of the Proposed 2015/2016 Budget document is available to the public in the City Clerk's Office and both City libraries. A copy of the proposed budget is also available on the City's website www.cityofwestminster.us under City Government, City Manager, Budget.

Monday's public hearing was advertised in the *Westminster Window*, *The Weekly* and *City Edition*; on cable Channel 8 and the City's website; and at various public meetings.

Public meetings regarding the 2015/2016 Budget were held on June 9 and July 28. September 8 is the final public hearing before the City Council Budget Retreat, affording citizens one more opportunity to comment and provide feedback on the 2015/2016 City Budget.

Final adoption of the 2015/2016 Budget is required by October 27 per City Charter requirements. Staff will make a brief presentation at Monday night's City Council meeting on the Proposed 2015/2016 Budget.

City Council's action on this item addresses all eight Strategic Planning goals: Visionary Leadership and Effective Governance; Vibrant and Inclusive Neighborhoods; Comprehensive Community Engagement; Beautiful, Desirable, Environmentally Responsible City; Proactive Regional Collaboration; Dynamic, Diverse Economy; Excellence in City Services; and Ease of Mobility.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager